

APRIL 15, 1992

OLYMPIA, WASHINGTON

ISSUE 92-08



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## CITATION

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

## PUBLIC INSPECTION OF DOCUMENTS

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## CERTIFICATE

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

DENNIS W. COOPER  
Code Reviser

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### 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 April 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 two five percent (10.25%) for the second 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 two five percent (10.25%) for the second calendar quarter of 1992.

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# WASHINGTON STATE REGISTER

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## STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

### 1. ARRANGEMENT OF THE REGISTER

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

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

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

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

### 3. PRINTING STYLE—INDICATION OF NEW OR DELETED MATERIAL

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

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

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

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

### 5. EFFECTIVE DATE OF RULES

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

### 6. EDITORIAL CORRECTIONS

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

### 7. INDEX AND TABLES

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

1991 - 1992

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue No.	Closing Dates <sup>1</sup>			Distribution Date	First Agency Hearing Date <sup>3</sup>
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS <sup>2</sup> 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
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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

<sup>1</sup>All 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.

<sup>2</sup>A 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.

<sup>3</sup>At 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 92-08-001**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Filed March 18, 1992, 1:51 p.m.]

**Original Notice.**

Title of Rule: Chapters 388-11 and 388-14 WAC.

Purpose: WAC 388-11-015 amendments bring this section into compliance with RCW 26.18.190, requiring allowance of credit for dependent disability benefits. WAC 388-11-032 and 388-11-048 are created to provide regulation for notice and finding of parental responsibility (NFPR) process authorized by RCW 74.20A.056. WAC 388-11-040, 388-11-060, and 388-11-065 amendments conform to sections regulating the NFPR process; WAC 388-11-043 allows for motions for temporary support orders in hearings under RCW 74.20A.055 and 74.20A.056; WAC 388-11-155 amendment is necessary as part of settlement negotiations in lawsuit *Kandris vs. Thompson*. There is no final order in this suit yet, but Office of Support Enforcement is filing revision to comply as quickly as possible with anticipated outcome of the suit; WAC 388-11-155 amendment is necessary as part of settlement negotiations in lawsuit *Kandris vs. Thompson*. No final order in this suit yet, but Office of Support Enforcement is filing revision to comply as quickly as possible with anticipated outcome of the suit; WAC 388-14-020 amendment updates section, corrects bad citations to other sections, and incorporates payment services only program authorized under 1991 amendments to RCW 26.23.035. New WAC 388-14-273 implements payment services only; WAC 388-14-200, 388-14-203, 388-14-205, 388-14-300, and 388-14-310 amendments comply with requirements for continuation of support enforcement services, and services to Medicaid only recipients, found in 45 CFR 302.31 and 302.33; WAC 388-14-270 amendment updates section and clarifies the collection of support paid in error to services recipients under RCW 26.23.035 and 74.20A.270; WAC 388-14-415 amendment required as final settlement measure in lawsuit *Ecoff v. Thompson*; WAC 388-14-425 amendment complies with 1991 RCW 26.23.060 amendments regarding duration of payroll deduction notice; WAC 388-14-460, 388-14-470, and 388-14-480 implements the medical support enforcement program authorized by RCW 26.18.170 and 26.18.180; and WAC 388-14-490 exempts certain classes of employers from the employer reporting program. The program and exemptions are established by RCW 26.23.040.

Statutory Authority for Adoption and Statute Being Implemented: For WAC 388-11-015 is RCW 26.19.190 [26.18.190]; for WAC 388-11-032 is RCW 74.20A.056; for WAC 388-11-040 is RCW 74.20A.056; for WAC 388-11-043 is RCW 74.20A.055 and 74.20A.056; for WAC 388-11-048 is RCW 74.20A.056; for WAC 388-11-060 is RCW 74.20A.056; for WAC 388-11-065 is RCW 74.20A.056; for WAC 388-11-155 is RCW 74.08.090; for WAC 388-14-020 is RCW 26.23.035; for WAC 388-14-200 is RCW 74.08.090; for

WAC 388-14-203 is RCW 74.08.090; for WAC 388-14-205 is RCW 74.08.090; for WAC 388-14-270 is RCW 26.23.035; for WAC 388-14-273 is RCW 26.23.035; for WAC 388-14-275 is RCW 74.08.090; for WAC 388-14-300 is RCW 74.08.090; for WAC 388-14-310 is RCW 74.08.090; for WAC 388-14-415 is RCW 74.08.090; for WAC 388-14-425 is RCW 26.23.060; for WAC 388-14-460 is RCW 26.18.170 and 26.18.180; for WAC 388-14-470 is RCW 26.18.170 and 26.18.180; for WAC 388-14-480 is RCW 26.18.170 and 26.18.180; and for WAC 388-14-490 is RCW 26.23.040.

Summary: Amend credit, distribution, eligibility, and durational obligation sections.

Reasons Supporting Proposal: To implement legislative changes to statutes related to Office of Support Enforcement and to implement agreed settlements or final orders in lawsuits. To clarify eligibility for OSE services. Correct clerical errors in the existing WAC.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bill Kellingham, Office of Support Enforcement, 586-3426.

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

Rule is necessary because of federal law, 45 CFR 302.31 and 302.33.

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 May 26, 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 May 26, 1992.

Date of Intended Adoption: June 9, 1992.

March 18, 1992

Leslie F. James, Director  
 Administrative Services

**AMENDATORY SECTION** (Amending Order 2606, filed 3/4/88)

WAC 388-14-020 DEFINITIONS. The definitions contained in WAC 388-11-011 are incorporated into and made a part of this chapter.

(1) (~~The term~~) "Absent parent" means that person who:

(a) Is not the physical custodian of the child; and  
 (b) Is a natural parent, (~~(or)~~) an adoptive parent, or a stepparent owing a legal duty to support said child or children on whose behalf an application has been made for payment of public assistance, or for whom the office is providing nonassistance support enforcement services.

(2) "Aid" or "public assistance" means aid to families with dependent children (AFDC) or AFDC foster care, state-funded foster care, and includes family independence program services, Title IV-A day care benefits, and medical benefits to families as an alternative or supplement to AFDC.

(3) (~~The term~~) "Applicant/custodian" means the person who is the physical custodian of any dependent child or children on whose behalf nonassistance support enforcement services are being provided by the office of support enforcement under RCW 74.20.040, chapter 26.23 RCW, and 42(~~(:)~~) U(~~(:)~~)S(~~(:)~~)C(~~(:)~~) Sec. 654(6) or ((42-U.S.C.) 657(C).

(4) ~~((The terms))~~ "Applicant/recipient," "applicant," ~~((or))~~ and "recipient" include the caretaker relative, the children, and any other person whose needs are considered in determining the amount of public assistance. See also WAC 388-22-030.

(5) ~~((The term))~~ "Disposable earnings" means that part of earnings of ~~((an individual))~~ a person remaining after the deduction of amounts required by law to be withheld.

(6) ~~((The term))~~ "Earnings" means compensation paid or payable for personal services.

(a) Earnings include:

- (i) Wages or salary;
- (ii) Commissions and bonuses;
- (iii) Periodic payments under pension plans, retirement programs, and insurance policies of any type;
- (iv) Disability payments under Title 51 RCW;
- (v) Unemployment compensation as provided for ~~((m))~~ under RCW 50.40.020 and 50.40.050, and Title 74 RCW;
- (vi) Gains from capital, labor, or from both combined; and
- (vii) The fair value of nonmonetary compensation received in exchange for personal services.

(b) Earnings do not include profit gained through the sale or conversion of capital assets.

(7) ~~((The term))~~ "Employee" means a person in employment to whom an employer is paying, owes, or anticipates paying earnings as the result of services performed.

(8) ~~((The term))~~ "Employer" means any person or organization having any person in employment. It includes:

- (a) Partnerships and associations;
- (b) Trusts and estates;
- (c) Joint stock companies and insurance companies;
- (d) Domestic and foreign corporations;
- (e) The receiver or trustee in bankruptcy;
- (f) The trustee or the legal representative of a deceased person.

(9) ~~((The term))~~ "Employment" means personal services of whatever nature, including service in interstate commerce, performed for earnings or under any contract for personal services. The contract may be written or oral, express or implied.

(10) "Family" means the person or persons on behalf of whom support is sought, which unit may include a custodial parent or other person and one or more children or a child or children in foster care placement.

(11) "Head of household" means the responsible parent or parents with whom the dependent child or children were residing at the time of placement in foster care.

(12) ~~((The term))~~ "Income" includes:

- (a) All appreciable gains in real or personal property;
- (b) Net proceeds from the sale or exchange of real and personal property; and
- (c) Earnings.

(13) ~~((The term))~~ "Income withholding action" includes all withholding action the office is authorized to take. The term includes, but is not limited to actions to:

- (a) Assert liens under RCW 74.20A.060;
- (b) Issue orders to withhold and deliver under RCW 74.20A.080, and notices of payroll deduction under chapter 26.23 RCW;
- (c) Obtain wage assignment orders under RCW 26.18.080.

(14) ~~((The term))~~ "Office" means the office of support enforcement.

(15) ~~((The term))~~ "Physical custodian" means the natural or adoptive parent, or other person, with whom a dependent child resides a majority of the time. The physical custodian may be either an applicant/recipient or applicant/custodian.

(16) "Payment services only" or "PSO" means a case on which the department's activities are limited to recording and distributing child support payments, and maintaining case records. A PSO case is not an IV-D case.

(17) "Putative father" includes all men who may possibly be the father of the child or children on whose behalf the application for assistance or support enforcement services may be made. See also WAC 388-14-200 (2)(c).

~~((17))~~ (18) The "required support obligation for the current month" means the amount of a superior court order for support or the periodic future support amount that is or will be owing for the current month determined under chapter 388-11 WAC.

~~((18))~~ (19) "Resident" means a person(s) physically present in the state of Washington who intends to make their home in this state. Temporary absence from the state does not destroy ~~((residence))~~ residency once established.

~~((19))~~ (20) "Residential care" means foster care as defined ~~((m))~~ under WAC 388-70-012.

~~((20))~~ (21) "Support enforcement services" ~~((includes))~~ for the purposes of chapters 388-11 and 388-14 WAC, means all action the office is required to perform under Title IV-D and state law. This includes, but is not limited to, action to establish, enforce, and collect child, spousal, and medical support obligations, and distribution support moneys.

~~((21))~~ (22) "Secretary" means the secretary of the department of social and health services, ~~((his or her))~~ the secretary's designee, or authorized representative. For all purposes in chapter 74.20A RCW, secretary shall mean the designee of the secretary, the director~~((:))~~ of the revenue division, or ~~((his or her))~~ the director's designee, except as is provided for ~~((m))~~ under WAC ~~((388-11-011(5)))~~ 388-11-011(22) or where for the purposes of RCW 74.20A.055 "secretary" has another meaning.

~~((22))~~ (23) "Title IV-D" means Title IV-D of the Social Security Act established under Title XX of the Social Security amendments and as incorporated in 42 ~~((U.S.C.:1))~~ USC Sec. 602~~((:))~~.

~~((23))~~ "Title IV-D plan" means the plan established under the conditions of Title IV-D approved by the secretary, Department of Health and Human Services~~::~~) (24) "Title IV-D plan" means the plan established under the conditions of Title IV-D and approved by the secretary, Department of Health and Human Services.

AMENDATORY SECTION (Amending Order 2942, filed 2/13/90, effective 3/16/90)

WAC 388-14-200 ELIGIBILITY—AFDC AND FIP—ASSIGNMENT OF SUPPORT RIGHTS—COOPERATION WITH OFFICE OF SUPPORT ENFORCEMENT—EFFECT OF NON-COOPERATION. This section establishes the initial and continuing requirements ~~((which affect))~~ of eligibility for aid to families with dependent children~~((These requirements also affect eligibility))~~ and for family independence program services.

(1) Beginning August 1, 1975, as a condition of eligibility for assistance, each applicant/recipient shall make assignment to the office of support enforcement of any and all right, title, and interest in any support obligation the applicant/recipient may have. This includes support rights of any other family member for whom the applicant/recipient is applying for or receiving financial assistance. It also includes rights to support which have accrued at the time such assignment is executed. Through this assignment, the applicant/recipient authorizes the office of support enforcement to provide support enforcement services for the family, and to continue to provide services after the family stops receiving assistance, at the same level at which services are provided at the time assistance terminates, until services are terminated under this chapter.

(2) When the applicant/recipient satisfies subsection (1) of this section, the department may require further cooperation by the applicant/recipient as a continuing condition of eligibility for assistance unless the department determines the applicant/recipient has good cause not to cooperate under WAC 388-24-111. The applicant/recipient's cooperation includes, but is not limited to, assisting the office of support enforcement in or by doing the following:

(a) Identifying and locating absent parents by providing:

(i) ~~((Providing))~~ Relevant information known to, possessed by, or reasonably obtainable by the applicant/recipient about the absent parent, such as the absent parent's:

- (A) Name and known aliases;
- (B) Address;
- (C) Telephone number or numbers;
- (D) Social Security Number;
- (E) Employment history; and
- (F) Physical description.

(ii) ~~((Providing))~~ Data regarding the date and place of marriage, separation, divorce, or dissolution, and copies of any documents, reasonably obtainable without fee, including any court orders establishing paternity and/or support obligations;

(iii) ~~((Providing))~~ Information establishing the support debt amount accrued before the application. Applicants shall give information at the time of application and/or at a later time, if requested by the office of support enforcement, to supplement existing information.

(b) Notifying the office of support enforcement when there are changes in information concerning the absent parent;

(c) Establishing the paternity of a child the applicant shall:

(i) ~~((The applicant shall))~~ Take reasonable action requested by the office, the prosecuting attorneys, the attorney general, private attorneys compensated under RCW 74.20.350, courts, or other agencies in:

- (A) Administrative hearings; ~~((or))~~
- (B) Actions to establish paternity; or
- (C) Investigations preparatory ~~((to))~~ or supplementary to such hearings or actions.

(ii) ~~((The applicant shall))~~ Assist in the development of medical and anthropological evidence relating to the alleged father's paternity based on tests performed by experts on the mother and the child.

(d) Establishing and collecting support and/or obtaining support payments or other payments or property due the applicant/recipient or a dependent child. The applicant shall take reasonable action requested by the office of support enforcement, the prosecuting attorney~~(s)~~, the attorney general, the private attorney~~(s)~~ compensated under RCW 74.20.350, courts or other agencies in:

- (i) Administrative hearings; or
- (ii) Actions to establish or collect support obligations; or
- (iii) Investigations preparatory ~~((to))~~ or supplementary to such hearings or actions.

(e) Remitting support payments the applicant/recipient receives, from any person or agency, to the office of support enforcement within eight days of receipt of said payments;

(f) Executing a repayment agreement and repaying retained support moneys under the agreement.

(3) An applicant/recipient may attest to the lack of information, under penalty of perjury, if the applicant/recipient:

(a) ~~((The applicant/recipient))~~ Submits to an interview:  
 (i) Conducted by the office of support enforcement, a prosecuting attorney, the attorney general, or a private attorney compensated under RCW 74.20.350; and

(ii) Answers questions intended to obtain relevant information.  
 (b) ~~((The applicant/recipient))~~ Does not know ~~((of))~~, or possess, or cannot reasonably obtain the department's requested information.

(4) The department shall consider an applicant/recipient who attests to the lack of information to be cooperating, as required under this section, unless the:

(a) Applicant/recipient fails or refuses to submit to an interview and answer questions;

(b) Department produces credible evidence which shows that the applicant/recipient's attestation is false; or

(c) Applicant/recipient previously gave inconsistent information for which the applicant/recipient has no reasonable explanation.

(5) The department may not ~~((refuse to))~~:

(a) Refuse to allow the applicant/recipient to sign an attestation; or

(b) Sanction the applicant/recipient for failure to cooperate merely because previous attempts to identify an absent parent resulted in blood test results excluding the person identified.

However, the applicant/recipient, ~~((however,))~~ must cooperate with any necessary retesting.

(6) If the office, the prosecuting attorney, the attorney general, or a private attorney compensated under RCW 74.20.350, believes the applicant/recipient is not cooperating, they shall send notice of the alleged noncooperation to the community services office and the applicant/recipient. The notice shall be evidence of noncooperation and shall include a statement:

(a) Explaining how the applicant/recipient failed to cooperate with that office, including what actions were required;

(b) Of the action that the office believes the applicant/recipient must take to resume cooperation;

(c) Informing the applicant/recipient that the:

(i) Same evidence is furnished to the community services office;

(ii) Applicant/recipient may contact the community services office immediately if the applicant/recipient disagrees with the evidence, needs assistance in order to cooperate, or believes the action required is unreasonable; and

(iii) Applicant/recipient's grant may be reduced or terminated if the IV-A agency determines, after a review of all of the evidence, that the applicant/recipient failed to cooperate ~~((after a review of all of the evidence))~~.

(7) The department shall include in the notice of planned action either a:

(a) Copy of the evidence of noncooperation; or

(b) Statement of the evidence of noncooperation.

(8) If the applicant/recipient fails to cooperate by missing an interview without reasonable excuse, cooperation resumes when the applicant/recipient appears for a rescheduled interview and either provides

information or attests to the lack of information. The office of support enforcement, prosecuting attorney, attorney general, or private attorney shall reschedule the interview within seven business days from the date the applicant/recipient contacts them to reschedule an interview.

(9) Cooperation resumes when the applicant/recipient performs the required action. The department shall reinstate the grant effective on the date cooperation resumes.

(10) If the applicant/recipient does not remit support moneys within eight days of receipt as required under WAC ~~((388-14-200 (2)(c)(ii)))~~ 388-14-200 (2)(e) and the applicant/recipient is currently receiving an AFDC grant, or cash benefits under the family independence program, the office of support enforcement shall:

(a) Document that the applicant/recipient has, in fact, received and retained support money and the amount of said money;

(b) Issue a notice of debt as provided ~~((in))~~ under WAC 388-13-020 to the applicant/recipient to recover the payments, ~~((which))~~ and the department shall include in such notice ~~((includes))~~ the following information:

(i) An explanation of the applicant/recipient's responsibility to cooperate by turning over the support money as a condition of eligibility for public assistance, and the sanction for failure to cooperate;

(ii) A list of the support money retained, including the dates and amounts as well as copies of any documentary evidence ~~((f))~~, such as copies of checks, front and back~~((s))~~, the office possesses;

(iii) A proposed repayment agreement that may include a provision for a voluntary grant deduction;

(iv) An explanation that repaying retained support money according to a repayment agreement is a condition of cooperation;

(v) A statement that the recipient may request an informal meeting with the office, within twenty days of the date of service of the notice of debt, to:

(A) Clarify the recipient's responsibilities for cooperation; and  
 (B) Resolve differences regarding the existence or amount of the claim for unremitted support money and/or the proposed repayment agreement.

(vi) A statement that the recipient has the right to request a hearing under WAC 388-13-060 to contest the:

(A) ~~((Contest the))~~ Department's claim of ownership of the support money identified in the notice; and~~((or))~~

(B) ~~((The))~~ Reasonableness of the proposed repayment agreement.

(vii) A statement that the office will notify the community services office that the recipient failed to cooperate unless the recipient, within twenty days of the date of service of the notice of debt, executes the proposed repayment agreement, requests an informal meeting, or requests an ~~((administrative hearing))~~ adjudicative proceeding.

(11) The department shall base the repayment agreement on the:

(a) Applicant/recipient's total income and resources including the AFDC grant or cash benefits under the family independence program; and

(b) Total amount of retained support money.

(12) The monthly amount of the repayment shall not exceed ten percent of the:

(a) Grant payment standard during any month the applicant/recipient remains in public assistance status, or

(b) Cash benefits paid under the family independence program.

(13) When an applicant/recipient retains support money but is no longer an active recipient of public assistance money, the office of support enforcement, or the office of financial recovery, shall proceed under RCW 74.20A.270 and chapter 388-13 WAC, without reference to the procedural requirements of WAC ~~((388-14-200(4)))~~ 388-14-200(10).

(14) The office of support enforcement, or the office of financial recovery, shall notify the community services office when the recipient fails to cooperate if the recipient:

(a) Fails to sign a repayment agreement for the amount of retained support money claimed by the office in the notice of debt or as determined by an administrative law judge if a hearing is requested under WAC 388-13-060;

(b) Enters into a repayment agreement but subsequently fails to make a payment under the terms of the agreement, or fails to comply with the decision of the administrative law judge.

(15) The office of support enforcement, or the office of financial recovery, shall promptly notify the community services office when ~~((the))~~ a recipient who has:

(a) ~~((Fails))~~ Failed to enter into a repayment agreement ~~((and then))~~, consents to do so and signs a repayment agreement; or

(b) ~~((Defaults))~~ Defaulted on an agreement or an administrative decision ~~((and then))~~, makes a regularly scheduled payment according to the agreement or decision.

(16) Nothing in WAC 388-14-200 allows the department to make(s) an otherwise eligible child ineligible for public assistance because of the applicant/recipient's failure to cooperate as defined in this section.

#### NEW SECTION

WAC 388-14-203 MEDICAL ASSISTANCE ONLY-ASSIGNMENT OF SUPPORT RIGHTS-COOPERATION. (1) As a condition of eligibility for medical assistance only, an applicant shall make an assignment to the department of all rights to medical insurance benefits or medical support the applicant may have, including the rights of any other family member for whom the applicant has authority to make an assignment. Through this assignment, the applicant shall authorize the office of support enforcement (OSE) to:

(a) Provide paternity establishment, medical support establishment, and medical support enforcement services; and

(b) Continue such services after medical assistance terminates, at the same level at which services are provided at the time medical assistance terminates, until services are terminated under this chapter.

(2) The assignment made by recipients of medical assistance under this section also authorizes the department to establish and collect child support for distribution to the family as provided under WAC 388-14-270. At the time of application for, or at any time after the commencement of medical assistance only, the applicant may decline those support enforcement services not related to medical support establishment or enforcement, or paternity establishment.

(3) The applicant shall also cooperate with the office of support enforcement according to the terms of subsection (4) of this section, unless the:

(a) Applicant is pregnant or within sixty days of the end of her pregnancy; or

(b) Department has established that the applicant has good cause not to cooperate under WAC 388-24-111.

(4) When an applicant is required to cooperate by the terms of subsection (3) of this section, the applicant shall assist the department according to the terms of WAC 388-14-200 to the extent that cooperation is necessary to:

(a) Establish the paternity of any child in the applicant's household; and

(b) Enforce a medical support order.

(5) The applicant's obligation to cooperate shall include:

(a) Remitting medical support payments the applicant receives from any person or agency to OSE within eight days of receipt of those payments; and

(b) Executing a repayment agreement and repaying retained medical support moneys under the agreement.

(6) The department shall use the procedures in WAC 388-14-200 and 388-14-205 to enforce the applicant's obligation to cooperate with OSE.

#### AMENDATORY SECTION (Amending Order 2738, filed 12/14/88)

WAC 388-14-205 RESPONSIBILITIES OF THE OFFICE OF SUPPORT ENFORCEMENT. (1) The office shall provide services, until such services are terminated under this chapter, when:

(a) The department pays public assistance or provides foster care services;

(b) A former recipient of public assistance is eligible for services under WAC ~~((388-14-302 (a) or (b)))~~ 388-14-300 (2)(d);

(c) An applicant/custodian requests nonassistance support enforcement services under RCW 74.20.040 and WAC ~~((388-14-302))~~ 388-14-300.

(d) A support order or wage assignment order under chapter 26.18 RCW directs that the responsible parent make support payments ~~((are to be made))~~ through the Washington state support registry;

(e) A support order under which there is a current support obligation for the dependent children, is submitted to the Washington state support registry;

(f) A former custodial parent requests services to collect a support debt that has been reduced to a sum certain judgment by the court or agency of competent jurisdiction; ~~((and))~~ or

(g) A child support enforcement agency in another state or foreign country under reciprocal agreement requests support enforcement services.

(2) Whenever possible and/or appropriate under the circumstances, the office shall take action under chapters 26.23 and 74.20A RCW to establish, enforce, and collect the child support obligation. The office may refer appropriate cases to the county prosecuting attorney or attorney general's office when judicial action is required.

(3) Except to the extent allowed by WAC 388-24-111, in any case for which OSE has received notice that the CSO has made a finding of good cause under WAC 388-24-111, the office shall not act to:

(a) Establish paternity on its own initiative or at the request of a putative father applying for services under WAC 388-14-300 (1)(h); or

(b) Secure child support ((in any case for which it has received notice that the CSO has determined that there has been a finding of good cause under WAC 388-24-111)).

~~((a))~~ (4) The office shall ~~((request that))~~ suspend all activities under Title IV-D to establish paternity or secure child support ~~((be suspended))~~, to the extent required by WAC 388-24-111, until the CSO notifies the office of its final determination regarding an applicant or recipient who has claimed good cause. Any agency acting under a cooperative agreement who fails or refuses to comply with ~~((the))~~ a request from OSE to suspend activities shall not be entitled to financial participation under the Title IV-D cooperative agreement as to said case or cases upon which the request is made.

~~((b))~~ (5) A child support obligation shall:

(a) Continue((s)) while enforcement and/or collection action is suspended pending a final determination of good cause; and ~~((with))~~

(b) Be subject to collection when a decision is made that good cause for refusal to cooperate no longer exists.

~~((c))~~ (6) The office shall:

(a) Review and comment on the findings and basis for the proposed basis for the proposed determination by the CSO ~~((The office shall))~~; and

(b) Be a party to any hearing requested as a result of an applicant's or recipient's appeal of any agency action under WAC 388-24-111.

~~((d))~~ (7) The office shall:

(a) Establish, maintain, retain, and dispose of case records in accordance with the department's records management and retention policies and procedures adopted ~~((pursuant to))~~ under chapter 40.14 RCW.

(b) Establish, maintain, and monitor support payment records; and

(c) Receive, account for, and distribute child support payments required under superior court and administrative orders for support.

~~((f))~~ (8) When the office determines that a support obligation, established by order of a superior court of this state, has been satisfied or is no longer legally enforceable, the office shall mail a notice of its intent to file a satisfaction of judgment to the last known address of the payee under the order and the responsible parent. The notice shall contain the following provisions:

(a) A statement of the facts the office relied on in making the determination; and

(b) A statement that payee has twenty days to object and request a conference board under WAC 388-14-385, or initiate an action to obtain a judgment from the court that entered the order.

~~((g))~~ (9) If the conference board or the court determines the support obligation or a support debt still exists, the office shall withdraw the notice and shall make reasonable efforts to enforce and collect the remaining support debt. ~~((If not))~~ When the conference board or court determines that a debt does not exist, the office shall file a satisfaction of judgment with the clerk of superior court in which the order was entered.

~~((h))~~ (10) A support obligation is satisfied or no longer legally enforceable when the obligation to pay current and future support terminates under the order, and:

(a) The support debt owed under the order has been paid in full;

(b) The support debt is no longer enforceable due to the operation of the statute of limitations; or

(c) The office determines the responsible parent has a valid defense to payment of the debt under Washington law; or

(d) Under RCW 74.20A.220, the office determines the debt is uncollectible, grants a total or partial charge-off, or accepts an offer to compromise a disputed debt.

(11) The level of services provided by the department under subsections (1)(b) through (g) of this section shall be governed by WAC 388-14-300 and 310.

**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 2979, filed 8/2/90, effective 9/2/90)

WAC 388-14-270 DISTRIBUTION OF SUPPORT PAYMENTS. (1) The office of support enforcement (OSE) shall distribute support money OSE collects or OSE receives, in accordance with state and federal law and the provisions of this section, to the:

(a) Department when the department provides or has provided public assistance payments, or cash benefits under the family independence program for the support of the family unit, household, or a member of the family unit or household;

(b) Payee under the order, or to the physical custodian of the child;

(c) Child support enforcement agency in another state or foreign country which submitted a request for support enforcement services; and/or

(d) Person or entity making the payment when OSE is unable to identify the person to whom the support money is payable after making reasonable efforts to obtain identification information.

(2) OSE may distribute support money to a person, other than the payee under a support order, when that person has physical custody of and provides care for the child.

(3) Before OSE begins distributing support money to a physical custodian who is not the payee under the support order, OSE shall:

(a) Obtain a sworn statement from the physical custodian attesting to the fact the physical custodian:

(i) Has physical custody of and is caring for the child; and

(ii) Is not wrongfully depriving the payee of physical custody.

(b) Mail a notice to the last known address of the payee and the responsible parent of OSE's intent to distribute support money to the physical custodian.

(i) The notice of intent to distribute a support payment shall contain the following information:

(A) A statement that OSE will distribute support money collected under the support order to the physical custodian;

(B) The name of the physical custodian;

(C) A statement that the payee has twenty days from the date of the notice to contest distribution of money to the physical custodian by filing an application for an adjudicative proceeding as specified under subsection (12) of this section, or serving notice on OSE of the filing of an appropriate motion with a court; and

(D) A statement that the payee must give OSE and the physical custodian notice of any judicial proceeding contesting the notice of distribution.

(ii) A copy of the sworn statement of the physical custodian shall be attached to the notice.

(c) File a copy of the notice or the final administrative order entered as a result of the notice with the clerk of the court where the support order was entered.

(4) The payee may request an adjudicative proceeding as specified under subsection (12) of this section or file a court action beyond the twenty-day period provided for under subsection (3) of this section. When the department or the court determines the payee is entitled to receive the support money, OSE shall send support money OSE receives in the future to the payee, but shall not reimburse the payee for amounts OSE sent to the physical custodian as provided under subsections (2) and (3) of this section.

(5) When OSE is unable to distribute support money because the location of the family or person is unknown, OSE shall exercise reasonable efforts to locate the family or person. When OSE does not locate the family or person, OSE shall handle the money in accordance with an agreement with the department of revenue and as required by state law.

(6) OSE shall apply the following rules when distributing support money:

(a) Record payments in exact amounts without rounding;

(b) Distribute support money within eight days of the date OSE receives the money, unless OSE is unable to distribute the payment for one or more of the following reasons:

(i) The location of the payee is unknown;

(ii) OSE does not have sufficient information to identify the accounts against which or to which OSE should apply the money;

(iii) An action is pending before a court or agency which has jurisdiction over the issue to determine:

(A) Whether or not support money is owed; or

(B) How OSE should distribute the money.

(iv) OSE receives prepaid support money which OSE is holding for distribution in future months under subsection (7) of this section;

(v) OSE mails a notice of intent to distribute the support money to the physical custodian under subsection (3) of this section; or

(vi) Other circumstances exist which make a proper and timely distribution of the money impossible through no fault or lack of diligence of OSE.

(c) Distribute support money based on the date of collection, except as provided under subsection (6)(j) of this section and WAC 388-14-275. The date of collection is the earliest of the following dates:

(i) The date OSE or a political subdivision actually making the collection receives the money (~~whichever is earlier. For interstate collections;~~);

(ii) The (~~date collection is the~~) date the support enforcement agency or other legal entity of (~~(x)~~) another state or political subdivision, actually making the collection, receives the money(~~(whichever is earliest)~~); or

(iii) The date income, earnings, wages, labor and industries benefits, or employment security benefits were withheld.

(d) Apply support money:

(i) First, to satisfy the current support obligation for the month OSE, or the support enforcement agency or other legal entity of another state or political subdivision, collected the money;

(ii) Second, to the responsible parent's support debts; and

(iii) Third, to prepaid support as provided for under subsection (7) of this section.

(e) Distribute current support based on the proportionate share of the obligation owed to each family unit or household when the responsible parent owes a current support obligation to two or more families or households;

(f) Distribute amounts collected during a month to the responsible parent's support debts owed for each family unit or household based on the proportionate size of the debts, except as provided ((m)) under subsection (6)(g) and (h) of this section, when:

(i) OSE, or the support enforcement agency or legal entity of a state or political subdivision, collects support in excess of the amount required to satisfy the responsible parent's current support obligations for that month; and

(ii) The responsible parent owes a support debt for two or more families or households.

(g) Apply amounts to a support debt owed for one family or household and distribute the amounts accordingly, rather than make a proportionate distribution when:

(i) Proportionate distribution is administratively inefficient; or

(ii) The collection resulted from the sale or disposition of a specific piece of property against which a court awarded the applicant/recipient or applicant/custodian a judgment lien for child support.

(h) When a portion of the responsible parent's support debt for a family unit is owed to both the family and the department, distribute amounts applied to the support debt for the family unit:

(i) First, to the family to satisfy the portion of the debt owed to the family; and

(ii) Second, to the department to satisfy the portion of the debt assigned to the department to reimburse public assistance payments.

(i) Report amounts distributed to a family, receiving public assistance, to the community service office. This requirement shall not relieve the recipient of the duty to report receipt of support money; and

(j) Pay a family, receiving cash assistance under the aid to families with dependent children program or the family independence program, the first fifty dollars of each child support payment as provided under WAC 388-14-275.

(7) When OSE receives or collects support money representing payment on the required support obligation for future months, OSE shall:

(a) Apply the support money to future months when the support debt is paid in full;

(b) Distribute the support money on a monthly basis when payments become due in the future; and

(c) Mail a notice to the last known address of the person entitled to receive support money. The notice shall inform the person that:

(i) OSE received prepaid support money;

(ii) OSE will distribute the prepaid money as support payments become due in the future; and

(iii) The person may petition the court that entered the support order for an order requiring the immediate distribution of the prepaid support money.

(8) OSE may recover support money distributed to a person or to the family when OSE:

- (a) Distributed the money in error;
- (b) Distributed the money based on a check which is later dishonored; or
- (c) Is required to refund or return the money to the person or entity making the payment.

(9) OSE may retain amounts collected on a support debt and ten percent of amounts collected as current support to recover support money as provided under subsection (8) of this section in nonassistance cases.

(a) OSE shall send a notice to the last known address of the person or family before taking action to recover the support money. The notice shall:

- (i) Explain the reason why OSE is authorized to recover the support money;
- (ii) Identify the money OSE will recover;
- (iii) Inform the person or family of amounts OSE will deduct from future collections; ~~(and)~~
- (iv) Inform the person or family that if they receive support enforcement services, they have twenty days from the date of the notice to file an application for an adjudicative proceeding as specified under subsection (12) of this section to object to the notice; and

(v) Inform the person or family that when a debt established under this section remains unpaid after the person or family stops receiving support enforcement services, the department may take collection action under chapter 74.20A RCW without further notice.

(b) At the hearing, the person may contest OSE's findings regarding the existence and amount of the debt OSE is seeking to recover as provided under subsection (8) of this section.

(c) When the person or family is no longer receiving support enforcement services, OSE may take action to recover the support money due under subsection (8) of this section, under ((RCW 74.20A.270 to recover the money)) chapter 74.20A RCW.

(10) When the family is receiving public assistance and the applicant/recipient fails to remit support money to OSE as required, OSE shall recover the support payments using the process set forth in WAC 388-14-200.

(11) OSE shall mail a notice, once each quarter or more often, to the last known address of the person for whom OSE received support during the quarter, except as provided under subsection (11)(d) of this section.

(a) The person for whom OSE receives support has ninety days from the date of the notice to file an application for an adjudicative proceeding as specified under subsection (12) of this section to object to the notice.

(b) The person may only contest how OSE distributed the support money including the amounts stated in the notice.

(c) The notice shall contain the following information:

- (i) The current support amount and the amount of the support debt owed under the order;
  - (ii) The amount of support money OSE received and the date of collection;
  - (iii) A description of how OSE allocated the support money between current support and the support debt;
  - (iv) The amount the department claims as reimbursement for public assistance paid, if applicable; and
  - (v) A statement of the right to request an adjudicative proceeding.
- (d) OSE is not required to send a notice under this subsection when OSE mails another notice to the family or person to whom support is owed as provided under WAC 388-14-275 or this section.

(12) A person shall file an application for an adjudicative proceeding with OSE, within the time period specified in the notice, by a method showing proof of receipt.

(a) The person shall include in or with the application for an adjudicative proceeding:

- (i) A specific statement of the objections to the notice; and
  - (ii) A copy of the notice the person is contesting.
- (b) The proceeding shall be governed by the Administrative Procedure Act (chapter 34.05 RCW) and chapter 388-08 WAC. Untimely requests for adjudicative proceedings are governed by WAC 388-11-055. If any provision in this section conflicts with chapter 388-08 WAC, the provision in this section shall govern.

**Reviser's note:** RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

#### NEW SECTION

WAC 388-14-273 PAYMENT DISTRIBUTION PAYMENT SERVICES ONLY CASES. (1) The department shall apply any payment received by the Washington state support registry (WSSR) to the responsible parent's IV-D case or cases under WAC 388-14-270 unless the:

- (a) Payment is specifically identified with the account number of an open payment services only (PSO) case; or
- (b) Responsible parent has an open PSO case, but does not have an open IV-D case; or
- (c) Responsible parent has both an open IV-D case or cases and an open PSO case and:
  - (i) The payment is received within thirty days of the conversion of a IV-D case to a PSO case; and
  - (ii) The date of collection under WAC 388-14-270 is before the date of the conversion of the case to PSO.

(2) When the payment is identified with the account number of an open PSO case, or if the responsible parent does not have an open IV-D case, the department shall distribute the entire payment to the identified PSO case.

(3) When a single payment is identified by the responsible parent with the account numbers of both an open PSO case and an open IV-D case, the department shall distribute that portion of the payment identified to the PSO case to that case. The department shall distribute any remaining funds to the responsible parent's IV-D case or cases as required under WAC 388-14-270(6).

(4) When a responsible parent has both open IV-D and PSO cases, and the payment meets the conditions in subsection (1)(c) of this section, the department shall treat the open PSO case, that converted to PSO from IV-D thirty days or less before receipt of the payment, as a IV-D case for the purpose of distributing that payment and distribute the payment as required under WAC 388-14-270(6).

(5) When the responsible parent has multiple PSO cases, but does not have an open IV-D case, the department shall distribute a payment:

- (a) Identified with the account number of a particular PSO case to that case; and
  - (b) With no identifiable account number among the open PSO cases as required under WAC 388-14-270 (6)(e), (f), and (g).
- (6) Within each PSO case, the department shall apply funds:
- (a) First, to the child support obligation owed for the month in which the payment was made; and
  - (b) Second, to the earliest accrued support debt.

#### AMENDATORY SECTION (Amending Order 3162, filed 4/23/91, effective 5/24/91)

WAC 388-14-275 FIFTY DOLLARS DISREGARD PAYMENT. (1) In accordance with federal law, the department shall pay a family, receiving cash assistance under the aid to families with dependent children program or the family independence program, the first fifty dollars of each child support payment made by the responsible parent in the month when due. The department shall not pay the family ~~((no))~~ more than fifty dollars for each month in which a support payment is made. For purposes of this section, the department shall treat a payment ~~((is))~~ as made by the responsible parent on the earliest of the following dates:

- (a) The date a payment is received by the office of support enforcement;
  - (b) The date a payment is withheld from the responsible parent's earnings, income, wages, employment security benefits, or labor and industries benefits; or
  - (c) The date received by the IV-D agency in another state or other legal entity making the collection.
- (2) The department shall make a payment to the family under subsection (1) of this section based on the best information provided to the office of support enforcement with the support payment. The best information includes the earliest of the following dates:
- (a) The date wages were withheld;
  - (b) The date an employer issues a check containing wages withheld from the responsible parent;
  - (c) The date received by the IV-D agency in another state or other legal entity making the collection;
  - (d) The date the IV-D agency in another state or other legal entity issues a check containing a child support payment from the responsible parent;



(e) The date a check is negotiable if the office of support enforcement receives a postdated check;

(f) The date process is served attaching accounts and earnings of a responsible parent, other than wages, or the date the responsible parent is entitled to receive such earnings, whichever is later; or

(g) The date the proceeds are paid from the sale of attached personal or real property.

(3) If the department subsequently receives information establishing an earlier payment date, the department shall take prompt action to make a payment required under this section or recover an erroneous payment.

(4) When the date of withholding is unclear on the payment instrument, the office of support enforcement shall reconstruct the date earnings were withheld by:

(a) Inquiring of the responsible parent's employer, the department of labor and industries, or employment security, for the date of withholding; or

(b) Comparing the payment schedule set forth in the support order with the payments actually received.

(5) The office of support enforcement shall mail a notice, not less than once a quarter, to a family receiving cash assistance for whom child support was received during the reporting period. The notice shall contain the following information:

(a) The amount of the child support order;

(b) The amount of child support received;

(c) A description of how the office allocated the child support between the family and the state;

(d) The amount the department claims as reimbursement for public assistance paid; and

(e) A statement of the right to an adjudicative proceeding under chapter 34.05 RCW to contest the allocation of child support.

~~((5))~~ (6) The provisions of this section do not apply to child support:

(a) ~~((Child support))~~ Received by the office of support enforcement by means of an income tax refund intercept authorized under 42 USC Sec. 666 (a)(1) or Sec. 666 (a)(3)(B); or

(b) ~~((Child support))~~ Payments received by the office of support enforcement after the family terminates from assistance that are paid to the family under chapter 26.23 RCW and WAC 388-14-270 as current support for the month or on the support debt owed to the family.

~~((6))~~ (7) The section applies to payments made by the responsible parent on or after January 1, 1989.

#### AMENDATORY SECTION (Amending Order [3043, filed] 7/24/90, effective 8/24/90)

WAC 388-14-300 NONASSISTANCE SUPPORT ENFORCEMENT SERVICES—PERSONS ELIGIBLE FOR SERVICES. (1) As authorized by RCW 26.23.045 and 74.20.040, the department's office of support enforcement (OSE) shall provide ~~((s support enforcement))~~ payment processing and records maintenance services to residents of the state of Washington who are not receiving a public assistance grant when:

(a) A superior court order, an administrative order, or a wage assignment order under chapter 26.18 RCW directs payments through OSE or the Washington state support registry;

(b) The clerk of court submits a support order under RCW 26.23.050;

(c) The physical custodian of a dependent child or a responsible parent requests payment services only, provided that a responsible parent's request for payment services only shall not cause a reduction of service from the level of service provided under subsection (2) of this section, or WAC 388-14-200, 203, or 205.

(2) OSE shall provide full IV-D support enforcement services to residents of the state of Washington who are not receiving a public assistance grant when:

(a) The physical custodian of a dependent child requests support enforcement services;

~~((d))~~ (b) A former custodial parent requests services to collect a support debt reduced to a sum certain judgment by the court;

~~((e))~~ (c) A responsible parent submits a support order for inclusion in or support payment to the Washington state support registry, together with an application for support enforcement services;

~~((f))~~ (d) A public assistance recipient stops receiving a cash grant under the aid to families with dependent children or financial independence programs;

~~((g))~~ (e) The department provides Medicaid-only benefits to the physical custodian on behalf of a dependent child, unless the recipient

of Medicaid-only benefits declines support enforcement services not related to paternity establishment or medical support enforcement; or

~~((h))~~ (f) A man requests paternity establishment services alleging he is the dependent child's father.

(3) OSE shall provide payment processing, records maintenance, paternity establishment, and medical support enforcement services when a recipient of Medicaid-only benefits, with a support order directing payments to the Washington state support registry, declines support enforcement services, unless the recipient:

(a) Has good cause for not cooperating with OSE; or

(b) Is pregnant or it is within sixty days after the end of her pregnancy.

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

#### AMENDATORY SECTION (Amending Order 3043, filed 7/24/90, effective 8/24/90)

WAC 388-14-310 NONASSISTANCE SUPPORT ENFORCEMENT APPLICATION. (1) To qualify for services, a person desiring nonassistance services shall:

(a) Submit a written application for support enforcement services except as provided ~~((m))~~ under subsection (2) of this section; and

(b) Have physical custody of the dependent child for whom support is sought except as provided ~~((m))~~ under WAC 388-14-300 ~~((d)), (e) and (h))~~ (b), (c), and (f).

(2) The office of support enforcement (OSE) shall:

(a) Provide only records maintenance and payment processing services if the payee under a support order fails to submit an application for support enforcement services and the:

(i) Order directs support payments to OSE or the Washington state support registry; or

(ii) Clerk submitted the order under RCW 26.23.050.

(b) Continue to provide ~~((support enforcement))~~ services, after a:

(i) Public assistance recipient stops receiving a cash grant, at the same level at which services are provided at the time public assistance terminates, without requiring an application(-);;

(ii) Recipient of Medicaid-only benefits becomes ineligible for Medicaid-only benefits, at the same level of services as those provided at the time the recipient became ineligible, without an application, unless the recipient;

(A) Declines support enforcement services while receiving or after termination of Medicaid only benefits; or

(B) Requests additional services.

(3) The applicant shall:

(a) Give consent to OSE to take an assignment of earnings from the person owing support;

(b) Agree to remit support money received directly from the person owing support to OSE within eight days of receipt;

(c) Agree to direct a payor or forwarding agent to remit support money directly to OSE;

(d) Agree not to hire an attorney or collection agency to collect the support obligation or support debt without notifying OSE;

(e) Complete, sign, date, and submit to OSE the application form and other required documents;

(f) Supply copies of divorce and dissolution decrees, support orders, and modifications thereof, and any allied or related documents reflecting the marital and support status;

(g) Provide a statement of the amount of the support debt owed by the responsible parent; and

(h) Include or attach a list, by date, of the support payments received from the responsible parent during the period the support debt accrued.

(4) If a person other than the applicant has legal custody of the dependent child by order of a court, the applicant shall affirm the legal custodian:

(a) Was not wrongfully deprived of custody by the applicant; and

(b) Is not excused from making support payments under WAC 388-11-065(10).

(5) If the applicant is temporarily absent from the state, the applicant shall submit a written statement affirming the applicant is a resident of this state.

(6) OSE may deny an application which is incomplete, contains unclear or inconsistent statements, or not supported by necessary documents.

(7) Upon denying an application, OSE shall send the applicant a written notice of denial by regular mail and shall include a statement:

- (a) Of the reasons for the denial; and  
 (b) The applicant may request an adjudicative proceeding to contest the denial.

**AMENDATORY SECTION** (Amending Order 3133, filed 4/9/91, effective 5/10/91)

WAC 388-14-415 NOTICE OF SUPPORT OWED. (1) A notice of support owed issued under RCW 26.23.110 shall state that:

(a) The office of support enforcement (OSE) is providing support enforcement services on behalf of the responsible parent's dependent children;

(b) Twenty-one days after service of the notice on the responsible parent, OSE may take action to collect the responsible parent's support obligation without further notice when the support obligation becomes due under the terms of the court order, unless the responsible parent or the payee under the order has filed a timely request to contest the notice as provided under this section. Collection action includes issuing orders to withhold and deliver and notices of payroll deduction, or taking other income withholding action;

(c) After service of the notice the responsible parent ~~((must))~~ shall make all support payments through the Washington state support registry;

(d) The responsible parent ~~((with))~~ shall not receive credit for payments made to a person or agency other than the support registry under RCW ~~((26.23.050(7)))~~ 26.23.050(9) and 74.20.101;

(e) The current monthly amount for support including medical and day care costs, due under a court or administrative order and an initial finding of the current support amount due if there is no fixed dollar amount in the order, and the basis, rationale, or formula used to make the initial finding;

(f) The amount of any support debt, including medical support and day care costs, owed by the responsible parent;

(g) The responsible parent ~~((has))~~ shall have twenty days after service of the notice to contest the current support or support debt claimed by filing:

(i) A written application for an adjudicative proceeding under chapter 34.05 RCW; or

(ii) An action in superior court.

(h) ~~((if))~~ The payee under the order ~~((has))~~ shall have twenty days from the date notice was given to contest:

~~((A))~~ (i) The support debt or current support amount stated in the notice of support owed; or

~~((B))~~ (ii) A proposed agreement between OSE and the responsible parent regarding the amount of the support debt or current support.

~~((C))~~ (i) The payee may contest the support debt, current support, or proposed agreement by filing:

~~((A))~~ (i) A written application for an adjudicative proceeding under chapter 34.05 RCW; or

~~((B))~~ (ii) A action in superior court.

~~((D))~~ (j) If either party files an application for an adjudicative proceeding both parties shall be notified and allowed to participate in the proceeding as independent parties.

(2) The notice of support owed shall be served on the responsible parent like a summons in a civil action or by any form of mail requiring a return receipt.

(3) Following service upon the responsible parent, the office shall mail a copy of the notice of support owed to the payee under the order by regular mail at the payee's last known address. The office shall also mail a notice to the payee regarding the payee's rights to contest the notice of support owed as provided under WAC 388-14-440.

(4) OSE may make the initial finding based upon:

(a) The factors stated in the order; and

(b) Any other information not contained in the order that is needed to determine the amount of the accrued debt or the current support obligation.

(5) ~~((H))~~ When either the responsible parent or the payee under the order files an application for an adjudicative proceeding under this section, the department shall issue a notice of hearing.

The notice shall direct both parties to appear and show why the current support amount and ~~((for))~~ the support debt amount is incorrect.

(6) ~~((H))~~ When the responsible parent requests the hearing, the parent shall:

(a) List defenses to liability and/or state the reasons why support should not be set as stated in the notice of support owed in the request for a hearing; and

(b) Attach an office-approved financial affidavit;

(7) A payee's application for an adjudicative proceeding ~~((is))~~ shall be governed by WAC 388-14-440.

(8)(a) If any party appears for the adjudicative proceeding and elects to proceed, absent the granting of a continuance the presiding officer shall hear the matter and enter an initial decision and order based upon the evidence presented. The presiding officer shall include a party's failure to appear in the initial decision and order. The appeal rights of the party who failed to appear shall be limited to an appeal on the record made at the adjudicative proceeding.

(b) If neither party appears or elects to proceed, the presiding officer shall enter a decision and order declaring the amounts stated in the notice of support owed subject to collection action.

(c) When a party has advised the presiding officer that they will participate in an adjudicative proceeding by telephone, the presiding officer ~~((must))~~ shall attempt to contact that party, on the record, ~~((prior))~~ before beginning the proceeding or ruling on a motion.

(d) This rule does not authorize or require the presiding officer to disclose either party's telephone number.

(9) If either parent files a timely application for an adjudicative proceeding, OSE shall stay collection action pending the final adjudicative order, except as provided ~~((in))~~ under subsection (10) of this section.

(10) OSE may take action to collect:

(a) Any part of the support debt that ~~((both parties fail to))~~ neither party alleges is incorrect;

(b) A fixed or minimum dollar amount for current support stated in the court order; and

(c) Any part of a support debt that has been reduced to a sum certain judgment by a proper court or agency.

(11) OSE shall collect the amounts stated in the notice without further notice to either party if neither the responsible parent nor the payee under the order:

(a) Files an application for an adjudicative proceeding under chapter 34.05 RCW; or

(b) Starts an action in superior court.

(12)(a) The following sections are incorporated by reference and made applicable to a proceeding provided for in this section: WAC 388-11-011, 388-11-015, 388-11-055, 388-11-060, 388-11-065, 388-11-100, 388-11-115, 388-11-135, 388-11-145, and 388-11-180.

(b) Hearings held under this section shall be governed by the Administrative Procedure Act (chapter 34.05 RCW), and chapters 10-08, 388-08, and 388-14 WAC. If any provision in this chapter or in a rule incorporated by reference by (12)(a) of this section conflicts with or is inconsistent with chapters 10-08 or 388-08 WAC, the provision in this chapter or a rule incorporated by reference shall govern.

(c) For the purposes of this section, ~~((if))~~ when a rule incorporated by this section grants a procedural right to a responsible parent, that rule shall be interpreted to confer the same right to the payee under the court order.

(13) After the parties have presented evidence ~~((has been presented))~~ at a hearing, the presiding officer shall within twenty days:

(a) Find the amount of current support payable under the order;

(b) Find the amount of the support debt, including medical support and day care costs, accrued ~~((prior))~~ before to the date of service of the notice; and

(c) Issue findings of fact, conclusions of law, and an initial decision and order.

(14) The ~~((responsible parent or payee))~~ party contesting the amounts stated in the notice shall prove that the amounts stated in the notice of support owed are incorrect.

(15) The presiding officer in the initial decision, and the secretary or designee in review of the proposed decision, shall be limited to:

(a) Interpretation of the court order for support only. The presiding officer shall not have ~~((no))~~ the authority to change or defer the support amount owed except to find:

(i) ~~((Find))~~ The amount of monthly support as a fixed dollar amount; and

(ii) ~~((Find))~~ Any arrears accrued ~~((prior))~~ before to service of the notice of support owed.

(b) Correct the mathematical computation of the stated debt;

(c) Review and consider superior court orders which have modified the superior court order in issue. Contempt orders and orders entered under chapter ~~((26-21))~~ 26.18 or ~~((26-20))~~ 26.23 RCW shall not be construed as modifications.

(16) In adjudicative orders entered under this section the presiding officer shall inform the parties of the right to request a yearly review of the order.



(17) The presiding officer shall file the original initial decision and order with the secretary or the secretary's designee.

(18) The presiding officer shall mail copies of the decision and order to:

- (a) The office of support enforcement;
- (b) The last known address of the responsible parent by certified mail; and
- (c) The last known address of the person to whom support is payable under the support order.

(19) Any party may appeal the initial decision or review decision as provided under WAC 388-08-440 or 388-08-464.

(20) Informal disposition of any hearing is favored where possible and not precluded by law. OSE may dispose of cases by an agreed settlement or a consent order. The presiding officer shall approve any consent order unless:

- (a) It is contrary to law; or
- (b) The payee under the order filed a timely objection to the:
  - (i) Notice of support owed; or
  - (ii) Notice of proposed settlement.

~~((20))~~ (21) A support order issued under this section shall contain the notice and information listed ~~((m))~~ under RCW 26.23.050(5).

~~((21))~~ (22) The provisions of this section regarding the payee's right to an adjudicative proceeding shall not apply if the department is providing public assistance to the payee or the child for whom support is being sought.

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

**Reviser's note:** RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

#### AMENDATORY SECTION (Amending Order 2738, filed 12/14/88)

WAC 388-14-425 PAYROLL DEDUCTION—NOTICE AND ORDER—ISSUANCE AND TERMINATION. (1) Under RCW 26.23.050 and 26.23.060, the office may issue and serve a notice of payroll deduction upon the employer of a responsible parent, or the employment security department for the state in possession of or owing benefits from unemployment compensation to the responsible parent. The office shall issue the notice of payroll deduction, without further notice to the responsible parent:

(a) If a support payment, owed under a superior court or administrative order for support, is ~~((more than fifteen days))~~ past due ~~((in an amount equal to or greater than the support payable for one month))~~ according to the terms of the support order;

- ~~((b))~~ (i) If the statutory notice requirements are met; and
- ~~((c))~~ (ii) When the office identifies the responsible parent's earnings or unemployment compensation benefits.

(b) At any time if the courts or administrative order establishing the support obligation contains provisions substantially similar to those stated under RCW 26.23.050 (1)(a) and (b) or RCW 26.23.050(3):

- (i) If the statutory notice requirements are met; and
- (ii) When the office identifies the responsible parent's earnings, or unemployment compensation benefits.

(2) The notice of payroll deduction shall remain in effect until:

(a) The payroll deduction is quashed, modified, or terminated by the superior court pursuant to a motion filed by the support debtor; ~~((or))~~

(b) The office determines, as a result of a conference board convened under WAC 388-14-385, to release the payroll deduction after the support debtor proves by competent evidence that:

- (i) The support obligation was not ~~((delinquent))~~ due at the time the notice of payroll deduction was issued; or
- (ii) The payroll deduction causes extreme hardship or substantial injustice; or

(c) One year has passed since the:

- (i) Employer has employed the responsible parent or been in possession of earnings owed to the responsible parent; or
- (ii) Employment security department has been in possession of or owing unemployment compensation benefits to the responsible parent.

#### NEW SECTION

WAC 388-14-460 NOTICE OF INTENT TO ENFORCE—HEALTH INSURANCE COVERAGE. (1) The office of support enforcement (OSE) may issue a notice of intent to enforce a responsible

parent's obligation to provide health insurance coverage under a court or administrative order if the order:

- (a) Requires the responsible parent to provide health insurance coverage; and
- (b) Does not inform the parent that failure to provide coverage may result in direct enforcement of the order.

(2) OSE shall serve the notice on the responsible parent by certified mail, return receipt requested or by personal service.

(3) The department shall state on the notice of intent to enforce that the responsible parent must submit proof of coverage or proof that the parent has applied for coverage to OSE within twenty days of the date:

- (a) Of service of the notice; or
- (b) Health insurance coverage becomes available through the parent's employer or union.

#### NEW SECTION

WAC 388-14-470 NOTICE OF INTENT TO PURCHASE. (1) Under chapter 26.18 RCW, the office of support enforcement (OSE) may issue a notice of intent to purchase health insurance coverage if the responsible parent elects to provide coverage that will not be accessible to the child because of geographic or other limitations. OSE shall serve the notice on the responsible parent like a summons in a civil action or by certified mail, return receipt requested.

(2) OSE shall include in the notice statements that:

- (a) The court or administrative order requires the responsible parent to provide health insurance coverage;
- (b) The health insurance plan selected by the responsible parent does not provide accessible coverage due to geographic or other limitation;
- (c) The responsible parent has twenty days from the date of service of the notice to:

(i) File an application for an adjudicative proceeding; or

(ii) Provide written proof to OSE that the responsible parent has either obtained or applied for coverage that is accessible to the child.

(d) A specific insurance plan or policy will be purchased, including the cost of such coverage, if the responsible parent fails to provide accessible coverage in response to the notice.

(3) If the responsible parent fails to respond to a notice of intent to purchase health insurance, the department may purchase the health insurance coverage specified in the notice directly. The department shall add the amount of the monthly premium to the support debt and the amount shall be collectible without further notice. The amount of the monthly premium may be collected by OSE or accrue until the responsible parent provides proof of the required coverage.

(4) If the responsible parent provides proof of coverage after the department has purchased health insurance coverage under subsection (3) of this section, the department shall cancel the coverage purchased under subsection (3) of this section. The department shall not refund to the responsible parent premiums already collected for periods in which coverage overlapped unless the responsible parent can show that the department failed to promptly cancel coverage after being informed that the responsible parent had obtained coverage.

#### NEW SECTION

WAC 388-14-480 NOTICE OF ENROLLMENT—HEALTH INSURANCE COVERAGE—ISSUANCE AND TERMINATION.

(1) Under chapter 26.18 RCW, the office of support enforcement (OSE) may issue a notice of enrollment to enforce a responsible parent's obligation to provide health insurance coverage. OSE shall serve the notice on the responsible parent's employer or union like a summons in a civil action or by certified mail, return receipt requested. OSE shall issue the notice, without further notice to the responsible parent, when:

(a) A court or administrative order requires the responsible parent to provide insurance coverage for a dependent child;

(b) The responsible parent fails to provide health insurance coverage, lets the coverage lapse, or fails to provide proof of such coverage as provided for under WAC 388-11-215;

(c) The statutory notice requirements under RCW 26.23.050 are met; and

(d) OSE has reason to believe that such coverage is available through the responsible parent's employer or union.

(2) OSE shall state in the notice of enrollment that:

(a) The responsible parent is required to provide health insurance coverage for the dependent children named in the notice;

(b) The employer or union is required to enroll the children in a health insurance plan offered by the employer or union if accessible coverage is available, except as provided under subsection (4) of this section;

(c) The employer or union must answer the notice of enrollment by completing the answer form and returning it to OSE within thirty-five days;

(d) The employer's or union's answer must confirm that the employer or union:

(i) Has enrolled the children in a health insurance plan which provides accessible coverage;

(ii) Will enroll the children in a health insurance plan which provides accessible coverage during the next open enrollment period; or

(iii) Cannot enroll the children in a health insurance plan which provides accessible coverage, and must state the specific reasons that coverage cannot be provided.

(e) The employer's or union's answer must include information requested by OSE about the health insurance plan and policy;

(f) The employer or union must enclose with the answer any necessary claim form or enrollment membership cards, or must provide such forms or cards when they are available;

(g) The employer or union shall withhold the premiums from the responsible parent's net earnings if the responsible parent is required to pay some or all of the premiums for coverage under the health insurance plan;

(h) OSE may take action under RCW 74.20A.270 and chapter 388-13 WAC to impose a fine of up to one thousand dollars if the employer or union fails to:

(i) Enroll the children upon receipt of the notice of enrollment or when accessible coverage becomes available; or

(ii) Answer the notice of enrollment by providing all the information requested by OSE.

(3) OSE may take action under RCW 74.210A.270 and chapter 388-13 WAC to impose fines if the employer or union fails to comply with the terms of a notice of enrollment.

(a) For each failure to comply with a notice of enrollment, OSE may assess a fine of:

(i) Two hundred dollars for the first month in which the employer fails to comply;

(ii) Three hundred dollars for the second month in which the employer fails to comply; and

(iii) Five hundred dollars for the third month in which the employer fails to comply.

(b) Under no circumstance shall OSE impose fines exceeding one thousand dollars based on an employer's failure to comply with a single notice of enrollment.

(c) OSE shall not impose a fine for failing to enroll a child in a health insurance program for any month in which the employer is precluded from enrolling the child by the terms of the employer's contract with the insurance provider. This provision does not exempt employers from liability for failure to answer a notice of enrollment.

(4) The employer or union shall enroll the children named in the notice in a health insurance plan which the employer or union offers to the responsible parent and which provides accessible coverage to the children, except as provided under subsection (4) of this section:

(a) Upon receipt of the notice of enrollment;

(b) During the next open enrollment period when the plan contains an enrollment limitation which prevents immediate enrollment; or

(c) When accessible coverage becomes available in the future if the employer does not offer such coverage when the notice of enrollment is received.

(4) The employer or union shall not enroll the children in a health insurance plan when the responsible parent's current support obligation:

(a) Equals or exceeds fifty percent of the parent's net earnings; or

(b) Plus the amount of the insurance premium the parent is required to pay to cover the children named in the notice exceeds fifty percent of the parent's net earnings.

(5) When the employer or union offers more than one health insurance plan under which coverage is available to the children named in the notice, the employer or union shall enroll the children in the:

(a) Responsible parent's plan unless accessible coverage is not available to the children under such plan; or

(b) Least expensive plan which provides accessible coverage for the children.

(6) The employer or union shall answer the notice of enrollment and shall include the requested information as specified under subsection

(2)(d), (e), and (f) of this section within thirty-five days of receipt of the notice of enrollment when:

(a) The employer or union is unable to enroll the children when the initial answer is submitted; or

(b) Accessible coverage later becomes available.

(7) The notice of enrollment shall remain in effect until:

(a) The notice is withdrawn or released by OSE; or

(b) Health insurance coverage is no longer available through the employer or union.

(8) The employer or union shall advise OSE when health insurance coverage for the children is terminated by mailing a notice of termination within thirty days of the date of termination.

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

#### NEW SECTION

WAC 388-14-490 EMPLOYER REPORTING PROGRAM—EXEMPTIONS. (1) In addition to the exemptions established under RCW 26.23.040, the employers assigned the following standard industrial classification (SIC) codes are exempt from the requirements of the employer reporting program as authorized under chapter 26.23 RCW:

(a) SIC code 7363, temporary services;

(b) SIC code 8011, offices and clinics of medical doctors;

(c) SIC code 8021, offices and clinics of dentists;

(d) SIC code 8031, offices of osteopath physicians;

(e) SIC code 8041, offices and clinics of chiropractors;

(f) SIC code 8042, offices and clinics of optometrists;

(g) SIC code 8043, offices and clinics of podiatrists;

(h) SIC code 8049, offices of health practitioners;

(i) SIC code 8071, medical laboratories;

(j) SIC code 8072, dental laboratories; and

(k) SIC code 8092, kidney dialysis centers.

#### AMENDATORY SECTION (Amending Order 3081, filed 9/28/90, effective 10/29/90)

WAC 388-11-015 CREDITS ALLOWED—DEBT SATISFACTION. (1) After the ~~((office of support enforcement (OSE) serves a notice and finding of financial responsibility or a notice and finding of parental responsibility on the responsible parent))~~ responsible parent has been advised of the obligation to make payments to the Washington state support registry (WSSR) by service of a notice under WAC 388-11-030, 388-11-032, 388-14-415, or 388-14-435, or by entry of a support order requiring payments to WSSR, the responsible parent may only obtain credit against the parent's current and future support obligation:

(a) By cash, check, electronic funds transfer, or money order payments through ~~((OSE))~~ WSSR or payment of health insurance premiums; or

(b) As provided under subsections (3) and ~~((6))~~ (5) of this section.

(2) OSE shall allow credit against a responsible parent's support debt for family needs provided directly to a caretaker/custodian, a child, or provided through a vendor or third party only if:

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

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

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

(3) After service of the notice, a parent may obtain credit against the parent's current support obligation only if the responsible parent proves that the payments were made, and:

(a) The department determines there:

(i) Is no prejudice to:

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

(B) An agency entitled to receive the support payments.

(ii) Are special circumstances of an equitable nature justifying credit for payments ~~((:))~~ or

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

(c) The payments were made to a health insurance provider to meet an obligation to provide health insurance under a court or administrative order for child support.

~~((6)(a))~~ ~~(5)~~ ~~The parent shall prove credit should be given for the payments.~~  
~~(5))~~ The department shall not allow credit for shelter payments, made before service of the notice ~~((shall not be))~~, in an amount greater than the shelter allocation in the public assistance standards for the period when payments were made or one-half of the actual shelter payment, whichever is the greater. The department shall not allow credit for shelter payments made after service of the notice.

~~((6)(a))~~ (5) Effective with benefits paid on or after July 1, 1990, ~~((and for months thereafter))~~ the department shall give credit for disability benefits made on behalf of the responsible parent's child as a result of the responsible parent's injury or illness, by:

~~((7))~~ (a) Labor and Industries or a self-insurer under chapter 51.32 RCW; or

~~((7))~~ (b) The Social Security Administration.

~~((6))~~ (6) The department shall ~~((only give))~~ credit ~~((against the current support obligation owed for the month in which the benefit is paid))~~ disability payments under subsection (5) of this section:

(a) First against the current support obligation for the month in which the benefit is paid for the dependent child to whom the benefit was paid; and

(b) Second to the responsible parent's support debt for the child and physical custodian to whom the benefit was paid. In crediting the benefit amount against the support debt, the department shall credit:

(i) First against any support debt owed to the non-assistance support enforcement services recipient to whom the benefit was paid; and

(ii) Any remaining benefit amount against the responsible parent's support debt to the department for the dependent child and/or physical custodian to whom the benefit was paid.

(7) The department shall not credit any benefits remaining after proper crediting under subsection (6) of this section as a prepayment of support obligations for future months.

~~((8))~~ (8) A responsible parent ~~((must))~~ shall:

(a) Prove payment of these benefits~~((:))~~;

~~((d))~~ A responsible parent has no~~((:))~~;

(b) Not have a right to reimbursement of disability benefits because of a credit allowed under this subsection; and

(c) Not have a right to credit for benefits actually paid before July 1, 1990.

~~((9))~~ (9) The department shall mail a notice of credit to the last known address of the custodial parent if the department gives the responsible parent credit for disability benefits under this section ~~((without giving the custodial parent an opportunity to object))~~. The department's notice shall:

(a) State the amount of the credit; and

(b) Advise the custodial parent that:

(i) The parent may request an adjudicative proceeding to contest the credit~~((:))~~;

~~((i))~~ ~~The custodial parent shall file~~ by filing a written application for an adjudicative proceeding with the office of support enforcement within twenty-three days of the date of mailing of the notice~~((:))~~; and

(ii) If the custodial parent files an application for an adjudicative proceeding, the department shall give the responsible parent notice of, and an opportunity to participate in, the proceeding.

#### NEW SECTION

WAC 388-11-032 NOTICE AND FINDING OF PARENTAL RESPONSIBILITY. (1) The office of support enforcement (OSE) may issue a notice and finding of parental responsibility when:

(a) There is an affidavit acknowledging paternity filed with the state center for health statistics or with the vital records agency of a state which by statute allows the establishment of a support obligation based on an affidavit acknowledging paternity;

(b) The mother and person who signed the acknowledgement are eighteen years of age or older; and

(c) If the mother is married and the person signing the affidavit or acknowledgment is not the husband, the mother's husband has signed a denial of paternity or release to allow the person to acknowledge paternity of the child.

(2) The amounts in the notice and finding of parental responsibility shall become final and be subject to collection action unless the responsible parent, within twenty days after service of the notice:

(a) Contacts OSE and executes an agreed settlement;

(b) Files a written application for an adjudicative proceeding, under WAC 388-11-060, to contest the amounts stated in the notice; or

(c) Requests, and cooperates to obtain, paternity blood tests to determine whether or not he is the natural father of the dependent child named in the notice.

(3) OSE shall attach a copy of the acknowledgement of paternity to the notice and finding of parental responsibility served on the responsible parent.

(4) The notice and finding of parental responsibility shall contain:

(a) A statement that OSE is providing support enforcement services on behalf of the responsible parent's dependent child;

(b) An initial finding of the amount the responsible parent should pay for current support and as an accrued support debt;

(c) A statement that OSE computed the support obligation based on either:

(i) The responsible parent's actual income;

(ii) Income imputed to the responsible parent, when the actual income is unknown; or

(iii) The Approximate Median Net Income Chart, when there is no income information available.

(d) A statement explaining how the responsible parent may respond to or contest the notice, including the right to request an adjudicative proceeding, blood tests, or both;

(e) A notice that if the responsible parent does not request blood tests or an adjudicative proceeding within twenty days, OSE will not refund money collected under this notice if the responsible parent is later:

(i) Excluded from being the father by paternity blood tests; or

(ii) Found not to be the father by a court of competent jurisdiction.

(f) A statement that any adjudicative proceeding to contest this notice shall be convened for the limited purpose of resolving issues related to the amount of current support, the amount of accrued support debt, or reimbursement for any blood test costs advanced by the department;

(g) A notice that the responsible parent has the burden of proving any defenses to liability;

(h) A notice that OSE will take income withholding action under chapters 26.18, 26.23, or 74.20A RCW, at any time, without further notice unless the responsible parent requests relief under subsection (2) of this section within twenty days of the date of service of the notice;

(i) A notice of the responsible parent's obligation to provide health insurance coverage for the dependent child if such coverage is available according to WAC 388-11-215;

(j) A statement that OSE will seek direct enforcement of the requirement to provide health insurance coverage without further notice if:

(i) Health insurance coverage is required under WAC 388-11-215; and

(ii) The responsible parent fails to provide health insurance coverage.

(k) A statement that until further notice the responsible parent:

(i) Must make all support payments to the Washington state support registry; and

(ii) Will not receive credit for any support payments that are made to any other person or agency.

(l) A statement that the responsible parent must reimburse the department for the cost of paternity blood tests if the tests do not exclude the responsible parent; and

(m) A statement that the responsible parent may be liable for birth costs under WAC 388-11-220.

(5) If birth costs are charged under WAC 388-11-220, and the actual birth costs are unknown when OSE serves the notice and finding of parental responsibility, the notice shall state that:

(a) OSE will mail proof of the actual birth costs, in the form of an affidavit, to the responsible parent's last known address, when such costs are known;

(b) OSE may take action under chapters 26.23 and 74.20A RCW to collect reimbursement for the birth costs twenty days after the date of service of the affidavit of birth costs; and

(c) The amounts stated on the notice of birth costs will become final and subject to collection action twenty days after the date of the notice unless the responsible parent requests an adjudicative proceeding under WAC 388-11-220(4) within twenty days of the date of the notice.

(6) The department may not assess an accrued support debt for a period greater than five years before the service of a notice and finding of parental responsibility.

(7) The limitation in subsection (6) of this section shall be tolled if the responsible parent has concealed himself or left the state of Washington for the purpose of avoiding service.

(8) If paternity blood tests requested by the responsible parent do not exclude the responsible parent as the father of the dependent child, the responsible parent shall have twenty days from the date of service of the blood test results to request:

(a) An adjudicative proceeding under subsection (2)(b) of this section; or

(b) That OSE initiate a parentage action in superior court under chapter 26.26 RCW.

(9) The department shall mail notice of any adjudicative proceeding scheduled under this section to the custodial parent at the custodial parent's last known address. The department's notice shall advise the custodial parent of the right to participate in the proceeding by giving testimony and being present for, and listening to, all other testimony.

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

WAC 388-11-040 SERVICE OF NOTICE AND FINDING OF FINANCIAL OR PARENTAL RESPONSIBILITY. (1) The office of support enforcement shall serve a notice and finding of financial responsibility, or a notice and finding of parental responsibility on a responsible parent:

(a) In a manner prescribed for the service of a summons in a civil action; or

(b) By certified mail, return receipt requested. The receipt shall be prima facie evidence of service.

(2) ~~((Reservice of))~~ This regulation does not require OSE to reserve the notice ((shall not be required)) when there has been a break in the payment of public assistance or in the provision of family independence program services.

#### NEW SECTION

WAC 388-11-043 MOTION FOR TEMPORARY SUPPORT.

(1) If a parent files a request for an adjudicative proceeding after service of a notice and finding of financial or parental responsibility, any party to the proceeding may file a motion for temporary support at any time prior to the entry of the final department decision. The presiding officer shall:

(a) Order payment of temporary current support in an amount determined under WAC 388-11-205; and

(b) Include in the order the provisions required of support orders by RCW 26.23.050(3).

(2) The department shall distribute support collected or paid under a temporary order entered under this section according to WAC 388-14-270 and 388-14-275.

#### NEW SECTION

WAC 388-11-048 REQUEST FOR BLOOD TESTS—LIABILITY FOR COSTS. (1) At any time after the service of a notice and finding of parental responsibility, the responsible parent may request paternity blood tests. The responsible parent shall make the request in writing and serve the request on the office of support enforcement (OSE) by registered or certified mail or like a summons in a civil action.

(2) Upon receipt of a request for blood tests, OSE shall:

(a) Arrange and pay for the blood test, except as provided in subsection (6) of this section, with a laboratory under contract with the department to perform paternity blood testing; and

(b) Notify the responsible and custodial parents of the time and place to appear to give blood samples.

(3) After OSE receives the blood test results, OSE shall:

(a) Mail a notice of the blood test results to the:

(i) Responsible parent's last known address by certified mail, return receipt requested; and

(ii) Custodial parent's last known address by first class mail.

(b) Notify the responsible parent:

(i) Of the costs of the blood tests;

(ii) That an administrative order entered as a result of the notice and finding of parental responsibility will include the cost of the blood tests; and

(iii) That OSE may take collection action to collect the blood test costs twenty days after the date the responsible parent receives notice of the blood test results if the responsible parent fails to:

(A) Request either an adjudicative proceeding or the initiation of a parentage action in superior court; or

(B) Negotiate an agreed settlement.

(4) When the blood tests do not exclude the responsible parent from being the natural parent, the responsible parent shall reimburse the department for the costs of the blood tests.

(5) When the blood tests exclude the responsible parent from being the natural parent, OSE shall:

(a) File a copy of the results with the state center for health statistics;

(b) Withdraw the notice and finding of parental responsibility; and

(c) Request the dismissal of any pending action based on the notice and finding of parental responsibility.

(6) RCW 74.20A.056 does not require OSE to arrange for or pay for paternity blood testing when:

(a) Such tests were previously conducted; or

(b) A court order establishing paternity has been entered.

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

WAC 388-11-060 REQUEST FOR HEARING. (1) Any responsible parent who objects to all or any part of the notice and finding of parental or financial responsibility may, within twenty days from the date of service of the notice and finding of parental or financial responsibility, make a written request for a hearing.

(2) The responsible parent shall serve a request ~~((shall be served))~~ for an adjudicative proceeding upon the office of support enforcement by registered or certified mail or like a summons in a civil action.

(3) The department shall only stay collection action under the notice ~~((shall be stayed only))~~ until the administrative order becomes final ((hearing decision)).

(4) If the responsible parent fails to object, within twenty days, to the notice and finding of parental or financial responsibility, the findings stated in the notice shall become final, subject to the provisions of WAC 388-11-055. Any support debt stated and/or any future periodic support obligation shall be subject to collection action initiated by the department.

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

WAC 388-11-065 DEFENSES TO LIABILITY. (1) A responsible parent who objects to ~~((the))~~ a notice and finding of parental or financial responsibility shall have the burden of establishing defenses to liability. Defenses include, but are not limited to:

(a) Payment;

(b) Superior court order;

(c) He or she is not a responsible parent;

(d) The amount requested in the notice is inconsistent with the amount assessed under WAC 388-11-205; or

(e) Any other matter constituting an avoidance or affirmative defense.

(2) A dependent child's or a residential parent's ineligibility to receive public assistance is not a defense to the assessment of a support obligation.

(3) A responsible parent may be excused from providing support for a dependent child receiving public assistance if the responsible parent is the legal custodian of the child and has been wrongfully deprived of physical custody of the child. The responsible parent may only be excused for any period during which ~~((he or she))~~ such parent was wrongfully deprived of custody. The responsible parent ~~((must))~~ shall establish that:

(a) A court of competent jurisdiction of any state has entered an order giving legal and physical custody of the child to the responsible parent;

(b) The custody order has not been modified, superseded, or dismissed;

(c) The child was taken or enticed from the responsible parent's physical custody and ~~((he or she))~~ such parent has not subsequently assented to deprivation. Proof of enticement shall require more ~~((that))~~ than a showing that the child is allowed to live without certain restrictions the responsible parent would impose; and

(d) Within a reasonable time after deprivation, the responsible parent exerted and continues to exert reasonable efforts to regain physical custody of the child.

#### AMENDATORY SECTION (Amending Order 3081, filed 9/28/90, effective 10/29/90)

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

- (a) Superseded by a superior court order;
- (b) Modified under WAC 388-11-140;
- (c) The child reaches eighteen years of age;
- (d) The child is emancipated;
- (e) The child is married;
- (f) The child becomes a member of the United States armed forces;
- (g) The child or the responsible parent die;
- (h) A responsible stepparent's marriage is dissolved; or
- (i) A superior court order terminates the responsible parent's liability as provided under RCW 26.16.205.

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

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

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

- (a) ~~((The))~~ Responsible parent resides with the child for whom support is sought for purposes other than visitation; ~~((or))~~
- (b) ~~((The))~~ Responsible parent reconciles with the child and the residential parent; or

(c) Child returns to the residence of the responsible parent from a foster care placement, for purposes other than visitation.

(4) When the responsible parent's obligation to pay current support on a case is suspended under subsection (3) of this section, OSE shall inform the responsible parent that the obligation is suspended, in writing, sent by regular mail to the last known address of the responsible parent.

(5) If circumstances causing a responsible parent's support obligation to be temporarily suspended change, the support obligation shall resume. OSE shall ~~((serve))~~ send the responsible parent ~~((with))~~ a notice informing the parent ~~((to resume payments if OSE has previously notified the parent in writing to stop making payments))~~ that the obligation to make current support payments has resumed.

## WSR 92-08-002

### PERMANENT RULES

### LOTTERY COMMISSION

[Filed March 18, 1992, 2:44 p.m.]

Date of Adoption: March 6, 1992.

Purpose: To establish the rules for "Beat the State," chapter 315-33B WAC, and the game play rules and criteria for determining winners of Instant Game Nos. 75 ("Wildcard") and 76 ("Gold & Glory").

Statutory Authority for Adoption: RCW 67.70.040.

Pursuant to notice filed as WSR 92-03-146 on January 22, 1992.

Changes Other than Editing from Proposed to Adopted Version: WAC 315-11-753, 315-11-754, and 315-11-755 were originally proposed as WAC 315-11-770, WAC 315-11-771, and 315-11-772. In the first sentence of WAC 315-33B-050(3), the word "ticket" was changed to word "play." Effective Date of Rule: Thirty-one days after filing.

March 17, 1992  
Evelyn Y. Sun  
Director

#### NEW SECTION

WAC 315-33B-010 DEFINITIONS FOR "BEAT THE STATE." (1) Card suit: Heart, diamond, club, or spade symbol.

(2) Number: Any integer from 2 through 10 inclusive and jack, queen, king, and ace. The sequential order of the numbers shall be: Ace, 2, 3, 4, 5, 6, 7, 8, 9, 10, jack, queen, king, ace. An ace may not be used to follow "king" and precede "2" in the same play.

(3) Set: One number and one card suit.

(4) Play: A selection of five sets, also referred to as a "hand."

(5) Royal flush: A play containing the numbers 10, jack, queen, king, and ace, and all of the numbers are of the same suit.

(6) Straight flush: A play containing five different numbers, with no break in the sequential order among the numbers, and all of the numbers are of the same suit.

(7) Four of a kind: A play containing four numbers which are exactly the same as each other.

(8) Full house: A play containing three numbers which are exactly the same as each other, and in the same play, two other numbers which are exactly the same as each other.

(9) Flush: A play containing five numbers which are all of the same suit.

(10) Straight: A play containing five different numbers with no break in the sequential order among the numbers.

(11) Three of a kind: A play containing three numbers which are exactly the same as each other.

(12) Two pair: A play containing two numbers which are exactly the same as each other, and in the same play, two other numbers which are exactly the same as each other.

(13) One pair: A play containing two numbers which are exactly the same as each other.

(14) No pair: A play which does not contain any of the plays described above.

#### NEW SECTION

WAC 315-33B-020 PRICE OF "BEAT THE STATE" PLAY. The price of each "Beat the State" play shall be \$1.00 and shall contain one five set play.

#### NEW SECTION

WAC 315-33B-030 PLAY FOR "BEAT THE STATE." (1) Type of play: A winning play is achieved only when the play held by the ticket holder is superior to the play held by the state.

(2) Method of play: An on-line computer system will make all set selections for players with the use of a random number generator, a method commonly referred to as "quick play."

(3) Hierarchy of plays: The play with the highest superiority is the royal flush, followed by the straight flush, four of a kind, full house, flush, straight, three of a kind, two pair, one pair, no pair and fold in that order.

#### NEW SECTION

WAC 315-33B-040 PRIZES FOR "BEAT THE STATE." (1) When the play held by the ticket holder is superior, as delineated in WAC 315-33B-030(3), to the play held by the state, the ticket holder shall be entitled

to receive a prize, based on the play held by the ticket holder. Where the ticket holder's play contains more than one winning play, the ticket holder shall be entitled to only the largest prize for which the play is eligible. Prizes corresponding to winning plays follow:

TICKET HOLDER'S HAND	PRIZE AMOUNT	ODDS OF WINNING (ONE PLAY)
Royal Flush	\$ 5,000	1:662,480.00
Straight Flush	1,000	1:75,081.07
Four of a Kind	250	1:4,512.08
Full House	75	1:784.71
Flush	29	1:615.30
Straight	19	1:348.67
Three of a Kind	9	1:79.39
Two Pair	5	1:57.57
One Pair	3	1:24.61
No Pair	2	1:20.75

Overall odds of winning a "Beat the State" prize: 1:8

(2) Prize payments will be made in accordance with WAC 315-30-030(6). Each prize shall be paid in a single payment. Federal income tax shall be withheld from prize payments as required by law.

**NEW SECTION**

WAC 315-33B-050 "BEAT THE STATE" PURCHASES. (1) "Beat the State" plays may be purchased or redeemed during no less than seventeen hours each day in accordance with a schedule to be determined by the director, provided that on-line retailers shall sell and redeem tickets only during their normal business hours.

(2) "Beat the State" plays may be purchased only from a lottery retailer authorized by the director to sell on-line tickets.

(3) A "Beat the State" play may be purchased only as an addition to a Quinto play purchased under chapter 315-33A WAC. "Beat the State" must be purchased before the Quinto ticket is printed. "Beat the State" cannot be added to a Quinto ticket already printed by the on-line computer system.

(4) The purchase of a "Beat the State" play will be noted by the on-line computer system on a Quinto ticket, as described in WAC 315-33A-050(3).

**NEW SECTION**

WAC 315-33B-060 DRAWINGS. (1) The "Beat the State" drawing held pursuant to this chapter shall be once each Saturday beginning May 16, 1992, in conjunction with the Quinto drawing held pursuant to chapter 315-33A WAC, except that the director may change the drawing schedule if Saturday is a holiday.

(2) The drawing of the state's hand will be overseen by lottery officials.

(3) The state's hand shall be determined by a random drawing of one hand from 52 possibilities, which shall be as follows:

Number of possibilities for Royal Flush:	1
Number of possibilities for Straight Flush:	1
Number of possibilities for Four of a Kind:	2
Number of possibilities for Full House:	2
Number of possibilities for Flush:	3
Number of possibilities for Straight:	5

Number of possibilities for Three of a Kind:	7
Number of possibilities for Two Pair:	12
Number of possibilities for One Pair:	14
Number of possibilities for Fold:	5

Total possibilities 52

(4) The state's hand shall not be declared official until certified by the lottery. If the state's hand is not certified, another drawing will be conducted to determine the state's hand.

(5) The drawing shall not be invalidated based on the liability of the lottery.


**NEW SECTION**

WAC 315-33B-070 SUSPENSION/TERMINATION OF "BEAT THE STATE." At the discretion of the director, "Beat the State" play may be suspended or terminated at any time, to be effective prior to the beginning of sales for any future drawing. The director may suspend or terminate sales and a drawing only where no sales have been made for the drawing.

**NEW SECTION**

WAC 315-11-753 DEFINITIONS FOR INSTANT GAME NUMBER 75 ("WILDCARD"). (1) Play symbols: The following are the "play symbols": "A"; "K"; "Q"; "J"; "10"; and "9." One of these play symbols appears in each of the six play spots under the latex covering on the front of the ticket.

(2) Captions: The small printed characters appearing below each play symbol which verify and correspond with that play symbol. The caption is a spelling out, in full or abbreviated form of the play symbol. One and only one of these captions appears under each play symbol. For Instant Game Number 75, the captions which correspond with and verify the play symbols are:

PLAY SYMBOL	CAPTION
A	ACE
K	KNG
Q	QUE
J	JAC
10	TEN
9	NIN
	WLD

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

(4) Pack-ticket number: The eleven-digit number of the form 07500001-000 printed on the front of the ticket. The first eight digits of the pack-ticket number for Instant Game Number 75 constitute the "pack number" which starts at 07500001; the last three digits constitute the "ticket number" which starts at 000 and continues through 399 within each pack of tickets.

(5) Retailer verification codes: Codes consisting of small letters found under the removable latex covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$25.00 and less. For Instant Game Number 75, the retailer verification codes are

three-letter codes, with each letter appearing in a varying three of six locations among the play symbols on the front of the ticket. The retailer verification codes are:

VERIFICATION CODE	PRIZE
ONE	\$ 1.00
TWO	\$ 2.00
FOR	\$ 4.00
EGT	\$ 8.00
SXT	\$16.00

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

**NEW SECTION**

WAC 315-11-754 CRITERIA FOR INSTANT GAME NUMBER 75. (1) The price of each instant game ticket shall be \$1.00.

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

The bearer of a ticket having the following play symbols in any 3 of 6 spots beneath the removable covering on the front of the ticket shall win the following prize:

Three 9's	- Win \$ 1.00
Two 9's and one [X] symbol	- Win \$ 2.00
Three 10's	- Win \$ 2.00
Two 10's and one [X] symbol	- Win \$ 4.00
Three J's	- Win \$ 4.00
Two J's and one [X] symbol	- Win \$ 8.00
Three Q's	- Win \$ 16.00
Three K's	- Win \$ 40.00
Two K's and one [X] symbol	- Win \$ 80.00
Three A's	- Win \$ 10,000

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

(4) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 75 set forth in WAC 315-11-755, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

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

(a) Vary the length of Instant Game Number 75; and/or

(b) Vary the number of tickets sold in Instant Game Number 75 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

**NEW SECTION**

WAC 315-11-755 TICKET VALIDATION REQUIREMENTS FOR INSTANT GAME NUMBER 75. (1) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 75 all of the following validation requirements apply.

(a) Exactly one play symbol must appear in each of the six play spots under the latex covering on the front of the ticket.

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

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

Play Symbols	Play Symbol Font
Captions	Caption Font
Pack-Ticket Number	Validation Font
Validation Number	Validation Font
Retailer Verification Code	Validation Font

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

(e) Each of the play symbols must be exactly one of those described in WAC 315-11-753(1) and each of the captions must be exactly one of those described in WAC 315-11-753(2).

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

**NEW SECTION**

WAC 315-11-760 DEFINITIONS FOR INSTANT GAME NUMBER 76 ("GOLD & GLORY").

(1) Play symbols: The following are the "play symbols": "\$1.00"; "\$2.00"; "\$4.00"; "\$8.00"; "\$18.00"; "\$40.00"; "\$80.00"; and "\$5,000." One of these play symbols appears in each of the six play spots under the latex covering on the front of the ticket.

(2) Play symbol captions: The small printed characters appearing below each play symbol which verify and correspond with that play symbol. The caption is a spelling out, in full or abbreviated form of the play symbol. One and only one of these captions appears under each play symbol. For Instant Game Number 76, the captions which correspond with and verify the play symbols are:

PLAY SYMBOL	CAPTION
\$ 1.00	ONE DOL
\$ 2.00	TWO DOL
\$ 4.00	FOR DOL
\$ 8.00	EGT DOL
\$ 18.00	EIGHTEEN
\$ 40.00	\$FORTYS
\$ 80.00	\$EIGHTY
\$ 5,000	FIVTHOU

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

(4) Pack-ticket number: The eleven-digit number of the form 07600001-000 printed on the front of the ticket. The first three digits are the game identifier. The first eight digits of the pack-ticket number for Instant Game Number 76 constitute the "pack number" which starts at 07600001; the last three digits constitute the "ticket



number" which starts at 000 and continues through 399 within each pack of tickets.

(5) Retailer verification codes: Codes consisting of small letters found under the removable latex covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$25.00 or less. For Instant Game Number 76, the retailer verification codes are three-letter codes, with each letter appearing in a varying three of six locations among the play symbols on the front of the ticket. The retailer verification codes are:

VERIFICATION CODE	PRIZE
ONE	\$ 1.00
TWO	\$ 2.00
FOR	\$ 4.00
EGT	\$ 8.00
EGN	\$18.00

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

**NEW SECTION**

WAC 315-11-761 CRITERIA FOR INSTANT GAME NUMBER 76. (1) The price of each instant game ticket shall be \$1.00.

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

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

- Three \$1.00 play symbols - Win \$ 1.00
- Three \$2.00 play symbols - Win \$ 2.00
- Three \$4.00 play symbols - Win \$ 4.00
- Three \$8.00 play symbols - Win \$ 8.00
- Three \$18.00 play symbols - Win \$ 18.00
- Three \$40.00 play symbols - Win \$ 40.00
- Three \$80.00 play symbols - Win \$ 80.00
- Three \$5,000 play symbols - Win \$ 5,000.00

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

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

(4) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 76 set forth in WAC 315-11-762, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

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

- (a) Vary the length of Instant Game Number 76; and/or
- (b) Vary the number of tickets sold in Instant Game Number 76 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

**NEW SECTION**

WAC 315-11-762 TICKET VALIDATION REQUIREMENTS FOR INSTANT GAME NUMBER 76. (1) A valid instant game ticket for Instant Game Number 76 shall meet all of the following validation requirements as well as all other requirements in these rules and regulations.

(a) Exactly one play symbol must appear in each of the six play spots under the removable latex covering on the front of the ticket.

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

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

Play Symbols	Play Symbol Font
Captions	Caption Font
Pack-Ticket Number	Validation Font
Validation Number	Validation Font
Retail Verification Code	Validation Font

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

(e) Each of the play symbols must be exactly one of those described in WAC 315-11-760(1) and each of the captions must be exactly one of those described in WAC 315-11-760(2).

(2) Any ticket not passing all the validation requirements in WAC 315-10-076 and subsection (1) of this section is invalid and ineligible for any prize.

**WSR 92-08-003  
PERMANENT RULES  
HEALTH CARE AUTHORITY  
(State Employees Benefits Board)**

[Filed March 18, 1992, 3:30 p.m., effective March 18, 1992]

Date of Adoption: March 18, 1992.

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

Citation of Existing Rules Affected by this Order: Amending WAC 182-12-115.

Statutory Authority for Adoption: Chapter 41.05 RCW.

Pursuant to notice filed as WSR 92-07-046 on March 11, 1992.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: Effective date is necessary because of imminent peril to the public health, safety, or general welfare of the public, RCW 34.05.380(3).

Effective Date of Rule: March 18, 1992.

March 18, 1992  
Elin S. Meyer  
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 92-08-004**  
**EMERGENCY RULES**  
**BATES TECHNICAL COLLEGE**  
 [Filed March 19, 1992, 11:35 a.m.]

Date of Adoption: March 18, 1992.

Purpose: To adopt a basic set of rules for this new technical college, regular meeting date, board meetings, delegation, practice and procedure, student conduct, commercial activities, etc.

Statutory Authority for Adoption: RCW 28B.10.140 and chapter 34.05 RCW.

Other Authority: RCW 42.30.075.

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: Bates Technical College is a newly created state agency, formerly in the K-12 system. It has no existing rules and regulations. Immediate rules are necessary for the college to administer and carry out its statutory duties and obligations.

Effective Date of Rule: Immediately.

March 18, 1992  
 William P. Mohler  
 President

**Chapter 495A-104 WAC**  
**BOARD OF TRUSTEES**

**NEW SECTION**

**WAC 495A-104-010 TIME AND PLACE OF BOARD MEETINGS.** *The board of trustees shall hold one regular meeting on the third Wednesday of each month except for the month of August at 2:00 p.m. and such special meetings as may be requested by the chairman of the board or by a majority of the members of the board and announced in accordance with law.*

*All regular and special meetings of the board of trustees shall be held at Bates Technical College, Downtown Campus, 1101 South Yakima Avenue, Tacoma, WA 98405, unless scheduled elsewhere, and are open to the general public, except for lawful executive sessions.*

*No official business may be conducted by the board of trustees except during a regular or special meeting.*

**NEW SECTION**

**WAC 495A-104-020 REQUEST FOR ITEMS TO BE PLACED ON BOARD AGENDA.** *Anyone, other than a board member or a representative of the president's office wishing an item placed on the agenda of a board meeting, must have a written request in the office of the board secretary no later than twelve o'clock noon ten business days before the next scheduled meeting of the board. The secretary will relate the request to the college president and the chairman of the board as soon as feasible. The chairman will determine whether the item is to be placed on the agenda. The chairman or a designee will notify the individual initiating the request as to whether or not the item will be placed on the agenda.*

**NEW SECTION**

**WAC 495A-104-030 DELEGATION TO COLLEGE PRESIDENT.** *The board of trustees delegates to the college president its authority and responsibility to administer Bates Technical College in accordance with laws, policies, and rules approved or sanctioned by the board of trustees. At the operational level, the president has final administrative authority over all matters affecting the college district.*

Chapter 495A-108 WAC  
PRACTICE AND PROCEDURE

NEW SECTION

WAC 495A-108-010 **ADOPTION OF MODEL RULES OF PROCEDURE.** The model rules of procedure adopted by the chief administrative law judge pursuant to RCW 34.05.250 are adopted for use at this college. Those rules may be found in chapter 10-08 WAC. Other procedural rules adopted in this title are supplementary to the model rules of procedure. In the case of a conflict between the model rules of procedure and procedural rules previously adopted by this college, the model rules prevail.

NEW SECTION

WAC 495A-108-020 **APPOINTMENT OF PRESIDING OFFICERS.** The president or president's designee shall designate a presiding officer for an adjudicative proceeding. The presiding officer shall be an administrative law judge, a member in good standing of the Washington State Bar Association, a panel of individuals, the president or his or her designee, or any combination of the above. Where more than one individual is designated to be the presiding officer, the president or president's designee shall designate one person to make decisions concerning discovery, closure, means of recording adjudicative proceedings, and similar matters.

NEW SECTION

WAC 495A-108-030 **METHOD OF RECORDING.** Proceedings shall be recorded by a method determined by the presiding officer, among those available under the model rules of procedure.

NEW SECTION

WAC 495A-108-040 **APPLICATION FOR ADJUDICATIVE PROCEEDING.** An application for adjudicative proceeding shall be in writing. Application forms are available at the following address: Bates Technical College, Downtown Campus, 1101 South Yakima Avenue, Tacoma, WA 98405-4895.

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

NEW SECTION

WAC 495A-108-050 **BRIEF ADJUDICATIVE PROCEDURES.** This rule is adopted in accordance with RCW 34.05.482 through 34.05.494, the provisions of which are adopted by reference. Brief adjudicative procedures shall be used in all matters related to:

- (1) Residency determinations;
- (2) Challenges to contents of education records;
- (3) Student conduct proceedings;
- (4) Parking violations;
- (5) Outstanding debts owed by students or employees;
- (6) Loss of eligibility for participation in college-sponsored athletic events.

NEW SECTION

WAC 495A-108-060 **DISCOVERY.** Discovery in adjudicative proceedings may be permitted at the discretion of the presiding officer. In permitting discovery, the presiding officer shall refer to the civil rules of procedure. The presiding officer may control the frequency and nature of discovery permitted, and order discovery conferences to discuss discovery issues.

NEW SECTION

WAC 495A-108-070 **PROCEDURE FOR CLOSING PARTS OF THE HEARINGS.** Any party may apply for a protective order to close part of a hearing. The party making the request shall 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 in writing within twenty days of receiving the request.

NEW SECTION

WAC 495A-108-080 **RECORDING DEVICES.** No cameras or recording devices are allowed in those parts of proceedings that the presiding officer has determined shall be closed under WAC 495A-108-070, except for the method of official recording selected by the college.

Chapter 495A-120 WAC  
STUDENT CONDUCT CODE

NEW SECTION

WAC 495A-120-010 **DEFINITIONS.** The definitions set forth in this section apply throughout this chapter.

(1) "Board" means the board of trustees of Bates Technical College District No. 28.

(2) "College" means Bates Technical College.

(3) "Liquor" means the definition of liquor as contained within RCW 66.04.010.

(4) "Drugs" means a narcotic drug as defined in RCW 69.50.101, a controlled substance as defined in RCW 69.50.201 through 69.50.212, or a legend drug as defined in RCW 69.41.010.

(5) "College facilities" means the real property controlled or operated by the college and includes all buildings and appurtenances affixed thereon or attached thereto.

(6) "President" means the chief executive officer of the college appointed by the board of trustees.

(7) "Disciplinary officials" means the hearing committee as denominated in WAC 495A-120-170, the director of student services, the senior vice-president for instruction, and the president.

(8) "Student" means a person who is regularly enrolled at the college.

(9) "Disciplinary action" means the warning, probation, expulsion, suspension, or reprimand of a student

under WAC 495A-120-120 for the violation of a rule adopted in this chapter.

#### NEW SECTION

**WAC 495A-120-020 STATEMENT OF PURPOSE.** (1) Bates Technical College is maintained by the state of Washington for the provision of programs of instruction in higher education and related community services. Like any other institution having its own special purposes, the college must maintain conditions conducive to the effective performance of its functions. Consequently, it has special expectations regarding the conduct of the various participants in the college community.

(2) Admission to the college carries with it the prescription that the student will conduct himself or herself as a responsible member of the college community. This includes an expectation that the student will obey appropriate laws, will comply with the rules of the college and its departments, and will maintain a high standard of integrity and honesty.

(3) Sanctions for violations of college rules or conduct that interferes with the operation of college affairs will be dealt with by the college, and the college may impose sanctions independently of any action taken by civil or criminal authorities. In the case of minors, misconduct may be referred to parents or legal guardians.

#### NEW SECTION

**WAC 495A-120-030 JURISDICTION.** All rules in this chapter concerning student conduct and discipline apply to every student enrolled at the college whenever the student is engaged in or present at a college-related activity whether occurring on or off college facilities.

#### NEW SECTION

**WAC 495A-120-040 STUDENT MISCONDUCT.** Disciplinary action may be taken for a violation of any provision of this student code, for a violation of other college rules which may from time to time be properly adopted, or for any of the following types of misconduct:

(1) Smoking is prohibited in all classrooms, shop areas, and the library and other areas so posted by college officials;

(2) The possession, use, sale, or distribution of any alcoholic beverage or illegal drug on the college campus is prohibited. The use of illegal drugs by any student attending a college-sponsored event is also prohibited, even though the event does not take place at the college. The use of alcohol by any student attending such events on noncollege property shall conform to state law;

(3) Engaging in lewd, indecent, or obscene behavior;

(4) Where the student presents an imminent danger to college property or to himself or herself or other students or persons in college facilities on or off campus, or to the education process of the college;

(5) Academic dishonesty, including cheating, plagiarism, or knowingly furnishing false information to the college;

(6) The intentional making of false statements or filing of false charges against the college and members of the college community;

(7) Forgery, alteration, or misuse of college documents, records, funds, or instruments of identification with the intent to defraud;

(8) Theft from or damage to college premises or property, or theft of or damage to property of a member of the college community or college premises;

(9) Failure to comply with the direction of college officials acting in the legitimate performance of their duties.

#### NEW SECTION

**WAC 495A-120-045 LOSS OF ELIGIBILITY—STUDENT ATHLETIC PARTICIPATION.** Any student found to have violated chapter 69.41 RCW, legend drugs, by virtue of a criminal conviction or by final decision of the college president shall, in lieu of or in addition to any other disciplinary action which may be imposed, be disqualified from participation in any school-sponsored athletic events or activities.

#### NEW SECTION

**WAC 495A-120-050 CIVIL DISTURBANCES.** In accordance with provisions contained in RCW 28B.10.571 and 28B.10.572:

(1) It shall be unlawful for any person, singly or in concert with others, to interfere by force or violence with any administrator, faculty member or student of the college who is in the peaceful discharge or conduct of his duties or studies.

(2) It shall be unlawful for any person, singly or in concert with others, to intimidate by threat of force or violence any administrator, faculty member or student of the college who is in the peaceful discharge of his duties or studies.

(3) The crimes described in RCW 28B.10.571 and 28B.10.572 shall not apply to any administrator or faculty member who is engaged in the reasonable exercise of their disciplinary authority.

(4) Any person or persons who violate the provisions of subparagraphs (1) and (2) above will be subject to disciplinary action and referred to the authorities for prosecution.

#### NEW SECTION

**WAC 495A-120-060 FREE MOVEMENT ON CAMPUS.** The president is authorized in the instance of any event that he or she deems impedes the movement of persons or vehicles or which he or she deems to disrupt the ingress or egress of persons from the college facilities, to prohibit the entry of, or withdraw the license of, or privileges of a person or persons or any group of persons to enter onto or remain upon any portion of the college facility. The president may act through the director of student services or any other person he may designate.

NEW SECTION

**WAC 495A-120-070 RIGHT TO DEMAND IDENTIFICATION.** For the purpose of determining whether probable cause exists for the application of any section of this code to any behavior by any person on a college facility, any college personnel or other authorized personnel may demand that any person on college facilities produce evidence of student enrollment at the college by tender of that person's student identification card.

NEW SECTION

**WAC 495A-120-080 PERFORMANCE DISHONESTY/CLASSROOM CONDUCT.** (1) Performance dishonesty: Honest assessment of student performance is of crucial importance to all members of the college community. Acts of dishonesty are serious breaches of honor and shall be dealt with in the following manner:

(a) It is the responsibility of the college administration and teaching faculty to provide reasonable and prudent security measures designed to minimize opportunities for acts of performance dishonesty which occur at the college.

(b) Any student who, for the purpose of fulfilling any assignment or task required by a faculty member as part of the student's program of instruction, shall knowingly tender any work product that the student fraudulently represents to the faculty member as the student's work product, shall be deemed to have committed an act of performance dishonesty. Acts of performance dishonesty shall be cause for disciplinary action.

(c) Any student who aids or abets the accomplishment of an act of performance dishonesty, as described in subparagraph (b) above, shall be subject to disciplinary action.

(d) This section shall not be construed as preventing an instructor from taking immediate disciplinary action when the instructor is required to act upon such breach of performance dishonesty in order to preserve order and prevent disruptive conduct in the classroom. This section shall also not be construed as preventing an instructor from adjusting the student's grade on a particular project, paper, test, or class grade for performance dishonesty.

(2) Classroom conduct: Instructors have the authority to take whatever summary actions may be necessary to maintain order and proper conduct in the classroom and to maintain the effective cooperation of the class in fulfilling the objectives of the course.

(a) Any student who, by any act of misconduct, substantially disrupts any college class by engaging in conduct that renders it difficult or impossible to maintain the decorum of the faculty member's class shall be subject to disciplinary action.

(b) The instructor of each course offered by the college is authorized to take such steps as may be necessary to preserve order and to maintain the effective cooperation of the class in fulfilling the objectives of the course, provided that; a student shall have the right to appeal such disciplinary action to the director of student affairs.

NEW SECTION

**WAC 495A-120-090 CAMPUS SPEAKERS.** (1) Student organizations officially recognized by the college may invite speakers to the campus to address their own membership and other interested students and faculty if suitable space is available and there is no interference with the regularly scheduled program of the college. Although properly allowed by the college, the appearance of such speakers on the campus implies neither approval nor disapproval of them or their viewpoints. In case of speakers who are candidates for political office, equal opportunities shall be available to opposing candidates if desired by them. Speakers are subject to the normal considerations for law and order and to the specific limitations imposed by the state constitution which prohibits religious worship, exercise or instruction on state property.

(2) In order to insure an atmosphere of open exchange and to insure that the educational objectives of the college are not obscured, the president, in a case attended by strong emotional feeling, may prescribe conditions for the conduct of the meeting, such as requiring a designated member of the faculty as chairman, or requiring permission for comments and questions from the floor. Likewise, the president may encourage the appearance of one or more additional speakers at any meeting or at a subsequent meeting so that other points of view may be expressed. The president may designate representatives to recommend conditions such as time, manner, and place for the conduct of particular meetings.

NEW SECTION

**WAC 495A-120-100 DISTRIBUTION OF INFORMATION.** (1) Handbills, leaflets, newspapers and similar materials may be sold or distributed free of charge by any student or students, or by members of recognized student organizations, or by college employees on or in college facilities at locations specifically designated by the director of student services; provided such distribution or sale does not interfere with the ingress or egress of persons or interfere with the free flow of vehicular or pedestrian traffic.

(2) Such handbills, leaflets, newspapers and related matter must bear identification as to the publishing agency and distributing organization or individual.

(3) All nonstudents shall register with the director of student services prior to the distribution of any handbill, leaflet, newspaper or related matter. Such distribution or sale must not interfere with the free flow of vehicular or pedestrian traffic.

(4) Any person or persons who violate provisions of subparagraphs (1) and (2) above will be subject to disciplinary action.

NEW SECTION

**WAC 495A-120-110 COMMERCIAL ACTIVITIES.** (1) College facilities will not be used for a 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 college community or the display or demonstration of technical or research equipment, and when such commercial activities relate to educational objectives and are conducted under the sponsorship or at the request of the college, or the office of the associated students of the college if such solicitation does not interfere with or operate to the detriment of the conduct of college affairs or the free flow of vehicular or pedestrian traffic.

(2) For the purpose of this regulation, the term "commercial activities" does not include handbills, leaflets, newspapers and similarly related materials as regulated in WAC 495A-120-100.

#### NEW SECTION

WAC 495A-120-120 DISCIPLINARY PROCESS. (1) Any infractions of college rules may be referred by any college faculty or staff member to the director of student services or in his or her absence the senior vice-president. That official shall then follow the appropriate procedures for any disciplinary action which he or she deems necessary relative to the alleged misconduct. In addition, a student may appeal disciplinary action taken by an instructor or faculty member pursuant to the provisions in WAC 495A-120-180.

(2) The disciplinary official may take whatever action deemed appropriate within the framework of these rules. If the student concludes that any sanctions imposed are inappropriate, the student may appeal to the student/faculty disciplinary committee.

(3) If a referral or an appeal is made to the student/faculty disciplinary committee, the committee shall hold a hearing, reach conclusions and may impose sanctions. If the student concludes that the action of the disciplinary committee is inappropriate, the student may appeal the matter to the president of the college.

(4) The president of the college, after reviewing the case, may reverse, sustain or modify any sanctions which may have been imposed by the student/faculty disciplinary committee. The decision of the president is final.

#### NEW SECTION

WAC 495A-120-130 DISCIPLINARY TERMS. The definitions set forth in this section apply throughout WAC 495A-120-200.

(1) Disciplinary warning means oral notice of violation of college rules.

(2) Reprimand means formal action after censuring a student for violation of college rules for failure to satisfy the college's expectations regarding conduct. Reprimands are made in writing to the student by the disciplinary official. A reprimand indicates to the student that continuation or repetition of the specific conduct involved or other misconduct will result in one or more serious disciplinary actions described below.

(3) Disciplinary probation means formal action placing conditions upon the student's continued attendance because of violation of college rules or failure to satisfy the college's expectations regarding conduct. The disciplinary official placing the student on probation will

specify, in writing, the period of probation and the conditions, such as limiting the student's participation in extra-curricular activities. Disciplinary probation warns the student that any further misconduct will automatically raise the question of dismissal from the college. Disciplinary probation may be for a specified term or for an indefinite period which may extend to completion or other termination of the student's enrollment in the college.

(4) Summary suspension means temporary dismissal from the college and temporary termination of a student's status for a period of time not to exceed ten days which occurs prior to invocation of the formal hearing procedures specified in these rules due to a necessity to take immediate disciplinary action, where a student presents an imminent danger to the college property, or to himself or herself or other students or persons in college facilities on or off campus, or to the educational process of the college.

(5) Suspension means temporary dismissal from the college and temporary termination of student status for violation of college rules or for failure to meet college standards of conduct.

(6) Expulsion means dismissal from the college and termination of student status for violation of college rules or for failure to meet the college standards of conduct for an indefinite period of time or permanently.

#### NEW SECTION

WAC 495A-120-135 REFUNDS AND ACCESS.

(1) Refund of fees for the quarter in which disciplinary action is taken shall be in accordance with the college's refund policy.

(2) A student suspended on the basis of conduct which disrupted the orderly operation of the campus or any facility of the district, may be denied access to all or any part of the campus or other facility.

#### NEW SECTION

WAC 495A-120-140 READMISSION AFTER SUSPENSION OR EXPULSION. Any student suspended from the college for disciplinary reasons will normally be readmitted upon expiration of the time period for which the suspension was issued. If the student has been expelled or feels that circumstances warrant reconsideration of a temporary suspension prior to its expiration, or if the student was suspended with conditions imposed for readmission, the student may be readmitted following approval of a written petition submitted to the director of student services. Such petition must state reasons which support a reconsideration of the matter. Before readmission may be granted, such petition must be reviewed and approved by the college president or designee.

#### NEW SECTION

WAC 495A-120-150 REESTABLISHMENT OF PERFORMANCE STANDING. Students who have been suspended pursuant to disciplinary procedures set forth in WAC 495A-120-120 and 495A-120-130 and

whose suspension upon appeal is found to have been unwarranted shall be provided the opportunity to reestablish their performance and student standing to the extent possible within the abilities of the college, including an opportunity to retake examinations or otherwise complete course offerings missed by reason of such action.

#### NEW SECTION

**WAC 495A-120-160 DISCIPLINARY AUTHORITY OF THE DIRECTOR OF STUDENT SERVICES AND SENIOR VICE-PRESIDENT.** (1) The director of student services or, in his or her absence, the senior vice-president of the college is responsible for initiating disciplinary proceedings for infractions of rules. The director of student services or, in his or her absence, the senior vice-president, may delegate this responsibility to members of their staff and they may also establish committees or other hearing bodies to advise or act for them in disciplinary matters.

(2) In order that any informality in disciplinary proceedings not mislead a student as to the seriousness of the matter under consideration, the student involved shall be informed at the initial conference or hearing of the several sanctions that may be involved for the misconduct.

(3) After considering the evidence in a case and interviewing the student or students involved, the director of student services, or in his absence, the senior vice-president, may take any of the following actions:

(a) Terminate the proceeding, exonerating the student or students;

(b) Dismiss the case after whatever counseling and advice may be appropriate;

(c) Impose disciplinary sanctions directly, subject to the student's right of appeal as described in this chapter. The student shall be notified in writing of the action taken except that disciplinary warnings may be given verbally;

(d) Refer the matter to the student/faculty disciplinary committee for appropriate action. The student shall be notified in writing that the matter has been referred to the committee.

(4) This section shall not be construed as preventing the appropriate official from summarily suspending a student. In the event of summary suspension, the student will be given oral or written notice of the charges, an explanation of the evidence, and an informal opportunity to present his or her side of the matter. The student will also be given an opportunity to invoke the formal hearing process set forth in this chapter.

#### NEW SECTION

**WAC 495A-120-170 STUDENT/FACULTY DISCIPLINARY COMMITTEE.** (1) The student/faculty disciplinary committee, convened for that purpose, will hear, de novo, and make recommendations on all disciplinary cases referred to it by the appropriate authority or appealed to it by students. The committee will be composed of the following persons:

(a) A member appointed by the president of the college;

(b) Two members of the faculty, appointed by the president of the faculty association;

(c) Two representatives from the student council, appointed by the student body president.

(2) None of the above-named persons shall sit on any case in which he or she has a complainant or witness, in which he or she has a direct or personal interest, or in which he or she has acted previously in an advisory or official capacity. Decisions in this regard, including the selection of alternates, shall be made by the disciplinary committee as a whole. The disciplinary committee chairperson will be elected by the members of the disciplinary committee.

(3) The committee may decide that the student involved:

(a) Be given a disciplinary warning;

(b) Be given a reprimand;

(c) Be placed on disciplinary probation;

(d) Be given a suspension;

(e) Be expelled;

(f) Be exonerated with all proceedings terminated and with no sanctions imposed;

(g) Be disqualified from participation in any school-sponsored athletic events or activities.

#### NEW SECTION

**WAC 495A-120-180 PROCEDURAL GUIDELINES.** (1) The student, if he wishes to appeal, has a right to a fair and impartial hearing before the committee on any charge of misconduct. The failure of a student to cooperate with the hearing procedures, however, shall not preclude the committee from making its findings of fact, reaching conclusions and imposing sanctions. Failure of the student to cooperate may be taken into consideration by the committee in recommending penalties.

(2) The student shall be given notice of the date, time and place of the hearing, the charges, a list of witnesses who will appear, and a description of any documentary or other physical evidence that will be presented at the hearing. This notice shall be given to the student in writing and shall be provided in sufficient time to permit him to prepare a defense. The notice may be amended at any time prior to the hearing, but if such amendment is prejudicial to the student's case, the hearing shall be rescheduled to a later date if so requested in writing by the student.

(3) The student or his representative shall be entitled to hear and examine the evidence against him or her and be informed of the identity of its sources; and shall be entitled to present evidence in his or her own behalf and question witnesses as to factual matters. The student shall have all authority which is possessed by the college to obtain information or to request the presence of witnesses or the production of other evidence relevant to the issues at the hearing.

(4) Only those matters presented at the hearing, in the presence of the student involved, will be considered in determining whether the student is guilty of the misconduct charged but the student's past record of conduct may be taken into account in formulating the committee's recommendation for disciplinary action.



(5) The student may be represented by counsel and/or accompanied by an advisor of his choice.

(6) Hearings conducted by the committee may be held in closed session at the discretion of the committee, the only exception being when the student involved invites particular persons or requests an open hearing. If at any time during the conduct of the hearing invited persons are disruptive of the proceedings, the chairperson of the committee may exclude such persons from the hearing room.

(7) A majority of the committee shall set the time, place and available seating capacity for a hearing.

(8) All proceedings of the committee will be conducted with reasonable dispatch and terminated as soon as fairness to all parties involved permits.

(9) An adequate summary of the proceedings will be kept. As a minimum, such summary would include a tape recording of testimony. Such record will be available for inspection and copying in the office of student services during regular business hours.

(10) The student will be provided with a copy of the findings of fact and the conclusions of the committee. The student will also be advised of his right to present, within ten calendar days, a written statement of appeal to the president of the college before action is taken on the decision of the committee. In the case of an unmarried student under eighteen years of age, written notice of any action involving dismissal or disciplinary probation is sent to the parents or guardian of the student.

(11) The committee chairman shall establish general rules of procedures for conducting hearings consistent with these procedural guidelines.

(12) The president of the college or his designated representative, after reviewing the case, including the report of the committee and any statement filed by the student, shall either indicate his approval of the conclusions of the committee by sustaining its decision, shall give directions as to what other disciplinary action shall be taken by modifying its decision, or shall nullify previous sanctions imposed by reversing its decision. He shall then notify the official who initiated the proceedings, the student and the committee chairperson.

#### NEW SECTION

WAC 495A-120-190 APPEALS. Any disciplinary action may be appealed as described below. Notice of an appeal by a student shall be made in writing and addressed to the director of student services within ten calendar days of the college's giving of the notice of the disciplinary action.

(1) Disciplinary action by a faculty member or other college staff member may be appealed to, and shall be reviewed by, the director of student services, or in his absence, the senior vice-president.

(2) Disciplinary action by the appropriate disciplinary official may be appealed to, and shall be reviewed by, the student/faculty disciplinary committee.

(3) Disciplinary action by the student/faculty disciplinary committee may be appealed to, and shall be reviewed by, the college president or his designee.

(4) Disciplinary action by the president shall either indicate approval of the conclusions by sustaining the

decision or shall give directions as to what other disciplinary action shall be taken by modifying the decision, or shall nullify previous sanctions imposed by reversing its decision. All appeals to the president shall be final.

#### NEW SECTION

WAC 495A-120-200 REPORTING, RECORDING AND MAINTAINING RECORDS. Records of all disciplinary cases shall be kept by the disciplinary official taking or initiating the action. Except in proceedings where the student is exonerated, all documentary or other physical evidence produced or considered in disciplinary proceedings and all recorded testimony shall be preserved, insofar as possible, for not more than five years. No other records of proceedings wherein the student is exonerated, other than the fact of exoneration, shall be maintained in the student's file or other college repository after the date of the student's graduation or not more than five years.

#### Chapter 495A-122 WAC WITHHOLDING SERVICES FOR OUTSTANDING DEBTS

#### NEW SECTION

WAC 495A-122-010 POLICY. If any person, including any faculty, staff, student, or former student, is indebted to the institution for an outstanding overdue debt, the college need not provide any further services of any kind to such individual, including but not limited to transmitting files, records, transcripts or other services which have been requested by such person.

#### NEW SECTION

WAC 495A-122-020 NOTIFICATION. (1) Upon receiving a request for services where there is an outstanding debt due to the college from the requesting person, the college shall notify the person by registered mail that the services will not be provided since there is an outstanding debt due. The person shall be told that until the debt is satisfied, requested services will not be provided.

(2) The letter of notification shall also state that the person has a right to a brief adjudicative proceeding before a person designated by the president of the college. The proceeding must be requested within twenty days of the date of mailing notification of refusal to provide services.

#### NEW SECTION

WAC 495A-122-030 PROCEDURE FOR BRIEF ADJUDICATIVE PROCEEDING. Upon receipt of a timely request for a hearing, the person designated by the president shall have the records and files of the college available for review and shall hold an informal hearing concerning whether the individual in fact owes any outstanding debts to the college. The hearing must be conducted within ten days of the request for a hearing. After the informal hearing, a decision shall be rendered by the president's designee indicating whether in fact the college is correct in withholding services for the



outstanding debt. If the outstanding debt is owed by the individual involved, no further services shall be provided. Notification of this decision shall be sent by registered mail to the individual within five days after the hearing. This hearing shall constitute a brief adjudicative proceeding established by the Administrative Procedure Act at RCW 34.05.482 through 34.05.494.

Chapter 495A-130 WAC  
TUITION AND FEE SCHEDULES

NEW SECTION

WAC 495A-130-020 LOCATION OF SCHEDULES. Additional and detailed information and specific amounts to be charged for each category of students will be found in the college catalog and in the following locations on the Bates Technical College campus:

- (1) The office of admissions;
- (2) The registration and records office.

Chapter 495A-131 WAC  
SCHOLARSHIPS

NEW SECTION

WAC 495A-131-010 SCHOLARSHIPS. Detailed information concerning the criteria, eligibility, procedures for application, and other information regarding scholarships at Bates Technical College is located in the office of student services on the downtown college campus.

Chapter 495A-132 WAC  
FINANCIAL AID

NEW SECTION

WAC 495A-132-010 FINANCIAL AID. Federal, state, and private financial aid applications and information may be obtained at the following address:

Office of Financial Aid  
Bates Technical College  
1101 South Yakima Avenue  
Tacoma, WA 98405

Award of federal and state aid will be made in accordance with applicable federal and state laws and regulations.

Chapter 495A-133 WAC  
ORGANIZATION

NEW SECTION

WAC 495A-133-020 ORGANIZATION—OPERATION—INFORMATION. (1) Organization. Bates Technical College is established in Title 28B RCW as a public institution of higher education. The college is governed by a five-member board of trustees, appointed by the governor. The board employs a president, who acts as the chief executive officer of the college. The president establishes the structure of the administration.

(2) Operation. The administrative office is located at the following address:

1101 South Yakima Avenue  
Tacoma, WA 98405

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 following addresses:

South Campus  
2201 South 78th Street  
Tacoma, WA 98409

Home and Family Life Center  
5214 North Shirley Street  
Tacoma, WA 98407

Business and Management Center  
7030 Tacoma Mall Boulevard  
Tacoma, WA 98409

(3) Information. Additional and detailed information concerning the educational offerings of the college may be obtained from the catalog, copies of which are available at the following address:

1101 South Yakima Avenue  
Tacoma, WA 98405

Chapter 495A-134 WAC  
DESIGNATION OF RULES COORDINATOR

NEW SECTION

WAC 495A-134-010 RULES COORDINATOR. The rules coordinator for Bates Technical College as designated by the president is:

Jon G. Thorpe  
Senior Vice-President  
1101 South Yakima Avenue  
Tacoma, WA 98405

Chapter 495A-140 WAC  
USE OF COLLEGE FACILITIES

NEW SECTION

WAC 495A-140-010 USE OF COLLEGE FACILITIES. Bates Technical College serves Pierce and other counties by providing continued educational opportunity for its citizens. In keeping with this general purpose, the college believes that facilities should be available for a variety of uses which are of benefit to the general public if such general uses do not interfere with the educational mission of the college. However, a state agency is under no obligation to make its public facilities available to the community for private purposes.

NEW SECTION

WAC 495A-140-020 LIMITATION OF USE TO SCHOOL ACTIVITIES. (1) When allocating use of college facilities, the highest priority is always given to activities specifically related to the college's mission. No arrangements will be made that may interfere with or operate to the detriment of, the college's own teaching,

research, or public service programs. In particular, college buildings, properties, and facilities, including those assigned to student programs, are used primarily for:

(a) The regularly established teaching, research, or public service activities of the college and its departments;

(b) Cultural, educational, or recreational activities of the students, faculty, or staff;

(c) Short courses, conferences, seminars, or similar events, conducted either in the public service or for the advancement of specific departmental professional interests, when arranged under the sponsorship of the college or its departments.

(d) Public events of a cultural or professional nature brought to the campus at the request of college departments or committees and presented with their active sponsorship and active participation;

(e) Activities or programs sponsored by educational institutions, by state or federal agencies, by charitable agencies or civic or community organizations whose activities are of widespread public service and of a character appropriate to the college.

(2) College facilities shall be assigned to student organizations for regular business meetings, social functions and for programs open to the public. Any recognized campus student organization may invite speakers from outside the college community. The appearance of an invited speaker on campus does not represent an endorsement by the college, its students, faculty, administration, or the board of trustees, implicitly or explicitly, of the speaker's views.

(3) Reasonable conditions may be imposed to regulate the timeliness of requests, to determine the appropriateness of space assigned, time of use, and to insure the proper maintenance of the facilities. Subject to the same limitations, college facilities shall be made available for assignment to individuals or groups within the college community. Arrangements by both organizations and individuals must be made through the designated administrative officer. Allocation of space shall be made in accordance with college rules and on the basis of time, space, priority of request and the demonstrated needs of the applicant.

(4) The college may restrict an individual's or a group's use of college facilities if that person or group has, in the past, physically abused college facilities. Charges may be imposed for damage or for any unusual costs for the use of facilities. The individual, group or organization requesting space will be required to state in advance the general purpose of any meeting.

#### NEW SECTION

WAC 495A-140-030 STATEMENT OF INTENTIONS. The college neither intends nor desires to compete with any local agency or private enterprise in making its facilities available to the community. Privately operated facilities exist which are well qualified to best meet many community needs. The college encourages the community to patronize local businesses or agencies. With this approach, the college will work cooperatively with local private enterprise to the mutual benefit of all concerned.

#### NEW SECTION

WAC 495A-140-040 GENERAL POLICIES LIMITING USE. (1) College facilities may not be used for purposes of political campaigning by or for candidates who have filed for public office except for student-sponsored activities or forums.

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

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

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

(5) These rules shall apply to recognized student groups using college facilities.

(6) Handbills, leaflets, and similar materials except those which are commercial, obscene, or unlawful may be distributed only in designated areas on the campus where, and at times when, such distribution will not interfere with the orderly administration of the college affairs or the free flow of traffic. Any distribution of materials as authorized by the designated administrative officer shall not be construed as support or approval of the content by the college community or the board of trustees.

(7) Use of audio amplifying equipment is permitted only in locations and at times which will not interfere with the normal conduct of college affairs as determined by the appropriate administrative officer.

(8) No person or group may use or enter onto college facilities having in their possession firearms, even if licensed to do so, except commissioned police officers as prescribed by law.

(9) The right of peaceful dissent within the college community will be preserved. The college retains the right to take steps to insure the safety of individuals, the continuity of the educational process, and the protection of property. While peaceful dissent is acceptable, violence or disruptive behavior is not a legitimate means of dissent. Should any person, group or organization attempt to resolve differences by means of violence, the college and its officials need not negotiate while such methods are employed.

(10) Orderly picketing and other forms of peaceful dissent are protected activities on and about the college premises. However, interference with free passage through areas where members of the college community have a right to be, interference with ingress and egress to college facilities, interruption of classes, injury to persons, or damage to property exceeds permissible limits.

(11) Where college space is used for an authorized function (such as a class or a public or private meeting under approved sponsorship, administrative functions or service related activities), groups must obey or comply

with directions of the designated administrative officer or individual in charge of the meeting.

(12) If a college facility abuts a public area or street, and if student activity, although on public property, unreasonably interferes with ingress and egress to college buildings, the college may choose to impose its own sanctions although remedies might also be available through local law enforcement agencies.

#### NEW SECTION

**WAC 495A-140-050 ADMINISTRATIVE CONTROL.** The board hereby delegates to the president authority to set up administrative procedures for the use of college facilities, and to establish rental schedules where appropriate.

#### NEW SECTION

**WAC 495A-140-060 TRESPASS.** (1) Individuals who are not students or members of the faculty or staff and who violate these rules will be advised of the specific nature of the violation, and if they persist in the violation, they will be requested by the president, or his or her designee, to leave the college property. Such a request prohibits the entry of and withdraws the license or privilege to enter onto or remain upon any portion of the college facilities by the person or group of persons requested to leave. Such persons shall be subject to arrest under the provisions of chapter 9A.52 RCW.

(2) Members of the college community (students, faculty, and staff) who do not comply with these regulations will be reported to the appropriate college office or agency for action in accordance with these rules.

#### NEW SECTION

**WAC 495A-140-070 PROHIBITED CONDUCT AT COLLEGE FACILITIES.** (1) The use or possession of unlawful drugs or narcotics, not medically prescribed, or of intoxicants on college property or at college functions, is prohibited. Students obviously under the influence of intoxicants, unlawful drugs or narcotics while in college facilities are subject to disciplinary action.

(2) The use of tobacco is prohibited in accordance with health regulations.

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

#### NEW SECTION

**WAC 495A-140-080 CONTROL OF PETS IN COLLEGE FACILITIES.** Pets are not permitted in campus buildings or on the grounds except guide or service dogs for the visually or hearing impaired.

#### NEW SECTION

**WAC 495A-140-090 BASIS OF FEE ASSESSMENT.** (1) The basis for establishing and charging use fees reflects the college's assessment of the present market, the cost of operations, and an evaluation of the intended purpose and its relationship to the purposes of this college. The board of trustees has determined that

groups or organizations affiliated with the college should be permitted access to facilities at the lowest charge on the fee schedule which may include complimentary use. A current fee schedule is available to interested persons from the office of director of college operations.

(2) The college does not wish to compete with private enterprise. Therefore, the college reserves the right to deny applications for facility use when the administration and/or the board of trustees feels a commercial facility should be patronized. At no time will facility use be granted for a commercial activity at a rental rate, or upon terms, less than the full and fair rental value of premises used.

#### NEW SECTION

**WAC 495A-140-100 APPLICATION PROCEDURES.** (1) At least seven working days prior to date of intended use of any college facility, an authorized representative of the requesting organization must submit proper and complete written application which may be obtained through the college's office of director of college operations. A single application may be sufficient for a series of meetings by an organization unless those meetings vary significantly in some substantive way, if so, separate applications will be required.

(2) Upon approval of the application, an authorized representative of the using organization shall sign the rental agreement. By affixing a signature as representing the using organization, the signatory specifies he or she has authority to enter into agreement on behalf of the organization and if the organization fails to pay the amount due, the signatory becomes responsible for all charges which may include interest payment for overdue accounts as specified on the rental form but not less than one percent per month.

(3) Large events, events requiring expenditures on the part of the college, or where significant areas are blocked out for the renter, a minimum of up to fifty percent advance deposit may be required at the time of application.

(4) The college reserves the right to make pricing changes without prior written notice.

(5) Use of a facility is limited to the facilities specified on the agreement.

(6) The priorities for facility use place primary emphasis on regular college events and activities. The president and the board of trustees reserve the right to cancel any permit and refund any payments for use of college facilities and equipment when they deem such action advisable and in the college's best interests.

(7) In the event of a cancellation of a facility use permit by the applicant, that organization is liable for all college costs and expenses in preparing the facility for its use.

(8) Any admission charge is to be specified and approved by the college.

(9) Organizations using Bates Technical College's facilities shall conduct all activities in accordance with applicable local, state, and federal laws including all rules adopted by the board of trustees.

NEW SECTION

**WAC 495A-140-110 SUPERVISION DURING ACTIVITY.** (1) Signatories of the rental agreement as well as adult organization leaders are responsible for group conduct and are expected to remain with their group during activities. When the use of special facilities makes it necessary that supervision be provided, the trustees reserve the right to require a staff member represent the college at any activity on college facilities. Such service shall be paid at the current rate, by the organization requesting use of the facility, and does not relieve the organization from safeguarding the college's property.

(2) The security staff or some other authority of the college will open and lock all rented facilities. Keys to buildings or facilities will not be issued or loaned on any occasion to any using organization with the exception of keys to designated off-campus locations.

Chapter 495A-276 WAC  
ACCESS TO PUBLIC RECORDS

NEW SECTION

**WAC 495A-276-010 PURPOSE.** The purpose of this chapter is to ensure that Bates Technical College complies with the provisions of chapter 42.17 RCW and in particular with those sections of that chapter dealing with public records.

NEW SECTION

**WAC 495A-276-020 DEFINITIONS.** (1) "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

(2) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds or symbols, combination thereof and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, disks, drums and other documents.

(3) "Bates Technical College" is an agency organized by statute pursuant to RCW 28B.50.040. Bates Technical College shall hereafter be referred to as the "district." Where appropriate, the term "district" also refers to the staff and employees of the district.

NEW SECTION

**WAC 495A-276-030 DESCRIPTION OF CENTRAL AND FIELD ORGANIZATION OF TECHNICAL COLLEGE DISTRICT NO. 28.** (1) Bates Technical College is a state agency established and organized under the authority of chapter 28B.50 RCW for the purpose of implementing the educational goals established by the legislature in RCW 28B.50.020. The administrative office of the district is located on the downtown campus within the city of Tacoma, Washington. The downtown campus likewise comprises

the central headquarters for all operations of the district. Field activities for the south campus, home and family life center, and business and management center branches of the district are administered by personnel located at those branches in Tacoma, Washington; all other field activities of the district are directed and administered by personnel located on the campus at 1101 South Yakima Avenue, Tacoma, WA 98405.

(2) The district is operated under the supervision and control of a board of trustees. The board of trustees consists of five members appointed by the governor. The board of trustees normally meets at least once each month, as provided in WAC 495A-104-010. The board of trustees employs a president, an administrative staff, members of the faculty and other employees. The board of trustees takes such actions and promulgates such rules, and policies in harmony with the rules established by the state board for community and technical colleges, as are necessary to the administration and operation of the district.

(3) The president of the district is responsible to the board of trustees for the operation and administration of the district. A detailed description of the administrative organization of the district is contained within the Policies and Procedures Manual for Bates Technical College, a current copy of which is available for inspection at the administrative office of the district.

NEW SECTION

**WAC 495A-276-040 OPERATIONS AND PROCEDURES.** (1) Formal decision-making procedures are established by the board of trustees through rules promulgated in accordance with the requirements of chapter 34.05 RCW, the Administrative Procedure Act.

(2) Informal decision-making procedures at the college, as established by the board of trustees, are set forth in the Policies and Procedures Manual of Bates Technical College, a current copy of which is available for inspection at the administrative office of the district.

NEW SECTION

**WAC 495A-276-050 PUBLIC RECORDS AVAILABLE.** All public records of the district, as defined in this chapter, are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW 42.17.310 or other statutes.

NEW SECTION

**WAC 495A-276-060 PUBLIC RECORDS OFFICER.** The district's public records shall be in the charge of the public records officer designated by the chief administrative officer of the district. The person so designated shall be located in the district administrative office. The public records officer shall be responsible for the following: Implementation of the district's rules regarding release of public records, coordinating district employees in this regard, and generally ensuring compliance by district employees with the public records disclosure requirements in chapter 42.17 RCW.

NEW SECTION

**WAC 495A-276-070 OFFICE HOURS.** Public records shall be available for inspection and copying during the customary office hours of the district. For purposes of this chapter, the customary office hours shall be from 9:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m., Monday through Friday, excluding legal holidays and holidays established by the college calendar.

NEW SECTION

**WAC 495A-276-080 REQUESTS FOR PUBLIC RECORDS.** In accordance with the requirements of RCW 42.17.290 that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records are only obtainable by members of the public when those members of the public comply with the following procedures:

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

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

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

NEW SECTION

**WAC 495A-276-090 COPYING.** No fee shall be charged for the inspection of public records. The district may impose a reasonable charge for providing copies of public records and for the use by any person of agency equipment to copy public records and such charges shall not exceed the amount necessary to reimburse the district for its actual costs incident to such copying. No person shall be released a record so copied until and unless the person requesting the copied public record has tendered payment for such copying to the appropriate district official. All charges must be paid by money order, cashier's check, or cash in advance.

NEW SECTION

**WAC 495A-276-100 DETERMINATION REGARDING EXEMPT RECORDS.** (1) The district reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 495A-276-080 is exempt pursuant to the provisions set forth in RCW 42.17.310 or other statute. Such determination may be made in consultation with the public records officer, president of the college district, or an assistant attorney general assigned to the district.

(2) Pursuant to RCW 42.17.260, the district reserves the right to delete identifying details when it makes available or publishes any public record when there is reason to believe that disclosure of such details would be an unreasonable invasion of personal privacy or impair a vital governmental interest: **PROVIDED, HOWEVER,** In each case, the justification for the deletion shall be explained fully in writing.

(3) Response to requests for a public record must be made promptly. For the purposes of this section, a prompt response occurs if the person requesting the public record is notified within two business days as to whether his request for a public record will be honored.

(4) All denials of request for public records must be accompanied by a written statement, signed by the public records officer or his/her designee, specifying the reason for the denial, a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the public record withheld.

NEW SECTION

**WAC 495A-276-110 REVIEW OF DENIALS OF PUBLIC RECORDS REQUESTS.** (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement which constituted or accompanied the denial.

(2) The written request by a person demanding prompt review of a decision denying a public record shall be submitted to the president of the district, or his or her designee.

(3) Within two business days after receiving the written request by a person petitioning for a prompt review of a decision denying a public record, the president of the district, or his or her designee, shall complete such review.

(4) During the course of the review the president or his or her designee shall consider the obligations of the district to comply with the intent of chapter 42.17 RCW insofar as it requires providing full public access to official records, but shall also consider the exemptions provided in RCW 42.17.310 or other pertinent statutes, and the provisions of the statute which require the district to protect public records from damage or disorganization, prevent excessive interference with essential functions of the agency, and prevent any unreasonable invasion of personal privacy by deleting identifying details.



(c) Information concerning payment of fees as maintained by the registrar.

(d) Financial aid information as collected by the financial aid office.

(e) Information regarding students participating in student government that is maintained by the student programs office.

(3) "Directory Information" means the student's name, address, telephone number, date and place of birth, major field of study, eligibility for and participation in officially recognized activities, organizations, and sports, weight and height of members of athletic teams, dates of attendance, honor roll, degrees and awards received, and the most recent previous educational agency or institution attended by the student. Directory information may be disclosed at the discretion of the college and without the consent of the student unless he or she elects to prevent disclosure as provided for in WAC 495A-280-070.

(4) "Written consent" means a written authorization for disclosure of student education records which is:

- (a) Signed;
- (b) Dated;
- (c) Which specifies the records to be disclosed; and
- (d) Which specifies to whom disclosure is authorized.

(5) "Personally identifiable" means data or information which includes: the name of the student, the student's parent(s), or other family members; a personal identifier such as the student's social security number or student number; or a list of personal characteristics which would make the student's identity easily traceable.

#### NEW SECTION

WAC 495A-280-020 ANNUAL NOTIFICATION OF RIGHTS. Bates Technical College will notify students of their rights under the Family Educational Rights and Privacy Act of 1974 by publication in the college catalog and new students during the registration process. The college shall make available upon request a copy of the policy governing release of student records. In addition, the college shall post at conspicuous places on the campus information regarding the existence of this policy and of the availability of copies.

#### NEW SECTION

WAC 495A-280-030 PROCEDURE TO INSPECT EDUCATION RECORDS. (1) Students may inspect and review their education records upon request to the appropriate college official as designated in WAC 495A-280-110.

(2) Students must submit to the appropriate college official a written request which identifies as precisely as possible the record or records he or she wishes to inspect.

(3) The appropriate college official will make the needed arrangements for access as promptly as possible and notify the student of the time and place where the records may be inspected. Access must be given in 45 days or less from the receipt of the request.

#### NEW SECTION

WAC 495A-280-040 DISCLOSURE OF EDUCATION RECORDS. (1) Disclosure of education records. In addition to "directory information" the college may, at its discretion, make disclosures from education records of students to the following listed parties:

(a) College officials including college administrative and clerical staff, faculty, and students officially elected or appointed to the associated students of Bates Technical College senate or employed by the college. Access or release of records to the above is permissible only when the information is required for advisement, counseling, recordkeeping, reporting, or other legitimate educational interest consistent with their specific duties and responsibilities;

(b) To officials of another school in which the student seeks or intends to enroll;

(c) To authorized federal, state, or local officials as required by law;

(d) In connection with financial aid for which the student has applied or received;

(e) To appropriate parties in a health or safety emergency;

(f) To accrediting organizations to carry out their functions;

(g) To parents of an eligible student who claim the student as a dependent for income tax purposes; and

(h) To comply with a judicial order or a lawfully issued subpoena.

(2) The college shall not permit access to or the release of education records or personally-identifiable information contained therein, other than "directory information," without the written consent of the student, to any party other than the above.

(3) Education records released to third parties shall be accompanied by a statement indicating that the information cannot be subsequently released in a personally identifiable form to other parties without obtaining the consent of the student. The college is not precluded from permitting third party disclosure to other parties listed in (a) through (h) of this subsection.

#### NEW SECTION

WAC 495A-280-050 LIMITS ON RIGHTS TO REVIEW AND INSPECT AND OBTAIN COPIES OF EDUCATION RECORDS. (1) When a record contains information about more than one student, the student may inspect and review only the records which relate to him or her.

(2) Bates Technical College reserves the right to refuse to permit a student to inspect the following records:

(a) The financial statement of the student's parents;

(b) Letters and statements of recommendation for which the student has waived his or her right of access, or which were placed in file before January 1, 1975;

(c) Records connected with an application to attend Bates Technical College if that application was denied; and



(d) Those records which are excluded from the Federal Rights and Privacy Act definition of education records.

(3) Bates Technical College reserves the right to deny transcripts or copies of records not required to be made available by the Federal Educational Rights and Privacy Act in any of the following situations:

(a) The student has an unpaid financial obligation to the college;

(b) There is an unresolved disciplinary action against the student.

#### NEW SECTION

**WAC 495A-280-060 RECORD OF REQUEST AND DISCLOSURES.** (1) The college shall maintain a record of requests for and disclosures of personally identifiable information in the education records of each student. The record maintained under this section shall be available for inspection and review as provided in WAC 495A-280-050.

(2) The college shall maintain the record with the education records of the student as long as the records are maintained.

(3) The record must include:

(a) The names of parties who have received personally-identifiable information;

(b) The interest the parties had in requesting or obtaining the information; and

(c) The names and interests of additional parties to which the reviewing educational agency or institution may disclose or redisclose the information.

(4) The following parties may inspect the record of requests and disclosures relating to a student:

(a) The student;

(b) The college officials who are responsible for the custody of the records; and

(c) Persons authorized to audit the record keeping procedures of the college.

(5) The college is not required to maintain a record if the request was from, or the disclosure was to:

(a) The student;

(b) A school official;

(c) A party with written consent from the student; or

(d) A party seeking directory information.

#### NEW SECTION

**WAC 495A-280-070 DISCLOSURE OF DIRECTORY INFORMATION.** Directory information may be disclosed at the discretion of the college and without the consent of the student unless the student elects to prevent disclosure by filing a written request with the registrar to prevent disclosure. The request continues in effect according to its terms unless revoked in writing by the student.

#### NEW SECTION

**WAC 495A-280-080 REQUESTS FOR CORRECTIONS, HEARINGS, ADDING STATEMENTS TO EDUCATION RECORDS.** Students have the right to request to have records corrected that they believe are inaccurate, misleading, or in violation of their privacy

rights. Following are the procedures for the correction of records:

(1) A student must submit a written request to amend his or her education record to the appropriate college official responsible for the custody of the record as designated in WAC 495A-280-110. The request must identify the part of the record he/she wants changed and specify why the record is believed to be inaccurate, misleading or in violation of his or her privacy or other rights.

(2) A student whose request for amendment of his or her education record has been denied may request a hearing by submitting a written request to the director of student services within ten days following the denial. The written request must be signed by the student and shall indicate the reasons why the records should be amended. The director of student services shall notify the student of the hearing within thirty days after receipt of a properly filed request. In no case will the notification be less than ten days in advance of the date, time and place of the hearing.

(3) The hearing shall be a brief adjudicative proceeding as provided in RCW 34.05.482 and 34.05.485 through 34.05.494 and shall be conducted by the student services or other appropriate committee (the chair of the committee shall be an official of the college who does not have a direct interest in the outcome of the hearing). At the hearing, the student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised in the original request to amend the student's education records. The student may be assisted by one or more individuals, including an attorney, at the student's expense.

(4) The student services or other appropriate committee will prepare a written decision, within thirty days after the conclusion of the hearing, based solely on the evidence presented at the hearing. The decision will include a summary of the evidence presented and the reasons for the decision. A copy of the decision shall be made available to the student.

(5) If the student services or other appropriate committee decides the information is inaccurate, misleading, or in violation of the student's right of privacy, the custodian of the record will amend the record and notify the student, in writing, that the record has been amended.

(6) If the student services or other appropriate committee decides that the challenged information is not inaccurate, misleading, or in violation of the student's right of privacy, the committee will notify the student in writing that the student has a right to place in the record a rebuttal statement commenting on the challenged information and/or a statement setting forth reasons for disagreeing with the decision.

(7) The student's rebuttal statement will be maintained as part of the student's education records as long as the contested portion is maintained. If the contested portion of the education record is disclosed, the statement will also be disclosed.

#### NEW SECTION

**WAC 495A-280-090 FEES FOR COPIES.** Copies of student records shall be made at the expense of the



requesting party at actual cost for copying as posted at the admissions/records office.

#### NEW SECTION

**WAC 495A-280-100 WAIVER.** A student may waive any of his or her rights under this chapter by submitting a written, signed, and dated waiver to the office of the registrar. Such a waiver shall be specific as to the records and persons or institutions covered. A waiver continues in effect according to its terms unless revoked in writing which is signed and dated.

#### NEW SECTION

#### **WAC 495A-280-110 TYPE AND LOCATION OF EDUCATION RECORDS.**

Types	Location	Custodian
Admission Records, Cumulative Academic Records, Testing Records, Registration and Payment of Tuition Records	Archives	Student Records Clerk
Student Government Participation Records	Archives	Student Records Clerk
Financial Aid Records, Student Employment Records	Archives	Financial Aid Office

#### NEW SECTION

**WAC 495A-280-120 REMEDY FOR STUDENTS PROTECTED BY THIS ACT.** A student may file a written complaint with the U.S. Department of Education regarding an alleged violation of the Federal Education Rights and Privacy Act. The address is:

Family Policy and Regulations Office  
U.S. Department of Education  
Washington, D.C. 20202

#### Chapter 495A-300 WAC GRIEVANCE RULES—TITLE IX

#### NEW SECTION

**WAC 495A-300-010 PREAMBLE.** Bates Technical College is covered by Title IX of the Civil Rights Act of 1964 prohibiting sex discrimination in education. Any applicant for admission, enrolled student, applicant for employment or employee of Bates Technical College who believes she/he has been discriminated against on the basis of sex may lodge an institutional grievance by following the procedures below.

#### NEW SECTION

**WAC 495A-300-020 INFORMAL PROCEDURE.** All employees and students should feel free to discuss perceived discrimination with the individual immediately in charge, such as the first-line supervisor or instructor, to see if the situation can be resolved informally. Employees and students may also consult directly with the college affirmative action officer without making a formal written complaint, and this consultation will be considered confidential. Employees and students are not

required to use the informal process and may go directly to the formal procedure.

Any college official receiving a discrimination complaint shall contact the affirmative action officer or designee as soon as reasonably convenient. The college official shall arrange for the complainant to receive a copy of the complaint procedure.

#### NEW SECTION

**WAC 495A-300-030 FORMAL PROCEDURE.** Step one: Employees and students must make a written complaint concerning discriminatory behavior to the affirmative action officer or designee.

(1) Complaints will be held in confidence. No action against the person accused will be taken on behalf of the complainant unless the complainant consents to be identified to the one accused in connection with the investigation.

(2) The complainant may bring a person of his or her choice to the initial or subsequent complaint meetings.

(3) The affirmative action officer or designee shall give a copy of these regulations and any applicable board policy to the person making the formal complaint and to the accused.

(4) The result of that consultation and any investigation made will be communicated to the complainant before any further action is taken.

(5) An informal hearing may be substituted for investigation if the complainant and the accused agree. The affirmative action officer or designee will be responsible for investigating the complaint and discussing the complaint with the accused. The affirmative action officer will make a written recommendation to the president within a reasonable time following the close of the investigation or hearing.

(6) Appropriate corrective measures will be decided by the president of the college upon consultation with the affirmative action officer and the appropriate administrators or supervisors involved. If an accused employee or student disagrees with the determination or appropriateness of the corrective measures, that individual may contest those measures through the formal faculty or classified grievance procedures, if they are covered by an agreement, or the student disciplinary code.

(7) Information will be entered in the personnel or student file only to the extent that a formal reprimand or other disciplinary action has been taken. If no disciplinary action is taken, the affirmative action officer will keep a record of the investigation accessible to the president, the complainant and the accused for a period of three years and then that record will be destroyed. If a formal complaint is filed with an outside state or federal agency, files will be maintained until the complaint is resolved. When such files are used, written notice will be placed in the file indicating the person using the file and the date used.

#### NEW SECTION

**WAC 495A-300-040 OTHER REMEDIES.** These procedures outlined in WAC 495A-300-010 through 495A-300-030, are internal college procedures and, as

such, serve to resolve complaints within the college's administrative framework. These procedures do not replace an individual's timely complaint with an external agency such as the Office of Civil Rights, Equal Employment Opportunity Commission, or the Washington state human rights commission.

Chapter 495A-310 WAC  
GRIEVANCE PROCEDURES—HANDICAPPED

NEW SECTION

WAC 495A-310-010 PREAMBLE. Bates Technical College is covered by section 504 of the Rehabilitation Act of 1973 prohibiting discrimination on the basis of handicap in education. Any applicant for admission, enrolled student, applicant for employment or employee of Bates Technical College who believes she/he has been discriminated against on the basis of handicap may lodge an institutional grievance by following the procedures below.

NEW SECTION

WAC 495A-310-020 INFORMAL PROCEDURE. All employees and students should feel free to discuss perceived discrimination with the individual immediately in charge, such as the first-line supervisor or instructor, to see if the situation can be resolved informally. Employees and students may also consult directly with the college affirmative action officer or coordinator for disabled student services without making a formal written complaint, and this consultation will be considered confidential. Employees and students are not required to use the informal process and may go directly to the formal procedure.

Any college official receiving a discrimination complaint shall contact the affirmative action officer or designee as soon as reasonably convenient. The college official shall arrange for the complainant to receive a copy of the grievance procedure.

NEW SECTION

WAC 495A-310-030 FORMAL PROCEDURE. Step one: Employees and students must make a written complaint concerning discriminatory behavior to the affirmative action officer or designee.

(1) Complaints will be held in confidence. No action against the person accused will be taken on behalf of the complainant unless the complainant consents to be identified to the one accused in connection with the investigation.

(2) The complainant may bring a person of his or her choice to the initial or subsequent complaint meetings.

(3) The affirmative action officer or designee shall give a copy of these regulations and any applicable board policy to the person making the formal complaint and to the accused.

(4) The result of that consultation and any investigation made will be communicated to the complainant before any further action is taken.

(5) An informal hearing may be substituted for investigation if the complainant and the accused agree. The affirmative action officer or designee will be responsible for investigating the complaint and discussing the complaint with the accused. The affirmative action officer will make a written recommendation to the president within a reasonable time following the close of the investigation or hearing.

(6) Appropriate corrective measures will be decided by the president of the college upon consultation with the affirmative action officer and the appropriate administrators or supervisors involved. If an accused employee or student disagrees with the determination or appropriateness of the corrective measures, that individual may contest those measures through the formal faculty or classified grievance procedures, if they are covered by an agreement, or the student disciplinary code.

(7) Information will be entered in the personnel or student file only to the extent that a formal reprimand or other disciplinary action has been taken. If no disciplinary action is taken, the affirmative action officer will keep a record of the investigation accessible to the president, the complainant and the accused for a period of three years and then that record will be destroyed. If a formal complaint is filed with an outside state or federal agency, files will be maintained until the complaint is resolved. When such files are used, written notice will be placed in the file indicating the person using the file and the date used.

NEW SECTION

WAC 495A-310-040 OTHER REMEDIES. These procedures, outlined in WAC 495A-310-010 through 495A-310-030, are internal college procedures and, as such, serve to resolve complaints within the college's administrative framework. These procedures do not replace an individual's timely complaint with an external agency such as the Office of Civil Rights, Equal Employment Opportunity Commission, or the Washington state human rights commission.

Chapter 495A-325 WAC  
STATE ENVIRONMENTAL POLICY ACT RULES

NEW SECTION

WAC 495A-325-010 IMPLEMENTATION OF STATE ENVIRONMENTAL POLICY ACT. (1) It shall be the policy of Bates Technical College that all actions taken by the district shall comply with the provisions of chapter 43.21C RCW (the State Environmental Policy Act), chapters 197-11 and 132-24 WAC.

(2) The president of the district or his or her designee shall be responsible for administering and implementing this policy.

**WSR 92-08-005**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Filed March 19, 1992, 3:52 p.m.]

**Original Notice.**

Title of Rule: WAC 388-24-125 Eligibility conditions applicable to AFDC—Living with a relative of specified degree.

Purpose: Clarifies and expands relative of specified degree definition. This new WAC clarifies that relationships up to the fifth degree of kinship to child are considered relatives of specified degree. This means the definition includes great-great-great grandparents, as well as first cousins once removed.

Statutory Authority for Adoption: RCW 74.04.050.

Statute Being Implemented: RCW 74.04.050.

Summary: "Relative of specified degree" definition now includes great-great-great grandparents and first cousins once removed.

Reasons Supporting Proposal: A recent federal clarification expands the definition of "relative of specified degree" for AFDC eligibility.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: John Culhane, Division of Income Assistance, 438-8258.

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 May 5, 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 May 5, 1992.

Date of Intended Adoption: May 19, 1992.

March 19, 1992

Leslie F. James, Director  
 Administrative Services  
 by Rosemary Carr

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

WAC 388-24-125 ELIGIBILITY CONDITIONS APPLICABLE TO AFDC—LIVING WITH A RELATIVE OF SPECIFIED DEGREE. (1) To be eligible for AFDC, a dependent child shall be living with a relative of specified degree.

(2) The department defines a relative of specified degree as:

- (a) The natural mother;  
 (b) The natural father if:

(i) He was married to the natural mother when the child was born;  
 or  
 (ii) The child was born within three hundred days of a termination of marriage; or

(iii) He attempted to marry the natural mother before the child's birth and the child is born within three hundred days after the termination of cohabitation; or

(iv) He receives the child into his home and openly holds out the child as his child; or

(v) He acknowledges paternity in writing and the natural mother does not dispute the acknowledgment; or

(vi) He and the child's natural mother have married or attempted to marry after the child's birth(;) and:

(A) He acknowledges paternity, filed with the registrar of vital statistics; or

(B) With his consent, he is named as the father on the child's birth certificate; or

(C) He is obligated to pay child support by written voluntary promise or by court order.

(c) A person who legally adopts a child;

(d) Blood relatives (including those of half-blood); brother, sister, uncle, aunt, grandparent, great-grandparent, first cousin, first cousin once removed, nephew, ((or)) niece((-Relationships to persons of preceding generations as denoted by the prefixes of grand, great, or great-great are within this definition)), great-great-grandparent, great-uncle, great-aunt, great-great-uncle, great-great-aunt, or great-great-great-grandparent;

(e) A stepfather, stepmother, stepbrother, and stepsister;

(f) A spouse of a person named in this section is within the scope of this provision, although the marriage is terminated by death or divorce; and

(g) A person identified in a court judgment or order as the child's relative as specified in subsection (2)(a) through (f) of this section.

(3) The department shall determine a child is living with a relative of specified degree when:

(a) The specified relative has assumed parental responsibility for the care, guidance, and control of the child; and

(b) A family setting is maintained or is in the process of being established for the benefit of the family group. A family setting shall include households in temporary shelter and households without shelter; and

(c) Eligibility exists even though circumstances may require the temporary absence of either the child or the responsible relative from the customary family setting, as long as the relative exercises responsibility for the care and control of the child. Such temporary separations include:

(i) Temporary care in a hospital or public or private institution when the illness is such that the department expects a return to the family within ninety days. If the temporary care exceeds ninety days, the monthly grant standard shall be as specified in WAC 388-29-125;

(ii) Temporary care in an alcohol or drug treatment facility when the department expects a return to the family within ninety days. If the care exceeds ninety days, the monthly grant standard shall be as specified in WAC 388-29-130;

(iii) Attendance of a child in school as follows:

(A) The relative retains full responsibility for the child and the child returns during a year's period, at least for summer vacation; and

(B) The need for specialized education or training is not available in the child's home community, and the education is recommended by local school authorities; or

(C) Isolation of the child's residence makes it necessary for ((him or her)) such child to be away from the relative to attend school; or

(D) The child is enrolled in an Indian boarding school administered through the Bureau of Indian Affairs.

(iv) Visits in which the person plans to be away for ninety days or less, including visits of a child to a parent residing away from the child's customary family setting. If the responsible relative or child leaves for more than ninety days, eligibility ((is)) shall be redetermined in accordance with the new circumstances;

(v) Attendance of a responsible relative in a department-approved vocational training program. Absence is considered temporary for the period of time required to complete the training program (see WAC 388-57-028); and

(vi) Temporary placement of the child in foster care while the parent is temporarily receiving care in a residential treatment facility, where such absences do not exceed thirty days.

(d) The child is a ward of the juvenile court, or other agency to whom the court has delegated authority, and if all other eligibility factors have been met and the relative of specified degree actually carries out the everyday care, control, and supervision of the child;

(e) The child is in foster care(;) and:

- (i) The caretaker relative applies and is otherwise eligible;
- (ii) The child is returned to the relative's care before the end of the thirty-day assistance period; and
- (iii) No AFDC payments are being made for the child, either in another relative's home or through AFDC-FC in the same thirty-day period.

**WSR 92-08-006**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Filed March 19, 1992, 3:53 p.m., effective April 1, 1992, 12:01 a.m.]

Date of Adoption: March 19, 1992.

Purpose: Clarifies and expands "relative of specified degree" definition. New WAC clarifies that relationships up to the fifth degree of kinship to the child are considered relatives of specified degree. This means the definition includes great-great-great grandparents, as well as first cousins once removed.

Citation of Existing Rules Affected by this Order: Amending WAC 388-24-125 Eligibility conditions applicable to AFDC—Living with a relative of specified degree.

Statutory Authority for Adoption: RCW 74.04.050.

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

Reasons for this Finding: A recent federal clarification expands the definition of "relative of specified degree" for AFDC eligibility.

Effective Date of Rule: April 1, 1992, 12:01 a.m.

March 19, 1992  
 Leslie F. James, Director  
 Administrative Services  
 by Rosemary Carr

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

**WAC 388-24-125 ELIGIBILITY CONDITIONS APPLICABLE TO AFDC—LIVING WITH A RELATIVE OF SPECIFIED DEGREE.** (1) To be eligible for AFDC, a dependent child shall be living with a relative of specified degree.

(2) The department defines a relative of specified degree as:

- (a) The natural mother;
- (b) The natural father if:
  - (i) He was married to the natural mother when the child was born; or
  - (ii) The child was born within three hundred days of a termination of marriage; or
  - (iii) He attempted to marry the natural mother before the child's birth and the child is born within three hundred days after the termination of cohabitation; or

(iv) He receives the child into his home and openly holds out the child as his child; or

(v) He acknowledges paternity in writing and the natural mother does not dispute the acknowledgment; or

(vi) He and the child's natural mother have married or attempted to marry after the child's birth(;) and:

(A) He acknowledges paternity, filed with the registrar of vital statistics; or

(B) With his consent, he is named as the father on the child's birth certificate; or

(C) He is obligated to pay child support by written voluntary promise or by court order.

(c) A person who legally adopts a child;

(d) Blood relatives (including those of half-blood); brother, sister, uncle, aunt, grandparent, great-grandparent, first cousin, first cousin once removed, nephew, ((or)) niece~~((--Relationships to persons of preceding generations as denoted by the prefixes of grand, great, or great-great are within this definition))~~, great-great-grandparent, great-uncle, great-aunt, great-great-uncle, great-great-aunt, or great-great-great-grandparent;

(e) A stepfather, stepmother, stepbrother, and stepsister;

(f) A spouse of a person named in this section is within the scope of this provision, although the marriage is terminated by death or divorce; and

(g) A person identified in a court judgment or order as the child's relative as specified in subsection (2)(a) through (f) of this section.

(3) The department shall determine a child is living with a relative of specified degree when:

(a) The specified relative has assumed parental responsibility for the care, guidance, and control of the child; and

(b) A family setting is maintained or is in the process of being established for the benefit of the family group. A family setting shall include households in temporary shelter and households without shelter; and

(c) Eligibility exists even though circumstances may require the temporary absence of either the child or the responsible relative from the customary family setting, as long as the relative exercises responsibility for the care and control of the child. Such temporary separations include:

(i) Temporary care in a hospital or public or private institution when the illness is such that the department expects a return to the family within ninety days. If the temporary care exceeds ninety days, the monthly grant standard shall be as specified in WAC 388-29-125;

(ii) Temporary care in an alcohol or drug treatment facility when the department expects a return to the family within ninety days. If the care exceeds ninety days, the monthly grant standard shall be as specified in WAC 388-29-130;

(iii) Attendance of a child in school as follows:

(A) The relative retains full responsibility for the child and the child returns during a year's period, at least for summer vacation; and

(B) The need for specialized education or training is not available in the child's home community, and the education is recommended by local school authorities; or

(C) Isolation of the child's residence makes it necessary for ~~(him or her)~~ such child to be away from the relative to attend school; or

(D) The child is enrolled in an Indian boarding school administered through the Bureau of Indian Affairs.

(iv) Visits in which the person plans to be away for ninety days or less, including visits of a child to a parent residing away from the child's customary family setting. If the responsible relative or child leaves for more than ninety days, eligibility ~~(is)~~ shall be redetermined in accordance with the new circumstances;

(v) Attendance of a responsible relative in a department-approved vocational training program. Absence is considered temporary for the period of time required to complete the training program (see WAC 388-57-028); and

(vi) Temporary placement of the child in foster care while the parent is temporarily receiving care in a residential treatment facility, where such absences do not exceed thirty days.

(d) The child is a ward of the juvenile court, or other agency to whom the court has delegated authority, and if all other eligibility factors have been met and the relative of specified degree actually carries out the everyday care, control, and supervision of the child;

(e) The child is in foster care~~(:)~~ and:

(i) The caretaker relative applies and is otherwise eligible;

(ii) The child is returned to the relative's care before the end of the thirty-day assistance period; and

(iii) No AFDC payments are being made for the child, either in another relative's home or through AFDC-FC in the same thirty-day period.

#### WSR 92-08-007

#### EMERGENCY RULES

#### DEPARTMENT OF FISHERIES

[Order 92-12—Filed March 19, 1992, 4:25 p.m., effective March 21, 1992, 12:01 a.m.]

Date of Adoption: March 19, 1992.

Purpose: Commercial fishing regulations.

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

Statutory Authority for Adoption: RCW 75.08.080.

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

Reasons for this Finding: This regulation is necessary to achieve the council's management intent and maintain consistency between state and federal regulations.

Effective Date of Rule: 12:01 a.m., March 21, 1992.

March 19, 1992

Joseph R. Blum

Director

#### NEW SECTION

WAC 220-44-05000T COASTAL BOTTOMFISH CATCH LIMITS. Notwithstanding the provisions of WAC 220-44-050, effective 12:01 a.m. March 21, 1992, until further notice it is unlawful to possess, transport through the waters of the state or land in any Washington State port bottomfish taken from Marine Fish-Shellfish Management and Catch Reporting Areas 29, 58B, 59A, 59B, 60A, 61, 62, or 63 in excess of the amounts or less than the minimum sizes shown below for the following species:

(1) The following definitions apply to this section:

(a) Fixed two-week fishing period. Each of the following is defined as a fixed, two-week fishing period (hours given are on a 24-hour basis):

0001 hours March 11 to 2400 hours March 24;

0001 hours March 25 to 2400 hours April 7;

0001 hours April 8 to 2400 hours April 21;

0001 hours April 22 to 2400 hours May 5;

0001 hours May 6 to 2400 hours May 19;

0001 hours May 20 to 2400 hours June 2;

0001 hours June 3 to 2400 hours June 16;

0001 hours June 17 to 2400 hours June 30;

0001 hours July 1 to 2400 hours July 14;

0001 hours July 15 to 2400 hours July 28;

0001 hours July 29 to 2400 hours August 11;

0001 hours August 12 to 2400 hours August 25;

0001 hours August 26 to 2400 hours September 8;

0001 hours September 9 to 2400 hours September 22;

0001 hours September 23 to 2400 hours October 6;

0001 hours October 7 to 2400 hours October 20;

0001 hours October 21 to 2400 hours November 3;

0001 hours November 4 to 2400 hours November 17;

0001 hours November 18 to 2400 hours December 1;

0001 hours December 2 to 2400 hours December 15;

0001 hours December 16 to 2400 hours December 31;

(b) Fixed four-week periods. Each of the following is defined as a fixed, four-week fishing period (hours given are on a 24-hour basis):

0001 hours February 26 to 2400 hours March 24;

0001 hours March 25 to 2400 hours April 21;

0001 hours April 22 to 2400 hours May 19;

0001 hours May 20 to 2400 hours June 16;

0001 hours June 17 to 2400 hours July 14;

0001 hours July 15 to 2400 hours August 11;

0001 hours August 12 to 2400 hours September 8;

0001 hours September 9 to 2400 hours October 6;

0001 hours October 7 to 2400 hours November 3;

0001 hours November 4 to 2400 hours December 1;

0001 hours December 2 to 2400 hours December 31;

(c) Cumulative trip limit - A cumulative trip limit is the maximum amount of fish that may be taken and retained, possessed or landed per vessel in a specified period of time, without a limit on the number of landings or trips.

(d) Vessel trip - A vessel trip is defined as having occurred upon the initiation of transfer of catch from a fishing vessel.

(e) Vessel trip limit - The amount of fish that may not be exceeded per vessel trip. All fish aboard a fishing

vessel upon the initiation of transfer of catch are to be counted towards the vessel trip limit.

(f) Daily trip limit – The maximum amount of fish that may be taken and retained, possessed or landed per vessel from a single fishing trip in 24 consecutive hours, starting at 0001 hours local time.

(g) Week – Wednesday through the following Tuesday.

(2) Widow rockfish – Cumulative trip limit of 30,000 pounds in a fixed four-week period. No minimum size. Unless the fishery for widow rockfish is closed, a vessel which has landed its four-week, cumulative trip limit may begin to fish on the limit for the next four-week period so long as the fish are not landed until the next four-week period.

(3) Shortbelly rockfish – No maximum poundage per two-week or four-week fishing period. No minimum size.

(4) Pacific ocean perch – No limit on the number of vessel trips landings less than 1,000 pounds per vessel trip. Landings greater than 1,000 pounds but not to exceed 3,000 pounds allowed only if Pacific ocean perch represent 20 percent or less of fish aboard per vessel trip. No landings of more than 3,000 pounds per vessel trip. No minimum size.

(5) Sebastes complex – All other species of rockfish except widow, shortbelly, Pacific ocean perch and thornyhead or idiot rockfish (*Sebastes* spp.) – Cumulative trip limit of 50,000 pounds per fixed two-week period. No more than 8,000 pounds of this amount may be yellowtail rockfish. No minimum size. Unless the fishery for the Sebastes complex or yellowtail rockfish is closed, a vessel which has landed its two-week, cumulative trip limit may begin to fish on the limit for the next two-week period so long as the fish are not landed until the next two-week period.

(6) Deepwater complex – Sablefish, Dover sole, and thornyhead rockfish – Cumulative trip limit of 55,000 pounds per fixed two-week period. No more than 25,000 pounds of this amount may be thornyheads. No minimum size on Dover sole or thornyheads. Unless the fishery for the deepwater complex is closed, a vessel which has landed its two-week, cumulative trip limit may begin to fish on the limit for the next two-week period so long as the fish are not landed until the next two-week period.

The following limits apply to sablefish taken under this subsection:

(a) Trawl vessels – Landings above 1,000 pounds of sablefish are allowed only if sablefish represent 25 percent or less of the total combined weight of the deepwater complex onboard. No more than 5,000 pounds of sablefish may be smaller than 22 inches in length in any landing. Minimum size for dressed sablefish is 15.5 inches from the anterior insertion of the first dorsal fin to the tip of the tail. To convert from dressed weight to round weight, multiply the dressed weight by 1.6.

(b) Non-trawl vessels – 0001 hours March 21 until further notice; 500 pounds (round weight) daily trip limit. To convert round weight from dressed weight, multiply the dressed weight by 1.6.

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

(8) The fisher's copy of all fish receiving tickets showing landings of species provided for in this section shall be retained aboard the landing vessel for 90 days after landing.

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

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

### REPEALER

The following section of the Washington Administration Code is repealed effective 12:01 a.m. March 21, 1992:

### WAC 220-44-05000S COASTAL BOTTOMFISH CATCH LIMITS.

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

### WSR 92-08-008

#### NOTICE OF PUBLIC MEETINGS LEGAL FOUNDATION OF WASHINGTON

[Memorandum—March 17, 1992]

The following are meeting dates scheduled for 1992 by the board of trustees of the Legal Foundation of Washington for publication by the code reviser as required by the Washington Supreme Court.

May 7, 1992	9:00 a.m.	Tumwater Tyee Hotel
September 25, 1992	9:00 a.m.	Seattle Bogle and Gates Floor 51 Two Union Square Sixth and Union
November 6, 1992	9:00 a.m.	Grant Committee Meeting Seattle, Logan Building 500 Union
November 20, 1992	10:30 a.m.	Seattle Bogle and Gates Floor 51 Two Union Square Sixth and Union

### WSR 92-08-009

#### PERMANENT RULES PERSONNEL BOARD

[Order 402—Filed March 20, 1992, 9:45 a.m., effective May 1, 1992]

Date of Adoption: March 12, 1992.

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.

Citation of Existing Rules Affected by this Order: Amending WAC 356-05-355 and 356-34-060.

Statutory Authority for Adoption: RCW 41.06.040 and 41.06.150.

Pursuant to notice filed as WSR 92-04-034 on January 29, 1992.

Effective Date of Rule: May 1, 1992.

March 17, 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)) a position for three consecutive working days without notice to the appointing authority may be presumed to have abandoned ((his)) the 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 92-08-010**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Filed March 20, 1992, 9:49 a.m.]

Original Notice.

Title of Rule: WAC 388-49-020 Definitions.

Purpose: Section 1727 of the Agriculture, Conservation and Trade Act Amendments of 1991 requires a change to the definition of "student." The change is made to increase the number of eligible students. The "student" definition in WAC 388-49-020(80) is revised to exclude individuals between the age of 50 and 60 years of age. A student is now defined as "at least eighteen, but less than fifty years of age." An editorial change is also made to the definition of "nonstriker" in WAC 388-49-020(53).

Statutory Authority for Adoption: RCW 74.04.050.

Statute Being Implemented: RCW 74.04.050.

Summary: The "student" definition in WAC 388-49-020(80) is revised to exclude individuals between the age of 50 and 60 years of age. A student is now defined as "at least eighteen, but less than fifty years of age." An

editorial change is also made to the definition of "nonstriker" in WAC 388-49-020(53).

Reasons Supporting Proposal: Section 1727 of the Agriculture, Conservation and Trade Act Amendments of 1991 requires a change to the definition "student." The change is made to increase the number of eligible students.

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 necessary because of federal law, Section 1727 of Public Law 102-237.

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 May 5, 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 May 5, 1992.

Date of Intended Adoption: May 19, 1992.

March 20, 1992  
Leslie F. James, Director  
Administrative Services

AMENDATORY SECTION (Amending Order 3224, filed 8/1/91, effective 9/1/91)

WAC 388-49-020 DEFINITIONS. (1) "Administrative disqualification hearing" means a formal hearing to determine whether or not a person committed an intentional program violation.

(2) "Administrative error overissuance" means any overissuance caused solely by:

(a) Department action or failure to act when the household properly and accurately reported all the household's circumstances to the department; or

(b) For households determined categorically eligible under WAC 388-49-180(1), department action or failure to act which resulted in the household's improper eligibility for public assistance, provided a claim can be calculated based on a change in net food stamp income and/or household size.

(3) "Administrative law judge" means an employee of the office of administrative hearings empowered to preside over adjudicative proceedings.

(4) "Aid to families with dependent children (AFDC) program" means the federally funded public assistance program for dependent children and their families authorized under Title IV-A of the Social Security Act.

(5) "Allotment" means the total value of coupons a household is certified to receive during a calendar month.

(6) "Application process" means the filing and completion of an application form, interview or interviews, and verification of certain information.

(7) "Authorized representative" means an adult nonhousehold member sufficiently aware of household circumstances designated, in writing, by the head of the household, spouse, or other responsible household member to act on behalf of the household.

(8) "Beginning months" means the first month the household is eligible for benefits, and the month thereafter. The first beginning month cannot follow a month in which a household was certified eligible to receive benefits.

(9) "Benefit level" means the total value of food stamps a household is entitled to receive based on household income and circumstances.



(10) "Boarder" means an individual residing with the household, except a person described under WAC 388-49-190 (2)(a), (b), (c), or (d), who is a:

(a) Person paying reasonable compensation to the household for lodging and meals; or

(b) Foster child.

(11) "Budget month" means the first month of the monthly reporting cycle; the month for which the household reports their circumstances.

(12) "Certification period" means definite period of time within which the household has been determined eligible to receive food stamps.

(13) "Child" means someone seventeen years of age or younger, and under parental control.

(14) "Collateral contact" means oral contact in person or by telephone with someone outside of the household to confirm the household's circumstances.

(15) "Commercial boarding home" means an enterprise offering meals and lodging for compensation with the intent of making a profit.

(16) "Department" means the department of social and health services.

(17) "Dependent care deduction" means costs incurred by a household member for care provided by a nonhousehold member when the care is necessary for a household member to seek, accept, or continue employment, or attend training or education preparatory to employment.

(18) "Destitute household" means a household with a migrant or seasonal farmworker with little or no income at the time of application and in need of immediate food assistance.

(19) "Disabled person" means a person who meets one of the following criteria:

(a) Receives Supplemental Security Income (SSI) under Title XVI of the Social Security Act;

(b) Receives disability or blindness payments under Titles I, II, XIV, or XVI of the Social Security Act;

(c) Is a veteran;

(i) With service-connected or nonservice-connected disability rated or paid as total under Title 38 of the United States Code (USC); or

(ii) Considered in need of regular aid and attendance, or permanently housebound under Title 38 of the USC.

(d) Is a surviving spouse of a veteran and considered in need of aid and attendance, or permanently housebound; or a surviving child of a veteran and considered permanently incapable of self-support under Title 38 of the USC;

(e) A surviving spouse or child of a veteran and entitled to compensation for service-connected death or pension benefits for a nonservice-connected death under Title 38 of the USC and has a disability considered permanent under section 221(i) of the Social Security Act;

(f) Receives disability retirement benefits from a federal, state, or local government agency, because of a disability considered permanent under section 221(i) of the Social Security Act;

(g) Receives an annuity payment as part of the Railroad Retirement Act of 1974 under:

(i) Section 2 (a)(1)(iv) and is determined eligible to receive Medicare by the Railroad Retirement Board; or

(ii) Section 2 (a)(1)(v) and is determined disabled based on the criteria under Title XVI of the Social Security Act.

(h) Is a recipient of disability-related medical assistance under Title XIX of the Social Security Act.

(20) "Documentary evidence" means written confirmation of a household's circumstances.

(21) "Documentation" means the process of recording the source, date, and content of verifying information.

(22) "Elderly person" means a person sixty years of age or older.

(23) "Eligible food" means, for a homeless food stamp household, meals prepared for and served by an authorized homeless meal provider.

(24) "Entitlement" means the food stamp benefit a household received including a disqualified household member.

(25) "Equity value" means fair market value less encumbrances.

(26) "Expedited services" means providing food stamps within five calendar days to an eligible household which:

(a) Has liquid resources of one hundred dollars or less; and

(b) Has gross monthly income under one hundred fifty dollars; or

(c) Has combined gross monthly income and liquid resources which are less than the household's current monthly rent or mortgage and either the:

(i) Standard utility allowance as set forth in WAC 388-49-505; or

(ii) Actual utility costs, whichever is higher; or

(d) Includes all members who are homeless individuals; or

(e) Includes a destitute migrant or seasonal farmworker.

(27) "Fair hearing" means an adjudicative proceeding in which the department hears and decides an applicant/recipient's appeal from the department's action or decision.

(28) "Fair market value" means the value at which a prudent person might sell the property if the person was not forced to sell.

(29) "Food coupon" means food stamps and the two terms are interchangeable.

(30) "Food coupon authorization (FCA) card" means the document issued by the local or state office to authorize the allotment the household is eligible to receive.

(31) "Food stamp monthly reporting cycle" means the three-month reporting cycle consisting of the budget month, the process month, and the payment month.

(32) "Gross income eligibility standard" means one hundred thirty percent of the federal poverty level for the forty-eight contiguous states.

(33) "Group living arrangement" means a public or private non-profit residential setting serving no more than sixteen residents certified by the appropriate state agency under section 1616(e) of the Social Security Act.

(34) "Head of household" means:

(a) The person designated by the household to be named on the case file, identification card, and FCA card;

(b) For employment services or the voluntary quit provision, the household member who is the principal wage earner with the greatest source of earned income in the two months prior to the month of violation, including members not required to register, provided:

(i) The employment involves at least twenty hours per week; and

(ii) The person is not living with a parent or a person fulfilling that role who is:

(A) Registered for work,

(B) Exempt from work registration because of registration in a Title IV-A or IV-C work program of the Social Security Act, as amended, or the receipt of unemployment compensation, or

(C) Employed or self-employed and working a minimum of thirty hours per week, or receiving weekly earnings equal to the federal minimum wage multiplied by thirty hours.

(35) "Home visit" means a personal contact at the person's residence by a department employee. The home visit shall be scheduled in advance with the household.

(36) "Homeless individual" means a person lacking a fixed and regular nighttime residence or a person whose primary nighttime residence is a:

(a) Supervised shelter designed to provide temporary accommodations;

(b) Halfway house or similar institution providing temporary residence for persons needing institutionalization;

(c) Temporary accommodation in the residence of another person; or

(d) Place not designed for, or ordinarily used as, a regular sleeping accommodation for humans.

(37) "Homeless meal provider" means a public or private nonprofit establishment (e.g., soup kitchen, temporary shelter, mission, or other charitable organizations) feeding homeless persons, approved by division of income assistance (DIA) and authorized by food and nutrition service (FNS).

(38) "Household" means the basic client unit in the food stamp program.

(39) "Household disaster" means when food coupons, food purchased with food coupons, or food coupon authorization cards are destroyed by a natural disaster, such as flood, fire, etc.

(40) "Identification card" means the document identifying the bearer as eligible to receive and use food stamps.

(41) "Inadvertent household error overissuance" means any overissuance caused by either:

(a) Misunderstanding or unintended error by a household:

(i) Not determined categorically eligible under WAC 388-49-180(1); or

(ii) Determined categorically eligible under WAC 388-49-180(1) if a claim can be calculated based on a change in net food stamp income and/or household size; or

(b) Social Security Administration action or failure to take action which resulted in the household's categorical eligibility, if a claim can

be calculated based on a change in net food stamp income and/or household size.

(42) "Ineligible household member" means the member excluded from the food stamp household because of:

- (a) Disqualification for intentional program violation;
- (b) Failure to apply for or provide a Social Security number;
- (c) Failure to comply with work requirements as described under WAC 388-49-360;
- (d) Status as an ineligible alien;
- (e) Status as an ineligible student; or
- (f) Failure to sign the application attesting to the member's citizenship or alien status.

(43) "Institution" means any place of residence (private or public) providing maintenance and meals for two or more persons.

(44) "Institution of higher education" means any institution normally requiring a high school diploma or equivalency certificate for enrollment. This includes any two-year or four-year college. Also included is any course in a trade or vocational school that normally requires a high school diploma or equivalency for admittance to the course.

(45) "Intentional program violation," after August 8, 1983, means intentionally:

- (a) Making a false or misleading statement;
- (b) Misrepresenting, concealing, or withholding facts; or
- (c) Committing any act constituting a violation of the Food Stamp Act, the food stamp program regulations, or any state statute relating to the use, presentation, transfer, acquisition, receipt, or possession of food stamp coupons or FCAs.

Intentional program violation which ended before August 8, 1983, consists of any action by a person or persons to knowingly, willfully, and with deceitful intent:

- (a) Make a false statement to the department, either orally or in writing, to obtain benefits to which the household is not entitled;
- (b) Conceal information to obtain benefits to which the household is not entitled;
- (c) Alter authorization cards or coupons to obtain benefits to which the household is not entitled;
- (d) Use coupons to buy expensive or conspicuous nonfood items;
- (e) Use or possess improperly obtained coupons or authorization cards; and
- (f) Trade or sell coupons or authorization cards.

(46) "Intentional program violation overissuance" means any overissuance caused by an intentional program violation.

(47) "Live-in attendant" means a person residing with a household to provide medical, housekeeping, child care, or other similar personal services.

(48) "Lump sum" means money received in the form of a nonrecurring payment including, but not limited to:

- (a) Income tax refunds,
- (b) Rebates,
- (c) Retroactive payments, and
- (d) Insurance settlements.

(49) "Mandatory fees" means those fees charged to all students within a certain curriculum. Transportation, supplies, and textbook expenses are not uniformly charged to all students and are not considered as mandatory fees.

(50) "Migrant farmworker" means a person working in seasonal agricultural employment who is required to be absent overnight from the person's permanent residence.

(51) "Net income eligibility standard" means the federal income poverty level for the forty-eight contiguous states.

(52) "Nonhousehold member" means a person who is not considered a member of the food stamp household such as a:

- (a) Roomer;
- (b) Live-in attendant; or
- (c) Person who does not purchase and prepare meals with the food stamp household.

(53) "Nonstriker" means any person:

- (a) Exempt from work registration the day (~~prior to~~) before the strike for reasons other than their employment;
- (b) Unable to work as a result of other striking employees, e.g., truck driver not working because striking newspaper pressmen not printing output;
- (c) Not part of the bargaining unit on strike but not wanting to cross picket line due to fear of personal injury or death; or
- (d) Unable to work because workplace is closed to employees by employer in order to resist demands of employees, e.g., a lockout.

(54) "Offset" means reduce restored benefits by any overissue (claim) owed by the household to the department.

(55) "Overissuance" means the amount of coupons issued to a household in excess of the amount eligible to receive.

(56) "Overpayment" means the same as "overissuance" and shall be the preferred term used in procedures.

(57) "Payment month" means the third month of the budget cycle; the month in which the food stamp allotment is affected by information reported on the monthly report for the budget month.

(58) "Period of intended use" means the period for which an FCA or food coupon is intended to be used.

(59) "Post secondary education" means a school not requiring a high school diploma or equivalency for enrollment. This includes trade school, vocational schools, business colleges, beauty schools, barber schools, etc.

(60) "Process month" means the second month of the monthly reporting cycle; the month in which the monthly report is to be returned by the household to the local office.

(61) "Project area" means the county or similar political subdivision designated by the state as the administrative unit for program operations.

(62) "Prospective budgeting" means the computation of a household's income based on income received or anticipated income the household and department are reasonably certain will be received during the month of issuance.

(63) "Prospective eligibility" means the determination of eligibility based on prospective budgeting rules and other household circumstances anticipated during the month of issuance.

(64) "Quality control review" means a review of a statistically valid sample of cases to determine the accuracy of budgeting, issuance, denial, withdrawal, and termination actions taken by the department.

(65) "Quality control review period" means the twelve-month period from October 1 of each calendar year through September 30 of the following calendar year.

(66) "Recent work history" means receipt of earned income in one of the two months prior to the payment month.

(67) "Recertification" means approval of continuing benefits based on an application submitted prior to the end of the current certification period.

(68) "Resident of an institution" means a person residing in an institution that provides the person with the majority of meals as part of the institution's normal service.

(69) "Retrospective budgeting" means the computation of a household's income for a payment month based on actual income received in the corresponding budget month of the monthly reporting cycle.

(70) "Retrospective eligibility" means the determination of eligibility based on retrospective budgeting rules and other circumstances existing in the budget month.

(71) "Roomer" means a person to whom a household furnishes lodging, but not meals, for compensation.

(72) "Seasonal farmworker" means a person working in seasonal agricultural employment who is not required to be absent overnight from the person's permanent residence.

(73) "Shelter costs" means:

- (a) Rent or mortgage payments plus taxes on a dwelling and property;
- (b) Insurance on the structure only, unless the costs for insuring the structure and its contents cannot be separated;
- (c) Assessments;
- (d) Utility costs such as heat and cooking fuel, cooling and electricity, water, garbage, and sewage disposal;
- (e) Standard basic telephone allowance;
- (f) Initial installation fees for utility services; and
- (g) Continuing charges leading to shelter ownership such as loan repayments for the purchase of a mobile home including interest on such payments.

(74) "Shelter for battered women and children" means a public or private nonprofit residential facility serving battered women and children.

(75) "Sibling" means a natural, adopted, half brother or stepbrother or natural, adopted, half sister or stepsister.

(76) "Sponsor" means a person who executed an affidavit of support or similar agreement on behalf of an alien as a condition of the alien's admission into the United States as a permanent resident.

(77) "Sponsored alien" means an alien lawfully admitted for permanent residence who has an affidavit of support or similar agreement

executed by a person on behalf of the alien as a condition of the alien's admission into the United States as a permanent resident.

(78) "Spouse" means:

- (a) Married under applicable state law; or
- (b) Living with another person and holding themselves out to the community as husband and wife by representing themselves as such to relatives, friends, neighbors, or trades people.

(79) "Striker" means any person:

- (a) Involved in a strike or concerted stoppage of work by employees including stoppage due to expiration of a collective bargaining agreement; or
- (b) Involved in any concerted slowdown or other concerted interruption of operations by employees.

(80) "Student" means any person:

- (a) At least eighteen but less than ~~((sixty))~~ fifty years of age((:));
- (b) Physically and mentally fit for employment((:)); and
- (c) Enrolled at least half time in an institution of higher education.

(81) "Systematic alien verification for entitlements (SAVE)" means the immigration and naturalization service (INS) program whereby the department may verify the validity of documents provided by aliens applying for food stamp benefits by obtaining information from a central data file.

(82) "Temporary disability" means a nonpermanent physical illness or injury that incapacitates beyond the initial issuance month.

(83) "Thrifty food plan" means the diet required to feed a family of four as determined by the United States Department of Agriculture. The cost of the diet is the basis for all allotments, taking into account the household size adjustments based on a scale.

(84) "Under parental control" means living with the parent or any adult other than the parent. A person is not under parental control when that person is:

- (a) Receiving an AFDC grant as the person's own payee;
- (b) Receiving, as the person's own payee, gross income equal to, or exceeding, the AFDC grant payment standard as described under WAC 388-29-100 (3)(b); or
- (c) Married.

(85) "Vehicle" means any device for carrying or conveying persons and objects, including travel by land, water, or air.

(86) "Vendor payment" means money payments not owed or payable directly to a household, but paid to a third party for a household expense, such as:

(a) A payment made in money on behalf of a household whenever another person or organization makes a direct payment to either the household's creditors or a person or organization providing a service to the household; or

(b) Rent or mortgage payments, made to landlords or mortgagees by the department of housing and urban development or by state or local housing authorities.

(87) "Verification" means the use of documentation or third-party information to establish the accuracy of statements on the application. Sources of verification shall be documentary evidence, collateral contacts, or a home visit.

**WSR 92-08-011**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Filed March 20, 1992, 9:52 a.m.]

Original Notice.

Title of Rule: WAC 388-92-034 Availability of income.

Purpose: To ensure compliance between state and federal rules. Clients are required to apply for any other benefits to which they may be entitled.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: This amendment ensures compliance between state and federal rules. This rule requires clients to apply for any other benefits to which they may be entitled.

Reasons Supporting Proposal: 42 CFR Chapter IV, 435.603.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Joanie Scotson, Medical Assistance Administration, 753-7462.

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

Rule is necessary because of federal law, 42 CFR Chapter IV, 435.603.

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 May 5, 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 May 5, 1992.

Date of Intended Adoption: May 19, 1992.

March 20, 1992

Leslie F. James, Director  
 Administrative Services

AMENDATORY SECTION (Amending Order 3108, filed 12/5/90)

WAC 388-92-034 AVAILABILITY OF INCOME. ~~((++))~~ The department shall:

(1) Consider client checks received in advance of the month the checks are normally received as income in the month of normal receipt.

(2) ~~((The department shall consider))~~ Consider electronically transferred client funds available as income in the month of normal receipt, regardless of whether the banking institution posted the funds to the client's bank account before or after the month the funds are payable. ~~((Such payments become subject to counting as a resource in the month following the month of normal receipt:))~~

(3) ~~((The department shall))~~ Exclude as unearned income the unearned income amounts withheld due to garnishment pursuant to a court, administrative, or agency order.

(4) ~~((The department shall))~~ Include as earned income the earned income amounts withheld due to garnishment.

(5) As a condition of eligibility, require clients to take all necessary steps to obtain any annuities, pensions, retirement, and disability benefits to which they are entitled, unless they can show good cause for not doing so. Annuities, pensions, retirement and disability benefits include, but are not limited to, veteran's compensation and pensions, OASDI benefits, railroad retirement benefits, and unemployment compensation.

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 92-08-012**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Filed March 20, 1992, 9:55 a.m.]

**Original Notice.**

Title of Rule: WAC 388-49-330 Student.

Purpose: Section 1727 of the Agriculture, Conservation and Trade Act Amendments of 1991 adds several new student eligibility criteria. WAC 388-49-330 adds the new criteria. The changes are made to increase the number of students eligible to participate in the food stamp program.

Statutory Authority for Adoption: RCW 74.04.050.

Statute Being Implemented: RCW 74.04.050.

Summary: WAC 388-49-330 is revised to add new student eligibility criteria.

Reasons Supporting Proposal: Section 1727 of Agriculture, Conservation and Trade Act Amendments of 1991 (Public Law 102-237) requires several changes to the student eligibility criteria. The changes are made to increase the number of students eligible to participate in the food stamp program.

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 necessary because of federal law, Section 1727 of Public Law 102-237.

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 May 5, 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 May 5, 1992.

Date of Intended Adoption: May 19, 1992.

March 20, 1992

Leslie F. James, Director  
 Administrative Services

**AMENDATORY SECTION** (Amending Order 3173, filed 5/1/91, effective 6/1/91)

WAC 388-49-330 STUDENT. (1) A student, as defined under WAC 388-49-020, shall meet one of the following criteria to receive food stamps:

(a) Work and receive payment for a minimum of twenty hours per week. A self-employed student's minimum weekly earnings shall at least be equal to the federal minimum hourly wage multiplied by twenty hours;

(b) Work and receive money from a federal or state work study program;

(c) Be responsible for the care of a dependent household member ~~((five))~~ under six years of age ~~((or younger))~~;

(d) Participate in the Job Opportunities and Basic Skill Training (JOBS) program;

(e) Be responsible for the care of a dependent household member at least six years of age, but under twelve years of age, and the department has determined adequate child care is not available;

~~((e))~~ (f) Be a single parent responsible for the care of a dependent child under age twelve regardless of the availability of adequate child care;

(g) Receive benefits from the aid to families with dependent children program; or

~~((f))~~ (h) Attend an institution of higher education through ~~((a program under Job Training Partnership Act (JTPA)))~~;

(i) The Job Training Partnership Act (JTPA);

(ii) A Food Stamp Act employment and training program;

(iii) Section 236 of the Trade Act of 1974; or

(iv) An approved employment and training program operated by state or local government.

(2) Student status begins the first day of the school term.

(3) Student status continues through normal periods of class attendance, vacation, and recess.

(4) Student status is lost when a student:

(a) Graduates;

(b) Is suspended;

(c) Is expelled;

(d) Drops out; or

(e) Does not intend to register for the next normal school term excluding summer school.

**WSR 92-08-013**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Filed March 20, 1992, 9:57 a.m.]

**Original Notice.**

Title of Rule: WAC 388-83-012 Assignment of rights.

Purpose: Clarify language and ensure medical care support is assigned for all medical programs, not just Medicaid.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: Ensure that medical care support is assigned for all programs, not just Medicaid.

Reasons Supporting Proposal: Clarify language.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Joanie Scotson, Medical Assistance Administration, 753-7462.

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 May 5, 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 May 5, 1992.

Date of Intended Adoption: May 19, 1992.

March 20, 1992

Leslie F. James, Director  
Administrative Services

**AMENDATORY SECTION** (Amending Order 2809, filed 6/7/89)

WAC 388-83-012 **ASSIGNMENT OF RIGHTS.** (1) As a condition of eligibility for any medical ((assistance)) program, an applicant or recipient/enrollee shall assign to the state of Washington all right, title, and interest to any medical care support available as a result of:

- (a) A court order;
- (b) An administrative agency order; or
- (c) Any third-party payments for medical care.

(2) The applicant or recipient/enrollee shall assign rights of payment to any medical care support the applicant or recipient/enrollee may have in his or her own behalf or on the behalf of any other applicant or recipient/enrollee for whom the applicant or recipient/enrollee can legally assign such rights.

**WSR 92-08-014**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 3340—Filed March 20, 1992, 9:59 a.m., effective April 1, 1992, 12:01 a.m.]

Date of Adoption: March 20, 1992.

Purpose: Section 1727 of the Agriculture, Conservation and Trade Act Amendments of 1991 requires a change to the definition of "student." The change is made to increase the number of eligible students. The "student" definition in WAC 388-49-020(80) is revised to exclude individuals between the age of 50 and 60 years of age. A student is now defined as "at least eighteen, but less than fifty years of age." An editorial change is also made to the definition of "nonstriker" in WAC 388-49-020(53).

Citation of Existing Rules Affected by this Order: Amending WAC 388-49-020 Definitions.

Statutory Authority for Adoption: RCW 74.04.050.

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

Reasons for this Finding: [No information supplied by agency.]

Effective Date of Rule: April 1, 1992, 12:01 a.m.

March 20, 1992

Leslie F. James, Director  
Administrative Services

**AMENDATORY SECTION** (Amending Order 3224, filed 8/1/91, effective 9/1/91)

WAC 388-49-020 **DEFINITIONS.** (1) "Administrative disqualification hearing" means a formal hearing to determine whether or not a person committed an intentional program violation.

(2) "Administrative error overissuance" means any overissuance caused solely by:

(a) Department action or failure to act when the household properly and accurately reported all the household's circumstances to the department; or

(b) For households determined categorically eligible under WAC 388-49-180(1), department action or failure to act which resulted in the household's improper eligibility for public assistance, provided a claim can be calculated based on a change in net food stamp income and/or household size.

(3) "Administrative law judge" means an employee of the office of administrative hearings empowered to preside over adjudicative proceedings.

(4) "Aid to families with dependent children (AFDC) program" means the federally funded public assistance program for dependent children and their families authorized under Title IV-A of the Social Security Act.

(5) "Allotment" means the total value of coupons a household is certified to receive during a calendar month.

(6) "Application process" means the filing and completion of an application form, interview or interviews, and verification of certain information.

(7) "Authorized representative" means an adult non-household member sufficiently aware of household circumstances designated, in writing, by the head of the household, spouse, or other responsible household member to act on behalf of the household.

(8) "Beginning months" means the first month the household is eligible for benefits, and the month thereafter. The first beginning month cannot follow a month in which a household was certified eligible to receive benefits.

(9) "Benefit level" means the total value of food stamps a household is entitled to receive based on household income and circumstances.

(10) "Boarder" means an individual residing with the household, except a person described under WAC 388-49-190 (2)(a), (b), (c), or (d), who is a:

- (a) Person paying reasonable compensation to the household for lodging and meals; or
- (b) Foster child.

(11) "Budget month" means the first month of the monthly reporting cycle; the month for which the household reports their circumstances.

(12) "Certification period" means definite period of time within which the household has been determined eligible to receive food stamps.

(13) "Child" means someone seventeen years of age or younger, and under parental control.

(14) "Collateral contact" means oral contact in person or by telephone with someone outside of the household to confirm the household's circumstances.

(15) "Commercial boarding home" means an enterprise offering meals and lodging for compensation with the intent of making a profit.

(16) "Department" means the department of social and health services.

(17) "Dependent care deduction" means costs incurred by a household member for care provided by a nonhousehold member when the care is necessary for a

household member to seek, accept, or continue employment, or attend training or education preparatory to employment.

(18) "Destitute household" means a household with a migrant or seasonal farmworker with little or no income at the time of application and in need of immediate food assistance.

(19) "Disabled person" means a person who meets one of the following criteria:

(a) Receives Supplemental Security Income (SSI) under Title XVI of the Social Security Act;

(b) Receives disability or blindness payments under Titles I, II, XIV, or XVI of the Social Security Act;

(c) Is a veteran:

(i) With service-connected or nonservice-connected disability rated or paid as total under Title 38 of the United States Code (USC); or

(ii) Considered in need of regular aid and attendance, or permanently housebound under Title 38 of the USC.

(d) Is a surviving spouse of a veteran and considered in need of aid and attendance, or permanently housebound; or a surviving child of a veteran and considered permanently incapable of self-support under Title 38 of the USC;

(e) A surviving spouse or child of a veteran and entitled to compensation for service-connected death or pension benefits for a nonservice-connected death under Title 38 of the USC and has a disability considered permanent under section 221(i) of the Social Security Act;

(f) Receives disability retirement benefits from a federal, state, or local government agency, because of a disability considered permanent under section 221(i) of the Social Security Act;

(g) Receives an annuity payment as part of the Railroad Retirement Act of 1974 under:

(i) Section 2 (a)(1)(iv) and is determined eligible to receive Medicare by the Railroad Retirement Board; or

(ii) Section 2 (a)(1)(v) and is determined disabled based on the criteria under Title XVI of the Social Security Act.

(h) Is a recipient of disability-related medical assistance under Title XIX of the Social Security Act.

(20) "Documentary evidence" means written confirmation of a household's circumstances.

(21) "Documentation" means the process of recording the source, date, and content of verifying information.

(22) "Elderly person" means a person sixty years of age or older.

(23) "Eligible food" means, for a homeless food stamp household, meals prepared for and served by an authorized homeless meal provider.

(24) "Entitlement" means the food stamp benefit a household received including a disqualified household member.

(25) "Equity value" means fair market value less encumbrances.

(26) "Expedited services" means providing food stamps within five calendar days to an eligible household which:

(a) Has liquid resources of one hundred dollars or less; and

(b) Has gross monthly income under one hundred fifty dollars; or

(c) Has combined gross monthly income and liquid resources which are less than the household's current monthly rent or mortgage and either the:

(i) Standard utility allowance as set forth in WAC 388-49-505; or

(ii) Actual utility costs, whichever is higher; or

(d) Includes all members who are homeless individuals; or

(e) Includes a destitute migrant or seasonal farmworker.

(27) "Fair hearing" means an adjudicative proceeding in which the department hears and decides an applicant/recipient's appeal from the department's action or decision.

(28) "Fair market value" means the value at which a prudent person might sell the property if the person was not forced to sell.

(29) "Food coupon" means food stamps and the two terms are interchangeable.

(30) "Food coupon authorization (FCA) card" means the document issued by the local or state office to authorize the allotment the household is eligible to receive.

(31) "Food stamp monthly reporting cycle" means the three-month reporting cycle consisting of the budget month, the process month, and the payment month.

(32) "Gross income eligibility standard" means one hundred thirty percent of the federal poverty level for the forty-eight contiguous states.

(33) "Group living arrangement" means a public or private nonprofit residential setting serving no more than sixteen residents certified by the appropriate state agency under section 1616(e) of the Social Security Act.

(34) "Head of household" means:

(a) The person designated by the household to be named on the case file, identification card, and FCA card;

(b) For employment services or the voluntary quit provision, the household member who is the principal wage earner with the greatest source of earned income in the two months prior to the month of violation, including members not required to register, provided:

(i) The employment involves at least twenty hours per week; and

(ii) The person is not living with a parent or a person fulfilling that role who is:

(A) Registered for work,

(B) Exempt from work registration because of registration in a Title IV-A or IV-C work program of the Social Security Act, as amended, or the receipt of unemployment compensation, or

(C) Employed or self-employed and working a minimum of thirty hours per week, or receiving weekly earnings equal to the federal minimum wage multiplied by thirty hours.

(35) "Home visit" means a personal contact at the person's residence by a department employee. The home visit shall be scheduled in advance with the household.

(36) "Homeless individual" means a person lacking a fixed and regular nighttime residence or a person whose primary nighttime residence is a:

(a) Supervised shelter designed to provide temporary accommodations;

(b) Halfway house or similar institution providing temporary residence for persons needing institutionalization;

(c) Temporary accommodation in the residence of another person; or

(d) Place not designed for, or ordinarily used as, a regular sleeping accommodation for humans.

(37) "Homeless meal provider" means a public or private nonprofit establishment (e.g., soup kitchen, temporary shelter, mission, or other charitable organizations) feeding homeless persons, approved by division of income assistance (DIA) and authorized by food and nutrition service (FNS).

(38) "Household" means the basic client unit in the food stamp program.

(39) "Household disaster" means when food coupons, food purchased with food coupons, or food coupon authorization cards are destroyed by a natural disaster, such as flood, fire, etc.

(40) "Identification card" means the document identifying the bearer as eligible to receive and use food stamps.

(41) "Inadvertent household error overissuance" means any overissuance caused by either:

(a) Misunderstanding or unintended error by a household:

(i) Not determined categorically eligible under WAC 388-49-180(1); or

(ii) Determined categorically eligible under WAC 388-49-180(1) if a claim can be calculated based on a change in net food stamp income and/or household size; or

(b) Social Security Administration action or failure to take action which resulted in the household's categorical eligibility, if a claim can be calculated based on a change in net food stamp income and/or household size.

(42) "Ineligible household member" means the member excluded from the food stamp household because of:

(a) Disqualification for intentional program violation;

(b) Failure to apply for or provide a Social Security number;

(c) Failure to comply with work requirements as described under WAC 388-49-360;

(d) Status as an ineligible alien;

(e) Status as an ineligible student; or

(f) Failure to sign the application attesting to the member's citizenship or alien status.

(43) "Institution" means any place of residence (private or public) providing maintenance and meals for two or more persons.

(44) "Institution of higher education" means any institution normally requiring a high school diploma or equivalency certificate for enrollment. This includes any two-year or four-year college. Also included is any course in a trade or vocational school that normally requires a high school diploma or equivalency for admittance to the course.

(45) "Intentional program violation," after August 8, 1983, means intentionally:

(a) Making a false or misleading statement;

(b) Misrepresenting, concealing, or withholding facts; or

(c) Committing any act constituting a violation of the Food Stamp Act, the food stamp program regulations, or any state statute relating to the use, presentation, transfer, acquisition, receipt, or possession of food stamp coupons or FCAs.

Intentional program violation which ended before August 8, 1983, consists of any action by a person or persons to knowingly, willfully, and with deceitful intent:

(a) Make a false statement to the department, either orally or in writing, to obtain benefits to which the household is not entitled;

(b) Conceal information to obtain benefits to which the household is not entitled;

(c) Alter authorization cards or coupons to obtain benefits to which the household is not entitled;

(d) Use coupons to buy expensive or conspicuous non-food items;

(e) Use or possess improperly obtained coupons or authorization cards; and

(f) Trade or sell coupons or authorization cards.

(46) "Intentional program violation overissuance" means any overissuance caused by an intentional program violation.

(47) "Live-in attendant" means a person residing with a household to provide medical, housekeeping, child care, or other similar personal services.

(48) "Lump sum" means money received in the form of a nonrecurring payment including, but not limited to:

(a) Income tax refunds,

(b) Rebates,

(c) Retroactive payments, and

(d) Insurance settlements.

(49) "Mandatory fees" means those fees charged to all students within a certain curriculum. Transportation, supplies, and textbook expenses are not uniformly charged to all students and are not considered as mandatory fees.

(50) "Migrant farmworker" means a person working in seasonal agricultural employment who is required to be absent overnight from the person's permanent residence.

(51) "Net income eligibility standard" means the federal income poverty level for the forty-eight contiguous states.

(52) "Nonhousehold member" means a person who is not considered a member of the food stamp household such as a:

(a) Roomer,

(b) Live-in attendant; or

(c) Person who does not purchase and prepare meals with the food stamp household.

(53) "Nonstriker" means any person:

(a) Exempt from work registration the day ((prior to)) before the strike for reasons other than their employment;

(b) Unable to work as a result of other striking employees, e.g., truck driver not working because striking newspaper pressmen not printing output;



(c) Not part of the bargaining unit on strike but not wanting to cross picket line due to fear of personal injury or death; or

(d) Unable to work because workplace is closed to employees by employer in order to resist demands of employees, e.g., a lockout.

(54) "Offset" means reduce restored benefits by any overissue (claim) owed by the household to the department.

(55) "Overissuance" means the amount of coupons issued to a household in excess of the amount eligible to receive.

(56) "Overpayment" means the same as "overissuance" and shall be the preferred term used in procedures.

(57) "Payment month" means the third month of the budget cycle; the month in which the food stamp allotment is affected by information reported on the monthly report for the budget month.

(58) "Period of intended use" means the period for which an FCA or food coupon is intended to be used.

(59) "Post secondary education" means a school not requiring a high school diploma or equivalency for enrollment. This includes trade school, vocational schools, business colleges, beauty schools, barber schools, etc.

(60) "Process month" means the second month of the monthly reporting cycle; the month in which the monthly report is to be returned by the household to the local office.

(61) "Project area" means the county or similar political subdivision designated by the state as the administrative unit for program operations.

(62) "Prospective budgeting" means the computation of a household's income based on income received or anticipated income the household and department are reasonably certain will be received during the month of issuance.

(63) "Prospective eligibility" means the determination of eligibility based on prospective budgeting rules and other household circumstances anticipated during the month of issuance.

(64) "Quality control review" means a review of a statistically valid sample of cases to determine the accuracy of budgeting, issuance, denial, withdrawal, and termination actions taken by the department.

(65) "Quality control review period" means the twelve-month period from October 1 of each calendar year through September 30 of the following calendar year.

(66) "Recent work history" means receipt of earned income in one of the two months prior to the payment month.

(67) "Recertification" means approval of continuing benefits based on an application submitted prior to the end of the current certification period.

(68) "Resident of an institution" means a person residing in an institution that provides the person with the majority of meals as part of the institution's normal service.

(69) "Retrospective budgeting" means the computation of a household's income for a payment month based

on actual income received in the corresponding budget month of the monthly reporting cycle.

(70) "Retrospective eligibility" means the determination of eligibility based on retrospective budgeting rules and other circumstances existing in the budget month.

(71) "Roomer" means a person to whom a household furnishes lodging, but not meals, for compensation.

(72) "Seasonal farmworker" means a person working in seasonal agricultural employment who is not required to be absent overnight from the person's permanent residence.

(73) "Shelter costs" means:

(a) Rent or mortgage payments plus taxes on a dwelling and property;

(b) Insurance on the structure only, unless the costs for insuring the structure and its contents cannot be separated;

(c) Assessments;

(d) Utility costs such as heat and cooking fuel, cooling and electricity, water, garbage, and sewage disposal;

(e) Standard basic telephone allowance;

(f) Initial installation fees for utility services; and

(g) Continuing charges leading to shelter ownership such as loan repayments for the purchase of a mobile home including interest on such payments.

(74) "Shelter for battered women and children" means a public or private nonprofit residential facility serving battered women and children.

(75) "Sibling" means a natural, adopted, half brother or stepbrother or natural, adopted, half sister or stepsister.

(76) "Sponsor" means a person who executed an affidavit of support or similar agreement on behalf of an alien as a condition of the alien's admission into the United States as a permanent resident.

(77) "Sponsored alien" means an alien lawfully admitted for permanent residence who has an affidavit of support or similar agreement executed by a person on behalf of the alien as a condition of the alien's admission into the United States as a permanent resident.

(78) "Spouse" means:

(a) Married under applicable state law; or

(b) Living with another person and holding themselves out to the community as husband and wife by representing themselves as such to relatives, friends, neighbors, or trades people.

(79) "Striker" means any person:

(a) Involved in a strike or concerted stoppage of work by employees including stoppage due to expiration of a collective bargaining agreement; or

(b) Involved in any concerted slowdown or other concerted interruption of operations by employees.

(80) "Student" means any person:

(a) At least eighteen but less than ((sixty)) fifty years of age(;;);

(b) Physically and mentally fit for employment(;;); and

(c) Enrolled at least half time in an institution of higher education.

(81) "Systematic alien verification for entitlements (SAVE)" means the immigration and naturalization service (INS) program whereby the department may

verify the validity of documents provided by aliens applying for food stamp benefits by obtaining information from a central data file.

(82) "Temporary disability" means a nonpermanent physical illness or injury that incapacitates beyond the initial issuance month.

(83) "Thrifty food plan" means the diet required to feed a family of four as determined by the United States Department of Agriculture. The cost of the diet is the basis for all allotments, taking into account the household size adjustments based on a scale.

(84) "Under parental control" means living with the parent or any adult other than the parent. A person is not under parental control when that person is:

(a) Receiving an AFDC grant as the person's own payee;

(b) Receiving, as the person's own payee, gross income equal to, or exceeding, the AFDC grant payment standard as described under WAC 388-29-100 (3)(b); or

(c) Married.

(85) "Vehicle" means any device for carrying or conveying persons and objects, including travel by land, water, or air.

(86) "Vendor payment" means money payments not owed or payable directly to a household, but paid to a third party for a household expense, such as:

(a) A payment made in money on behalf of a household whenever another person or organization makes a direct payment to either the household's creditors or a person or organization providing a service to the household; or

(b) Rent or mortgage payments, made to landlords or mortgagees by the department of housing and urban development or by state or local housing authorities.

(87) "Verification" means the use of documentation or third-party information to establish the accuracy of statements on the application. Sources of verification shall be documentary evidence, collateral contacts, or a home visit.

**WSR 92-08-015**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 3341—Filed March 20, 1992, 10:01 a.m., effective April 1, 1992, 12:01 a.m.]

Date of Adoption: March 20, 1992.

Purpose: Section 1727 of the Agriculture, Conservation and Trade Act Amendments of 1991 adds several new student eligibility criteria. WAC 388-49-330 adds the new criteria. The changes are made to increase the number of students eligible to participate in the food stamp program.

Citation of Existing Rules Affected by this Order: Amending WAC 388-49-330 Student.

Statutory Authority for Adoption: RCW 74.04.050.

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

Reasons for this Finding: Section 1727 of Agriculture, Conservation and Trade Act Amendments of 1991 (Public Law 102-237) requires several changes to the student eligibility criteria. The changes are made to increase the number of students eligible to participate in the food stamp program.

Effective Date of Rule: April 1, 1992, 12:01 a.m.

March 20, 1992

Leslie F. James, Director  
Administrative Services

AMENDATORY SECTION (Amending Order 3173, filed 5/1/91, effective 6/1/91)

WAC 388-49-330 STUDENT. (1) A student, as defined under WAC 388-49-020, shall meet one of the following criteria to receive food stamps:

(a) Work and receive payment for a minimum of twenty hours per week. A self-employed student's minimum weekly earnings shall at least be equal to the federal minimum hourly wage multiplied by twenty hours;

(b) Work and receive money from a federal or state work study program;

(c) Be responsible for the care of a dependent household member ((five)) under six years of age ((or younger));

(d) Participate in the Job Opportunities and Basic Skill Training (JOBS) program;

(e) Be responsible for the care of a dependent household member at least six years of age, but under twelve years of age, and the department has determined adequate child care is not available;

((fe)) (f) Be a single parent responsible for the care of a dependent child under age twelve regardless of the availability of adequate child care;

(g) Receive benefits from the aid to families with dependent children program; or

((ff)) (h) Attend an institution of higher education through ((a) program under Job Training Partnership Act (JTPA));

(i) The Job Training Partnership Act (JTPA);

(ii) A Food Stamp Act employment and training program;

(iii) Section 236 of the Trade Act of 1974; or

(iv) An approved employment and training program operated by state or local government.

(2) Student status begins the first day of the school term.

(3) Student status continues through normal periods of class attendance, vacation, and recess.

(4) Student status is lost when a student:

(a) Graduates;

(b) Is suspended;

(c) Is expelled;

(d) Drops out; or

(e) Does not intend to register for the next normal school term excluding summer school.

**WSR 92-08-016**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 3342—Filed March 20, 1992, 10:04 a.m., effective March 21, 1992, 12:01 a.m.]

Date of Adoption: March 20, 1992.

Purpose: To ensure compliance between state and federal rules. Clients are required to apply for any other benefits to which they may be entitled.

Citation of Existing Rules Affected by this Order: Amending WAC 388-92-034 Availability of income.

Statutory Authority for Adoption: RCW 74.08.090.

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

Reasons for this Finding: 42 CFR Chapter IV, 435.603.

Effective Date of Rule: March 21, 1992, 12:01 a.m.

March 20, 1992

Leslie F. James, Director  
 Administrative Services

**AMENDATORY SECTION** (Amending Order 3108, filed 12/5/90)

**WAC 388-92-034 AVAILABILITY OF INCOME. ((+))** The department shall:

(1) Consider client checks received in advance of the month the checks are normally received as income in the month of normal receipt.

(2) ~~((The department shall consider))~~ Consider electronically transferred client funds available as income in the month of normal receipt, regardless of whether the banking institution posted the funds to the client's bank account before or after the month the funds are payable. ~~((Such payments become subject to counting as a resource in the month following the month of normal receipt.))~~

(3) ~~((The department shall))~~ Exclude as unearned income the unearned income amounts withheld due to garnishment pursuant to a court, administrative, or agency order.

(4) ~~((The department shall))~~ Include as earned income the earned income amounts withheld due to garnishment.

(5) As a condition of eligibility, require clients to take all necessary steps to obtain any annuities, pensions, retirement, and disability benefits to which they are entitled, unless they can show good cause for not doing so. Annuities, pensions, retirement and disability benefits include, but are not limited to, veteran's compensation

and pensions, OASDI benefits, railroad retirement benefits, and unemployment compensation.

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 92-08-017**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 3343—Filed March 20, 1992, 10:06 a.m., effective March 31, 1992, 12:01 a.m.]

Date of Adoption: March 20, 1992.

Purpose: Clarify language and ensure medical care support is assigned for all medical programs, not just Medicaid.

Citation of Existing Rules Affected by this Order: Amending WAC 388-83-012 Assignment of rights.

Statutory Authority for Adoption: RCW 74.08.090.

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

Reasons for this Finding: Clarify language.

Effective Date of Rule: March 31, 1992, 12:01 a.m.

March 20, 1992

Leslie F. James, Director  
 Administrative Services

**AMENDATORY SECTION** (Amending Order 2809, filed 6/7/89)

**WAC 388-83-012 ASSIGNMENT OF RIGHTS.**

(1) As a condition of eligibility for any medical ~~((assistance))~~ program, an applicant or recipient/enrollee shall assign to the state of Washington all right, title, and interest to any medical care support available as a result of:

- (a) A court order;
- (b) An administrative agency order; or
- (c) Any third-party payments for medical care.

(2) The applicant or recipient/enrollee shall assign rights of payment to any medical care support the applicant or recipient/enrollee may have in his or her own behalf or on the behalf of any other applicant or recipient/enrollee for whom the applicant or recipient/enrollee can legally assign such rights.

**WSR 92-08-018**  
**EMERGENCY RULES**  
**DEPARTMENT OF REVENUE**  
 [Filed March 20, 1992, 10:11 a.m.]

Date of Adoption: March 20, 1992.

Purpose: To provide a revised method for the department [of] revenue to receive and others to provide private stumpage sales data for the computation of stumpage value tables required by RCW 84.33.091.

Statutory Authority for Adoption: RCW 82.32.300 and 84.33.096.

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: RCW 84.33.091 requires the department of revenue to publish stumpage value tables each January and July of each year. To publish the July 1992 tables, the department requires the information from private stumpage sales. This emergency rule is a substantial change from the emergency rule adopted November 22, 1991, and is the result of department of revenue and industry meetings.

Effective Date of Rule: Immediately.

March 20, 1992

Gary O'Neil

Assistant Director

Forest Tax

#### NEW SECTION

**WAC 458-40-615 TIMBER EXCISE TAX-STUMPAGE VALUES-REPORTING OF PRIVATE STUMPAGE AND LOG PURCHASE SALES AND APPLICABLE LOGGING COSTS TO THE DEPARTMENT.** (1) **INTRODUCTION.** The department is required to semi-annually publish stumpage tables. The department has designated areas containing similar growing, harvesting and marketing conditions to be used as units for the preparation and application of stumpage values. Stumpage tables for each species or subclassification within a stumpage value area are prepared on or before each December 31 for use the following January through June and on or before June 30 for use July through December. The stumpage value is the amount that each species or subclassification would sell for at a voluntary sale (public or private) made in the ordinary course of business for purposes of immediate harvest. The stumpage values are determined in a manner which makes reasonable allowances for age, size, quantity, costs of removal, accessibility to point of conversion, market conditions and all other relevant factors from:

(a) Gross proceeds from sales (public and/or private) on the stump of similar timber of like quality and character at similar locations and in similar quantities;

(b) Gross proceeds from sales (public and/or private) of logs adjusted to reflect only the portion of such proceeds attributable to value on the stump immediately prior to harvest; or

(c) A combination of (a) and (b) of this subsection.

(2) **REPORTING REQUIREMENT-IN GENERAL.** To enable the department to determine stumpage values, the department must have information on public and private

sales of stumpage, both lump sum sales and scale sales. Informational reporting requirements on private sales of logs and applicable logging costs are deferred until such time, if any, when the department determines that private log sale information is necessary. An informational reporting requirement for private log sales will be instituted by the department only through the rule-making process. All public sales of stumpage and logs and applicable logging costs are available to the department through information sharing agreements. All private sales of stumpage are to be reported to the department as provided in this section.

(3) **REPORTING OF STUMPAGE PURCHASES-BUYERS.** All private stumpage purchases in excess of 100,000 board feet shall be reported to the department on the informational return provided by the department. The buyer of stumpage must report each stumpage purchase. For purposes of this section, all stumpage purchases are either,

(a) lump sum sales as defined in WAC 458-40-610(7), which states: "Lump sum sale. Also known as a cash sale or installment sale, it is a sale of timber wherein the total sale price is dependent upon an estimate of the total volume of timber in the sale rather than the actual timber harvested."; or

(b) scale sales as defined in WAC 458-40-610(16), which states: "Scale sale. A sale of timber in which the sale price is the product of the actual volume harvested and the unit price at the time of harvest."

(4) **REPORTING OF STUMPAGE PURCHASES-SELLERS.** The seller of stumpage shall report to the department the name and address of the buyer.

(5) **TIME OF REPORTING.** The informational returns for purchases of stumpage, and the name and address report by the seller are each due to the department no later than the last working day of the month following the month in which the purchase of stumpage occurred.

(6) **REPORTING-CONFIDENTIALITY OF INFORMATION.** All data submitted to the department in compliance with this section is confidential tax information protected from disclosure under RCW 82.32.330. To the extent allowable by law, the department will not use or publish the informational return information in a manner such that the data from a particular return can be identified.

(7) **INFORMATIONAL RETURN.** The return shall consist of an information page which contains the identification of the seller and buyer, the date of the sale, and such other information as the department may require for the identification of the transaction. In addition to the information page, the informational return shall contain a copy of the contract(s) or other instrument(s) of sale, a map of the location of the sale and a copy of the timber cruise or other volume estimate of the subject timber, all supplied by the person filing the return.

(a) A supply of informational returns will be provided to those persons involved in transactions on a regular basis.

(b) Persons who do not receive a supply of informational returns from the department will be provided a supply of informational returns upon a request to the department.

**WSR 92-08-019**  
**NOTICE OF PUBLIC MEETINGS**  
**SEATTLE COMMUNITY COLLEGES**  
 [Memorandum—March 16, 1992]

The board of trustees of the Seattle Community College District will hold a work session, beginning at 4:30 p.m. on April 7, 1992, prior to the regular board meeting.

**WSR 92-08-020**  
**PERMANENT RULES**  
**SECRETARY OF STATE**  
**(Division of Archives and Records Management)**  
 [Filed March 20, 1992, 11:03 a.m.]

Date of Adoption: March 20, 1992.

Purpose: To prescribe rules for the storage of security microfilm of state and local agency essential records and use of security microfilm storage services of the Division of Archives.

Statutory Authority for Adoption: RCW 40.14.020.

Pursuant to notice filed as WSR 92-04-026 on January 28, 1992.

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

March 20, 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 authorized 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 92-08-021**  
**PERMANENT RULES**  
**DEPARTMENT OF HEALTH**  
**(Board of Medical Examiners)**

[Order 257B—Filed March 20, 1992, 2:59 p.m.]

Date of Adoption: January 31, 1992.

Purpose: Establishes which jurisdictions have standards substantially equivalent to Washington's and outlines the requirements for issuance of a temporary permit and the duration of the permit.

Statutory Authority for Adoption: RCW 18.71.017.

Pursuant to notice filed as WSR 92-01-049 on December 10, 1991.

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

January 31, 1992

Patti L. Rathbun

Administrator

**NEW SECTION**

**WAC 246-917-125 TEMPORARY PERMITS—RECOGNIZED JURISDICTIONS.** (1) For the issuance of temporary permits under RCW 18.130.075 to applicants who graduated from a school of medicine located in any state, territory, or possession of the United States, the District of Columbia, or the Dominion of Canada prior to July 28, 1985, the following jurisdictions are deemed to have licensing standards substantially equivalent to Washington's licensing standards: Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Guam, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Texas, Utah, Vermont, Virginia, West Virginia, Wisconsin, Wyoming.

(2) For the issuance of temporary permits under RCW 18.130.075 to applicants who graduated from a school of medicine located in any state, territory, or possession of the United States, the District of Columbia, or the Dominion of Canada after July 28, 1985, the following jurisdictions are deemed to have licensing standards substantially equivalent to Washington's licensing standards: Connecticut, Maine, Michigan, Nevada, New Hampshire.

(3) For the issuance of temporary permits under RCW 18.130.075 to applicants who graduated from a school of medicine located outside the states, territories, and possessions of the United States, the District of Columbia, or the Dominion of Canada prior to July 28, 1985, the following jurisdictions are deemed to have licensing standards substantially equivalent to Washington's licensing standards: Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Guam, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana,

Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, Wisconsin, Wyoming.

(4) For the issuance of temporary permits under RCW 18.130.075 to applicants who graduated from a school of medicine located outside the states, territories, and possessions of the United States, the District of Columbia, or the Dominion of Canada after July 28, 1985, the following jurisdictions are deemed to have licensing standards substantially equivalent to Washington's licensing standards: Arizona, Colorado, Connecticut, Delaware, Georgia, Hawaii, Idaho, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Michigan, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oregon, Rhode Island, Tennessee, Texas, Virginia, West Virginia, Wyoming.

**NEW SECTION**

**WAC 246-917-126 TEMPORARY PERMITS—ISSUANCE AND DURATION.** (1) Upon submission of a completed license application form on which the applicant indicates that he or she wishes to receive a temporary practice permit; payment of the application fee and temporary practice permit fee; receipt of the AMA profile verifying states in which the applicant is or was licensed; receipt of disciplinary action data bank report from the Federation of State Medical Boards and receipt of written verification attesting that the applicant has a license in good standing and is not subject to charges or disciplinary action for unprofessional conduct or impairment from all states in which the applicant is or was licensed, the applicant shall be issued a temporary practice permit unless there is a basis for denial of the license or issuance of a conditional license.

(2) The temporary permit shall expire upon the issuance of a license by the board; initiation of an investigation by the board of the applicant; or ninety days, whichever occurs first.

(3) An applicant who receives a temporary practice permit and who does not complete the application process may not receive additional temporary practice permits even upon submission of a new application in the future.

**WSR 92-08-022**

**EMERGENCY RULES**

**DEPARTMENT OF FISHERIES**

[Order 92-13—Filed March 20, 1992, 4:52 p.m., effective March 23, 1992, 12:01 a.m.]

Date of Adoption: March 20, 1992.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:  
 Amending WAC 220-49-020.

Statutory Authority for Adoption: RCW 75.08.080.

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

Reasons for this Finding: The size of the herring stock in Port Orchard and Port Madison has declined to 15% of its average size. This closure is needed to protect the remaining adult fish.

Effective Date of Rule: 12:01 a.m., March 23, 1992.

March 20, 1992  
Dayna Matthews  
for Joseph R. Blum  
Director

**NEW SECTION**

**WAC 220-49-02000D BAITFISH—SEASONS**  
*Notwithstanding the provisions of WAC 220-49-020, effective March 23, 1992, through June 30, 1992, it is unlawful to fish for or possess herring, candlefish, anchovies or pilchard taken for commercial purposes from Marine Fish-Shellfish Management and Catch Reporting Areas 26B and 26C.*

**WSR 92-08-023**  
**PERMANENT RULES**  
**WASHINGTON STATE LIBRARY**  
[Filed March 23, 1992, 10:20 a.m.]

Date of Adoption: March 13, 1992.

Purpose: Change make up of Washington Council on Continuing Education to include a nonlibrarian.

Citation of Existing Rules Affected by this Order: Amending WAC 304-12-030.

Statutory Authority for Adoption: RCW 27.04.030.

Pursuant to notice filed as WSR 92-04-076 on February 5, 1992.

Effective Date of Rule: Thirty-one days after filing.  
March 13, 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 92-08-024**  
**PERMANENT RULES**  
**SUPERINTENDENT OF PUBLIC INSTRUCTION**  
[Order 92-03—Filed March 23, 1992, 11:09 a.m.]

Date of Adoption: March 20, 1992.

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

Citation of Existing Rules Affected by this Order: Amending chapter 392-141 WAC.

Statutory Authority for Adoption: RCW 28A.150.290.

Pursuant to notice filed as WSR 92-04-009 on January 24, 1992.

Effective Date of Rule: Thirty-one days after filing.  
March 23, 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:

(1) 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:

((1)) (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;

((2)) 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

((3)) 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.

((b)) (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

((c)) (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) ~~If) 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	
((Up Distance)) ((to and Weighting))		((More Including Factors)) ((Than))	
Miles	Basic	Special	
(0 1	2.85	4.75	
1 2	3.20	4.89	
2 3	3.55	5.05	
3 4	3.90	5.19	

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

((Up Distance)) ((to and Weighting))		((More Including Factors)) ((Than))	
Miles	Basic	Special	
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	
10 11	6.36	6.23	
11 12	6.71	6.38	
12 13	7.07	6.53	
13 14	7.43	6.67	
14 15	7.79	6.83	
15 16	8.13	6.97	
16)) 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 - 3.49	12
3.5 - 6.49	10
6.5 - 11.99	8
12.0 - 16.99	6
17.0 - 19.99	4
20 - 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
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

Special		
Average	Load	
From	To	Factor
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
60.55	61.54	1.33
61.55	62.54	1.30

Special		Factor
Average From	Load To	
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;~~

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

~~((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:~~

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

~~((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 92-08-025**  
**PERMANENT RULES**  
**FOREST PRACTICES BOARD**  
 [Filed March 23, 1992, 2:05 p.m.]

Date of Adoption: March 13, 1992.

Purpose: To provide information on rate of timber harvest.

Statutory Authority for Adoption: RCW 76.09.040.

Pursuant to notice filed as WSR 92-02-055 on December 30, 1991.

Changes Other than Editing from Proposed to Adopted Version: Change in wording of subsection (1) to clarify purpose.

Effective Date of Rule: Thirty-one days after filing.  
 March 23, 1992  
 Brian Boyle  
 Commissioner of  
 Public Lands

NEW SECTION

WAC 222-30-120 RATE OF HARVEST MONITORING. (1) Purpose. A monitoring program will be established to determine the rate of timber harvest so that this information will be available, in combination with other information, for examining the relationship of the rate of timber harvest to sustainability of the timber industry and protection of public resources.

(2) Monitoring program. The department shall monitor the rate at which forest land is harvested. The geographic base for monitoring will be a water resource inventory area.

(3) Annual report to the board. In addition to the report provided for in WAC 222-08-035, the department shall report monitoring results to the board, annually, beginning in August 1992, including:

(a) A summary of rate of harvest by water resource inventory area; and

(b) Any other information considered to be significant in understanding the status of the rate of harvest.

Actual reporting periods may be modified as dictated by the availability of satellite imagery.

(4) Review of the rate of harvest monitoring program.

(a) No later than March 1, 1996, the board will review and evaluate the effectiveness of the monitoring program.

(b) The department shall provide, for review by the board, a compilation and summary of the annual reports for calendar years 1991, 1992, 1993, 1994, and 1995.

**WSR 92-08-026**  
**RESCIND OF EMERGENCY RULES**  
**DEPARTMENT OF AGRICULTURE**  
 [Filed March 23, 1992, 2:45 p.m.]

The Department of Agriculture is withdrawing emergency order, WSR 92-07-060, filed on March 13, 1992. Due to the early emergence of bud break, the department will adopt another emergency order providing for earlier dates in the spring on restrictions on the use of herbicides in certain areas.

C. Alan Pettibone  
 Director

**WSR 92-08-027**  
**EMERGENCY RULES**  
**DEPARTMENT OF AGRICULTURE**  
 [Filed March 23, 1992, 2:48 p.m.]

Date of Adoption: March 23, 1992.

Purpose: To place additional restrictions on the use of restricted use pesticides in the area under order in Benton County and portions of Franklin and Walla Walla counties.

Citation of Existing Rules Affected by this Order: Repealing WAC 16-231-001 through 16-231-030; and amending WAC 16-230-810, 16-230-825, 16-230-835, 16-230-840, 16-230-845, 16-230-850, 16-230-855, 16-230-860, and 16-230-861.

Statutory Authority for Adoption: Chapters 17.21 and 15.58 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: Herbicide drift was experienced on grapes in the area under order during 1991. The department held a hearing on proposed rules February 25, 1992, and emergency rules were adopted on March 13, 1992. Because the bud break for grapes and fruit crop is unusually early this year, new emergency rules are hereby adopted which incorporate early dates for restricting the application of pesticides.

Effective Date of Rule: Immediately.

March 23, 1992  
C. Alan Pettibone  
Director

AMENDATORY SECTION (Amending Order 2014, filed 7/31/89, effective 8/31/89)

WAC 16-230-810 APPLICATION OF PESTICIDES IN BENTON COUNTY AND PORTIONS OF FRANKLIN AND WALLA WALLA COUNTIES—RESTRICTED USE PESTICIDES. For the purposes of WAC 16-230-800 through (~~WAC 16-230-865~~) 16-230-870, the following pesticides are declared to be restricted use pesticides:

(1) Restricted use herbicides:

- (a) Sulfonylurea herbicides (such as Glean, Telar, Finesse, Escort)
- (b) Desiccants and defoliants (such as Paraquat, Diquat, Endothall)
- (c) Glyphosate (such as Roundup, Landmaster)
- (d) Phenoxy type herbicides (such as 2,4-D, MCPA)
- (e) dicamba (such as Banvel)
- (f) Bromoxynil (such as Brominal, Buctril, ME4 Brominal)

(2) Restricted use insecticides:

- (a) All Category I insecticides with the signal words danger/poison on the label, except granular and pellet formulations;
- (b) Additionally, all insecticides, except granular and pellet formulations, are declared to be restricted use in Area 1 and Area 1A as described in WAC 16-230-835.

NEW SECTION

WAC 16-230-813 APPLICATION OF PESTICIDES IN BENTON COUNTY AND PORTIONS OF FRANKLIN AND WALLA WALLA COUNTIES—OIL TYPE CARRIERS. On and after March 25 through October 31, oil type carriers are prohibited for brush control: PROVIDED, That oil type carriers may be used in invert systems the entire year.

AMENDATORY SECTION (Amending Order 2046, filed 6/29/90, effective 7/30/90)

WAC 16-230-825 APPLICATION OF PESTICIDES IN BENTON COUNTY AND PORTIONS OF FRANKLIN AND WALLA WALLA COUNTIES—PERMITS. The following conditions will apply to all permits issued under the authority of WAC 16-230-800 through (~~16-230-865~~) 16-230-870.

(1) Application for a permit may be made to the Washington State Department of Agriculture, Compliance Branch, 2015 S. 1st Street, Yakima, Washington 98903. Applications may also be taken in person or by phone.

(2) The department may make on-site monitoring of the application a condition of any permit. A representative of the department may condition, deny, or revoke a permit at any time, if the representative determines that the situation at the application site creates an unreasonable risk of drift. In determining whether the situation at the application site creates an unreasonable risk of drift, the representative may consider all relevant factors such as temperature, air inversions, time of day, burning restrictions, wind direction, wind velocity, topography, and type and condition of application equipment.

(3) No permit shall be issued to apply any pesticide unless that permit is consistent with existing department laws and rules.

AMENDATORY SECTION (Amending Order 2046, filed 6/29/90, effective 7/30/90)

WAC 16-230-835 APPLICATION OF PESTICIDES IN BENTON COUNTY AND PORTIONS OF FRANKLIN AND WALLA WALLA COUNTIES—AREA 1. (1) Area 1 description (North Horse Heaven Hills). An area including all lands lying within a boundary line beginning at the northwest corner of Section (~~19, T8N, R24E; thence east four miles along section lines to the southwest corner of Section 14, T8N, R24E; thence north one mile along the section line to the northwest corner of Section 14, T8N, R24E; thence east two miles along section lines to the southwest corner of Section 7, T8N, R25E; thence north one mile along the section line to the northwest corner of Section 5, T8N, R25E; thence northeast approximately one and four-tenths of a mile diagonally across Section 5 to the northeast corner of Section 5, T8N, R25E; thence east one mile along the section line to the southwest corner of Section 34, T9N, R25E; thence northeast approximately one and four-tenths of a mile diagonally across Section 34 to the northeast corner of Section 34, T9N, R25E; thence east two miles along section lines to the southwest corner of Section 30, T9N, R26E; thence north one mile along the section line to the northwest corner of Section 30, T9N, R26E; thence east one mile along the section line to the southwest corner of Section 20, T9N, R26E; thence northeast approximately one and four-tenths of a mile diagonally across Section 20 to the northeast corner of Section 20, T9N, R26E; thence east two miles along section lines to the northwest corner of Section 23, T9N, R26E; thence southeast approximately one and four-tenths of a mile diagonally across Section 23 to the southeast corner of Section 23, T9N, R26E; thence north approximately one mile along the section line to the intersection with the Kennewick Irrigation District (K.I.D.) main canal; thence easterly along the K.I.D. main canal to the Amon pumping station located in Section 7, T8N, R29E; thence southeasterly along the K.I.D. Division Four Canal to the Columbia River in~~

Section 8, T7N, R31E)) 31, T8N, R24E; thence east two miles along section lines to the northwest corner of Section 33, T8N, R24E; thence north one mile along section lines to the northwest corner of Section 28, T8N, R24E; thence east seven miles along section lines to the northwest corner of Section 27, T8N, R25E; thence north two miles along section lines to the northwest corner of Section 15, T8N, R25E; thence east eight miles along section lines to the northwest corner of Section 13, T8N, R26E; thence south two miles along section lines to the northwest corner of Section 25, T8N, R26E; thence east two miles along section lines to the northwest corner of Section 29, T8N, R27E; thence south one mile along section lines to the northwest corner of Section 32, T8N, R27E; thence east three miles along section lines to the northwest corner of Section 35, T8N, R27E; thence south one mile along section lines to the northwest corner of Section 2, T7N, R27E; thence east one mile along section lines to the northwest corner of section 1, T8N, R27E; thence south two miles along section lines to the northwest corner of Section 13, T7N, R27E; thence east four miles along section lines to the northwest corner of Section 15, T7N, R28E; thence south one mile along section lines to the northwest corner of Section 22, T7N, R28E; thence east ten miles along section lines to the northwest corner of Section 20, T7N, R30E; thence south two miles along section lines to the northwest corner of Section 32, T7N, R30E; thence east seven miles along section lines to the Columbia River in Section 29, T7N, R31E; thence south approximately (~~five and one-half~~) two miles along the Columbia River to the south section line of Section 5, T6N, R31E; thence west approximately eight miles along section lines to the southwest corner of Section 1, T6N, R29E; thence north two miles along section lines to the southwest corner of Section 25, T7N, R29E; thence west thirteen miles along section lines to the southeast corner of Section 27, T7N, R27E; thence north one mile along the section line to the northeast corner of Section 27, T7N, R27E; thence west one mile along the section line to the northwest corner of Section 27, T7N, R27E; thence north two miles along section lines to the northeast corner of Section 16, T7N, R27E; thence west one mile along the section line to the southeast corner of Section 8, T7N, R27E; thence north one mile along the section line to the northeast corner of Section 8, T7N, R27E; thence west approximately twenty miles along section lines to the Benton-Yakima County line at the southwest corner of Section 6, T7N, R24E; thence north (~~four~~) two miles along the county line to the point of beginning.

(2) Area 1 restrictions.

(a) Application by air of restricted use pesticides as defined in WAC 16-230-810 is prohibited: PROVIDED, That the department may issue written permits for application of insecticides not containing the signal words danger/poison on the label.

(b) The use or application of low volatile ester formulations of restricted use herbicides shall be prohibited on and after March 25 through October 31 of each year: PROVIDED, That hormone sprays may be applied by aircraft to orchards for the prevention of fruit drop.

(c) On and after March 25 through October 31 of each year, all applications of restricted use herbicides shall be prohibited daily from three hours prior to sunset to sunrise the following morning: PROVIDED, That applications of restricted use herbicides shall be exempt from the sunset restrictions when using an application rate of forty gallons of water carrier or greater per treated acre at twenty pounds of pressure or less at the nozzle: PROVIDED FURTHER, That applications of granular and pellet formulations of the restricted use herbicides shall be exempt from the sunset restrictions: PROVIDED FURTHER, That applications of restricted use herbicides on small experimental plots for research purposes by persons licensed in the demonstration and research category shall be exempt from the sunset restrictions.

AMENDATORY SECTION (Amending Order 2014, filed 7/31/89, effective 8/31/89)

WAC 16-230-840 APPLICATION OF PESTICIDES IN BENTON COUNTY AND PORTIONS OF FRANKLIN AND WALLA WALLA COUNTIES—AREA 2. (1) Area 2 description. Tri-Cities, Benton City area. An area including all lands lying within a boundary line beginning at the northwest corner of Section 25, T10N, R26E; thence south approximately five miles along section lines to the intersection with the Kennewick Irrigation District (K.I.D.) main canal; thence easterly along the K.I.D. main canal to the Amon pumping station located in Section 7, T8N, R29E; thence southeasterly along the K.I.D. Division Four Canal to the Columbia River in Section 8, T7N, R31E; thence south approximately one-half mile along the Columbia River to the south section line of Section 8, T7N, R31E; thence east approximately three miles across the Columbia River to the intersection with U.S. Highway 12 at the south section line of Section 10, T7N, R31E; thence northwesterly along Highway 12 to its intersection with Interstate 182; thence westerly along Interstate 182 to the west shoreline of the Columbia River; thence northerly approximately six and one-half miles along the Columbia River to the United States Department of Energy Hanford Site south boundary line; thence west approximately one mile and south approximately two and one-half miles along the south boundary line to the southeast corner of Section 27, T10N, R28E; thence west seven miles along section lines to the southwest corner of Section 27, T10N, R27E; thence north one mile along the section line to the northwest corner of Section 27, T10N, R27E; thence west four miles along section lines to the point of beginning.

(2) Area 2 restrictions.

(a) Application by air of restricted use pesticides as defined in WAC 16-230-810 is prohibited.

(b) The use or application of low volatile ester formulations of restricted use herbicides is prohibited: PROVIDED, That hormone sprays may be applied by aircraft to orchards for the prevention of fruit drop.

(c) On and after March 25 through October 31 of each year, applications of restricted use herbicides shall be prohibited daily from three hours prior to sunset until

two hours after sunrise the following morning: PROVIDED, That applications of restricted use herbicides shall be exempt from the sunset and sunrise restrictions when using an application rate of forty gallons of water carrier or greater per treated acre at twenty pounds of pressure or less at the nozzle: PROVIDED FURTHER, That applications of granular and pellet formulations of the restricted use herbicides shall be exempt from the sunset and sunrise restrictions: PROVIDED FURTHER, That applications of restricted use herbicides for research purposes by persons licensed in the demonstration and research category shall be exempt from the sunset and sunrise restrictions.

**AMENDATORY SECTION** (Amending Order 2046, filed 6/29/90, effective 7/30/90)

**WAC 16-230-845 APPLICATION OF PESTICIDES IN BENTON COUNTY AND PORTIONS OF FRANKLIN AND WALLA WALLA COUNTIES—AREA 3.** (1) Area 3 description.

(a) Eastern Yakima Valley. An area including all lands lying within a boundary line beginning at the northwest corner of Section 19, T8N, R24E; thence east four miles along section lines to the southwest corner of Section 14, T8N, R24E; thence north one mile along the section line to the northwest corner of Section 14, T8N, R24E; thence east two miles along section lines to the southwest corner of Section 7, T8N, R25E; thence north one mile along the section line to the northwest corner of Section 7, T8N, R25E; thence east one mile along the section line to the southwest corner of Section 5, T8N, R25E; thence northeast approximately one and four-tenths of a mile diagonally across Section 5 to the northeast corner of Section 5, T8N, R25E; thence east one mile along the section line to the southwest corner of Section 34, T9N, R25E; thence northeast approximately one and four-tenths of a mile diagonally across Section 34 to the northeast corner of Section 34, T9N, R25E; thence east two miles along section lines to the southwest corner of Section 30, T9N, R26E; thence north one mile along the section line to the northwest corner of Section 30, T9N, R26E; thence east one mile along the section line to the southwest corner of Section 20, T9N, R26E; thence northeast approximately one and four-tenths of a mile diagonally across Section 20 to the northeast corner of Section 20, T9N, R26E; thence east two miles along section lines to the northwest corner of Section 23, T9N, R26E; thence southeast approximately one and four-tenths of a mile diagonally across Section 23 to the southeast corner of Section 23, T9N, R26E; thence north six miles along section lines to the northwest corner of Section 25, T10N, R26E; thence west four miles along section lines to the northwest corner of Section 29, T10N, R26E; thence south one mile along the section line to the southwest corner of Section 29, T10N, R26E; thence west eleven miles along section lines to the southeast corner of Section 29, T10N, R24E; thence north one mile along the section line to the intersection with Anderson Road at the northeast corner of Section 29, T10N, R24E; thence west two miles along Anderson Road and section lines to the Benton-Yakima County line at the northwest corner of Section 30, T10N, R24E;

thence south approximately eleven miles along the Benton-Yakima county line to the point of beginning.

(b) Cold Creek Area. An area including all lands lying within a boundary line beginning at the intersection of the Benton-Yakima County line and the Columbia River in Section 7, T13N, R24E; thence south approximately six and one-half miles along the Benton-Yakima County line to the southwest corner of Section 7, T12N, R24E; thence east five miles along section lines to the southeast corner of Section 11, T12N, R24E; thence north approximately seven miles along section lines to the Columbia River; thence west approximately five miles along the Columbia River to the point of beginning.

(c) Horse Heaven Hills southwest buffer zone. An area near Patterson starting at the southeast corner of Section 7, T5N, R26E following section lines north five miles to the northeast corner of Section 19, T6N, R26E; thence west two miles to the northwest corner of Section 24, T6N, R25E; thence south one-half mile along section line; thence west two miles to the common boundary of Sections 21 and 22, T6N, R25E; thence north one-half mile to the northeast corner of Section 21, T6N, R25E; thence west three miles to the northwest corner of Section 19, T6N, R25E; thence south three miles to the southwest corner of Section 31, T6N, R25E; thence east three miles to the southeast corner of Section 33, T6N, R25E; thence south three miles to the southeast corner of Section 16, T5N, R25E; thence west one mile to the northwest corner of Section 21, T5N, R25E; thence south one mile to the southwest corner of Section 21, T5N, R25E; thence east two miles to the southeast corner of Section 22, T5N, R25E; thence north one mile to the northeast corner of Section 22, T5N, R25E; thence east two miles to the southeast corner of Section 13, T5N, R25E; thence north one mile to the northeast corner of Section 13, T5N, R25E; thence east one mile to the point of origin.

(2) Area 3 restrictions.

(a) Application by air of restricted use herbicides as defined in WAC 16-230-810 is prohibited.

(b) The use or application of low volatile ester formulations of restricted use herbicides is prohibited: PROVIDED, That hormone sprays may be applied by aircraft to orchards for the prevention of fruit drop.

(c) On and after March 25 through October 31 of each year, applications of restricted use herbicides shall be prohibited daily from three hours prior to sunset until two hours after sunrise the following morning: PROVIDED, That applications of restricted use herbicides shall be exempt from the sunset and sunrise restrictions when using an application rate of forty gallons of water carrier or greater per treated acre at twenty pounds of pressure or less at the nozzle: PROVIDED FURTHER, That applications of granular and pellet formulations of the restricted use herbicides shall be exempt from the sunset and sunrise restrictions: PROVIDED FURTHER, That applications of the restricted use herbicides on small experimental plots for research purposes by persons licensed in the demonstration and research category shall be exempt from the sunset and sunrise restrictions.

**AMENDATORY SECTION** (Amending Order 2046, filed 6/29/90, effective 7/30/90)

WAC 16-230-850 APPLICATION OF PESTICIDES IN BENTON COUNTY AND PORTIONS OF FRANKLIN AND WALLA WALLA COUNTIES—AREA 4. (1) Area 4 description.

(a) Tri-cities northwest buffer zone. An area including all lands lying within a boundary line beginning at the northwest corner of Section 25, T10N, R26E; thence north two miles along section lines to the northwest corner of Section 13, T10N, R26E; thence east one mile along the section line to the northeast corner of Section 13, T10N, R26E; thence north approximately one-half mile along the section line to the United States Department of Energy Hanford Site south boundary line; thence easterly approximately ten miles and south approximately two and one-half miles along the south boundary line to the south section line of Section 27, T10N, R28E; thence west approximately six and three-fourths miles along section lines to the southwest corner of Section 27, T10N, R27E; thence north one mile along the section line to the northwest corner of Section 27, T10N, R27E; thence west four miles along section lines to the point of beginning.

(b) Tri-cities northeast buffer zone. An area including all lands lying within a boundary line beginning at the intersection of the Esquatzel Diversion Channel drain and the Columbia River; thence east along the Esquatzel Channel to its intersection with Road 68; thence southeasterly approximately one mile along Road 68 to its intersection with Fraser Drive near the northeast corner of Section 24, T10N, R28E; thence south approximately four miles along section lines and portions of Fraser Drive and Dent Road to the southwest corner of Section 6, T9N, R29E; thence east approximately eight and one-half miles along section lines and a portion of Foster Wells Road to its intersection with the Bonneville Power Administration power line in Section 4, T9N, R30E; thence southeasterly approximately seven miles along the power line to its intersection with SR 124 in Section 32, T9N, R31E; thence easterly approximately two and one-half miles along SR 124 to the east section line of Section 34, T9N, R31E near the intersection of SR 124 and the Union Pacific Railroad; thence south approximately three miles along section lines to the southeast corner of Section 15, T8N, R31E; thence west approximately one-fourth mile along the section line to the Union Pacific Railroad; thence southerly approximately four and one-half miles along the railroad to its intersection with U.S. Highway 12 near the Boise Cascade paper mill; thence northwesterly along Highway 12 to its intersection with Interstate 182; thence westerly along I-182 to the west shoreline of the Columbia River; thence northerly approximately six and one-half miles along the Columbia River to the U.S. Department of Energy Hanford Site south boundary line in Section 14, T10N, R28E; thence east approximately one-half mile across the Columbia River to its east shoreline; thence northerly approximately one-half mile to the point of beginning.

(2) Area 4 restrictions.

(a) Application by air of restricted use pesticides as defined in WAC 16-230-810 may be made by written permit only.

(b) The use or application of low volatile ester formulations of restricted use herbicides is prohibited: PROVIDED, That hormone sprays may be applied by aircraft to orchards for the prevention of fruit drop.

(c) On and after March 25 through October 31 of each year all applications of restricted use herbicides shall be prohibited daily from three hours prior to sunset until two hours after sunrise the following morning: PROVIDED, That applications of restricted use herbicides shall be exempt from the sunset and sunrise restrictions when using an application rate of forty gallons of water carrier or greater per treated acre at twenty pounds of pressure or less at the nozzle: PROVIDED FURTHER, That applications of granular and pellet formulations of the restricted use herbicides shall be exempt from the sunset and sunrise restrictions: PROVIDED FURTHER, That applications of the restricted use herbicides on small experimental plots for research purposes by persons licensed in the demonstration and research category shall be exempt from the sunset and sunrise restrictions.

**AMENDATORY SECTION** (Amending Order 2046, filed 6/29/90, effective 7/30/90)

WAC 16-230-855 APPLICATION OF PESTICIDES IN BENTON COUNTY AND PORTIONS OF FRANKLIN AND WALLA WALLA COUNTIES—AREA 5. (1) Area 5 description.

(a) Cold Creek buffer zone. An area including all lands lying within a boundary line beginning at the southwest corner of Section 7, T12N, R24E; thence east five miles along section lines to the southeast corner of Section 11, T12N, R24E; thence north approximately seven miles along section lines to the Columbia River; thence easterly approximately two miles along the Columbia River to the east section line of Section 6, T13N, R25E, near the Vernita Bridge; thence south approximately eight and one-half miles along section lines to the southeast corner of Section 18, T12N, R25E; thence west seven miles along section lines to the Benton-Yakima County line at the southwest corner of Section 18, T12N, R24E; thence north one mile along the county line to the point of beginning.

(b) Roza buffer zone. An area including all lands lying within a boundary line beginning at the northwest corner of Section 25, T10N, R26E; thence west four miles along section lines to the northwest corner of Section 29, T10N, R26E; thence south one mile along the section line to the southwest corner of Section 29, T10N, R26E; thence west eleven miles along section lines to the southeast corner of Section 29, T10N, R24E; thence north one mile along the section line to the intersection with Anderson Road at the northeast corner of Section 29, T10N, R24E; thence west two miles along Anderson Road and section lines to the Benton-Yakima County line at the northwest corner of Section 30, T10N, R24E; thence north two miles along the county line to the northwest corner of Section 18, T10N, R24E; thence east four miles along section lines to the northeast corner

of Section 15, T10N, R24E; thence south one mile along the section line to the southeast corner of Section 15, T10, R24E; thence east seven miles along section lines to the southwest corner of Section 13, T10N, R25E; thence north one mile along the section line to the northwest corner of Section 13, T10N, R25E; thence east six miles along section lines to the northwest corner of Section 13, T10N, R26E; thence south two miles along section lines to the point of beginning.

(c) Horse Heaven Hill southwest buffer zone. An area including all lands lying within a boundary line beginning at the northwest corner of Section 13, T6N, R24E; thence south five miles along section lines to the southwest corner of Section 1, T5N, R24E; thence east three miles along the section lines to the northeast corner of Section 8, T5N, R25E; thence south one mile along the section line to the southeast corner of Section 8, T5N, R25E; thence west one mile along the section line to the southwest corner of Section 8, T5N, R25E; thence south approximately five miles to the Washington Oregon border, thence northeasterly along the Washington Oregon border until its intersection with the eastern section line of Section 8, T5N, R26E; thence north approximately six miles along section lines to the northeast corner of Section 17, T6N, R26E; thence west nine miles to the point of beginning.

(2) Area 5 restrictions.

(a) Application by air of restricted use herbicides as defined by WAC 16-230-810 may be made by written permit only.

(b) The use or application of low volatile ester formulations of restricted use herbicides shall be prohibited on and after March 25 through October 31 of each year: PROVIDED, That hormone sprays may be applied by aircraft to orchards for the prevention of fruit drop.

(c) On and after March 25 through October 31 of each year all applications of restricted use herbicides shall be prohibited daily from three hours prior to sunset until two hours after sunrise the following morning: PROVIDED, That applications of restricted use herbicides shall be exempt from the sunset and sunrise restrictions when using an application rate of forty gallons of water carrier or greater per treated acre at twenty pounds of pressure or less at the nozzle: PROVIDED FURTHER, That applications of granular and pellet formulations of the restricted use herbicides shall be exempt from the sunset and sunrise restrictions: PROVIDED FURTHER, That applications of the restricted use herbicides on small experimental plots for research purposes by persons licensed in the demonstration and research category shall be exempt from the sunset and sunrise restrictions.

AMENDATORY SECTION (Amending Order 2046, filed 6/29/90, effective 7/30/90)

WAC 16-230-860 APPLICATION OF PESTICIDES IN BENTON COUNTY AND PORTIONS OF FRANKLIN AND WALLA WALLA COUNTIES—AREA 6. (1) Area 6 description. All remaining lands in the area under order.

(2) Area 6 restrictions.

(a) The use or application of low volatile ester formulations of restricted use herbicides shall be prohibited on and after March 25 through October 31 of each year: PROVIDED, That hormone sprays may be applied by aircraft to orchards for the prevention of fruit drop.

(b) On and after March 25 through October 31 of each year all applications of restricted use herbicides shall be prohibited daily from three hours prior to sunset to sunrise the following morning: PROVIDED, That applications of restricted use herbicides shall be exempt from the sunset restrictions when using an application rate of forty gallons of water carrier or greater per treated acre at twenty pounds of pressure or less at the nozzle: PROVIDED FURTHER, That applications of granular and pellet formulations of the restricted use herbicides shall be exempt from the sunset restrictions: PROVIDED FURTHER, That applications of restricted use herbicides on small experimental plots for research purposes by persons licensed in the demonstration and research category shall be exempt from the sunset restrictions.

(c) On and after March 25 through October 31 of each year, aerial applications of restricted use herbicides shall be prohibited daily from three hours prior to sunset until two hours after sunrise the following morning.

AMENDATORY SECTION (Amending Order 2046, filed 6/29/90, effective 7/30/90)

WAC 16-230-861 APPLICATION OF PESTICIDES IN BENTON COUNTY AND PORTIONS OF FRANKLIN AND WALLA WALLA COUNTIES—WIND CONDITIONS. The use or application of all herbicides and class 1 and 2 insecticides are prohibited in the area under order listed in WAC 16-230-800 when the mean sustained wind velocity is over ((twelve)) ten miles per hour throughout the year: PROVIDED, That applications shall be allowed in higher velocity winds when an approved ground apparatus is used. Ground apparatus shall be approved by the department prior to application. Approval shall be based on research data: PROVIDED FURTHER, That applications of granular and pellet formulations of restricted use pesticides defined in WAC 16-230-810 as well as applications made to structures shall be exempt from the wind restrictions.

NEW SECTION

WAC 16-230-862 APPLICATION OF PESTICIDES IN BENTON COUNTY AND PORTIONS OF FRANKLIN AND WALLA WALLA COUNTIES—AREA 1A. (1) Area 1A description. All lands lying within a boundary line beginning at the northwest corner of Section 31, T8N, R24E; thence east two miles along section lines to the northwest corner of Section 33, T8N, R24E; thence north one mile along section lines to the northwest corner of Section 28, T8N, R24E; thence east seven miles along section lines to the northwest corner of Section 27, T8N, R25E; thence north two miles along section lines to the northwest corner of Section 15, T8N, R25E; thence east eight miles along section lines to the northwest corner of Section 13, T8N, R26E;

thence south two miles along section lines to the northwest corner of Section 25, T8N, R26E; thence east two miles along section lines to the northwest corner of Section 29, T8N, R27E; thence south one mile along section lines to the northwest corner of Section 32, T8N, R27E; thence east three miles along section lines to the northwest corner of Section 35, T8N, R27E; thence south one mile along section lines to the northwest corner of Section 2, T7N, R27E; thence east one mile along section lines to the northwest corner of Section 1, T8N, R27E; thence south two miles along section lines to the northwest corner of Section 13, T7N, R27E; thence east four miles along section lines to the northwest corner of Section 15, T7N, R28E; thence south one mile along section lines to the northwest corner of Section 22, T7N, R28E; thence east ten miles along section lines to the northwest corner of Section 20, T7N, R30E; thence south two miles along section lines to the northwest corner of Section 32, T7N, R30E; thence east seven miles along section lines to the Columbia River in Section 29, T7N, R31E; thence north approximately three miles to the Kennewick Irrigation District (K.I.D.) Division Four Canal in Section 8, T7N, R31E; thence westerly along the K.I.D. Division Four Canal to the intersection with the K.I.D. Main Irrigation Canal at the Amon Pumping Station located in Section 7, T8N, R29E; thence westerly along the K.I.D. Main Irrigation Canal to its intersection with the east section line of Section 14, T9N, R26E; thence south approximately one mile along the section line to the northwest corner of Section 25, T9N, R26E; thence northwest approximately one and four tenths miles diagonally across Section 23 to the northwest corner of Section 23, T9N, R26E; thence west two miles along section lines to the northwest corner of Section 21, T9N, R26E; thence southwest approximately one and four tenths miles diagonally across Section 20 to the northwest corner of Section 29, T9N, R26E; thence west one mile along section lines to the northwest corner of Section 30, T9N, R26E; thence south one mile along section lines to the northwest corner of Section 31, T9N, R26E; thence west two miles along section lines to the northwest corner of Section 35, T9N, R25E; thence southwest approximately one and four tenths miles diagonally across Section 34 to the northwest corner of Section 3, T8N, R25E; thence west one mile along section lines to the northwest corner of Section 4, T8N, R25E; thence southwest approximately one and four tenths miles diagonally across Section 5 to the northwest corner of Section 8, T8N, R25E; thence west one mile along section lines to the northwest corner of Section 7, T8N, R25E; thence south one mile along section lines to the northwest corner of Section 18, T8N, R25E; thence west two miles along section lines to the northwest corner of Section 14, T8N, R24E; thence south one mile along section lines to the northwest corner of Section 23, T8N, R24E; thence west four miles to the northwest corner of Section 19, T8N, R24E; thence south two miles along the county line to the point of beginning.

(2) Area 1A restrictions.

(a) Application by air of restricted use pesticides as defined in WAC 16-230-810 is prohibited: PROVIDED, That the department may issue written permits for

application of insecticides not containing the signal words danger/poison on the label.

(b) The use or application of low volatile ester formulations of restricted use herbicides shall be prohibited on and after March 25 through October 31 of each year: PROVIDED, That hormone sprays may be applied by aircraft to orchards for the prevention of fruit drop.

(c) On and after March 25 through October 31 of each year, applications of restricted use herbicides shall be prohibited daily from three hours prior to sunset until two hours after sunrise the following morning: PROVIDED, That applications of restricted use herbicides shall be exempt from the sunset and sunrise restrictions when using an application rate of forty gallons of water carrier or greater per treated acre at twenty pounds of pressure or less at the nozzle: PROVIDED FURTHER, That applications of granular and pellet formulations of the restricted use herbicides shall be exempt from the sunset and sunrise restrictions: PROVIDED FURTHER, That applications of restricted use herbicides for research purposes by persons licensed in the demonstration and research category shall be exempt from the sunset and sunrise restrictions.

#### NEW SECTION

WAC 16-230-863 APPLICATION OF PESTICIDES IN BENTON COUNTY AND PORTIONS OF FRANKLIN AND WALLA WALLA COUNTIES—RESTRICTED USE HERBICIDES GROUND APPARATUS NOZZLE REQUIREMENTS. Ground applications of restricted use herbicides in the area under order listed in WAC 16-230-800 shall be made, throughout the year, using nozzles having a single orifice and minimum diameter of .052 inches or a LP 8002 nozzle. Pressure shall not exceed twenty-five pounds per square inch at the nozzle for .052 and other orifice openings and pressure shall not exceed fifteen pounds per square inch at the nozzle for LP 8002 or equivalent nozzle. Pressure up to fifty pounds per square inch at the nozzle may be used for equipment with handguns and up to ninety pounds per square inch at the nozzle manifold for an inert system: PROVIDED, That the department may issue a permit for other nozzles and pressure combinations that are equal or better. Prior to issuing such permits, the request shall be reviewed by a scientific committee established by the director: PROVIDED FURTHER, That when Glyphosate is the only restricted use herbicide being used during an application for weed control in reduced tillage cropping any nozzles may be used that delivers at a minimum ten gallons of water carrier or greater per treated acre at a pressure not exceeding twenty-five pounds per square inch at the nozzle: PROVIDED FURTHER, That Glyphosate applications using a .052 nozzle at twenty-five pounds of pressure or less at the nozzle, and a LP 8002 nozzle at fifteen pounds of pressure or less at the nozzle shall be exempt from the ten-gallon minimum volume: PROVIDED FURTHER, That pressurized handsized household devices used to apply restricted use herbicides, or any equipment, device, or contrivance of which the person who is applying the pesticide is the source of power



or energy in making such herbicide applications shall be exempt from nozzle requirements.

#### NEW SECTION

**WAC 16-230-864 APPLICATION OF PESTICIDES IN BENTON COUNTY AND PORTIONS OF FRANKLIN AND WALLA WALLA COUNTIES—RESTRICTED USE HERBICIDES, AIRCRAFT BOOM LENGTH, PRESSURE, AND NOZZLE REQUIREMENTS.** The aerial application of restricted use herbicides in the area under order listed in WAC 16-230-800 shall be made in accordance with the following requirements:

(1) The working boom length on fixed wing aircraft shall not exceed three-fourths of the wing span and the working boom length shall not exceed six-sevenths of the total rotor length where the rotor length exceeds forty feet.

(2) Pressure for aerial equipment shall not exceed twenty-five psi at the nozzles.

(3) Nozzles for aircraft:

(a) Fixed wing:

(i) Minimum nozzle orifice of .075 inches (no core plate) provided, that RD8 nozzles with orifice size of 0.125 inches and No. 46 core plates may be used. Nozzles shall be directed downward and backward one hundred seventy degrees or more from the direction of flight.

(ii) No flat fan nozzles shall be allowed.

(b) Helicopter:

(i) Minimum nozzle orifice of .063 inches (no core plate) provided, that RD8 nozzles with orifice size of .125 inches and core plate No. 46 may be used. Nozzles shall be directed downward and backward ninety degrees or more from the direction of flight.

(ii) No flat fan nozzles shall be allowed.

#### NEW SECTION

**WAC 16-230-866 APPLICATION OF PESTICIDES IN BENTON COUNTY AND PORTIONS OF FRANKLIN AND WALLA WALLA COUNTIES—RESTRICTED USE HERBICIDES—TEMPERATURE CONDITIONS.** All phenoxy compounds and Banvel shall not be applied when the temperature is above eighty-five degrees F. or above at the point of application: **PROVIDED**, That application at the rate of fifty gallons or more per acre using nozzles having a minimum orifice diameter of .072 inches shall be exempt from the eighty-five degrees F. temperature requirement: **PROVIDED FURTHER**, That when using the invert system, applications may continue up to ninety-five degrees F. with a maximum wind velocity of fifteen miles per hour and with water carrier at twelve or more gallons per acre.

#### NEW SECTION

**WAC 16-230-868 APPLICATION OF PESTICIDES IN BENTON COUNTY AND PORTIONS OF FRANKLIN AND WALLA WALLA COUNTIES—RESTRICTED USE HERBICIDE WEATHER CONDITIONS.** Restricted use herbicides shall not be applied throughout the year in the entire area under

order when there is a temperature inversion present or weather conditions are such that damage could result to adjacent and nearby towns, susceptible crops, and plantings through physical drift or volatilization: **PROVIDED**, That applications of restricted use herbicides shall be exempt from the inversion requirements when using one hundred gallons or greater of water carrier per treated acre while using no greater than fifteen pounds of pressure per square inch at the nozzle.

#### NEW SECTION

**WAC 16-230-870 OTHER RULES.** Provisions of WAC 16-230-800 through 16-230-868 shall take precedence over all existing, less restrictive rules of the department affecting the application of pesticides in Benton, Franklin, or Walla Walla counties. No provision of WAC 16-230-800 through 16-230-868 shall be construed as relieving any requirement of existing rules except those in direct conflict.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

**WAC 16-230-865 OTHER RULES.**

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

**WAC 16-231-001 RESTRICTED USE HERBICIDES—BENTON COUNTY—AREA UNDER ORDER.**

**WAC 16-231-005 RESTRICTED USE HERBICIDES.**

**WAC 16-231-010 OIL-TYPE CARRIERS.**

**WAC 16-231-015 RESTRICTED USE HERBICIDES—BENTON COUNTY—AREA 1.**

**WAC 16-231-020 RESTRICTED USE HERBICIDES—BENTON COUNTY—AREA 2.**

**WAC 16-231-025 AREA 3.**

**WAC 16-231-030 RESTRICTED USE HERBICIDES—BENTON COUNTY—WIND CONDITIONS.**

**WSR 92-08-028**

**EMERGENCY RULES**

**DEPARTMENT OF AGRICULTURE**

[Filed March 23, 1992, 2:51 p.m.]

Date of Adoption: March 23, 1992.

Purpose: To place additional restrictions on the use of herbicides in Franklin, Yakima, Adams, Grant, and Walla Walla counties.

Citation of Existing Rules Affected by this Order: Amending 16-230-640, 16-230-645, 16-231-110, 16-231-115, 16-231-119, 16-231-125, 16-231-210, 16-231-215, 16-231-220, 16-231-225, 16-231-315, 16-231-910, 16-231-912, 16-232-010, 16-232-015, 16-232-020, and 16-232-027.

Statutory Authority for Adoption: Chapters 17.21 and 15.58 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 unusually early bud break in grapes and fruit crops this year, emergency rules are hereby adopted which incorporate earlier dates for restricting the application of herbicides.

Effective Date of Rule: Immediately.

March 23, 1992  
C. Alan Pettibone  
Director

AMENDATORY SECTION (Amending Order 1965, filed 4/6/87 [2/12/88])

WAC 16-230-640 RESTRICTED USE HERBICIDES—EASTERN WASHINGTON—WEATHER AND TEMPERATURE CONDITIONS. Restricted use herbicides shall not be applied on and after (~~April 1~~) March 25 through October 31 of each year when there is a temperature inversion; or throughout the year if weather conditions are such that damage could result to adjacent and nearby towns, susceptible crops and plantings through physical drift or volatilization, or the temperature is 85F. or above at the point of application: PROVIDED, That application at the rate of fifty gallons or more per acre using nozzles having a minimum orifice diameter of .072 inches shall be exempt from the 85F. temperature cutoff requirement: PROVIDED FURTHER, That when using the invert system, applications may continue up to 95F. with a maximum wind velocity of fifteen miles per hour and with water carrier at twelve or more gallons per acre.

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

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 1923, filed 4/6/87)

WAC 16-230-645 RESTRICTED USE HERBICIDES—EASTERN WASHINGTON—EVENING CUTOFF. On and after (~~May 1~~) April 20 through October 31 of each year, the application of restricted use herbicides shall be prohibited daily from three hours prior to sunset to sunrise the following morning: PROVIDED, That if there is a mean sustained legal wind velocity of not less than five miles per hour the application of restricted use herbicides shall be allowed in Areas 3 and 4 up to one hour prior to sunset in all counties as restricted by rule except Benton, Franklin, Yakima, and Walla Walla counties.

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 1676, filed 2/20/80)

WAC 16-231-110 RESTRICTED USE HERBICIDES—FRANKLIN COUNTY—OIL-TYPE CARRIERS. On and after (~~April 5~~) March 25 through October 31, oil-type carriers are prohibited for brush control: PROVIDED, That oil-type carriers may be used in invert systems the entire year.

AMENDATORY SECTION (Amending Order 1965, filed 2/12/88)

WAC 16-231-115 RESTRICTED USE HERBICIDES—FRANKLIN COUNTY—AREA 1. (1) Area 1 description.

(a) This area includes all lands lying within a boundary line starting at the northwest corner of Section 6, T14N, R28E; thence east along the Adams-Franklin County line thirteen miles more or less to the intersection with State Route 17; thence southeasterly along State Route 17, including the right of way, to the intersection with Highway 395 at the town of Mesa; thence southerly along Highway 395, including the right of way, seven miles more or less to the intersection with the common boundary between Sections 2 and 11, T11N, R30E at the town of Eltopia; thence east along the section line, one mile more or less to the northeast corner of Section 12, T11N, R30E; thence south along the section lines fifteen miles more or less to the Snake River; thence southwesterly along the Snake River to its confluence with the Columbia River; thence northwesterly along the Columbia River to the Grant-Franklin County line at the north section line of Section 29, T14N, R27E; thence east along the Grant-Franklin County line four miles more or less to the northwest corner of Section 30, T14N, R28E; thence north along the Grant-Franklin County line four miles to the point of beginning.

(b) Also including Levey (Ice Harbor Dam area): This area includes all lands lying within a two-mile radius of Levey within Franklin County.

(2) Area 1 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after (~~April 5~~) March 25 through October 31 of each year: PROVIDED, That low volatile ester formulations of 2,4-DB may be applied to alfalfa and red clover seed crops on and after November 1 through (~~April 30~~) April 19 of the following year.

(b) On and after (~~April 5~~) March 25 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.052 inches: PROVIDED, That applications of restricted use herbicides on asparagus shall be made using nozzles having minimum orifice diameter of 0.072 inches.

(c) On and after (~~April 5~~) March 25 through October 31, aircraft applications of restricted use herbicides shall be prohibited except by written permit issued by the department: PROVIDED, That on and after



November 1 through (~~April 4~~) March 24 of the following year, aircraft applications of restricted use herbicides shall be allowed using the caution area restrictions (see WAC 16-230-675).

(d) On and after (~~April 5~~) March 25 through October 31, aircraft applications of restricted use herbicides shall be prohibited within one mile of any commercial vineyard: PROVIDED, That on and after (~~April 5~~) March 25 through October 31, written requests to apply MCPA to peas and corn located one-half to one mile from commercial vineyards will be considered: PROVIDED FURTHER, That on and after (~~April 5~~) March 25 through (~~April 30~~) April 19 written requests to apply 2,4-DB on alfalfa and red clover seed crops located one-half to one mile from commercial vineyards will be considered.

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 1965, filed 2/12/88)

WAC 16-231-119 RESTRICTED USE HERBICIDES—FRANKLIN COUNTY—AREA 1A. (1) Area 1A description. This area includes all lands lying within a boundary line starting at the intersection of State Route 17 and the Adams-Franklin County line at the north section line of Section 5, T14N, R30E; thence east along the Adams-Franklin County line five miles more or less to the Burlington Northern Railroad; thence southeasterly along the railroad, including the right of way, four miles more or less to the intersection with Moon Road; thence southerly along Moon Road, including the right of way, two miles more or less to the intersection with State Route 260 at the southeast corner of Section 27, T14N, R31E; thence west along State Route 260, including the right of way, five miles more or less to the intersection with State Route 17; thence northwesterly along State Route 17, excluding the right of way, to the point of beginning.

(2) Area 1A restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after (~~April 15~~) April 4 through October 31: PROVIDED, That low volatile ester formulations of 2,4-DB may be applied to alfalfa and red clover seed crops on and after November 1 through (~~April 30~~) April 19 of the following year.

(b) On and after (~~April 15~~) April 4 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.052 inches: PROVIDED, That applications of restricted use herbicides on asparagus shall be made using nozzles having a minimum orifice diameter of 0.072 inches.

(c) On and after November 1 through (~~April 14~~) April 3 of the following year, aircraft applications of restricted use herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

(d) On and after (~~April 15~~) April 4 through October 31, aircraft applications of restricted use herbicides

shall be made using the danger area restrictions (see WAC 16-230-675.)

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 1965, filed 2/12/88)

WAC 16-231-125 RESTRICTED USE HERBICIDES—FRANKLIN COUNTY—AREA 2. (1) Area 2 description. This area includes all of the lands lying inside a boundary line starting at the intersection of State Routes 17 and 260 located at the northwest corner of Section 36, T14N, R30E; thence east along State Route 260, excluding the right of way, five miles more or less to the northeast corner of Section 34, T14N, R31E; thence south along the section lines fifteen miles more or less to the Eltopia and Eye Road; thence easterly along the Eltopia and Eye Road, including the right of way, to the Brass Road; thence easterly along the Brass Road, including the right of way, to the Bannenburg Road; thence southeasterly along the Bannenburg Road, including the right of way, to the northwest corner of Section 6, T10N, R33E; thence south along the section line one mile more or less to the Snake River; thence southwesterly along the Snake River to the east section line of Section 25, T9N, R30E; thence north along the section lines fifteen miles more or less to the southeast corner of Section 1, T11N, R30E; thence west along the section line one mile more or less to Highway 395; thence northerly along Highway 395, excluding the right of way, seven miles more or less to its intersection with State Route 17 at the town of Mesa; thence northerly along State Route 17, excluding the right of way, seven miles more or less to the point of beginning, excluding lands in Franklin County within a two-mile radius of the town of Levey.

(2) Area 2 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after (~~April 5~~) March 25 through October 31 of each year.

(b) On and after (~~April 5~~) March 25 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.036 inches.

(c) On and after (~~April 5~~) March 25 through October 31, aircraft applications of restricted use herbicides shall be prohibited except by written permit issued by the Washington state department of agriculture.

AMENDATORY SECTION (Amending Order 1675 [2073], filed 2/20/80 [2/26/91])

WAC 16-231-210 RESTRICTED USE HERBICIDES—YAKIMA COUNTY—OIL-TYPE CARRIERS. On and after (~~April 5~~) March 25 through October 31, oil-type carriers are prohibited in the area under order for brush control: PROVIDED, That oil-type carriers may be used in invert systems the entire year.

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

AMENDATORY SECTION (Amending Order 1923, filed 4/6/87)

WAC 16-231-215 RESTRICTED USE HERBICIDES—YAKIMA COUNTY—AREA 1. (1) Area 1 description. (An area south of the Yakima firing center including the upper and lower Yakima Valley.) An area starting at the Yakima-Benton County line and the northeast corner of Section 1, T11N, R23E; thence west along section lines seventeen miles more or less to the southeast corner of Section 31, T12N, R21E; thence north eight miles along section lines to the northeast corner of Section 30, T13N, R21E; thence west along section lines eleven miles to the Yakima River; thence northwesterly along the Yakima River four miles more or less to the junction of the Yakima and Naches Rivers; thence northwesterly along the Naches River for seven miles more or less to the northwest corner of Section 31, T14N, R18E; thence south one mile along the section line to the southwest corner of Section 31, T14N, R18E; thence west along section lines six miles to the northwest corner of Section 6, T13N, R17E; thence south twenty-four miles along section lines to the southwest corner of Section 31, T10N, R17E; thence east twenty-four miles along section lines to the southeast corner of Section 36, T10N, R20E; thence south six miles along section lines to the southwest corner of Section 31, T9N, R21E; thence east six miles along section lines to the northwest corner of Section 6, T8N, R22E; thence south six miles along section lines to the southwest corner of Section 31, T8N, R22E; thence east twelve miles along section lines to the Benton County line; thence north twenty-four miles to the point of beginning.

## (2) Area 1 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after (~~April-5~~) March 25 through October 31: PROVIDED, That low volatile ester formulations of 2,4-DB may be applied to alfalfa and red clover seed crops at any time.

(b) On and after (~~April-5~~) March 25 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.052 inches: PROVIDED, That applications of restricted use herbicides on asparagus shall be made using nozzles having minimum orifice diameter of 0.072 inches.

(c) Aircraft applications of restricted use herbicides shall be allowed only on nonirrigated lands on and after November 1 through (~~April-4~~) March 24 of the following year and shall be made using the caution area restrictions (see WAC 16-230-675). Aircraft applications of restricted use herbicides shall be prohibited on and after (~~April-5~~) March 25 through October 31: PROVIDED, That hormone sprays may be applied to orchards to prevent fruit drop: PROVIDED FURTHER, That aircraft applications shall be allowed by written permit issued by the Washington state department of agriculture in those dry land wheat growing areas east of Moxee and on the Rattlesnake Ridge and the area south of Horse Heaven Hills Ridge contained in Sections 25, 26, 27, 28, 32, 33, 34, 35, and 36, T8N,

R23E up to within one mile of commercial grape plantings and to within one-quarter mile of other susceptible crops.

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 1675, filed 2/20/80)

WAC 16-231-220 RESTRICTED USE HERBICIDES—YAKIMA COUNTY—AREA 1A. (1) Area 1A description. (Tieton-Naches Area). That portion of T14N, R17E and those portions of Sections 31, 32 and 33, T15N, R17E, lying southwest of the Naches-Selah Canal; and that portion of T14N, R16E, and those portions of Sections 35 and 36 lying southeast of the Tieton and Naches rivers.

(2) Area 1A restrictions. On and after (~~April-15~~) April 4 through October 31, the use and application of low volatile formulations of restricted use herbicides is prohibited. On and after (~~April-15~~) April 4 through October 31, aircraft applications of restricted use herbicides shall be allowed using warning area restrictions (see WAC 16-230-675) on dry land wheat up to within one-quarter mile of susceptible crops.

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 1965, filed 2/12/88)

WAC 16-231-225 RESTRICTED USE HERBICIDES—YAKIMA COUNTY—AREA 2. (1) Area 2 description. All remaining lands in Yakima County.

## (2) Area 2 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after (~~April-5~~) March 25 through October 31.

(b) On and after (~~April-5~~) March 25 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after (~~April-5~~) March 25 through October 31, aircraft applications of restricted use herbicides shall be made using the warning area restrictions (see WAC 16-230-675).

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 1674, filed 2/20/80)

WAC 16-231-315 RESTRICTED USE HERBICIDES—ADAMS COUNTY—AREA 1. (1) Area 1 description. (Lands generally lying within the Columbia Basin Irrigation Project east of Warden and in the Othello area.) An area starting at the intersection of the East Low Canal and Grant-Adams County line in Section 18, T18N, R31E; thence southerly along the East

Low Canal to the intersection of the East Low Canal and the Grant-Adams County line near the southwestern corner of Section 17, T17N, R31E; thence north six miles more or less to the point of beginning; and also all lands within a line starting at the intersection of the East Low Canal and the Grant-Adams County line near the corner of Sections 6, T16N, R30E; thence southeasterly along the East Low Canal to the Adams-Franklin County line and the southwest corner of Section 31, T15N, R28E; thence north along the Grant-Adams County line twelve miles and then east thirteen miles more or less to the point of beginning.

(2) Area 1 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after ~~((April 15))~~ April 4 through October 31: PROVIDED, That low volatile ester formulations of 2,4-DB may be applied to alfalfa and red clover seed crops on and after November 1 through ~~((April 30))~~ April 19 of the following year.

(b) On and after ~~((April 15))~~ April 4 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.052 inches: PROVIDED, That applications of restricted use herbicides on asparagus shall be made using nozzles having minimum orifice diameter of 0.072 inches.

(c) On and after November 1 through ~~((April 14))~~ April 3 of the following year, aircraft applications of restricted use herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

(d) On and after ~~((April 15))~~ April 4 through October 31, aircraft applications of restricted use herbicides shall be made using the danger area restrictions (see WAC 16-230-675).

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 1950, filed 9/1/87)

WAC 16-231-910 RESTRICTED USE HERBICIDES—GRANT COUNTY—AREA 1. (1) Area 1 description. (Lands generally within the Columbia Basin irrigation project.) An area starting at the southwest corner of Section 21, T14N, R27E; thence east along the county line four miles more or less to the southeast corner of Section 24, T14N, R27E; thence north along the county line sixteen miles to the southwest corner of Section 31, T17N, R28E; thence east along the county line thirteen miles more or less to the East Low Canal; thence northerly and easterly along the East Low Canal to the Adams County line; thence north along the Grant-Adams County line six miles more or less to the East Low Canal; thence northwesterly along the East Low Canal to the southeast boundary of Block 70; thence easterly, northerly and westerly, encompassing Block 70, Soap Lake and Block 701, to the West Main Canal; thence southwesterly along the West Main Canal to the north boundary line of Unit 1, Block 73; thence westerly along the northern boundary line of Block 73 to

the northwest corner of Unit 278; then due west to the Willow Springs Draw; thence down Willow Springs Draw to the Columbia River; thence southerly along the Columbia River to the south boundary line of Section 11, T15N, R23E; thence east along the crest of the Saddle Mountains approximately eighteen miles to the northwest boundary of the atomic energy reservation; thence southwesterly along the atomic energy reservation boundary to Highway 24; thence south and west along Highway 24 to Vernita Bridge; thence easterly along the Columbia River to the point of beginning.

(2) Area 1 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after ~~((April 15))~~ April 4 through October 31: PROVIDED, That low volatile ester formulations of 2,4-DB may be applied to alfalfa and red clover seed crops on and after November 1 through ~~((April 30))~~ April 19 of the following year.

(b) On and after ~~((April 15))~~ April 4 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.052 inches: PROVIDED, That applications of restricted use herbicides on asparagus shall be made using nozzles having minimum orifice diameter of 0.072 inches.

(c) On and after November 1 through ~~((April 14))~~ April 3 of the following year, aircraft applications of restricted use herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

(d) On and after ~~((April 15))~~ April 4 through October 31, aircraft applications of restricted use herbicides shall be made using the danger area restrictions (see WAC 16-230-675).

(e) On and after ~~((April 15))~~ April 4 through October 31, aircraft applications of restricted use herbicides shall be prohibited within one mile of any commercial vineyard: PROVIDED, That on and after ~~((April 15))~~ April 4 through October 31, written requests to apply MCPA to peas and corn located one-half to one mile from commercial vineyards will be considered: PROVIDED FURTHER, That on and after ~~((April 15))~~ April 4 through ~~((April 30))~~ April 19 written request to apply 2,4-DB on alfalfa and red clover seed crops located one-half to one mile from commercial vineyards will be considered.

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 1965, filed 2/12/88)

WAC 16-231-912 RESTRICTED USE HERBICIDES—GRANT COUNTY—AREA 1A. (1) Area 1A description. Lands generally in the Mattawa area in the southwestern part of the county starting at the west end of the crest of Saddle Mountain at the Columbia River, south boundary line of Section 11, T15N, R23E; thence east along the crest of the Saddle Mountains approximately eighteen miles to the northwest boundary of the atomic energy reservation; thence southwesterly

along the atomic energy reservation boundary to Highway 24; thence following Highway 24 to the Vernita Bridge at the Columbia River; thence northwesterly along the Columbia River to the point of beginning.

(2) Area 1A restrictions.

(a) The use or application of low volatile formulations or restricted use herbicides is prohibited on and after ~~((April-5))~~ March 25 through October 31: **PROVIDED**, That low volatile ester formulations of 2,4-DB may be applied to alfalfa and red clover seed crops on and after November 1 through ~~((April-30))~~ April 19 of the following year.

(b) On and after ~~((April-5))~~ March 24 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.052 inches: **PROVIDED**, That applications of restricted use herbicides on asparagus shall be made using nozzles having a minimum nozzle orifice diameter of 0.072 inches.

(c) On and after November 1 through ~~((April-4))~~ March 24 of the following year, aircraft applications of restricted use herbicides shall be made using the caution area restrictions (See WAC 16-230-675).

(d) On and after ~~((April-5))~~ March 25 through October 31, aircraft applications of restricted use herbicides shall be prohibited except by written permit issued by the Washington state department of agriculture.

**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 1965, filed 2/12/88)

WAC 16-232-010 RESTRICTED USE HERBICIDES—WALLA WALLA COUNTY—AREA 1. (1) Area 1 description. (Columbia River Buffer area.) An area starting at the intersection of the common boundary line between Sections 14 and 15, T6N, R32E and the Washington-Oregon state line; thence north along the section lines ten miles more or less to the southeast corner of Section 22, T8N, R32E; thence east along the section lines two miles to the southeast corner of Section 24, T8N, R32E; thence north along the section lines five miles more or less to the intersection with the Northern Pacific Railroad; thence northeasterly seven miles more or less along the railroad, including the right of way, to the intersection with State Route 124 and C.M. Rice Road at the northeast corner of Section 2, T9N, R33E; thence northerly along C.M. Rice Road, including the right of way, to the Snake River; thence southwesterly along the Snake River to the Columbia River; thence southerly along the Columbia River to the Washington-Oregon state line; thence east along the state line nine miles more or less to the point of beginning.

(2) Area 1 restrictions.

(a) The use or application of low volatile ester formulations of restricted use herbicides is prohibited on and after ~~((April-5))~~ March 25 through October 31.

(b) On and after ~~((April-5))~~ March 25 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice

diameter of 0.052 inches or a LP8002 or equivalent nozzle.

(c) On and after ~~((April-5))~~ March 25 through October 31, aerial applications shall be prohibited except by written permit issued by the department.

**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 1989, filed 10/19/88)

WAC 16-232-015 RESTRICTED USE HERBICIDES—WALLA WALLA COUNTY—AREA 2. (1) Area 2 description. (Walla Walla and vicinity, Dixie, Waitsburg, and Prescott areas.) Those areas lying within a one mile radius from the center of the town of Dixie and within one mile of the city limits of the towns of Waitsburg and Prescott and an area starting at the intersection of the common boundary line between Sections 15 and 16, T6N, R36E and the Washington-Oregon state line; thence north along the section line one mile more or less to the southwest corner of Section 3, T6N, R36E; thence east along the section lines two miles to the southeast corner of Section 2, T6N, R36E; thence north along the section lines three miles to the southwest corner of Section 24, T7N, R36E; thence east along the section line one mile to the southeast corner of Section 24, T7N, R36E; thence north along the section line one mile to the southwest corner of Section 18, T7N, R37E; thence east along the section line one mile to the southeast corner of Section 18, T7N, R37E; thence north along the section line one mile to the northeast corner of Section 18, T7N, R37E; thence west along the section lines nine miles to the northwest corner of Section 14, T7N, R35E; thence south along the section line one mile to the northeast corner of Section 22, T7N, R35E; thence west along the section line one mile to the northwest corner of Section 22, T7N, R35E; thence south along the section lines one mile more or less to State Route 12; thence westerly along State Route 12, including the right of way, three miles more or less to the intersection with Detour Road; thence southwesterly along Detour Road, including the right of way, one-half mile more or less to the intersection with Forest Road; thence south along Forest Road, including the right of way, one mile more or less to the intersection with Frog Hollow Road at the southwest corner of Section 6, T6N, R35E; thence east along Frog Hollow Road, including the right of way, one mile more or less to the intersection with Locher Road; thence south along Locher Road, including the right of way, one mile more or less to the Washington-Oregon state line; thence east along the state line eight miles more or less to the point of beginning.

(2) Area 2 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after ~~((April-15))~~ April 4 through October 31.

(b) On and after ~~((April-15))~~ April 4 through October 31, ground applications of restricted use herbicides

shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after November 1 through ~~((April 14))~~ April 3 of the following year, aircraft applications of restricted use herbicides shall be made using the caution area restrictions (see WAC 16-230-675). Aircraft applications shall be prohibited on and after ~~((April 15))~~ April 4 through October 31: PROVIDED, That:

(i) The aerial application of MCPA shall be allowed using warning area restriction (see WAC 16-230-675).

(ii) Aerial applications of nonvolatile formulations of restricted use herbicides from one-half to one mile of the center of the town of Dixie and from the city limits of Waitsburg, Prescott and Walla Walla shall be considered through written request to the Washington state department of agriculture.

(iii) Those portions of the city of Walla Walla fall within Sections 13, 14, 22, 23 and 24, T7N, R35E of Walla Walla County shall not be considered as part of the city limits of Walla Walla for purposes of issuing permits by the department for aerial application of non-volatile formulations of restricted use pesticides.

(d) Restrictions on the use of airstrips. The loading and/or mixing of restricted use herbicides is prohibited on any airstrip, airfield or any location within Area 2: PROVIDED, That the municipal airport located northeast of Walla Walla shall not be subject to this provision.

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 1965, filed 2/12/88)

**WAC 16-232-020 RESTRICTED USE HERBICIDES—WALLA WALLA COUNTY—AREA 2A.**

(1) Area 2A description. (Buffer area surrounding Dixie and Walla Walla.) An area, excluding a one mile radius from the center of the town of Dixie, starting at the intersection of the common boundary line between Sections 14 and 15, T6N, R32E and the Washington-Oregon state line; thence north along the section lines six miles more or less to the northwest corner of Section 14, T7N, R32E; thence east along the section lines ten miles to the southwest corner of Section 9, T7N, R34E; thence north along the section line one mile to the northwest corner of Section 9, T7N, R34E; thence east along the section lines two miles to the southwest corner of Section 2, T7N, R34E; thence north along the section line one mile to the northwest corner of Section 2, T7N, R34E; thence east along the section lines two miles to the southwest corner of Section 31, T8N, R35E; thence north along the section lines six miles to the northwest corner of Section 6, T8N, R35E; thence east along the section lines and the Columbia-Walla Walla County line twenty-four miles to the northeast corner of Section 1, T8N, R38E; thence south along the Columbia-Walla Walla County line fourteen miles more or less to the Washington-Oregon state line; thence west along the state line fifteen miles to the common boundary line between Sections 15 and 16, T6N, R36E; thence north

along the section line one mile more or less to the northwest corner of Section 10, T6N, R38E; thence east along the section lines two miles to the southwest corner of Section 1, T6N, R36E; thence north along the section lines three miles to the northwest corner of Section 25, T7N, R36E; thence east along the section line one mile to the southwest corner of Section 19, T7N, R37E; thence north along the section line one mile to the northwest corner of Section 19, T7N, R37E; thence east along the section line one mile to the northeast corner of Section 19, T7N, R37E; thence north along the section line one mile to the southwest corner of Section 8, T7N, R37E; thence west along the section lines nine miles to the northeast corner of Section 15, T7N, R35E; thence south along the section line one mile to the southeast corner of Section 15, T7N, R35E; thence west along the section line one mile to the southwest corner of Section 15, T7N, R35E; thence south along the section lines one mile more or less to State Route 12; thence westerly along State Route 12, excluding the right of way, three miles more or less to the intersection with Detour Road; thence southwesterly along Detour Road, excluding the right of way, one-half mile more or less to the intersection with Forest Road; thence south along Forest Road, excluding the right of way, one mile more or less to the intersection with Frog Hollow Road at the southwest corner of Section 6, T6N, R35E; thence east along Frog Hollow Road, excluding the right of way, one mile more or less to the intersection with Locher Road; thence south along Locher Road, excluding the right of way, one mile more or less to the Washington-Oregon state line; thence west along the state line fifteen miles more or less to the point of beginning.

(2) Area 2A restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after ~~((April 15))~~ April 4 through October 31: PROVIDED, That 2,4-DB shall be allowed on alfalfa seed crops at any time.

(b) On and after ~~((April 15))~~ April 4 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after ~~((April 15))~~ April 4 through October 31, aircraft applications of restricted use herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

**AMENDATORY SECTION** (Amending Order 1965, filed 2/12/88)

**WAC 16-232-027 RESTRICTED USE HERBICIDES—WALLA WALLA COUNTY—AREA 3A.**

(1) Area 3A description. An area beginning at the southwest corner of Section 11, T7N, R32E; thence east along the section lines six miles more or less to the intersection with the Touchet North Road at the southeast corner of Section 10, T7N, R33E; thence northerly along the Touchet North Road, including the right of way, to the intersection with State Route 124; thence west one-half mile more or less along State Route 124, excluding the right of way, to the intersection with the Northern Pacific Railroad at the northwest corner of

Section 1, T9N, R33E; thence southwesterly seven miles more or less along the railroad, excluding the right of way, to the intersection with the common boundary line between Section 25, T9N, R32E and Section 30, T9N, R33E; thence south along the section lines five miles more or less to the northeast corner of Section 25, T8N, R32E; thence west along the section lines two miles to the northwest corner of Section 26, T8N, R32E; thence south along the section lines four miles to the point of beginning.

(2) Area 3A restrictions.

(a) The use and application of low volatile formulations of restricted use herbicides shall be prohibited on and after ~~((April 15))~~ April 4 through October 31.

(b) On and after ~~((April 15))~~ April 4 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after ~~((April 15))~~ April 4 through October 31, aircraft applications of restricted use herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

**WSR 92-08-029**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Filed March 23, 1992, 4:32 p.m., effective March 24, 1992, 12:01 a.m.]

Date of Adoption: March 23, 1992.

Purpose: Amendment brings WAC into compliance with federal child care and development block grant rules and at-risk grant rules.

Citation of Existing Rules Affected by this Order: Amending WAC 388-15-170 General and seasonal child care services.

Statutory Authority for Adoption: RCW 74.12.340.

Other Authority: 45 CFR 98.20, 98.30, 98.43, and 98.45 and 45 CFR 257.21, 257.30, 257.31, and 257.41.

Pursuant to RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: Rule amendment changes age of eligible child from under 15 years to 12 years or younger; describes the minimum copayment requirement; clarifies eligibility rules for seasonal child care in two-parent households; and describes special needs child care.

Effective Date of Rule: March 24, 1992, 12:01 a.m.

March 23, 1992  
 Leslie F. James, Director  
 Administrative Services

**AMENDATORY SECTION** (Amending Order 2732, filed 12/2/88)

**WAC 388-15-170 GENERAL AND SEASONAL CHILD DAY CARE SERVICES.** (1) The department

may approve child day care funding to facilitate care, protection, and related services for a child ~~((under fifteen))~~ twelve years of age or younger. The department may approve special needs child care for a child:

(a) Nineteen years of age or younger who is physically or mentally incapable of caring for himself or herself, as verified by the state based on a determination by a physician or a licensed or certified psychologist, or

(b) Who is under court supervision.

(2) The department shall only fund child day care during the portion of the twenty-four-hour day when neither of the child's parents are able to provide necessary care and supervision. The department may authorize child day care services for the following reasons:

(a) Parent is employed and is not an Aid for Dependent Children (AFDC) grant recipient;

(b) Parent is employed and receiving AFDC;

(c) Parent is receiving AFDC and is enrolled in ((an approved work incentive program (WIN) (not to exceed one year) leading toward employment)) Job Opportunity and Basic Skills (JOBS);

~~((c))~~ (d) School-aged parent is enrolled in an approved secondary education or GED program;

~~((d))~~ (e) Parent and/or child are in need of treatment or support as part of a child protective or child welfare services case plan. Such services may include, but are not limited to, those provided by a professional child welfare or educational agency.

~~((2))~~ (3) The department shall limit goals for general child day care services as specified in WAC 388-15-010 (1)(a), ~~((b))~~ (d), and ~~((c))~~ (e). Also see WAC 388-15-010(2).

~~((3))~~ (4) The department may purchase child day care, except for seasonal farmworker child care, within available funds for families:

(a) With gross income equal to or below thirty-eight percent of the state median income adjusted for family size (SMIAFS). These families pay the provider a minimum monthly co-payment toward the cost of child day care;

(b) With gross income above thirty-eight and at or below fifty-two percent of the SMIAFS. The family shall pay to the child day care provider ~~((fifty percent))~~ part of their gross monthly income above the thirty-eight percent SMIAFS toward the cost of child day care;

(c) In need of child day care as an integral part of a child protective or child welfare service plan. The department shall provide such service without regard to family income(;

~~((d))~~ (d) In need of child day care as an integral part of a child welfare service plan and with gross income at or below fifty-two percent of the SMIAFS. The family shall pay the child care provider fifty percent of their gross monthly income above the thirty-eight percent SMIAFS toward the cost of care)) up to seventy-five percent SMIAFS.

~~((4))~~ (5) The department may purchase seasonal child day care within available funds for children who are members of family units residing in Washington state where:

(a) Both parents, or the single parent (in the case of the one-parent family), are currently employed or seeking work in agriculturally related work; ~~((and))~~

(b) At least fifty percent of the family's annual income is derived from agriculturally related work; ~~((and))~~

~~(c) ((Both parents, or the single parent, have)) In a two-parent household, the primary wage earner has more than one agricultural employer per year; in a one-parent household, the single parent has more than one agricultural employer per year; ((and))~~

(d) Family gross income for the past twelve months does not exceed thirty-eight percent of the SMIAFS. These families shall pay the provider a minimum monthly co-payment toward the cost of child day care.

Families with gross income above thirty-eight percent and at or below fifty-two percent of the SMIAFS shall pay the child day care provider fifty percent of their average gross monthly income above the thirty-eight percent SMIAFS toward the cost of child day care(-); and

(e) Failure of parents to meet the requirements of subsection (4)(b) and (c) of this section due to status within the past year as an AFDC recipient shall not result in ineligibility for seasonal child care.

~~((5))~~ (6) The department shall establish waiting lists, if necessary, to ensure child day care services, under WAC 388-15-170, are provided within legislatively appropriated funds.

~~((6))~~ (7) The department shall consider~~((s))~~ in-home care or relative, relative's home care as the care and supervision of a child:

(a) By a relative in the child's own home or a relative's home; or

(b) In their own home with an unrelated person.

~~((7))~~ (8) When the department approves an in-home care or relative, relative's home child care plan at the request of a parent, the caretaker shall meet the following minimum qualifications and fulfill the following responsibilities:

(a) Be eighteen years of age or older;

(b) Be free of communicable disease, including tuberculosis, as shown by tests within the year ~~((and every two years thereafter))~~;

(c) Be of sufficient physical, emotional, and mental health to meet the needs of the children in care;

(d) Subject to the discretion of the worker, the caretaker shall provide written evidence that ~~((he or she))~~ such caretaker is in sufficient physical, emotional, and mental health to be a safe caretaker;

(e) Work with children without using corporal punishment or psychological abuse;

(f) Accept and follow instructions;

(g) Maintain personal cleanliness;

(h) Be prompt and regular in job attendance;

(i) Meet the department's registration requirement;

~~(j)~~ The in-home caretaker shall have the following responsibilities:

(i) Consider his or her primary function as that of child day care provider;

(ii) Provide constant care and supervision of the children for whom they are responsible throughout the time

they are on duty in accordance with the children's needs; and

(iii) Provide appropriate activities for children under their care.

~~((8))~~ (9) Payment standards for child day care. The department shall establish maximum child care rates taking into consideration prevailing community rates.

(a) When the parent chooses in-home care or relative, relative's home care, the parent shall receive payment for the cost of child day care and shall pay the ~~((in-home care))~~ provider according to the amount specified in the approved child care plan.

(b) The in-home, or relative, relative's home care provider shall sign a receipt at the time payment is received. The parent must retain the payment receipt for review by the authorizing worker at the time of the next eligibility determination.

(c) If total payments to an in-home provider are ~~((expected to be))~~ fifty dollars or more in any one quarter, the department shall add the employer's share of the FICA tax to the amount authorized for in-home care.

(d) Payment for child day care by relative. The department shall not allow ~~((no))~~ payment for child care services by the following relatives: Father, mother, brother, sister, stepfather, stepmother, stepbrother, or stepsister, except for adult siblings residing outside the child's home.

(e) A child is eligible for Employment Child Care subsidies when:

(i) The child receives an AFDC grant; ~~((and))~~

(ii) The child lives with a nonresponsible relative;

(iii) The relative does not receive an AFDC grant; and

(iv) The relative is employed.

## WSR 92-08-030

### PROPOSED RULES

### DEPARTMENT OF

### SOCIAL AND HEALTH SERVICES

### (Public Assistance)

[Filed March 23, 1992, 4:35 p.m.]

#### Original Notice.

Title of Rule: WAC 388-15-170 General and seasonal child day care services.

Purpose: Amendment brings WAC into compliance with federal child care and developmental block grant rules and at-risk grant rules.

Other Identifying Information: 45 CFR 98.20, 98.30, 98.43 and 98.45; and 45 CFR 275.21, 257.30, 257.31, and 257.41.

Statutory Authority for Adoption: RCW 74.12.340.

Statute Being Implemented: RCW 74.12.340.

Summary: Revision changes age of eligible child from under 15 years to 12 years or younger; describes the minimum copayment requirement; clarifies eligibility rules for seasonal child care in two-parent households; and describes special needs child care.



Reasons Supporting Proposal: Revision will bring WAC into compliance with federal child care and developmental block grant rules and the at-risk grant rules.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Monika Ellis, Office of Child Care Policy, 586-0252.

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

Rule is necessary because of federal law, 45 CFR 98.20, 98.30, 98.43, and 98.45; and 45 CFR 257.21, 257.30, 257.31, and 257.41.

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 May 5, 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 May 5, 1992.

Date of Intended Adoption: May 19, 1992.

March 23, 1992

Leslie F. James, Director  
Administrative Services

#### AMENDATORY SECTION (Amending Order 2732, filed 12/2/88)

WAC 388-15-170 GENERAL AND SEASONAL CHILD DAY CARE SERVICES. (1) The department may approve child day care funding to facilitate care, protection, and related services for a child ~~((under fifteen))~~ twelve years of age or younger. The department may approve special needs child care for a child:

(a) Nineteen years of age or younger who is physically or mentally incapable of caring for himself or herself, as verified by the state based on a determination by a physician or a licensed or certified psychologist; or

(b) Who is under court supervision.

(2) The department shall only fund child day care during the portion of the twenty-four-hour day when neither of the child's parents are able to provide necessary care and supervision. The department may authorize child day care services for the following reasons:

(a) Parent is employed and is not an Aid for Dependent Children (AFDC) grant recipient;

(b) Parent is employed and receiving AFDC;

(c) Parent is receiving AFDC and is enrolled in ((an approved work incentive program (WIN) (not to exceed one year) leading toward employment)) Job Opportunity and Basic Skills (JOBS);

((+)) (d) School-aged parent is enrolled in an approved secondary education or GED program;

((+)) (e) Parent and/or child are in need of treatment or support as part of a child protective or child welfare services case plan. Such services may include, but are not limited to, those provided by a professional child welfare or educational agency.

((+)) (3) The department shall limit goals for general child day care services as specified in WAC 388-15-010 (1)(a), ((+)) (d), and ((+)) (e). Also see WAC 388-15-010(2).

((+)) (4) The department may purchase child day care, except for seasonal farmworker child care, within available funds for families:

(a) With gross income equal to or below thirty-eight percent of the state median income adjusted for family size (SMIAFS). These families pay the provider a minimum monthly co-payment toward the cost of child day care;

(b) With gross income above thirty-eight and at or below fifty-two percent of the SMIAFS. The family shall pay to the child day care provider ~~((fifty percent))~~ part of their gross monthly income above the thirty-eight percent SMIAFS toward the cost of child day care;

(c) In need of child day care as an integral part of a child protective or child welfare service plan. The department shall provide such service without regard to family income((;

~~(d) In need of child day care as an integral part of a child welfare service plan and with gross income at or below fifty-two percent of the SMIAFS. The family shall pay the child care provider fifty percent of their gross monthly income above the thirty-eight percent SMIAFS toward the cost of care)) up to seventy-five percent SMIAFS.~~

((+)) (5) The department may purchase seasonal child day care within available funds for children who are members of family units residing in Washington state where:

(a) Both parents, or the single parent (in the case of the one-parent family), are currently employed or seeking work in agriculturally related work; ~~((and))~~

(b) At least fifty percent of the family's annual income is derived from agriculturally related work; ~~((and))~~

~~((Both parents, or the single parent, have))~~ In a two-parent household, the primary wage earner has more than one agricultural employer per year; in a one-parent household, the single parent has more than one agricultural employer per year; ~~((and))~~

(d) Family gross income for the past twelve months does not exceed thirty-eight percent of the SMIAFS. These families shall pay the provider a minimum monthly co-payment toward the cost of child day care. Families with gross income above thirty-eight percent and at or below fifty-two percent of the SMIAFS shall pay the child day care provider fifty percent of their average gross monthly income above the thirty-eight percent SMIAFS toward the cost of child day care((-); and

(e) Failure of parents to meet the requirements of subsection (4)(b) and (c) of this section due to status within the past year as an AFDC recipient shall not result in ineligibility for seasonal child care.

((+)) (6) The department shall establish waiting lists, if necessary, to ensure child day care services, under WAC 388-15-170, are provided within legislatively appropriated funds.

((+)) (7) The department shall consider((s)) in-home care or relative, relative's home care as the care and supervision of a child:

(a) By a relative in the child's own home or a relative's home; or

(b) In their own home with an unrelated person.

((+)) (8) When the department approves an in-home care or relative, relative's home child care plan at the request of a parent, the caretaker shall meet the following minimum qualifications and fulfill the following responsibilities:

(a) Be eighteen years of age or older;

(b) Be free of communicable disease, including tuberculosis, as shown by tests within the year ~~((and every two years thereafter));~~

(c) Be of sufficient physical, emotional, and mental health to meet the needs of the children in care;

(d) Subject to the discretion of the worker, the caretaker shall provide written evidence that ~~((he or she))~~ such caretaker is in sufficient physical, emotional, and mental health to be a safe caretaker;

(e) Work with children without using corporal punishment or psychological abuse;

(f) Accept and follow instructions;

(g) Maintain personal cleanliness;

(h) Be prompt and regular in job attendance;

(i) Meet the department's registration requirement;

(j) The in-home caretaker shall have the following responsibilities:

(i) Consider his or her primary function as that of child day care provider;

(ii) Provide constant care and supervision of the children for whom they are responsible throughout the time they are on duty in accordance with the children's needs; and

(iii) Provide appropriate activities for children under their care.

((+)) (9) Payment standards for child day care. The department shall establish maximum child care rates taking into consideration prevailing community rates.

(a) When the parent chooses in-home care or relative, relative's home care, the parent shall receive payment for the cost of child day care and shall pay the ~~((in-home care))~~ provider according to the amount specified in the approved child care plan.

(b) The in-home, or relative, relative's home care provider shall sign a receipt at the time payment is received. The parent must retain the payment receipt for review by the authorizing worker at the time of the next eligibility determination.

(c) If total payments to an in-home provider are ~~((expected to be))~~ fifty dollars or more in any one quarter, the department shall add the



employer's share of the FICA tax to the amount authorized for in-home care.

(d) Payment for child day care by relative. The department shall not allow ((no)) payment for child care services by the following relatives: Father, mother, brother, sister, stepfather, stepmother, stepbrother, or stepsister, except for adult siblings residing outside the child's home.

(e) A child is eligible for Employment Child Care subsidies when:

- (i) The child receives an AFDC grant; ((and))
- (ii) The child lives with a nonresponsible relative;
- (iii) The relative does not receive an AFDC grant; and
- (iv) The relative is employed.

### WSR 92-08-031

#### EMERGENCY RULES

#### DEPARTMENT OF FISHERIES

[Order 92-11—Filed March 23, 1992, 4:41 p.m., effective April 1, 1992, 12:01 a.m.]

Date of Adoption: March 23, 1992.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-56-105, 220-57-315, 220-57-505, and 220-57-515.

Statutory Authority for Adoption: RCW 75.08.080.

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

Reasons for this Finding: Harvestable runs of spring chinook are available to the recreational fishery on each of these streams. Discussions with the Yakima Tribe on the tributary regulation package were not completed in time to make this regulation part of the permanent package.

Effective Date of Rule: 12:01 a.m., April 1, 1992.

March 23, 1992

Joseph R. Blum

Director

#### NEW SECTION

WAC 220-56-10500A RIVER MOUTH DEFINITIONS. Notwithstanding the provisions of WAC 220-56-105, effective April 1, 1992 through June 30, 1992:

(1) The mouth of the White Salmon River is defined as a line between a set of fishing boundary markers located immediately downstream of the Burlington Northern Railroad Bridge.

(2) The mouth of the Little White Salmon River (Drano Lake) is defined as the Highway 14 Bridge.

#### NEW SECTION

WAC 220-57-31500V KLUCKITAT RIVER. Notwithstanding the provisions of WAC 220-57-315, effective April 1 through May 29, 1992, open to salmon angling on Saturdays only, special daily bag limit of two salmon in those waters downstream from the Fisher Hill Bridge to the mouth of the Klickitat River.

#### NEW SECTION

WAC 220-57-50500T LITTLE WHITE SALMON RIVER (DRANO LAKE). Notwithstanding the provisions of WAC 220-57-505, effective April 1 through May 17, 1992, special daily bag limit of two salmon in those waters downstream and across from the Federal Salmon Hatchery and upstream of the Highway 14 Bridge.

#### NEW SECTION

WAC 220-57-51500H WIND RIVER. Notwithstanding the provisions of WAC 220-57-515 and WAC 220-56-105:

(1) Effective April 1 through June 15, 1992, special daily bag limit of two salmon in those waters downstream from markers 400 feet below Shipperd Falls to markers and fishery boundary buoys at the river mouth boundary.

(2) Effective June 1 through June 15, 1992, special daily bag limit of two salmon in those waters from the High Bridge located just north of the town of Carson on the Wind River Highway to boundary markers 800 yards downstream of the Carson Federal Salmon Hatchery.

### WSR 92-08-032

#### PERMANENT RULES

#### SECRETARY OF STATE

[Filed March 24, 1992, 10:26 a.m., effective April 1, 1992]

Date of Adoption: March 24, 1992.

Purpose: Amend existing provisions regarding the issuance of absentee ballots for the presidential preference primary.

Citation of Existing Rules Affected by this Order: Amending WAC 434-75-240 and 434-75-250.

Statutory Authority for Adoption: RCW 29.19.070.

Pursuant to notice filed as WSR 92-05-023 on February 10, 1992.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The agency finds that the early effective date is required to ensure that absentee ballots are available for the presidential primary and that they may be processed in an orderly manner.

Effective Date of Rule: April 1, 1992.

March 24, 1992  
Donald F. Whiting  
Assistant Secretary  
of State

AMENDATORY SECTION (Amending WSR 91-18-012, filed 8/26/91, effective 9/26/91)

WAC 434-75-240 LACK OF PARTY DESIGNATION. In the event the auditor receives a request for an absentee ballot that does not include party designation, he or she shall either attempt to obtain a signed party designation in the manner provided by WAC 434-40-130(2), or he or she shall send the ballots of each

major political party to the voter, together with instructions in substantially the following form:

Dear Voter:

We are in receipt of your Presidential Preference Primary absentee ballot application. However, your application is incomplete in that you did not indicate which political party's ballot you are requesting. Under Washington's Presidential Primary law, this information must be provided prior to your ballot being counted. We have, therefore, enclosed the ballots of each political party. You are entitled to vote the ballot of only one political party, and that must be the party indicated on the party designation/request form. Please complete the enclosed information and return it together with, BUT SEPARATE FROM, the appropriate party ballot. DO NOT PLACE THE PARTY REQUEST FORM IN THE BALLOT SECURITY ENVELOPE.

I hereby request a ballot for the following major political party: (CHECK ONE)

\_\_\_\_\_ DEMOCRATIC      \_\_\_\_\_ REPUBLICAN

X \_\_\_\_\_  
(signature of voter)

Each county auditor shall devise a method of ensuring that the ballot returned by the voter is of the party indicated on the request form without compromising the secrecy of the ballot.

AMENDATORY SECTION (Amending WSR 91-18-012, filed 8/26/91, effective 9/26/91)

WAC 434-75-250 ONGOING ABSENTEE VOTERS. Each county auditor shall, prior to each presidential preference primary, either:

(1) Send to each ongoing absentee voter the ballots of each major political party, together with instructions and a ballot request form similar to those specified in WAC 434-75-240; or

(2) Send a ballot request form to each ongoing absentee voter in advance of the presidential preference primary, requesting that the voter indicate on that form which party ballot he or she desires. The form may also have a space for the voter to indicate that he or she does not desire to participate in the presidential preference primary. If such an indication is received from the voter, no presidential preference primary ballot shall be sent. In the event a voter does not return a ballot request form or a statement declining to participate in the presidential preference primary in advance of the date for mailing ongoing absentee ballots, ((the county auditor shall mail the ballots of both parties in the manner specified under subsection (1) of this section)) no ongoing absentee ballot shall be sent. Such voters who subsequently express a desire to vote in the presidential preference primary may request a regular absentee ballot as provided by state law and these rules.

~~((Returned ballots issued in the manner specified by subsection (2) of this section shall be processed in the same manner as absentees issued under the provisions of WAC 434-75-240.))~~

WSR 92-08-033  
PERMANENT RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Public Assistance)

[Filed March 24, 1992, 11:40 a.m.]

Date of Adoption: March 24, 1992.

Purpose: To implement the income assistance child care program.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-51-100 Child care—Payment; and amending WAC 388-28-570 and chapter 388-51 WAC.

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

Pursuant to notice filed as WSR 92-04-013 on January 27, 1992.

Changes Other than Editing from Proposed to Adopted Version: WAC 388-51-132 is removed from filing and will not be filed as part of the permanent filing. The department reconsidered its position on considering child care payments as assistance payments covered by assignment of child support.

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

March 24, 1992

Leslie F. James, Director  
Administrative Services

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 Maximum Deductions	Child Care Maximum Deductions
	Child 2 Years of Age or Older	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

Hours Worked Per Month	Dependent Care Maximum Deductions	Dependent Care Maximum Deductions
	Dependent 2 Years of Age or Older	Dependent 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 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.

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. ((1) 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.

(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-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; and

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

(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) Except as required under WAC 388-51-120 (4) and (5), the department shall terminate child care benefits to coincide with the termination of a component activity or 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 388-51-135 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 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 92-08-034**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 3344—Filed March 24, 1992, 11:49 a.m.]

Date of Adoption: March 24, 1992.

Purpose: To bring the administrative rules governing establishment of support obligations into conformity with statutory changes made during the 1991 legislative session.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-11-195 and 388-11-200; and amending chapter 388-11 WAC.

Statutory Authority for Adoption: Chapters 74.20A and 26.19 RCW, RCW 74.20A.059 and 26.23.050.

Other Authority: E2SSB 5120 and ESSB 5996.

Pursuant to notice filed as WSR 92-04-021 on January 28, 1992.

Changes Other than Editing from Proposed to Adopted Version: WAC 388-11-055 (4)(a)(v) has been deleted. This provision was an attempt to ensure that all hearings provided for in OSE WAC were accorded a late hearing right under this section. However, the section proved extremely confusing to commentors. I reviewed chapters 388-11 and 388-14 WAC and found that the appropriate hearings rights were addressed in other provisions of WAC 388-11-055. This change should make no difference in the application of the rule, and should make it easier to understand; WAC 388-11-055(7) has been modified. The rules provides that OSE will not refund any money that we collect from a responsible parent if they fail to make a timely hearing request after they are served with a notice and finding of financial responsibility. Commentors pointed out that the rule could be applied to allow the department to keep money collected even if service of the notice was invalid. The rule now reads: "If the responsible parent fails to make a timely request for an adjudicative proceeding, after proper service of a notice and finding of parental or financial responsibility, the department shall retain or distribute and shall not refund moneys withheld as a result of collection action taken . . ." The underlined material is new and should clarify that the department is not entitled to retain money collected based on improper service. This change clarifies the intent of the section; WAC 388-11-140 (1)(a), this provision required that a party petitioning for prospective modification of a support order list in the petition circumstances that have changed since the entry of the original support order. RCW 74.20A.059 governs modification of administrative orders and allows modification on grounds that do not involve changed circumstances. I have revised the rule to allow the petitioner to list "any" circumstances that have changed, instead of requiring the petitioner to list changed circumstances; WAC 388-11-140(4), the subsection as published required administrative law judges to modify orders according to RCW 74.20A.059. This statutory section provides processes and standards of proof related to modification. I have added a requirement that modifications also comply with the child support schedule statute, chapter 26.19 RCW. This change brings this section up to the requirements of the support schedule statute; WAC 388-11-140(5), this subsection instructs the presiding officer to enter a default order of modification when a party responding to a request for modification fails to appear. Commentors noted that if the request for modification was not based on support schedule principles, the default order would also be inappropriate under the state child support schedule. The revised rule requires presiding officers to enter an order based on the support schedule, the support schedule worksheets provided by the parties, and the allegations in the request for modification; and WAC 388-11-205 (10)(b), this section creates an exception to the minimum support order of \$25 per month per child imposed

when a child support obligation would take a paying parent's income below the needs standard amount for one person. As published, a presiding officer could enter an order and OSE could enter an agreement requiring a higher payment based on a deviation from the support schedule. Commentors pointed out that OSE is not authorized to enter agreements involving deviations in these cases under the support schedule statute, chapter 26.19 RCW. The language "or OSE" has been deleted from this subsection to bring the rule into conformity with the statute.

Effective Date of Rule: Thirty-one days after filing,  
March 24, 1992  
Leslie F. James, Director  
Administrative Services

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

WAC 388-11-055 PETITION FOR HEARING AFTER TWENTY DAYS—STAY. (1) ~~((The responsible parent may, at any time, upon a showing of good cause for the failure to make a timely request for hearing))~~ Any party expressly entitled to an adjudicative proceeding under provisions of chapters 388-11, 388-13, or 388-14 WAC may, at any time after the designated time period for filing a timely request for an adjudicative proceeding has expired, petition the secretary or the secretary's designee for a late ~~((hearing))~~ adjudicative proceeding. The ~~((petition shall state the grounds alleged by the responsible parent to constitute good cause for the failure to make a timely request for hearing))~~ department shall schedule adjudicative proceedings to make findings and determinations as outlined in subsections (4) and (6) of this section. Throughout this section the individual petitioning for a late hearing shall be referred to as the petitioner.

(2) The petitioner shall also serve a copy of the petition ~~((shall also be served))~~ by certified mail, return receipt requested, or like a summons in a civil action on the ~~((district office of the))~~ office of support enforcement.

(3) The filing of a petition for a late ~~((hearing))~~ adjudicative proceeding shall not stay any collection action being taken under chapters 26.23 or 74.20A RCW.

(4) The ~~((granting of a request for a hearing under subsection (1) above shall operate as a stay on any action to collect moneys due under the original notice.~~

(5) A hearing under this section shall be scheduled to consider:

- (a) Whether good cause exists to grant a hearing;
- (b) Setting of temporary current and future support;
- (c) Settlement of any or all of the issues; and
- (d) Such other matters as may aid in disposition of the proceeding.

(6) The office of support enforcement may petition for temporary current and future support any time prior to the final decision. The administrative law judge shall, in writing, order payment of temporary, current and future support in an amount determined under WAC 388-11-205:

~~(a) Payment shall be ordered to be paid beginning with the month in which the petition for a late hearing is granted:~~

~~(b) In the event the responsible parent does not make payment of the temporary current and future support as ordered, the office of support enforcement may take collection action pursuant to chapters 26.23 and 74.20A RCW during the pendency of the hearing or thereafter to collect any amounts owing under the temporary order)) department shall schedule an adjudicative proceeding to determine whether or not the petitioner has good cause for failing to file a timely adjudicative proceeding request when the petitioner files the petition more than:~~

~~(a) Twenty days after the date of service of the notice the petitioner is objecting to, and the notice the petitioner is objecting to is a:~~

- ~~(i) Notice of proposed settlement;~~
- ~~(ii) Notice and finding of financial responsibility served before September 1, 1991;~~
- ~~(iii) Notice to payee;~~
- ~~(iv) Notice of support owed.~~

~~(b) Ninety days from the date of a notice described under WAC 388-14-270(11); or~~

- ~~(c) One year after the date of service of a:~~
  - ~~(i) Notice and finding of parental responsibility;~~
  - ~~(ii) Notice and finding of financial responsibility served after September 1, 1991; or~~
  - ~~(iii) Debt adjustment notice.~~

~~(5) If in any proceeding under subsection (4) of this section, the presiding officer finds that the petitioner has good cause for failing to make a timely adjudicative proceeding request:~~

~~(a) The presiding officer shall conduct an adjudicative proceeding on the merits of the petitioner's objection to the notice served; and~~

~~(b) If the petitioner is the responsible parent, any further collection based on the notice served shall be stayed, except for any amounts exempted from a stay on collections by the regulations authorizing the notice when a timely request is filed.~~

~~(6) The department shall schedule an adjudicative proceeding to hear the merits of the petitioner's objection to the notice served if the petitioner:~~

~~(a) Files the petition for a late adjudicative proceeding more than twenty days, but one year or less from the date of service of the notice; and~~

- ~~(b) The petitioner is objecting to a:~~
  - ~~(i) Notice and finding of financial responsibility served after September 1, 1991;~~
  - ~~(ii) Debt adjustment notice; or~~
  - ~~(iii) Notice and finding of parental responsibility.~~

~~(7) If the responsible parent fails to make a timely request for an adjudicative proceeding, after proper service of a notice and finding of financial or parental responsibility, the department shall retain or distribute and shall not refund moneys withheld as a result of collection action ((in effect at the time of granting of the request for the hearing shall be delivered to and held by the office of support enforcement pending the final order of the secretary or during the pendency of any appeal to the courts)) taken more than twenty days after the date~~

of service of a notice and finding of parental responsibility, or notice and finding of financial responsibility served after September 1, 1991. OSE shall disburse temporary current and future support paid, or collected during the pendency of the hearing or appeal ((shall be disbursed)) when ((received by the office of support enforcement)) OSE receives such support.

~~((8) If the final decision of the department or the courts on appeal is that the department has collected an amount from the responsible parent greater than such parents past support debt, other than temporary current and future support, such excess shall promptly be refunded to such parent.))~~

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

WAC 388-11-140 MODIFICATION. (1) A ((responsible parent whose support obligation has been administratively established or the office of support enforcement)) party to an administrative order for support, including the department, may request ((a hearing)) an adjudicative proceeding to prospectively modify the parent's obligation ((if circumstances have materially changed)). ((The)) A party shall make such a request ((shall be)) in ((affidavit)) declaration form and shall state:

(a) ~~((The))~~ Any circumstances that have changed; and

(b) The amount of support the circumstances now warrant.

(2) The petitioning party shall serve the request for modification on the ~~((responding party))~~ department like a summons in a civil action or by certified mail, return receipt requested.

(3) ~~The ((petitioning party need not show a change of circumstance if the original support obligation was established under WAC 388-11-050))~~ department shall serve copies of the petition on all other parties like a summons in a civil action or by certified mail return receipt requested.

(4) OSE, the presiding officer or the department review judge shall prospectively modify orders according to the terms of chapter 26.19 RCW and RCW 74.20A.059.

(5) If the responding party fails to appear at the hearing, the ~~((administrative law judge))~~ presiding officer shall issue a default order based on the Washington state child support schedule, and worksheets submitted by the parties, and considering the terms set out in the request for modification. If the petitioning party fails to appear at the hearing, the ~~((administrative law judge))~~ presiding officer shall enter an order dismissing the request for modification.

~~((5))~~ (6) The ~~((administrative law judge))~~ presiding officer may set the effective date of modification as the date the order is issued, the date the request was made, or any time in between. If ~~((no))~~ an effective date is not set, the effective date shall be the date the modification order is entered.

AMENDATORY SECTION (Amending Order 3081, filed 9/28/90, effective 10/29/90)

WAC 388-11-205 ASSESSING SUPPORT. (1) ((The office of support enforcement (OSE) and the presiding or review officer in an adjudicative proceeding under this chapter shall determine the net income of a responsible parent and any residential parent according to WAC 388-11-200)) In any adjudicative proceeding, agreed settlement or consent order involving the administrative establishment of a support obligation, the responsible parent and any residential parent shall complete worksheets approved by the administrator for the courts under RCW 26.19.050. The office of support enforcement may complete a worksheet on behalf of a residential parent receiving public assistance, or residing in another state.

(2) OSE and the presiding or review officer shall determine the basic support obligation((:

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

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

(c) ~~In total; and~~

(d) ~~Allocate between the parents based on each parent's share of the total combined net income))~~ according to the Washington state child support schedule, chapter 26.19 RCW.

(3) OSE and the presiding or review officer may impute income based on the standards for inputting income stated at RCW 26.19. Eligibility for and receipt of AFDC or FIP benefits shall raise a rebuttable presumption that the recipient is complying with all assistance program eligibility requirements including job search requirements and is not voluntarily under-employed or unemployed.

(4) OSE and the presiding or review officer shall adjust a responsible parent's share of the basic support obligation to reflect circumstances in the parent's household and the household of any residential parent. OSE and the presiding or review officer may, at their discretion, and in compliance with RCW 26.19.075, deviate from the amount of child support calculated using the standard calculation. ~~((No))~~ A deviation from the standard may not be made without specific reasons for these deviations set forth in the order and supported by the evidence. ~~((Reasons for deviation include:~~

(a) ~~The existence of another dependent child for whom a responsible or residential parent has a duty to support;~~

(b) ~~The existence of another adult in the household of the responsible or residential parent;~~

(c) ~~Recurrent income received by the child on whose behalf support is sought;~~

(d) ~~Extraordinary debt, not voluntarily incurred by the responsible or residential parent;~~

(e) ~~Wealth of the responsible or residential parent;~~

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



~~(g) Any other unusual circumstances existing for the responsible or residential parent.~~

~~(4))~~ (5) If requested, OSE and the presiding or review officer shall:

(a) Assess responsibility for known health care, day care, and special child-rearing expenses under the Washington state child support schedule(~~(, worksheet A, part H)~~);

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

(c) Assess responsibility for birth costs under WAC 388-11-220(~~((5))~~).

~~((5))~~ (6) A responsible parent's total support obligation shall consist of:

(a) ~~((The responsible parent's adjusted share of the basic support obligation))~~ The amount determined according to the Washington state child support schedule, including the effect of any deviations from the basic child support obligation;

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

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

~~((6))~~ (7) A responsible parent shall pay health insurance premiums directly to the responsible parent's insurance provider. The responsible parent shall pay all other amounts, including amounts currently paid to third parties for special child-rearing expenses, to ~~((OSE))~~ the Washington state support registry.

~~((7))~~ (8) A responsible parent's total administrative current support obligation shall not exceed ~~((fifty))~~ forty-five percent of the responsible parent's net income unless the presiding officer finds good cause for exceeding the ((fifty)) forty-five percent limitation ((shall not apply because)). Good cause includes but is not limited to:

(a) The responsible parent has substantial wealth;

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

(c) ~~((The department assesses support for five or more children))~~ Large families; ~~((or))~~

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

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

~~((9))~~ Psychological need; or

~~((e))~~ Children with daycare expenses.

(9) When combined monthly net income of the parties is less than six hundred dollars, OSE, the presiding officer or the review judge shall enter a support order of not less than twenty-five dollars per month per child.

(10) Neither the presiding officer nor OSE shall set a current support obligation that reduces the responsible parent's income below the needs standard for one person adopted under RCW 74.04.770, except:

(a) For the minimum required support order of twenty-five dollars per month per child; or

(b) If the presiding officer finds reasons for deviation under chapter 26.19 RCW.

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

(a) Combine the net income of both parents in the "father" column on the worksheet and not attribute ~~((no))~~ income in the "mother" column when the responsible parents reside together;

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

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

(12) OSE, presiding officers, and department review judges shall apply any legislative changes to the Washington state child support schedule prospectively only from the effective date of the legislation unless the legislative change is specifically retroactive in effect. OSE, presiding officers, and department review judges shall assess support debts for past periods of time according to the Washington state child support schedule in effect at the time the support debt accrued, except that child support debts accrued before July 1, 1988, shall be assessed according to the Washington state child support schedule that became effective July 1, 1988.

AMENDATORY SECTION (Amending Order 3081, filed 9/28/90, effective 10/29/90)

WAC 388-11-210 ADMINISTRATIVE ORDERS. (1) Every administrative child support order shall include the:

~~((1))~~ (a) Responsible parent's and residential parent's net income;

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

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

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

~~((5))~~ (e) Total amount of the responsible parent's support obligation with the transfer payment stated as an amount per month per child;

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

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

~~((8))~~ (h) Residential parent's Social Security Number;

~~((9))~~ (i) Names, birthdates, and Social Security Numbers, if any, of the dependent child;

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

~~((11))~~ (k) Statement that the responsible parent shall make ~~((the responsible parent's))~~ all support payments to the Washington state support registry;

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

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

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

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

~~((b)) (ii) Superseded by a superior court order; or~~

~~((c)) (iii) The child for whom support is assessed reaches the age of majority or is emancipated, unless the child is a full-time student in high school or its vocational equivalent, and is reasonably expected to graduate before turning nineteen years of age, in which case the support obligation will continue until the earlier of the child's graduation from high school or the child's nineteenth birthday; and~~

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

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

~~(ii) Day care expenses((:)); and~~

~~((c)) (iii) Approved special child-rearing expenses.~~

(2) Unless the presiding officer finds good cause or approves an alternate payment arrangement under subsection (3) of this section, the support order shall contain a statement that the department may issue a notice of payroll deduction under chapter 26.23 RCW or may take other income withholding action under chapters 26.18 or 74.20A RCW at any time, without further notice to the responsible parent.

(3) The presiding officer may enter an order that does not contain the notice required by subsection (2) of this section if the presiding officer:

(a) Finds that one of the parties has demonstrated good cause not to require immediate income withholding; or

(b) Approves a written agreement signed by both parties that provides for an alternate payment arrangement.

(4) All support orders containing an alternate payment arrangement approved under subsection (3)(a) or (b) of this section shall include a statement that the department may issue a notice of payroll deduction under chapter 26.23 RCW or may take other income withholding action under chapters 26.18 or 74.20A RCW when a support payment is not paid when due and an amount equal to or greater than the support payable for one month is owed.

## REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 388-11-195 Application of support schedule.  
WAC 388-11-200 Financial worksheet calculations.

**WSR 92-08-035**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Filed March 24, 1992, 11:51 a.m.]

Date of Adoption: March 24, 1992.

Purpose: WAC 388-49-580 is currently interpreted incorrectly and results in inappropriate restoration of lost benefits.

Citation of Existing Rules Affected by this Order: Amending WAC 388-49-580 Restoration of lost benefits.

Statutory Authority for Adoption: RCW 74.04.510.

Pursuant to notice filed as WSR 92-04-020 on January 28, 1992.

Changes Other than Editing from Proposed to Adopted Version: Categorically eligible households will no longer be a criteria for restoration of lost benefits.

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

March 24, 1992

Leslie F. James, Director  
Administrative Services

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

WAC 388-49-580 RESTORATION OF LOST BENEFITS. (1) The department shall restore benefits ~~((whenever))~~ when:

(a) A loss was caused by department error((:));

(b) An administrative disqualification for intentional program violation was reversed((:));

(c) A rule or instruction specifies restoration of lost benefits((:)); or

(d) A court action finding benefits were wrongfully withheld((; or

~~(e) A household was categorically eligible on or after December 23, 1985)).~~

(2) The department shall restore benefits, even if the household is currently ineligible(~~(-Restore the benefits)~~), for not more than twelve months ~~((prior to))~~ before whichever of the following occurred first:

(a) The month the department receives a restoration request((:));

(b) The month the department is notified or discovers a loss has occurred((:));

(c) The date the household initiated a fair hearing request when a request for restoration was not received((:)); or

(d) The date court action was initiated when the household has taken no other action to obtain a restoration.

(3) The department shall notify the household of:

(a) Its entitlement((:));

(b) The amount of benefits to be restored((:));

(c) The method of restoration((:));

(d) The right to request a fair hearing within ninety days of the date the household is notified((:)); and

(e) Any offsetting to be done.

(4) If the household disagrees with the amount of benefits being restored, the department shall issue the

amount determined by the department. If a fair hearing decision overturns the department, the department shall restore any lost benefits.

(5) If household composition has changed, the department shall restore the lost benefits to:

(a) First, the household containing a majority of the persons who were household members at the time of the loss; or

(b) Second, the household containing the head of the household at the time of the loss.

**WSR 92-08-036**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Filed March 24, 1992, 11:53 a.m.]

Date of Adoption: March 24, 1992.

Purpose: Expand client categories qualifying for general assistance without consideration of medical evidence. Some medical conditions which, by their very nature and severity, routinely meet incapacity guidelines. In this case, there is no need to continue to gather evidence, as the client will remain incapacitated.

Citation of Existing Rules Affected by this Order: Amending WAC 388-37-038 Waiver of medical documentation.

Statutory Authority for Adoption: RCW 74.04.005.

Pursuant to notice filed as WSR 92-04-023 on January 28, 1992.

Changes Other than Editing from Proposed to Adopted Version: Subsection (5), typographical error corrected.

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

March 24, 1992

Leslie F. James, Director  
Administrative Services

**AMENDATORY SECTION** (Amending Order 3249, filed 9/24/91, effective 10/25/91)

**WAC 388-37-038 INCAPACITY—WAIVER OF MEDICAL DOCUMENTATION.** (1) The department shall consider incapacity ((will be considered to be)) established without medical documentation when the person:

(a) Has been determined ((to be)) eligible for any financial benefits based on Social Security Administration disability criteria;

(b) Is eligible for services from the division of developmental disabilities;

(c) Is sixty-five years of age or older.

(2) The department shall consider incapacity ((will be considered)) established for a period of ninety days without a psychiatric/psychological evaluation when:

a The person is being released from inpatient psychiatric treatment; and

(b) The person is participating in direct treatment services to meet ((his or her)) mental health needs as

described ((in)) under WAC 275-56-015(17), with the exception of((:

(a) Clients admitted under the Involuntary Treatment Act (ITA), who are subsequently released without participating in direct treatment services;

(b) Clients voluntarily admitted to a psychiatric hospital or the psychiatric ward of a general hospital for evaluation and diagnosis only, who are released without participating in direct treatment services;

(c) Clients voluntarily admitted to a psychiatric hospital or the psychiatric ward of a general hospital for an acute, short-term episode, who are released without participating in direct treatment services; and

(d)) clients who leave ongoing inpatient psychiatric treatment against medical advice.

(3) The department shall consider incapacity established without medical documentation at the time of review when a person who is currently receiving GA-U based on mental retardation:

(a) Has submitted current medical evidence documenting a diagnosis of mental retardation with a full scale score on the Wechsler Adult Intelligence Scale (WAIS) of 70 or below; or

(b) Has submitted current medical evidence documenting a diagnosis of mental retardation or borderline intellectual functioning with a full scale score on the WAIS of 71 to 75 and meets the following criteria:

(i) Has submitted current medical evidence which documents another mental or physical impairment of marked severity; and

(ii) The current medical evidence documents that medical treatment for the other mental or physical impairment is not likely to restore or substantially improve the person's ability to work; and

(c) Cooperates with required referral to the Division of Developmental Disabilities (DDD) and application for Supplemental Security income (SSI).

(4) The department shall assess all applicants considered incapacitated without medical documentation to determine whether the person appears to meet federal disability criteria and to determine the need for treatment, referral to other agencies or other social services. Thereafter, the department shall require assessment of the person's treatment and social service needs once a year.

(5) The period of incapacity may be extended for one year beyond the latest incapacity determination date, without medical documentation, when the department determines the client appears to meet federal disability criteria for the SSI program. At the end of the one-year period, the department shall determine the person's continued eligibility for general assistance, based on current medical evidence. However, if the SSI application and any administrative appeal is denied before the end of the incapacity certification period, the department shall re-adjust the person's incapacity period to the end of the previously established period of eligibility for general assistance or sixty days beyond the date of denial, whichever is greater.

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

**WSR 92-08-037**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Filed March 24, 1992, 11:57 a.m.]

Date of Adoption: March 24, 1992.

Purpose: Adds 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.

Citation of Existing Rules Affected by this Order: Amending WAC 388-92-045 Excluded resources.

Statutory Authority for Adoption: RCW 74.08.090.

Pursuant to notice filed as WSR 92-04-025 on January 28, 1992.

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

March 24, 1992

Leslie F. James, Director  
 Administrative Services

**AMENDATORY SECTION** (Amending Order 3132, filed 4/9/91, effective 5/10/91)

**WAC 388-92-045 EXCLUDED RESOURCES.**

(1) The department shall exclude the following resources in determining eligibility for medical programs:

(a) Home.

(i) A home means any shelter:

(A) In which the client has ownership interest; and

(B) The client uses as the principal place of residence.

The department shall consider only one home as the client's principal place of residence.

(ii) Client's absence from the home shall not affect the home exclusion. The client's home shall remain the principal place of residence as long as:

(A) The client intends to return home. The department shall accept the client's statement of intent without challenge; or

(B) A client's spouse or dependent relative uses the home during the client's absence. The department shall:

(I) Consider a person a dependent relative when such person is either financially or medically dependent on the client; and

(II) Accept the client's or dependent relative's written statement of dependency or relationship unless the department has reason to question it.

(iii) The department shall exclude the client's proceeds from the sale of the excluded home providing the client uses the proceeds to purchase another home within three months of the receipt of the proceeds. Proceeds shall include real estate contracts, or any similar home financing arrangements, and the income produced.

(iv) The department shall evaluate transfers of the home by an institutional client or client's spouse under WAC 388-95-395.

(b) Household goods and personal effects.

(c) Automobile or automobiles.

(i) The department shall exclude one automobile regardless of its value if the automobile is:

(A) Necessary for employment; or

(B) Necessary for the person's medical treatment; or

(C) Modified for operation by, or transportation of, a handicapped client; or

(D) Necessary due to climate, terrain, distance, or similar factors to provide the client transportation to perform essential daily activities.

(ii) The department shall:

(A) Exclude one of the client's automobiles to the extent its current market value does not exceed four thousand five hundred dollars;

(B) Count any excess against the resource limit; and

(C) Exclude an automobile under this subdivision only if an automobile is not excluded under subsection (1)(c)(i) of this section.

(iii) The department shall treat the client's ownership of other automobiles as nonexempt resources and count the client's automobile equity value toward the resource limit.

(d) Property essential to self-support. The department shall exclude:

(i) Property regardless of value, when the client uses the property:

(A) In a trade or business;

(B) As an employee for work; or

(C) As authorized by the government for income producing activity.

(ii) Nonbusiness property up to six thousand dollars equity, when the client uses the property for producing goods or services essential to daily activities, solely for the client's household.

(iii) Nonbusiness property up to six thousand dollars equity, when the client uses the property to produce an annual income return of ((at least)) six percent or more of the excluded equity or is expected to produce at least a six percent return within a twenty-month period as long as the client:

(A) Currently uses the property in items (1)(d)(i), (ii), and (iii) of this section in the described activity; or

(B) Is expected to resume the use of the property in items (1)(d)(i), (ii), and (iii) of this section in the described activity within twelve months.

(e) Resources of a blind or disabled person. The department shall exclude resources necessary to fulfill an approved plan for a client to achieve self-support as long as such plan remains in effect.

(f) Alaska Native Claims Settlement Act ((stock)).

(i) Exclusions before February 3, 1988, the department shall exclude shares of stock held in a regional or village corporation during the period of twenty years ending January 1, 1992, in which such stock is inalienable under the Alaska Native Claims Settlement Act.

(ii) Exclusions beginning February 3, 1988:

(A) Cash received from a native corporation (including cash dividends on stock received from a native corporation) to the extent it does not exceed two thousand dollars per person per year;

(B) Stock issued or distributed by a native corporation as a dividend or distribution on the stock;

(C) A partnership interest;

(D) Land or an interest in land (including land or an interest in land received from a native corporation as a dividend or distribution on stock);

(E) An interest in a settlement trust.

(g) Life insurance.

(i) The department shall exclude the total cash surrender value if the total face value of all the policies held by each person is over one thousand five hundred dollars or less.

(ii) The cash surrender value applies to the resource limit if the face value of all the policies held by each person is ~~((over))~~ one thousand five hundred dollars.

(iii) When determining total face value in ~~((item (1)(h)(i)))~~ subsection (1)(g)(i) of this ~~((subdivision))~~ section, the department shall exclude term or burial insurance with no cash surrender value.

(h) Restricted allotted land. The department shall exclude restricted allotted land owned by an enrolled tribal member and spouse, if married, if such land cannot be sold, transferred, or otherwise disposed of without permission of other persons, the tribe, or an agency of the federal government.

(i) Insurance settlements. The department shall exclude cash the client receives from an insurance company for purposes of repairing or replacing an excluded resource providing the client uses the total amount of the cash to repair or replace such excluded resource within nine months. The department may extend the nine-month period based on circumstances beyond the control of the client to a maximum of nine additional months. The department shall consider any cash not used within the time period as an available resource.

(j) Burial spaces. The department shall exclude the value of burial spaces for the client, the client's spouse, or any member of the client's immediate family.

(i) Burial spaces shall include conventional gravesites, crypts, mausoleums, urns, and other repositories customarily and traditionally used for the remains of deceased persons.

(ii) For purposes of ~~((subdivision))~~ subsection (1)(k) of this section, immediate family means a client's minor and adult children, including adopted children and ~~step(=)children~~; a client's brothers, sisters, parents, adoptive parents, and the spouses of those persons. The department shall consider neither dependency nor living-in-the-same-household as factors in determining whether a person is an immediate family member.

(k) Burial funds.

(i) Funds specifically set aside for the burial arrangements of a client or the client's spouse not to exceed one thousand five hundred dollars for each spouse. The department shall count burial funds in excess of this limit toward the resource limit in WAC 388-92-050.

(ii) The department shall require funds set aside for burial expenses be kept separate from all other resources not intended for the burial of the client or the client's spouse and separately identified and designated as set aside for burial. If the excluded burial funds are mixed with resources not intended for burial, this exclusion shall not apply to any portion of the funds. The department may exclude designated burial funds retroactively back to the first day of the month in which the person

intended the funds to be set aside for burial or to November 1, 1982, whichever is later.

(iii) Funds set aside for burial include revocable burial contracts, burial trusts, other burial arrangements, cash, accounts, or other financial instruments with a definite cash value the person clearly designates as set aside for the person's (or spouse's, if any) burial expenses.

(iv) The department shall reduce the one-thousand-five-hundred-dollars-exclusion by:

(A) The face value of the client's insurance policies owned by the person or spouse on the life of the person if the policies have been excluded as provided in subsection (1)(g) of this section; and

(B) Amounts in an irrevocable trust.

(v) The department shall exclude interest earned on excluded burial funds and appreciation in the value of excluded burial arrangements if the excluded interest and appreciation are left to accumulate and become part of the separately identified burial fund.

(vi) When used for other purposes, the department shall consider any excluded burial funds, interest, or appreciated values set aside for burial expenses as an available resource if, when added to other nonexempt resources, the total exceeds the resource limit.

(l) Other resources excluded by federal statute.

(m) Retroactive payments. The department shall exclude retroactive SSI including benefits a client receives under the interim assistance reimbursement agreement with the Social Security administration, or OASDI payments:

(i) For six months following the month of receipt this exclusion applies to:

(A) Payments the client received from October 1, 1984 through September 30, 1987 and after September 30, 1989;

(B) Payments received by the client, spouse, and/or any other person whose income the department considers available to meet the applicant's or recipient's needs;

(C) SSI payments made to the client for benefits due for a month ~~((prior to))~~ before the month of payment;

(D) OASDI payments made to the client for benefits due for a month that is two or more months ~~((prior to))~~ before the month of payment; and

(E) Payments that remain in the form of cash, checking or saving accounts~~((:))~~. This exclusion shall not apply once the retroactive payment has been converted to any other form.

(ii) For nine months following the month of receipt if:

(A) Subsection (1)(m)(i)(B), (C), (D), and (E) of this section is met; and

(B) The payment is received during the period beginning October 1, 1987, and ending September 30, 1989.

(n) Payments for medical or social services. The department shall exclude, from resources for the one-calendar month following the month of receipt, certain cash payments an SSI person receives from a governmental or nongovernmental medical or social service agency to pay for medical or social services.

(o) Restitution to civilians relocated and interned during war time. The department shall exclude payments to persons of Japanese or Aleut ancestry under P.L. 100-383.

(p) The annuity payment of trust funds to Puyallup Tribal Indians received under P.L. 101-41.

(q) Funds received from the Agent Orange Settlement Fund or any other funds established to settle Agent Orange liability claims under P.L. 101-201.

(r) Payments to certain survivors of the Holocaust under the Federal Republic of Germany's Law for Compensation of National Socialist Persecution or German Restitution Act. Interest earned on conserved payment is not excluded.

(s) Unspent assistance payments the client receives because of a presidentially declared major disaster, under P.L. 93-288, is excluded for nine months from date of receipt.

(i) The exclusion may extend an additional nine months, if circumstances beyond the client's control:

(A) Prevents the client from repairing or replacing the damaged or destroyed property; or

(B) Keeps the client from contracting for such repair or replacement.

(ii) Interest earned on the excluded resource is excluded for the period the exclusion applies.

(t) Earned income tax credit refunds and payments, received on or after January 1, 1991, during the month of receipt and the following month.

(u) Payments from a state administered victim's compensation program for a period of nine calendar months after the month of receipt.

(v) Payments under the Radiation Exposure Compensation Act received by the injured person, the surviving spouse, children, grandchildren, or grandparents.

(w) Effective September 1, 1991, payments under section 500 through 506 of the Austrian General Social Insurance Act:

(i) The department shall not consider such payments as income or resources for determining eligibility or post eligibility;

(ii) The earned interest from such payments is countable income for the recipient.

(2) The department shall not consider sales contracts as countable resources to the extent that the sales contracts are not transferred. WAC 388-83-027 shall apply to sales contract income and interest payments.

(3) Applicants or recipients may transfer or exchange exempt resources. The department shall consider cash received from the sale of an exempt resource as a non-exempt resource to the extent that the cash is not used to:

(a) Replace another exempt resource; or

(b) Be reinvested in another exempt resource within the same month, except as specified under this section.

Purpose: Rule amendment allows consistency with revised chapter 43.43 RCW and DSHS Administrative Policy 9.04.

Citation of Existing Rules Affected by this Order: Amending WAC 388-330-030 Application of inquiry findings.

Statutory Authority for Adoption: RCW 74.15.030, chapters 74.15 and 43.43 RCW.

Pursuant to notice filed as WSR 92-04-022 on January 28, 1992.

Changes Other than Editing from Proposed to Adopted Version: Screens individuals who the department may license or authorize to care for children or who will have access to children in such care.

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

March 24, 1992

Leslie F. James, Director  
Administrative Services

AMENDATORY SECTION (Amending Order 2777, filed 3/22/89)

WAC 388-330-030 APPLICATION OF INQUIRY FINDINGS. (1) For the purposes of conducting criminal history portions of background inquiries (~~((pursuant to))~~ under RCW 74.15.030, the department shall consider only convictions and pending charges. The department shall not solicit or use as the sole basis for disqualification information about:

(a) Arrests not resulting in charges; and

(b) Dismissed charges (~~((which were dismissed))~~).

(2) The department shall maintain a listing of offenses which, because of their seriousness, shall disqualify prospective care providers from being licensed or otherwise authorized to provide care to children or developmentally disabled persons. The following offenses or their equivalents in jurisdictions outside of the state of Washington shall constitute that list:

(a) Aggravated murder;

(b) Murder in the first degree;

(c) Murder in the second degree;

(d) Manslaughter in the first degree;

(e) Manslaughter in the second degree;

(f) Simple assault, if ~~((it))~~ the assault involves physical harm to another person;

(g) Assault in the first degree;

(h) Assault in the second degree;

(i) Assault in the third degree;

(j) Custodial assault;

(k) Vehicular homicide;

~~((t))~~ (l) Criminal mistreatment in the first degree;

~~((t))~~ (m) Criminal mistreatment in the second degree;

~~((m))~~ (n) Reckless endangerment;

~~((m))~~ (o) Kidnapping in the first degree;

~~((o))~~ (p) Kidnapping in the second degree;

~~((p))~~ (q) Unlawful imprisonment;

~~((q))~~ (r) Rape in the first degree;

~~((r))~~ (s) Rape in the second degree;

~~((s))~~ (t) Rape in the third degree;

~~((t))~~ (u) First degree rape of a child;

~~((t))~~ (v) Second degree rape of a child;

~~((v))~~ (w) Third degree rape of a child;

WSR 92-08-038  
PERMANENT RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Public Assistance)

[Filed March 24, 1992, 12:02 p.m.]

Date of Adoption: March 24, 1992.

- ((~~w~~)) (x) Child molestation in the first degree;  
 ((~~x~~)) (y) Child molestation in the second degree;  
 ((~~y~~)) (z) Child molestation in the third degree;  
 ((~~z~~)) (aa) Sexual misconduct with a minor in the first degree;  
 ((~~aa~~)) (bb) Sexual misconduct with a minor in the second degree;  
 ((~~bb~~)) (cc) Indecent liberties;  
 ((~~cc~~)) (dd) Felony indecent exposure;  
(ee) Arson in the first degree;  
 ((~~dd~~)) (ff) Arson in the second degree;  
 ((~~ee~~)) (gg) Burglary in the first degree;  
 ((~~ff~~)) (hh) Extortion in the first degree;  
 ((~~gg~~)) (ii) Extortion in the second degree;  
 ((~~hh~~)) (jj) Robbery in the first degree;  
 ((~~ii~~)) (kk) Robbery in the second degree;  
 ((~~jj~~)) (ll) Incest in the first degree;  
 ((~~kk~~)) (mm) Incest in the second degree;  
 ((~~ll~~)) (nn) Promoting prostitution in the first degree;  
 ((~~mm~~)) (oo) Promoting prostitution in the second degree;  
 ((~~nn~~)) (pp) Sexual exploitation of a minor;  
 ((~~oo~~)) (qq) Communication with a minor for immoral purposes;  
 ((~~pp~~)) (rr) Child selling - child buying;  
 ((~~qq~~)) (ss) Public indecency, if toward a person under the age of fourteen years;  
 ((~~rr~~)) (tt) Prostitution;  
(uu) Dealing in depictions of a minor engaged in sexually explicit conduct;  
 ((~~ss~~)) (vv) Sending or bringing into the state depictions of a minor engaged in sexually explicit conduct;  
 ((~~tt~~)) (ww) Possession of depictions of a minor engaged in sexually explicit conduct;  
 ((~~uu~~)) (xx) Patronizing a juvenile prostitute;  
 ((~~vv~~)) (yy) Family abandonment;  
 ((~~ww~~)) (zz) Child abandonment;  
(aaa) Unlawfully manufacturing, delivering, or possessing, with intent to deliver, a controlled substance;  
 ((~~xx~~)) (bbb) Promoting a suicide attempt;  
 ((~~yy~~)) (ccc) Malicious harassment;  
 ((~~zz~~)) (ddd) Promoting pornography;  
 ((~~aaa~~)) (eee) Coercion;  
(fff) Child abuse or neglect as defined in RCW 26.44.020;  
(ggg) Violation of child abuse restraining order;  
(hhh) First or second degree custodial interference.

(3) Whenever a criminal history inquiry reveals a prospective care provider has been charged with or convicted of an offense, or has been listed in the central registry as a perpetrator of substantiated child abuse or neglect, or in the WSP file as a person found to be a child abuser in a civil adjudication or disciplinary board final decision, the department shall take action as follows:

(a) If it is confirmed the subject's name appears on the aforementioned WSP file of child abusers, that person shall not be licensed, employed by licensees or contractors, serve in a volunteer capacity for licensees or contractors, or otherwise be authorized by the department to provide care. If the subject's name appears on

the central registry of child abuse, the individual shall be disqualified;

(b) If the inquiry reveals charges are pending against the subject for any of the offenses listed in subsection (1) of this section, or their equivalents in other jurisdictions, the department shall withhold licensure or authorization to provide care until dismissal or acquittal occurs. Pending charges for other offenses may be grounds for withholding licensure or authorization to provide care. If the inquiry reveals pending charges are more than one year old, the department shall contact the charging law enforcement agency to determine the disposition or status of the charge;

(c) If the inquiry reveals the subject has been convicted of any of the offenses listed in subsection (1) of this section or their equivalents in other jurisdictions, the department shall deny licensure or authorization to provide care;

(d) If the inquiry reveals the subject has been convicted of an offense not listed, the department shall consider such information in determining the character, suitability, and competence of the prospective caretaker as required by chapter 74.15 RCW. However, the department shall not use conviction as the sole basis for denial of licensure or authorization to provide care unless the conviction is directly related to the employment, licensure, or authorization being sought. The department shall consider the recency, seriousness, kind, and number of previous offenses as well as the vulnerability of the clients to be cared for.

#### WSR 92-08-039

#### PERMANENT RULES

#### DEPARTMENT OF HEALTH

#### (Board of Physical Therapy)

[Order 259B—Filed March 24, 1992, 2:49 p.m.]

Date of Adoption: November 19, 1991.

Purpose: Defining continuing education "contact hour"; revising exam appeal deadline; requiring English proficiency exam for applicants from unapproved schools; amending professional conduct principles; defining standards for appropriateness of PT care; revising requirements for maintaining records; and housekeeping changes.

Citation of Existing Rules Affected by this Order: Amending WAC 246-915-010(12), 246-915-015, 246-915-120, 246-915-150, 246-915-180, 246-915-185, and 246-915-200.

Statutory Authority for Adoption: RCW 18.74.023.

Pursuant to notice filed as WSR 91-20-164 on October 2, 1991.

Changes Other than Editing from Proposed to Adopted Version: WAC 246-915-085 and 246-915-140 were excluded from this adoption.

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

March 19, 1992  
Christine Larson  
Chair

**AMENDATORY SECTION** (Amending Order 144B, filed 2/20/91, effective 3/23/91)

WAC 246-915-010 DEFINITIONS. For the purposes of administering chapter 18.74 RCW, the following terms are to be construed as set forth herein:

(1) The "performance of tests of neuromuscular function" includes the performance of electroneuromyographic examinations.

(2) "Consultation" means a communication regarding a patient's evaluation and proposed treatment plan with an authorized health care practitioner.

(3) "Supervisor" shall mean the licensed physical therapist.

(4) "Physical therapist assistant" shall mean a graduate of an approved school of physical therapy who is eligible for licensure but has not been licensed to practice physical therapy in Washington state, or an individual who has received an associate degree as a physical therapist assistant from an approved school.

(5) "Physical therapist aide" shall mean an individual who shall have received on-the-job training from a physical therapist.

(6) "Immediate supervision" shall mean the supervisor is in audible or visual range of the patient and the person treating the patient.

(7) "Direct supervision" shall mean the supervisor is on the premises, is quickly and easily available and the patient has been examined by the physical therapist at such time as acceptable physical therapy practice requires, consistent with the delegated health care task.

(8) "Indirect supervision" shall mean the supervisor is not on the premises, but has given either written or oral instructions for treatment of the patient and the patient has been examined by the physical therapist at such time as acceptable health care practice requires, and consistent with the particular delegated health care task.

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

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

(11) "Spinal manipulation" or "manipulative mobilization" is defined as movement beyond the normal physiological range of motion.

(12) One "contact hour" shall mean fifty minutes of continuing education course participation.

**AMENDATORY SECTION** (Amending Order 144B, filed 2/20/91, effective 3/23/91)

WAC 246-915-015 EXAMINATION APPEAL PROCEDURES. (1) Any candidate who takes the state written examination for licensure and does not pass may request informal review by the board of his or her examination results. The request must be submitted in writing to the department of health, professional licensing services division and must be ~~((received by the department of health, professional licensing services division))~~ postmarked within ~~((thirty))~~ fifteen days of the postmark on the notification of the examination results.

The board will not set aside the examination results unless the candidate proves the challenged score was the result of fraud, coercion, arbitrariness, or manifest unfairness. The board will not consider any challenges to examination scores unless the total revised score could result in a passing score.

(2) The procedure for filing an informal review is as follows:

(a) Contact in writing the department of health office in Olympia for an appointment to appear personally to review incorrect answers on failed examinations.

(b) The candidate will be provided a form to complete in the department of health office in Olympia in defense of his or her examination answers.

(c) The candidate must state the specific reason or reasons why the candidate feels the results of the examination should be changed.

(d) The candidate will be identified only by candidate number for the purpose of this review. Letters of reference or requests for special consideration will not be read or considered by the board.

(e) The candidate may not bring in any resource materials for use while completing the informal review form.

(f) The candidate will not be allowed to remove any notes or materials from the office upon leaving.

(g) The candidate must comply with all procedural and security requirements for examination appeals established by the department of health.

(h) The board will review and evaluate the comments submitted by the candidate on the forms provided for the informal review and make its decision regarding the candidate.

(i) The candidate will be notified in writing of the board's decision by the department.

(3) Any candidate who is not satisfied with the result of the examination review may request a formal hearing to be held before the board pursuant to the Administrative Procedure Act. Such hearing must be requested within thirty days of the postmark of the result of the board's review of the examination results. The request must state the specific reason or reasons why the candidate feels the results of the examination should be changed. The prior determination will not be set aside unless the candidate proves the challenged score was the result of fraud, coercion, arbitrariness, or manifest unfairness. The board will not consider any challenges to examination scores unless the total revised score could result in a passing score.

(4) Prior to scheduling the hearing the candidate or the state's attorney may petition to appear before an administrative law judge for a prehearing conference to consider the following:

(a) The simplification of issues;

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

(c) The possibility of obtaining stipulations, admissions of fact, and documents;

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

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

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



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

(6) Candidates seeking formal appeal will receive at least twenty days' advance notice of the time and place of the formal hearing. The hearing will be restricted to the specific reasons the candidate has identified as the basis for a change in the examination score.

**AMENDATORY SECTION** (Amending Order 103B, filed 12/21/90, effective 1/31/91)

**WAC 246-915-120 APPLICANTS FROM UN-APPROVED SCHOOLS.** Applicants who have not graduated from a physical therapy program approved by the board must submit an application for review by the board. Supporting documentation will include but not be limited to:

~~((a))~~ (1) Official transcript from the physical therapy program showing degree date ~~(, and)~~;

~~((b))~~ (2) Evaluation report of transcripts from a credentialing service recognized by the board. If the qualifications are substantially equal to those required of graduates of board approved schools the applicant will be eligible to write the examination being administered in Washington: PROVIDED, If the applicant has taken the examination recognized by the board in another state or territory, or District of Columbia and the scores reported meet Washington requirements, such applicant may be exempted from the examination in Washington at the discretion of the board; and

(3) If English is neither the national language nor the language of training, documentation must also include:

(a) Verification of having achieved a score of not less than five hundred fifty on the test of English as a foreign language (TOEFL); and

(b) Verification of having achieved a score of not less than two hundred thirty on the test of spoken English (TSE).

**AMENDATORY SECTION** (Amending Order 144B, filed 2/20/91, effective 3/23/91)

**WAC 246-915-150 PHYSICAL THERAPIST ASSISTANT AND PHYSICAL THERAPY AIDE SUPERVISION RATIO.** The number of full time equivalent physical therapist assistants and aides utilized in any physical therapy practice shall not exceed twice in number the full time equivalent licensed physical therapists practicing therein.

**AMENDATORY SECTION** (Amending Order 144B, filed 2/20/91, effective 3/23/91)

**WAC 246-915-180 PROFESSIONAL CONDUCT PRINCIPLES.** (1) The patient's lawful consent is to be obtained before any information related to the

patient is released, except to the consulting or referring authorized health care practitioner and/or authorized governmental agency(s).

(a) Physical therapists are responsible for answering legitimate inquiries regarding a patient's physical dysfunction and treatment progress, and

(b) Information is to be provided to insurance companies for billing purposes only.

(2) Physical therapists are not to compensate to give anything of value to a representative of the press, radio, television, or other communication medium in anticipation of, or in return for, professional publicity in a news item. A paid advertisement is to be identified as such unless it is apparent from the context it is a paid advertisement.

(3) It is the licensee's responsibility to report any unprofessional, incompetent or illegal acts which are in violation of chapter 18.74 RCW or any rules established by the board.

(4) It is the licensee's responsibility to recognize the boundaries of his or her own professional competencies and that he or she uses only those in which he or she can prove training and experience.

(5) Physical therapists shall recognize the need for continuing education and shall be open to new procedures and changes.

(6) It is the licensee's responsibility to represent his or her academic credentials in a way that is not misleading to the public.

(7) It is the responsibility of the physical therapist to refrain from undertaking any activity in which his or her personal problems are likely to lead to inadequate performance or harm to a client and/or colleague.

(8) A physical therapist shall not use or allow to be used any form of public communication or advertising connected with his or her profession or in his or her professional capacity as a physical therapist which:

(a) Is false, fraudulent, deceptive, or misleading;

(b) Uses testimonials;

(c) Guarantees any treatment or result;

(d) Makes claims of professional superiority.

(9) Physical therapists are to recognize that each individual is different from all other individuals and to be tolerant of and responsive to those differences.

**NEW SECTION**

**WAC 246-915-185 STANDARDS FOR APPROPRIATENESS OF PHYSICAL THERAPY CARE.**

(1) Appropriate, skilled physical therapy treatment is treatment which is reasonable in terms of accepted physical therapy practice, and necessary to recovery of function by the patient. The use of a nontraditional treatment by itself shall not constitute unprofessional conduct, provided that it does not result in injury to a patient or create an unreasonable risk that a patient may be harmed.

(2) Appropriate physical therapy services must be of such a level of complexity and sophistication, or the condition of the patient must be such, that the services required can be safely and effectively performed only by a qualified physical therapist, or under supervision of a qualified physical therapist.

AMENDATORY SECTION (Amending Order 103B, filed 12/21/90, effective 1/31/91)

WAC 246-915-200 PHYSICAL THERAPY RECORDS. In order to maintain the integrity of physical therapy practice, the physical therapist is responsible for obtaining all necessary information, such as medical history, contraindications or, ~~((if a direct referral))~~ any special instructions from an authorized health care practitioner~~(, special instructions. The physical therapist shall document the consultation of a nonreferral patient))~~. The evaluation and treatment plan shall be written according to acceptable physical therapy practice consistent with the delegated health care task. Records must be maintained and include date of treatment, treatment record, and signature of person responsible for the treatment.

**WSR 92-08-040****PERMANENT RULES****SHORELINE COMMUNITY COLLEGE**

[Filed March 24, 1992, 2:55 p.m.]

Date of Adoption: March 20, 1992.

Purpose: Protect students in health occupations programs.

Statutory Authority for Adoption: RCW 28B.50.140.

Pursuant to notice filed as WSR 92-04-055 on February 3, 1992.

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

March 20, 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 92-08-041****PERMANENT RULES****DEPARTMENT OF****SOCIAL AND HEALTH SERVICES****(Public Assistance)**

[Filed March 24, 1992, 4:17 p.m.]

Date of Adoption: March 24, 1992.

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.

Citation of Existing Rules Affected by this Order: Amending WAC 388-24-074 AFDC-E Deprivation due to unemployment of parent.

Statutory Authority for Adoption: RCW 74.08.090.

Pursuant to notice filed as WSR 92-04-024 on January 28, 1992.

Changes Other than Editing from Proposed to Adopted Version: 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.

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

March 24, 1992

Leslie F. James, Director  
Administrative Services

AMENDATORY SECTION (Amending Order 3219, filed 8/1/91, effective 9/1/91)

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

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

(a) Designate the qualifying parent using the best evidence available;

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

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

(d) Designate the qualifying parent if both parents earned an identical amount of income.

(3) The department shall consider the qualifying parent unemployed when the qualifying parent:

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

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

(c) Participates in institutional and work experience training under the JOBS program and is not otherwise employed over one hundred hours.

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

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

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

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

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

- (a) Refused a bona fide offer of employment;
- (b) Refused training for employment;
- (c) Voluntarily left a job without good cause; or
- (d) If eligible, refused to apply for or accept unemployment compensation.

(6) The qualifying parent shall participate, as required in the JOBS program.

(7) The qualifying parent shall have one of the following:

(a) Six or more quarters of work within any thirteen calendar quarter period ending within one year before the application for assistance.

(i) A "quarter of work" means a calendar quarter in which the parent earned or received earned income of fifty dollars or more, or participated in the OPPORTUNITIES program; FIP related education, training or employment services; or JOBS program.

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

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

**WSR 92-08-042**  
**NOTICE OF PUBLIC MEETINGS**  
**UNIVERSITY OF WASHINGTON**  
**(School of Fisheries Faculty)**  
 [Memorandum—March 23, 1992]

Following is a revised meeting schedule for regular meetings to be held by the University of Washington's School of Fisheries Faculty.

Spring Quarter Faculty meetings will be held on the following dates:

- April 7
- April 21
- May 5
- May 19
- June 2
- June 16

Meetings will be held on Tuesdays from 11:30 a.m. to 1:00 p.m. in Room 288 Fisheries Center.

**WSR 92-08-043**  
**PERMANENT RULES**  
**GRAYS HARBOR COLLEGE**  
 [Filed March 25, 1992, 1:32 p.m.]

Date of Adoption: March 26 [16], 1992.

Purpose: The purpose of chapter 132B-104 WAC and WAC 132B-104-010 is to identify dates and times of

meetings of the board of trustees. The purpose of chapter 132B-133 WAC, WAC 132B-133-010 and 132B-133-020 is to detail the organization and operation of the college in compliance with RCW 34.05.220 (1)(b) and 42.17.250 (1)(a) and (b).

Statutory Authority for Adoption: RCW 28B.50.140(13).

Other Authority: RCW 34.05.220 (1)(b) and 42.17.250 (1)(a) and (b).

Pursuant to notice filed as WSR 92-01-057 on December 12, 1991.

Effective Date of Rule: Thirty-one days after filing.  
 March 23, 1992  
 Richard Murikami  
 Chairman  
 Board of Trustees

Chapter 132B-104 WAC  
**BOARD OF TRUSTEES**

NEW SECTION

WAC 132B-104-010 TIME AND PLACE OF BOARD MEETINGS. The board of trustees shall hold one regular meeting on the third Monday of every odd-numbered month, except July, at 3:30 p.m., and such special meetings as may be requested by the chair of the board or by a majority of the members of the board and announced in accordance with law.

All regular and special meetings of the board of trustees shall be held at the board room of the college at Aberdeen, Washington, unless scheduled elsewhere, and shall be open to the general public, except for lawful executive sessions.

No official business shall be conducted by the board of trustees except during a regular or special meeting.

Chapter 132B-133 WAC  
**ORGANIZATION**

NEW SECTION

WAC 132B-133-010 DESCRIPTION OF ORGANIZATION—PURPOSE. The purpose of this chapter is to establish rules implementing RCW 34.05.220 (1)(b) and 42.17.250 (1)(a) and (b).

NEW SECTION

WAC 132B-133-020 ORGANIZATION—OPERATION—INFORMATION. (1) Organization. Grays Harbor College is established in Title 28B RCW as a public institution of higher education. The institution is governed by a five-member 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) Location. Grays Harbor College is located on a campus in Aberdeen, Grays Harbor County, Washington.

(3) Operation. The administrative office is located at the following address:

1620 Edward P. Smith Drive  
Aberdeen, WA 98520

The office hours are 8:00 a.m. to 4:30 p.m., Monday through Friday, except legal holidays.

(4) Information. Additional and detailed information concerning the educational offerings may be obtained from the catalog, copies of which are available at the following address:

1620 Edward P. Smith Drive  
Aberdeen, WA 98520

**WSR 92-08-044**  
**PERMANENT RULES**  
**GRAYS HARBOR COLLEGE**  
[Filed March 25, 1992, 1:37 p.m.]

Date of Adoption: March 26 [16], 1992.

Purpose: To adopt rules specifying where interested parties may obtain information about tuition and fees, scholarships and financial aid while attending Grays Harbor College.

Statutory Authority for Adoption: RCW 28B.50.140(13).

Pursuant to notice filed as WSR 92-01-058 on December 12, 1991.

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

March 23, 1992  
Richard Murikami  
Chairman  
Board of Trustees

**Chapter 132B-130 WAC**  
**TUITION AND FEE SCHEDULES**

**NEW SECTION**

WAC 132B-130-010 TUITION AND FEE SCHEDULES. Chapter 28B.15 RCW sets the parameters for tuition and fee levels at state community colleges. The legislature then establishes current biennium tuition and fee rates. Based on this legislation, the specific amounts to be charged are transmitted to Grays Harbor College by the state board for community college education.

**NEW SECTION**

WAC 132B-130-020 LOCATION OF SCHEDULES. Additional and detailed information and specific amounts to be charged for each category of students will be found in the college catalog and in the following locations on the Grays Harbor College campus:

- (1) The office of admissions;
- (2) The registration and records office;
- (3) The business office.

**Chapter 132B-131 WAC**  
**SCHOLARSHIPS**

**NEW SECTION**

WAC 132B-131-010 SCHOLARSHIPS. Detailed information concerning the criteria, eligibility, procedures for application, and other information regarding scholarships at Grays Harbor College is located in the office of financial aid on the Grays Harbor College campus.

**Chapter 132B-132 WAC**  
**FINANCIAL AID**

**NEW SECTION**

WAC 132B-132-010 FINANCIAL AID. Federal, state, and private financial aid applications and information may be obtained at the following address:

Office of Financial Aid  
Grays Harbor College  
Aberdeen, WA 98520-7599

Award of federal and state aid will be made in accordance with applicable federal and state laws and regulations.

**WSR 92-08-045**  
**PERMANENT RULES**  
**DEPARTMENT OF LICENSING**  
[Filed March 25, 1992, 1:54 p.m.]

Date of Adoption: March 25, 1992.

Purpose: Revise procedural rules regarding suspensions under the Financial Responsibility Act, update the list of moving traffic violations, transfer the hearings procedures for habitual traffic offenders to the appropriate chapter, and repeal outdated sections.

Citation of Existing Rules Affected by this Order: Repealing WAC 308-102-040, 308-102-110, 308-102-120, 308-102-125, 308-102-150, 308-102-160, 308-102-170, 308-102-180, 308-102-210, 308-102-220, 308-102-230, 308-102-240, 308-102-270, 308-102-280 and 308-102-295; and amending WAC 308-102-010, 308-102-011, 308-102-020, 308-102-100, 308-102-130, 308-102-140, 308-102-190, 308-102-200, 308-102-250, 308-102-260, 308-102-265, 308-102-290, and 308-104-160.

Statutory Authority for Adoption: RCW 46.01.110.

Pursuant to notice filed as WSR 92-05-061 on February 14, 1992.

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

March 24, 1992  
Mary Riveland  
Director

**NEW SECTION**

WAC 308-102-002 DECLARATION OF PURPOSE-PROCEDURAL RULES. Chapter 308-102

WAC contains the rules of procedure used in the administration of the Financial Responsibility Act, chapter 46.29 RCW. Adjudicative proceedings conducted under the Financial Responsibility Act shall be held in accordance with the Administrative Procedure Act, chapter 34.05 RCW, and the rules published in chapter 10-08 and 308-08 WAC insofar as those rules are consistent with the rules adopted herein.

#### NEW SECTION

**WAC 308-102-004 PRESIDING OFFICER.** Hearings, informal interviews and document reviews held under this chapter shall be conducted by a presiding officer who shall be delegated the authority to conduct such hearings, informal document reviews and interviews by the director. The presiding officer shall have the powers and duties provided by chapter 34.05 RCW, and may be authorized by the director to make final determinations regarding the issuance, denial, cancellation, or suspension or revocation of a driver's license or a non-resident's privilege to drive. If the presiding officer is authorized by the director to make final determinations, the decision shall be final.

If the presiding officer is not authorized to make final decisions the results shall be subject to review by the director or his or her designated representative. The director or his or her designated representative upon review of the records, the evidence, and the findings of the presiding officer shall promptly render his or her decision sustaining, modifying, or reversing any order entered by the department.

#### NEW SECTION

**WAC 308-102-006 CORRESPONDENCE ADDRESS.** All correspondence shall be addressed to the Department of Licensing, Hearings and Interviews Section, P.O. Box 9030, Olympia, WA 98507-9030, or sent by facsimile transmission (Fax) to (206) 586-8351, attention Hearings and Interviews Section.

#### NEW SECTION

**WAC 308-102-008 PROPERTY DAMAGE THRESHOLD.** In the case of property damage, the provisions of the Financial Responsibility Act shall apply where the damage to the property of any one person is of an apparent extent equal to or greater than five hundred dollars. In the event that this amount differs from that established by the chief of the Washington state patrol under the provisions of RCW 46.52.030, the amount established by the chief of the Washington state patrol shall prevail.

**AMENDATORY SECTION** (Amending Order 103-MV, § 308-102-010, filed 8/17/71)

**WAC 308-102-010 ORDER FIXING AMOUNT OF SECURITY.** Whenever under the Financial Responsibility Act, the department fixes the amount of the security required of any person it shall forthwith notify ~~((him))~~ the person of the amount so required by mailing to ~~((him))~~ the person at his or her address as shown by

department records, a notice of security stating the amount of the security required, the date by which the security must be posted, which shall be not less than twenty nor more than sixty days following the date of mailing, and which notice shall contain instructions pertaining to the filing of proof of financial responsibility.

**AMENDATORY SECTION** (Amending Order 228, § 308-102-011, filed 12/31/74)

**WAC 308-102-011 AMOUNT OF SECURITY—HOW DETERMINED.** The department shall determine the amount of security deposit required of any person upon the basis of reports ~~((or other information))~~ submitted, such reports to be in a form provided by the department which must be completed by the parties who sustain a loss, or their successors in interest, ~~((and must provide))~~ or upon the basis of other information or evidence received by the department which provides sufficiently specific information for the department to enter its decision concerning the amount of security with reasonable certainty: PROVIDED, That((;)) a fatality or fatalities will create the presumption that the amount shall be for the full amount of the limit provided by RCW 46.29.090 in reference to the acceptable limits of a policy or bond. Failure to respond to a request for specific information within ~~((a reasonable time))~~ thirty days will allow the department to conclude that no claim is being pursued.

**AMENDATORY SECTION** (Amending Order 103-MV, § 308-102-020, filed 8/17/71)

**WAC 308-102-020 ((SUSPENSION NOTICES)) NOTICE OF INTENT TO SUSPEND.** At the time the department mails a notice of security, it shall also mail ~~((an order of suspension to the person to whom notice is mailed. Said order))~~ a notice of intent to suspend. The notice of intent to suspend shall ((effect the suspension of the driving privilege of)) give notice to the person required to post security ((which shall)) of the department's intention to suspend the person's driving privilege, the effective date of such suspension to be not less than twenty and not more than sixty days from the date of mailing. The grounds stated in ((said order)) the notice shall be: "Failure to deposit the security requirements and to file proof of financial responsibility." A person receiving a notice of intent to suspend may apply for administrative review under WAC 308-102-100. Failure to apply for administrative review within the time limits of WAC 308-102-100 shall constitute a default and shall result in the suspension becoming effective on the date indicated on the notice of intent to suspend and the loss of the right to further administrative review. In the event the person so notified posts the security and files proof of financial responsibility for the future within the time allowed for such purposes, no suspension shall be effected. The department may extend the effective date of the suspension where it appears the person suspended has made a bona fide attempt to file proof of financial responsibility for the future within the time permitted and will in all probability be able to do so within thirty days.

AMENDATORY SECTION (Amending 86-07-018 (Order DS 2), § 308-102-100, filed 3/12/86)

~~WAC 308-102-100 REQUEST FOR ((DOCUMENT REVIEW OR INTERVIEW)) INFORMAL SETTLEMENT—EFFECT, TIMELINESS. Pursuant to WAC 10-08-230, regarding informal settlements, any person((, (hereinafter referred to as licensee)),) notified of the requirement of depositing security and suspension for failure to deposit security under the Financial Responsibility ((law)) Act, chapter 46.29 RCW, may within fifteen days of the date of the notice of ((suspension of)) intent to suspend his or her driver's license or nonresident privilege to drive request either an interview or document review before a ((department of licensing referee)) presiding officer. The request may be oral or written, but if made orally, such request must be confirmed by the ((licensee)) person in writing within five days following such request.~~

Upon receipt of a timely request for interview or document review, the ((order of)) suspension shall be stayed pending the outcome of the document review or interview.

If the ((licensee)) person does not request a document review or interview within the time specified above, or fails to attend an interview scheduled at the ((licensee's)) person's request, said ((licensee)) person shall have waived his or her right to any further administrative remedies, including the formal hearing, and the ((order of)) suspension of the person's driver's license or driving privilege shall become effective.

AMENDATORY SECTION (Amending Order MV-302, § 308-102-130, filed 3/31/75)

~~WAC 308-102-130 INFORMAL SETTLEMENT—DOCUMENT REVIEW. Document review shall be held before a ((referee)) presiding officer who, in making the decision, shall consider any of the following:~~

- (1) Affidavits filed by, for, and/or on behalf of the ((licensee)) person seeking review, and/or by, for and/or on behalf of the individual(s) claiming the loss((-));
- (2) The financial responsibility files concerning the ((licensee)) person seeking review;
- (3) The investigating officer's report of the accident((-));
- (4) Court records of any conviction or bail forfeiture of a traffic violation arising out of the accident((-)); and
- (5) Any other evidence relevant to the issues to be determined.

AMENDATORY SECTION (Amending Order 466-DOL, § 308-102-140, filed 12/30/77)

~~WAC 308-102-140 INFORMAL SETTLEMENT—INTERVIEW. The interview shall be held before a ((referee)) presiding officer who, in making the decision, shall consider any of the following:~~

- (1) Oral testimony or argument offered by, for, or on behalf of the ((licensee)) person seeking review;
- (2) Affidavits from the individuals claiming the loss and/or from a representative of any insurance carrier that has a subrogated interest therein((-));

(3) Investigating officer's reports of the accident in question((-));

(4) Court records of convictions or bail forfeitures submitted to the department of licensing and arising out of the accident in question((-);

(5) The financial responsibility files concerning the ((licensee)) person seeking review;

(6) Affidavits or witness testimony of the ((licensee)) person seeking review; and

(7) Any other evidence relevant to the issues to be determined.

AMENDATORY SECTION (Amending 86-07-018 (Order DS 2), § 308-102-190, filed 3/12/86)

~~WAC 308-102-190 INFORMAL SETTLEMENT—DOCUMENT REVIEW OR INTERVIEW—DECISION. Upon conclusion of a document review or interview the ((department referee)) presiding officer shall make findings on the matter under consideration and shall ((properly submit the recommendations to the department. After a review of the referee's report and any attachments thereto together with the files and records maintained by the department pertaining to the accident in question and any documents submitted by the licensee, the department)) sustain, modify, or reverse the department's notice of intention to suspend and/or the amount of security required. The department shall notify the ((licensee)) person of the presiding officer's decision and said ((licensee's)) person's right to request a formal administrative hearing in writing by first class mail sent to the last address of record. A copy of the ((referee's)) presiding officer's findings shall be sent to the ((licensee)) person with the notice of the decision and right to a formal hearing. Upon receipt of a timely request for formal hearing the order for the deposit of security and suspension for failure to deposit security shall be stayed pending the results of the hearing.~~

AMENDATORY SECTION (Amending 86-07-018 (Order DS 2), § 308-102-200, filed 3/12/86)

~~WAC 308-102-200 REQUEST FOR ADJUDICATIVE PROCEEDING—FORMAL HEARING. Any ((licensee)) person who is aggrieved by the interview or document review decision of the department may request a formal hearing on the matter. The request for formal hearing must be in writing and must be addressed to the department of licensing and postmarked within fifteen days following the mailing of the decision of the department to the ((licensee)) person. Failure to make timely request for a formal hearing to the department shall be considered a withdrawal of the person's request for adjudicative proceedings and shall result in a waiver of the ((licensee's)) person's right to such hearing and the decision of the department shall become final. ((At the time it sends the notice of the decision, the department shall send a request for administrative hearing in substantially the following form:~~

**REQUEST FOR ADMINISTRATIVE HEARING**

~~Within fifteen days of this letter you may request a hearing by the department in the matter of the suspension of your driving privilege)) If a timely request for a formal hearing is made, the department shall notify the person of the time and place of such hearing in writing, and mail such notice to the last address of record, at least twenty days in advance of the hearing date. The hearing shall be held within a reasonable distance of the county wherein the person resides, or, if the person is a nonresident of Washington, in the county where the accident occurred. The notice shall include the information required by RCW 34.05.434(2).~~

AMENDATORY SECTION (Amending Order 467-DOL, § 308-102-250, filed 12/30/77)

WAC 308-102-250 ISSUES TO BE DETERMINED—FORMAL HEARING. Only the following issues shall be considered at any formal hearing held on request of ~~((the licensee))~~ a person:

(1) Whether the ~~((licensee))~~ person was the owner or driver of any motor vehicle of a type subject to registration under the motor vehicle laws of this state which was in any manner involved in an accident within this state((-);

(2) Whether the accident resulted in bodily injury or death of any person or damage to the property of any one person in an amount ~~((of \$300 or more.))~~ meeting or exceeding the property damage threshold established by WAC 308-102-008;

(3) Whether there is a reasonable possibility of a judgment being entered against the ~~((licensee))~~ person in the amount required by the order of the department fixing such security((-);

(4) Whether the amount of security to be deposited, if any, is sufficient to satisfy any judgment or judgments resulting from such accident as may be recovered against the ~~((licensee))~~ person; and

(5) Whether the ~~((licensee))~~ person is entitled to an exception to the requirement of security pursuant to RCW 46.29.080.

NEW SECTION

WAC 308-102-255 DETERMINATION OF POSSIBILITY OF JUDGMENT. For the purposes of WAC 308-102-250(3), the department may presume that there is a reasonable possibility of a judgment being entered against a person if:

(1) The person was convicted of or forfeited bail for a traffic violation arising out of the accident, or

(2) A law enforcement officer investigating the accident completed a report which specified that a violation of a rule of the road contributed to the accident regardless of whether a citation was issued, or

(3) The person was negligent, having committed an act which a reasonably careful and prudent person would not have done under the same or similar circumstances, or failed to act in a way which a reasonably careful and prudent person would have acted under the same or similar circumstances, and such act or omission was a proximate cause of the accident.

AMENDATORY SECTION (Amending 82-03-046 (Order 668 DOL), § 308-102-260, filed 1/19/82)

WAC 308-102-260 ~~((HEARING))~~ PRESIDING OFFICER—DUTIES. The ~~((hearing))~~ presiding officer, in making his~~((/))~~ or her decision at the formal hearing, shall consider:

(1) ~~((Sworn oral testimony offered by the licensee.))~~ Evidence as allowed under RCW 34.05.452;

(2) ~~((Sworn oral testimony offered by witnesses on behalf of the licensee.))~~

(3) Sworn oral testimony offered by the individual(s) who sustained the loss.

(4) Sworn oral testimony offered by witnesses on behalf of the individual(s) who sustained the loss or offered by the representative of the insurance carrier who has a subrogated interest therein.

(5)) Court records of convictions or bail forfeitures submitted to the department of licensing and arising out of the accident in question((-);

~~((6))~~ (3) Traffic collision reports completed by a police officer who investigated the accident, all reports and other information submitted to the department by the individual(s) who sustained the loss or the insurance carrier who has a subrogated interest therein, records and documents in the possession of the department of which it desires to avail itself, repair estimates, repair and medical bills, towing bills and any other reasonable accounting of a loss proximately arising from an accident or photocopies thereof((-); and

~~((7))~~ (4) Any other evidence related to the issues before the hearing which have probative value commonly accepted by reasonable, prudent persons in the conduct of their affairs.

AMENDATORY SECTION (Amending 86-07-018 (Order DS 2), § 308-102-265, filed 3/12/86)

WAC 308-102-265 ~~((FINANCIAL RESPONSIBILITY))~~ FORMAL HEARING—FAILURE TO APPEAR. In the event that ~~((neither))~~ the ~~((licensee))~~ person who requested a formal hearing pursuant to this chapter ~~((308-102 WAC nor the person or persons for whose benefit the department is requiring security appears))~~ fails to appear at the time and place of the scheduled hearing, no hearing shall be held. The case shall be remanded to the department, and the previous department order requiring security shall be affirmed; PROVIDED, That the presiding officer may consider evidence as to whether the amount of security to be deposited is sufficient to satisfy any judgment or judgments as may be recovered against the person, and may adjust the amount of security required accordingly.

AMENDATORY SECTION (Amending 82-03-046 (Order 668 DOL), § 308-102-290, filed 1/19/82)

WAC 308-102-290 FORMAL HEARINGS—FINDINGS, CONCLUSIONS AND DECISIONS. At the conclusion of the formal hearing, the ~~((hearing))~~ presiding officer shall, as soon as practical, make and enter findings of fact, conclusions of law and enter an order as provided by RCW 34.05.461. ~~((They shall either affirm, rescind or modify the terms of the previous~~



~~departmental order concerning the deposit of security or suspension. If the hearing officer is not authorized to make final determinations, the director or his/her authorized representative(s) shall review the recommendations together with the transcript or recording of the hearing and all evidence of record, and shall enter a final order which affirms, rescinds or modifies the departmental order of suspension. Copies of the findings of fact, conclusions of law and order so entered shall be sent to the licensee.))~~

If the order of the department is affirmed, the department shall suspend the driver's license or nonresident driving privilege of the ~~((licensee))~~ person required to deposit security, but the order of suspension shall carry an effective date of thirty days after the date of mailing, during which time the ~~((licensee))~~ person may comply with the terms of the order.

If the order of the department is reversed, the department shall cancel its previous order.

If the order of the department is modified, the department shall nonetheless suspend the driver's license or nonresident driving privilege of the ~~((licensee))~~ person required to deposit security, but the order of suspension shall carry an effective date of thirty days after the date of mailing, during which time the ~~((licensee))~~ person may comply with the terms of the order.

Petitions for reconsideration, as provided by RCW 34.05.470, shall be filed with the presiding officer within ten days of service of the final order. The department is deemed to have denied the petition for reconsideration if, within twenty days from the date the petition is filed, the department does not either: (a) Dispose of the petition; or (b) serve the parties with a written notice specifying the date by which it will act on the petition.

AMENDATORY SECTION (Amending 86-07-018 (Order DS 2), § 308-104-160, filed 3/12/86)

WAC 308-104-160 NONMOVING VIOLATIONS DEFINED. A "nonmoving violation" as used in RCW 46.65.020 and this chapter shall mean any violation or traffic infraction in Title 46 RCW, other than those moving violations included in the following list:

- (1) Driving while under the influence of intoxicants or drugs
- (2) Reckless driving
- (3) Hit and run (occupied vehicle)
- (4) Vehicular homicide
- (5) Driving while driving privilege suspended or revoked
- (6) Eluding police vehicle
- (7) Racing
- (8) Embracing
- (9) Manslaughter
- (10) Speed too fast for conditions
- (11) Speed 1 to 14 MPH excess
- (12) Speed 15 to 29 MPH excess
- (13) Speed over 29 MPH excess
- (14) Failure to stop
- (15) Disobey road sign
- (16) Improper lane change
- (17) Improper lane travel
- (18) Prohibited turn

- (19) Unnecessary noise
- (20) Negligent driving
- (21) Wrong way on one-way street
- (22) Driving over center line
- (23) Drive wrong side of road
- (24) Straddling centerline
- (25) Failure to yield right of way
- (26) Disobey signalman
- (27) Disobey school patrol
- (28) Driving without lights
- (29) Failure to dim lights
- (30) Following too closely
- (31) Improper turn
- (32) Failure to signal or improper signal
- (33) Passing stopped school bus
- (34) Driving on shoulder or sidewalk
- (35) Violating license restriction(s)
- (36) Carrying passenger improperly
- (37) In physical control of vehicle while under the influence of alcohol or drugs
- (38) Vehicular assault
- (39) Crossing fire hose
- (40) Carry passengers outside vehicle
- (41) Improper backing
- (42) Obstructed vision or control
- (43) Following emergency equipment
- (44) Crossing divider
- (45) Inattention
- (46) Improper mirrors
- (47) Illegal vehicle equipment
- (48) Handle bars over height
- (49) Illegal lights
- (50) Defective equipment
- (51) Reckless endangerment
- (52) No helmet, goggles, windshield or face shield
- (53) Improper overtaking or passing
- (54) Hit and run (unattended vehicle)
- (55) Impeding traffic
- (56) More persons than provided for on motorcycle
- (57) Operating moped on freeway
- (58) Wearing earphones/viewing TV in vehicle
- (59) Open container violation (driver)
- (60) Permitting illegal vehicle operation
- (61) Violation of instruction permit.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

#### NEW SECTION

WAC 308-104-340 FORMAL HEARINGS—HABITUAL TRAFFIC OFFENDERS. At the formal hearing held by the department to determine whether the driver is a habitual offender, the certified abstract of convictions of traffic offenses or determinations that the indicated traffic infractions occurred shall be prima facie evidence that the person named therein was duly convicted by the court wherein such conviction or holding was made of each offense or infraction shown by such transcript or abstract.

A person may bring a collateral attack on the constitutional validity of the convictions for the traffic offenses

giving rise to the proposed license revocation, pursuant to RCW 46.65.020(1): PROVIDED, HOWEVER, That the person collaterally attacking the constitutional validity of any conviction for a traffic offense must prove by clear, cogent and convincing evidence both of the following:

(1) That the person pleaded guilty to a traffic offense for which imprisonment was authorized without having been advised of his or her right to be represented by counsel and or his or her right to have counsel appointed if indigent; and

(2) As the result of the guilty plea, the driver was sentenced to jail and actually served time in jail.

The department may, in addition, consider any records in its possession with respect to any conviction(s) which is (are) being collaterally attacked.

### REPEALER

The following sections of the Washington Administrative Code are repealed.

WAC 308-102-040 HEARING—PROCEDURAL RULES.

WAC 308-102-110 CONDUCT OF DOCUMENT REVIEW OR INTERVIEW—REFEREE.

WAC 308-102-120 FINANCIAL RESPONSIBILITY DOCUMENT REVIEW OR INTERVIEW.

WAC 308-102-125 DISCOVERY.

WAC 308-102-150 ISSUES TO BE DETERMINED.

WAC 308-102-160 DETERMINATION OF POSSIBILITY OF JUDGMENT.

WAC 308-102-170 NOTICE THAT INTERVIEW OR DOCUMENT REVIEW MAY BE REQUESTED.

WAC 308-102-180 CORRESPONDENCE ADDRESS.

WAC 308-102-210 FORMAL HEARING—TIME AND PLACE.

WAC 308-102-220 FORMAL HEARING—NOTICE OF PROCEEDING.

WAC 308-102-230 HEARING OFFICER.

WAC 308-102-240 FINANCIAL RESPONSIBILITY—FORMAL HEARING.

WAC 308-102-270 HEARING OFFICER—POWERS.

WAC 308-102-280 FORMAL HEARING.

WAC 308-102-295 FORMAL HEARINGS—HABITUAL TRAFFIC OFFENDERS.

### **WSR 92-08-046**

#### **NOTICE OF PUBLIC MEETINGS COMMISSION ON HISPANIC AFFAIRS**

[Memorandum—March 20, 1992]

#### Changes in the Commission's 1992 Meeting Schedule

The commission's May 9 meeting will be held in Spokane, not in Moses Lake; and the commission will hold an additional meeting on July 11 in Moses Lake.

### **WSR 92-08-047**

#### **NOTICE OF PUBLIC MEETINGS BUSINESS ASSISTANCE CENTER (Child Care Facility Fund)** [Memorandum—March 23, 1992]

The scheduled April 17, 1992, CCFF meeting has been moved to April 24, 1992. It will be held in the Carvery Restaurant at Sea-Tac International Airport. The meeting will start at 8:45 and is expected to end at 3:00 p.m.

### **WSR 92-08-048**

#### **PROPOSED RULES BOARD OF PILOTAGE COMMISSIONERS**

[Filed March 26, 1992, 9:35 a.m.]

Original Notice.

Title of Rule: WAC 296-116-185 Tariffs and pilotage rates for the Grays Harbor pilotage district.

Purpose: To amend the pilotage tariff rate.

Statutory Authority for Adoption: RCW 88.16.035.

Statute Being Implemented: RCW 88.16.035.

Summary: The proposed amendment reflects a five percent increase in the Grays Harbor pilotage district tariff.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Washington State Board of Pilotage Commissioners, Pier 52, Colman Dock, Seattle, 464-7818.

Name of Proponent: Grays Harbor Pilotage Association, private.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule would increase the tariff for pilotage services in the Grays Harbor pilotage district by five percent.

Proposal Changes the Following Existing Rules: Reflects a five percent increase over the existing 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 98104, on May 14, 1992, at 9:00 a.m.

Submit Written Comments to: Admiral Chet Richmond, by May 1, 1992.

Date of Intended Adoption: May 14, 1992.

March 26, 1992

Marjorie T. Smitch

Assistant Attorney General

AMENDATORY SECTION (Amending WSR 91-08-008, filed 3/26/91, effective 4/26/91)

WAC 296-116-185 TARIFFS, AND PILOTAGE RATES FOR THE GRAYS HARBOR PILOTAGE DISTRICT. The following rates shall become effective on (~~March 28, 1991~~) May 4, 1992.

CLASSIFICATION OF PILOTAGE SERVICE RATE

Piloting of vessels in the inland waters and tributaries of Grays Harbor:

Each vessel shall be charged according to its draft and tonnage. The draft charges shall be \$((50.53)) 53.06 per meter (or \$((+5.38)) 16.15 per foot) and the tonnage charge shall be \$((0.16+2)) 0.1693 per net registered ton. The minimum net registered tonnage charge is \$((563.8+)) 592.00. The charge for an extra vessel (in case of tow) is \$((322.19)) 338.30.

Boarding fee:

Per each boarding/deboarding from a boat ..... \$((243.08)) 255.23

Harbor shifts:

For each shift from dock to dock, dock to anchorage, anchorage to dock, or anchorage to anchorage ..... \$((404.16)) 424.37

Delays per hour ..... \$ ((96.37)) 101.19

Cancellation charge (pilot only) ..... \$((+61.09)) 169.14

Cancellation charge (pilot boat only) ..... \$((483.27)) 507.43

Travel allowance:

Boarding or deboarding a vessel off Grays Harbor entrance ..... \$ ((74.79)) 78.53

Pilot when traveling to an outlying port to join a vessel or returning through an outlying port from a vessel which has been piloted to sea shall be paid \$537.50 for each day or fraction thereof, and the travel expense incurred ..... \$((563.82)) 592.01

Bridge transit:

Charge for each bridge transited ..... \$((+76.92)) 185.77

Miscellaneous:

The balance of amounts due for pilotage rates not paid within 45 days of invoice will be assessed at 1 1/2% per month late charge.

**WSR 92-08-049**  
**PROPOSED RULES**  
**BOARD OF**  
**PILOTAGE COMMISSIONERS**  
 [Filed March 26, 1992, 9:38 a.m.]

Original Notice.

Title of Rule: Licensing pilots, WAC 296-116-080.

Purpose: To increase training trips for applicants in Grays Harbor.

Statutory Authority for Adoption: RCW 88.16.035(2).

Statute Being Implemented: RCW 88.16.035(2).

Summary: The proposed rule would increase training trips for applicants in Grays Harbor from a maximum of 50 to a maximum of 100.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Washington State Board of Pilotage Commissioners, Pier 52, Colman Dock, Seattle, 464-7818.

Name of Proponent: Grays Harbor Pilots Association, private.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Presently, pilotage applicants in Grays Harbor are required to make, at a maximum, 50 training trips. The proposed rule would increase the potential maximum to 100 training trips.

Proposal Changes the Following Existing Rules: The proposed rule would increase training trips for applicants in Grays Harbor from a maximum of 50 to a maximum of 100.

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

Hearing Location: Conference Room, Pier 52, Colman Dock, 801 Alaskan Way, Seattle, on June 11, 1992, at 9:00.

Submit Written Comments to: Admiral Chet Richmond, Pier 52, Colman Dock, 801 Alaskan Way, Seattle, WA 98104, by June 1, 1992.

Date of Intended Adoption: June 11, 1992.

March 26, 1992

Marjorie T. Smitch  
 Assistant Attorney General

**AMENDATORY SECTION** (Amending WSR 90-23-080, filed 11/20/90, effective 12/21/90)

WAC 296-116-080 LICENSING OF PILOTS. (1) No person shall be licensed by the board unless he has applied for a pilotage license and successfully completed: (a) The pilotage examination; (b) familiarization trips required by the board; and (c) the pilotage training program, if applicable.

The majority of the entire board shall pass on the licensing of a pilot and licenses shall be signed by the chairperson. All applicants shall have and display a United States Government Masters License and a first class United States endorsement without restrictions on that license to pilot in whichever pilotage district the applicant desires a license. In addition all applicants shall have and display an endorsement to their masters license issued by the United States Coast Guard certifying competence as a radar observer.

(2) Prior to commencing familiarization trips, and the pilot training program, if applicable, an applicant must pass a written and oral examination given and graded by the board. The board will conduct such examinations for both pilotage districts during the month of April in each odd-numbered year. Notice of the examination shall be published four months in advance by one paid advertisement in a major newspaper and written notice to one radio station, one television station, United Press International, and the Associated Press, as well as all pilots licensed by the board and all operators registered with the board. Applications will be accepted by the board immediately following the publication of the notice of the examination. The board may, in an emergency, call for an immediate examination on less than four months notice.

- (a) The examination may be taken by all qualified applicants who:
  - (i) Have had a license application on file with the board for at least one month prior to the examination. (This requirement may be waived upon the showing of good cause;)
  - (ii) Have tendered a nonrefundable examination fee of three hundred dollars. The board may, at its discretion, refund the examination fee for an applicant who is unable to sit for the examination.
  - (iii) Have had a physical examination by a physician designated by the board not more than thirty days prior to the examination to determine his physical fitness to be a pilot.
- (b) The examination shall be in compliance with RCW 88.16.090 and shall consist of questions covering, but not limited to, the following subjects as they pertain to the pilotage district for which the examination is being given:
  - (i) Rules of the road as set forth in United States government publications;
  - (ii) Aids to navigation;

**WSR 92-08-050**  
**PERMANENT RULES**  
**BOARD OF**  
**PILOTAGE COMMISSIONERS**

[Filed March 26, 1992, 9:41 a.m.]

Date of Adoption: March 17, 1992.

Purpose: To amend the rule for license reinstatement for pilots who retire under a medical disability retirement plan.

Citation of Existing Rules Affected by this Order:  
 Amending WAC 296-116-110.

Statutory Authority for Adoption: RCW 88.16.035.

Pursuant to notice filed as WSR 92-04-073 on February 5, 1992.

Changes Other than Editing from Proposed to Adopted Version: In both the title and subsection (2), the word renewal was changed to reinstatement and the word full was added to line 5 of subsection (2).

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

March 26, 1992

Marjorie T. Smitch

Assistant Attorney General

(iii) Courses, distances, and distance past abeam at change-of-course points, course points within channels, waterways, and navigable tributaries within the pilotage district for which the examination is being given;

(iv) Cable crossing areas;

(v) Channel and passage widths, depths and shoal areas;

(vi) Bridge signals - width, regulations, and closed periods;

(vii) Ship handling, docking and undocking problems, use of tow-boats and anchors, and seamanship;

(viii) Vessel traffic system regulations where applicable;

(ix) Ranges for determining compass error and measured miles;

(x) Channel ranges;

(xi) Engine and rudder order commands for United States and foreign merchant vessels and United States naval vessels;

(xii) Operation and use of marine radar, including rapid plotting techniques;

(xiii) Knowledge of tidal currents and ability to calculate currents and tides;

(xiv) Pier, wharf, or terminal locations and berth numbers; dock or pier headings, lengths, and minimum depths of water alongside;

(xv) Prohibited areas, restricted areas, and explosive anchorages;

(xvi) Use of navigational and bridge instruments;

(xvii) Anchorage locations;

(xviii) Duties of pilot;

(xix) Relationship between pilot and master;

(xx) Location and meaning of storm warning signals;

(xxi) Meaning of one and two flag signals;

(xxii) United States government public health quarantine regulations;

(xxiii) Harbor regulations;

(xxiv) Washington State Pilotage Act and rules of the board of pilotage commissioners;

(xxv) Chart knowledge, including chart symbols and abbreviations as set forth in the latest department of commerce NOS (National Ocean Survey) Chart No. 1.

(3) After passing the examination, applicants for the Puget Sound pilotage district must enter and successfully complete a training program. In this program applicants shall be required to pilot vessels under the supervision of Puget Sound pilots with more than five years experience. Upon written request by an applicant to the board, the five years' experience requirement for the supervisory pilot may be waived in certain instances. After every such assignment the supervisory pilots shall fill out, on a form provided by the board, an evaluation of the applicant's performance. After completion of the training period, the board shall evaluate the applicant's performance in shiphandling skills on the basis of these forms and other relevant information and decide whether the applicant should be licensed. Dependent on the applicant's experience level and grade of license, applicants in this training program shall pilot under such supervision for a minimum period of four months and seventy-five assignments and a maximum period of six months and one hundred assignments.

(4) After passing the examination, applicants for the Grays Harbor pilotage district must enter and successfully complete a training program. In this program applicants shall be required to pilot vessels under the supervision of Grays Harbor pilots with more than five years' experience. Upon written request by an applicant, to the board, the five years' experience requirement for the supervisory pilot may be waived in certain instances. After every such assignment the supervisory pilots shall fill out, on a form provided by the board, an evaluation of the applicant's performance. After completion of the training period, the board shall evaluate the applicant's performance in shiphandling skills on the basis of these forms and other relevant information and decide whether the applicant should be licensed. Dependent on the applicant's experience level and grade of license, applicants in this training program shall pilot under such supervision for a minimum period of four months and twenty-five assignments and a maximum period of six months and ((fifty)) one hundred assignments.

(5) No person shall be licensed by the board who has been convicted of an offense involving drugs or the personal consumption of alcohol in the twelve months prior to the date of application. This restriction shall not apply to license renewals.

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

**WAC 296-116-110 DETAILS AND REQUIREMENTS OF RENEWAL/REINSTATEMENT 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 reinstatement of his/her 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 full 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 92-08-051**  
**PERMANENT RULES**  
**BOARD OF**  
**PILOTAGE COMMISSIONERS**

[Filed March 26, 1992, 9:45 a.m.]

Date of Adoption: March 12, 1992.

Purpose: To extend the limitations on new pilots to five years, consistent with the legislative change to RCW 88.16.105.

Citation of Existing Rules Affected by this Order:  
Amending WAC 296-116-082.

Statutory Authority for Adoption: RCW 88.16.105.

Pursuant to notice filed as WSR 92-04-075 on February 5, 1992.

Changes Other than Editing from Proposed to Adopted Version: The limitations on petroleum tankers was reduced to 32,000 gt from 35,000 gt.

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

March 26, 1992

Marjorie T. Smitch

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 32,000 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 32,000 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 32,000 gt; and the third trip shall involve the anchoring 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 32,000 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 two trips docking and one trip anchoring 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:

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[Filed March 26, 1992, 9:48 a.m.]

(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.

Date of Adoption: March 12, 1992.
Purpose: The new rule requires information on the vessel certification form with respect to dead ship movements.

Citation of Existing Rules Affected by this Order: Amending WAC 296-116-2051.

Statutory Authority for Adoption: RCW 88.16.155(7).

Pursuant to notice filed as WSR 92-04-074 on February 5, 1992.

Changes Other than Editing from Proposed to Adopted Version: The certification may be made by owner, master or agent's representative.

Effective Date of Rule: Thirty-one days after filing.
March 26, 1992
Marjorie T. 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...; Does this ship meet United States Coast Guard regulations...; Does this vessel comply with current international agreements...; 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	NOT READILY AVAILABLE		
	ACCEPTABLE	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, master, 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>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, Master, or Agent's Representative

**WSR 92-08-053**  
**EMERGENCY RULES**  
**BOARD OF**  
**PILOTAGE COMMISSIONERS**  
[Filed March 26, 1992, 9:52 a.m.]

Date of Adoption: March 12, 1992.  
Purpose: To increase training trips for applicants in Grays Harbor.  
Citation of Existing Rules Affected by this Order: Amending WAC 296-116-080.  
Statutory Authority for Adoption: RCW 88.16.035(2).

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: Numerous candidates will soon sit for the Grays Harbor pilotage exam and, for safety reasons, they will now potentially be required to make more training trips.

Effective Date of Rule: Immediately.

March 26, 1992  
Marjorie T. Smitch  
Assistant Attorney General

**AMENDATORY SECTION** (Amending WSR 90-23-080, filed 11/20/90, effective 12/21/90)

**WAC 296-116-080 LICENSING OF PILOTS.**  
(1) No person shall be licensed by the board unless he has applied for a pilotage license and successfully completed: (a) The pilotage examination; (b) familiarization trips required by the board; and (c) the pilotage training program, if applicable.

The majority of the entire board shall pass on the licensing of a pilot and licenses shall be signed by the chairperson. All applicants shall have and display a United States Government Masters License and a first class United States endorsement without restrictions on that license to pilot in whichever pilotage district the applicant desires a license. In addition all applicants shall have and display an endorsement to their masters license issued by the United States Coast Guard certifying competence as a radar observer.

(2) Prior to commencing familiarization trips, and the pilot training program, if applicable, an applicant must pass a written and oral examination given and graded by the board. The board will conduct such examinations for both pilotage districts during the month of April in each odd-numbered year. Notice of the examination shall be published four months in advance by one paid advertisement in a major newspaper and written notice to one radio station, one television station, United Press International, and the Associated Press, as well as all pilots licensed by the board and all operators registered with the board. Applications will be accepted by the board immediately following the publication of the notice of the examination. The board may, in an emergency, call for an immediate examination on less than four months notice.

(a) The examination may be taken by all qualified applicants who:

(i) Have had a license application on file with the board for at least one month prior to the examination. (This requirement may be waived upon the showing of good cause;)

(ii) Have tendered a nonrefundable examination fee of three hundred dollars. The board may, at its discretion, refund the examination fee for an applicant who is unable to sit for the examination.

(iii) Have had a physical examination by a physician designated by the board not more than thirty days prior to the examination to determine his physical fitness to be a pilot.



(b) The examination shall be in compliance with RCW 88.16.090 and shall consist of questions covering, but not limited to, the following subjects as they pertain to the pilotage district for which the examination is being given:

(i) Rules of the road as set forth in United States government publications;

(ii) Aids to navigation;

(iii) Courses, distances, and distance past abeam at change-of-course points, course points within channels, waterways, and navigable tributaries within the pilotage district for which the examination is being given;

(iv) Cable crossing areas;

(v) Channel and passage widths, depths and shoal areas;

(vi) Bridge signals - width, regulations, and closed periods;

(vii) Ship handling, docking and undocking problems, use of towboats and anchors, and seamanship;

(viii) Vessel traffic system regulations where applicable;

(ix) Ranges for determining compass error and measured miles;

(x) Channel ranges;

(xi) Engine and rudder order commands for United States and foreign merchant vessels and United States naval vessels;

(xii) Operation and use of marine radar, including rapid plotting techniques;

(xiii) Knowledge of tidal currents and ability to calculate currents and tides;

(xiv) Pier, wharf, or terminal locations and berth numbers; dock or pier headings, lengths, and minimum depths of water alongside;

(xv) Prohibited areas, restricted areas, and explosive anchorages;

(xvi) Use of navigational and bridge instruments;

(xvii) Anchorage locations;

(xviii) Duties of pilot;

(xix) Relationship between pilot and master;

(xx) Location and meaning of storm warning signals;

(xxi) Meaning of one and two flag signals;

(xxii) United States government public health quarantine regulations;

(xxiii) Harbor regulations;

(xxiv) Washington State Pilotage Act and rules of the board of pilotage commissioners;

(xxv) Chart knowledge, including chart symbols and abbreviations as set forth in the latest department of commerce NOS (National Ocean Survey) Chart No. 1.

(3) After passing the examination, applicants for the Puget Sound pilotage district must enter and successfully complete a training program. In this program applicants shall be required to pilot vessels under the supervision of Puget Sound pilots with more than five years experience. Upon written request by an applicant to the board, the five years' experience requirement for the supervisory pilot may be waived in certain instances. After every such assignment the supervisory pilots shall fill out, on a form provided by the board, an evaluation of

the applicant's performance. After completion of the training period, the board shall evaluate the applicant's performance in shiphandling skills on the basis of these forms and other relevant information and decide whether the applicant should be licensed. Dependent on the applicant's experience level and grade of license, applicants in this training program shall pilot under such supervision for a minimum period of four months and seventy-five assignments and a maximum period of six months and one hundred assignments.

(4) After passing the examination, applicants for the Grays Harbor pilotage district must enter and successfully complete a training program. In this program applicants shall be required to pilot vessels under the supervision of Grays Harbor pilots with more than five years' experience. Upon written request by an applicant, to the board, the five years' experience requirement for the supervisory pilot may be waived in certain instances. After every such assignment the supervisory pilots shall fill out, on a form provided by the board, an evaluation of the applicant's performance. After completion of the training period, the board shall evaluate the applicant's performance in shiphandling skills on the basis of these forms and other relevant information and decide whether the applicant should be licensed. Dependent on the applicant's experience level and grade of license, applicants in this training program shall pilot under such supervision for a minimum period of four months and twenty-five assignments and a maximum period of six months and ((fifty)) one hundred assignments.

(5) No person shall be licensed by the board who has been convicted of an offense involving drugs or the personal consumption of alcohol in the twelve months prior to the date of application. This restriction shall not apply to license renewals.

**WSR 92-08-054**  
**EMERGENCY RULES**  
**BOARD OF**  
**PILOTAGE COMMISSIONERS**

[Filed March 26, 1992, 9:55 a.m.]

Date of Adoption: March 12, 1992.

Purpose: To extend the limitations on new pilots to five years, consistent with the legislative change to RCW 88.16.105.

Citation of Existing Rules Affected by this Order: Amending WAC 296-116-082.

Statutory Authority for Adoption: RCW 88.16.105.

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: Three new pilots are being licensed and in the interest of safety, they will be subject to the five-year limitations on their license.

Effective Date of Rule: Immediately.

March 26, 1992  
Marjorie T. 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 32,000 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 32,000 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 32,000 gt; and the third trip shall involve the anchoring 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 32,000 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 two trips docking and one trip anchoring 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.

process by recognizing the declared dominant type and requiring specific registration of only the off type varieties within each district.

Statutory Authority for Adoption: RCW 15.66.025 and 15.65.055.

Statute Being Implemented: RCW 15.66.025 and 15.65.055.

Summary: The proposed rule change would require registration of the location and variety of rapeseed production for off type production only. Current rules require registration by location, type and variety of all rapeseed production within the district.

Reasons Supporting Proposal: The change would greatly simplify the production registration requirements of the declared dominant type and focus attention to off types only.

Name of Agency Personnel Responsible for Drafting and Implementation: J. Allen Stine, Olympia, Washington, (206) 753-7005; and Enforcement: Rapeseed Production District Boards.

Name of Proponent: Roland Schirman, Washington State University Cooperative Extension, public.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Proposal greatly simplifies district registration responsibilities at cooperative extension offices, however, by doing so, limits information on the extent and location of rapeseed production within the district.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 16-570-030 outlines the responsibilities and powers of the rapeseed production district boards. The purpose of the proposed rule change is to require reporting and recording at local extension offices of all "off type" rapeseed production in the organized production district area.

Proposal Changes the Following Existing Rules: It reduces reporting and recording requirements of rapeseed production by requiring the process for only "off type" rapeseed production. Currently all rapeseed production must be reported and recorded including the "dominant type" for each district as established under a separate section of this WAC.

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

If anything this change will deduce costs to growers and/or contractors by reducing reporting/recording requirements.

Hearing Location: Ritzville Public Library, 302 West Main (side entry on Adams Street), Ritzville, WA, on May 5, 1992, at 10:00 a.m.

Submit Written Comments to: J. Allen Stine, Assistant Director, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, by May 5, 1992.

Date of Intended Adoption: May 12, 1992.

March 20, 1992

J. Allen Stine

Assistant Director

Commodity Inspection

**WSR 92-08-055****PROPOSED RULES****DEPARTMENT OF AGRICULTURE**

[Filed March 26, 1992, 10:07 a.m.]

**Original Notice.**

Title of Rule: Chapter 16-570 WAC, Rapeseed production and establishment of districts; and WAC 16-570-030 Duties of rapeseed production district boards, persons, producers.

Purpose: Rule change petition submitted to the director by several rapeseed district boards, producer members and board advisors recommended streamlining and simplifying the rapeseed production field registration

AMENDATORY SECTION (Amending Order 1946, filed 8/3/87)

WAC 16-570-030 DUTIES OF RAPESEED PRODUCTION DISTRICT BOARDS, PERSONS, PRODUCERS. (1) Duties of the board shall include:

(a) Proposing and clearly defining district/subdistrict boundaries to be submitted to the director for establishment by rule. District and subdistrict boundaries shall follow geographical and/or topographical characteristics or provide for buffer zones to provide for isolation. Consideration is to be given to existing crop production to minimize negative impact to sensitive crops and shall also be extended beyond district and state lines to minimize impacts to producers in contiguous districts or states and cooperate to avoid the need for buffer zones which could prevent producers from raising rapeseed near district or state lines.

(b) Producers and industry shall have the ability to petition the board to recommend to the director to adopt subdistricts within an initial production district, should production for multiple markets develop.

(c) The board shall designate the Washington State University extension offices to facilitate the production districts in the registration of rapeseed production fields, in accordance with subsection (2) of this section.

(d) The board shall examine the economic potential for the differing types of rapeseed, and with input from affected producers, propose the dominant type for the district and/or subdistricts. In proposing the district and/or subdistrict boundaries and the dominant types of rapeseed for production, the board shall avoid negative impacts to already existing crops. The board shall propose and recommend to the director, rules establishing a dominant rapeseed type. A public hearing shall be held no later than March 15th, with rules adopted no later than May 15th of any production year after 1986. Hearings need not be held each year if there is no petition to change existing rule(s). The board shall inform producers of the areas and type(s) that are approved for production. This may be accomplished by utilizing producer meetings, local news and radio media, and the use of Washington State University cooperative extension personnel.

(e) The board shall serve as the first level for disputes involving production of conflicting types by conducting an inquiry to determine the facts of the dispute. If resolution is not reached at the board level the board shall then render an advisory opinion to be submitted to the director for additional action.

(f) The board shall have the authority to recommend to the director production of "off type" rapeseed (other than the authorized dominant type) or rapeseed production in an area where it is otherwise prohibited under the following criteria:

(i) The producer of the "off type" rapeseed must petition the board to allow "off type" rapeseed production.

(ii) The petition shall contain the following information:

(A) Producer name, address, telephone number and location within district/subdistrict.

(B) Crop year.

(C) Variety name and species of rapeseed to be produced.

(D) Principal use of proposed production (i.e., industrial or food oil, seed, forage, cover crop etc.).

(E) Variety traits - Erucic acid and glucosinolate levels.

(F) Contracting company - (if any).

(G) Acreage to be produced.

(H) Exact legal description and reference to local landmarks of proposed acreage.

(I) Evidence of isolation of at least one-half mile, or at such greater distance as required by rule within the respective district and/or subdistrict, from other rapeseed production or other sensitive crops.

(J) Signed statements from all landowners/operators within one-half mile of the proposed production site stating that they will not plant a conflicting type during the proposed crop year.

(2) Persons or producers of "off type" rapeseed shall register all fields prior to planting, by location((,-type)) and variety of all rapeseed to be produced, with the district board at the extension office designated by the district board.

(3) Seed certification requirements.

(a) Only certified seed shall be used for Washington production: PROVIDED, That the variety dwarf essex may be used for seed purposes without certification as certified seed is no longer available.

(b) All rapeseed varieties utilized for Washington production shall be accompanied by phyto-sanitary certification that it is free from phoma lingam (black leg) fungus. In the event that low level phoma lingam (black leg) fungus is present, the seed must be treated with environmental protection agency and/or Washington state approved chemicals for the control of phoma lingam (black leg) fungus, and recertified as free from viable phoma lingam fungus after treatment.

(4) Any person selling or offering rapeseed for sale in the state of Washington, either in person, through dealerships or through radio, video or printed media, must be licensed by the Washington state department of agriculture seed branch.

(5) Any volunteer or uncontrolled rapeseed may be subject to the Washington state noxious weed control board and chapter 17.10 RCW. Any transport of unbagged rapeseed for the purpose of conveyance, shall be in suitably covered or sealed containers or vehicles to avoid the spread of volunteer or otherwise uncontrolled rapeseed. All harvesting and planting equipment shall be properly cleaned and adequate precautions taken to avoid the spread of rapeseed prior to movement from any farm or production area.

(6) The director shall have the authority to require destruction prior to bloom of any rapeseed production that does not meet the rules of the director or any established production district. In the event that the person or producer of said production does not comply with the destruction order prior to bloom, the director is authorized to have the production destroyed by a third party and the cost of such destruction is to be charged to the producer of said production.

**WSR 92-08-056**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Filed March 26, 1992, 10:52 a.m.]

Date of Adoption: March 26, 1992.

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 homes, which are now in separate WAC chapters.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-73-608 Nursing service and 388-73-716 Leisure time activities; and amending chapter 388-73 WAC.

Statutory Authority for Adoption: RCW 74.15.030.

Pursuant to notice filed as WSR 92-06-011 on February 24, 1992.

Changes Other than Editing from Proposed to Adopted Version: Amends child placing agency requirements to clarify additional requirements must be met to provide adoption services, adoptive parents are now given birth parents' health history, statement of fees, and specifies type of financial assistance which agencies may give birth parents. Requires preservice training for foster parents.

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

March 26, 1992

Leslie F. James, Director  
 Administrative Services

Reviser's note: The material contained in this filing will appear in the 92-09 issue of the Register as it was received after the applicable closing date for the issue for agency-typed material exceeding the volume limitations of WAC 1-21-040.

**WSR 92-08-057**  
**PROPOSED RULES**  
**GAMBLING COMMISSION**  
 [Filed March 26, 1992, 11:51 a.m.]

Continuance of WSR 91-24-002.

Title of Rule: WAC 230-20-685 Commercial amusement games—Wager and prize limitations.

Purpose: To provide for limitations for commercial amusement games in locations authorized by a revision of RCW 9.46.0331.

Statutory Authority for Adoption: RCW 9.46.070 (3), (11), (14).

Statute Being Implemented: RCW 9.46.0331.

Summary: Provides limitations at newly authorized locations catering to school-aged minors for redemption amusement games.

Name of Agency Personnel Responsible for Drafting: Sharon M. Tolton, Rules Coordinator, Lacey, 438-7685; Implementation: Frank L. Miller, Director, Lacey, 438-7640; and Enforcement: Neal Nunamaker, Deputy Director, Lacey, 438-7690.

Name of Proponent: Washington State Gambling Commission, governmental.

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

Hearing Location: Best Western Ellensburg Inn, 1700 Canyon Road, Ellensburg, WA 98926, on May 8, 1992, at 10:00 a.m.

Submit Written Comments to: Washington State Gambling Commission, P.O. Box 42400, Olympia, WA 98504-2400, by May 6, 1992.

Date of Intended Adoption: June 9, 1992.

March 26, 1992  
 Sharon M. Tolton  
 Rules Coordinator

**NEW SECTION**

WAC 230-20-685 COMMERCIAL AMUSEMENT GAMES—WAGER AND PRIZE LIMITATIONS. For locations authorized under WAC 230-04-138 (1)(g), (i) or (j), where school-aged minors are allowed to play, the following limitations shall apply.

(a) Prize limitations. No prize offered shall exceed a cost to the operator of one hundred dollars.

(b) Consideration. The maximum wager for play shall not exceed fifty cents.

**WSR 92-08-058**  
**PERMANENT RULES**  
**DEPARTMENT OF HEALTH**  
**(Board of Pharmacy)**

[Order 260B—Filed March 26, 1992, 2:22 p.m.]

Date of Adoption: March 19, 1992.

Purpose: Specifies professional responsibilities a pharmacist cannot delegate to nonpharmacist personnel.

Citation of Existing Rules Affected by this Order: Amending WAC 246-869-240.

Statutory Authority for Adoption: RCW 18.64.005.

Pursuant to notice filed as WSR 92-04-040 on January 30, 1992.

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

March 19, 1992  
 Donald Hobbs  
 Chair

**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 92-08-059

#### EMERGENCY RULES

#### DEPARTMENT OF FISHERIES

[Order 92-14—Filed March 26, 1992, 2:34 p.m., effective March 28, 1992, 12:01 a.m.]

Date of Adoption: March 26, 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: Allowable impacts on upriver spring chinook stocks will have occurred, and conservation measures are required to protect Snake River spring chinook.

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

March 26, 1992

William Koss  
for Joseph R. Blum  
Director

#### NEW SECTION

*WAC 220-57-16000M COLUMBIA RIVER Notwithstanding the provisions of WAC 220-57-160, effective 12:01 a.m. March 28, 1992, it is unlawful to take, fish for or possess salmon in those waters downstream of the Interstate 5 Bridge at Vancouver to the Buoy 10 line.*

### WSR 92-08-060

#### GOVERNOR'S TIMBER TEAM

[Filed—March 27, 1992, 9:21 a.m.]

Reviser's note: The following material has not been adopted under the Administrative Procedure Act, chapter 34.05 RCW, but has been filed in the office of the code reviser and is published in the Register exactly as filed.

The governor of the state of Washington has determined that the Washington State Register is the appropriate location for the publication of these proposed regulations implementing federal legislation restricting the export of timber from state and local government lands.

Authority: Forest Resources Conservation and Shortage Relief Act of 1990 (Public Law 101-382) (Title 16, Sections 620a to 620j, U.S.C.)

Hearing to be Held: May 7, 1992, 10:00 a.m., Hearing Room E, John L. O'Brien Building, 504 15th Avenue, Olympia, WA.

Hearing Officer: John B. Conklin.

Submit Written Comments to: John B. Conklin, Governor's Timber Team, P.O. Box 40004, Olympia, WA 98504-0004.

Written comments will be accepted through May 7, 1992.

The following amendments to the log export regulations (chapter 240-15 WAC) are proposed by the governor of the state of Washington:

#### DRAFT PROPOSAL AMENDING LOG EXPORT REGULATIONS Chapter 240-15 Log Export Restrictions

WAC 240-15-005 PURPOSES AND IMPLEMENTATION. The Forest Resources Conservation and Shortage Relief Act of 1990 (Public Law 101-382). The Act directs the governor to promulgate rules for its implementation consistent with Section 553, of title 5, United States Code. These rules have been promulgated in accordance with the directives of the Act rather than Chapter 34.05 RCW.

WAC 240-15-010 AUTHORITY AND DEFINITIONS. (1) Applicability. This chapter shall apply to the sale of timber originating from public lands in the State of Washington, when such timber is subject to an order issued by the Secretary of Commerce of the United States under section 491(a) of the Forest Resources Conservation and Shortage Relief Act of 1990 (Public Law 101-382). Western Red Cedar is exempt from these rules. The prohibition on the export of Western Red Cedar is covered by section 7(i) of the Export Administration Act of 1979 (50 U.S.C. App. 2406 (i)).

(2) Presidential action. This chapter shall not apply to the extent that an order referred to under WAC 240-15-010(1) is suspended, removed, or modified by the President of the United States under the authority of section 491(e) or 491(f) of the Forest Resources Conservation and Shortage Relief Act of 1990 (Public Law 101-382).

(3) Surplus timber. Timber which has been determined to be surplus to the needs of timber manufacturing facilities in the United States by the Secretary of Agriculture or the Secretary of the Interior of the United States is not subject to regulation under this chapter.

(4) Definitions. As used in this chapter:

(a) "Agency" means any state or local public entity which owns or manages land from which timber is harvested in the State of Washington.

(b) "Export" means either to load on a conveyance or vessel or put in a log raft with the intent to ship to a foreign destination, or to place at a facility such as a port, yard, pond, or dock with the intent to load on a conveyance or vessel or put in a log raft for shipment to a foreign destination.

(c) "Export restricted timber" means unprocessed timber originating from a sale of timber from public lands which has been designated as export restricted under WAC 240-15-015 (1)(a), and includes both logs and stumpage originating from such a sale.

(d) "Person" means any individual, partnership, corporation, association, or other legal entity and includes any subsidiary, subcontractor, parent company and business affiliates where one affiliate controls or has the power to control the other or when both are controlled directly or indirectly by a third person.

(e) "Processing facility" means a facility for converting unprocessed timber into any of the items of processed timber listed in WAC 240-015-010(i). Chip plants, pulp mills and facilities that process only Western Red Cedar Products are not considered processing facilities.

(f) "Public lands" means lands in the State of Washington that are held or owned by the State of Washington, or a political subdivision thereof, or any other public agency. Such term does not include any lands the title to which is:

- (i) held by the United States,
- (ii) held in trust by the United States for the benefit of any Indian tribe or individual, or
- (iii) held by any Indian tribe or individual subject to a restriction by the United States against alienation.

(g) "Purchaser" means a person who has been awarded a timber sale contract to harvest or acquire export restricted timber from public lands in the State of Washington.

(h)(i) "Substitution" means the purchase of export restricted timber or possession of an active sale contract for export restricted timber by (A) a person who owns and operates a processing facility (B) where the person owning the processing facility also exports or sells for export from the United States unprocessed timber originating from private lands in the State of Washington and (C) where such lands are owned by the person, or the person has exclusive rights to harvest timber from such lands, where such rights may be exercised at any time during a period of more than 7 years. Substitution can occur only when all three above noted conditions are met. Exceptions to this 7 year restriction may be considered on a case by case basis by the Department of Revenue in exceptional circumstances.

(ii) The reference in WAC 240-15-~~{(10)-(4)(g)}~~ 010(4)(h)(i) to the export from the United States of unprocessed timber originating from private lands shall mean exports which occur at any time:

(A) after that date which is 12 months prior to the award date of the sale of the export restricted timber, except that it shall not refer to any exports which occur prior to January 1, 1991; and

(B) prior to that date which is 24 months after the award date of the sale of the export restricted timber, or

the end of the term of the timber sale contract for the export restricted timber, whichever is later.

(i) "Unprocessed timber" means trees or portions of trees or other roundwood not processed to standards and specifications suitable for end product use. As used in this chapter, the term "unprocessed timber" does not include timber processed into any one of the following:

(i) Lumber or construction timbers, except Western Red Cedar, meeting current American Lumber Standards grades or Pacific Lumber Inspection Bureau Export R or N list grades, sawn on 4 sides, not intended for remanufacture.

(ii) Lumber, construction timbers, or cants for remanufacture, except Western Red Cedar, meeting current American Lumber Standards grades or Pacific Lumber Inspection Bureau Export R or N list clear grades, sawn on 4 sides, not to exceed 12 inches in thickness.

(iii) Lumber, construction timbers, or cants for remanufacture, except Western Red Cedar, that do not meet the grades referred to in clause 2 and are sawn on 4 sides, with wane less than 1/4 of any face, not exceeding 8 3/4 inches in thickness.

(iv) Chips, pulp or pulp products.

(v) Veneer or plywood.

(vi) Poles, posts, or piling cut or, treated with preservatives for use as such.

(vii) Shakes or shingles.

(viii) Aspen or other pulpwood bolts, not exceeding 100 inches in length, exported for processing into pulp.

(ix) Pulp logs or cull logs processed at domestic pulp mills, domestic chip plants, or other domestic operations for the purpose of conversion of the logs into chips.

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

WAC 240-15-015 PROHIBITIONS. (1) Prohibition on export. Except as specifically provided under this chapter, no person may:

(a) export from the United States export restricted timber; or

(b) sell, trade, exchange, or otherwise convey to any other person, for the purpose of export from the United States, export restricted timber.

(2) Prohibition on substitution. Except as specifically provided under this chapter, no person may purchase or possess an active contract for export restricted timber from any agency if such person owns and operates a processing facility and the processing of export restricted timber at such facility by such person would constitute substitution.

(3) Prohibition on certain indirect transactions. Except as specifically provided under this chapter, no person may purchase from any other person export restricted timber if such person is prohibited under WAC 240-15-015(2) (relating to substitution) from purchasing such timber directly from the agency managing the public lands from which such timber originated.

(4) Exemptions. Notwithstanding any other provisions of this chapter;



(a) The prohibition in WAC 240-15-015(2) (relating to substitution) shall not apply to the use of timber originating from public lands which is either (i) hardwood timber, or (ii) Western Red Cedar.

(b) The prohibitions in WAC 240-15-015(3) (relating to certain indirect purchases) shall not prohibit ~~any person otherwise affected by such prohibition from obtaining up to 33 1/3% of the volume of timber purchased in an export restricted timber sale in calendar year 1991 (not including hardwoods and Western Red Cedar) from the purchaser of such a sale if such person will process such timber at a domestic facility; in calendar year 1992 the volume of a sale subject to such purchases shall be reduced to 20%. In calendar years after 1992 the volume of a sale subject to such purchases shall be reduced to 10%~~ the sale of up to 33 1/3 percent of the volume (not including hardwoods and western red cedar) in any sale purchased in calendar year 1991 to a person or persons who are otherwise ineligible under WAC 240-15-015(3) to purchase such timber, provided the timber is processed at a domestic facility. For timber sales sold in calendar year 1992, the volume that may be sold to such persons shall be reduced to 20 percent of the total volume (not including hardwoods and western red cedar). For timber sales sold in calendar year 1993 and after, the volume that may be sold to such persons shall be reduced to 10 percent of the total volume (not including hardwoods and western red cedar). The transferor shall notify the Department of Revenue, in writing, of any such transaction prior to physically transferring the timber to the transferee. Rights to purchase export restricted timber under this paragraph may be used on a sale by sale basis and may not be accumulated or transferred to other sales. The advertised volume or volume specified in the sale agreement shall serve as the basis for determining the sale volume to which the percentage applies.

(c) The prohibition in WAC 240-15-015(2) (relating to substitution) shall not prohibit the purchase by any person of export restricted timber originating from public lands in Ferry County or any other county in the State of Washington partially or entirely east of the Columbia River if such person does not export or sell for export timber from private lands in that geographic area.

(d) The prohibition in WAC 240-15-015(2) (relating to substitution) shall not apply to any log, regardless of gross scale, sold to a domestic processing facility for the purpose of conversion into chips, pulp or pulp products.

#### WAC 240-15-020 AGENCY REQUIREMENTS.

##### (1) Designation of export restricted timber.

(a) Each agency managing public lands subject to this chapter shall designate timber sales to be sold as export restricted and as exportable. ~~{(For calendar year 1991)}~~ Pursuant to an order issued by the Secretary of Commerce of the United States for calendar years 1992 and 1993, each agency shall designate as export restricted, sales that include 75 per cent of the volume of unprocessed timber from such agency's annual sales program, excluding Western Red Cedar. ~~{(For calendar year 1992 and subsequent years, this)}~~ This percentage shall ~~{(be)}~~

remain in effect until revised {(as necessary in order to comply with orders issued)} by order of the Secretary of Commerce of the United States under section 491(a) of the Forest Resources Conservation and Shortage Relief Act of 1990 (Public Law 101-382). Sales designated as export restricted shall be distributed proportionately throughout the geographical area of land owned or managed by the agency. Timber originating from sales designated as export restricted shall be representative of the species and grade distribution of the agency's sale program.

(b) Designation of timber sales as export restricted and as exportable shall be on a sale by sale basis and shall apply to the entire sale being considered; except that a sale shall be subdivided into portions that are export restricted and exportable if there are insufficient sales in the annual sales program to insure that designation on a sale by sale basis meets the applicable requirements of the Forest Resources Conservation and Shortage Relief Act of 1990 (Public Law 101-382).

(2) Report to the Governor. By March 31 of each year, each agency selling timber from public lands shall report to the Governor on the results of its sales program in compliance with the Forest Resources Conservation and Shortage Relief Act (Public Law 101-382) for the preceding calendar year. The report shall include information on the volume, species, grade, and geographical distribution of sales sold as export restricted and not export restricted.

(3) Reports on the purchase of timber. Not later than 5 days after the receipt of a Purchaser Certification furnished to an agency under WAC 240-15-025, the agency shall submit a copy of such certification to the Washington Department of Revenue. The agency shall make copies of such reports available to the public at reasonable times and locations.

(4) Contract provisions. Agencies contracting for the sale of export restricted timber from public lands shall include in such contracts clauses incorporating the applicable requirements of WAC 240-15-015 (relating to the prohibitions on export and substitution), WAC 240-15-025 (relating to reporting requirements), and WAC 240-15-030 (relating to enforcement). In addition, such contracts shall include clauses which provide that a violation by the purchaser of the prohibitions under WAC 240-15-025 (relating to the prohibitions on export and substitution) shall be sufficient cause for the agency to cancel the contract.

(5) Prohibition on accepting bids from ineligible purchasers. Agencies shall not accept bids for sales of export restricted timber from persons included on the List of Ineligible Purchasers published by the Department of Revenue under this chapter.

(6) List of ineligible purchasers. Agencies contracting for the sale of export restricted timber from public lands shall attach to such contracts a copy of the most recent List of Ineligible Purchasers published by the Department of Revenue.

WAC 240-15-025 REPORTING REQUIREMENTS. (1) Purchaser certification. Prior to issuing a contract for the sale of export restricted timber, an

agency which has offered such timber for sale shall require that the purchaser submit 2 signed copies of a Purchaser Certification, in such form as the Department of Revenue may require, which affirms, under penalty of law, the truth of each of the following:

(a) That such timber, while still in unprocessed form, will not be:

(i) exported by the purchaser or used in substitution by the purchaser; or

(ii) transferred to any other person for the purpose either of export or to be used in substitution.

(b) That hammer brands and red paint applied to such timber as required by this chapter shall remain on such timber until it is domestically processed.

(c) That prior to selling, trading, exchanging, or otherwise conveying any timber which is export restricted timber to any other person, the purchaser (transferor) shall require the transferee to provide to the purchaser (transferor) 2 signed copies of a completed Transferee Certification, in such form as the Department of Revenue shall require; and that the purchaser (transferor) shall provide the department with one copy not later than 5 days after receipt from the transferee.

(d) That the purchaser (transferor) shall not sell, trade, exchange, or otherwise convey export restricted timber to any person identified on the List of Ineligible Purchasers published by the Department of Revenue under this chapter.

(2) Transferee certification. Any person possessing export restricted timber shall, prior to selling, trading, exchanging, or otherwise conveying such timber to any other person, require the transferee to provide to the transferor 2 signed copies of a completed Transferee Certification, in such form as the Department of Revenue shall require. The Transferee Certification shall include an affirmation, under penalty of law, as to the truth of each of the items required to be affirmed in a Purchaser Certification, (except insofar as the transfer is pursuant to WAC 240-15-015 (4)(b) (relating to certain indirect transactions) as well as the quantity of export restricted timber which is being transferred. The transferor shall provide to the Department of Revenue one signed copy of the Transferee Certification not later than 5 days after the receipt from the transferee.

(3) Reporting requirements for certain purchasers of export restricted timber. Any person who:

(a) processes export restricted timber, and

(b) either owns forest lands the State of Washington, or has the exclusive right to harvest timber from lands in the State of Washington for a period of more than 7 years, shall, for purposes of the reporting requirements under this section, treat any timber harvested from lands referred to in WAC 240-15-025 (3)(b) during the period of time referred to under WAC 240-15-010 (4)(g)(ii)(B) as though it were export restricted timber originating from public lands. However, nothing in this section shall require painting or branding of timber originating on private lands.

(4) Every person who purchases export restricted timber or who comes into possession of export restricted timber shall keep and preserve for a period of five years,

suitable records as may be necessary to determine the final distribution and use of such export restricted timber, and the final distribution and use of timber which is subject to the prohibition against substitution in WAC 240-15-015(2).

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

#### WAC 240-15-030 ENFORCEMENT. (1) Debarment.

(a) Any person who knowingly violates any of the prohibitions in WAC 240-15-015(1) (relating to exports), WAC 240-15-015(2) (relating to substitution), or WAC 240-15-015(3) (relating to certain indirect transactions) shall be debarred, by an order issued by the Department of Revenue from bidding on or purchasing export restricted timber originating from any public lands covered by this chapter for a period of two years.

(b) A second debarment of any person under this section which is for a violation by the same person committed after the first debarment of such person under this section shall result in a permanent debarment of such person from bidding on or purchasing export restricted timber originating from any public lands covered by this chapter.

(c) The Washington Administrative Procedures Act shall apply to the issuance of any order by a state agency under this subsection. Agencies other than state agencies shall follow appropriate procedures in issuing any order under this subsection.

(d) For purposes of this section, the term "person" shall include any previously formed but no longer existing entity which would be included in WAC 240-15-010 (4)(d) if existing now.

(2) Log branding and marking requirements.

(a)(i) All log ends 10 inches or greater in diameter from sales of unprocessed timber by a public agency covered by this chapter shall, prior to removal from the sale area, be hammer branded with a brand registered under chapter 76.36 RCW, as amended.

(ii) In addition to the branding requirements of WAC 240-15-030 (2)(a)(i), both ends of all logs from those sales designated as export restricted under WAC 240-15-020 (1)(a) shall, prior to removal from the sale area, be painted with durable red paint.

(b) If timber that has been properly marked and branded, as required under WAC 240-15-030 (2)(a), is subdivided into smaller pieces for any purpose other than immediate processing, each piece shall be marked in the same manner as the original timber.

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

WAC 240-15-035 REQUIREMENTS APPLICABLE TO THE DEPARTMENT OF REVENUE. (1) Administration. Administration of this chapter shall be the responsibility of the Washington Department of Revenue.

(2) Referrals of violations. Whenever the Department of Revenue becomes aware of a violation, or possible violation, of the prohibitions in WAC 240-15-015(1) (relating to export), WAC 240-15-015(2) (relating to substitution), or WAC 240-15-015(3) (relating to certain indirect transactions) it shall notify the managing agency so that such agency may promptly take appropriate action, as provided in this chapter.

(3) Monitoring.

(a) The Department of Revenue shall develop and implement a program for the monitoring of export restricted timber in transit and at ports and other facilities for the purpose of ensuring that

(i) export restricted timber is not exported from the United States or used in substitution, and

(ii) timber harvested from lands referred to in WAC 240-15-025 (3)(b) (relating to reporting requirements for certain purchasers of export restricted timber) at any time during the period of time referred to in WAC 240-15-010 (4)(g)(ii), is not exported from the United States.

(b) The Department of Revenue may enter into contracts or agreements with other appropriate state or federal authorities for the purpose of meeting the requirements of WAC 240-15-035 (3)(a).

(4) Certifications.

(a) The Department of Revenue shall issue uniform forms which shall be used as Purchaser Certifications required to be submitted under WAC 240-15-025(1), and Transferee Certifications required to be submitted under WAC 240-15-025(2). Each such form shall include a notification, conspicuously placed, that the making of a false statement on such certification is punishable as a gross misdemeanor under RCW 9A.72.040.

(b) Copies of all certifications received by the Department of Revenue shall be available for public inspection at reasonable hours and locations.

(c) The Department of Revenue may audit certifications submitted by any person under WAC 240-15-025 (relating to reporting requirements) in order to assure that such person is able to account for the disposition of all export restricted timber which such person has purchased from a public agency or received by means of transfer from any other person.

(d) The Department of Revenue shall develop and implement a program to audit certifications submitted under WAC 240-15-025 (relating to reporting requirements) in order to assure that persons who acquire export restricted timber are able to account for the disposition of all export restricted timber which they have purchased from a public agency or received by means of transfer from any other person.

(5) List of ineligible purchasers.

(a) The Department of Revenue shall establish and maintain a list of persons who, due to violations of this chapter, are ineligible to purchase export restricted timber.

(b) The Department of Revenue shall add a person to the list referred to in WAC 240-15-035 (5)(a) whenever:

(i) it finds under WAC 240-15-030(1) (relating to debarment) that such person has violated WAC 240-

15-015(1) (relating to the prohibition on exports), WAC 240-15-015(2) (relating to the prohibition on substitution), or WAC 240-15-015(3) (relating to certain indirect transactions); or

(ii) it receives notification from an agency which sells export restricted timber that such agency has made a finding, under WAC 240-15-030(1) (relating to debarment) that such person has violated WAC 240-15-015(1) (relating to the prohibition on exports) WAC 240-15-015(2) (relating to the prohibition on substitution), or WAC 240-15-015(3) (relating to certain indirect transactions).

(c) The Department of Revenue shall remove a person from the list referred to in WAC 240-15-035 (5)(a) after such period of time has elapsed as is required under the order debaring such person under WAC 240-15-030(1) (relating to debarment). No person who is placed on the list as the result of being debarred for a violation which occurred subsequent to the first debarment of such person under WAC 240-15-030(1) shall be removed from the list.

(d) The Department of Revenue shall provide a copy of the list of ineligible purchasers ~~{(to)}~~ referred to in WAC 240-15-035 (5)(a) (i) to each agency which sells export restricted timber, and (ii) each person who requests to receive copies of the list. The Department of Revenue shall provide revised copies of the list to all such agencies and persons whenever a person is added to or removed from the list.

**WSR 92-08-061**

**WITHDRAWAL OF PROPOSED RULES  
DEPARTMENT OF HEALTH**

[Filed March 27, 1992, 2:58 p.m.]

Please withdraw WAC 246-863-080 from WSR 92-03-124.

Kristine M. Gebbie  
Secretary

**WSR 92-08-062**

**PERMANENT RULES  
DEPARTMENT OF HEALTH**

[Order 258—Filed March 27, 1992, 3:01 p.m.]

Date of Adoption: March 26, 1992.

Purpose: To establish a fee for temporary permits.

Citation of Existing Rules Affected by this Order:  
Amending WAC 246-917-990 Physician and surgeon fees.

Statutory Authority for Adoption: RCW 43.70.250.

Pursuant to notice filed as WSR 92-01-072 on December 16, 1991.

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

March 26, 1992  
Mimi Fields, MD, MPH  
for Kristine M. Gebbie  
Secretary

**AMENDATORY SECTION** (Amending Order 131, filed 2/26/91, effective 3/29/91)

WAC 246-917-990 PHYSICIAN AND SURGEON FEES. The following fees shall be charged by the professional licensing division of the department of health:

Title of Fee	Fee
<b>Physician and surgeons:</b>	
Application with examination or reexamination (both components)	\$600.00
Examination or reexamination (component I)	295.00
Examination or reexamination (component II)	320.00
Applicants (without full examination)	300.00
Renewal	107.50
Renewal effective April 1, 1991	100.00
Late renewal penalty	50.00
Disciplinary assessment	107.50
Disciplinary assessment effective April 1, 1991	100.00
Surcharge-impaired physician Certification	25.00
Duplicate license	50.00
Duplicate license	15.00
<u>Temporary permit</u>	<u>50.00</u>
<b>Limited license:</b>	
Limited license application	200.00
Renewal	107.50
Renewal effective April 1, 1991	100.00
Duplicate license	15.00
Disciplinary assessment	107.50
Disciplinary assessment effective April 1, 1991	100.00
Surcharge-impaired physician	25.00

**WSR 92-08-063****PROPOSED RULES****DEPARTMENT OF HEALTH****(Board of Medical Examiners)**

[Filed March 27, 1992, 3:04 p.m.]

**Original Notice.**

Title of Rule: WAC 246-918-005 Definitions, 246-918-006 Refunds, 246-918-007 Application withdrawals, 246-918-008 Brief adjudicative proceedings—Denials based on failure to meet education, experience, or examination prerequisites for licensure, 246-918-030 Prescriptions issued by physician assistants, 246-918-035 Certified physician assistant prescriptions, 246-918-090 Physician assistant and certified physician assistant utilization, 246-918-110 Termination of sponsorship or supervision, 246-918-120 Remote site-utilization—Limitations, 246-918-130 Physician assistants, 246-918-140 Certified physician assistants, 246-918-160 Physician assistant and certified physician assistant disciplinary actions, 246-918-170 Physician assistant and

certified physician assistant AIDS prevention and information education requirements, 246-918-180 Continuing medical education requirements, 246-918-250 Basic surgical assistant duties and 246-918-260 Surgical assistant—Utilization and supervision; and repealing WAC 246-918-020 Physicians' assistants—Scope of jurisdiction, 246-918-040 Emergency narcotic administration, 246-918-060 Physician assistants—Program approval, 246-918-100 Physician assistants—Responsibility of supervising physician, 246-918-190 Categories of creditable continuing medical education activities, 246-918-200 Continuing medical education clock hour credit requirements, 246-918-210 Prior activity approval not required, 246-918-220 Certification of compliance, 246-918-240 Noncertified physician assistant—Surgical assistant, 246-918-270 Major surgical procedures, 246-918-280 Surgical assistant program requirements reconsideration, 246-918-290 Acupuncture assistant education, 246-918-300 Acupuncture—Program approval, 246-918-320 Acupuncture equivalency examination, 246-918-330 Acupuncture examination review procedures, 246-918-340 Investigation, 246-918-360 X-rays and laboratory tests, and 246-918-370 Ethical considerations.

Purpose: WAC 246-918-005, new section, defines terms used throughout chapter 246-918 WAC; WAC 246-918-006, new section, indicates there will be no refunds; WAC 246-918-007, new section, notifies applicants that an application may not be withdrawn after the board or a reviewing board member determines grounds exist to deny a license or issue a conditional license; WAC 246-918-008, new section, adopts the brief adjudicative proceeding for hearings requested by applicants who do not meet minimum requirements for licensure; WAC 246-918-030, amends rule to delete the word "noncertified," changes the word "especially" to "specifically," and amends the language addressing what needs to be included on written prescriptions; WAC 246-918-035, amends rule to change the word "supervising" to "sponsoring" and amends the language addressing what needs to be included on written prescriptions; WAC 246-918-090, amends rule to allow a physician to serve as primary sponsor or supervisor to the three licensees without special authorization. Also eliminates unnecessary language; WAC 246-918-110, amends rule to change the word "employment" to "working relationship" and allows a letter be submitted rather than a report; WAC 246-918-120, amends rule to eliminate unnecessary language and clarifies roles; WAC 246-918-130, amends rule to clarify the utilization of a physician assistant and the responsibility to the supervising physician and physician assistant; WAC 246-918-140, amends rule to clarify the utilization of a certified physician assistant and the responsibility of the sponsoring physician and the certified physician assistant; WAC 246-918-160, amends rule to indicate an applicant or a licensee is subject to disciplinary action under certain conditions; WAC 246-918-170, amends rule to spell out HIV and to change the word "registration" to "licensure"; WAC 246-918-180, amends rule to include all the requirements relating to continuing education in one rule and changes the fifty hour requirement

to one hundred hours so the hours coincide with the biennial renewal; WAC 246-918-250, amends rule to include writing operative notes; and WAC 246-918-260, amends rule to clarify the utilization of surgical assistants and the responsibility of the supervising physician and the surgical assistant.

Statutory Authority for Adoption: RCW 18.71.017 and 43.70.280.

Statute Being Implemented: Chapters 18.71A and 34.05 RCW.

Summary: See Purpose above.

Reasons Supporting Proposal: The amendments are necessary to eliminate unnecessary language and to correct existing language. The new sections clarify the terms used consistently throughout the chapter; apprise applicants and licensees there are no refunds; notifies applicants they cannot withdraw their application and provides applicants who do not meet the minimum requirements for licensure the ability to request a hearing.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Patti Rathbun, Board of Medical Examiners, Olympia, Washington, 586-8934.

Name of Proponent: Board of Medical Examiners, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Summary and Reasons Supporting Proposal above.

Proposal Changes the Following Existing Rules: See Summary and Reasons Supporting Proposal above.

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

Hearing Location: WestCoast Ridpath Hotel, Terrace Room A-B, West 505 Sprague, Spokane, WA 99204-0367, on May 22, 1992, at 9:00 a.m.

Submit Written Comments to: Patti Rathbun, Administrator, Board of Medical Examiners, P.O. Box 47866, Olympia, WA 98504-7866, by May 15, 1992.

Date of Intended Adoption: May 22, 1992.

March 30, 1992

Patti Rathbun  
Administrator

#### NEW SECTION

WAC 246-918-005 DEFINITIONS. The following terms used in this chapter shall have the meanings set forth in this section unless the context clearly indicates otherwise:

(1) "Certified physician assistant" means an individual who has successfully completed an American Medical Association accredited and board approved physician assistant program and has passed the initial national boards examination administered by the National Commission on Certification of Physician Assistants (NCCPA).

(2) "Physician assistant" means an individual who has:

(a) Successfully completed an American Medical Association accredited and board approved physician assistant program and is eligible for the NCCPA examination;

(b) Qualified based on work experience and education; or

(c) Graduated from a foreign medical school and was licensed prior to July 1, 1989.

(3) "Surgical assistant" means an individual who was licensed as a physician assistant between September 30, 1989, and December 31, 1989, to function in a limited extent as authorized in WAC 246-918-230.

(4) "Licensee" means an individual licensed as a certified physician assistant or a physician assistant.

(5) "Board approved program" means a physician assistant program that maintains Committee on Allied Health Education and Accreditation standards as defined in the "essentials" of the council of medical education of the American Medical Association.

(6) "Sponsoring physician" means the physician who is responsible for consulting with a certified physician assistant. An appropriate degree of supervision is involved.

(7) "Supervising physician" means the physician who is responsible for closely supervising, consulting, and reviewing the work of a physician assistant.

#### NEW SECTION

WAC 246-918-006 REFUNDS. Application, registration, or license fees are not refundable or transferable.

#### NEW SECTION

WAC 246-918-007 APPLICATION WITHDRAWALS. An application for a license may not be withdrawn after the board or the reviewing board member determines that grounds for denial of the license or the issuance of a conditional license may be appropriate. Applications which are subject to investigation for unprofessional conduct or impaired practice may not be withdrawn.

#### NEW SECTION

WAC 246-918-008 BRIEF ADJUDICATIVE PROCEEDINGS—DENIALS BASED ON FAILURE TO MEET EDUCATION, EXPERIENCE, OR EXAMINATION PREREQUISITES FOR LICENSURE. The board adopts RCW 34.05.482 and 34.05.485 through 34.05.494 for adjudicative proceedings requested by applicants, who are denied a license under chapter 18.71A RCW for failure to meet the education, experience, or examination prerequisites for licensure. The sole issue at the adjudicative proceeding shall be whether the applicant meets the education, experience, and examination prerequisites for the issuance of a license.

AMENDATORY SECTION (Amending Order 153B, filed 3/26/91, effective 4/26/91)

WAC 246-918-030 ((NONCERTIFIED)) PRESCRIPTIONS ISSUED BY PHYSICIAN ASSISTANTS ((PRESCRIPTIONS)). A ((noncertified)) physician assistant may issue written or oral prescriptions as provided herein when approved by the board and assigned by the supervising physician(s).

(1) A ((noncertified)) physician assistant may not prescribe controlled substances unless ((especially)) specifically approved by the board. A ((noncertified)) physician assistant may issue prescriptions for legend drugs for a patient who is under the care of the physician(s) responsible for the supervision of the ((noncertified)) physician assistant.

(a) Written prescriptions shall include the name, address, and telephone number of the physician or medical group; the name and address of the patient and the date on which the prescription was written.

(b) The ((noncertified)) physician assistant shall sign such a prescription using his or her own name followed by the letters "P.A." ((Written prescriptions must include the noncertified physician assistant's license number.))

(c) Written prescriptions for schedule two through five must include the physician assistant's D.E.A. registration number, or, if none, the supervising physician's D.E.A. registration number, followed by the letters "P.A." and the physician assistant's license number.

(2) A ((noncertified)) physician assistant employed or extended privileges by a hospital, nursing home or other health care institution may, if permissible under the bylaws, rules and regulations of the institution, order pharmaceutical agents for inpatients under the care of the physician(s) responsible for his or her supervision.

(3) The license of a ((noncertified)) physician assistant who issues a prescription in violation of these provisions shall be subject to revocation or suspension.

(4) ((Noncertified)) Physician assistants may dispense medications the ((noncertified)) physician assistant has prescribed from office supplies. The ((noncertified)) physician assistant shall comply with the state laws concerning prescription labeling requirements.

AMENDATORY SECTION (Amending Order 153B, filed 3/26/91, effective 4/26/91)

WAC 246-918-035 CERTIFIED PHYSICIAN ASSISTANT PRESCRIPTIONS. A certified physician assistant may issue written or oral prescriptions as provided herein when approved by the board.

(1) Written prescriptions shall include the name, address, and telephone number of the physician or medical group; the name and address of the patient and the date on which the prescription was written.

(a) The certified physician assistant shall sign such a prescription using his or her own name followed by the letters "P.A.-C." (~~Written prescriptions must include the certified physician assistant's license number.~~)

(b) The written prescriptions for schedule two through five must include the physician assistant's D.E.A. registration number, or, if none, the (~~supervising~~) sponsoring physician's D.E.A. registration number, followed by the letters "P.A.-C" and the physician assistant's license number.

(2) A certified physician assistant employed or extended privileges by a hospital, nursing home or other health care institution may, if permissible under the bylaws, rules and regulations of the institution, order pharmaceutical agents for inpatients under the care of the sponsoring physician(s) (~~responsible for his or her supervision~~).

(3) The license of a certified physician assistant who issues a prescription in violation of these provisions shall be subject to revocation or suspension.

(4) Certified physician assistants may dispense medications the certified physician assistant has prescribed from office supplies. The certified physician assistant shall comply with the state laws concerning prescription labeling requirements.

AMENDATORY SECTION (Amending Order 147B, filed 2/26/91, effective 3/29/91)

WAC 246-918-090 PHYSICIAN ASSISTANT(==) AND CERTIFIED PHYSICIAN ASSISTANT UTILIZATION. (~~Limitations, number.~~)

(~~a~~) No physician shall (~~supervise~~) serve as primary supervisor or sponsor for more than (~~two graduate physician assistants~~) three licensees without special authorization by the board.

(~~b~~) The number of physician assistants in excess of two who may be supervised by a single physician in settings as outlined in subsection (2) of this section shall be established by the board on an individual basis.

(2) Limitations, health care institutions. A physician assistant working in or for a hospital, clinic, long term care facility, or other health care organization shall be registered and supervised in the same manner as any other physician assistant and his or her functions shall be limited to those approved by the board. The extent to which a physician assistant may practice and write orders is subject to the bylaws of the facility. His or her responsibilities, if any, to other physicians must be defined in the application for registration. The physician may be permitted, at the discretion of the board, to utilize the physician assistant in a manner consistent with the standards set forth in WAC 308-52-150.

(3) Limitations, trainees. An individual enrolled in a training program for physician assistants may function only in direct association with his preceptorship physician or a delegated alternate physician in the immediate clinical setting, or, as in the case of specialized training in a specific area, an alternate preceptor approved by the program. They may not function in a remote location or in the absence of the preceptor.)

AMENDATORY SECTION (Amending Order 147B, filed 2/26/91, effective 3/29/91)

WAC 246-918-110 TERMINATION OF SPONSORSHIP OR SUPERVISION. Upon termination of (~~employment~~) the working relationship, the board shall require the sponsoring or supervising physician and (~~physician assistant~~) the licensee to each submit a (~~written report including the reasons for termination of the relationship and an evaluation of the physician assistant's performance.~~ Such report shall be submitted to the board within fifteen days following termination of supervision) letter indicating the relationship has been terminated and may summarize their observations of the working relationship. Exceptions to this requirement may be authorized by the board or its designee.

AMENDATORY SECTION (Amending Order 147B, filed 2/26/91, effective 3/29/91)

WAC 246-918-120 REMOTE SITE—UTILIZATION—LIMITATIONS, GEOGRAPHIC. (1) No (~~physician assistant~~) licensee shall be utilized in a (~~place geographically separated from the supervising physician~~) remote site without (~~the express permission of~~) approval by the board. A remote site (~~shall be~~) is defined as a setting physically separate from the sponsoring or supervising physician's primary place for meeting patients or a setting where (~~a supervising~~) the physician is present less than twenty-five percent of the practice time of the (~~physician assistant~~) licensee.

(2) (~~Special permission~~) Approval by the board may be granted to utilize a (~~physician assistant~~) licensee in a remote site if:

(a) There is a demonstrated need for such utilization;

(b) Adequate provision for immediate communication between the primary or alternate physician and the (~~physician assistant~~) licensee exists;

(c) (~~A mechanism has been developed to provide for the establishment of a direct physician-patient relationship between the supervising physician and patients who may be seen initially by the physician assistant;~~

(~~d~~) The responsible sponsoring or supervising physician spends at least ten percent of the practice time of the (~~physician assistant~~) licensee in the remote (~~office~~) site. In the case of part time or unique practice settings, the (~~sponsoring~~) physician may petition the board to modify the on-site requirement providing the sponsoring physician demonstrates that adequate supervision is being maintained by an alternate method. The board will consider each request on an individual basis;

(~~e~~) All patient activities, functions, services and treatment measures are properly documented in written form by the physician assistant and reviewed and countersigned by the supervising physician;

(~~f~~) The provisions of WAC 308-52-141(4) are met;

(~~g~~) The waiting room and offices of all facilities approved as remote sites must have posted a printed announcement that the (named) sponsor is responsible for all care rendered, and the (named) individual providing the care is a physician assistant. Identification of the clinic on the outside facade must include the names of the physician sponsor and the physician assistant.) (d) The names of the sponsoring or supervising physician and the licensee shall be prominently displayed at the entrance to the clinic or in the reception area.

AMENDATORY SECTION (Amending Order 147B, filed 2/26/91, effective 3/29/91)

WAC 246-918-130 (~~NONCERTIFIED~~) PHYSICIAN ASSISTANTS. (1) (~~Individuals will be considered as noncertified physician assistants as follows:~~

(a) Individuals who have graduated from a board approved training program and who have not passed the National Commission on Certification of Physician's Assistants (NCCPA) initial certification examination.

(b) Individuals who are foreign medical graduates who have been certified by the Educational Commission for Foreign Medical Graduates (ECFMG).

(2) On or after March 1, 1988, applicants for original registration will be designated noncertified and considered for registration as follows:

(a) A noncertified physician assistant may perform services for which he or she has been trained as outlined in the procedure reference and guideline established by the board.

(~~b~~) A physician assistant may perform only those services as outlined in the procedures reference and guidelines established by the board. If said assistant is being trained to perform additional procedures beyond those established by the board, the training must be carried out under the direct, personal supervision of the supervising physician or a qualified person mutually agreed upon by the supervising physician and the physician assistant. Requests for approval of newly acquired skills shall be submitted to the board and may be granted by a reviewing board member or at any regular meeting of the board.

(2) The (~~noncertified~~) physician assistant may not practice in a remote site, or prescribe controlled substances unless (~~specifically~~) specifically approved by the board.

(~~3~~) (3) A (~~noncertified~~) physician assistant and supervising physician shall ensure that, with respect to each patient, all activities,

functions, services and treatment measures are immediately and properly documented in written form by the ((noncertified)) physician assistant. Every written entry shall be reviewed and countersigned by the supervising physician within two working days unless a different time period is authorized by the board.

((3)) The application for registration of a noncertified physician assistant must include a detailed plan describing the manner in which the noncertified physician assistant will be utilized. The board will grant specific approval for the tasks which may be performed by the specialized, noncertified physician assistant based upon the curriculum of the program from which the noncertified physician assistant graduated as contained in the files of the board. In the case of the noncertified family practice (primary care) and noncertified pediatric physician assistants, the board will issue a list of tasks which noncertified physician assistants are commonly trained to perform. No physician assistant shall be registered to perform tasks not contained in the program approval.)

(4) It shall be the responsibility of the physician assistant and the supervising physician to ensure that adequate supervision and review of the work of the ((noncertified)) physician assistant ((is)) are provided.

((a)) (5) In the temporary absence of the supervising physician, ((the noncertified physician assistant may carry out those tasks for which they are registered, if)) the supervisory and review mechanisms ((noted above are)) shall be provided by a ((delegated alternate physician)) designated alternate supervisor(s).

((b)) The noncertified physician assistant may not function as such if these supervisory and review functions are impossible.

((5)) (6) The ((noncertified)) physician assistant, at all times when meeting or treating patients, must wear ((an identifying)) a badge ((in a prominent place on his or her person)) identifying him or her as a physician assistant.

((6)) (7) No ((noncertified)) physician assistant may ((advertise themselves)) be presented in any manner which would tend to mislead the public ((generally or the patients of the physician as to their role)) as to his or her title.

#### AMENDATORY SECTION (Amending Order 147B, filed 2/26/91, effective 3/29/91)

##### WAC 246-918-140 CERTIFIED PHYSICIAN ASSISTANTS.

(1) ((On or after March 1, 1988, individuals who have graduated from a board approved training program and who have passed the National Commission on Certification of Physician's Assistants (NCCPA) initial certification examination will be considered as certified physician assistants.

(2) A certified physician assistant may provide those services which he or she is competent to perform and which are consistent with the certified physician assistant's education, training, and experience.

(3) The supervising physician shall be responsible for determining the tasks and degree of supervision required for performance of special tasks in accordance with the board approved standard utilization plan. Any task or level of supervision in excess of those authorized must be supported by a written explanation describing the physician assistant's training, experience and demonstrated ability. The board may approve expanded tasks or supervision levels on an individual basis. If the certified physician assistant is being trained to perform additional tasks beyond those authorized, such training may be carried out only under the direct, personal supervision of the supervising physician or a qualified person designated by him or her. Evidence that is satisfactory to the board must be submitted demonstrating that he or she has been trained in that function and his or her competence has been properly and adequately tested. Requests for approval of newly acquired skill may be considered by a reviewing board member or at any regular meeting of the board.

(4) The functions of the certified physician assistant include performing diagnostic, therapeutic preventive and health maintenance services in any setting in which the physician renders care in order to allow more effective and focused application of the physician's particular knowledge and skills. The certified physician assistant is accountable for their own actions.

((5)) A certified physician assistant may perform only those services as outlined in the procedure reference and guidelines established by the board. If said assistant is being trained to perform additional procedures beyond those established by the board, the training must be carried out under the direct, personal supervision of the sponsoring physician or a qualified person mutually agreed upon by the sponsoring physician and the certified physician assistant. Requests for approval

of newly acquired skills shall be submitted to the board and may be granted by a reviewing board member or at any regular meeting of the board.

(2) It shall be the responsibility of the ((supervising)) certified physician assistant and the sponsoring physician to ensure ((adequate supervision and review of the work of the physician assistant is)) that appropriate consultation and review of work are provided.

((a)) The supervising physician shall review and countersign pertinent notes and orders concerning patient care provided by the physician assistant, if such care is rendered without direct consultation with the physician. The time period for such review and countersignature shall be established in the utilization plan and will depend upon the practice setting. Patient charts which reflect physician assistant care rendered with direct physician consultation need not be countersigned.

((b)) (3) In the temporary absence of the ((supervising)) sponsoring physician, the ((physician assistant may carry out those tasks for which they are registered, of the supervisory and review mechanisms noted above are)) consultation and review of work shall be provided by a ((delegated)) designated alternate ((physician supervisor)) sponsor(s).

((c)) The certified physician assistant may not function as such if these supervisory and review functions are impossible.

((6)) (4) The certified physician assistant must, at all times when meeting or treating patients, wear ((an identifying)) a badge ((in a prominent place on his or her person)) identifying him or her as a certified physician assistant.

((7)) (5) No certified physician assistant may ((advertise themselves)) be presented in any manner which would tend to mislead the public ((generally or the patients of the physician as to their role)) as to his or her title.

#### AMENDATORY SECTION (Amending Order 147B, filed 2/26/91, effective 3/29/91)

WAC 246-918-160 PHYSICIAN ASSISTANT ((APPLICATIONS-DENIAL)) AND CERTIFIED PHYSICIAN ASSISTANT DISCIPLINARY ACTIONS. ((1) Applications may only be denied or modified by a vote of the board. The executive secretary or application committee may refer an application to the board without giving approval.

(2) An application by a physician to supervise a physician assistant may be denied or modified under any of the following conditions:

(a) The physician assistant has not graduated from an approved program or a foreign medical school acceptable to the board;

(b) The utilization plan submitted does not meet the requirements for utilization or supervision as outlined in the regulations;

(c) The physician assistant is found to not be physically or mentally capable of safely carrying on the practice of medicine. The board may require any applicant to submit to such examination or examinations as it deems necessary to determine an applicant's physical and/or mental capability to safely practice medicine;

(d) The physician assistant's registration or other professional license(s) has been revoked, suspended or restricted by any licensing agency, or he or she has been guilty of any conduct which would constitute grounds for refusal, revocation or suspension of such registration under the laws of the state of Washington;

(e) The utilization plan delegates to the physician assistant tasks for which he or she is not adequately trained to perform;

(f) The physician sponsor or alternate has had his or her license revoked or suspended, or restricted to such degree that it could reasonably affect his or her ability to properly supervise a physician assistant. A physician's mental or physical impairment could also affect his or her ability to supervise;

(g) The physician assistant has filed with the board, any false, fraudulent or forged statement or documents for the purpose of obtaining the registration.

(3) In the event an application is denied or modified, the physician applying may request a hearing to present evidence as to why the application should be approved. Only the sponsoring physician may appeal a board decision. PROVIDED, HOWEVER, That if the decision reflects on the character, competence or conduct of the physician assistant, he or she will be given the opportunity to exonerate him or herself.) An applicant or a licensee is subject to disciplinary action, including but not limited to, denial or practice restrictions, under any of the following conditions:

(1) The licensee or other health care professional license(s) has been subject to disciplinary action by any licensing agency, or he or she has



been guilty of any conduct which would constitute grounds for disciplinary action of such license under the laws of the state of Washington;

(2) The physician sponsor, supervisor, or alternate has had his or her license subject to disciplinary action in a manner which restricts or places conditions upon some or all aspects of the practitioner's scope or manner of practice.

AMENDATORY SECTION (Amending Order 147B, filed 2/26/91, effective 3/29/91)

WAC 246-918-170 PHYSICIAN ASSISTANT AND CERTIFIED PHYSICIAN ASSISTANT AIDS PREVENTION AND INFORMATION EDUCATION REQUIREMENTS. (1) Definitions.

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

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

(2) Application for ((registration)) licensure. Effective July 1, 1989, persons who submit an application for ((physician assistant registration)) licensure shall submit, prior to being granted a ((registration)) license and in addition to the other requirements, evidence to show compliance with the educational requirements of subsection (4) ((or shall certify that such requirements will be satisfied by the date of the applicant's first renewal)) of this section.

(3) 1989 renewal of ((registration)) license. Effective with the renewal period beginning July 1, 1989, through June 30, 1990, all ((persons)) licensees making application for ((physician assistant)) renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4) of this section. Renewal applicants who have documented ((hardship)) circumstances which prevent(s) obtaining the required education on AIDS may petition the board for an extension.

(4) AIDS education and training.

(a) Acceptable education and training. The board will accept education and training that qualifies for continuing medical education credit. Such education and training shall be a minimum of four clock hours regarding the prevention, transmission and treatment of AIDS, and may include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(b) Implementation. Effective July 1, 1989, the requirement for ((registration)) licensure, renewal, or reinstatement of any ((registration)) license that is lapsed, inactive, or revoked or actually suspended for a term during which the ((physician assistant)) licensee did not obtain the required AIDS education shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of ((subsection)) (a) of this subsection.

(c) Documentation. The ((physician assistant)) licensee or applicant for ((registration)) licensure shall:

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

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

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

AMENDATORY SECTION (Amending Order 147B, filed 2/26/91, effective 3/29/91)

WAC 246-918-180 ((GENERAL)) CONTINUING MEDICAL EDUCATION REQUIREMENTS. (1) ((All registered physician assistants will be required to show evidence of fifty credit hours of continuing medical education by their registration renewal date in 1982:)) Each licensee is required to have and attest to one hundred hours of continuing medical education every two years for renewal. A licensee shall be required to submit evidence of compliance upon request by the board.

(2) In lieu of ((fifty)) one hundred hours of continuing medical education the board will accept a current certification with the National Commission for the Certification of Physician Assistants and will consider approval of other programs as they are developed.

(3) If a ((registered physician assistant)) licensee fails to meet the requirements because of illness or other extenuating circumstances, each case will be considered by the board or its designee on an individual basis. ((When circumstances justify it, the board may grant an extension of time:)) (4) The board approves the following categories of creditable continuing medical education. A minimum of forty credit hours must be earned in Category I.

Category I Continuing medical education activities with accredited sponsorship  
Category II Continuing medical education activities with nonaccredited sponsorship and other meritorious learning experience.

(5) The board adopts the standards approved by the American Academy of Physician Assistants for the evaluation of continuing medical education requirements in determining the acceptance and category of any continuing medical education experience.

(6) One clock hour shall equal one credit hour for the purpose of satisfying the one hundred hour continuing medical education requirement.

(7) It will not be necessary to inquire into the prior approval of any continuing medical education. The board will accept any continuing medical education that reasonably falls within these regulations and relies upon each licensee's integrity in complying with this requirement.

(8) Continuing medical education sponsors need not apply for nor expect to receive prior board approval for a formal continuing medical education program. The continuing medical education category will depend solely upon the accredited status of the organization or institution. The number of hours may be determined by counting the contact hours of instruction and rounding to the nearest quarter hour. The board relies upon the integrity of the program sponsors to present continuing medical education for licensees that constitutes a meritorious learning experience.

AMENDATORY SECTION (Amending Order 147B, filed 2/26/91, effective 3/29/91)

WAC 246-918-250 BASIC SURGICAL ASSISTANT DUTIES. The surgical assistant who is not eligible to take the NCCPA certifying exam shall:

(1) Function only in the operating room as approved by the board;

(2) Only be allowed to close skin and subcutaneous tissue, placing suture ligatures, clamping, tying and clipping of blood vessels, use of cautery for hemostasis under direct supervision;

(3) Not be allowed to perform any independent surgical procedures, even under direct supervision, and will be allowed to only assist the operating surgeon;

(4) Have no prescriptive authority; and

(5) Not write any progress notes or order(s) on hospitalized patients, except operative notes.

AMENDATORY SECTION (Amending Order 147B, filed 2/26/91, effective 3/29/91)

WAC 246-918-260 SURGICAL ASSISTANT—UTILIZATION AND SUPERVISION. (1) Utilization plan. The transfer or dual application for ((registration of)) licensure as a surgical assistant must include a detailed plan describing the manner in which the surgical assistant will be utilized. Such utilization plan shall specify which surgical assistant tasks set forth in WAC ((308-52-650)) 246-918-250 will be performed by the surgical assistant.

(2) Limitations, geographic. No surgical assistant shall be utilized in a place geographically separated from the institution in which the assistant and the supervising physician are authorized to practice.

(3) Responsibility of supervising physician(s). Each surgical assistant shall perform those tasks he or she is authorized to perform only under the supervision and control of the supervising physician(s), but such supervision and control shall not be construed to necessarily require the personal presence of the supervising physician at the place where the services are rendered. It shall be the responsibility of the supervising physician(s) to insure that:

(a) The operating surgeon in each case directly supervises and reviews the work of the surgical assistant. Such supervision and review shall include remaining in the surgical suite until the surgical procedure is complete;

(b) The surgical assistant, at all times when meeting with patients, shall wear ((s an identifying)) a badge ((in a prominent place on his or her person)) identifying him or her as a surgical assistant ((noncertified)) physician assistant);

(c) The surgical assistant (~~does not advertise himself or herself~~) is not presented in any manner which would tend to mislead the public (~~or patients as to his or her role~~) as to his or her title.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- WAC 246-918-020 PHYSICIANS' ASSISTANTS—SCOPE OF JURISDICTION.  
 WAC 246-918-040 EMERGENCY NARCOTIC ADMINISTRATION.  
 WAC 246-918-060 PHYSICIAN ASSISTANTS—PROGRAM APPROVAL.  
 WAC 246-918-100 PHYSICIAN ASSISTANTS—RESPONSIBILITY OF SUPERVISING PHYSICIAN.  
 WAC 246-918-190 CATEGORIES OF CREDITABLE CONTINUING MEDICAL EDUCATION ACTIVITIES.  
 WAC 246-918-200 CONTINUING MEDICAL EDUCATION CLOCK HOUR CREDIT REQUIREMENT.  
 WAC 246-918-210 PRIOR ACTIVITY APPROVAL NOT REQUIRED.  
 WAC 246-918-220 CERTIFICATION OF COMPLIANCE.  
 WAC 246-918-240 NONCERTIFIED PHYSICIAN ASSISTANT—SURGICAL ASSISTANT.  
 WAC 246-918-270 MAJOR SURGICAL PROCEDURES.  
 WAC 246-918-280 SURGICAL ASSISTANT PROGRAM REQUIREMENTS RECONSIDERATION.  
 WAC 246-918-290 ACUPUNCTURE ASSISTANT EDUCATION.  
 WAC 246-918-300 ACUPUNCTURE—PROGRAM APPROVAL.  
 WAC 246-918-320 ACUPUNCTURE EQUIVALENCY EXAMINATION.  
 WAC 246-918-330 ACUPUNCTURE EXAMINATION REVIEW PROCEDURES.  
 WAC 246-918-340 INVESTIGATION.  
 WAC 246-918-350 ENGLISH FLUENCY.  
 WAC 246-918-360 X-RAYS AND LABORATORY TESTS.  
 WAC 246-918-370 ETHICAL CONSIDERATIONS.

**WSR 92-08-064****EMERGENCY RULES  
WILDLIFE COMMISSION**

[Order 537—Filed March 27, 1992, 5:30 p.m.]

Date of Adoption: March 27, 1992.

Purpose: To modify the 1992 steelhead season on the Columbia River by closing a section of the mainstem four days ahead of schedule.

Statutory Authority for Adoption: RCW 77.12.040.

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

Reasons for this Finding: The Washington Department of Fisheries (WDF) and the Oregon Department of Fish and Wildlife (ODFW) took joint action on Wednesday, March 25, 1992, to close the sport fishery for spring chinook on the mainstem Columbia River from Buoy 10 near Ilwaco upstream to the Interstate 5 Bridge at Portland. The fishery, which was scheduled to close Tuesday, March 31, will instead be closed effective

at midnight, Friday, March 27. The reason for the closure is to prevent further harvest of upriver spring chinook, especially Snake River spring chinook, which are being considered for listing under the federal Endangered Species Act. In addition, ODFW closed the sport steelhead fishery on the Oregon portion of the Columbia between Buoy 10 and the Interstate 5 Bridge for the same time period. This was done in order to facilitate enforcement of the spring chinook closure and not because of any conservation issues relating to steelhead. ODFW and WDF have requested that the Department of Wildlife close the Washington steelhead fishery on this portion of the Columbia concurrent with their respective closures. This request was made for the purpose of facilitating enforcement of the spring chinook closure and is not related to steelhead conservation.

Effective Date of Rule: Immediately.

March 27, 1992

Dean A. Lydig  
Chair

**NEW SECTION**

*WAC 232-28-61831 1990-92 WASHINGTON GAME FISH SEASONS AND CATCH LIMITS — COLUMBIA RIVER. Notwithstanding the provisions of WAC 232-28-618, effective 12:01 a.m., Saturday, March 28, through 11:59 p.m., Tuesday, March 31, the Columbia River from Buoy 10 near Ilwaco upstream to the Interstate 5 Bridge at Portland will be closed to the taking of steelhead.*

*All other provisions of WAC 232-28-618 will remain in effect.*

**WSR 92-08-065****PROPOSED RULES  
UNIVERSITY OF WASHINGTON**

[Filed March 30, 1992, 9:59 a.m.]

Original Notice.

Title of Rule: Admission and registration procedures for the University of Washington.

Purpose: To implement a new section (WAC 478-160-271) on registration eligibility and to update other sections of chapter 478-160 WAC. Several sections are being repealed because they are no longer applicable or they are covered in other rules or statutes.

Other Identifying Information: Chapter 478-160 WAC.

Statutory Authority for Adoption: RCW 28B.20.130.

Summary: The new section, WAC 478-160-271, defines registration eligibility for different student categories and introduces a new quarter-off registration eligibility policy. With this new policy, undergraduate and professional students who have completed a quarter of study may take the next quarter off and retain their eligibility to register for the subsequent quarter during Registration Period I. Other sections are being revised or repealed to clarify rules, to eliminate unnecessary sections to the chapter, to update office addresses, and to

correct definition and terminology that have been changed since the last revision.

**Reasons Supporting Proposal:** To preserve Period I registration priority, students have had the option to register for a quarter, withdraw during the first week, and retain their registration eligibility for the subsequent quarter. The registration eligibility system is based on being registered for at least one day of the quarter. This procedure encourages students to register with no intention of being registered after the first week and results in less available space in classes. This prevents students who intend to enroll for the quarter from obtaining desired classes. WAC 478-160-271 will allow students an absence of one quarter while preserving their Period I eligibility for the subsequent quarter. It will be more convenient for students and will result in improved course availability.

**Name of Agency Personnel Responsible for Drafting and Enforcement:** Registrar's Office, 209 Schmitz Hall, 543-5377; **Implementation:** Vice-President for Student Affairs, 476 Schmitz Hall, 543-4972.

**Name of Proponent:** University of Washington, public.

**Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters:** The addition of WAC 478-160-271 and amendments to the other registration rules is expected to assist undergraduate and professional students in two ways: Additional spaces in classes will be available earlier; and students will not have to register and then withdraw by the end of the first week of a quarter to retain Period I registration eligibility for the subsequent quarter and will not need to submit a returning student application.

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

**Explanation of Rule, its Purpose, and Anticipated Effects:** New section, WAC 478-160-271, adds a description of registration eligibility and defines eligibility for the different student categories. Registration eligibility has not been fully defined in chapter 478-160 WAC. This new rule will simplify the process for the student and the Office of the Registrar. It is anticipated that more seats in classes will be available because students will not register in order to retain eligibility for the following quarter.

**Proposal Changes the Following Existing Rules:** Sections in chapter 478-160 WAC that describe registration are being amended to add a new section on registration eligibility. The updated sections do not change existing rules. They clarify and update necessary information.

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

**Hearing Location:** Room 309 Husky Union Building, University of Washington, Seattle, Washington, on May 7, 1992, at 12:00 noon.

**Submit Written Comments to:** Rules Coordination Office AI-10, University of Washington, Seattle, Washington 98195, by May 7, 1992.

**Date of Intended Adoption:** May 15, 1992.

March 26, 1992

Melody Tereski

Administrative Procedures Officer

AMENDATORY SECTION (Amending Order 74-1, filed 3/4/74)

WAC 478-160-020 UNDERGRADUATE ADMISSION POLICY. The University of Washington's board of admissions, scholastic standards and graduation, appointed by the president of the university, is responsible for the interpretation and administration of the regulations governing the admission of undergraduate students.

The office of admissions has been assigned the responsibility of distributing and processing applications for admission with undergraduate standing at the University of Washington.

Application closing dates are established for all admission classifications for all quarters. Applications are generally not accepted after closing dates except for summer quarter when they will be accepted routinely through ~~((the official change of))~~ registration period III. Summer quarter applications will be accepted after the closing date only from students returning to the university in the classification under which they last attended or students new to the university as "Summer only nonmatriculated" students. ((Applications accepted after the closing date will be subject to a late application fee.))

AMENDATORY SECTION (Amending Order 72-5, filed 11/6/72)

WAC 478-160-025 UNDERGRADUATE STUDENT CLASSIFICATIONS. A person may apply as an entering freshman, a transfer student, or a ~~((fifth-year))~~ post-baccalaureate student depending on his or her academic background and present educational goal.

(1) Entering freshmen have completed their secondary school education and intend to engage in a program of study leading to a bachelor's degree.

(2) Transfer students have completed some academic work after leaving high school at another collegiate institution and intend to engage in a program of study leading to a bachelor's degree.

(3) ~~((Fifth-year))~~ Post-baccalaureate students have previously earned at least one bachelor's degree and intend to engage in a program of study leading to an additional bachelor's degree and/or a professional certificate or prepare for a professional program.

AMENDATORY SECTION (Amending Order 72-5, filed 11/6/72)

WAC 478-160-030 EARLY APPLICATION GUIDELINES. In order to be assured of consideration, prospective freshmen should submit applications for the autumn quarter of any given year during the preceding December. Applicants for winter and spring quarters and transfer and ~~((fifth-year))~~ post-baccalaureate applicants for autumn quarter should submit applications at least six months in advance of their proposed date of entry. Applicants for summer quarter should submit applications at least three months in advance of the beginning of summer quarter.

AMENDATORY SECTION (Amending Order 72-5, filed 11/6/72)

WAC 478-160-035 APPLICATION FORMS FOR UNDERGRADUATE STANDING. To apply for freshman, transfer or ~~((fifth-year))~~ post-baccalaureate status, either an "Application for admission to an undergraduate college or school" or an "Application for admission to four-year colleges and universities in the state of Washington" must be submitted to the Office of Admissions, ~~((+400 N.E. Campus Parkway, Room 348))~~ PC-30, 320 Schmitz Hall, University of Washington, Seattle, Washington 98195. An application form with complete instructions will be provided to prospective applicants upon request.

AMENDATORY SECTION (Amending Order 72-5, filed 11/6/72)

WAC 478-160-040 ADMISSION OF UNDERGRADUATE STUDENTS THROUGH THE EDUCATIONAL OPPORTUNITY PROGRAM. In recognition of the numerous factors which may have interfered with the earlier education of students from certain ethnic minorities and/or poverty environments, the university offers an educational opportunity program.

Minority and disadvantaged students are encouraged, regardless of their previous academic records, to apply for admission to the university through this program.

Prospective applicants may obtain undergraduate application forms and additional information by contacting the Office of Minority Affairs, ((1400 N.E. Campus Parkway, Room 394)) PC-45, 375 Schmitz Hall, University of Washington, Seattle, WA 98195.

#### AMENDATORY SECTION (Amending Order 72-5, filed 11/6/72)

WAC 478-160-045 ADMISSION OF INTERNATIONAL STUDENTS ((FROM FOREIGN COUNTRIES)). Virtually no ((foreign)) international students who are in need of financial assistance from the university can be accepted at the undergraduate level.

#### AMENDATORY SECTION (Amending Order 72-5, filed 11/6/72)

WAC 478-160-050 APPLICATION FORMS FOR ((FOR- EIGN)) INTERNATIONAL STUDENTS. ((Foreign)) International students who have sufficient financial support, ((foreign)) international students who intend to transfer to the university from another United States school, and ((foreign)) international students who wish to attend summer quarter only must submit an "((Application for)) undergraduate international admission ((to an undergraduate college or school)) application" to the Office of Admissions, ((1400 N.E. Campus Parkway, Room 348)) PC-30, 320 Schmitz Hall, University of Washington, Seattle, WA 98195. The application form with complete instructions will be provided to prospective applicants upon request.

#### AMENDATORY SECTION (Amending Order 72-5, filed 11/6/72)

WAC 478-160-055 ADMISSION TO SPECIFIC MAJOR DEGREE PROGRAMS. Undergraduate and ((fifth-year)) post-baccalaureate applicants who are qualified for admission to the university are required to enter one of the university's colleges or schools. ((At the time an application is completed, applicants are asked which of the university's schools or colleges they wish to enter. In addition,)) Applicants may indicate, at the time they make application, the major degree program of their choice. However, all applicants who are qualified for admission to the university cannot always be accommodated in the college, school or degree program of their choice because of space limitations or because some prerequisites for the program have not yet been fulfilled. In such cases, applicants may be offered admission to the university in the college of arts and sciences as pre-majors.

In order to be considered for admission in the degree program of their choice, at a later date, such students may be required to submit a supplemental application and present additional information to the appropriate academic department or unit.

Examples of the information which might be considered may include but are not necessarily limited to the following: Achievement of at least sophomore or junior standing, grade point average, successful completion of elementary courses in the field, an audition, samples of previous accomplishments, recommendations, and test scores.

Although criteria for acceptance may vary from department to department, they are binding if all of the following conditions have been met:

- (1) They are the result of action by the faculty of the department concerned and have been approved by the dean of that school or college, the faculty council on academic standards, and the president of the university.
- (2) They apply to all students seeking admission to the degree program at a particular time.
- (3) They have been announced through printed statements available in the office of admissions and in the advising office of the department sponsoring the program no later than the first day of the quarter (excluding summer quarter) preceding the quarter in which they are to become effective.

#### AMENDATORY SECTION (Amending Order 80-2, filed 10/21/80)

WAC 478-160-060 REQUESTS FOR RECONSIDERATION OF ADMISSION DECISION. Applicants who are denied admission may request further consideration by presenting a written petition and additional information in support of their application. Such requests should be addressed to the Committee on Admissions and Academic Standards, Office of Admissions, ((1400 N.E. Campus Parkway)) PC-30, 320 Schmitz Hall, University of Washington, Seattle, WA 98195.

#### AMENDATORY SECTION (Amending Order 72-5, filed 11/6/72)

WAC 478-160-065 ADMISSION OF FORMER STUDENTS. Former undergraduate students who wish to resume study in the degree or certificate program for which they were last registered and graduate students who are officially on leave and who wish to return to the university must submit a "Returning student reenrollment application" form to the registration office ((of the registrar)).

Applications may be obtained by ((contracting)) contacting the ((Registrar's)) Registration Office, ((1400 N.E. Campus Parkway, Room)) PD-10, 225 Schmitz Hall, University of Washington, Seattle, WA 98195.

Returning former students are advised to file such an application at least four months in advance of the quarter they intend to return.

Former students who completed a degree or certificate program at the time they were last enrolled and former graduate students must apply as new students if they wish to return to the university.

#### AMENDATORY SECTION (Amending Order 72-5, filed 11/6/72)

WAC 478-160-085 APPLICATION FORMS. Prospective applicants to the graduate school may obtain an "Application for admission to the graduate school" by writing to the graduate program adviser of the department in which the applicant expects to engage in a program of study or by writing to the Office of Graduate Admissions, ((University of Washington)) AD-10, 98 Administration Building, University of Washington, Seattle, WA 98195.

An application form with instructions will be provided to prospective graduate or visiting graduate applicants upon request.

#### AMENDATORY SECTION (Amending Order 80-2, filed 10/21/80)

WAC 478-160-105 ADMISSION TO THE SCHOOL OF DENTISTRY—APPLICATION FORMS. Application forms may be obtained by writing to the School of Dentistry, SC-62, D-322 Health Sciences Building, Seattle, WA 98195. The deadline for filing an application is determined by the University of Washington school of dentistry and can be obtained from the Office of the Dean, SC-62, D-322 Health Sciences Building, Seattle, Washington 98195.

#### AMENDATORY SECTION (Amending Order 72-5, filed 11/6/72)

WAC 478-160-115 ADMISSION TO THE SCHOOL OF LAW WITH ADVANCED STANDING. Students in good academic standing at a school approved by the Association of American Law Schools may apply for admission with advanced standing.

#### AMENDATORY SECTION (Amending Order 80-2, filed 10/21/80)

WAC 478-160-120 ADMISSION TO THE SCHOOL OF LAW WITH ADVANCED STANDING—APPLICATION FORMS. Application for admission with advanced standing may be obtained from the School of Law, Condon Hall, Seattle, WA 98195. The deadline for filing an application is determined by the University of Washington school of law and can be obtained from the Director of Admissions, School of Law, Condon Hall, JB-20, Seattle, Washington 98195.

#### AMENDATORY SECTION (Amending Order 78-4, filed 6/15/78)

WAC 478-160-130 FIRST-YEAR ADMISSION TO THE SCHOOL OF MEDICINE—APPLICATION FORMS. The school of medicine is a participant in the American medical college application service program (AMCAS). Application forms may be obtained by writing to AMCAS, Suite 301, 1776 Massachusetts N.W., Washington, D.C. 20036. Deadline for filing an application is determined by the University of Washington school of medicine and can be obtained from the Committee on Admissions, Office of the Dean SC-64, A-320 Health Sciences Building, University of Washington School of Medicine, Seattle, Washington 98195, (206) 543-7212. Applicants are encouraged to file applications twelve months prior to desired date of entry.

#### AMENDATORY SECTION (Amending Order 78-4, filed 6/15/78)

WAC 478-160-140 APPLICATION FOR TRANSFER TO THE SCHOOL OF MEDICINE. Application((s)) for transfer to the school of medicine may be obtained by writing to the Committee on Admissions, Office of the Dean SC-64, A-320 Health Sciences Building, University of Washington School of Medicine, Seattle, Washington 98195. Deadline for filing an application is determined by

the University of Washington school of medicine and can be obtained from the Committee on Admissions, Office of the Dean SC-64, A-320 Health Sciences Building, University of Washington School of Medicine, Seattle, Washington 98195, (206) 543-7212.

AMENDATORY SECTION (Amending Order 72-5, filed 11/6/72)

WAC 478-160-150 DEFINITION OF NONMATRICULATED STATUS. Nonmatriculated status is a special classification for students with a limited educational objective which does not include a University of Washington degree or a professional certificate.

Nonmatriculated students (~~(accepted)~~) are not generally admitted for ((enrollment)) autumn, winter, or spring quarters ((register for classes after matriculated students have had an opportunity to register, and are permitted to register only to the extent that the assigned capacity of individual classes has not been met. During summer quarter nonmatriculated students register for classes with the same priority as matriculated students)). Summer quarter enrollment is generally available to qualified nonmatriculated applicants. Nonmatriculated enrollment opportunities are also available through university extension.

Prospective students who wish to audit classes only must apply for nonmatriculated status.

AMENDATORY SECTION (Amending Order 72-5, filed 11/6/72)

WAC 478-160-160 APPLICATIONS FOR HOUSING AND FINANCIAL AID. An application for admission does not constitute an application for either housing accommodations or financial aid, nor does an application for housing or an award of financial aid constitute an application for admission. Information and applications for housing may be obtained from the Office of Housing and Food Services, ((1400 N.E. Campus Parkway)) PC-50, 301 Schmitz Hall, University of Washington, Seattle, WA 98195. Information and applications for financial aid may be obtained from the Office of Financial Aid, ((1400 N.E. Campus Parkway)) PE-20, 105 Schmitz Hall, University of Washington, Seattle, WA 98195.

AMENDATORY SECTION (Amending Order 80-2, filed 10/21/80)

WAC 478-160-210 CHANGE OF RESIDENCE APPLICATION FORMS. Nonresident students who desire to apply for a change in resident status must complete and submit a Washington institutions of higher education "residency questionnaire" to the ((Office of)) Residence Classification ((-1400 N.E. Campus Parkway)) Office, PD-10, 209 Schmitz Hall, University of Washington, Seattle, ((WA)) Washington 98195. A residency questionnaire (including a section in which the student may explain his or her view of the matter) and complete instructions will be mailed to students upon request. The residence classification office shall provide to the student a written statement of the reasons for any decision it makes within ten days of taking action on the "residency questionnaire." This rule is adopted in accordance with RCW 34.05.482 through 34.05.494, governing brief adjudicatory proceedings, the provisions of which are hereby adopted.

AMENDATORY SECTION (Amending Order 74-2, filed 3/4/74)

WAC 478-160-230 APPEAL OF CHANGE OF RESIDENCE DETERMINATION. Any student wishing to appeal ((a determination)) an action of the residence classification office may request ((reconsideration)) administrative review through the Residence Classification Review Committee, ((1400 N.E. Campus Parkway, Room 320)) PD-10, 209 Schmitz Hall, University Washington, Seattle, Washington 98195. Appeals must be ((made)) requested orally or in writing within ((one year)) twenty-one days from the date ((the original determination was rendered by the residence classification office. Decisions of the residence classification review committee shall be final)) of student receipt of the written response required by WAC 478-160-210. Decisions of the residence classification review committee shall be rendered within twenty days of receipt of the request for review. The residence classification review committee shall issue the institution's final decision.

Forms appropriate for this purpose may be obtained from the ((Office of)) Residence Classification ((-1400 N.E. Campus Parkway, Room 320)) Office, PD-10, 209 Schmitz Hall, University of Washington, Seattle, Washington 98195.

AMENDATORY SECTION (Amending Order 80-2, filed 10/21/80)

WAC 478-160-231 RESIDENCE CLASSIFICATION REVIEW COMMITTEE. The residence classification review committee shall be composed of four persons appointed by the ((provost)) vice-president for student affairs, each for a term of one academic year.

AMENDATORY SECTION (Amending Order 74-1, filed 3/4/74)

WAC 478-160-240 DEFINITIONS. For the purpose of these regulations the following definitions shall apply:

(1) An "(admissible) admitted person" is one who has applied for and been offered an opportunity to enroll at the University of Washington for a given quarter.

(2) A "enrolled student" is one who is admissible to the university for a given quarter and has given a firm commitment, usually by means of an advance payment on tuition and fees, of his or her intention to attend the university. (The advance fee payment is not required summer quarter.)

(3) A "registered student" is one who has enrolled and has been assigned by the university registrar to one or more courses in a given quarter.

(4) A "new student" is either one who has not previously registered for residence credit courses at the university or one who will be in his or her first quarter in a status different from that in which he or she last attended.

(5) A "returning student" is one who has formerly attended the university ((as a matriculated student who did not complete the degree or professional certificate program for which he was last registered, or as a nonmatriculated student, or as a graduate student who is in his first quarter of attendance following his return from official on-leave status)) and is returning after an absence of one or more quarters in the same classification.

(6) "Continuing student" is either one who was registered in the same status the preceding quarter or one who is registered autumn quarter in the same status he or she was registered the preceding spring quarter.

(7) "On-leave graduate student" is a graduate student in good standing who plans to be away from the university and who has applied for and been granted on-leave status.

(8) "Residence credit" is that academic credit associated with those courses which are offered by the university within the regular academic curriculum. Credit earned through the satisfactory completion of such courses is applicable toward a university degree or professional certificate to the extent it satisfies specific school or college degree requirements.

(9) "Matriculated student" is one who has been accepted into one of the university's schools or colleges to pursue a program of study which normally leads to a degree or professional certificate.

(10) "Nonmatriculated student" is one who will be permitted to register for courses on a space-available basis but whose educational objective does not include a University of Washington degree or professional certificate.

(11) "Summer only nonmatriculated" student is one who attends the university only during the summer quarter and who is not engaged in a degree or certificate program at the university. Such a student must apply for admission as a new student should he or she wish to attend any quarter other than summer quarter.

(12) The first 4-1/2 weeks of the summer quarter constitute "a" term. Some classes are offered during "a" term only.

(13) The second 4-1/2 weeks of the summer quarter constitute "b" term. Some classes are offered during "b" term only.

AMENDATORY SECTION (Amending Order 73-9, filed 11/30/73)

WAC 478-160-246 (((\$50.00)) ENROLLMENT ((SERVICE FEE)) CONFIRMATION DEPOSIT FOR NEW AND RETURNING STUDENTS ((ONEY,)) FOR AUTUMN, WINTER AND SPRING QUARTERS. ((A \$50.00)) An enrollment ((service fee will be)) confirmation deposit is required of new students and of returning students in autumn, winter and spring quarters. ((Payments of the fee will be requested at the time the student is offered admission. This prepaid \$50.00 will apply toward the first quarter's tuition if the student accepts the offer of admission and if spaces remain available in the appropriate student category at the time the payment is received.)) If space is not available when the payment is received, the (((\$50.00)) payment will be returned. The fee is only refundable pursuant to WAC 478-160-256.

~~((The enrollment service fee is not applicable to continuing students.)) Further information about the enrollment ((service fee)) confirmation deposit may be obtained from the ((Registrar, 1400 N.E. Campus Parkway, Room 225)) Registration Office, PD-10, 225 Schmitz Hall, University of Washington, Seattle, Washington 98195.~~

**AMENDATORY SECTION** (Amending Order 73-9, filed 11/30/73)

WAC 478-160-256 **REFUND OF THE ENROLLMENT ((SERVICE FEE)) CONFIRMATION DEPOSIT.** The enrollment ((service fee)) confirmation deposit is refundable under the following conditions:

(1) New and returning ~~((nonmatriculated))~~ matriculated students who ~~((cannot be scheduled for the courses they request during registration and who do not enroll or attend other))~~ are unable to obtain courses required for completion of their degree or certificate program or courses which are determined by an appropriate academic adviser to be acceptable alternate courses, will be refunded their (((\$50.00)) enrollment ((service fee upon written request to the registrar)) confirmation deposit. A written verification from the appropriate academic adviser must be attached to this petition. Such requests for refund must be submitted by Friday of the second week of the quarter ((to which they are applicable)).

(2) New and returning matriculated students who ~~((are unable to obtain courses required for completion of their degree or certificate program or courses which are determined by))~~, after meeting with an appropriate academic adviser ((to be acceptable alternate courses, and who do not enroll in or attend other courses)), determine that the program for which admission was granted differs substantially from what the student was led to expect based upon earlier available information, will be refunded the (((\$50.00)) enrollment ((service fee upon written request to the registrar. Such requests)) confirmation deposit. This petition for refund((s)) must be submitted ((by Friday of the second week of the quarter)) before the student registers for courses and in no case later than the first day of the quarter for which admission has been granted. A written verification from the appropriate academic adviser must be included.

(3) New and returning students who apply by the prescribed deadline for financial aid administered by the university's financial aid office, and who cannot be awarded financial aid adequate to their needs as determined by that office, and who are therefore unable to attend the university, will be refunded the ~~(((\$50.00)) enrollment ((service fee upon application to the registrar)) confirmation deposit. This petition and a copy of the notice of award and acceptance must be submitted no later than two weeks after receipt of notice of the financial aid award.~~

(4) New and returning students who are unable to attend the university because of pregnancy, disability or death or because they are called involuntarily into the military service of the United States or into civil duty ~~((with))~~ may be refunded the ((amount, if any, by which the enrollment service fee exceeds the amount of tuition and fees assessed at the time of withdrawal. Requests for refund must be submitted in writing to the university comptroller by the last day of the quarter for which the student was determined admissible and for which the enrollment service fee has been paid)) enrollment confirmation deposit. Documentation is required.

**AMENDATORY SECTION** (Amending Order 72-8, filed 11/30/72)

WAC 478-160-260 **(((FOREIGN))) INTERNATIONAL STUDENTS—ACCIDENT INSURANCE REQUIREMENT.** All foreign students on temporary visas are required to have accidental injury and illness insurance while attending ~~((school at))~~ the University of Washington.

**AMENDATORY SECTION** (Amending Order 72-8, filed 11/30/72)

WAC 478-160-265 **REGISTRATION FOR RESIDENCE CREDIT COURSES.** No person, other than a faculty member attending informally with the approval of the instructor, may attend a university residence credit course in which he or she has not been registered.

**AMENDATORY SECTION** (Amending Order 72-8, filed 11/30/72)

WAC 478-160-270 **REGISTRATION PERIODS.** There are ~~((two))~~ four official registration periods: ~~((1) Preregistration and (2) registration))~~ Periods I - IV. Specific dates, criteria for eligibility and procedural steps for each of the registration periods are published in

~~((the University Daily, the University Calendar, and)) the quarterly Time Schedule ((and are posted about the campus by the university registrar before either of the registration periods begins)).~~

**NEW SECTION**

WAC 478-160-271 **REGISTRATION ELIGIBILITY.** (1) All students guaranteed registration eligibility. All students at the university who remain in good standing and in compliance with other rules and regulations, with no outstanding financial obligations, are guaranteed the opportunity to register each quarter as long as they maintain continuous enrollment (summer quarter excepted).

(2) Undergraduate and professional students.

(a) Quarter-off eligibility. Subject to college, school, and departmental enrollment policies, undergraduate and professional students who have completed a quarter at the University of Washington may take the following quarter off and remain eligible to register in registration period I for the subsequent quarter without reapplication as returning students. Any quarter from which a student has completely withdrawn, or from which he or she is cancelled, does not constitute a completed quarter. Summer quarter enrollment is not required to maintain continuous registration eligibility.

(b) Newly admitted or returning former students. Newly admitted or returning former students are eligible to register the following quarter, beginning with registration period I, as long as they were enrolled for a least one day of the quarter.

(3) Graduate students. Graduate students who do not maintain continuous enrollment (summer quarter excepted) must file an on-leave application with the graduate school. On-leave graduate students returning to the university on or before the termination of the on-leave period must reapply as former students returning through the registration office. The quarter-off eligibility is not available to graduate students.

**AMENDATORY SECTION** (Amending Order 72-8, filed 11/30/72)

WAC 478-160-275 **LATE REGISTRATION OR COURSE ADDS—REGISTRATION PERIOD III.** Any student who registers after ~~((both of the official registration periods have passed))~~ registration periods I and II will be charged a late registration service fee.

No student shall be permitted to register or add a course after the ((first seven)) twelfth calendar day((s)) of autumn, or winter, or spring quarter((; except with the written consent of the dean of his college and the written approval of the instructors whose classes the student wishes to enter)).

No student shall be permitted to register or add a course for "a" term courses and full quarter courses after the ((first two calendar days of summer quarter, for full quarter courses after the first five calendar days of summer)) twelfth calendar day of "a" term or the full quarter, or for "b" term courses after the ((first two)) seventh calendar day((s)) of "b" term((; except with the written consent of the dean of his college and the written approval of the instructors whose classes the student wishes to enter)).

**AMENDATORY SECTION** (Amending Order 72-8, filed 11/30/72)

WAC 478-160-280 **(((CHANGE OF)) REGISTRATION ((PERIODS))).** ~~((There are two official change of registration periods.))~~ Specific dates for ~~((change of))~~ registration ((periods)) changes are published in ~~((the University Calendar, the University Daily, and))~~ the quarterly Time Schedule ((and are posted about the campus by the university registrar before either change of registration period begins)).

A student who has once registered for a ~~((schedule of))~~ course or courses may drop courses ((from this schedule until the last day of instruction)) through the end of the seventh week of the quarter.

No grade will be entered on a student's permanent record for a course dropped during the first ~~((fifteen))~~ twelve calendar days of autumn, or winter, or spring quarter.

No grade will be entered on a student's permanent record for an "a" term course dropped during the first five calendar days of summer quarter, for a full-quarter course dropped during the first twelve calendar days of summer quarter, or for a "b" term course dropped during the first seven calendar days of term "b."

~~((No change of registration involving entrance to a course shall be permitted after the first seven calendar days of autumn, or winter, or spring quarter except with the written consent of the dean of the school or college concerned and of the instructor whose class the student wishes to enter.~~



~~No change of registration involving entrance to an "a" term course after the first two calendar days of summer quarter, to a full-quarter course after the first five calendar days of summer quarter, or to a "b" term course after the first two calendar days of "b" term shall be permitted except with the written consent of the dean of the school or college concerned and of the instructor whose class the student wishes to enter.))~~

AMENDATORY SECTION (Amending Order 72-8, filed 11/30/72)

WAC 478-160-285 CHANGE OF REGISTRATION SERVICE FEE. A service fee will be assessed when a student changes his or her registration ((after both of the official change of registration periods have passed)) beginning the eighth calendar day of the quarter or term.

AMENDATORY SECTION (Amending Order 72-8, filed 11/30/72)

WAC 478-160-290 WITHDRAWAL FROM THE UNIVERSITY. Withdrawal from the university is official when ((a withdrawal form)) written notification has been ((signed by the student's academic adviser and)) filed with the ((university registrar)) Registration Office, PD-10, 225 Schmitz Hall, University of Washington, Seattle, Washington 98195.

Students who officially withdraw may be entitled by law to a refund of all or a portion of the tuition and fees for a given quarter depending on the time of the quarter the withdrawal is completed.

An official withdrawal during the first ((fifteen)) twelve calendar days of autumn, or winter, or spring quarter shall result in the student's permanent record showing only the date of withdrawal.

During summer quarter official withdrawals shall be entered on the student's permanent record as follows:

(1) For full-quarter courses, during the first twelve calendar days of the quarter only the date of withdrawal shall be entered.

(2) For "a" term courses, during the first five calendar days of the quarter only the date of withdrawal shall be entered.

(3) For "b" term courses, during the first seven calendar days of "b" term only the date of withdrawal shall be entered.

AMENDATORY SECTION (Amending Order 72-8, filed 11/30/72)

WAC 478-160-295 MILITARY WITHDRAWALS. ((If a student is inducted or enlists in the armed forces, he may be entitled to some academic credit and/or a refund of some of the tuition and fees depending on the time of the quarter he officially withdraws. A withdrawal form must be signed by the student's academic adviser and filed with the registrar's office. A copy of the student's military orders must also be submitted. Complete information is available from the Registrar's Office, 1400 N.E. Campus Parkway, Room 225, Seattle, WA 98195.)) (1) If a student is conscripted into the armed forces or is called to active military duty, he or she may be entitled to a full refund or academic credit depending on the time of the quarter the student officially withdraws. Official withdrawals must be in writing, signed by the student, and accompanied by a copy of the military orders.

(2) A student who withdraws may receive credit for courses or a full refund, under the following schedule:

(a) Students who withdraw through the seventh week of the academic quarter receive a full refund of fees. No academic credit is awarded.

(b) Students who withdraw after the seventh week of the academic quarter may choose to receive academic credit or a full refund of fees.

(3) Complete information is available from the Registration Office, PD-10, 225 Schmitz Hall, University of Washington, Seattle, Washington 98195.

AMENDATORY SECTION (Amending Order 72-8, filed 11/30/72)

WAC 478-160-305 ON-LEAVE STATUS FOR GRADUATE STUDENTS. If a graduate student in good standing plans to be away from the university and out of contact with the university faculty and facilities for a period of time, not to exceed four successive quarters except in the case of absence for military reasons, he or she may apply for on-leave status. Forms for this purpose and further information may be obtained from the departmental graduate program adviser.

A graduate student who is either registered or officially on leave for a given spring quarter and who does not register for the immediately following summer quarter is automatically on leave for that summer quarter.

AMENDATORY SECTION (Amending Order 72-8, filed 11/30/72)

WAC 478-160-310 CHANGE OF SCHOOL OR COLLEGE. An undergraduate student desiring to transfer from one school or college within the university to another must obtain approval from the deans or the deans' designees of the two schools or colleges concerned. Change of college forms may be obtained from and must be submitted to the ((Registrar, 1400 N.E. Campus Parkway, Room 225)) Registration Office, PD-10, 225 Schmitz Hall, University of Washington, Seattle, ((WA)) Washington 98195.

AMENDATORY SECTION (Amending Order 72-8, filed 11/30/72)

WAC 478-160-320 SPECIAL INSTRUCTIONAL PROGRAMS OFFERED SUMMER QUARTER. In recognition of the special needs of students who can attend the university only in the summer, a number of institutes, workshops, and special programs are offered each summer quarter. Because the nature and content of the programs vary from year to year, interested persons are invited to contact the Summer Quarter Office, ((Lewis Hall)) 5001 25th Ave NE, GH-26, Seattle, WA 98195 to obtain a copy of the Summer Quarter Bulletin and Time Schedule.

REPEALER

The following sections of the Washington Administrative Code are Repealed:

WAC 478-160-090 THE JOINT CENTER FOR GRADUATE STUDY—ADMISSION CLASSIFICATIONS AND APPLICATION FORMS.

WAC 478-160-155 APPLICATION FORMS FOR NONMATRICULATED STATUS.

WAC 478-160-200 RESIDENCE CLASSIFICATION PROCEDURES—STATEMENT OF PURPOSE.

WAC 478-160-205 DEFINITION OF RESIDENT STUDENT.

WAC 478-160-215 NONRESIDENTS WHO ARE ENTITLED TO PAY RESIDENT TUITION AND FEES.

WAC 478-160-216 NONCITIZENS OF THE UNITED STATES WHO ARE ENTITLED TO PAY RESIDENT TUITION AND FEES.

WAC 478-160-220 VERIFICATION OF CLASSIFICATION.

WAC 478-160-225 SOUTHEAST ASIA VETERANS.

WAC 478-160-232 APPEALS PROCEDURES—BRIEF ADJUDICATORY PROCEEDINGS.

**WSR 92-08-066**

**EMERGENCY RULES**

**WILDLIFE COMMISSION**

[Order 536—Filed March 30, 1992, 10:03 a.m.]

Date of Adoption: March 6, 1992.

Purpose: To correct a change in the law pertaining to the number of hooks allowed while fishing.

Statutory Authority for Adoption: RCW 77.12.040.

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

Reasons for this Finding: The Wildlife Commission made a change in fishing regulations at its meeting on October 5, 1991, in Kent, Washington. A change was made to the number of allowable hooks while fishing. The documents submitted to the Wildlife Commission indicated that the law being changed was WAC 232-12-001, which is correct, but the hook law is actually based on two laws, including WAC 232-12-147. The



requested action is to include WAC 232-12-147. The reason for the emergency finding is to meet game fish pamphlet publication deadlines and to apply the intent of the change made to WAC 232-12-001 to WAC 232-12-147 to provide consistency in hook regulations.

Effective Date of Rule: Immediately.

March 15, 1992  
Dean A. Lydig  
Chair

**AMENDATORY SECTION** (Amending Order 174, filed 10/22/81)

**WAC 232-12-147 MAXIMUM NUMBER OF FISHING LINES AND HOOKS—SNAGGING AND GAFFING FISH UNLAWFUL.** It is unlawful to:

(1) Fish for game fish or attempt to take game fish in a manner other than with one line which must be under the immediate control of the angler.

(2) Fish for game fish with a line having attached to it no more than ((2)) 3 hooks ((or lures)).

(3) Snag or attempt to snag game fish.

A gaff or landing net may be used to land game fish lawfully hooked.

Fresh water ling may be taken during the open season set for that species by use of set lines and multiple hooks as prescribed in current season's regulations. Set lines must have securely affixed a metal tag legibly stating the fisherman's name and address.

**WSR 92-08-067**  
**EMERGENCY RULES**  
**WILDLIFE COMMISSION**

[Order 538—Filed March 30, 1992, 10:05 a.m.]

Date of Adoption: March 27, 1992.

Purpose: Emergency changes to the 1992 winter steelhead fishing regulations on the Skagit and Green rivers.

Statutory Authority for Adoption: RCW 77.12.040.

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

Reasons for this Finding: Wild steelhead escapements in 1991 were very low in these two rivers, approximately 50 percent of the escapement requirements. The 1992 runsizes are also predicted to be low. The upper reaches of these rivers were closed to fishing for all game fish beginning March 1, 1992, to protect these stocks. The lower river sections (which are open year around) were also closed to the taking of steelhead but left open for other game fish. This proposal will close the lower sections to all fishing to eliminate hooking mortality on wild steelhead and to facilitate enforcement for protection of these stocks. This proposal will allow as many steelhead as possible to escape.

Effective Date of Rule: Immediately.

March 27, 1992  
Dean A. Lydig  
Chair

**[NEW SECTION]**

**WAC 232-28-61830 1990-92 AND 1992-94 WASHINGTON GAME FISH SEASONS AND CATCH LIMITS - WINTER STEELHEAD REGULATIONS.** Notwithstanding the provisions of WAC 232-28-618, WAC 232-28-619, and WAC 232-28-61828, the following regulations apply to the game fish seasons for the Green and Skagit Rivers.

1) **GREEN (DUWAMISH) RIVER, from its mouth to the First Avenue Bridge: CLOSED to fishing for all game fish, April 1, 1992 - June 14, 1992.**

2) **SKAGIT RIVER, from mouth to the Memorial Highway Bridge (Hwy. 526 at Mt. Vernon): CLOSED to fishing for all game fish, April 1, 1992 - May 31, 1992.**

All other provisions of WAC 232-28-618 and WAC 232-28-619 remain in effect and unchanged on the above waters.

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

**WSR 92-08-068**  
**PROPOSED RULES**  
**COUNTY ROAD**  
**ADMINISTRATION BOARD**  
[Filed March 30, 1992, 2:04 p.m.]

Original Notice.

Title of Rule: Amending chapter 136-01 WAC, Organization of the County Road Administration Board.

Purpose: Amends existing rules to reflect current statutory responsibilities; statutory changes regarding title and qualifications of chief administrative officer; stipulates meeting schedules, election of board officers and establishes a quorum for conducting business.

Other Identifying Information: This is an amendment to existing WAC 136-01-010, 136-01-020, and 136-01-030.

Statutory Authority for Adoption: RCW 36.78.050 and 36.78.060.

Summary: The proposed amendments clarify and update within current statutes and in conformance with present practice, the responsibilities, administration and general operating practices and procedures of the board.

Reasons Supporting Proposal: Bring organizational rules into compliance with current practices and existing statutes.

Name of Agency Personnel Responsible for Drafting: Reid Wheeler, County Road Administration Board, 753-5989; Implementation and Enforcement: Vern Wagar, County Road Administration Board, 753-5989.

Name of Proponent: County Road Administration Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Modifications add both the rural arterial and county arterial preservation programs to the agency purpose and authority; changes the title and qualifications of chief administrative officer as per statute; updates the internal operating practices of the board including setting of meetings, election of officers and voting requirements. All the changes will bring the rules into conformance with both statute and current practices.

Proposal Changes the Following Existing Rules: Same as above.

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

Hearing Location: Red Lion Inn, Yakima Valley, 1507 North First Street, Yakima, WA 98901, on Tuesday, May 5, 1992, at 10:00 a.m.

Submit Written Comments to: County Road Administration Board, 2404 Chandler Court S.W., Olympia, WA 98504-0913, by May 1, 1992.

Date of Intended Adoption: May 5, 1992.

March 19, 1992

Vern E. Wagar  
Executive Director

**AMENDATORY SECTION** (Amending Order 71, filed 3/21/90, effective 4/21/90)

WAC 136-01-010 **PURPOSE AND MEMBERSHIP**. The county road administration board is a nine member board, organized under the provision of RCW 36.78.010 through 36.78.110 (~~and 46.68.120~~) for the purpose of establishing and administering:

(1) Standards of good practice for county road administration within the (~~several~~) counties of the state;

(2) The rural arterial program established by chapter 36.79 RCW; and

(3) The county arterial preservation program established by RCW 46.68.095(4).

The nine members of the board shall be appointed by the executive committee of the Washington state association of counties, and the composition of the board shall be six members of county legislative authorities and three county engineers(~~(-PROVIDED, That)~~). Three members of the board shall be from Class AA, Class A, or 1st class counties(~~(:)~~); four members shall be from counties of the 2nd, 3rd, 4th or 5th class; and two members shall be from counties of the (~~following classes~~) 6th, 7th, 8th, or 9th class(~~(-PROVIDED FURTHER, That)~~). Not more than one member of the board shall be from any one county.

**AMENDATORY SECTION** (Amending Order 9, filed 10/22/68)

WAC 136-01-020 **APPOINTMENT OF (~~ADMINISTRATION ENGINEER~~) EXECUTIVE DIRECTOR**. The county road administration board shall appoint (~~a county road administration engineer and the engineer shall be a licensed professional engineer with experience as a county engineer or as a chief assistant to a county engineer within the state of Washington and he~~) an executive director who shall be the chief administrative officer of the board and shall be responsible for carrying out the policies adopted by the board. The executive director shall be exempt from the provisions of the state civil service law, and shall serve at the pleasure of the (~~county road administration~~) board.

**AMENDATORY SECTION** (Amending Order 71, filed 3/21/90, effective 4/21/90)

WAC 136-01-030 **MEETINGS AND VOTING PROCEDURES**. Regular public meetings of the county road administration board shall be held quarterly (~~at the call of the chairman and the annual meeting shall be held during the first week in July of each year.~~

~~Each such meeting shall be held at the offices of the county road administration board in Olympia, Washington, or at such other place in the state of Washington as designated by the board), at times and locations set by the board. One of the quarterly meetings shall be the annual meeting, which shall be held at the time required by RCW 36.78.050, and at which the board shall elect a chairman and vice-chairman, who shall both hold office until the next annual meeting. Additional (~~public~~) meetings necessary to discharge the business of the board may be called from time to time by the chairman. Each member of the board shall be entitled to one vote. No proxies shall be allowed. All questions shall be decided by majority vote. A quorum of five members of the board shall be required to vote or conduct any board business.~~

**WSR 92-08-069**  
**PROPOSED RULES**  
**COUNTY ROAD**  
**ADMINISTRATION BOARD**  
[Filed March 30, 1992, 2:07 p.m.]

Original Notice.

Title of Rule: New chapter 136-03 WAC, Public access to information and records.

Purpose: Establishes rules for agency compliance with statutes related to public records; establishes public records officer.

Other Identifying Information: This is a new chapter. Statutory Authority for Adoption: RCW 36.78.070.

Statute Being Implemented: RCW 42.17.250 through 42.17.340.

Summary: This proposed section will bring agency into compliance with statutes related to availability of public records.

Reasons Supporting Proposal: Compliance is required by state statute.

Name of Agency Personnel Responsible for Drafting: Reid Wheeler, County Road Administration Board, 753-5989; Implementation and Enforcement: Vern Wagar, County Road Administration Board, 753-5989.

Name of Proponent: County Road Administration Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This new rule will bring agency into compliance with state statutes related to availability of public records and establishes an agency public records officer.

Proposal Changes the Following Existing Rules: Same as above.

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

Hearing Location: Red Lion Inn, Yakima Valley, 1507 North First Street, Yakima, WA 98901, on Tuesday, May 5, 1992, at 10:00 a.m.

Submit Written Comments to: County Road Administration Board, 2404 Chandler Court S.W., Olympia, WA 98504-0913, by May 1, 1992.

Date of Intended Adoption: May 5, 1992.

March 19, 1992  
Vern E. Wagar  
Executive Director

Chapter 136-03 WAC  
PUBLIC ACCESS TO INFORMATION AND RECORDS

NEW SECTION

WAC 136-03-010 PURPOSE. The purpose of this chapter is to establish rules for compliance by the Washington county road administration board (CRABoard) with the provisions of RCW 42.17.250 through 42.17.340 dealing with public records. This chapter describes the CRABoard and the places at which, the employees from whom, and the methods whereby persons may obtain information, make submittals or requests, or obtain copies of agency decisions. Other chapters in Title 136 WAC describe the general course and method of the CRABoard's operations and the nature and requirements of all of its formal and informal procedures. For a description of the CRABoard's organization, see chapter 136-01 WAC.

NEW SECTION

WAC 136-03-020 PUBLIC RECORDS OFFICER. The CRABoard's public records officer shall be the confidential secretary to the CRABoard. The public records officer shall be officed at 2404 Chandler Ct. S.W., Suite 240, Olympia, Washington. The public records officer shall be responsible for:

- (1) Implementation of RCW 42.17.250 through 42.17.340 and these rules and regulations regarding release of public records;
- (2) Coordinating staff efforts of the CRABoard in this regard; and
- (3) Ensuring compliance of the CRAB staff with RCW 42.17.250 through 42.17.340 and these regulations.

The public records officer shall establish and maintain the index system required by RCW 42.17.260(4).

NEW SECTION

WAC 136-03-030 PUBLIC RECORDS AVAILABLE. All public records of the CRABoard not exempted by RCW 42.17.310, or other statute which exempts or prohibits disclosure (see RCW 47.17.260(1)), shall be available for public inspection and copying pursuant to these rules.

NEW SECTION

WAC 136-03-040 REQUESTS FOR PUBLIC RECORDS. Public records of the CRABoard shall be obtainable by persons who comply with the following procedures:

- (1) A written or oral request for public records shall be addressed to the public records officer. Such request shall include the following:
  - (a) The name of the person requesting the records (requestor).
  - (b) The calendar date on which the request was made.
  - (c) If the requested records are referenced in the current index maintained by the CRABoard, a reference to the requested record as it is described in such current index.
  - (d) If the requested records are not referenced in the CRABoard's current index, a statement that identifies the specific records requested.
  - (e) Where the requested records might be used for such a purpose, a verification that the records requested shall not be used to compile a commercial sales list.
- (2) The public records officer shall inform the requestor whether and when the requested records will be available for inspection or copying at 2404 Chandler Ct. S.W., Suite 240, Olympia, Washington. If the requestor asks that the records be mailed to him or her, the public records officer shall do so, provided the records can be copied and sent without unreasonably disrupting the operations of the CRABoard, as provided in RCW 42.17.270.
- (3) When it appears that a request for a record is made by or on behalf of a party to a lawsuit or a controversy to which the CRABoard is also a party (or when such a request is made by or on behalf of an attorney for such a party) the request shall be referred to the assistant attorney general assigned to the CRABoard for appropriate response.

NEW SECTION

WAC 136-03-050 AVAILABILITY FOR PUBLIC INSPECTION AND COPYING OF PUBLIC RECORDS—OFFICE HOURS. Public records shall be available for inspection and copying during the normal business hours of the CRABoard. For the purposes of this chapter, these normal business hours shall be from 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding legal holidays.

NEW SECTION

WAC 136-03-060 INSPECTION AND COPYING COSTS. (1) No fee shall be charged for inspection of public records.

(2) The CRABoard shall impose a reasonable charge for providing copies of public records and for the use by any person of agency equipment to copy records; such charges shall not exceed the amount necessary to reimburse the CRABoard for its actual costs incident to such copying. Actual costs shall include:

- (a) The labor and overhead costs of staff associated with responding to the request;
- (b) Computer and/or copying machine costs and overhead; and
- (c) Paper and/or other duplicating medium costs.

NEW SECTION

WAC 136-03-070 PROTECTION OF PUBLIC RECORDS. In order to protect the CRABoard's records from damage or disorganization:

- (1) Copying of public documents shall be done by CRABoard personnel or, in the discretion of the CRABoard, under their supervision.
- (2) No document shall be physically removed by a requestor from the area designated by the CRABoard for the public inspection of documents. The CRABoard may require that all inspection be done in the presence of a CRABoard employee.
- (3) When a requestor requests to examine an entire file or group of documents, as distinguished from certain individual documents which can be identified and supplied by themselves, the CRABoard shall be allowed a reasonable time to inspect the file to determine whether information protected from disclosure is contained therein, and the CRABoard shall not be deemed in violation of its obligation to reply promptly to requests for public documents by reason of performing such inspection.

NEW SECTION

WAC 136-03-080 DENIAL OF REQUEST. Each denial of a request for a public record shall be accompanied by a written statement to the requestor clearly specifying the reasons for denial, including a statement of the specific exemption authorizing the withholding of the record, and a brief explanation of how the exemption applies to the record withheld. Such statement shall be sufficiently clear and complete to permit the director or his or her designee to review the denial in accordance with WAC 136-03-090.

NEW SECTION

WAC 136-03-090 REVIEW OF DENIAL OF PUBLIC RECORDS REQUEST. (1) Any person who objects to the denial of a request for a public record may petition the public records officer for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement by the public records officer or other staff member which constituted or accompanied the denial.

(2) If the public records officer decides to affirm the denial, then the written request for review shall immediately be referred to the assistant attorney general assigned to the CRABoard. The assistant attorney general shall promptly consider the matter and either affirm or reverse such denial. In any case, the request shall be returned with a final decision within two business days following the original denial.

(3) Administrative remedies shall not be considered exhausted until the public records officer has returned the petition with a decision or until the close of the second business day following denial of inspection, whichever occurs first.

NEW SECTION

WAC 136-03-100 RECORDS INDEX. (1) The CRABoard shall have available to all persons at its offices in Olympia a current index which provides identifying information as to the following records:

- (a) All records issued before July 1, 1990, for which the CRABoard has maintained an index;
- (b) Final orders entered after June 30, 1990, that are issued in adjudicative proceedings as defined in RCW 34.05.010(1) and that contain an analysis or decision of substantial importance to the CRABoard in carrying out its duties;
- (c) Declaratory orders entered after June 30, 1990, that are issued pursuant to RCW 34.05.240 and that contain an analysis or decision of substantial importance to the CRABoard in carrying out its duties;

(d) Interpretive statements as defined in RCW 34.05.010(8) that were entered after June 30, 1990;

(e) Policy statements as defined in RCW 34.05.010(14) that were entered after June 30, 1990; and

(f) Minutes of CRABoard meetings.

(2) The system of indexing shall be as follows:

(a) The indexing system shall be administered by the CRABoard's public records officer and shall be located at 2404 Chandler Ct., S.W., Suite 240, Olympia, Washington.

(b) Copies of all indexes shall be available for public inspection and copying in the manner provided for the inspection and copying of public records.

(c) The public records officer shall establish and maintain a separate index for each item contained in subsection (1)(a) through (f) of this section as follows:

(i) All final orders and declaratory orders determined by the CRABoard to contain analyses or decisions of substantial importance to the CRABoard shall be listed alphabetically by the titles of the hearing or controversy and shall contain a phrase describing the important issue or issues.

(ii) Interpretative statements and policy statements shall be indexed by the applicable program administered by the CRABoard.

(iii) CRABoard minutes shall be indexed chronologically.

(d) The public records officer shall update all indexes at least once a year and shall revise such indexes when deemed necessary by the CRABoard.

#### NEW SECTION

WAC 136-03-110 AVAILABILITY. The current indexes promulgated by the CRABoard 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 92-08-070  
PROPOSED RULES  
COUNTY ROAD  
ADMINISTRATION BOARD**

[Filed March 30, 1992, 2:09 p.m.]

#### Original Notice.

Title of Rule: Amending chapter 136-130 WAC, Regional prioritization of RAP projects.

Purpose: Modifies various RAP region project limits, maximum rating points and consideration of bridge and gravel road projects. Adds points for local significance in SE and NE regions and revises maximum biennial apportionments in regions.

Other Identifying Information: This is an amendment to existing WAC 136-130-030 through 136-130-070.

Statutory Authority for Adoption: RCW 36.79.060.

Summary: Proposed amendment modifies several sections regarding project limits maximum rating points, regional county limits, additional rating points and consideration of gravel road and bridge projects.

Reasons Supporting Proposal: The most current agency and recipient program evaluation has suggested several modifications to the various RAP regional priority processes to better fit the regional needs.

Name of Agency Personnel Responsible for Drafting and Implementation: Reid Wheeler, County Road Administration Board, 753-5989; and Enforcement: Vern E. Wagar, County Road Administration Board, 753-5989.

Name of Proponent: County Road Administration Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Modifications of county limit, maximum priority rating points, inclusion of local significance points, revisions to prioritization of bridge and gravel road projects and charges to maximum county limits should result in project selection that best fits the individual region need under the general guidelines of the rural arterial program.

Proposal Changes the Following Existing Rules: Same as above.

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

Hearing Location: Red Lion Inn, Yakima Valley, 1507 North First Street, Yakima, WA 98901, on Tuesday, May 5, 1992, at 10:00 a.m.

Submit Written Comments to: County Road Administration Board, 2404 Chandler Court S.W., Olympia, WA 98504-0913, by May 1, 1992.

Date of Intended Adoption: May 5, 1992.

March 19, 1992

Vern E. Wagar  
Executive Director

#### AMENDATORY SECTION (Amending Order 82, filed 11/6/90, effective 12/7/90)

WAC 136-130-030 PROJECT PRIORITIZATION IN PUGET SOUND REGION (PSR). Each county in the PSR may submit projects requesting RATA funds not to exceed (~~(\$400,000)~~) \$500,000 per project. Each project shall be rated in accordance with the PSR RAP rating procedures. PSR RAP rating points shall be assigned on the basis of ((50)) 20 points for traffic volume, ((50)) 25 points for accident history, ((45)) 15 points for structural condition, ((45)) 25 points for geometric condition, and ((+0)) 15 points for special use and need. Prioritization of PSR projects shall be on the basis of total PSR RAP rating points shown on the project worksheet and the prospectus form of the project application.

#### AMENDATORY SECTION (Amending Order 82, filed 11/6/90, effective 12/7/90)

WAC 136-130-050 PROJECT PRIORITIZATION IN NORTHEAST REGION (NER). Each county in the NER may submit projects requesting RATA funds not to exceed ((30%)) 25% of the NER biennial apportionment. Each project shall be rated in accordance with the NER RAP rating procedures. The NER biennial apportionment shall be divided into the following categories at the percentages shown, provided sufficient projects are submitted for prioritization in each category:

- Category 1 - 10% for bridge projects where RATA funds are used as a match for federal bridge replacement funds;
- Category 2 - 45% for reconstruction of rural collectors; and
- Category 3 - 45% for resurfacing, restoration, rehabilitation (3R) type projects of rural collectors.

In the event that no projects or an insufficient number of projects are submitted in any of the above categories to utilize the RATA funds set aside for the category, all remaining funds in that category or categories shall be divided among the remaining categories as the CRABoard deems appropriate. The intent is to divide all available funds into categories having a sufficient number of submitted projects to fully utilize the funds available at each allocation during the biennium.

Bridge projects may be submitted requesting RATA funds under one of the following conditions:

1. Bridges must be approved for federal bridge replacement funding and RATA funds shall be used only as a match for such federal funding. Bridges will be ranked for RATA funding using the WSDOT priority list and may be added to the NER Category 1 priority array at

any time during the biennium upon approval of the Bridge for Federal((=))Bridge replacement funding.

2. A stand-alone bridge project may be submitted as an ordinary RAP project provided that its priority rating has been computed by the bridge rating method in the NER RAP rating procedures. Such projects shall not be considered for funding from the bridge reserve described above.

3. A RAP project may include a bridge when the cost of the bridge does not exceed 20% of the total project cost.

NER RAP rating points for reconstruction projects, 3R projects or non-federal bridge replacement projects shall be assigned on the basis of 100 points for a condition rating and 50 points for a service rating. The priority rating equals the sum of two and one half times the product of the service rating to the 1.25 power and the common logarithm of the number obtained by dividing 100 by the condition rating. A total of 10 points representing local significance may be added to one project included in each county's biennial submittal. Prioritization of NER projects shall be on the basis of total NER RAP rating points shown on the appropriate project worksheet and the prospectus form of the project application.

**AMENDATORY SECTION** (Amending Order 82, filed 11/6/90, effective 12/7/90)

WAC 136-130-060 PROJECT PRIORITIZATION IN SOUTHEAST REGION (SER). Each county in the SER may submit projects requesting RATA funds not to exceed ((30%)) twice the per county ((of the SER biennial apportionment. Each project shall be rated in accordance with the SER RAP rating procedures. 10% of the SER biennial apportionment shall be reserved for stand-alone bridge projects. Whatever part of the bridge reserve that is not allocated to bridge projects shall be available for allocation to other RAP projects. SER RAP rating points shall be assigned on the basis of 40 points for structural condition, 30 points for geometrics, 20 points for traffic volume and 10 points for traffic accidents.)) percent limit of the SER biennial apportionment which is listed as follows:

Asotin County	9%
Benton County	13%
Columbia County	10%
Franklin County	12%
Garfield County	9%
Kittitas County	12%
Klickitat County	13%
Walla Walla County	13%
Yakima County	19%

Each project shall be rated in accordance with the SER RAP rating procedures. 10% of the SER biennial apportionment shall be reserved for bridge projects. Federally funded bridges for which counties are seeking matching funds shall receive first consideration for these funds, ranked against each other according to the WSDOT priority array. Bridges receiving federal funding may be added to this list at any time during the biennium. Other stand-alone bridges may compete for funds in this reserve that remain after all bridges seeking match for federal funds have been funded. These bridges will be rated against each other according to their State of Washington Inventory of Bridges and Structures (SWIBS) ratings. Whatever part of the bridge reserve that is not allocated to bridge projects shall be available for allocation to other RAP projects. SER RAP rating points shall be assigned on the basis of 45 points for structural condition, 30 points for geometrics, 20 points for traffic volume, 5 points for traffic accidents. A total of 10 points representing local significance may be added to one project in each county's biennial submittal. Prioritization of SER projects shall be on the basis of total SER RAP rating points shown on the project worksheet and the prospectus form of the project application.

**AMENDATORY SECTION** (Amending Order 82, filed 11/6/90, effective 12/7/90)

WAC 136-130-070 PROJECT PRIORITIZATION IN SOUTHWEST REGION (SWR). Each county in the SWR may submit projects requesting RATA funds not to exceed 30% of the SWR biennial apportionment. No bridge replacement projects will be funded. Each project shall be rated in accordance with the SWR RAP rating procedures. SWR RAP rating points shall be assigned on the basis of 50 road condition points, consisting of 25 points for structural

condition(;) and 25 points for ((road)) surface condition, 30 points for geometrics, 10 points for traffic volume and 10 points for traffic accidents, except that Portland cement surfaces and asphalt surfaces with cement concrete bases shall have 50 points for road surface condition and no points for structural condition and except that gravel roads shall have 30 points maximum for surface condition and 10 points for structural condition, and 15 points maximum for roadbed width in geometrics and no other geometric points. Prioritization of SWR projects shall be on the basis of total SWR RAP rating points shown on the project worksheets and the prospectus form of the application. ((Amended 2-13-86))

**WSR 92-08-071  
PROPOSED RULES  
COUNTY ROAD  
ADMINISTRATION BOARD**  
[Filed March 30, 1992, 2:12 p.m.]

**Original Notice.**

Title of Rule: Amending chapter 136-160 WAC, Allocation of RATA funds to approved RAP projects.

Purpose: Editorial correction, modification of county allocation limits and extension of right of way and preliminary engineering eligibility.

Other Identifying Information: This is an amendment to existing WAC 136-160-050 and 136-160-060.

Statutory Authority for Adoption: RCW 36.79.060.

Summary: Modifies individual county maximum allocations in the NE and SE regions; extends preliminary engineering eligibility to the NW region and right of way eligibility to the PS and NE regions.

Reasons Supporting Proposal: The most current agency and recipient program evaluation has suggested several modifications to regional allocation limits and phase eligibilities to better fit the regional needs.

Name of Agency Personnel Responsible for Drafting and Implementation: Reid Wheeler, County Road Administration Board, 753-5989; and Enforcement: Vern Wagar, County Road Administration Board, 753-5989.

Name of Proponent: County Road Administration Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Modifications of county allocation limits in the NE and SE regions plus extension of right of way (PS and NE regions) and preliminary engineering (NW region) eligibility should result in project selection and flexibility in project funding to best reflect the individual regional needs under the general guidelines of the rural arterial program.

Proposal Changes the Following Existing Rules: Same as above.

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

Hearing Location: Red Lion Inn, Yakima Valley, 1507 North First Street, Yakima, WA 98901, on Tuesday, May 5, 1992, at 10:00 a.m.

Submit Written Comments to: County Road Administration Board, 2404 Chandler Court S.W., Olympia, WA 98504-0913, by May 1, 1992.

Date of Intended Adoption: May 5, 1992.  
 March 19, 1992  
 Vern E. Wagar  
 Executive Director

**AMENDATORY SECTION** (Amending Order 82, filed 11/6/90, effective 12/7/90)

WAC 136-160-050 PROJECT APPROVAL AND RATA FUND ALLOCATION. The CRABoard will meet as soon as feasible after the passage of each biennial budget by the Legislature to approve RAP projects and allocate RATA funds. RAP projects shall be approved by region in order of their regional priority and RATA funds shall be allocated up to a cumulative dollar amount no greater than 90% of the RATA construction appropriation included in the biennial budget; provided, however, that no county shall receive a total RATA fund allocation greater than the following ((amounts in the respective regions: NWR, 20% of the regional apportionment; NER, 15% of the regional apportionment; SER, 15% of the regional apportionment)) percentages of the regional apportionment in the respective regions; NWR, 20%; NER, 12.5%; SER, as follows:

Asotin County	9%
Benton County	13%
Columbia County	10%
Franklin County	12%
Garfield County	9%
Kittitas County	12%
Klickitat County	13%
Walla Walla County	13%
Yakima County	19%

and SWR, 15% of the regional apportionment. The remaining construction appropriation may be allocated to approved projects later in the biennium at a time deemed appropriate by the CRABoard.

**AMENDATORY SECTION** (Amending Order 82, filed 11/6/90, effective 12/7/90)

WAC 136-160-060 LIMITATION ON USE OF RATA FUNDS. The RATA funds requested in the project application are intended to reimburse a county for 80% of its RAP construction costs up to the amount of the CRAB/county contract in the PSR and NWR and 90% in the SWR, NER and SER. RATA funds may be used to reimburse a county for 80% of its RAP project preliminary engineering costs in the PSR and 90% in the NER and SER. RATA funds may be used ((for right-of-way acquisition in the SER only and be reimbursed at 90%)) to reimburse a county for 80% of its project right of way costs in the PSR, and 90% of project right of way costs in both the NER and the SER.

**WSR 92-08-073**  
**PROPOSED RULES**  
**COUNTY ROAD**  
**ADMINISTRATION BOARD**  
 [Filed March 30, 1992, 2:14 p.m.]

**Original Notice.**

Title of Rule: Amending chapter 136-210 WAC, Design standards for rural arterial program projects.

Purpose: Changes design standards from WSDOT LAG Manual to city/county design standards.

Other Identifying Information: This is an amendment to existing WAC 136-210-020 and 136-210-030.

Statutory Authority for Adoption: RCW 36.79.060.

Summary: Proposed amendment changes geometric design standards for RAP projects from WSDOT Local Agency Guidelines, Division 13, to the statutorily adopted city and county design standards.

Reasons Supporting Proposal: Minimum standards for county arterials are addressed in RCW 35.78.030 and 43.32.020. Such standards were last updated and adopted May 24, 1989.

Name of Agency Personnel Responsible for Drafting and Implementation: Reid Wheeler, County Road Administration Board, 753-5989; and Enforcement: Vern E. Wagar, County Road Administration Board, 753-5989.

Name of Proponent: County Road Administration Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Recommended modifications will bring RAP project design standards more correctly in line with minimum state standards as provided for in state statute.

Proposal Changes the Following Existing Rules: Same as above.

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

Hearing Location: Red Lion Inn, Yakima Valley, 1507 North First Street, Yakima, WA 98901, on Tuesday, May 5, 1992, at 10:00 a.m.

Submit Written Comments to: County Road Administration Board, 2404 Chandler Court S.W., Olympia, WA 98504-0913, by May 1, 1992.

Date of Intended Adoption: May 5, 1992.

March 19, 1992  
 Vern E. Wagar  
 Executive Director

**AMENDATORY SECTION** (Amending Order 56, filed 7/30/84)

WAC 136-210-020 APPLICABLE DESIGN STANDARDS. Geometric design of all RAP projects shall be in accordance with the ((local agency guidelines (LAG) manual published by the WSDOT, Division 13, Rural Area Design Standards)) city and county design standards, as adopted in May 1989 per RCW 35.78.030 and 43.32.020, except where otherwise specified.

**AMENDATORY SECTION** (Amending Order 56, filed 7/30/84)

WAC 136-210-030 DEVIATIONS FROM DESIGN STANDARDS. Deviation from the specified design standards may be requested by the county engineer in responsible charge of the project when circumstances exist which would make application of adopted standards exceedingly difficult. Whenever a deviation request is to be made on a project, it shall be so noted on the project application submitted in accordance with WAC 136-160-020. Request for deviation shall be made to the state aid engineer in accordance with the ((LAG)) city and county design standards manual.

**WSR 92-08-073**

**NOTICE OF PUBLIC MEETINGS**  
**MARITIME COMMISSION**  
 [Memorandum—March 27, 1992]

Pursuant to RCW 42.30.075, that regular monthly meetings of the Washington State Maritime Commission during calendar year 1992 will continue to be held on the first Thursday of each month commencing at 9:00 a.m. However, due to overcrowding, those meetings have been switched to and will be held at:

Conference Room  
Fifth Avenue Level  
Bank of California Building  
900 Fourth Avenue  
Seattle, WA 98164

If the first Thursday of any month is a legal holiday, the meeting will be held on the next weekday of that month which is not a holiday, or at such later date as shall have been prescribed by the commission at its previous regular monthly meeting. The commission's annual meeting, for the purpose of electing officers and transacting other business will continue to be on the first Thursday in October.

**WSR 92-08-074**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
**(Health)**

[Filed March 30, 1992, 2:44 p.m.]

Date of Adoption: March 30, 1992.

Purpose: To amend state rules and regulations governing nursing home operations to reflect recent changes in Federal Omnibus Budget Reconciliation Act requirements and Washington state law.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-88-083, 388-88-084, 388-88-100 and 388-88-101; and amending WAC 248-14-120, 248-14-250, 248-14-285, and chapter 388-88 WAC.

Statutory Authority for Adoption: RCW 18.51.070 and 74.42.620.

Pursuant to notice filed as WSR 92-03-015 on January 6, 1992.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: Public Law 100-203 Section 1919 (b)(3) and Congressional Record-House 12485(b).

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

March 30, 1992

Leslie F. James, Director  
Administrative Services

**Reviser's note:** The material contained in this filing will appear in the 92-09 issue of the Register as it was received after the applicable closing date for the issue for agency-typed material exceeding the volume limitations of WAC 1-21-040.

**WSR 92-08-075**  
**PERMANENT RULES**  
**UTILITIES AND TRANSPORTATION**  
**COMMISSION**

[Order R-371, Docket No. UT-920162—Filed March 30, 1992, 3:32 p.m.]

In the matter of adopting WAC 480-80-049 relating to caller identification service provided by a telecommunications company.

This action is taken pursuant to Notice No. WSR 92-05-089 filed with the code reviser on February 19, 1992. The rule change hereinafter adopted shall take effect pursuant to RCW 34.05.380(2).

This rule-making proceeding is brought on pursuant to RCW 80.01.040 and is intended administratively to implement that statute.

This rule-making proceeding is in compliance with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.05 RCW), the State Register Act (chapter 34.08 RCW), the State Environmental Policy Act of 1971 (chapter 43.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

Pursuant to Notice No. WSR 92-05-089 the above matter was scheduled for consideration at 9:00 a.m., Wednesday, March 25, 1992, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA, before Chairman Sharon L. Nelson and Commissioners Richard D. Casad and A. J. Pardini.

Under the terms of said notice, interested persons were afforded the opportunity to submit data, views, or arguments to the commission in writing prior to March 16, 1992, and orally at 9:00 a.m., Wednesday, March 25, 1992, in the commission's hearing room above noted.

At the March 25, 1992, meeting the commission considered the rule change proposal. Written comments were received from Edward Shaw on behalf of U S WEST Communications; Fred Logan on behalf of GTE Northwest Incorporated; Ron Gayman on behalf of AT&T Communications of the Pacific Northwest, Inc.; Judy Bitner on behalf of MCI Telecommunications Corporation; Kip Kramer on behalf of United Telephone Company of the Northwest; Charles F. Adams on behalf of the Public Counsel Section of the Office of Attorney General; Terry Vann on behalf of the Washington Independent Telephone Association; Chief George Tellevik on behalf of the Washington State Patrol; and Gerard Sheehan on behalf of The American Civil Liberties Union. Oral comments were made by Mike Moran and John Scott on behalf of U S WEST Communications; Gary Edwards, Thurston County Sheriff, for the Washington Association of Sheriffs and Police Chiefs; Dean Randall on behalf of GTE Northwest Incorporated; Glenn Harris on behalf of United Telephone Company of the Northwest; George Rosenberg on behalf of MCI Telecommunications Corporation; Don Campbell; Richard Morris; Linda Stetler; and William Garling on behalf of the Public Counsel Section of the Office of Attorney General.

The rule change affects no economic values.

In reviewing the entire record, it has been determined that WAC 480-80-049 should be adopted to read as set forth in Appendix A shown below and by this reference made a part hereof. WAC 480-80-049 as adopted will require that caller identification services offered by a telecommunications company may be blocked by the choice of per call or per line blocking at no recurring charge, with exception being made for emergency services or customer originated traces.



## ORDER

WHEREFORE, IT IS ORDERED That WAC 480-80-049 as set forth in Appendix A, be adopted as a rule of the Washington Utilities and Transportation Commission to take effect pursuant to RCW 34.05.380(2).

IT IS FURTHER ORDERED That the order be forwarded to the code reviser for filing and recorded in the order register of the Washington Utilities and Transportation Commission pursuant to chapter 34.05 RCW and chapter 1-21 WAC.

DATED at Olympia, Washington, this 30th day of March, 1992.

Washington Utilities and Transportation Commission  
Richard D. Casad, Commissioner  
A. J. Pardini, Commissioner

## APPENDIX "A"

NEW SECTION

WAC 480-80-049 Any caller identification service provided by a telecommunications company shall include the option for calling parties to block the delivery of their numbers, names, or locations. This option shall be available on a per call or per line basis without any recurring charges. This section does not apply to the delivery of caller numbers, names, or locations to a 911 or enhanced 911 service, or other emergency service, or a customer originated trace.

## WSR 92-08-076

## PROPOSED RULES

HIGHER EDUCATION  
COORDINATING BOARD

[Filed March 31, 1992, 8:33 a.m.]

Continuance of WSR 91-24-005.

Title of Rule: State need grant program.

Purpose: To detail the definition of state need grant cost-of-attendance.

Statutory Authority for Adoption: RCW 28B.10.800 through 28B.10.822.

Statute Being Implemented: RCW 28B.10.800 through 28B.10.822.

Name of Agency Personnel Responsible for Drafting and Implementation: John Klacik, 917 Lakeridge Way, Olympia, WA, 586-1405; and Enforcement: Shirley Ort, 917 Lakeridge Way, Olympia, WA, 586-1405.

Name of Proponent: Higher Education Coordinating Board, governmental.

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

Proposal does not change existing rules.

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

Date of Intended Adoption: April 22, 1992.

March 17, 1992

Ann Daley  
Executive Director

## WSR 92-08-077

## PROPOSED RULES

## STATE BOARD OF EDUCATION

[Filed March 31, 1992, 10:57 a.m.]

Original Notice.

Title of Rule: WAC 180-79-241 Internship certificate; 180-86-150 Appeal procedure—Formal SPI review process; and 180-86-155 Appeal procedure to SBE.

Purpose: To eliminate requirements that have severely limited enrollment in the internship program, and to clarify appeal procedure to the State Board of Education.

Statutory Authority for Adoption: RCW 28A.410.010.

Statute Being Implemented: RCW 28A.410.010.

Summary: See above.

Reasons Supporting Proposal: See above.

Name of Agency Personnel Responsible for Drafting: Richard Wilson, Superintendent of Public Instruction, Old Capitol Building, Olympia, 753-2298; Implementation: Theodore Andrews, Superintendent of Public Instruction, Old Capitol Building, Olympia, 753-3222; and Enforcement: John Brickell, Superintendent of Public Instruction, Old Capitol Building, Olympia, 753-3222.

Name of Proponent: State Board of Education, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The revisions eliminate requirements that have severely limited enrollment in the internship program. The revisions to WAC 180-86-150 and 180-86-155 add category of suspension to forms of discipline that may be appealed to the State Board of Education. The omission of this category was an oversight.

Proposal Changes the Following Existing Rules: The revisions to WAC 180-79-241 eliminate two requirements: That a candidate hold an employment contract prior to entering the program; and that a minimum of ten persons participate as a cohort.

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

Hearing Location: Clipper Room, Caravel Motel, 322 West Woodin Avenue, Chelan, WA, on May 21, 1992, at 9:00 a.m.

Submit Written Comments to: Dr. Monica Schmidt, Executive Director, State Board of Education, P.O. Box 47200, Olympia, WA 98504-7200, by May 19, 1992.

Date of Intended Adoption: May 22, 1992.

March 30, 1992

Dr. Monica Schmidt

Executive Director

Secretary

AMENDATORY SECTION (Amending WSR 91-05-056, filed 2/15/91, effective 3/18/91)

WAC 180-79-241 INTERNSHIP CERTIFICATE. In order to broaden the base of persons eligible to pursue teaching careers, the state board of education establishes a teaching internship certificate pilot project under the specific circumstances set forth below:

Internship certificate.

(1) Candidates shall be eligible for internship certificates which allow the holder full authority to serve as a part-time or full-time teacher and will be subject to the local school district's evaluation procedures under the following conditions:

(a) Persons must possess a master's degree and have a minimum of forty-five quarter hours (thirty semester hours) in an endorsement area or in a directly related area of study; or a bachelor's degree with a minimum of forty-five quarter hours (thirty semester hours) in an endorsement area or in a directly related area of study and at least five years of relevant work experience, subsequent to the bachelor's degree, as determined by the college or university;

(b) Candidates must be admitted to an approved Washington state college or university teacher education program, and hold a contract for employment in a participating school district or be given written notice of other program or placement options if the candidate does not hold a contract.

(2) The college or university approved internship program shall be designed as follows:

(a) ~~((At least ten students must be enrolled at the time of the commencement of the program;~~

~~((b))~~ Students shall proceed through the program as a cohort group;

~~((c))~~ (b) The program shall be a minimum of forty-five quarter hours (thirty semester hours) of upper division and/or graduate study and must meet the state board of education standards for approved programs;

~~((d))~~ (c) The program shall provide the intern a minimum of fifteen quarter hours (ten semester hours) of study prior to the beginning of the school year, five quarter hours (three semester hours) for each quarter/semester of the school year and fifteen quarter hours (ten semester hours) in the summer following the first year of teaching;

~~((e))~~ (d) Prior to beginning teaching, the candidate must complete a minimum of fifteen quarter hours (ten semester hours) of course work in pedagogy including but not limited to: Child or adolescent psychology, classroom management, methods instruction in the appropriate endorsement area, the legal responsibilities of the professional educator, reading in a content area, and the safety and supervision of children (the course work must include forty hours of observation of school students in learning situations);

~~((f))~~ (e) During each quarter/semester the interns shall participate in a college/university three hour seminar weekly in order to provide the interns with peer interaction and assistance on issues associated with their teaching experiences;

~~((g))~~ (f) The college/university shall assign a college supervisor to work with each intern;

~~((h))~~ (g) The school district shall assign a staff member to serve as a mentor (who shall be selected using the criteria established for the teacher assistance program) for each intern;

~~((i))~~ (h) The school district and the college/university shall specify in detail the resources they will provide and the procedures they will follow to assure that the intern is qualified to assume full-time responsibility when placed in the classroom as a teacher.

~~((j))~~ (i) The year of internship teaching shall be deemed comparable to the state board of education student teaching requirement, provided, the college/university evaluates the intern's teaching as satisfactory. The local school district evaluation of the intern shall be shared with the college/university in making its decision;

~~((k))~~ (j) The internship certificate shall be issued for one year and may be renewed only once for one additional year to persons who for good cause were unable to complete the program upon recommendation by the college or university where the person is enrolled in the teacher education program.

(3) At least one college/university and one school district that meet the following criteria shall be approved by the state board of education to conduct this pilot program:

(a) Colleges and universities and school districts wishing to participate in this program must submit joint proposals to the state board of education for its consideration, provided, one college/university may have joint agreements with more than one school district and may include within such agreements a cooperative arrangement with an educational service district.

(b) Colleges/universities and school districts shall submit a detailed description of the program based on the requirements in subsection (2) of this section, provided, the state board of education will consider modifications to the requirements if the proposal indicates how the intent of the program can be met in a different curricular design.

(4) The internship teaching program shall be reviewed annually by the respective professional education advisory board and evaluated by

the professional education advisory committee during its third year of operation. After receiving the recommendation from the professional education advisory committee, the state board of education shall determine whether or not or under what circumstances the pilot project shall be continued.

(5) The pilot project shall terminate on August 31, 1995, unless the state board of education extends or revises the existing program.

AMENDATORY SECTION (Amending WSR 90-02-076, filed 1/2/90, effective 2/2/90)

WAC 180-86-150 APPEAL PROCEDURE—FORMAL SPI REVIEW PROCESS. Formal appeals to the superintendent of public instruction shall be provided as follows:

(1) Any person who has filed an appeal in accordance with WAC 180-86-140 and desires to have the decision of the review officer formally reviewed by the superintendent of public instruction may do so. To instigate review under this section, a person must file a written notice with the superintendent of public instruction within thirty calendar days following the date of receipt of the review officer's written decision.

(2) For purposes of hearing an appeal under this section, the superintendent of public instruction shall conduct a formal administrative hearing in conformance with the Administrative Procedure Act, chapter 34.05 RCW. The superintendent of public instruction, in carrying out this duty, may contract with the office of administrative hearings pursuant to RCW 28A.03.500 to hear a particular appeal. Decisions in cases formally appealed pursuant to this section may be made by the administrative law judge selected by the chief administrative law judge if the superintendent of public instruction delegates this authority pursuant to RCW 28A.03.500.

(3) The decision of the superintendent of public instruction or the administrative law judge, whichever is applicable, shall be sent by certified mail to the appellant's last known address and if the decision is to reprimand, suspend, or revoke, the appellant shall be notified that such order takes effect upon signing of the final order and that no stay of reprimand, suspension, or revocation shall exist until the appellant files an appeal in a timely manner pursuant to WAC ~~((180-75-033))~~ 180-86-155.

AMENDATORY SECTION (Amending WSR 90-02-076, filed 1/2/90, effective 2/2/90)

WAC 180-86-155 APPEAL PROCEDURE TO SBE. Any person whose application has been denied for any reason, who has been reprimanded, suspended, or whose certificate has been lapsed or revoked by the superintendent of public instruction in accordance with the procedures of this chapter may appeal that decision to the state board of education by filing a notice of appeal with the superintendent of public instruction or the secretary of the state board of education within thirty calendar days of the date of mailing the decision of the superintendent of public instruction. Review by the state board of education shall be conducted as follows:

(1) Review shall be conducted by the state board of education at its next scheduled meeting following notice of appeal unless either the appellant or the superintendent of public instruction requests an extension of the review to the following next scheduled meeting.

(2) Review conducted by the state board of education shall be confined to the record, except that in cases of alleged irregularities in procedures before the superintendent of public instruction, not shown in the record, testimony thereon shall be taken before the state board of education.

(3) The record shall include written briefs submitted.

(4) Oral argument will be permitted if fifteen days advance notice is given to the secretary of the state board of education.

(5) The state board of education will be assisted in its deliberations and its final order by an assistant attorney general who has not been involved in any prior proceeding related to the previous administrative order by the superintendent of public instruction.

(6) The state board of education may affirm the decision of the superintendent of public instruction, remand the matter for further proceedings, or reverse the decision.

(7) If the decision of the state board of education is to reverse the decision of the superintendent of public instruction or to remand the matter for further proceedings, the state board of education shall state its reasons in a written order.

(8) The final order of the state board of education shall be by written order, attested by the secretary of the state board of education, and

sent to the appellant by certified mail within ten calendar days of the final decision by the state board of education. In addition, persons aggrieved by a final order shall be advised of their right to judicial review pursuant to RCW 34.05.570.

**WSR 92-08-078**  
**PERMANENT RULES**  
**STATE BOARD OF EDUCATION**  
 [Filed March 31, 1992, 11:00 a.m.]

Date of Adoption: March 27, 1992.

Purpose: To provide flexibility for choice of course work to meet two credit physical education high school graduation requirement.

Citation of Existing Rules Affected by this Order: Amending WAC 180-51-085.

Statutory Authority for Adoption: RCW 28A.230.100.

Pursuant to notice filed as WSR 92-05-067 on February 18, 1992.

Effective Date of Rule: Thirty-one days after filing.  
 March 30, 1992  
 Dr. Monica Schmidt  
 Executive Director  
 Secretary

**AMENDATORY SECTION** (Amending WSR 91-11-018, filed 5/6/91, effective 6/6/91)

WAC 180-51-085 **PHYSICAL EDUCATION REQUIREMENT—EXCUSE.** The two credit physical education requirement shall be met by course work in ~~((the areas of personal fitness development, leisure activities, health education/life skills management, and healthful living program design))~~ physical education. The content of courses shall be determined locally pursuant to WAC 180-51-025. Suggested course outlines and student outcomes shall be developed by the office of the superintendent of public instruction. Students shall be excused from physical education pursuant to RCW 28A.230.050. Such excused students shall be required to substitute equivalency credits in accordance with policies of boards of directors of districts.

**WSR 92-08-079**  
**PROPOSED RULES**  
**DEPARTMENT OF FISHERIES**  
 [Filed March 31, 1992, 11:24 a.m.]

Continuance of WSR 92-06-092.

Title of Rule: Commercial fishing rules.

Purpose: Amend bottomfish catch rules; reschedule public hearing.

Statutory Authority for Adoption: RCW 75.08.080.

Statute Being Implemented: RCW 75.08.080.

Summary: See WSR 92-06-092.

Reasons Supporting Proposal: See WSR 92-06-092.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, AX-11, Olympia, 586-2429; Implementation: Judith Freeman, AX-11, Olympia, 753-6749; and

Enforcement: Dayna Matthews, AX-11, Olympia, 753-6585.

Name of Proponent: Washington State Department of Fisheries, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See WSR 92-06-092.

Proposal Changes the Following Existing Rules: See WSR 92-06-092.

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

Hearing Location: NMFS Auditorium, Building 9, Sandpoint Naval Station, Seattle, Washington, on April 22, 1992, at 10:00 a.m.

Submit Written Comments to: Hearings Officer, Washington State Department of Fisheries, 115 General Administration Building, Olympia, WA 98502, by April 21, 1992.

Date of Intended Adoption: April 29, 1992.

March 30, 1992  
 Judith Merchant  
 Deputy  
 for Joseph R. Blum  
 Director

**WSR 92-08-080**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
 [Filed March 31, 1992, 12:34 p.m.]

Original Notice.

Title of Rule: WAC 388-82-140 Qualified Medicare beneficiaries eligible for Medicare cost sharing; 388-82-160 Hospital premium insurance enrollment for the working disabled; 388-83-032 Pregnant women; and 388-83-033 Children—Eligible to eighteen years of age.

Purpose: To increase the level of amount for a family or person to be eligible for certain medical programs. This increase is based on the 1992 federal poverty level.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: Increases the countable income level according to the percentage allowed under each program. The monthly increase for a person at 100 percent is \$198.

Reasons Supporting Proposal: To increase the level of income allowed to be eligible for certain medical programs based on the 1992 federal poverty level.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bobbe Andersen, Medical Assistance Administration, 753-0529.

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

Rule is necessary because of federal law, 42 CFR 124.505(b).

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 May 5, 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 May 5, 1992.

Date of Intended Adoption: May 19, 1992.

March 31, 1992  
 Leslie F. James, Director  
 Administrative Services

**AMENDATORY SECTION** (Amending Order 3150, filed 3/11/91, effective 4/11/91)

WAC 388-82-140 QUALIFIED MEDICARE BENEFICIARIES ELIGIBLE FOR MEDICARE COST SHARING. (1) The department shall provide Medicare cost sharing under WAC 388-81-060(2) for an individual:

- (a) Meeting the general nonfinancial requirements under chapter 388-83 WAC;
- (b) Entitled to Medicare hospital insurance benefits, Part A, under Title XVIII of the Social Security Act;
- (c) Having resources not exceeding twice the maximum supplemental security income (SSI) resource limits under chapter 388-92 WAC; and
- (d) Having a total countable ((family)) income, as determined under chapter 388-92 WAC, except as specified in subsection (2) of this section, not exceeding one-hundred percent of the federal poverty income guidelines as published and updated by the secretary of health and human services. Effective ((April 1, 1991)) April 1, 1992, one-hundred percent of the ((1991)) current federal poverty income guidelines is:

	Family Size	Monthly
(i)	One	\$ ((552)) 568
(ii)	Two	((740)) 766
((iii))	Three	928
(iv)	Four	1,117
(v)	Five	1,305
(vi)	Six	1,493
(vii)	Seven	1,682
(viii)	Eight	1,870

((ix)) For family units with more than eight members, add \$188 to the monthly income for each additional member.))

(2) Effective January 1, 1991, for applicants and recipients, the department shall not consider Social Security cost of living allowance increase until April 1, of each year.

**AMENDATORY SECTION** (Amending Order 3180, filed 8/23/90 [5/21/91], effective 9/23/90 [6/21/91])

WAC 388-82-160 HOSPITAL PREMIUM INSURANCE ENROLLMENT FOR THE WORKING DISABLED. The department shall pay premiums for Medicare Part A for an individual:

- (1) Who is not otherwise entitled for medical assistance;
- (2) Entitled to enroll for Medicare hospital insurance benefits, Part A, under section 1818A of the Social Security Act;
- (3) Having resources, as determined under chapter 388-92 WAC, not exceeding twice the maximum supplemental security income (SSI) resource limits under chapter 388-92 WAC for an individual or a couple (individual with a spouse); and
- (4) Having a total countable family income, as determined under chapter 388-92 WAC, not exceeding two hundred percent of the current federal poverty income guidelines as published and updated by the secretary of health and human services. Two hundred percent of the ((1991)) current poverty income guidelines is:

	Family Size	Monthly
(a)	One	\$((+104.00)) 1,135.00
(b)	Two	((+480.00)) 1,532.00

((cc)) For family units with three members or more, add \$376.00 to the monthly income for each additional member.))

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

**AMENDATORY SECTION** (Amending Order 3174, filed 5/1/91, effective 6/1/91)

WAC 388-83-032 PREGNANT WOMEN. (1) The department shall find a pregnant woman eligible for Medicaid as categorically needy, if the pregnant woman meets:

- (a) The income requirements of this section; and
  - (b) Citizenship, Social Security number, and residence requirements under chapter 388-83 WAC.
- (2) If a pregnant woman applies on or before the last day of pregnancy, the department shall find her eligible for continued Medicaid coverage through the end of the month containing the sixtieth day from the day pregnancy ends.
- (3) Income eligibility:
- (a) Total family income shall not exceed one hundred eighty-five percent of the federal poverty income guidelines as published and updated by the secretary of health and human services. Effective ((April 1, 1991)) April 1, 1992, one hundred eighty-five percent of the ((1991)) current federal poverty income guidelines is:

	Family Size	Monthly
(i)	One	\$((+02+)) 1,050
(ii)	Two	((+369)) 1,417
(iii)	Three	((+717)) 1,784
(iv)	Four	((+066)) 2,151
(v)	Five	((+414)) 2,518
(vi)	Six	((+762)) 2,885
(vii)	Seven	((+112)) 3,252
(viii)	Eight	((+460)) 3,619

((ix)) For family units with nine members or more, add \$((348)) 367 to the monthly income for each additional member.

- (b) The department shall determine family income:
  - (i) According to AFDC methodology, except the department shall:
    - (A) Exclude the income of the unmarried father of the unborn or unborns unless the income is actually contributed; and
    - (B) Determine eligibility as if the unborn or unborns are born.
  - (ii) ((Apply)) By applying the special situations as required under WAC 388-83-130.
- (c) The department shall consider the provisions of WAC 388-83-130(1) in determining countable income for a pregnant minor.
- (4) The department shall not consider resources in determining the pregnant woman's eligibility.
- (5) Changes in family income shall not affect eligibility for medical assistance for the pregnant woman during pregnancy and when eligible under subsection (2) of this section through the end of the month that contains the sixtieth day from the last day of pregnancy:
  - (a) Once the department determines a pregnant woman eligible under this section; or
  - (b) If at any time while eligible for and receiving medical assistance a pregnant woman meets the eligibility requirements of this section.

**AMENDATORY SECTION** (Amending Order 3308, filed 1/15/92, effective 2/15/92)

WAC 388-83-033 CHILDREN—ELIGIBLE TO EIGHTEEN YEARS OF AGE. (1) The department shall find a child who has not yet attained eighteen years of age eligible for Medicaid when the child meets citizenship, residence, and Social Security Number requirements

under this chapter and the income requirement corresponding to the age levels under the following subsections:

(a) A child born on or before September 30, 1983, but has not attained eighteen years of age, shall be eligible as categorically needy when the family income and resources are equal to or less than the AFDC income and resource standards;

(b) A child six years of age or older born on or after October 1, 1983, shall be eligible as categorically needy when the total family countable income does not exceed one hundred percent of the poverty income guidelines as published and updated by the secretary of health and human services. One hundred percent of the ~~((+99+))~~ current federal poverty income guidelines is:

Family Size	Monthly
(i) One	\$ <del>((552))</del> 568
(ii) Two	<del>((5740))</del> 766
(iii) Three	<del>((5928))</del> 965
(iv) Four	<del>((51,117))</del> 1,163
(v) Five	<del>((51,305))</del> 1,361
(vi) Six	<del>((51,493))</del> 1,560
(vii) Seven	<del>((51,682))</del> 1,758
(viii) Eight	<del>((51,870))</del> 1,956

(ix) For family units with more than eight members, add \$~~((+88))~~ 199 to the monthly income for each additional member.

(c) A child who attains one year of age, but has not attained six years of age, shall be eligible as categorically needy when the total family countable income does not exceed one hundred thirty-three percent of the federal poverty income guidelines as published and updated by the secretary of health and human services. One hundred thirty-three percent of the ~~((+99+))~~ current federal poverty income guidelines is:

Family Size	Monthly
(i) One	\$ <del>((734))</del> 755
(ii) Two	<del>((5984))</del> 1,019
(iii) Three	<del>((51,234))</del> 1,283
(iv) Four	<del>((51,486))</del> 1,547
(v) Five	<del>((51,736))</del> 1,810
(vi) Six	<del>((51,986))</del> 2,074
(vii) Seven	<del>((52,237))</del> 2,338
(viii) Eight	<del>((52,487))</del> 2,602

(ix) For family units with more than eight members, add \$~~((250))~~ 264 to the monthly income for each additional member.

(d) An infant under one year of age shall be eligible as categorically needy when the infant is a member of a family whose total family countable income does not exceed one hundred eighty-five percent of the ~~((+99+))~~ current federal poverty income guidelines. See income guidelines as described under WAC 388-83-032 (3)(a).

(2) The department shall:

(a) Find an infant under one year of age and born before January 1, 1991, eligible as categorically needy when the infant:

(i) Is born to a woman eligible for and receiving medical assistance on the date of the infant's birth; and

(ii) Remains a member of the mother's household and the mother remains eligible for medical assistance.

(b) Find an infant under one year of age and born on or after January 1, 1991, eligible as categorically needy when the infant:

(i) Is born to a woman eligible for and receiving medical assistance on the date of the infant's birth; and

(ii) Remains a member of the mother's household.

(c) Not consider citizenship, application for, or possession of, a Social Security Number, income, or resource requirements for infants under this subsection.

(3) Effective January 1, 1991, regardless of citizenship or application for, or possession of a Social Security Number, the department shall determine a child from birth to eighteen years of age, eligible for state-funded medical services with the same medical coverage as categorically needy, if the:

(a) Child is not eligible for any federally-funded Medicaid program; and

(b) Child's total family countable income does not exceed one hundred percent of the ~~((+99+))~~ current federal poverty income guidelines. See income guidelines as described under subsection (1)(b) of this section.

(4) The department shall determine family income according to AFDC methodology, and apply the special situations as required under WAC 388-83-130.

(5) The department shall not consider resources in determining eligibility of a child under this section except in subsection (1)(a) of this section.

(6) A child shall remain eligible under this section until the later of the end of the month:

(a) Of the child's birthday that exceeds the age requirement; or

(b) In which the child receives inpatient services if:

(i) The child is receiving inpatient services on the last day of the month of the child's birthday that exceeds the age requirement; and

(ii) The child's stay for inpatient services continues into the following month or months; and

(iii) Except for the age requirement, the child would be eligible for assistance under this section.

(7) A child eligible under subsection (3) of this section if pregnant, shall remain eligible:

(a) Regardless of the changes in family income; and

(b) Through the end of the month including the sixtieth day from the day the pregnancy ends.

**WSR 92-08-081  
EMERGENCY RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Public Assistance)**

[Filed March 31, 1992, 12:37 p.m., effective April 1, 1992, 12:01 a.m.]

Date of Adoption: March 31, 1992.

Purpose: To increase the level of amount for a family or person to be eligible for certain medical programs. This increase is based on the 1992 federal poverty level.

Citation of Existing Rules Affected by this Order: Amending WAC 388-82-140 Qualified Medicare beneficiaries eligible for Medicare cost sharing; 388-82-160 Hospital premium insurance enrollment for the working disabled; 388-83-038 Pregnant women; and 388-83-033 Children—Eligible to eighteen years of age.

Statutory Authority for Adoption: RCW 74.08.090.

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

Reasons for this Finding: To increase the level of income allowed to be eligible for certain medical programs based on the 1992 federal poverty level.

Effective Date of Rule: April 1, 1992, 12:01 a.m.  
 March 31, 1992  
 Leslie F. James, Director  
 Administrative Services

**AMENDATORY SECTION** (Amending Order 3150, filed 3/11/91, effective 4/11/91)

WAC 388-82-140 QUALIFIED MEDICARE BENEFICIARIES ELIGIBLE FOR MEDICARE COST SHARING. (1) The department shall provide Medicare cost sharing under WAC 388-81-060(2) for an individual:

(a) Meeting the general nonfinancial requirements under chapter 388-83 WAC;

(b) Entitled to Medicare hospital insurance benefits, Part A, under Title XVIII of the Social Security Act;

(c) Having resources not exceeding twice the maximum supplemental security income (SSI) resource limits under chapter 388-92 WAC; and

(d) Having a total countable ((family)) income, as determined under chapter 388-92 WAC, except as specified in subsection (2) of this section, not exceeding one-hundred percent of the federal poverty income guidelines as published and updated by the secretary of health and human services. Effective ((April 1, 1991)) April 1, 1992, one-hundred percent of the ((1991)) current federal poverty income guidelines is:

	Family Size	Monthly
(i)	One	\$ ((552)) 568
(ii)	Two	((740)) 766
((iii))	Three	928
(iv)	Four	1,117
(v)	Five	1,305
(vi)	Six	1,493
(vii)	Seven	1,682
(viii)	Eight	1,870

((ix)) For family units with more than eight members, add \$188 to the monthly income for each additional member.))

(2) Effective January 1, 1991, for applicants and recipients, the department shall not consider Social Security cost of living allowance increase until April 1, of each year.

**AMENDATORY SECTION** (Amending Order 3180, filed 8/23/90 [5/21/91], effective 9/23/90 [6/21/91])

WAC 388-82-160 HOSPITAL PREMIUM INSURANCE ENROLLMENT FOR THE WORKING DISABLED. The department shall pay premiums for Medicare Part A for an individual:

(1) Who is not otherwise entitled for medical assistance;

(2) Entitled to enroll for Medicare hospital insurance benefits, Part A, under section 1818A of the Social Security Act;

(3) Having resources, as determined under chapter 388-92 WAC, not exceeding twice the maximum supplemental security income (SSI) resource limits under chapter 388-92 WAC for an individual or a couple (individual with a spouse); and

(4) Having a total countable family income, as determined under chapter 388-92 WAC, not exceeding two hundred percent of the current federal poverty income guidelines as published and updated by the secretary of health and human services. Two hundred percent of the ((1991)) current poverty income guidelines is:

	Family Size	Monthly
(a)	One	\$((1,104.00)) 1,135.00
(b)	Two	((1,480.00)) 1,532.00

((c)) For family units with three members or more, add \$376.00 to the monthly income for each additional member.))

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

**AMENDATORY SECTION** (Amending Order 3174, filed 5/1/91, effective 6/1/91)

WAC 388-83-032 PREGNANT WOMEN. (1) The department shall find a pregnant woman eligible for Medicaid as categorically needy, if the pregnant woman meets:

(a) The income requirements of this section; and

(b) Citizenship, Social Security number, and residence requirements under chapter 388-83 WAC.

(2) If a pregnant woman applies on or before the last day of pregnancy, the department shall find her eligible for continued Medicaid coverage through the end of the month containing the sixtieth day from the day pregnancy ends.

(3) Income eligibility:

(a) Total family income shall not exceed one hundred eighty-five percent of the federal poverty income guidelines as published and updated by the secretary of health and human services. Effective ((April 1, 1991)) April 1, 1992, one hundred eighty-five percent of the ((1991)) current federal poverty income guidelines is:

	Family Size	Monthly
(i)	One	\$((1,021)) 1,050
(ii)	Two	((1,369)) 1,417
(iii)	Three	((1,717)) 1,784
(iv)	Four	((2,066)) 2,151
(v)	Five	((2,414)) 2,518
(vi)	Six	((2,762)) 2,885

	Family Size	Monthly
(vii)	Seven	<del>(\$3,112)</del> 3,252
(viii)	Eight	<del>(\$3,460)</del> 3,619

(ix) For family units with nine members or more, add ~~\$(348)~~ 367 to the monthly income for each additional member.

(b) The department shall determine family income:

(i) According to AFDC methodology, except the department shall:

(A) Exclude the income of the unmarried father of the unborn or unborns unless the income is actually contributed; and

(B) Determine eligibility as if the unborn or unborns are born.

(ii) ~~((Apply))~~ By applying the special situations as required under WAC 388-83-130.

(c) The department shall consider the provisions of WAC 388-83-130(1) in determining countable income for a pregnant minor.

(4) The department shall not consider resources in determining the pregnant woman's eligibility.

(5) Changes in family income shall not affect eligibility for medical assistance for the pregnant woman during pregnancy and when eligible under subsection (2) of this section through the end of the month that contains the sixtieth day from the last day of pregnancy:

(a) Once the department determines a pregnant woman eligible under this section; or

(b) If at any time while eligible for and receiving medical assistance a pregnant woman meets the eligibility requirements of this section.

**AMENDATORY SECTION** (Amending Order 3308, filed 1/15/92, effective 2/15/92)

**WAC 388-83-033 CHILDREN—ELIGIBLE TO EIGHTEEN YEARS OF AGE.** (1) The department shall find a child who has not yet attained eighteen years of age eligible for Medicaid when the child meets citizenship, residence, and Social Security Number requirements under this chapter and the income requirement corresponding to the age levels under the following subsections:

(a) A child born on or before September 30, 1983, but has not attained eighteen years of age, shall be eligible as categorically needy when the family income and resources are equal to or less than the AFDC income and resource standards;

(b) A child six years of age or older born on or after October 1, 1983, shall be eligible as categorically needy when the total family countable income does not exceed one hundred percent of the poverty income guidelines as published and updated by the secretary of health and human services. One hundred percent of the ~~((+99+))~~ current federal poverty income guidelines is:

	Family Size	Monthly
(i)	One	<del>\$(552)</del> 568
(ii)	Two	<del>(\$740)</del> 766
(iii)	Three	<del>(\$928)</del> 965
(iv)	Four	<del>(\$1,117)</del> 1,163
(v)	Five	<del>(\$1,305)</del> 1,361
(vi)	Six	<del>(\$1,493)</del> 1,560
(vii)	Seven	<del>(\$1,682)</del> 1,758
(viii)	Eight	<del>(\$1,870)</del> 1,956

(ix) For family units with more than eight members, add ~~\$(+88)~~ 198 to the monthly income for each additional member.

(c) A child who attains one year of age, but has not attained six years of age, shall be eligible as categorically needy when the total family countable income does not exceed one hundred thirty-three percent of the federal poverty income guidelines as published and updated by the secretary of health and human services. One hundred thirty-three percent of the ~~((+99+))~~ current federal poverty income guidelines is:

	Family Size	Monthly
(i)	One	<del>\$(734)</del> 755
(ii)	Two	<del>(\$984)</del> 1,019
(iii)	Three	<del>(\$1,234)</del> 1,283
(iv)	Four	<del>(\$1,486)</del> 1,547
(v)	Five	<del>(\$1,736)</del> 1,810
(vi)	Six	<del>(\$1,986)</del> 2,074
(vii)	Seven	<del>(\$2,237)</del> 2,338
(viii)	Eight	<del>(\$2,487)</del> 2,602

(ix) For family units with more than eight members, add ~~\$(250)~~ 264 to the monthly income for each additional member.

(d) An infant under one year of age shall be eligible as categorically needy when the infant is a member of a family whose total family countable income does not exceed one hundred eighty-five percent of the ~~((+99+))~~ current federal poverty income guidelines. See income guidelines as described under WAC 388-83-032 (3)(a).

(2) The department shall:

(a) Find an infant under one year of age and born before January 1, 1991, eligible as categorically needy when the infant:



(i) Is born to a woman eligible for and receiving medical assistance on the date of the infant's birth; and

(ii) Remains a member of the mother's household and the mother remains eligible for medical assistance.

(b) Find an infant under one year of age and born on or after January 1, 1991, eligible as categorically needy when the infant:

(i) Is born to a woman eligible for and receiving medical assistance on the date of the infant's birth; and

(ii) Remains a member of the mother's household.

(c) Not consider citizenship, application for, or possession of, a Social Security Number, income, or resource requirements for infants under this subsection.

(3) Effective January 1, 1991, regardless of citizenship or application for, or possession of a Social Security Number, the department shall determine a child from birth to eighteen years of age, eligible for state-funded medical services with the same medical coverage as categorically needy, if the:

(a) Child is not eligible for any federally-funded Medicaid program; and

(b) Child's total family countable income does not exceed one hundred percent of the ~~((1991))~~ current federal poverty income guidelines. See income guidelines as described under subsection (1)(b) of this section.

(4) The department shall determine family income according to AFDC methodology, and apply the special situations as required under WAC 388-83-130.

(5) The department shall not consider resources in determining eligibility of a child under this section except in subsection (1)(a) of this section.

(6) A child shall remain eligible under this section until the later of the end of the month:

(a) Of the child's birthday that exceeds the age requirement; or

(b) In which the child receives inpatient services if:

(i) The child is receiving inpatient services on the last day of the month of the child's birthday that exceeds the age requirement; and

(ii) The child's stay for inpatient services continues into the following month or months; and

(iii) Except for the age requirement, the child would be eligible for assistance under this section.

(7) A child eligible under subsection (3) of this section if pregnant, shall remain eligible:

(a) Regardless of the changes in family income; and

(b) Through the end of the month including the sixtieth day from the day the pregnancy ends.

**WSR 92-08-082**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Filed March 31, 1992, 12:39 p.m., effective May 5, 1992]

Date of Adoption: March 31, 1992.

Purpose: Amendment of Social Security Act, Section 1924 (e)(3)(a), effective July 1, 1991. Amendment of the community spouse maintenance needs allowance to

ensure compliance with the above federal regulation that became effective July 1, 1991.

Citation of Existing Rules Affected by this Order: Amending WAC 388-95-360 Allocation of income—Institutionalized recipient.

Statutory Authority for Adoption: RCW 74.08.090.

Pursuant to notice filed as WSR 92-03-147 on January 22, 1992.

Changes Other than Editing from Proposed to Adopted Version: Dollar amount changes.

Effective Date of Rule: May 5, 1992.

March 31, 1992

Leslie F. James, Director  
 Administrative Services

**AMENDATORY SECTION** (Amending Order 3232, filed 8/20/91, effective 9/20/91)

WAC 388-95-360 ALLOCATION OF INCOME—INSTITUTIONALIZED RECIPIENT. (1) In reducing payment to the institution, the department shall consider the institutionalized recipient's income under WAC 388-95-335 (3)(a), (b), (c), and (d).

(2) The department shall deduct the following amounts, in the following order, from the institutionalized recipient's total income, including amounts excluded in determining eligibility:

(a) Specified personal needs allowance;

(b) An amount an SSI, AFDC, or FIP-related client in a medical facility receives as a cash assistance payment sufficient to bring the client's income up to the personal needs allowance;

(c) The current personal needs allowance plus wages the SSI-related client receives for work approved by the department as part of a training or rehabilitative program designed to prepare the ~~((individual))~~ person for a less-restrictive placement when the total wages received plus the personal needs allowance do not exceed the one-person medically needy income level:

(i) ~~((No))~~ A deduction ~~((s-are))~~ is not allowed for employment expenses ~~((of-employment))~~; and

(ii) The excess wages shall apply to the cost of care when the total wages received plus the initial personal needs allowance exceeds the one-person medically needy income level.

(d) A monthly needs allowance for the community spouse not to exceed one thousand seven hundred eighty-two dollars, unless specified in subsection (4) of this section. The monthly needs allowance shall be:

(i) ~~((Of-an))~~ An amount added to the community spouse's income to provide a total community spouse's income of one thousand two hundred fifty-eight dollars; and

(ii) ~~((Actual))~~ Excess shelter expenses ~~((that exceed two hundred seventy dollars and ninety cents. The department shall calculate actual shelter expenses for the community spouse's principal residence for:~~

~~(A) Rent;~~

~~(B) Mortgage;~~

~~(C) Taxes and insurance;~~

~~(D) Any maintenance charge for a condominium or cooperative; and~~

~~(E) A food stamp standard allowance for utilities provided the utilities are not included in the maintenance charges for a condominium or cooperative.~~

~~(iii) The total of the community spouse's monthly needs allowance shall not exceed one thousand six hundred sixty-two dollars, unless:~~

~~(A) A court enters an order against the institutionalized client for the community spouse support in excess of this amount; or~~

~~(B) A hearings officer determines a greater amount is needed because of exceptional circumstances resulting in extreme financial duress)) as specified in subsection (3) of this section.~~

~~(e) An amount for the maintenance needs of ((a)) each dependent family member residing with the community spouse;~~

~~(i) An amount:~~

~~(A) Effective April 1, 1992, equal to one-third of the amount ((nine hundred three)) one thousand nineteen dollars exceeds the family member's income ((for each)); and~~

~~(B) Effective July 1, 1992, equal to one-third of the amount one thousand one hundred forty-nine dollars exceeds the family member's income.~~

~~(ii) A family member is a:~~

~~((i)) (A) Dependent or minor child;~~

~~((ii)) (B) Dependent parent; or~~

~~((iii)) (C) Dependent sibling of the institutionalized or community spouse(;;).~~

~~(f) If an institutional recipient does not have a community spouse, an amount for the maintenance needs of family members residing in the recipient's home is equal to the medically needy income level for the number of legal dependents in the home less the income of the dependents;~~

~~(g) Amounts for incurred medical expenses not subject to third-party payment including, but not limited to:~~

~~(i) Health insurance premiums, co-insurance, or deductible charges; and~~

~~(ii) Necessary medical care recognized under state law, but not covered under Medicaid.~~

~~(h) Maintenance of the home of a single person or couple:~~

~~(i) Up to one hundred eighty dollars per month; and~~

~~(ii) Limited to a six-month period; and~~

~~(iii) A physician has certified that either of the ((individuals)) persons is likely to return to the home within that period; and~~

~~(iv) Social service staff shall document initial need for the income exemption and review the person's circumstances after ninety days.~~

~~(3) For the purposes of this section, excess shelter expenses:~~

~~(a) Means the actual required maintenance expenses for the community spouse's principal residence for:~~

~~(i) Rent;~~

~~(ii) Mortgage;~~

~~(iii) Taxes and insurance;~~

~~(iv) Any maintenance care for a condominium or cooperative; and~~

(v) A food stamp standard allowance for utilities, provided the utilities are not included in the maintenance charges for a condominium or cooperative.

(b) Shall not exceed three hundred five dollars and seventy cents, effective April 1, 1992; and

(c) Shall not exceed three hundred forty-four dollars and seventy cents, effective July 1, 1992.

(4) The amount allocated from the institutional spouse to the community spouse may be greater than the amount in subsection (2)(d)(i) of this section only when:

(a) A court enters an order against the institutional client for the community spouse support; or

(b) A hearings officer determines a greater amount is needed because of exceptional circumstances resulting in extreme financial duress.

(5) The department shall not deduct specified personal needs allowance, community spouse, needy dependent maintenance needs, or home maintenance needs from a veteran's aid and attendance allowance.

~~((4)) (6) The recipient shall use the income remaining after allocations specified in subsection (2) of this section, toward payment of the recipient's cost of care at the department rate.~~

~~((5)) (7)(a) Effective July 1, 1988, SSI-related clients shall continue to receive total payment under 1611 (b)(1) of the Social Security Act (SSA) for the first three full calendar months of institutionalization in a public or Medicaid-approved medical institution or facility if the:~~

~~(i) Stay in the institution or facility is not expected to exceed three months; and~~

~~(ii) SSI-related clients plan to return to their former living arrangements.~~

~~(b) The department shall not consider the SSI payment when computing the participation amount.~~

~~((6)) (8) The department shall not consider income from reparation payments made by the Federal Republic of Germany when computing the participation amount.~~

#### WSR 92-08-083

#### EMERGENCY RULES

#### DEPARTMENT OF

#### SOCIAL AND HEALTH SERVICES

#### (Public Assistance)

[Filed March 31, 1992, 12:41 p.m., effective April 1, 1992, 12:01 a.m.]

Date of Adoption: March 31, 1992.

Purpose: Amendment of Social Security Act, Section 1924 (d)(3)(a), effective July 1, 1991. Amendment of the community spouse maintenance needs allowance to ensure compliance with the above federal regulation that became effective July 1, 1991.

Citation of Existing Rules Affected by this Order: Amending WAC 388-95-360 Allocation of income—Institutionalized recipient.

Statutory Authority for Adoption: RCW 74.08.090.

Changes Other than Editing from Proposed to Adopted Version: Dollar amount changes.

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: Omnibus Budget Reconciliation Act of 1989.

Effective Date of Rule: April 1, 1992, 12:01 a.m.

March 31, 1992

Leslie F. James, Director  
Administrative Services

AMENDATORY SECTION (Amending Order 3232, filed 8/20/91, effective 9/20/91)

WAC 388-95-360 ALLOCATION OF INCOME—INSTITUTIONALIZED RECIPIENT. (1) In reducing payment to the institution, the department shall consider the institutionalized recipient's income under WAC 388-95-335 (3)(a), (b), (c), and (d).

(2) The department shall deduct the following amounts, in the following order, from the institutionalized recipient's total income, including amounts excluded in determining eligibility:

(a) Specified personal needs allowance;

(b) An amount an SSI, AFDC, or FIP-related client in a medical facility receives as a cash assistance payment sufficient to bring the client's income up to the personal needs allowance;

(c) The current personal needs allowance plus wages the SSI-related client receives for work approved by the department as part of a training or rehabilitative program designed to prepare the ~~((individual))~~ person for a less-restrictive placement when the total wages received plus the personal needs allowance do not exceed the one-person medically needy income level:

(i) ~~((No))~~ A deduction ~~((s are))~~ is not allowed for employment expenses ~~((of employment))~~; and

(ii) The excess wages shall apply to the cost of care when the total wages received plus the initial personal needs allowance exceeds the one-person medically needy income level.

(d) A monthly needs allowance for the community spouse not to exceed one thousand seven hundred eighty-two dollars, unless specified in subsection (4) of this section. The monthly needs allowance shall be:

(i) ~~((Of an))~~ An amount added to the community spouse's income to provide a total community spouse's income of one thousand two hundred fifty-eight dollars; and

(ii) ~~((Actual))~~ Excess shelter expenses ~~((that exceed two hundred seventy dollars and ninety cents. The department shall calculate actual shelter expenses for the community spouse's principal residence for:~~

~~(A) Rent;~~

~~(B) Mortgage;~~

~~(C) Taxes and insurance;~~

~~(D) Any maintenance charge for a condominium or cooperative; and~~

~~(E) A food stamp standard allowance for utilities provided the utilities are not included in the maintenance charges for a condominium or cooperative.~~

~~(iii) The total of the community spouse's monthly needs allowance shall not exceed one thousand six hundred sixty-two dollars, unless:~~

~~(A) A court enters an order against the institutionalized client for the community spouse support in excess of this amount; or~~

~~(B) A hearing officer determines a greater amount is needed because of exceptional circumstances resulting in extreme financial duress)) as specified in subsection (3) of this section.~~

(e) An amount for the maintenance needs of ((a)) each dependent family member residing with the community spouse:

(i) An amount:

(A) Effective April 1, 1992, equal to one-third of the amount ((nine hundred three)) one thousand nineteen dollars exceeds the family member's income ((for each)); and

(B) Effective July 1, 1992, equal to one-third of the amount one thousand one hundred forty-nine dollars exceeds the family member's income.

(ii) A family member is a:

~~((+))~~ (A) Dependent or minor child;

~~((+))~~ (B) Dependent parent; or

~~((+))~~ (C) Dependent sibling of the institutionalized or community spouse(;;).

(f) If an institutional recipient does not have a community spouse, an amount for the maintenance needs of family members residing in the recipient's home is equal to the medically needy income level for the number of legal dependents in the home less the income of the dependents;

(g) Amounts for incurred medical expenses not subject to third-party payment including, but not limited to:

(i) Health insurance premiums, co-insurance, or deductible charges; and

(ii) Necessary medical care recognized under state law, but not covered under Medicaid.

(h) Maintenance of the home of a single person or couple:

(i) Up to one hundred eighty dollars per month; and

(ii) Limited to a six-month period; and

(iii) A physician has certified that either of the ((individuals)) persons is likely to return to the home within that period; and

(iv) Social service staff shall document initial need for the income exemption and review the person's circumstances after ninety days.

(3) For the purposes of this section, excess shelter expenses:

(a) Means the actual required maintenance expenses for the community spouse's principal residence for:

(i) Rent;

(ii) Mortgage;

(iii) Taxes and insurance;

(iv) Any maintenance care for a condominium or cooperative; and

(v) A food stamp standard allowance for utilities, provided the utilities are not included in the maintenance charges for a condominium or cooperative.

(b) Shall not exceed three hundred five dollars and seventy cents, effective April 1, 1992; and

(c) Shall not exceed three hundred forty-four dollars and seventy cents, effective July 1, 1992.

(4) The amount allocated from the institutional spouse to the community spouse may be greater than the amount in subsection (2)(d)(i) of this section only when:

(a) A court enters an order against the institutional client for the community spouse support; or

(b) A hearings officer determines a greater amount is needed because of exceptional circumstances resulting in extreme financial duress.

(5) The department shall not deduct specified personal needs allowance, community spouse, needy dependent maintenance needs, or home maintenance needs from a veteran's aid and attendance allowance.

((4)) (6) The recipient shall use the income remaining after allocations specified in subsection (2) of this section, toward payment of the recipient's cost of care at the department rate.

((5)) (7)(a) Effective July 1, 1988, SSI-related clients shall continue to receive total payment under 1611 (b)(1) of the Social Security Act (SSA) for the first three full calendar months of institutionalization in a public or Medicaid-approved medical institution or facility if the:

(i) Stay in the institution or facility is not expected to exceed three months; and

(ii) SSI-related clients plan to return to their former living arrangements.

(b) The department shall not consider the SSI payment when computing the participation amount.

((6)) (8) The department shall not consider income from reparation payments made by the Federal Republic of Germany when computing the participation amount.

#### WSR 92-08-084

#### PROPOSED RULES

#### LIQUOR CONTROL BOARD

[Filed March 31, 1992, 2:05 p.m.]

#### Original Notice.

Title of Rule: WAC 314-12-090 Managers required—Exceptions, requires that all businesses licensed by the Liquor Control Board appoint managers and submit those names to the board for approval.

Purpose: Establish someone to be held accountable for any activities on the licensed premises.

Statutory Authority for Adoption: RCW 66.08.030.

Statute Being Implemented: RCW 66.08.030.

Summary: Because WAC 314-12-125 already holds the licensee directly responsible for the acts of all employees, there is no need for WAC 314-12-090 therefore, it is to be repealed.

Reasons Supporting Proposal: Managers frequently change in the hospitality industry. In reality, it is not unusual for a manager to be working as a manager prior

to receiving board approval, submit the application form and to quit or move on prior to receiving approval. Deleting the rule will reduce the paperwork requirements for the industry and board.

Name of Agency Personnel Responsible for Drafting: Janice Lee Britt, 1025 East Union, Olympia, 98504, (206) 586-6701; Implementation and Enforcement: Gary W. Gilbert, 1025 East Union, Olympia, 98504, (206) 586-3052.

Name of Proponent: Washington State Liquor Control Board, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: This change will reduce paperwork and costs for both industry and government.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The existing rule is repealed, thus making record-keeping easier for both the industry and board without any loss of accountability.

Proposal Changes the Following Existing Rules: Repeals rule.

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

Since the repeal of this rule will be a cost savings to industry and the board, there will be no adverse impact which would require an economic impact statement.

Hearing Location: May 27, 1992, beginning at 10:00 a.m., Conference Room, Washington State Liquor Control Board, Distribution Center, 4401 East Marginal Way South, Seattle, WA 98134-1193; and on June 3, 1992, beginning at 10:00 a.m., City Council Chambers, West 808 Spokane Falls Boulevard, Spokane, WA 99201.

Submit Written Comments to: M. Carter Mitchell, Information Office, Liquor Control Board, 1025 East Union, Olympia, WA 98504, by June 5, 1992.

Date of Intended Adoption: June 17, 1992.

March 31, 1992

Paula O'Connor

Chairman

#### REPEALER

The following section of Washington Administrative Code is repealed:

WAC 314-12-090 Managers required—Exceptions.

#### WSR 92-08-085

#### PROPOSED RULES

#### LIQUOR CONTROL BOARD

[Filed March 31, 1992, 2:07 p.m.]

#### Original Notice.

Title of Rule: New section WAC 314-12-015 Applicant certification for a license.

Purpose: Sets forth a procedure by which applicants for a liquor license shall be required to take a test on the applicants' knowledge of liquor laws.

Statutory Authority for Adoption: RCW 66.08.030.

Statute Being Implemented: RCW 66.08.030 and 66.24.010.

Summary: The rule explains that every applicant for a license must pass a test proving knowledge of the liquor laws. The rule sets forth a definition of which applicants are required to take and pass such testing procedures.

Name of Agency Personnel Responsible for Drafting: Janice Lee Britt, 1025 East Union, Olympia, (206) 586-6701; Implementation: Lester C. Dalrymple, 1025 East Union, Olympia, (206) 753-6259; and Enforcement: Gary W. Gilbert, 1025 East Union, Olympia, (206) 586-3052.

Name of Proponent: Washington State Liquor Control Board, 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 require every applicant for a liquor license to take and pass a test on the applicant's knowledge of liquor laws prior to the board processing the application. The knowledge necessary to successfully pass the test will be such as to show the applicant is aware and understands Washington's liquor laws and the seriousness of being granted the privilege of holding a liquor license.

Proposal does not change existing rules.

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

The agency has considered whether this rule is subject to the Regulatory Fairness Act and has determined it is not for the following reasons: No direct additional costs are necessary for a business to comply with this rule. Applicants are currently required to meet with representatives of the board upon making application. This rule does not require any additional travel or contact by applicants; indirect costs to the applicant are minimal. The board anticipates providing the applicants with a study guide, a test and a self-addressed, unstamped envelope to return the test to the board. Applicants will be required to attach a stamp to the return envelope; and the proposal does not place any requirement on current license holders.

Hearing Location: May 27, 1992, beginning at 10:00 a.m., Conference Room, Washington State Liquor Control Board, Distribution Center, 4401 East Marginal Way South, Seattle, WA 98134-1193; and on June 3, 1992, beginning at 10:00 a.m., City Council Chambers, West 808 Spokane Falls Boulevard, Spokane, WA 99201.

Submit Written Comments to: M. Carter Mitchell, Information Office, Liquor Control Board, 1025 East Union, Olympia, WA 98504, by June 5, 1992.

Date of Intended Adoption: June 17, 1992.

March 31, 1992  
Paula O'Connor  
Chairman

laws. The passing of such test is a certification that the applicant has a basic knowledge of liquor law requirements and is able to operate their liquor business in such a fashion as to protect the public health, welfare and safety.

(a) If the applicant is a sole proprietor, the sole proprietor must take and pass a "Liquor Law Knowledge" test prior to being issued a license by the Board.

(b) If the applicant is a partnership, all general partners must take and pass a "Liquor Law Knowledge" test prior to being issued a license by the Board.

(c) If the applicant is a corporation, the corporate President or designee must take and pass a "Liquor Law Knowledge" test prior to being issued a license by the Board.

## WSR 92-08-086

### PROPOSED RULES

#### LIQUOR CONTROL BOARD

[Filed March 31, 1992, 2:17 p.m.]

#### Original Notice.

Title of Rule: WAC 314-16-190 Class H restaurant—Qualifications, specifies qualifications for Class H licensed premises including the food-to-liquor ratio.

Purpose: To set forth the criteria under which a licensed premises operates with Class H license privileges.

Statutory Authority for Adoption: RCW 66.08.030.

Statute Being Implemented: RCW 66.08.030.

Summary: The food-to-liquor ratio is repealed and in place thereof is language which requires complete meals to be served, defines a complete meal and sets forth specific equipment for qualification as a kitchen.

Reasons Supporting Proposal: More clearly defines what a restaurant is and what constitutes the service of meals. The food-to-liquor ratio is eliminated which will reduce much of the confusion within the industry.

Name of Agency Personnel Responsible for Drafting: Lester C. Dalrymple, 1025 East Union, Olympia, (206) 753-6259; Implementation and Enforcement: Gary W. Gilbert, 1025 East Union, Olympia, (206) 586-3052.

Name of Proponent: Washington State Liquor Control Board, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Amendatory language prepared to more clearly define requirements/qualifications and eliminate the food-to-liquor ratio.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The existing rule specifies the minimum qualifications for Class H licensed premises. Proposed amendments clearly define what is needed in order to qualify as a bona fide restaurant. Archaic food-to-liquor ratio language is repealed. The changes should make compliance easier by clearly defining meals, what constitutes food service, etc.

Proposal Changes the Following Existing Rules: Repeals food-to-liquor ratio and clearly defines food service requirements, complete meals and the number of complete meals that must be available in order to qualify as a Class H restaurant.

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

#### NEW SECTION

WAC 314-12-015 APPLICANT CERTIFICATION FOR A LICENSE. (1) Upon making application for a liquor license as authorized by title 66.24 RCW, and prior to the Board considering such license application, every applicant shall take a test on forms prescribed by the board. The test shall be of the applicants' knowledge of liquor

It is anticipated this change, if adopted, will not adversely impact business. Rather, compliance with the rule should be less difficult as many of the "grey" areas are defined.

Hearing Location: May 27, 1992, beginning at 10:00 a.m., Conference Room, Washington State Liquor Control Board, Distribution Center, 4401 East Marginal Way South, Seattle, WA 98134-1193; and on June 3, 1992, beginning at 10:00 a.m., City Council Chambers, West 808 Spokane Falls Boulevard, Spokane, WA 99201.

Submit Written Comments to: M. Carter Mitchell, Information Office, Liquor Control Board, 1025 East Union, Olympia, WA 98504, by June 5, 1992.

Date of Intended Adoption: June 17, 1992.

March 31, 1992  
Paula O'Connor  
Chairman

**AMENDATORY SECTION** (Amending Order 240, Resolution No. 249, filed 3/15/88)

WAC 314-16-190 CLASS H RESTAURANT—QUALIFICATIONS. (1) Definitions: For the purpose of this section:

(a) Complete meal means any combination of foods consisting of an entree and at least one additional course that is prepared and cooked on the premises and, except as provided in subsection (5) of this section, requires the use of dining implements for consumption.

(b) Entree means the main course of a meal to include meat, fish, fowl, eggs, vegetarian meat substitutes, pasta, or any combination thereof. Except as provided in subsection (5) of this section, such entree must be heated by means of baking, roasting, broiling, or grilling.

(c) Minimum food service means sandwiches and/or short orders such as deep fried foods, hors d'oeuvres, soup, or chili. Snacks such as peanuts, popcorn, and crackers and any prepackaged, ready-to-eat foods not at least partially prepared on the premises are not sufficient to meet the minimum food service requirement.

(2) All restaurant applicants for a Class H license, in addition to furnishing all requested material and information relating to the premises applied for and their personal qualifications, shall establish to the satisfaction of the board that the premises will commence as, and continue to operate as, a bona fide restaurant as required by RCW 66.24.400 and 66.24.410(2).

((2)) (3) A restaurant applicant for a Class H license shall be subject to the following requirements which are conditions precedent to action by the board on the application:

(a) The applicant shall furnish to the board a detailed blueprint of the entire premises to be licensed drawn to scale of one-fourth inch to one foot. This blueprint shall include the kitchen equipment layout plus a detailed listing of the kitchen equipment and its approximate value. The kitchen equipment shall include, at a minimum, adequate refrigeration, oven, grill, cooktop, and/or broiler.

(b) Prior to delivery of the license the board shall receive a verification from its enforcement officer, based upon an inspection of the premises, that the kitchen equipment designated in (a) of this subsection is in place and is operational.

((3)) (4) In any case where the board has a concern as to the applicant's qualifications, based on the applicant's experience; the adequacy of the proposed facility; the proposed method of operation; the applicant's financial stability; or for any other good and sufficient reason, the board may require such applicant to submit figures reflecting operation as a restaurant for a period to be designated by the board. The submission of these operating figures shall be a condition precedent to the board making a decision on a license application. Any applicant required to submit operating figures for a period designated by the board, shall not thereby be deemed to have acquired a vested right to have the license applied for issued merely because the requested figures have been submitted.

((4)) (5) To demonstrate to the satisfaction of the board that a Class H restaurant as defined in RCW 66.24.410(2) is maintained in a substantial manner as a place for preparing, cooking and serving of complete meals, a Class H restaurant shall ~~((maintain daily average~~

~~gross retail food sales of one hundred dollars or more, and such food sales shall amount to thirty percent or more of the restaurant's total food-liquor sales.~~

~~(5) Each Class H restaurant licensee shall submit semi-annual reports on forms provided by the board, showing its gross food and liquor sales. If for two successive semi-annual reports, a Class H restaurant's daily average gross retail food sales are less than one hundred dollars, or its retail food sales are less than thirty percent of its total food-liquor sales, such restaurant shall be ineligible to retain its Class H license) conspicuously display or provide to any patron, a menu offering a variety of at least five entrees accompanied by such other foods as to constitute a complete meal. One of the five entrees may consist of pizza or a deep fried food. Where salad bars or other buffet-type meals are offered, one or more entrees may be included to count toward the five entree requirement.~~

(6) The restaurant area of any Class H restaurant shall be open to the public for service of complete meals, with a minimum selection of five entrees, at least five days a week, unless otherwise authorized in writing by the board to alleviate demonstrated hardship, and such service of complete meals shall be available to the public for five hours a day between the hours of 11:00 a.m. and 11:00 p.m. on any day liquor is offered for sale, service or consumption, unless otherwise authorized in writing by the board to alleviate demonstrated hardship. The hours of complete meal service shall be conspicuously posted for public viewing. A chef or cook shall be on duty during the hours when complete meal service is available. At all other times when the restaurant area is not open for service of complete meals, but liquor is offered for sale, service or consumption on the licensed premises, ((sandwiches and/or short orders of)) minimum food service shall be available for sale to the public.

(7) ~~((In the event a Class H restaurant licensee shall fail to comply with any of the foregoing requirements, and such licensee has been notified that they will not be eligible to retain its Class H license, such licensee may petition the board setting forth unusual, extenuating and mitigating circumstances for the failure to comply and the board may consider such reasons and may grant an extension of the Class H license under such terms and conditions as the board determines are in the best interest of the public.~~

(8) ~~Licensees who presently hold a Class B liquor license and who apply for a Class H liquor license in lieu thereof, in order to demonstrate to the satisfaction of the board that the business such applicant has been operating is primarily that of a restaurant, must submit and establish the following data and information:~~

~~(a) Sales figures for ninety days preceding the in-lieu application showing total sales, segregated as to the following categories:~~

- ~~(i) Food sales for on-premises consumption;  
(ii) Food sales for off-premises consumption;  
(iii) Beer and/or wine sales for on-premises consumption;  
(iv) Beer and/or wine sales for off-premises consumption;  
(v) Miscellaneous sales, including but not limited to, cigarettes, candies, packaged snack foods, and where such activity has been conducted the income from games, gambling, cover charges, etc.~~

~~(b) That for a period of at least ninety days prior to the date of filing the Class H license application, the gross food sales for on-premises consumption as set forth in (a)(i) of this subsection constituted fifty-one percent or more of total food-liquor sales for on-premises consumption.~~

~~While the requirements of (a) and (b) of this subsection must be established before the board will give consideration to the issuance of an in-lieu Class H license, the fact that an applicant meets those criteria does not establish a vested right that such license shall issue.) The licensee shall maintain sufficient quantities of ingredients to provide complete meals including at least five different entrees during those times as required in subsection (6) of this section and minimum food service at all other times. Such ingredients shall be fresh, palatable, and relate to the menu so posted or available to the public.~~

~~(8) The refusal or failure by any licensee or employee thereof to provide complete or minimum food service in subsection (6) of this section shall be prima facie evidence of a violation of this section.~~

In addition to any penalty otherwise imposed by the board for a violation of this section, the board may require a sign, prescribed by the board, to be prominently displayed in one or more locations on the licensed premises stating the requirements for complete meals and minimum food service as contained in subsection (6) of this section and the specific hours when complete meals are required. Such sign(s) shall remain posted for such period as designated by the board.

**WSR 92-08-087**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
**(Board of Boiler Rules)**  
 [Filed March 31, 1992, 2:28 p.m.]

Original Notice.

Title of Rule: WAC 296-104-010(20) Definitions; 296-104-200 Standards for new construction; 296-104-500 Nonnuclear repairs; 296-104-501 Nonnuclear alterations; 296-104-530 Repairs; and 296-104-018 Administration—Rule interpretation and revision.

Purpose: To comply with actions taken by the Board of Boiler Rules.

Statutory Authority for Adoption: RCW 70.79.040.

Statute Being Implemented: Rules and regulations—Scope.

Summary: Proposed amendments to WAC 296-104-010(20) Definitions, will clarify the definition of unfired steam boilers; proposed amendments to WAC 296-104-200 Standards for new construction, will remove requirements that are not covered by chapter 70.79 RCW; proposed amendments to WAC 296-104-500 Nonnuclear repairs, will adopt the 1985 National standard for repairs; proposed amendments to WAC 296-104-501 Nonnuclear alterations, will adopt the 1985 National standard for repairs; proposed amendment to WAC 296-104-530 Repairs, will clarify responsibility; and proposed adoption of WAC 296-104-018 will provide instructions on attaining a rule interpretation from the Board of Boiler Rules when aggrieved by the chief inspector.

Reasons Supporting Proposal: To comply with actions taken by the Board of Boiler Rules.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dick Barkdoll, Chief Boiler Inspector, 805 Plum Street, (206) 586-0217.

Name of Proponent: Board of Boiler Rules, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 296-104-010(20) Definition, unfired steam boilers, this change clarifies for the owner and the inspector on how and when these vessels are to be inspected; WAC 296-104-200 Standards for new construction, requirements for fabrication of pressure piping were removed from chapter 296-104 WAC. Chapter 70.79 RCW has no requirements for these WAC rules to address piping; WAC 296-104-500 Nonnuclear repairs, the National Board Inspection Code (NBIC) has been the standard for repairs to ASME code vessels. The WAC rule has never been clear in the adoption of this standard. This WAC change clearly adopts the 1985 repair section of NBIC; WAC 296-104-501 Nonnuclear alterations, the National Board Inspection Code (NBIC) has been the standard for alterations of ASME code vessels. The WAC rule has never been clear in the adoption of this standard. This WAC change clearly adopts the 1985 NBIC section that addresses alterations; WAC 296-104-530 Repairs, this rule indicates that

permission is needed to perform air testing on repairs. The change specifies who gives that permission; and WAC 296-104-018 Administration, this new rule will provide instructions on how to attain a rule interpretation from the boiler board when aggrieved by the chief inspector.

Proposal Changes the Following Existing Rules: See Summary and Explanation of Rule above.

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

The Board of Boiler Rules and the department have considered whether these rules are subject to the Regulatory Fairness Act and have determined that they are not for the following reasons: The changes made in the above rules are for clarification to existing rules, compliance with a RCW, clarification of responsibility and adoption of a specific standard. These changes in no way affect small business monetarily.

Hearing Location: 905 Plum Street S.E., Building 3, Second Floor Conference Room, Olympia, Washington, on May 19, 1992, at 10:00 a.m.

Submit Written Comments to: Dick Barkdoll, by May 19, 1992.

Date of Intended Adoption: May 19, 1992.

March 26, 1992

Robert E. Reid

Chairman

AMENDATORY SECTION (Amending Order 87-25, filed 12/17/87)

WAC 296-104-010 DEFINITIONS. (1) "Director" shall mean the director of the department of labor and industries.

(2) "Board of boiler rules" shall mean the board created by law and empowered to make, alter, amend, and interpret rules and regulations for the safe and proper construction, installation, repair, and use of boilers and for the proper construction, installation, and repair of unfired pressure vessels in this state.

(3) "Chief inspector" shall mean the chief boiler inspector appointed under RCW 70.79.100.

(4) "Deputy inspector" shall mean a deputy inspector of boilers and unfired pressure vessels appointed by the chief boiler inspector of Washington under the provisions of RCW 70.79.120.

(5) "Special inspector" shall mean an inspector holding a Washington commission, who is regularly employed by an insurance company authorized to insure against loss from explosion of boilers and unfired pressure vessels in this state, or who is continuously employed by any company operating unfired pressure vessels in this state for the purpose of making inspections of unfired pressure vessels used or to be used by such company.

(6) "Inspector" shall mean the chief boiler inspector, a deputy inspector, or a special inspector.

(7) "Certificate of competency" shall mean a certificate issued to a person who has passed an examination prescribed by the board of boiler rules.

(8) "Department" as used herein shall mean the department of labor and industries of the state of Washington.

(9) "Owner" or "user" shall mean a person, firm, or corporation owning or operating any boiler or unfired pressure vessel within the state.

(10) "ASME Code" shall mean the boiler and pressure vessel code of the American Society of Mechanical Engineers with amendments and interpretations thereto made and approved by the council of the society which have been regularly adopted by the board of boiler rules in accordance with the provisions of RCW 70.79.030.

(11) "Existing installations" shall mean any boiler or unfired pressure vessel constructed, installed, placed in operation, or contracted for before January 1, 1952.

(12) "Approved" shall mean approved by the chief boiler inspector as evidenced by his issuance of an inspection certificate.



(13) "Standard boiler or unfired pressure vessel" shall mean a boiler or unfired pressure vessel which bears the ASME stamp.

(14) "Nonstandard boiler or unfired pressure vessel" shall mean a boiler or unfired pressure vessel that does not bear the ASME stamp.

(15) "Boiler" shall mean a closed vessel used for heating water or liquid or for generating steam or vapor by the direct application of heat.

(16) "Direct application of heat" shall mean the firing of any fuel, solid, liquid, or gaseous, including electrical elements of any description.

(17) "Power boiler" shall mean a boiler used to produce steam or vapor at a pressure exceeding 15 lbs. per square inch gage, or a boiler used for heating water or liquid to a pressure exceeding 160 psi. or to a temperature exceeding 250°F.

(18) "Low pressure heating boiler" shall mean a boiler operated at a pressure not exceeding 15 lbs. per square inch gage steam, or at a pressure not exceeding 160 lbs. per square inch and a temperature not exceeding 250°F. for water.

(19) "Hot water supply boiler" shall mean a low pressure boiler used to heat water to a temperature not exceeding 200°F.

(20) "Unfired steam boiler" shall mean a pressure vessel in which steam is generated by an indirect application of heat. It shall not include pressure vessels known as evaporators, heat exchangers, or vessels in which steam is generated by the use of heat resulting from the operation of a processing system containing a number of pressure vessels, such as used in the manufacture of chemical and petroleum products, which will be classed as unfired pressure vessels.

(21) "Unfired pressure vessel" shall mean a closed vessel in which pressure is obtained from an external source, or from an indirect application of heat, including steam or hot water coils, converters or heat exchangers.

(22) "Reinstalled boiler or unfired pressure vessel" shall mean a boiler or unfired pressure vessel removed from its original setting and reerected at the same location or at a new location without change of ownership.

(23) "Second hand boiler or unfired pressure vessel" shall mean a boiler or unfired pressure vessel of which both the location and ownership have changed after primary use.

(24) "Condemned boiler or unfired pressure vessel" shall mean a boiler or unfired pressure vessel that has been inspected and declared unsafe or disqualified by legal requirements by an inspector who has applied a stamping or marking designating its condemnation.

(25) "Internal inspection" shall mean an inspection made when a boiler or unfired pressure vessel is shut down and handholes, manholes, or other inspection openings are open or removed for inspection of the interior. An ultrasonic examination of unfired pressure vessels 36" diameter and under, shall constitute an internal inspection.

(26) "External inspection" shall mean an inspection made while a boiler or unfired pressure vessel is in operation and includes the inspection and demonstration of controls and safety devices.

(27) "Place of public assembly" shall mean a building used in whole or in part for occupation by persons for such purposes as worship, hospitals, education, instruction, entertainment, amusement, waiting transportation, or child care centers.

Child care centers include those agencies which operate facilities for the care of thirteen children or more. No such center shall be located in a private family residence. The substantive rules of this code shall apply to all child care centers operated in the state of Washington.

(28) "Fusion welding" shall mean a process of welding metals in a molten, or molten and vaporous state, without the application of mechanical pressure or blows. Such welding may be accomplished by the oxy-acetylene or oxy-hydrogen flame or by the electric arc. Thermit welding shall be classified as fusion welding.

(29) "Major repair" shall mean one upon which the strength of a boiler or unfired pressure vessel depends.

(30) "Agriculture purposes" shall mean any act performed on a farm in production of crops or livestock, and shall include the storage of such crops and livestock in their natural state, but shall not be construed to include the processing or sale of crops or livestock.

(31) "Attendant" shall mean the person in charge of the operation of a boiler or unfired pressure vessel.

(32) "Automatic operation of a boiler" shall mean full control of feed water and fuel in order to maintain the pressure and temperature constant within the limits set. Controls must be such that the operation follows the demand without interruption. Manual restart may be required when the burner is off because of low water, flame failure, or power failure.

(33) "Alteration" is a structural modification of, or a departure from an original design or existing construction.

(34) "Repair" is a restoration of any damaged or impaired part to an effective and safe condition.

#### NEW SECTION

WAC 296-104-018 ADMINISTRATION—RULE INTERPRETATION AND REVISION. Interpretations will be brought to the board if the inquirer is aggrieved by the interpretation of the chief inspector (RCW 70.79.360). The board will consider written requests for interpretations and revisions to these definitions, rules, and regulations. Inquiries shall be limited to requests for interpretation of the rules or to proposed revisions to the existing rules and shall be submitted in the following format:

(1) Scope. Involve a single rule or closely related rules.

(2) Background. State the purpose of the inquiry, which should be either to obtain an interpretation or to propose a revision to existing rules. Provide concise information needed for the board's understanding of the inquiry, including references to the WAC section as well as other code and/or standards paragraphs.

(3) Inquiry structure. Provide statements in a condensed and precise question format and, where appropriate, compose in such a way that "yes" or "no" (perhaps with provisos) would be an acceptable reply.

(4) Proposed reply. State what it is believed the rule requires. If in the inquirer's opinion a revision to the definitions, rules, and regulations is needed, recommended wording should be provided.

Inquiries shall be submitted to:

Board of Boiler Rules  
% Chief Inspector  
Department of Labor & Industries  
B&CSIS  
Boiler Section  
P.O. Box 44410  
Olympia, WA 98504-4410

#### AMENDATORY SECTION (Amending WSR 91-11-107, filed 5/22/91, effective 6/22/91)

WAC 296-104-200 STANDARDS FOR NEW CONSTRUCTION. The standards for new construction are the 1989 edition, with addenda, of ASME Boiler and Pressure Vessel Code, Sections I, III, IV, VIII, and X, the 1987 edition of ASME/ANSI PVHO-1 (Standard for Pressure Vessels for Human Occupancy) (~~the 1987 edition of ANSI B31.3 (Chemical Plant & Petroleum Refinery Piping) for oil and chemical plants, and the 1989 edition of ASME/ANSI B31.1 (Power Piping) for other nonnuclear construction with all addenda as issued and made part of the above referenced ASME/ANSI sections of the codes~~). These codes and standards may be used on or after the date of issue and become mandatory twelve months after adoption by the board as specified in RCW 70.79.050(2). The board recognizes that the ASME Code states that new editions of the code become mandatory on issue and that subsequent addenda become mandatory six months after the date of issue. Also, in circumstances such as nuclear systems, the time period for addenda becoming mandatory is defined in the Code of Federal Regulations.

#### AMENDATORY SECTION (Amending Order 86-01, filed 2/4/86)

WAC 296-104-500 NONNUCLEAR REPAIRS. Where a repair, involving welding to a pressure retaining part is performed, (~~an R-1 report~~) a report of welded repair, signed by the certificate holder and an authorized inspector shall be submitted to the jurisdiction (~~as required in the National Board Inspection Code~~). Repairs to all boilers, pressure vessels, and their appurtenances shall conform to the rules contained in the 1985 National Board Inspection Code (~~wherever they apply~~) chapter III. Furthermore, repairs shall be performed only by those holding an ASME Certificate of Authorization or a National Board "R" Certificate of Authorization. In all cases the material and workmanship shall comply with the rules contained in the appropriate sections of the ASME Code.

#### AMENDATORY SECTION (Amending Order 86-01, filed 2/4/86)

WAC 296-104-501 NONNUCLEAR ALTERATIONS. Where alterations are accomplished, copies of all (~~R-1~~) alteration reports such as reports of welded or rerated alterations, shall be sent to the

department. Alterations to all boilers, pressure vessels, and their appurtenances shall conform to the rules contained in the 1985 National Board Inspection Code (~~wherever they apply~~) chapter III. Physical alterations shall only be performed by those parties with the appropriate ASME authorization.

**AMENDATORY SECTION** (Amending Part VII, filed 3/23/60)

WAC 296-104-530 REPAIRS—AIR OR VAPOR TESTING. Testing by air or vapor at pressures in excess of 15 lbs. shall not be undertaken without special permission from the inspector.

**WSR 92-08-088**  
**PROPOSED RULES**  
**LIQUOR CONTROL BOARD**  
[Filed March 31, 1992, 2:35 p.m.]

**Original Notice.**

**Title of Rule:** WAC 314-16-196 Class H license issued to premises without a cocktail lounge, sets forth the requirements for issuance of a license for Class H licensees.

**Purpose:** Specify the requirements for floor space for Class H licensed premises.

**Statutory Authority for Adoption:** RCW 66.08.030.

**Statute Being Implemented:** RCW 66.08.030.

**Summary:** The existing rule is modified to set forth what constitutes primary dining, neutral area and excludes banquet rooms from either space definition.

**Reasons Supporting Proposal:** It is difficult to calculate or compute the space requirements currently set forth by the existing rule. This amendatory language would make the calculation easier by requiring a simple majority (51%) be for dining.

**Name of Agency Personnel Responsible for Drafting:** Lester C. Dalrymple, 1025 East Union, Olympia, 98504, 753-6259; **Implementation and Enforcement:** Gary W. Gilbert, 1025 East Union, Olympia, 98504, 586-3052.

**Name of Proponent:** Washington State Liquor Control Board, governmental.

**Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters:** The proposal will make calculations easier for industry and the board.

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

**Explanation of Rule, its Purpose, and Anticipated Effects:** The amendatory language requires the licensee maintain a primary dining area. The primary dining area must comprise the simple majority (51%) of the combined lounge and dining space. Banquet rooms will not be counted as either primary dining or neutral space and neutral space has been defined as to include public areas where the service of food or beverages is not the primary purpose. The change will make calculating space easier for licensees and the board's staff.

**Proposal Changes the Following Existing Rules:** Complex method of calculating floor space is repealed and clearer, easier procedure is adopted in place thereof. Neutral area is defined to assist in making such determinations.

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

The proposed rule, if adopted, will make the process of applying for a license easier by eliminating confusing language. Remodeling of existing licenses will also be made easier by the new definitions which more clearly identify the floor space requirements. The simple majority that would be required under the proposal will be less restrictive for business.

**Hearing Location:** May 27, 1992, beginning at 10:00 a.m., Conference Room, Washington State Liquor Control Board, Distribution Center, 4401 East Marginal Way South, Seattle, WA 98134-1193; and on June 3, 1992, beginning at 10:00 a.m., City Council Chambers, West 808 Spokane Falls Boulevard, Spokane, WA 99201.

**Submit Written Comments to:** M. Carter Mitchell, Information Office, Liquor Control Board, 1025 East Union, Olympia, WA 98504, by June 5, 1992.

**Date of Intended Adoption:** June 17, 1992.

March 31, 1992  
Paula O'Connor  
Chairman

**AMENDATORY SECTION** (Amending Order 208, Resolution No. 217, filed 12/30/86)

WAC 314-16-196 CLASS H LICENSE ISSUED TO PREMISES WITHOUT A COCKTAIL LOUNGE. (1) Before the board shall issue a Class H license to a bona fide restaurant, the applicant shall present, and receive the approval of the board for, a one-quarter inch equals one foot scale drawing of the proposed premises indicating that the ~~(premises will have a cocktail lounge comprising not more than thirty-five percent of the total public floor space of the premises, as compared to dining space which as a minimum must be sixty-five percent of the public floor space of the premises or that the premises will have)~~ area designated as the primary dining room(s) comprises at least the simple majority of area when combined with the lounge area. Banquet rooms are not considered primary dining area or neutral space. Neutral area will not exceed the total of the primary dining and lounge area combined. A service bar(s) may be approved in lieu of the cocktail lounge: PROVIDED, HOWEVER, That the board may approve variations to the floor space requirement of this subsection where the applicant/licensee can demonstrate that the proposed layout would best suit the available floor space.

Neutral area is defined as all patron areas within the licensed premises that are dedicated to activities other than the service of food or alcoholic beverages (i.e., hallways, waiting rooms, rest rooms, game rooms, card rooms, and bandstand/dance areas) located outside the cocktail lounge.

(2) Those premises not having cocktail lounges shall have the location of their service bar(s) approved by the board. Service of liquor from such service bar(s) will be by the licensee, or licensee's employees or customers may order and pick up their drinks at the service bar(s). Liquor sale, service and consumption may take place only during hours that the full restaurant menu is available and a chef or cook is on duty.

(3) A Class H licensed restaurant having a service bar(s) in lieu of a cocktail lounge shall be eligible for the added activity of live music with board approval.

(4) If the board issues a Class H license to a bona fide restaurant which has a service bar in lieu of an approved cocktail lounge and the licensee subsequently applies for approval to install a cocktail lounge in place of the previously approved service bar operation, the board will process such a change in the same manner as an application for a new Class H license (i.e. notice will be given by posting at the premises, local officials, churches and schools will be notified, etc.).

**WSR 92-08-089**  
**PROPOSED RULES**  
**LIQUOR CONTROL BOARD**  
 [Filed March 31, 1992, 2:38 p.m.]

Original Notice.

Title of Rule: WAC 314-16-197 Minimum qualifications for applicants who apply for Class A and/or D licenses in lieu of presently held Class B license.

Purpose: To set forth the criteria and conditions under which a licensee currently licensed as a tavern may apply for a restaurant-type liquor license.

Statutory Authority for Adoption: RCW 66.08.030.

Statute Being Implemented: RCW 66.08.030.

Summary: The proposed changes to WAC 314-16-197 are in conjunction with the changes being made for WAC 314-16-190 and 314-16-196. The proposal removes the requirement that applicants submit food and liquor sales figures for the 90 day period prior to their application and, in place thereof, requires the premises be converted to a restaurant.

Reasons Supporting Proposal: Rather than rely upon calculations as justification for the change in licenses, the proposal would require actual conversion from the tavern setting to a restaurant-type environment.

Name of Agency Personnel Responsible for Drafting: Lester C. Dalrymple, 1025 East Union, Olympia, (206) 753-6259; Implementation and Enforcement: Gary W. Gilbert, 1025 East Union, Olympia, (206) 586-3052.

Name of Proponent: Washington State Liquor Control Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposal modifies the rule which specifies the qualifications necessary in order to change from a Class B license to a Class A license. The proposal reflects that this is a tavern converting to a restaurant and requires the licensee wanting to convert to a restaurant setting to provide a blueprint clearly reflecting how the conversion would be made to make the premises a restaurant. The proposal brings this existing rule into the same frame of reference as changes to other rules being made at the same time pertaining to restaurants. The proposal removes the requirement that the applicant's food sales must constitute at least 51 percent of the combined food and liquor sales.

Proposal Changes the Following Existing Rules: See above.

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

It is anticipated this change in sales requirements will be beneficial to the industry in that it more closely parallels or reflects the actual conditions of a licensee wanting to convert to a restaurant. Furthermore, the tavern wanting to convert to a restaurant should not be unfairly penalized as is the case now in requiring such conversions to have sales of at least 51 percent food prior to conversion.

Hearing Location: May 27, 1992, beginning at 10:00 a.m., Conference Room, Washington State Liquor Control Board, Distribution Center, 4401 East Marginal

Way South, Seattle, WA 98134-1193; and on June 3, 1992, beginning at 10:00 a.m., City Council Chambers, West 808 Spokane Falls Boulevard, Spokane, WA 99201.

Submit Written Comments to: M. Carter Mitchell, Information Office, Liquor Control Board, 1025 East Union, Olympia, WA 98504, by June 5, 1992.

Date of Intended Adoption: June 17, 1992.

March 31, 1992  
 Paula O'Connor  
 Chairman

AMENDATORY SECTION (Amending Order 160, Resolution No. 169, filed 7/3/85)

WAC 314-16-197 MINIMUM QUALIFICATIONS FOR APPLICANTS WHO APPLY FOR CLASS A ((AND/OR D)) LICENSES IN LIEU OF PRESENTLY HELD CLASS B LICENSE. (1) A Class A license provides, in part, for the sale of beer at retail for consumption on the premises of a restaurant. Licensees ((who)) presently ((hold)) holding a Class B ((liquor)) tavern license ((and)) who apply for a Class A ((and/or D)) restaurant license in lieu thereof, ((in order to)) must demonstrate to the satisfaction of the board that the business ((such applicant has been operating is)) to be licensed will primarily be that of a restaurant, ((must submit and establish the following data and information:

(a) Applicant shall submit sales figures for ninety days preceding the in lieu application showing total sales, segregated as to the following categories:

- (i) Food sales for on-premises consumption;
- (ii) Food sales for off-premises consumption;
- (iii) Beer and/or wine sales for on-premises consumption;
- (iv) Beer and/or wine sales for off-premises consumption;
- (v) Miscellaneous sales, including but not limited to, cigarettes, candies, packaged snack foods, and where such activity has been conducted the income from games, gambling, cover charges, etc.

(b) That for a period of at least ninety days prior to the date of filing the Class A and/or D license application, the gross food sales for on-premises consumption as set forth in (a)(i) of this subsection constituted fifty-one percent or more of total food-liquor sales for on-premises consumption)) maintained in a substantial manner as a place for preparing, cooking, and serving of meals. Additionally, prior to approval of the Class A license, the business must be designed and constructed in such a manner as to facilitate the service of food.

((2)) (4) While the requirements of subsections (1)((a)), (2) and ((b)) (3) of this section must be established before the board will give consideration to the issuance of an in lieu Class A ((and/or D)) license, the fact that an applicant meets those criteria does not establish a vested right that such license shall issue.

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

**WSR 92-08-090**

**EMERGENCY RULES**

**DEPARTMENT OF FISHERIES**

[Order 92-15—Filed March 31, 1992, 2:46 p.m.]

Date of Adoption: March 31, 1992.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Amending WAC 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 sturgeon are available except in Area 1G and these rules are adopted to conform with regulations adopted by the treaty tribes to harvest their allotment of available sturgeon in Areas 1F and 1H.

Effective Date of Rule: Immediately.

March 31, 1992  
Nancy L. Nelson  
for Joseph R. Blum  
Director

### NEW SECTION

**WAC 220-32-05700K COLUMBIA RIVER STURGEON SEASONS ABOVE BONNEVILLE.** (1) *Notwithstanding the provisions 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 fishing rights under the Yakima, Warm Springs, Umatilla and Nez Perce treaties may fish for sturgeon in Areas 1F and 1H using set line gear, effective April 1, 1992 through April 30, 1992.*

(2) *During the season specified in section 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 section 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; or*

(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 season specified in section 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 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.*

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

### WSR 92-08-091

#### PROPOSED RULES

#### PERSONNEL BOARD

[Filed March 31, 1992, 3:40 p.m.]

Original Notice.

Title of Rule: WAC 356-18-220 Leave without pay—Effect on anniversary date, periodic increment date, and seniority.

Purpose: This rule describes the effects of leave without pay on anniversary dates and periodic increment dates.

Statutory Authority for Adoption: RCW 41.06.040.

Statute Being Implemented: RCW 41.06.150.

Summary: This proposal adds one month to the existing two year government service and leave to enter the Peace Corps period.

Reasons Supporting Proposal: This proposal will allow an additional month for travel time if an employee is granted a two year leave for government service.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, 586-1770; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule specifies how an employee's time on leave without pay will affect their anniversary date, periodic increment date, and seniority status. This proposal will add one month to the government service, or leave to enter the Peace Corps, allowance of two years. This additional month is proposed to allow for travel time to and from the possible two year appointment.

Proposal Changes the Following Existing Rules: The existing rule allows for a two year leave of absence for government service leave without affecting an employee's seniority anniversary date and periodic increment date. The proposal will allow an extra month for travel purposes in addition to the two year period.

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, Board Room, Olympia, WA, on May 14, 1992, at 10:00 a.m.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, Olympia, WA 98504-7500, by May 12, 1992.

Date of Intended Adoption: May 14, 1992.

March 30, 1992

Dee W. Henderson

Secretary

AMENDATORY SECTION (Amending Order 327, filed 7/25/89, effective 9/1/89)

WAC 356-18-220 LEAVE WITHOUT PAY—EFFECT ON ANNIVERSARY DATE, PERIODIC INCREMENT DATE, AND SENIORITY. (1) Leave without pay of fifteen consecutive calendar days or less will not affect an employee's anniversary date or periodic increment date.

(2) When an employee is on leave without pay for more than fifteen consecutive days, the employee's seniority anniversary date and periodic increment date will not be affected when the absence is due to any of the following reasons:

(a) Military or United States Public Health Service;  
 (b) Government service and leave to enter the Peace Corps, not to exceed two years and one month, which had the director of personnel's approval;

(c) Leave taken by employees receiving time loss compensation due to injuries sustained while performing the employee's state job;

(d) Educational leave in accordance with the provisions of WAC 356-39-120;

(e) Leave without pay taken voluntarily under the provisions of WAC 356-30-335 to reduce the effect of an agency reduction in force.

(3) When an employee is on leave without pay for more than fifteen consecutive calendar days and the absence is not due to one of the reasons listed in subsection (2) of this section, the employee's anniversary date and periodic increment date shall be moved forward in an amount equal to the duration of the leave of absence.

(4) When an employee's position is assigned to a program or facility whose primary purpose is academic and/or vocational education, and the program or facility follows the customary public school practice of less than a twelve-month school year, the employing agency may place the employee on leave without pay while the program or facility is closed for customary school vacations without adjusting the employee's anniversary and periodic increment dates.

(5) Leave without pay taken for any of the reasons listed in subsection (2) of this section shall not affect an employee's seniority.

### WSR 92-08-092

#### PROPOSED RULES

#### PERSONNEL BOARD

[Filed March 31, 1992, 3:42 p.m.]

#### Original Notice.

Title of Rule: WAC 356-15-063 Supplemental shift premium for registered nurses.

Purpose: This rule specifies the shift premium rates for registered nurses and under what conditions shift premium is authorized.

Statutory Authority for Adoption: RCW 41.06.040.

Statute Being Implemented: RCW 41.06.150.

Summary: This proposal is for housekeeping changes only.

Reasons Supporting Proposal: The amendment is intended to clarify the intent of the rule.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, 586-1770; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule describes under what circumstances registered nurses are entitled to supplemental shift premium pay, the supplemental shift premium rates, and how they are applied. This proposal is expected to simplify the language and make this rule more self-explanatory.

Proposal Changes the Following Existing Rules: This proposal is not intended to change the intent of the rule and is general housekeeping and clarifying in nature.

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, Board Room, Olympia, WA, on May 14, 1992, at 10:00 a.m.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, Mailstop 7500, Olympia, WA 98504-7500, by May 12, 1992.

Date of Intended Adoption: May 14, 1992.

March 30, 1992

Dee W. Henderson

Secretary

AMENDATORY SECTION (Amending Order 382, filed 9/23/91, effective 10/24/91)

WAC 356-15-063 SUPPLEMENTAL SHIFT PREMIUM FOR REGISTERED NURSES. (1) Basic shift premium shall be paid in accordance with WAC 356-15-060 and WAC 356-15-061. For the classes of registered nurse 1, 2, 3, and 4((there shall be the following)) and related job classes requiring licensure as a registered nurse, supplemental shift premium ((rates payable only)) shall be paid in the amounts and under the conditions described in this section. Employees may qualify for one or both of these supplemental shift premiums.

(a) \$1.00 an hour ((for registered nurses and related job classes requiring licensure as a registered nurse, payable alone or in any combination with shift premiums authorized in sections WAC 356-15-060, 356-15-061, and 356-15-063 ((1)(b))) during any hours worked or while on paid leave from 11:00 p.m. until 7:00 a.m. ((and for no other hours.))

(b) \$3.00 an hour((, payable alone or in combination with shift premiums authorized in sections WAC 356-15-060, 356-15-061, and 356-15-063 ((1)(a))) during any hours worked or while on paid leave from ((any Saturday morning)) Friday midnight to ((Monday morning)) Sunday midnight((, and for no other hours)).

((Example: A registered nurse 2 is scheduled to work from 10:00 p.m. to 6:00 a.m. Friday through Tuesday. On Friday from 10:00 p.m. to 11:00 p.m. the shift premium would be \$1.50 an hour as provided in WAC 356-15-060 and 356-15-061. From 11:00 p.m. until 12:00 midnight the supplemental \$1.00 an hour would be added, raising the premium rate to \$2.50 an hour. At midnight, the supplemental \$3.00 an hour for work on Saturday would be added, raising the premium to \$5.50 an hour until the end of the shift at 6:00 a.m.))

((If the employee is directed to work overtime until noon, the basic \$2.50 an hour night shift premium continues to be payable to this night shift employee. And the \$3.00 Saturday-Sunday premium continues. But the 11:00 p.m. to 7:00 a.m. \$1.50 stops at 7:00 a.m., reducing the premium to \$5.00 an hour until noon.))

(2) ((These)) ((s)) Supplemental shift premiums are payable regardless of ((whether the work was previously scheduled, and regardless of whether the employee is full time or part time)) employment status and/or whether the work was prescheduled.

(3) ((These)) ((s)) Supplemental shift premiums are not payable during hours other than those specified((, even though additional continuous hours may be worked by the employee)).

### WSR 92-08-093

#### PROPOSED RULES

#### LOTTERY COMMISSION

[Filed March 31, 1992, 3:53 p.m.]

#### Original Notice.

Title of Rule: WAC 315-11-770, 315-11-771 and 315-11-772, Definitions, criteria and ticket validation requirements for Instant Game No. 77 ("Three Cards Up"); 315-11-780, 315-11-781 and 315-11-782, Definitions, criteria and ticket validation requirements for Instant Game No. 78 ("Applebucks"); 315-11-790, 315-11-791 and 315-11-792, Definitions, criteria and ticket validation requirements for Instant Game No. 79 ("Movie Money"); 315-11-800, 315-11-801 and 315-

11-802, Definitions, criteria and ticket validation requirements for Instant Game No. 80 ("Bowling for Bucks"); 315-30-020 Definitions; 315-30-030 On-line games criteria; 315-30-040 Drawings and end of sales prior to drawings; 315-31-060 Drawings; 315-33A-010 Definitions for Quinto; 315-33A-020 Price of Quinto ticket; 315-34-010 Definitions for Lotto; 315-34-020 Price of Lotto ticket; and 315-34-040 Prizes for Lotto.

Purpose: To establish the game play rules and criteria for determining winners of Instant Game Nos. 77 ("Three Cards Up"), 78 ("Applebucks"), 79 ("Movie Money"), and 80 ("Bowling for Bucks"); and to amend WAC 315-30-020, 315-30-030, 315-30-040, 315-31-060, 315-33A-010, 315-33A-020, 315-34-010, 315-34-020, and 315-34-040.

Statutory Authority for Adoption: RCW 67.70.040.

Statute Being Implemented: RCW 67.70.040.

Summary: See Purpose above.

Reasons Supporting Proposal: See Explanation of Rule below.

Name of Agency Personnel Responsible for Drafting: Jeff Burkhardt, Contracts Specialist, Olympia, 586-6583; Implementation and Enforcement: Evelyn Y. Sun, Director, Olympia, 753-3330.

Name of Proponent: Washington State Lottery Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 315-11-770, 315-11-771, 315-11-772, 315-11-780, 315-11-781, 315-11-782, 315-11-790, 315-11-791, 315-11-792, 315-11-800, 315-11-801, and 315-11-802, for each game, certain terms must be defined in order to provide consistency in the game play rules. The play criteria will explain how the game functions to licensed retailers and players. Rigid validation requirements are set forth which will prevent the lottery or its retailers from paying out prize money on invalid tickets.

Proposal Changes the Following Existing Rules: WAC 315-30-020 is amended to require that on-line retailers also sell instant games, but not all other lottery products; WAC 315-30-030 currently requires that an on-line ticket shall cost from 50¢ to \$5. The amendment applies the price range to an on-line play, not an on-line ticket; WAC 315-30-040 is amended to eliminate the requirement that all drawings be broadcast live on television; WAC 315-31-060 is amended to provide for a Daily Game drawing seven days a week; WAC 315-33A-010 is amended to add a definition for Quinto "play"; WAC 315-33A-020 is amended to allow up to five Quinto plays on one ticket; and WAC 315-34-010 is amended to add a definition for Lotto "play"; WAC 315-34-020 is amended to allow up to ten Lotto plays on one ticket; and WAC 315-34-040 is amended to set the Lotto jackpot at the amount announced by the director.

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

The lottery has considered whether these rules are subject to the Regulatory Fairness Act, chapter 19.85

RCW, and has determined that they are not for the following reasons: The rules have no economic impact on business' cost of equipment, supplies, labor or administrative costs. The rules are designed to establish rules and procedures for the playing of instant lottery games; and the rules will have a negligible impact, if any, on business because they are interpretive. They have been promulgated for the purpose of stating policy, procedure and practice and do not include requirements for forms, fees, appearances or other actions by business.

Hearing Location: Washington State Lottery, 5963 Corson Avenue South, Suite 106, Seattle, WA 98108, on May 15, 1992, at 10:00 a.m.

Submit Written Comments to: Jeff Burkhardt, Lottery, P.O. Box 43025, Olympia, WA 98504-3025, by May 14, 1992.

Date of Intended Adoption: May 15, 1992.

March 31, 1992  
Evelyn Y. Sun  
Director

NEW SECTION

WAC 315-11-770 DEFINITIONS FOR INSTANT GAME NUMBER 77 ("THREE CARDS UP"). (1) Play symbols: The following are the "play symbols": "A"; "K"; "Q"; "J"; "10"; "9"; "7"; "6"; "5"; "4"; "3"; and "2." One of these symbols appears in each of the six play spots on the front of the ticket. The six play spots shall be divided into two separate sets of three horizontally adjoining play spots. Each set of three horizontally adjoining play spots shall be known as a playfield and shall be covered with latex. Each ticket shall have two playfields.

(2) Play symbol captions: The small printed characters appearing below each play symbol which verify and correspond with that play symbol. The caption is a spelling out, in full or abbreviated form of the play symbol. One and only one of these captions appears under each play symbol. For Instant Game Number 77, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
A	ACE
K	KNG
Q	QUE
J	JAK
10	TEN
9	NIN
7	SEV
6	SIX
5	FIV
4	FOR
3	THR
2	TWO

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

(4) Pack-Ticket number: The eleven-digit number of the form 07700001-000 printed on the front of the ticket. The first three digits are the game identifier. The first eight digits of the pack-ticket number for Instant Game Number 77 constitute the "pack number" which starts at 07700001; the last three digits constitute the "ticket number" which starts at 000 and continues through 399 within each pack of tickets.

(5) Retailer verification codes: Codes consisting of small letters found under the latex covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$25.00 and less. For Instant Game Number 77, the retailer verification codes are three-letter codes, with each letter appearing in a varying three of six locations among the play symbols on the front of the ticket. The retailer verification codes are:

VERIFICATION CODE	PRIZE
ONE	\$1.00
TWO	\$2.00 (\$2; \$1 & \$1)
FOR	\$4.00 (\$4; \$2 & \$2)
NIN	\$9.00 (\$5 & \$4)
TTN	\$21.00 (\$21)

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

**NEW SECTION**

WAC 315-11-771 CRITERIA FOR INSTANT GAME NUMBER 77. (1) The price of each instant game ticket shall be \$1.00.

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

(a) The bearer of a ticket having play symbols in one of the playfields which total one of the following numbers shall win the corresponding prize:

- 15 - \$ 1.00
- 16 - \$ 2.00
- 17 - \$ 4.00
- 18 - \$ 5.00
- 19 - \$21.00
- 20 - \$50.00
- 21 - \$2,500

(b) In determining the total in a playfield, a number play symbol shall count its face value; J, Q, and K shall each count ten and A shall count 11.

(c) Play symbols from one playfield may not be mixed, combined, or intermingled with play symbols from the other playfield.

(d) The bearer of a ticket having a winning set of symbols in both playfields shall win the total amount of the prizes won in each playfield.

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

(4) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 77 set forth in WAC 315-11-772, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

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

(a) Vary the length of Instant Game Number 77; and/or

(b) Vary the number of tickets sold in Instant Game Number 77 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

**NEW SECTION**

WAC 315-11-772 TICKET VALIDATION REQUIREMENTS FOR INSTANT GAME NUMBER 77. (1) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 77 all of the following validation requirements apply.

(a) Exactly one play symbol must appear in each of the six play spots under the latex covering on the front of the ticket.

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

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









Play Symbols	Play Symbol Font
Captions	Caption Font
Pack-Ticket Number	Validation Font
Validation Number	Validation Font
Retail Verification Code	Validation Font

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









(e) Each of the play symbols must be exactly one of those described in WAC 315-11-770(1) and each of the captions must be exactly one of those described in WAC 315-11-770(2).

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

**NEW SECTION**

WAC 315-11-780 DEFINITIONS FOR INSTANT GAME NUMBER 78 ("APPLEBUCKS"). (1) Play symbols: The following are the "play symbols": "  "; "  "; "  "; "  "; "  "; "  "; "  "; and "  ". One of these play symbols appears in each of the six play spots under the latex covering on the front of the ticket.

(2) Play symbol captions: The small printed characters appearing below each play symbol which verify and correspond with that play symbol. The caption is a spelling out, in full or abbreviated form of the play symbol. One and only one of these captions appears under each play symbol. For Instant Game Number 78, the captions which correspond with and verify the play symbols are:

PLAY SYMBOL	CAPTION
	SKIER
	MOOSE
	CHRY
	SHIP
	TREE
	FISH
	PLANE
	APPLE

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

(4) Pack-ticket number: The eleven-digit number of the form 07800001-000 printed on the front of the ticket. The first three digits are the game identifier. The first eight digits of the pack-ticket number for Instant Game Number 78 constitute the "pack number" which starts at 07800001; the last three digits constitute the "ticket number" which starts at 000 and continues through 399 within each pack of tickets.

(5) Retailer verification codes: Codes consisting of small letters found under the removable latex covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$25 or less. For Instant Game Number 78, the retailer verification codes are three-letter codes, with each letter appearing in a varying three of six locations among the play symbols on the front of the ticket. The retailer verification codes are:

VERIFICATION CODE	PRIZE
ONE	\$1.00
TWO	\$2.00
FOR	\$4.00
SVN	\$7.00
SVT	\$17.00









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

**NEW SECTION**

WAC 315-11-781 CRITERIA FOR INSTANT GAME NUMBER 78. (1) The price of each instant game ticket shall be \$1.00.

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

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

Three 	play symbols - Win \$	1.00
Three 	play symbols - Win \$	2.00
Three 	play symbols - Win \$	4.00
Three 	play symbols - Win \$	7.00
Three 	play symbols - Win \$	17.00
Three 	play symbols - Win \$	40.00
Three 	play symbols - Win \$	80.00
Three 	play symbols - Win \$	10,000

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

(4) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC



315-10-070, to the particular ticket validation requirements for Instant Game Number 78 set forth in WAC 315-11-782, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

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

- (a) Vary the length of Instant Game Number 78; and/or
- (b) Vary the number of tickets sold in Instant Game Number 78 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

**NEW SECTION**

WAC 315-11-782 TICKET VALIDATION REQUIREMENTS FOR INSTANT GAME NUMBER 78. (1) A valid instant game ticket for Instant Game Number 78 shall meet all of the following validation requirements as well as all other requirements in these rules and regulations.

- (a) Exactly one play symbol must appear in each of the six play spots under the removable latex covering on the front of the ticket.
- (b) Each of the six play symbols must have a caption below it, and each must agree with its caption.
- (c) The display printing and the printed numbers, letters, and symbols on the ticket must be regular in every respect and correspond precisely with the artwork on file with the director. The numbers, letters, and symbols shall be printed as follows:

Play Symbols	Play Symbol Font
Captions	Caption Font
Pack-Ticket Number	Validation Font
Validation Number	Validation Font
Retail Verification Code	Validation Font

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

(e) Each of the play symbols must be exactly one of those described in WAC 315-11-780(1) and each of the captions must be exactly one of those described in WAC 315-11-780(2).

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

**NEW SECTION**

WAC 315-11-790 DEFINITIONS FOR INSTANT GAME NUMBER 79 ("MOVIE MONEY"). (1) Play symbols: The following are the "play symbols": "\$1.00"; "\$2.00"; "\$4.00"; "\$9.00"; "\$19.00"; "\$50.00"; "\$500"; "\$5,000." One of these play symbols appears in each of the six blocks under the scratch-off material covering the game play data.

(2) Play symbol captions: The small printed characters appearing below each play symbol which verify and correspond with that play symbol. The caption is a spelling out, in full or abbreviated form of the play symbol. One and only one of these captions appears under each play symbol. For Instant Game Number 79, the captions which correspond with and verify the play symbols are:

PLAY SYMBOL	CAPTION
\$1.00	ONE DOL
\$2.00	TWO DOL
\$4.00	FOR DOL
\$9.00	NIN DOL
\$19.00	NIT DOL
\$50.00	\$FIFTY\$
\$500	FIVHUND
\$5,000	FIVTHOU

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

(4) Pack-ticket number: The eleven-digit number of the form 07900001-000 printed on the front of the ticket. The first eight digits of the pack-ticket number for Instant Game Number 79 constitute the "pack number" which starts at 07900001; the last three digits constitute the "ticket number" which starts at 000 and continues through 399 within each pack of tickets.

(5) Retailer verification codes: Codes consisting of small letters found under the removable covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$25.00 or less. For

Instant Game Number 79, the retailer verification code is a three-letter code, with each letter appearing in a varying three of six locations beneath the removable covering and among the play symbols on the front of the ticket. The retailer verification codes are:

VERIFICATION CODE	PRIZE
ONE	\$ 1.00
TWO	\$ 2.00
FOR	\$ 4.00
NIN	\$ 9.00
NIT	\$19.00

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

**NEW SECTION**

WAC 315-11-791 CRITERIA FOR INSTANT GAME NUMBER 79. (1) The price of each instant game ticket shall be \$1.00.

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

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

Three	\$1.00	play symbols - Win	\$1.00
Three	\$2.00	play symbols - Win	\$2.00
Three	\$4.00	play symbols - Win	\$4.00
Three	\$9.00	play symbols - Win	\$9.00
Three	\$19.00	play symbols - Win	\$19.00
Three	\$50.00	play symbols - Win	\$50.00
Three	\$500	play symbols - Win	\$500
Three	\$5,000	play symbols - Win	\$5,000

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

(4) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 79 set forth in WAC 315-11-792, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

(5) A movie video promotion shall be offered in conjunction with Instant Game Number 79. In addition to the prizes described in WAC 315-11-791(2), each "Movie Money" ticket shall offer a chance for a movie video promotional gift. The promotional prizes shall include reduced rates on video rentals and purchases, and free videos. The ticket shall contain a latex covered area which contains a message under the latex covering informing the player whether cash or a video promotional gift has been won. Procedures for redemption of the video promotional gifts shall be established by the director.

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

- (a) Vary the length of Instant Game Number 79; and/or
- (b) Vary the number of tickets sold in Instant Game Number 79 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

**NEW SECTION**

WAC 315-11-792 TICKET VALIDATION REQUIREMENTS FOR INSTANT GAME NUMBER 79. (1) A valid instant game ticket for Instant Game Number 79 shall meet all of the following validation requirements as well as all other requirements in these rules and regulations:

- (a) Exactly one play symbol must appear under each of the six rub-off spots on the front of the ticket.
- (b) Each of the six play symbols must have a caption below it and each must agree with its caption.
- (c) The display printing and the printed numbers, letters, and symbols on the ticket must be regular in every respect and correspond precisely with the artwork on file with the director. The numbers, letters, and symbols shall be printed as follows:

Play Symbols	Play Symbol Font
Captions	Caption Font
Pack-Ticket Number	Validation Font
Validation Number	Validation Font
Retail Verification Code	Validation Font

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

(e) Each of the play symbols must be exactly one of those described in WAC 315-11-790(1) and each of the captions must be exactly one of those described in WAC 315-11-790(2).

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

**NEW SECTION**

WAC 315-11-800 DEFINITIONS FOR INSTANT GAME NUMBER 80 ("BOWLING FOR BUCKS"). (1) Play symbols: The following are the "play symbols": "140"; "141"; "142"; "143"; "144"; "145"; "146"; "149"; "220"; "221"; "222"; "223"; "224"; "225"; "226"; "229"; "250"; "251"; "252"; "253"; "254"; "255"; "256"; and "259." One of these symbols appears under each of the three play spots under the latex covering in the "your score" column and under each of the three play spots under the latex covering in the "their score" column in the playfield on the front of the ticket.

(2) Play symbol captions: The small printed characters appearing below each play symbol which correspond with and verify that play symbol. One and only one caption appears under each play symbol. The play symbol captions for Instant Game Number 80 shall consist of the number 1, 2, or 3, in parentheses, to indicate the location of the play symbol in game (row) 1, game (row) 2, or game (row) 3, followed by the three digit numerical play symbol.

(3) Prize symbols: The following are the "prize symbols": "\$1.00"; "\$2.00"; "\$5.00"; "\$8.00"; "\$40.00"; "\$5,000." One of these prize symbols appears in the prize column of each game (row) in the playfield on the front of the ticket.

(4) Prize symbol captions: The small printed characters appearing below the prize symbol which verify and correspond with that prize symbol. The caption is a spelling out, in full or abbreviated form, of the prize symbol. One and only one caption appears under each prize symbol. The number 1, 2, or 3 precedes each caption to indicate the location of the caption in Game 1, Game 2, or Game 3. For Instant Game Number 80, the prize symbols and their corresponding captions are:

PRIZE SYMBOL	CAPTION
\$ 1.00	ONE
\$ 2.00	TWO
\$ 5.00	FIV
\$ 8.00	EGT
\$40.00	FORTY
\$5,000	FIVTHO

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

(6) Pack-ticket number: The eleven-digit number of the form 08000001-000 printed on the front of the ticket. The first three digits are the game identifier. The first eight digits of the pack-ticket number for Instant Game Number 80 constitute the "pack number" which starts at 08000001; the last three digits constitute the "ticket number" which starts at 000 and continues through 399 within each pack of tickets.

(7) Retailer verification codes: Codes consisting of small letters found under the removable latex covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$25.00 and less. For Instant Game Number 80, the retailer verification codes are three-letter codes, with each letter appearing in a varying three of six locations among the play symbols and prize symbols on the front of the ticket. The retailer verification codes are:

VERIFICATION CODE	PRIZE
ONE	\$1.00
TWO	\$2.00 (\$1 and \$1; \$2)
FIV	\$5.00 (\$5)
EGT	\$8.00 (\$5, \$2 and \$1)
SXT	\$16.00 (\$8 and \$8)

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

**NEW SECTION**

WAC 315-11-801 CRITERIA FOR INSTANT GAME NUMBER 80. (1) The price of each instant game ticket shall be \$1.00.

(2) Determination of prize winning tickets: An instant prize winner is determined in the following manner: The bearer of a ticket having a play symbol in the "your score" column that is a larger number than the play symbol in the "their score" column in the same game (row) shall win the prize shown in the prize column for that game (row). The bearer of a ticket having winning play symbols in more than one game (row) shall win the sum of the prizes in each winning game (row). Play symbols in different games (rows) may not be combined to win a prize.

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

(4) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 80 set forth in WAC 315-11-802, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

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

(a) Vary the length of Instant Game Number 80; and/or

(b) Vary the number of tickets sold in Instant Game Number 80 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

**NEW SECTION**

WAC 315-11-802 TICKET VALIDATION REQUIREMENTS FOR INSTANT GAME NUMBER 80. (1) In addition to meeting all other requirements in these rules and regulations, a valid instant game ticket for Instant Game Number 80 shall comply with all of the following validation requirements:

(a) Exactly one play symbol must appear under each of the three rub-off spots in the "your score" column and under each of the three rub-off spots in the "their score" column on the front of the ticket.

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

(c) Exactly one prize symbol for each of the three games (rows) must appear under the rub-off material covering the prize column on the front of the ticket.

(d) Each of the three prize symbols must have a caption below and each must agree with its caption.

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

Play Symbols	Play Symbol Font
Prize Symbols	Prize Symbol Font
Captions	Caption Font
Pack-Ticket Number	Validation Font
Validation Number	Validation Font
Retailer Verification Code	Validation Font

(f) Each of the play symbols and its caption, prize symbol and its caption, the validation number, pack-ticket number, and the retailer verification code must be printed in black ink.

(g) Each of the play symbols must be exactly one of those described in WAC 315-11-800(1); each of the play symbol captions must be exactly one of those described in WAC 315-11-800(2); each of the prize symbols must be exactly one of those described in WAC 315-11-800(3); and each of the prize symbol captions must be exactly one of those described in WAC 315-11-800(4).

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

**AMENDATORY SECTION** (Amending Order 83, filed 12/16/85)

WAC 315-30-020 DEFINITIONS. (1) On-line game. A lottery game in which a player pays a fee to a lottery retailer and selects a combination of digits, numbers, or symbols; type and amount of play; and drawing date and receives a computer generated ticket with those selections printed on it. The lottery will conduct a drawing to determine the winning combination(s) in accordance with the rules of the specific game being played. Each ticket bearer whose valid ticket includes a winning combination shall be entitled to a prize if claim is submitted within the specified time period.

(2) On-line retailer. A lottery retailer authorized by the lottery to sell on-line tickets. All on-line retailers also shall sell (~~all lottery games including but not limited to~~) instant game tickets offered by the lottery.

(3) On-line ticket. A computer-generated ticket issued by an on-line retailer to a player as a receipt for the combination(s) a player has selected. That ticket shall be the only acceptable evidence of the combination(s) of digits, numbers, or symbols selected. On-line tickets may be purchased only from on-line retailers.

(4) Ticket distribution machine (TDM). The computer hardware through which an on-line retailer enters the combination selected by a player and by which on-line tickets are generated and claims are validated.

(5) Drawing. The procedure determined by the director by which the lottery selects the winning combination in accordance with the rules of the game.

(6) Certified drawing. A drawing about which the lottery and an independent certified public accountant attest that the drawing equipment functioned properly and that a random selection of a winning combination occurred.

(7) Winning combination. One or more digits, numbers, or symbols randomly selected by the lottery in a drawing which has been certified.

(8) Validation. The process of determining whether an on-line ticket presented for payment is a winning ticket.

(9) Validation number. The twelve-digit number printed on the front of each on-line ticket which is used for validation.

(10) Ticket bearer. The person who has signed the on-line ticket or who has possession of an unsigned ticket.

(11) Metropolitan area. Benton, Clark, Franklin, King, Kitsap, Pierce, Snohomish, Spokane, Thurston, Whatcom, and Yakima counties. (These geographic areas have been identified as the metropolitan statistical areas in the state of Washington by the Federal Committee on Standard Metropolitan Statistical Areas of the Office of Management and Budget.)

#### AMENDATORY SECTION (Amending Order 83, filed 12/16/85)

WAC 315-30-030 ON-LINE GAMES CRITERIA. (1) The base price of an on-line (~~ticket~~) play shall not be less than \$.50 and not more than \$5.00.

(2) On the average the total of all prizes available to be won in an on-line game shall not be less than forty-five percent of the on-line game's projected revenue.

(3) The manner and frequency of drawings may vary with the type of on-line game.

(4) The times, locations, and drawing procedures shall be determined by the director.

(5) A ticket bearer claiming a prize shall submit the apparent winning ticket as specified by the director. The ticket must be validated pursuant to WAC 315-30-050 by the lottery or an on-line retailer through use of the validation number and any other means as specified by the director.

(6) Procedures for claiming on-line prizes are as follows:

(a) To claim an on-line game prize of \$600.00 or less, the claimant shall present the winning on-line ticket to any on-line retailer or to the lottery.

(i) If the claim is presented to an on-line retailer, the on-line retailer shall validate the claim and, if determined to be a winning ticket, make payment of the amount due the claimant. If the on-line retailer cannot validate the claim, the claimant may obtain and complete a claim form, as provided in WAC 315-06-120, and submit it with the disputed ticket to the lottery by mail or in person. Upon determination that the ticket is a winning ticket, the lottery shall present or mail a check to the claimant in payment of the amount due. If the ticket is determined to be a nonwinning ticket, the claim shall be denied and the claimant shall be promptly notified. Nonwinning tickets will not be returned to the claimant.

(ii) If the claim is presented to the lottery, the claimant shall complete a claim form, as provided in WAC 315-06-120, and submit it with the apparent winning ticket to the lottery by mail or in person. Upon determination that the ticket is a winning ticket, the lottery shall present or mail a check to the claimant in payment of the amount due, less the withholding required by the Internal Revenue Code. If the ticket is determined to be a nonwinning ticket, the claim shall be denied and the claimant shall be promptly notified. Nonwinning tickets will not be returned to the claimant.

(b) To claim an on-line prize of more than \$600.00, the claimant shall obtain and complete a claim form, as provided in WAC 315-06-

120, and submit it with the apparent winning ticket to the lottery by mail or in person. Upon determination that the ticket is a winning ticket, the lottery shall present or mail a check to the claimant in payment of the amount due, less the withholding required by the Internal Revenue Code. If the ticket is determined to be a nonwinning ticket, the claim shall be denied and the claimant shall be promptly notified. Nonwinning tickets will not be returned to the claimant.

#### AMENDATORY SECTION (Amending Order 116, filed 6/1/89)

WAC 315-30-040 DRAWINGS AND END OF SALES PRIOR TO DRAWINGS. (1) Drawings shall be conducted in a location and at days and times designated by the director. Each on-line drawing script shall contain the statement, "Digits/numbers/symbols drawn are not official until validated."

(2) The director shall announce for each type of on-line game the time for the end of sales prior to the drawings. TDMs will not process orders for on-line tickets for that drawing after the time established by the director.

(3) The director shall designate the type of equipment to be used and shall establish procedures to randomly select the winning combination for each type of on-line game.

(4) The equipment used to determine the winning combination shall not be electronically or otherwise connected to the central computer or to any tapes, discs, files, etc., generated or produced by the central computer. The equipment shall be tested prior to and after each drawing to assure proper operation and lack of tampering or fraud. Drawings shall not be certified until all checks are completed. No prizes shall be paid until after the drawing is certified.

(5) (~~All drawings shall be broadcast live on television provided the facilities for such broadcasts are available and operational and broadcast time is available.~~)

(6) The director shall establish procedures governing the conduct of drawings for each type of on-line game. The procedures shall include provisions for deviations which include but are not limited to: (a) Drawing equipment malfunction before validation of the winning combination; (b) video and/or audio malfunction during the drawing; (c) fouled drawing; (d) delayed drawing; and (e) other equipment, facility and/or personnel difficulties.

(~~(7)~~) (6) In the event a deviation occurs, the drawing will be completed under lottery supervision. If the drawing was to be broadcast, the drawing shall be video taped for later broadcast, if broadcast time is available. The drawing shall be certified and the deviation documented on the certification form. The winning combination will be provided to the television network for dissemination to the public.

(~~(8)~~) (7) If during any live-broadcast drawing for a game, a mechanical failure or operator error causes an interruption in the selection of all digits, numbers, or symbols, a "foul" shall be called by the lottery drawing official. Any digit/number/symbol drawn prior to a "foul" being called will stand and be deemed official after passing lottery validation tests.

(~~(9)~~) (8) The director shall delay payment of all prizes if any evidence exists or there are grounds for suspicion that tampering or fraud has occurred. Payment shall be made after an investigation is completed and the drawing certified. If the drawing is not certified, another drawing will be conducted to determine the actual winner.

#### AMENDATORY SECTION (Amending Order 116, filed 6/1/89)

WAC 315-31-060 DRAWINGS. (1) Drawings for Daily Game shall be held on a daily basis, Monday through (~~Saturday~~) Sunday, except that the director may exclude certain holidays from the drawing schedule.

(2) The drawing shall determine, at random, three winning digits or symbols with the aid of mechanical drawing equipment which shall be tested before and after each drawing. Any drawn digits are not declared winning digits until the drawing is certified by the lottery. The winning digits shall be used in determining all Daily Game winners for the day of the drawing. If a drawing is not certified, another drawing will be conducted to determine actual winners.

(3) The winning digits shall not be invalidated based on the liability of the lottery.

#### AMENDATORY SECTION (Amending WSR 91-20-062, filed 9/25/91, effective 10/26/91)

WAC 315-33A-010 DEFINITIONS FOR QUINTO. (1) Card suit: Heart, diamond, club, or spade symbol.

- (2) Number: Any integer from 2 through 10 inclusive and jack, queen, king, or ace.
- (3) Set: One number and one card suit.
- (4) Play: One selection of five sets.

**AMENDATORY SECTION** (Amending WSR 91-20-062, filed 9/25/91, effective 10/26/91)

WAC 315-33A-020 **PRICE OF QUINTO ((TICKET)) PLAY.** The price of each Quinto ((ticket)) play shall be \$1.00 ((and shall contain one five set play)). Each Quinto ticket shall contain at least one, but not more than five Quinto plays.

**AMENDATORY SECTION** (Amending WSR 90-19-048, filed 9/14/90, effective 10/15/90)

WAC 315-34-010 **DEFINITIONS FOR LOTTO.** (1) Number: Any play integer from 1 through 49 inclusive.

- (2) Game grids: A field of the 49 numbers found on the play slip.
- (3) Play: One selection of six numbers.
- (4) Pair: Two plays.
- (5) Play slip: A mark-sense game card used by players of Lotto to select plays. There shall be ten game grids on each play slip identified as A, B, C, D, E, F, G, H, I, and J.

**AMENDATORY SECTION** (Amending WSR 90-19-048, filed 9/14/90, effective 10/15/90)

WAC 315-34-020 **PRICE OF LOTTO ((TICKET)) PLAY.** The price of each Lotto ((ticket)) play shall be ~~(\$1.00)~~ \$0.50 and shall ~~((contain two))~~ be sold only in pairs for \$1.00. One ticket shall contain at least two but not more than ten plays. A player may use a play slip to purchase up to ~~((five tickets))~~ ten plays per ticket as follows:

- 1 ((ticket)) pair: \$1 - game grids A and B.
- 2 ((tickets)) pairs: \$2 - game grids A, B, C, and D.
- 3 ((tickets)) pairs: \$3 - game grids A, B, C, D, E, and F.
- 4 ((tickets)) pairs: \$4 - game grids A, B, C, D, E, F, G, and H.
- 5 ((tickets)) pairs: \$5 - game grids A, B, C, D, E, F, G, H, I, and J.

**AMENDATORY SECTION** (Amending WSR 90-19-048, filed 9/14/90, effective 10/15/90)

WAC 315-34-040 **PRIZES FOR LOTTO.** (1) The prize amounts to be paid to each Lotto player who selects a winning combination of numbers in the first, second, third and fourth prize categories vary due to the parimutuel calculation of prizes.

WINNING COMBINATIONS	PRIZE CATEGORIES	ODDS OF WINNING (ONE PLAY)
All six winning numbers in one play	First Prize (Jackpot)	1:13,983,816
Any five but not six winning numbers in one play	Second Prize	1:54,201
Any four but not five or six winning numbers in one play	Third Prize	1:1,033
Any three but not four, five or six winning numbers in one play	Fourth Prize	1:57

(2) Prize allocation. The prize allocation consists of forty-five percent of Lotto revenue. The prize allocation will be divided between the prize pool and the prize reserve as follows: prize pool—forty-three percent of Lotto revenue; prize reserve—two percent of Lotto revenue.

(3) Prize amounts.  
 (a) First prize (jackpot). ~~((Fifty-eight percent of the prize pool is to))~~ The first prize will be the amount announced by the director as the lotto jackpot. The jackpot will be divided equally among all players who selected all six winning numbers in one play (in any sequence). The director may ~~((increase the cash value of the jackpot by an amount not to exceed the amount in the prize reserve.))~~ utilize the prize reserve to augment the cash available to fund the jackpot prize. Any revenue remaining in the prize pool after providing sufficient monies for payment of all first, second, third and fourth prizes of that

drawing shall be placed in the lotto prize reserve for use pursuant to the terms of WAC 315-34-040 (3)(e).

(b) Second prize. Six percent of the prize pool is to be divided equally among all players who selected five of the six winning numbers in one play (in any sequence).

(c) Third prize. Twelve percent of the prize pool is to be divided equally among all players who selected four of the six winning numbers in one play (in any sequence).

(d) Fourth prize. Twenty-four percent of the prize pool is to be divided equally among all players who selected three of the six winning numbers in one play (in any sequence).

(e) Prize reserve. The prize reserve will be held for payment of prizes at the discretion of the director.

(f) All prizes will be rounded to the nearest dollar. The remainder or shortages, if any, from the rounding process shall be placed in or taken from the prize reserve.

(g) The holder of a winning ticket may win only one prize per play in connection with the winning numbers drawn and shall be entitled only to the highest prize category won by those numbers.

(h) The holder of two or more jackpot winning tickets with a cumulative total cash value of \$250,000 or more may elect to receive a single prize based on the total cash value with prize payments in accordance with subsection (5)(a) or (b) of this section.

(i) In the event any player who has selected three, four, five, or six of the six winning numbers does not claim the prize won within one hundred eighty days after the drawing in which the prize was won, that player's prize shall be retained in the state lottery account for further use as prizes, pursuant to RCW 67.70.190.

(4) Roll-over feature.  
 (a) If no player selects all six winning numbers for any given drawing, the jackpot accumulated for that drawing will be added to the jackpot accumulation for the next drawing. This process is repeated until the jackpot is won.

(b) If no player selects five of the six winning numbers for any given drawing, the second prize allocation will be added to the jackpot accumulation for the next drawing or placed in the prize reserve for future consideration at the discretion of the director.

(c) If no player selects four of the six winning numbers for any given drawing, the third prize allocation will be added to the jackpot accumulation for the next drawing or placed in the prize reserve for future consideration at the discretion of the director.

(d) If no player selects three of the six winning numbers for any given drawing, the fourth prize allocation will be added to the jackpot accumulation for the next drawing or placed in the prize reserve for future consideration at the discretion of the director.

(5) Prize payments will be made in accordance with WAC 315-30-030(6).

(a) Each prize that has a cash value of \$500,000 or more shall be paid in twenty annual payments.

(b) Each prize that has a cash value of more than \$250,000 but less than \$500,000 shall, at the discretion of the director, be paid either in ten annual payments or twenty annual payments.

(c) Each prize that has a cash value of \$250,000 or less shall be paid in a single payment.

(d) For prizes paid over a period of years, the lottery will make the first annual payment. The remaining payments will be paid in the form designated by the director.

**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 92-08-094**  
**PERMANENT RULES**  
**LOTTERY COMMISSION**  
 [Filed March 31, 1992, 3:57 p.m.]

Date of Adoption: March 6, 1992.

Purpose: To establish the game play rules and criteria for determining winners of Paper Scratch Games Nos. 504 ("Treasure Hunt"), 505 ("Rooster Tail"), and 506 ("Criss Cross").

Statutory Authority for Adoption: RCW 67.70.040.  
Pursuant to notice filed as WSR 92-03-146 on January 22, 1992.










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

March 31, 1992  
Evelyn Y. Sun  
Director

NEW SECTION

WAC 315-41-50400 DEFINITIONS FOR PAPER SCRATCH GAME NUMBER 504 ("TREASURE HUNT"). (1) Play symbols: The following are the "play symbols": "P"; "Palm tree"; "S"; "S"; "S"; "S"; "S"; "S"; "S"; "S"; "S"; and "S". One of these play symbols appears in each of the twelve play spots in the playfield under the scratch-off material covering the game play data on the back of the ticket. The twelve play spots shall be arranged in four rows, with three play spots to each row.

(2) Play symbol captions: The small printed characters appearing below each play symbol which verify and correspond with that play symbol. The caption is a spelling out, in full or abbreviated form of the play symbol. One and only one of these captions appears under each play symbol. For Paper Scratch Game Number 504, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
	FLAG
	PALM
	SHVL
	TRSUR
	SHIP
	SORD
	PAROT
	SNSHN
	SGLAS

(3) Pack-ticket number: The eleven-digit number of the form 50400001-000 printed on the front of the ticket. The first three digits are the game identifier. The first eight digits of the pack-ticket number for Paper Scratch Game Number 504 constitute the "pack number" which starts at 50400001; the last three digits constitute the "ticket number" which starts at 000 and continues through 399 within each pack of tickets.

(4) Retailer verification codes: Codes consisting of small letters found under the removable latex covering on the back of the ticket which the lottery retailer uses to verify all winners. For Paper Scratch Game Number 504, the retailer verification codes are three-letter codes, with each letter appearing in a varying three of six locations among the play symbols on the back of the ticket. The retailer verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>
HAF	\$ .50
ONE	\$ 1.00
FIV	\$ 5.00
HUN	\$ 100.00





(5) Pack: A set of four hundred individually cut game tickets packaged in plastic shrinkwrapping.

NEW SECTION

WAC 315-41-50410 CRITERIA FOR PAPER SCRATCH GAME NUMBER 504. (1) The price of each paper scratch game ticket shall be \$.50.

(2) Determination of prize winning tickets: A paper scratch prize winner is determined in the following manner:

The bearer of a ticket having three identical play symbols in the same game (horizontal row) shall win the prize which corresponds with that set of identical play symbols. Play symbols in different games (horizontal rows) may not be combined to win a prize. The ticket shall bear a legend which lists each set of identical play symbols and its corresponding prize, as follows:

Three 	play symbols - Win \$ .50
Three 	play symbols - Win \$ 1.00
Three 	play symbols - Win \$ 5.00
Three 	play symbols - Win \$100.00

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

(4) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-40-060, to the particular ticket validation requirements for Paper Scratch Game Number 504 set forth in WAC 315-41-50420, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

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

(a) Vary the length of Paper Scratch Game Number 504; and/or

(b) Vary the number of tickets sold in Paper Scratch Game Number 504 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

NEW SECTION

WAC 315-41-50420 TICKET VALIDATION REQUIREMENTS FOR PAPER SCRATCH GAME NUMBER 504. (1) In addition to meeting all other requirements in these rules and regulations, to be a valid paper scratch game ticket for Paper Scratch Game Number 504, all of the following validation requirements apply.

(a) Exactly one play symbol must appear in each of the twelve rub-off spots on the back of the ticket under the latex covering.

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

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

Play Symbols	Play Symbol Font
Captions	Caption Font
Pack-Ticket Number	Validation Font
Validation Number	Validation Font
Retailer Verification Code	Validation Font

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











(e) Each of the play symbols must be exactly one of those described in WAC 315-41-50400(1) and each of the captions must be exactly one of those described in WAC 315-41-50400(2).

(2) Any ticket not passing all the validation requirements in WAC 315-40-060 and subsection (1) of this section is invalid and ineligible for any prize.

NEW SECTION

WAC 315-41-50500 DEFINITIONS FOR PAPER SCRATCH GAME NUMBER 505 ("ROOSTER TAIL"). (1) Play symbols: The following are the "play symbols": "⊙"; "∞"; "⊞"; "⊠"; "⊡"; "⊢"; "⊣"; "⊤"; "⊥"; "⊦"; "⊧"; "⊨"; "⊩"; "⊪"; "⊫"; "⊬"; "⊭"; "⊮"; "⊯"; "⊰"; "⊱"; "⊲"; "⊳"; "⊴"; "⊵"; "⊶"; "⊷"; "⊸"; "⊹"; "⊺"; "⊻"; "⊼"; "⊽"; "⊾"; "⊿"; "⊽"; "⊾"; "⊿". One of these play symbols appears in each of the twelve play spots in the playfield under the scratch-off material covering the game play data on the back of the ticket. The twelve play spots shall be arranged in four rows, with three play spots to each row.

(2) Play symbol captions: The small printed characters appearing below each play symbol which verify and correspond with that play symbol. The caption is a spelling out, in full or abbreviated form of the play symbol. One and only one of these captions appears under each play symbol. For Paper Scratch Game Number 505, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
	TUBE
	PADL
	CHEST
	VEST
	PLANE
	FISH
	BONE
	KEYE
	BELL
	CARR

(3) Pack-ticket number: The eleven-digit number of the form 50500001-000 printed on the front of the ticket. The first three digits are the game identifier. The first eight digits of the pack-ticket number for Paper Scratch Game Number 505 constitute the "pack number" which starts at 50500001; the last three digits constitute the "ticket number" which starts at 000 and continues through 399 within each pack of tickets.

(4) Retailer verification codes: Codes consisting of small letters found under the removable latex covering on the back of the ticket which the lottery retailer uses to verify all winners. For Paper Scratch Game Number 505, the retailer verification codes are three-letter codes,

with each letter appearing in a varying three of six locations among the play symbols on the back of the ticket. The retailer verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>
HAF	\$ .50
ONE	\$ 1.00
TWO	\$ 2.00
FOR	\$ 4.00
TWF	\$25.00

(5) Pack: A set of four hundred individually cut game tickets packaged in plastic shrinkwrapping.

NEW SECTION

WAC 315-41-50510 CRITERIA FOR PAPER SCRATCH GAME NUMBER 505. (1) The price of each paper scratch game ticket shall be \$.50.

(2) Determination of prize winning tickets: A paper scratch prize winner is determined in the following manner:

The bearer of a ticket having three identical play symbols in the same game (horizontal row) shall win the prize which corresponds with that set of identical play symbols. Play symbols in different games (horizontal rows) may not be combined to win a prize. The ticket shall bear a legend which lists each set of identical play symbols and its corresponding prize, as follows:

Three	⊙	play symbols - Win	\$ .50
Three	∞	play symbols - Win	\$ 1.00
Three	⊞	play symbols - Win	\$ 2.00
Three	⊠	play symbols - Win	\$ 4.00
Three	⊡	play symbols - Win	\$25.00

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

(4) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-40-060, to the particular ticket validation requirements for Paper Scratch Game Number 505 set forth in WAC 315-41-50520, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

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

(a) Vary the length of Paper Scratch Game Number 505; and/or

(b) Vary the number of tickets sold in Paper Scratch Game Number 505 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

NEW SECTION

WAC 315-41-50520 TICKET VALIDATION REQUIREMENTS FOR PAPER SCRATCH GAME NUMBER 505. (1) In addition to meeting all other requirements in these rules and regulations, to be a valid paper scratch game ticket for Paper Scratch Game Number 505, all of the following validation requirements apply.

(a) Exactly one play symbol must appear in each of the twelve rub-off spots on the back of the ticket under the latex covering.

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

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

Play Symbols	Play Symbol Font
Captions	Caption Font
Pack-Ticket Number	Validation Font
Validation Number	Validation Font
Retailer Verification Code	Validation Font

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

(e) Each of the play symbols must be exactly one of those described in WAC 315-41-50500(1) and each of the captions must be exactly one of those described in WAC 315-41-50500(2).

(2) Any ticket not passing all the validation requirements in WAC 315-40-060 and subsection (1) of this section is invalid and ineligible for any prize.

NEW SECTION

WAC 315-41-50600 DEFINITIONS FOR PAPER SCRATCH GAME NUMBER 506 ("CRISS CROSS"). (1) Play symbols: The following are the "play symbols": "#"; "☆"; "○"; "×"; "△"; "□"; "▷"; "♠"; and "≡". One of these play symbols appears in each of the nine play spots in the playfield under the scratch-off material covering the game play data on the back of the ticket. The nine play spots shall be arranged in three rows, with three play spots to each row.

(2) Play symbol captions: The small printed characters appearing below each play symbol which verify and correspond with that play symbol. The caption is a spelling out, in full or abbreviated form of the play symbol. One and only one of these captions appears under each play symbol. For Paper Scratch Game Number 506, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
#	POUND
☆	STAR
○	CRCL
×	ECKS
△	TRNGL
□	SQUAR
▷	BELL
♠	KEYE
≡	BONE

(3) Pack-ticket number: The eleven-digit number of the form 50600001-000 printed on the front of the ticket. The first three digits are the game identifier. The first eight digits of the pack-ticket number for Paper Scratch Game Number 506 constitute the "pack number" which starts at 50600001; the last three digits constitute the

"ticket number" which starts at 000 and continues through 399 within each pack of tickets.

(4) Retailer verification codes: Codes consisting of small letters found under the removable latex covering on the back of the ticket which the lottery retailer uses to verify all winners. For Paper Scratch Game Number 506, the retailer verification codes are three-letter codes, with each letter appearing in a varying three of six locations among the play symbols on the back of the ticket. The retailer verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>
HAF	\$ .50
ONE	\$ 1.00 (\$ .50 and \$ .50; \$1.00)
TWO	\$ 2.00 (\$1.00 and \$1.00; \$2.00)
TEN	\$10.00 (\$5.00 and \$5.00)
TWF	\$25.00

(5) Pack: A set of four hundred individually cut game tickets packaged in plastic shrinkwrapping.

NEW SECTION

WAC 315-41-50610 CRITERIA FOR PAPER SCRATCH GAME NUMBER 506. (1) The price of each paper scratch game ticket shall be \$.50.

(2) Determination of prize winning tickets: A paper scratch prize winner is determined in the following manner:

(a) The bearer of a ticket having three identical play symbols in any row, column or diagonal shall win the prize which corresponds with that set of identical play symbols. The ticket shall bear a legend which lists each set of identical play symbols and its corresponding prize, as follows:

Three #	play symbols - Win	\$ .50
Three ☆	play symbols - Win	\$ 1.00
Three △	play symbols - Win	\$ 2.00
Three ○	play symbols - Win	\$ 5.00
Three ×	play symbols - Win	\$ 25.00

(b) The bearer of a ticket having more than one set of winning play symbols shall win the total amount of the prizes for each winning set.

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

(4) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-40-060, to the particular ticket validation requirements for Paper Scratch Game Number 506 set forth in WAC 315-41-50620, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

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

(a) Vary the length of Paper Scratch Game Number 506; and/or

(b) Vary the number of tickets sold in Paper Scratch Game Number 506 in a manner that will maintain the estimated average odds of purchasing a winning ticket.



**NEW SECTION**

**WAC 315-41-50620 TICKET VALIDATION REQUIREMENTS FOR PAPER SCRATCH GAME NUMBER 506.** (1) In addition to meeting all other requirements in these rules and regulations, to be a valid paper scratch game ticket for Paper Scratch Game Number 506, all of the following validation requirements apply.

(a) Exactly one play symbol must appear in each of the nine rub-off spots on the back of the ticket under the latex covering.

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

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

Play Symbols	Play Symbol Font
Captions	Caption Font
Pack-Ticket Number	Validation Font
Validation Number	Validation Font
Retailer Verification Code	Validation Font

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

(e) Each of the play symbols must be exactly one of those described in WAC 315-41-50600(1) and each of the captions must be exactly one of those described in WAC 315-41-50600(2).

(2) Any ticket not passing all the validation requirements in WAC 315-40-060 and subsection (1) of this section is invalid and ineligible for any prize.

**WSR 92-08-095**

**PROPOSED RULES**

**TRANSPORTATION IMPROVEMENT BOARD**

[Filed April 1, 1992, 8:30 a.m.]

**Original Notice.**

Title of Rule: WAC 479-01-020 Time and place of meetings.

Purpose: To revise the monthly board meeting date to minimize conflicts with the Transportation Commission monthly meetings.

Statutory Authority for Adoption: Chapter 47.26 RCW.

Summary: This rule specified the date of the board's regular public meetings. The meeting date is being shifted from the third Friday, to the fourth Friday and starting time is moved from 9:30 a.m. to 9:00 a.m.

Reasons Supporting Proposal: The board has had to reschedule several meetings that have conflicted with the Transportation Commission meetings. Three board members are WSDOT officials that are directly affected.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jerry M. Fay, Transportation Building, (206) 753-7199.

Name of Proponent: Washington State Transportation Improvement Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule establishes the date for the regular board meetings and will reduce the number of conflicts with meetings by other organizations, such as the Transportation Commission.

Proposal Changes the Following Existing Rules: WAC 479-01-020 Time and place of meetings, will be revised so the meeting date will be changed from 9:30 a.m. on the third Friday to 9:00 a.m. on the fourth Friday.

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

Hearing Location: Mark 205 Motor Inn, 221 N.E. Chkalov Drive, Vancouver, WA 98664, on May 22, 1992, at 9:00 a.m.

Submit Written Comments to: Transportation Improvement Board, P.O. Box 40901, Olympia, WA 98504-0901, by May 15, 1992.

Date of Intended Adoption: May 22, 1992.

March 31, 1992

Jerry M. Fay

Executive Director

**AMENDATORY SECTION** (Amending WSR 90-11-035, filed 5/10/90, effective 6/10/90)

**WAC 479-01-020 TIME AND PLACE OF MEETINGS.** Regular public meetings of the board shall be held beginning on the ((third)) fourth Friday of every month or the ((fourth)) third Friday ((thereafter)) if that Friday is a holiday. Each such regular meeting shall be held at the offices of the board in Olympia, Washington, and begin at the hour of 9:((3))00 a.m. or at such time and place as designated by the board.

A special meeting of the board may be called by the chairperson or by a majority of the members of the board, by delivering personally or by mail written notice to all other members of the board at least twenty-four hours before the time of such meeting as specified in the notice. The notice calling a special meeting shall state the purpose for which the meeting is called and the date, hour, and place of such meeting and all provisions of chapter 42.30 RCW shall apply.

**WSR 92-08-096**

**PROPOSED RULES**

**PERSONNEL BOARD**

[Filed April 1, 1992, 8:51 a.m.]

**Original Notice.**

Title of Rule: WAC 356-34-010 Disciplinary actions—Causes for demotion—Suspension—Reduction in salary—Dismissal.

Purpose: This rule specifies under what circumstances agencies may take disciplinary action against an employee and what actions may be taken.

Statutory Authority for Adoption: RCW 41.06.040.

Statute Being Implemented: RCW 41.06.150.

Summary: This proposal adds language to include unsatisfactory performance as a cause for disciplinary action.

Reasons Supporting Proposal: This provides a clear delineation that disciplinary action needs to occur if performance is substandard and/or unsatisfactory.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, 586-1770; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The current rule describes the existing causes for taking disciplinary action. Through the Workforce 2000 project it has been identified that unsatisfactory performance by a manager should result in disciplinary action. The proposed added language provides a clear mechanism for this type of action to occur towards managers as well as other state employees.

Proposal Changes the Following Existing Rules: This proposal will add language to the rule by including unsatisfactory performance as a cause for disciplinary action.

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, Board Room, Olympia, WA, on May 14, 1992, at 10:00 a.m.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, Olympia, WA 98504-7500, by May 12, 1992.

Date of Intended Adoption: May 14, 1992.

April 1, 1992  
Dee W. Henderson  
Secretary

**AMENDATORY SECTION** (Amending Order 366, filed 12/24/90, effective 2/1/91)

WAC 356-34-010 DISCIPLINARY ACTIONS—CAUSES FOR DEMOTION—SUSPENSION—REDUCTION IN SALARY—DISMISSAL. (1) Appointing authorities may demote, suspend, reduce in salary, or dismiss a permanent employee under their jurisdiction for any of the following causes:

- (a) Neglect of duty.
- (b) Inefficiency.
- (c) Incompetence.
- (d) Insubordination.
- (e) Indolence.
- (f) Conviction of a crime involving moral turpitude.
- (g) Malfeasance.
- (h) Gross misconduct.
- (i) Willful violation of the published employing agency or department of personnel rules or regulations.

(j) Substandard/unsatisfactory performance.

(2) Appointing authorities shall dismiss any employee under their jurisdiction whose performance is so inadequate as to warrant dismissal.

(3) Appointing authorities shall remove from supervisory positions those supervisors who, in violation of subsection (2) of this section, have tolerated the continued employment of employees under their supervision whose performance has warranted termination from state employment.

(4) In addition to the causes listed in (1)(a)-(i) above, appointing authorities may dismiss or demote employees in in-training positions under the following circumstances:

(a) Appointing authorities may dismiss a permanent employee who fails to complete in-training program requirements necessary for advancement in an in-training series and who was hired directly into the in-training series without having held permanent status in another job class.

(b) Appointing authorities may demote a permanent employee who fails to complete in-training program requirements necessary for advancement in an in-training series and who promoted or transferred into the in-training series. If no vacant positions outside the in-training series are available, the employee will be placed on the reversion register for the class in which he/she held permanent status prior to promoting or transferring into the in-training series.

**WSR 92-08-097**  
**RESCIND OF EMERGENCY RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed April 1, 1992, 9:03 a.m.]

The Department of Labor and Industries is hereby rescinding its revisions to chapters 296-20 and 296-23 WAC, as contained in our filing of March 18, 1992, published in WSR 92-07-100.

The subject rule filing dealt with chiropractic treatment.  
Joseph A. Dear  
Director

**WSR 92-08-098**  
**PREPROPOSAL COMMENTS**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed April 1, 1992, 9:04 a.m.]

Subject of Possible Rule Making: Chapter 296-306 WAC, Safety standard for agriculture, safety and health standards relating to pesticides, orchard ladders, and personal protective equipment.

Persons may Comment on this Subject in the Following Ways: Oral comments at Mt. Vernon, Elks Lodge, 211 Riverside Drive, Mt. Vernon, WA 98273, phone (206) 424-1051, on May 22, 1992; at Olympia, General Administration Building, 1st Floor, Auditorium, 11th and Columbia, Olympia, Washington 98504, on June 1, 1992; at Vancouver, Red Lion at the Quay, 100 Columbia, Vancouver, WA 98661, phone (206) 694-8341, on June 4, 1992; at Wenatchee, Red Lion, 1225 North Wenatchee Avenue, Wenatchee, WA 98801, phone (509) 663-0711, on June 10, 1992; at Spokane, West Coast Ridpath Hotel, West 515 Sprague, Spokane, WA 99201, phone (509) 838-2711, on June 12, 1992; at Pasco, Red Lion, 2525 North 20th, Pasco, WA 99301, phone (509) 547-0701, on June 16, 1992; and at Yakima, Cavanaugh's, North Seventh Street and Yakima Avenue, Yakima, Washington, phone (509) 248-5900, on June 17, 1992. Written comments submitted at the locations and times above or submitted to J. N. Kirchoff, Assistant Director, Division of Industrial Safety and Health, P.O. Box 4600, 805 Plum Street, Olympia, WA 98504-4600. The hearings will start at approximately 9:00 a.m. and continue through the morning as necessary. The hearings will recess during the afternoon and resume at 5:00 p.m., continuing as necessary, throughout the evening. The hearings will adjourn no later than 9:00 p.m.

Other Information or Comments by Agency at this Time, if any: Copies of the draft regulations will be available at the public hearings or by calling Ellen Atkinson at (206) 664-9410. Representatives of the Department of Labor and Industries will be available to discuss these draft rules at the hearings and answer questions from the public.

April 1, 1992  
Joseph A. Dear  
Director

**WSR 92-08-099**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
[Order 92-01—Filed April 1, 1992, 9:05 a.m.]

Continuance of WSR 92-03-137.

Title of Rule: Chapter 296-155 WAC, Safety standards for construction work.

Purpose: Chapter 296-155 WAC, Safety standards for construction work, state-initiated amendment for this chapter is a proposed amendment to delete the reference to WAC 296-24-045, Safety and health committee plan and require that construction industry employers hold foreman-crew safety meetings to promote employee involvement in occupational safety and health matters. Additional changes establish foreman-crew meeting frequency. The requirements for a walk-around safety inspection conducted jointly by labor and management, which were optional, are now mandatory. The frequency of walk-around safety inspections are defined and the requirement to document those inspections is established. As a result of the oral and written comments received at the public hearing, a continuance will be filed to review the oral and written comments and incorporate necessary changes to the proposed amendment to chapter 296-155 WAC.

Date of Intended Adoption: April 22, 1992.

April 1, 1992  
Joseph A. Dear  
Director

**WSR 92-08-100**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
[Order 92-01—Filed April 1, 1992, 9:09 a.m., effective May 5, 1992]

Date of Adoption: April 1, 1992.

Purpose: Chapter 296-62 WAC, General occupational health standards, the purpose of the new sections WAC 296-62-08001 and 296-62-08050 relating to bloodborne pathogens is to adopt federal-initiated changes "identical" to the federal final rule published in Federal Register Volume 56, Number 235, dated December 6, 1991. State-initiated amendments to change the title of Part J to Biological Agents and create

a new part entitled, Part J-1, Physical Agents. This part will contain WAC 296-62-090 through 296-62-09013. These changes are housekeeping amendments only.

Statutory Authority for Adoption: Chapter 49.17 RCW.

Pursuant to notice filed as WSR 92-03-137 on January 22, 1992.

Changes Other than Editing from Proposed to Adopted Version: Chapter 296-62 WAC, General occupational health standards, the proposed WAC 296-62-08001 (7)(a)(i)(D) read "Labels required by [be] affixed as close as feasible to the container by string, wire, adhesive, or other method that prevents their loss or unintentional removal." This paragraph is amended based on an advanced copy of a correction to the federal final rule. This advanced copy was announced at an OSHA training session just prior to the February 28, 1992, public hearing. The paragraph is amended to be identical to the federal final rule. The amendment reads "Labels are required to be affixed as close as feasible to the container by string, wire, adhesive, or other method that prevents their loss or unintentional removal."

Effective Date of Rule: May 5, 1992.

April 1, 1992  
Joseph A. Dear  
Director

**PART J**  
**BIOLOGICAL AGENTS**

NEW SECTION

WAC 296-62-08001 BLOODBORNE PATHOGENS. (1) Scope and application. This section applies to all occupational exposure to blood or other potentially infectious materials as defined by subsection (2) of this section.

(2) Definitions. For purposes of this section, the following shall apply:

"Blood" means human blood, human blood components, and products made from human blood.

"Bloodborne pathogens" means pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, hepatitis B virus (HBV) and human immunodeficiency virus (HIV).

"Clinical laboratory" means a workplace where diagnostic or other screening procedures are performed on blood or other potentially infectious materials.

"Contaminated" means the presence or the reasonably anticipated presence of blood or other potentially infectious materials on an item or surface.

"Contaminated laundry" means laundry which has been soiled with blood or other potentially infectious materials or may contain contaminated sharps.

"Contaminated sharps" means any contaminated object that can penetrate the skin including, but not limited to, needles, scalpels, broken glass, broken capillary tubes, and exposed ends of dental wires.

"Decontamination" means the use of physical or chemical means to remove, inactivate, or destroy bloodborne pathogens on a surface or item to the point

where they are no longer capable of transmitting infectious particles and the surface or item is rendered safe for handling, use, or disposal.

"Director" means the director of the Washington state department of labor and industries; the state designee for the Washington state plan.

"Engineering controls" means controls (e.g., sharps disposal containers, self-sheathing needles) that isolate or remove the bloodborne pathogens hazard from the workplace.

"Exposure incident" means a specific eye, mouth, other mucous membrane, nonintact skin, or parenteral contact with blood or other potentially infectious materials that results from the performance of an employee's duties.

"Handwashing facilities" means a facility providing an adequate supply of running potable water, soap and single use towels or hot air drying machines.

"Licensed healthcare professional" is a person whose legally permitted scope of practice allows him or her to independently perform the activities required by subsection (6) of this section, entitled Hepatitis B vaccination and post-exposure evaluation and follow-up.

"HBV" means hepatitis B virus.

"HIV" means human immunodeficiency virus.

"Occupational exposure" means reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or other potentially infectious materials that may result from the performance of an employee's duties.

"Other potentially infectious materials" means:

(a) The following human body fluids: Semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid, saliva in dental procedures, any body fluid that is visibly contaminated with blood, and all body fluids in situations where it is difficult or impossible to differentiate between body fluids;

(b) Any unfixed tissue or organ (other than intact skin) from a human (living or dead); and

(c) HIV-containing cell or tissue cultures, organ cultures, and HIV- or HBV-containing culture medium or other solutions; and blood, organs, or other tissues from experimental animals infected with HIV or HBV.

"Parenteral" means piercing mucous membranes or the skin barrier through such events as needlesticks, human bites, cuts, and abrasions.

"Personal protective equipment" is specialized clothing or equipment worn by an employee for protection against a hazard. General work clothes (e.g., uniforms, pants, shirts, or blouses) not intended to function as protection against a hazard are not considered to be personal protective equipment.

"Production facility" means a facility engaged in industrial-scale, large-volume or high concentration production of HIV or HBV.

"Regulated waste" means liquid or semi-liquid blood or other potentially infectious materials; contaminated items that would release blood or other potentially infectious materials in a liquid or semi-liquid state if compressed; items that are caked with dried blood or other potentially infectious materials and are capable of

releasing these materials during handling; contaminated sharps; and pathological and microbiological wastes containing blood or other potentially infectious materials.

"Research laboratory" means a laboratory producing or using research-laboratory-scale amounts of HIV or HBV. Research laboratories may produce high concentrations of HIV or HBV but not in the volume found in production facilities.

"Source individual" means any individual, living or dead, whose blood or other potentially infectious materials may be a source of occupational exposure to the employee. Examples include, but are not limited to, hospital and clinic patients; clients in institutions for the developmentally disabled; trauma victims; clients of drug and alcohol treatment facilities; residents of hospices and nursing homes; human remains; and individuals who donate or sell blood or blood components.

"Sterilize" means the use of a physical or chemical procedure to destroy all microbial life including highly resistant bacterial endospores.

"Universal precautions" are an approach to infection control. According to the concept of universal precautions, all human blood and certain human body fluids are treated as if known to be infectious for HIV, HBV, and other bloodborne pathogens.

"Work practice controls" means controls that reduce the likelihood of exposure by altering the manner in which a task is performed (e.g., prohibiting recapping of needles by a two-handed technique).

(3) Exposure control.

(a) Exposure control plan.

(i) Each employer having an employee(s) with occupational exposure as defined by subsection (2) of this section shall establish a written exposure control plan designed to eliminate or minimize employee exposure.

(ii) The exposure control plan shall contain at least the following elements:

(A) The exposure determination required by (b) of this subsection;

(B) The schedule and method of implementation for subsection (4) of this section, Methods of compliance; subsection (5) of this section, HIV and HBV research laboratories and production facilities; subsection (6) of this section, Hepatitis B vaccination and post-exposure evaluation and follow-up; subsection (7) of this section, Communication of hazards to employees; and subsection (8) of this section, Recordkeeping; and

(C) The procedure for the evaluation of circumstances surrounding exposure incidents as required by subsection (6)(c)(i) of this section.

(iii) Each employer shall ensure that a copy of the exposure control plan is accessible to employees in accordance with WAC 296-62-05209.

(iv) The exposure control plan shall be reviewed and updated at least annually, and whenever necessary to reflect new or modified tasks and procedures which affect occupational exposure, and to reflect new or revised employee positions with occupational exposure.

(v) The exposure control plan shall be made available to the director upon request for examination and copying.

(b) Exposure determination.

(i) Each employer who has an employee(s) with occupational exposure as defined by subsection (2) of this section shall prepare an exposure determination. This exposure determination shall contain the following:

(A) A list of all job classifications in which all employees in those job classifications have occupational exposure;

(B) A list of job classifications in which some employees have occupational exposure; and

(C) A list of all tasks and procedures or groups of closely related tasks and procedures in which occupational exposure occurs, and that are performed by employees in job classifications listed in accordance with the provisions of (b)(i)(B) of this subsection.

(ii) This exposure determination shall be made without regard to the use of personal protective equipment.

(4) Methods of compliance.

(a) General. Universal precautions shall be observed to prevent contact with blood or other potentially infectious materials. Under circumstances in which differentiation between body fluid types is difficult or impossible, all body fluids shall be considered potentially infectious materials.

(b) Engineering and work practice controls.

(i) Engineering and work practice controls shall be used to eliminate or minimize employee exposure. Where occupational exposure remains after institution of these controls, personal protective equipment shall also be used.

(ii) Engineering controls shall be examined and maintained or replaced on a regular schedule to ensure their effectiveness.

(iii) Employers shall provide handwashing facilities which are readily accessible to employees.

(iv) When provision of handwashing facilities is not feasible, the employer shall provide either an appropriate antiseptic hand cleanser in conjunction with clean cloth/paper towels or antiseptic towelettes. When antiseptic hand cleansers or towelettes are used, hands shall be washed with soap and running water as soon as feasible.

(v) Employers shall ensure that employees wash their hands immediately or as soon as feasible after removal of gloves or other personal protective equipment.

(vi) Employers shall ensure that employees wash hands and any other skin with soap and water, or flush mucous membranes with water immediately or as soon as feasible following contact of such body areas with blood or other potentially infectious materials.

(vii) Contaminated needles and other contaminated sharps shall not be bent, recapped, or removed except as noted in (b)(vii)(A) and (B) of this subsection. Shearing or breaking of contaminated needles is prohibited.

(A) Contaminated needles and other contaminated sharps shall not be recapped or removed unless the employer can demonstrate that no alternative is feasible or that such action is required by a specific medical procedure.

(B) Such recapping or needle removal must be accomplished through the use of a mechanical device or a one-handed technique.

(viii) Immediately or as soon as possible after use, contaminated reusable sharps shall be placed in appropriate containers until properly reprocessed. These containers shall be:

(A) Puncture resistant;

(B) Labeled or color-coded in accordance with this standard;

(C) Leakproof on the sides and bottom; and

(D) In accordance with the requirements set forth in (d)(ii)(E) of this subsection for reusable sharps.

(ix) Eating, drinking, smoking, applying cosmetics, or lip balm, and handling contact lenses are prohibited in work areas where there is a reasonable likelihood of occupational exposure.

(x) Food and drink shall not be kept in refrigerators, freezers, shelves, cabinets, or on countertops or benches where blood or other potentially infectious materials are present.

(xi) All procedures involving blood or other potentially infectious materials shall be performed in such a manner as to minimize splashing, spraying, spattering, and generation of droplets of these substances.

(xii) Mouth pipetting/suctioning of blood or other potentially infectious materials is prohibited.

(xiii) Specimens of blood or other potentially infectious materials shall be placed in a container which prevents leakage during collection, handling, processing, storage, transport, or shipping.

(A) The container for storage, transport, or shipping shall be labeled or color-coded according to subsection (7)(a)(i) of this section and closed prior to being stored, transported, or shipped. When a facility utilizes universal precautions in the handling of all specimens, the labeling/color-coding of specimens is not necessary provided containers are recognizable as containing specimens. This exemption only applies while such specimens/containers remain within the facility. Labeling or color-coding in accordance with subsection (7)(a)(i) of this section is required when such specimens/containers leave the facility.

(B) If outside contamination of the primary container occurs, the primary container shall be placed within a second container which prevents leakage during handling, processing, storage, transport, or shipping and is labeled or color-coded according to the requirements of this standard.

(C) If the specimen could puncture the primary container, the primary container shall be placed within a secondary container which is puncture-resistant in addition to the above characteristics.

(xiv) Equipment which may become contaminated with blood or other potentially infectious materials shall be examined prior to servicing or shipping and shall be decontaminated as necessary, unless the employer can demonstrate that decontamination of such equipment or portions of such equipment is not feasible.

(A) A readily observable label in accordance with subsection (7)(a)(i)(H) of this section shall be attached to the equipment stating which portions remain contaminated.

(B) The employer shall ensure that this information is conveyed to all affected employees, the servicing representative, and/or the manufacturer, as appropriate, prior to handling, servicing, or shipping so that appropriate precautions will be taken.

(c) Personal protective equipment.

(i) Provision. When there is occupational exposure, the employer shall provide, at no cost to the employee, appropriate personal protective equipment such as, but not limited to, gloves, gowns, laboratory coats, face shields or masks and eye protection, and mouthpieces, resuscitation bags, pocket masks, or other ventilation devices. Personal protective equipment will be considered "appropriate" only if it does not permit blood or other potentially infectious materials to pass through to or reach the employee's work clothes, street clothes, undergarments, skin, eyes, mouth, or other mucous membranes under normal conditions of use and for the duration of time which the protective equipment will be used.

(ii) Use. The employer shall ensure that the employee uses appropriate personal protective equipment unless the employer shows that the employee temporarily and briefly declined to use personal protective equipment when, under rare and extraordinary circumstances, it was the employee's professional judgment that in the specific instance its use would have prevented the delivery of health care or public safety services or would have posed an increased hazard to the safety of the worker or the co-worker. When the employee makes this judgment, the circumstances shall be investigated and documented in order to determine whether changes can be instituted to prevent such occurrences in the future.

(iii) Accessibility. The employer shall ensure that appropriate personal protective equipment in the appropriate sizes is readily accessible at the worksite or is issued to employees. Hypoallergenic gloves, glove liners, powderless gloves, or other similar alternatives shall be readily accessible to those employees who are allergic to the gloves normally provided.

(iv) Cleaning, laundering, and disposal. The employer shall clean, launder, and dispose of personal protective equipment required by subsections (4) and (5) of this section, at no cost to the employee.

(v) Repair and replacement. The employer shall repair or replace personal protective equipment as needed to maintain its effectiveness, at no cost to the employee.

(vi) If a garment(s) is penetrated by blood or other potentially infectious materials, the garment(s) shall be removed immediately or as soon as feasible.

(vii) All personal protective equipment shall be removed prior to leaving the work area.

(viii) When personal protective equipment is removed it shall be placed in an appropriately designated area or container for storage, washing, decontamination, or disposal.

(ix) Gloves. Gloves shall be worn when it can be reasonably anticipated that the employee may have hand contact with blood, other potentially infectious materials, mucous membranes, and nonintact skin; when performing vascular access procedures except as specified in (c)(ix)(D) of this subsection; and when handling or touching contaminated items or surfaces.

(A) Disposable (single use) gloves such as surgical or examination gloves, shall be replaced as soon as practical when contaminated or as soon as feasible if they are torn, punctured, or when their ability to function as a barrier is compromised.

(B) Disposable (single use) gloves shall not be washed or decontaminated for re-use.

(C) Utility gloves may be decontaminated for re-use if the integrity of the glove is not compromised. However, they must be discarded if they are cracked, peeling, torn, punctured, or exhibit other signs of deterioration or when their ability to function as a barrier is compromised.

(D) If an employer in a volunteer blood donation center judges that routine gloving for all phlebotomies is not necessary then the employer shall:

(I) Periodically reevaluate this policy;

(II) Make gloves available to all employees who wish to use them for phlebotomy;

(III) Not discourage the use of gloves for phlebotomy; and

(IV) Require that gloves be used for phlebotomy in the following circumstances:

— When the employee has cuts, scratches, or other breaks in his or her skin;

— When the employee judges that hand contamination with blood may occur, for example, when performing phlebotomy on an uncooperative source individual; and

— When the employee is receiving training in phlebotomy.

(x) Masks, eye protection, and face shields. Masks in combination with eye protection devices, such as goggles or glasses with solid side shields, or chin-length face shields, shall be worn whenever splashes, spray, spatter, or droplets of blood or other potentially infectious materials may be generated and eye, nose, or mouth contamination can be reasonably anticipated.

(xi) Gowns, aprons, and other protective body clothing. Appropriate protective clothing such as, but not limited to, gowns, aprons, lab coats, clinic jackets, or similar outer garments shall be worn in occupational exposure situations. The type and characteristics will depend upon the task and degree of exposure anticipated.

(xii) Surgical caps or hoods and/or shoe covers or boots shall be worn in instances when gross contamination can reasonably be anticipated (e.g., autopsies, orthopaedic surgery).

(d) Housekeeping.

(i) General. Employers shall ensure that the worksite is maintained in a clean and sanitary condition. The employer shall determine and implement an appropriate written schedule for cleaning and method of decontamination based upon the location within the facility, type of surface to be cleaned, type of soil present, and tasks or procedures being performed in the area.

(ii) All equipment and environmental and working surfaces shall be cleaned and decontaminated after contact with blood or other potentially infectious materials.

(A) Contaminated work surfaces shall be decontaminated with an appropriate disinfectant after completion of procedures; immediately or as soon as feasible when

surfaces are overtly contaminated or after any spill of blood or other potentially infectious materials; and at the end of the work shift if the surface may have become contaminated since the last cleaning.

(B) Protective coverings, such as plastic wrap, aluminum foil, or imperviously-backed absorbent paper used to cover equipment and environmental surfaces, shall be removed and replaced as soon as feasible when they become overtly contaminated or at the end of the workshift if they may have become contaminated during the shift.

(C) All bins, pails, cans, and similar receptacles intended for reuse which have a reasonable likelihood for becoming contaminated with blood or other potentially infectious materials shall be inspected and decontaminated on a regularly scheduled basis and cleaned and decontaminated immediately or as soon as feasible upon visible contamination.

(D) Broken glassware which may be contaminated shall not be picked up directly with the hands. It shall be cleaned up using mechanical means, such as a brush and dust pan, tongs, or forceps.

(E) Reusable sharps that are contaminated with blood or other potentially infectious materials shall not be stored or processed in a manner that requires employees to reach by hand into the containers where these sharps have been placed.

(iii) Regulated waste.

(A) Contaminated sharps discarding and containment.

(I) Contaminated sharps shall be discarded immediately or as soon as feasible in containers that are:

- Closable;
- Puncture resistant;
- Leakproof on sides and bottom; and
- Labeled or color-coded in accordance with subsection (7)(a)(i) of this section.

(II) During use, containers for contaminated sharps shall be:

— Easily accessible to personnel and located as close as is feasible to the immediate area where sharps are used or can be reasonably anticipated to be found (e.g., laundries);

- Maintained upright throughout use; and
- Replaced routinely and not be allowed to overfill.

(III) When moving containers of contaminated sharps from the area of use, the containers shall be:

— Closed immediately prior to removal or replacement to prevent spillage or protrusion of contents during handling, storage, transport, or shipping;

— Placed in a secondary container if leakage is possible. The second container shall be:

- Closable;
- Constructed to contain all contents and prevent leakage during handling, storage, transport, or shipping; and
- Labeled or color-coded according to subsection (7)(a)(i) of this section.

(IV) Reusable containers shall not be opened, emptied, or cleaned manually or in any other manner which would expose employees to the risk of percutaneous injury.

(B) Other regulated waste containment.

(I) Regulated waste shall be placed in containers which are:

— Closable;

— Constructed to contain all contents and prevent leakage of fluids during handling, storage, transport or shipping;

— Labeled or color-coded in accordance with subsection (7)(a)(i) of this section; and

— Closed prior to removal to prevent spillage or protrusion of contents during handling, storage, transport, or shipping.

(II) If outside contamination of the regulated waste container occurs, it shall be placed in a second container. The second container shall be:

— Closable;

— Constructed to contain all contents and prevent leakage of fluids during handling, storage, transport, or shipping;

— Labeled or color-coded in accordance with subsection (7)(a)(i) of this section; and

— Closed prior to removal to prevent spillage or protrusion of contents during handling, storage, transport, or shipping.

(C) Disposal of all regulated waste shall be in accordance with applicable regulations of the United States, states and territories, and political subdivisions of states and territories.

(iv) Laundry.

(A) Contaminated laundry shall be handled as little as possible with a minimum of agitation.

(I) Contaminated laundry shall be bagged or containerized at the location where it was used and shall not be sorted or rinsed in the location of use.

(II) Contaminated laundry shall be placed and transported in bags or containers labeled or color-coded in accordance with subsection (7)(a)(i) of this section. When a facility utilizes universal precautions in the handling of all soiled laundry, alternative labeling or color-coding is sufficient if it permits all employees to recognize the containers as requiring compliance with universal precautions.

(III) Whenever contaminated laundry is wet and presents a reasonable likelihood of soak-through or leakage from the bag or container, the laundry shall be placed and transported in bags or containers which prevent soak-through and/or leakage of fluids to the exterior.

(B) The employer shall ensure that employees who have contact with contaminated laundry wear protective gloves and other appropriate personal protective equipment.

(C) When a facility ships contaminated laundry off-site to a second facility which does not utilize universal precautions in the handling of all laundry, the facility generating the contaminated laundry must place such laundry in bags or containers which are labeled or color-coded in accordance with subsection (7)(a)(i) of this section.

(5) HIV and HBV research laboratories and production facilities.



(a) This subsection applies to research laboratories and production facilities engaged in the culture, production, concentration, experimentation, and manipulation of HIV and HBV. It does not apply to clinical or diagnostic laboratories engaged solely in the analysis of blood, tissues, or organs. These requirements apply in addition to the other requirements of the standard.

(b) Research laboratories and production facilities shall meet the following criteria:

(i) Standard microbiological practices. All regulated waste shall either be incinerated or decontaminated by a method such as autoclaving known to effectively destroy bloodborne pathogens.

(ii) Special practices.

(A) Laboratory doors shall be kept closed when work involving HIV or HBV is in progress.

(B) Contaminated materials that are to be decontaminated at a site away from the work area shall be placed in a durable, leakproof, labeled, or color-coded container that is closed before being removed from the work area.

(C) Access to the work area shall be limited to authorized persons. Written policies and procedures shall be established whereby only persons who have been advised of the potential biohazard, who meet any specific entry requirements, and who comply with all entry and exit procedures shall be allowed to enter the work areas and animal rooms.

(D) When other potentially infectious materials or infected animals are present in the work area or containment module, a hazard warning sign incorporating the universal biohazard symbol shall be posted on all access doors. The hazard warning sign shall comply with subsection (7)(a)(ii) of this section.

(E) All activities involving other potentially infectious materials shall be conducted in biological safety cabinets or other physical-containment devices within the containment module. No work with these other potentially infectious materials shall be conducted on the open bench.

(F) Laboratory coats, gowns, smocks, uniforms, or other appropriate protective clothing shall be used in the work area and animal rooms. Protective clothing shall not be worn outside of the work area and shall be decontaminated before being laundered.

(G) Special care shall be taken to avoid skin contact with other potentially infectious materials. Gloves shall be worn when handling infected animals and when making hand contact with other potentially infectious materials is unavoidable.

(H) Before disposal all waste from work areas and from animal rooms shall either be incinerated or decontaminated by a method such as autoclaving known to effectively destroy bloodborne pathogens.

(I) Vacuum lines shall be protected with liquid disinfectant traps and high-efficiency particulate air (HEPA) filters or filters of equivalent or superior efficiency and which are checked routinely and maintained or replaced as necessary.

(J) Hypodermic needles and syringes shall be used only for parenteral injection and aspiration of fluids from laboratory animals and diaphragm bottles. Only needle-locking syringes or disposable syringe-needle

units (i.e., the needle is integral to the syringe) shall be used for the injection or aspiration of other potentially infectious materials. Extreme caution shall be used when handling needles and syringes. A needle shall not be bent, sheared, replaced in the sheath or guard, or removed from the syringe following use. The needle and syringe shall be promptly placed in a puncture-resistant container and autoclaved or decontaminated before reuse or disposal.

(K) All spills shall be immediately contained and cleaned up by appropriate professional staff or others properly trained and equipped to work with potentially concentrated infectious materials.

(L) A spill or accident that results in an exposure incident shall be immediately reported to the laboratory director or other responsible person.

(M) A biosafety manual shall be prepared or adopted and periodically reviewed and updated at least annually or more often if necessary. Personnel shall be advised of potential hazards, shall be required to read instructions on practices and procedures, and shall be required to follow them.

(iii) Containment equipment.

(A) Certified biological safety cabinets (Class I, II, or III) or other appropriate combinations of personal protection or physical containment devices, such as special protective clothing, respirators, centrifuge safety cups, sealed centrifuge rotors, and containment caging for animals, shall be used for all activities with other potentially infectious materials that pose a threat of exposure to droplets, splashes, spills, or aerosols.

(B) Biological safety cabinets shall be certified when installed, whenever they are moved and at least annually.

(c) HIV and HBV research laboratories shall meet the following criteria:

(i) Each laboratory shall contain a facility for hand washing and an eyewash facility which is readily available within the work area.

(ii) An autoclave for decontamination of regulated waste shall be available.

(d) HIV and HBV production facilities shall meet the following criteria:

(i) The work areas shall be separated from areas that are open to unrestricted traffic flow within the building. Passage through two sets of doors shall be the basic requirement for entry into the work area from access corridors or other contiguous areas. Physical separation of the high-containment work area from access corridors or other areas or activities may also be provided by a double-doored clothes-change room (showers may be included), airlock, or other access facility that requires passing through two sets of doors before entering the work area.

(ii) The surfaces of doors, walls, floors, and ceilings in the work area shall be water resistant so that they can be easily cleaned. Penetrations in these surfaces shall be sealed or capable of being sealed to facilitate decontamination.

(iii) Each work area shall contain a sink for washing hands and a readily available eye wash facility. The sink

shall be foot, elbow, or automatically operated and shall be located near the exit door of the work area.

(iv) Access doors to the work area or containment module shall be self-closing.

(v) An autoclave for decontamination of regulated waste shall be available within or as near as possible to the work area.

(vi) A ducted exhaust-air ventilation system shall be provided. This system shall create directional airflow that draws air into the work area through the entry area. The exhaust air shall not be recirculated to any other area of the building, shall be discharged to the outside, and shall be dispersed away from occupied areas and air intakes. The proper direction of the airflow shall be verified (i.e., into the work area).

(e) Training requirements. Additional training requirements for employees in HIV and HBV research laboratories and HIV and HBV production facilities are specified in subsection (7)(b)(ix) of this section.

(6) Hepatitis B vaccination and post-exposure evaluation and follow-up.

(a) General.

(i) The employer shall make available the hepatitis B vaccine and vaccination series to all employees who have occupational exposure, and post-exposure evaluation and follow-up to all employees who have had an exposure incident.

(ii) The employer shall ensure that all medical evaluations and procedures including the hepatitis B vaccine and vaccination series and post-exposure evaluation and follow-up, including prophylaxis, are:

(A) Made available at no cost to the employee;

(B) Made available to the employee at a reasonable time and place;

(C) Performed by or under the supervision of a licensed physician or by or under the supervision of another licensed healthcare professional; and

(D) Provided according to recommendations of the United States Public Health Service current at the time these evaluations and procedures take place, except as specified by this subsection (6).

(iii) The employer shall ensure that all laboratory tests are conducted by an accredited laboratory at no cost to the employee.

(b) Hepatitis B vaccination.

(i) Hepatitis B vaccination shall be made available after the employee has received the training required in subsection (7)(b)(vii)(I) of this section and within ten working days of initial assignment to all employees who have occupational exposure unless the employee has previously received the complete hepatitis B vaccination series, antibody testing has revealed that the employee is immune, or the vaccine is contraindicated for medical reasons.

(ii) The employer shall not make participation in a prescreening program a prerequisite for receiving hepatitis B vaccination.

(iii) If the employee initially declines hepatitis B vaccination but at a later date while still covered under the standard decides to accept the vaccination, the employer shall make available hepatitis B vaccination at that time.

(iv) The employer shall assure that employees who decline to accept hepatitis B vaccination offered by the employer sign the statement in WAC 296-62-08050, appendix A.

(v) If a routine booster dose(s) of hepatitis B vaccine is recommended by the United States Public Health Service at a future date, such booster dose(s) shall be made available in accordance with (a)(ii) of this subsection.

(c) Post-exposure evaluation and follow-up. Following a report of an exposure incident, the employer shall make immediately available to the exposed employee a confidential medical evaluation and follow-up, including at least the following elements:

(i) Documentation of the route(s) of exposure, and the circumstances under which the exposure incident occurred;

(ii) Identification and documentation of the source individual, unless the employer can establish that identification is infeasible or prohibited by state or local law;

(A) The source individual's blood shall be tested as soon as feasible and after consent is obtained in order to determine HBV and HIV infectivity. If consent is not obtained, the employer shall establish that legally required consent cannot be obtained. When the source individual's consent is not required by law, the source individual's blood, if available, shall be tested and the results documented.

(B) When the source individual is already known to be infected with HBV or HIV, testing for the source individual's known HBV or HIV status need not be repeated.

(C) Results of the source individual's testing shall be made available to the exposed employee, and the employee shall be informed of applicable laws and regulations concerning disclosure of the identity and infectious status of the source individual.

(iii) Collection and testing of blood for HBV and HIV serological status;

(A) The exposed employee's blood shall be collected as soon as feasible and tested after consent is obtained.

(B) If the employee consents to baseline blood collection, but does not give consent at that time for HIV serologic testing, the sample shall be preserved for at least ninety days. If, within ninety days of the exposure incident, the employee elects to have the baseline sample tested, such testing shall be done as soon as feasible.

(iv) Post-exposure prophylaxis, when medically indicated, as recommended by the United States Public Health Service;

(v) Counseling; and

(vi) Evaluation of reported illnesses.

(d) Information provided to the healthcare professional.

(i) The employer shall ensure that the healthcare professional responsible for the employee's hepatitis B vaccination is provided a copy of this regulation.

(ii) The employer shall ensure that the healthcare professional evaluating an employee after an exposure incident is provided the following information:

(A) A copy of this regulation;

(B) A description of the exposed employee's duties as they relate to the exposure incident;

(C) Documentation of the route(s) of exposure and circumstances under which exposure occurred;

(D) Results of the source individual's blood testing, if available; and

(E) All medical records relevant to the appropriate treatment of the employee including vaccination status which are the employer's responsibility to maintain.

(e) Healthcare professional's written opinion. The employer shall obtain and provide the employee with a copy of the evaluating healthcare professional's written opinion within fifteen days of the completion of the evaluation.

(i) The healthcare professional's written opinion for hepatitis B vaccination shall be limited to whether hepatitis B vaccination is indicated for an employee, and if the employee has received such vaccination.

(ii) The healthcare professional's written opinion for post-exposure evaluation and follow-up shall be limited to the following information:

(A) That the employee has been informed of the results of the evaluation; and

(B) That the employee has been told about any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

(iii) All other findings or diagnoses shall remain confidential and shall not be included in the written report.

(f) Medical recordkeeping. Medical records required by this standard shall be maintained in accordance with subsection (8)(a) of this section.

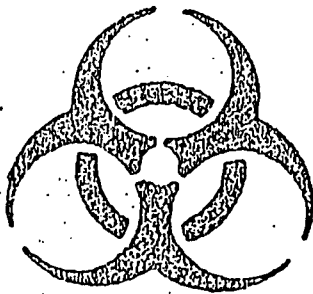
(7) Communication of hazards to employees.

(a) Labels and signs.

(i) Labels.

(A) Warning labels shall be affixed to containers of regulated waste, refrigerators and freezers containing blood or other potentially infectious material; and other containers used to store, transport or ship blood or other potentially infectious materials, except as provided in (a)(i)(E), (F), and (G) of this subsection.

(B) Labels required by this section shall include the following legend:



BIOHAZARD

(C) These labels shall be fluorescent orange or orange-red or predominantly so, with lettering or symbols in a contrasting color.

(D) Labels are required to be affixed as close as feasible to the container by string, wire, adhesive, or other method that prevents their loss or unintentional removal.

(E) Red bags or red containers may be substituted for labels.

(F) Containers of blood, blood components, or blood products that are labeled as to their contents and have been released for transfusion or other clinical use are exempted from the labeling requirements of subsection (7) of this section.

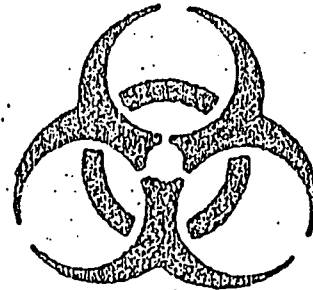
(G) Individual containers of blood or other potentially infectious materials that are placed in a labeled container during storage, transport, shipment or disposal are exempted from the labeling requirement.

(H) Labels required for contaminated equipment shall be in accordance with this subitem and shall also state which portions of the equipment remain contaminated.

(I) Regulated waste that has been decontaminated need not be labeled or color-coded.

(ii) Signs.

(A) The employer shall post signs at the entrance to work areas specified in subsection (5) of this section, entitled HIV and HBV research laboratory and production facilities, which shall bear the following legend:



BIOHAZARD

(Name of the Infectious Agent)

(Special requirements for entering the area)

(Name, telephone number of the laboratory director or other responsible person.)

(B) These signs shall be fluorescent orange-red or predominantly so, with lettering or symbols in a contrasting color.

(b) Information and training.

(i) Employers shall ensure that all employees with occupational exposure participate in a training program which must be provided at no cost to the employee and during working hours.

(ii) Training shall be provided as follows:

(A) At the time of initial assignment to tasks where occupational exposure may take place;

(B) Within ninety days after the effective date of the standard; and

(C) At least annually thereafter.

(iii) For employees who have received training on bloodborne pathogens in the year preceding the effective date of the standard, only training with respect to the provisions of the standard which were not included need be provided.

(iv) Annual training for all employees shall be provided within one year of their previous training.

(v) Employers shall provide additional training when changes such as modification of tasks or procedures or institution of new tasks or procedures affect the employee's occupational exposure. The additional training may be limited to addressing the new exposures created.

(vi) Material appropriate in content and vocabulary to educational level, literacy, and language of employees shall be used.

(vii) The training program shall contain at a minimum the following elements:

(A) An accessible copy of the regulatory text of this standard and an explanation of its contents;

(B) A general explanation of the epidemiology and symptoms of bloodborne diseases;

(C) An explanation of the modes of transmission of bloodborne pathogens;

(D) An explanation of the employer's exposure control plan and the means by which the employee can obtain a copy of the written plan;

(E) An explanation of the appropriate methods for recognizing tasks and other activities that may involve exposure to blood and other potentially infectious materials;

(F) An explanation of the use and limitations of methods that will prevent or reduce exposure including appropriate engineering controls, work practices, and personal protective equipment;

(G) Information on the types, proper use, location, removal, handling, decontamination and disposal of personal protective equipment;

(H) An explanation of the basis for selection of personal protective equipment;

(I) Information on the hepatitis B vaccine, including information on its efficacy, safety, method of administration, the benefits of being vaccinated, and that the vaccine and vaccination will be offered free of charge;

(J) Information on the appropriate actions to take and persons to contact in an emergency involving blood or other potentially infectious materials;

(K) An explanation of the procedure to follow if an exposure incident occurs, including the method of reporting the incident and the medical follow-up that will be made available;

(L) Information on the post-exposure evaluation and follow-up that the employer is required to provide for the employee following an exposure incident;

(M) An explanation of the signs and labels and/or color coding required by (a) of this subsection; and

(N) An opportunity for interactive questions and answers with the person conducting the training session.

(viii) The person conducting the training shall be knowledgeable in the subject matter covered by the elements contained in the training program as it relates to the workplace that the training will address.

(ix) Additional initial training for employees in HIV and HBV laboratories and production facilities. Employees in HIV or HBV research laboratories and HIV or HBV production facilities shall receive the following

initial training in addition to the above training requirements:

(A) The employer shall assure that employees demonstrate proficiency in standard microbiological practices and techniques and in the practices and operations specific to the facility before being allowed to work with HIV or HBV.

(B) The employer shall assure that employees have prior experience in the handling of human pathogens or tissue cultures before working with HIV or HBV.

(C) The employer shall provide a training program to employees who have no prior experience in handling human pathogens. Initial work activities shall not include the handling of infectious agents. A progression of work activities shall be assigned as techniques are learned and proficiency is developed. The employer shall assure that employees participate in work activities involving infectious agents only after proficiency has been demonstrated.

(8) Recordkeeping.

(a) Medical records.

(i) The employer shall establish and maintain an accurate record for each employee with occupational exposure, in accordance with WAC 296-62-052.

(ii) This record shall include:

(A) The name and Social Security number of the employee;

(B) A copy of the employee's hepatitis B vaccination status including the dates of all the hepatitis B vaccinations and any medical records relative to the employee's ability to receive vaccination as required by subsection (6)(b) of this section;

(C) A copy of all results of examinations, medical testing, and follow-up procedures as required by subsection (6)(c) of this section;

(D) The employer's copy of the healthcare professional's written opinion as required by subsection (6)(e) of this section; and

(E) A copy of the information provided to the healthcare professional as required by subsection (6)(d)(ii)(B), (C), and (D) of this section.

(iii) Confidentiality. The employer shall ensure that employee medical records required by (a) of this subsection are:

(A) Kept confidential; and

(B) Are not disclosed or reported without the employee's express written consent to any person within or outside the workplace except as required by this section or as may be required by law.

(iv) The employer shall maintain the records required by subsection (8) of this section for at least the duration of employment plus thirty years in accordance with WAC 296-62-052.

(b) Training records.

(i) Training records shall include the following information:

(A) The dates of the training sessions;

(B) The contents or a summary of the training sessions;

(C) The names and qualifications of persons conducting the training; and

(D) The names and job titles of all persons attending the training sessions.

(ii) Training records shall be maintained for three years from the date on which the training occurred.

(c) Availability.

(i) The employer shall ensure that all records required to be maintained by this section shall be made available upon request to the director for examination and copying.

(ii) Employee training records required by this section shall be provided upon request for examination and copying to employees, to employee representatives, to the director in accordance with WAC 296-62-052.

(iii) Employee medical records required by this section shall be provided upon request for examination and copying to the subject employee, to anyone having written consent of the subject employee, to the director in accordance with WAC 296-62-052.

(d) Transfer of records.

(i) The employer shall comply with the requirements involving transfer of records set forth in WAC 296-62-052.

(ii) If the employer ceases to do business and there is no successor employer to receive and retain the records for the prescribed period, the employer shall notify the director, at least three months prior to their disposal and transmit them to the director, if required by the director to do so, within that three-month period.

(9) Dates.

(a) Effective date. The standard shall become effective on May 26, 1992.

(b) The exposure control plan required by subsection (3)(b) of this section shall be completed on or before June 26, 1992.

(c) Subsection (7)(b) of this section, entitled Information and training; and subsection (7)(h) of this section, entitled Recordkeeping; shall take effect on or before July 27, 1992.

(d) Subsection (4)(b) of this section, entitled Engineering and work practice controls; subsection (4)(c) of this section, entitled Personal protective equipment; subsection (4)(d) of this section, entitled Housekeeping; subsection (5) of this section, entitled HIV and HBV research laboratories and production facilities; subsection (6) of this section, entitled Hepatitis B vaccination and post-exposure evaluation and follow-up; and subsection (7)(a) of this section, entitled Labels and signs; shall take effect August 27, 1992.

#### NEW SECTION

#### WAC 296-62-08050 APPENDIX A—HEPATITIS B VACCINE DECLINATION—MANDATORY.

I understand that due to my occupational exposure to blood or other potentially infectious materials I may be at risk of acquiring hepatitis B virus (HBV) infection. I have been given the opportunity to be vaccinated with hepatitis B vaccine, at no charge to myself. However, I decline hepatitis B vaccination at this time. I understand that by declining this vaccine, I continue to be at risk of acquiring hepatitis B, a serious disease. If in the future I continue to have occupational exposure to blood or other

potentially infectious materials and I want to be vaccinated with hepatitis B vaccine, I can receive the vaccination series at no charge to me.

#### PART J-1 PHYSICAL AGENTS

#### WSR 92-08-101 PERMANENT RULES DEPARTMENT OF LABOR AND INDUSTRIES

[Filed April 1, 1992, 9:10 a.m., effective August 31, 1992]

Date of Adoption: March 24, 1992.

Purpose: To insert language inadvertently omitted from this rule. This filing corrects WSR 92-01-104 filed on December 18, 1991.

Citation of Existing Rules Affected by this Order: WAC 296-127-018 (3)(b), the addition of these three words will not result in a substantive change to the meaning of the WAC.

Statutory Authority for Adoption: RCW 43.22.270.

Other Authority: Chapters 39.12 and 39.04 RCW.

Pursuant to notice filed as WSR 91-14-104 on July 3, 1991; and WSR 91-20-068 on September 26, 1991.

Changes Other than Editing from Proposed to Adopted Version: This is an editing change only.

Effective Date of Rule: August 31, 1992.

April 1, 1992  
Joseph A. Dear  
Director

#### NEW SECTION

WAC 296-127-018 COVERAGE AND EXEMPTIONS OF WORKERS INVOLVED IN THE PRODUCTION AND DELIVERY OF GRAVEL, CONCRETE, ASPHALT, OR SIMILAR MATERIALS. The materials covered under this section are sand, gravel, crushed rock, concrete mix, asphalt, or other similar materials.

(1) Workers are subject to the provisions of chapter 39.12 RCW when they are employed by a contractor as defined by WAC 296-127-010 (5)(c) and:

(a) They are engaged for a public works project in the production of the above-listed materials in a sand or gravel pit, rock quarry, concrete mixing plant, or other similar facility; or

(b) They are engaged in the transportation of the above-listed materials for use on a public works project, whether or not they perform any work on the project site.

(2) All workers, regardless of by whom employed, are subject to the provisions of chapter 39.12 RCW when:

(a) They deliver any of the above-listed materials to a public works project site and perform any spreading, leveling, rolling, or otherwise participate in any incorporation of the materials into the project; or

(b) They wait at or near a public works project site to participate in the incorporation of any of the above-listed materials into the project; or

(c) They remove any materials from a public works construction site pursuant to contract requirements or specifications (e.g., excavated materials, materials from demolished structures, cleanup materials, etc.); or

(d) They work in a materials production facility (e.g., batch plant, borrow pit, rock quarry, etc.,) which is established for a public works project for the specific, but not necessarily exclusive, purpose of supplying materials for the project.

(3) Workers are not subject to the provisions of chapter 39.12 RCW when:

(a) The employees' duties do not include spreading, leveling, rolling, or otherwise participating in the incorporation of the delivered materials into a public works project, and they are employed by an established materials supplier either in the production or delivery of sand, gravel, crushed rock, concrete mix, asphalt or other similar materials;

(b) They are employed by a common or contract carrier trucking company principally or exclusively engaged in the hauling or delivery of such products, and the employees' duties do not include spreading, leveling, rolling, or otherwise participating in the incorporation of the delivered materials into a public works project; or

(c) Their employer is engaged in the production and stockpiling of such materials for unspecified future use by the state of Washington or by municipalities as defined by RCW 39.04.010.

(4) The applicable prevailing wage rate shall be determined by the locality in which the work is performed. Workers subject to the provisions of chapter 39.12 RCW, as outlined in subsection (1) of this section, who produce such materials at an off-site facility shall be paid the applicable prevailing wage rates for the county in which the off-site facility is located. Workers subject to the provisions of chapter 39.12 RCW, as outlined in subsection (1) of this section, who deliver such materials to a public works project site shall be paid the applicable prevailing wage rates for the county in which the public works project is located.

**WSR 92-08-102**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
[Filed April 1, 1992, 9:11 a.m.]

Date of Adoption: April 1, 1992.

Purpose: Proposed amendments to WAC 296-46-910 are changes made to cover the increasing costs of making electrical inspections; and proposed amendments to WAC 296-46-915 are changes made to cover the increasing costs of electrical contractor licensing, electrical administrator application, certification transfer and renewal fees.

Citation of Existing Rules Affected by this Order: Amending WAC 296-46-910, changes made to cover

the increasing costs of making electrical inspections; and WAC 296-46-915, changes made to cover the increasing costs of electrical contractor licensing, administrator application, certification and transfer fees.

Statutory Authority for Adoption: RCW 19.28.060, 19.28.010(1), and 19.28.600. For WAC 296-46-910 is RCW 19.28.060 and 19.28.210(6); and for WAC 296-46-915 is RCW 19.28.060, 19.28.120(2) and 19.28.510(2).

Pursuant to notice filed as WSR 92-03-136 on January 22, 1992.

Changes Other than Editing from Proposed to Adopted Version: WAC 296-46-910 (1)(b), multi-family residential feeder fee reduced from \$30.00 to \$20.00; and WAC 296-46-910 (1)(c)(ii), maintenance or repair of meter or mast from \$40.00 to \$30.00.

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

April 1, 1992  
Joseph A. Dear  
Director

**AMENDATORY SECTION (Amending WSR 90-17-041, filed 8/10/90, effective 9/10/90)**

**WAC 296-46-910 INSPECTION FEES.** To calculate the inspection fees, the amperage is based on the ((~~larger of the~~)) conductor ampacity or the overcurrent device rating.

~~((1)) The fee for inspection of the installation, alteration, or maintenance of the following service(s), or feeder(s), is:~~

	Residential Services Column A	Commercial/Industrial Column B	Additional Feeders in Commercial/Industrial Column C
1-100 AMP	\$ 33	\$ 44	\$ 11
101-200 AMP	\$ 44	\$ 55	\$ 17
201-400 AMP	\$ 60	\$110	\$ 28
401-600 AMP	\$ 77	\$154	\$ 39
601-1000 AMP	\$ 94	\$198	\$ 50
1001-Over AMP	\$110	\$242	\$ 60
Two family dwelling	\$ 55		
Temporary construction service	\$ 30		

~~No additional fee for inspection of branch circuits when included on the service/feeder permit.~~

- ~~Column A - Residential:~~
  - ~~- Single family residential services.~~
  - ~~- Multi-family residential services.~~

- ~~Column B - Commercial and industrial:~~
  - ~~- Each service or the first feeder when the service is not being installed, increased or altered.~~
  - ~~- Feeders that terminate in a separate building.~~
  - ~~- Secondaries of transformers that have a capacity greater than 600 VA.~~
  - ~~- Each service or feeder that is over 600 volts.~~

~~Column C — Additional feeders in commercial and industrial facilities:~~

~~— Each feeder inspected with a service or feeder in Column B on the same permit.~~

~~(2) The following fees shall be provided for the inspection of each of the following units:~~

	<del>Single/first Unit</del>	<del>Additional Units</del>
	<del>Column A</del>	<del>Column B</del>
a. Mobile home, modular home, or commercial coach service. (200 Amp. Max.)	<del>28</del>	<del>7*</del>
b. Mobile home feeder.	<del>28</del>	<del>7*</del>
c. Each lot for a recreational vehicle.	<del>28</del>	<del>7</del>
d. Berth at a marina or dock.	<del>28</del>	<del>7</del>
e. Yard pole meter loops or similar isolated metering installations.	<del>28</del>	<del>7</del>
f. Outbuilding(s) on residential property	<del>28</del>	<del>7</del>
g. Motors 10 HP or larger	<del>28</del>	<del>7</del>
h. Multi-family dwelling feeders	<del>28</del>	<del>7</del>
i. Signs	<del>28</del>	<del>7</del>
j. Low voltage temperature control circuits per building story or system	<del>28</del>	<del>7</del>

~~Column A — The fee for inspection of a single unit or the first of several units when a service or feeder in (1)(A) or (1)(B) is not installed.~~

~~Column B — The fee for inspection of additional units when they are inspected at the same time, at the same location and on the same permit as a unit in Column (1)(A), (1)(B), or (2)(A).~~

~~\*Total fee for inspection of one service and feeder for a mobile home when they are inspected at the same time is \$35.00.~~

~~The above fees are in addition to master-meter, mobile home park, recreational vehicle park, marina shore services and/or the main service(s).~~

~~(3) The fee for new circuits, circuit extensions, and circuit alterations where the service or feeder is not modified, shall be \$28 for one to four circuits inspected at the same time on the same premises under a single permit plus \$2 for each additional circuit. The total fee shall be no greater than the fee for a new service for the building.~~

~~(4) Low voltage systems. The fee for inspection of residential, burglar or fire alarm systems, and other Class 2, low voltage systems shall be \$28. For commercial or industrial, Class 2, low voltage system installations, the minimum fee shall be \$28 for the control panel and up to four circuits or zones plus \$7 for each additional circuit (zone).~~

~~(5) In addition to the service and feeder installation fees, the fee for inspecting each electrically driven irrigation machine is \$50 including tower and drive motors.~~

~~(6) The fee for emergency, standby, and resource recovery generators up to 50 KVA is \$28. The fee for a generator installation larger than 50 KVA, or that is the main source of power, is that in the appropriate Column B or C in subsection (1) of this section.~~

~~(7) A firm, corporation or other entity which has a regularly employed electrical maintenance staff which is exempted from the requirement to have an electrician~~

~~certificate of competency by RCW 19.28.610, may choose to purchase an annual electrical work permit rather than a work permit for each installation or alteration in accordance with this section. A separate fee shall be provided for each plant location or complex. The following fee will entitle the purchaser to the number of inspections shown for a one year period after the date of purchase of an electrical work permit:~~

	<del>FEE</del>	<del>INSPECTIONS</del>
1 thru 3 plant electricians	<del>1,430 per year</del>	<del>12</del>
4 thru 6 plant electricians	<del>\$2,860 per year</del>	<del>24</del>
7 thru 12 plant electricians	<del>\$4,290 per year</del>	<del>36</del>
13 thru 25 plant electricians	<del>\$5,720 per year</del>	<del>52</del>
more than 25 plant electricians	<del>\$7,150 per year</del>	<del>52</del>

~~(8) Fees for carnival electrical inspections:~~

~~a. Preseason or first field inspection per year, \$15 per ride and generator truck and \$2 per remote distribution equipment, concession or gaming show with a minimum fee of \$50. Amusement rides shall be set up prior to inspection.~~

~~b. For subsequent inspections, the fee shall be \$50 for the first ten rides, concessions, generators, remote distribution equipment or gaming shows and \$2 each for all additional rides, concessions, generators, remote distribution equipment and gaming shows. If a ride, concession, generator, remote distribution equipment or gaming show has no insignia of inspection for the calendar year, the fee shall be that charged in a. of this subsection.~~

~~(9) Trip fees. A fee shall be paid before approval of the installation if the following services are necessary:~~

~~a. \$56 for requests to inspect existing installations.~~

~~b. \$28 for trips to inspect when the permit submitter has given notice to the department that the work is ready for inspection when it is not.~~

~~c. \$28 where an additional inspection trip is necessary because the submitter has given an erroneous or incomplete address.~~

~~d. \$28 for more than one additional inspection trip per permit to inspect corrections or for repeated carelessness, neglect, or improperly installing electrical conductors or equipment.~~

~~e. \$28 for each trip necessary to remove a noncompliance citation from the jobsite, posted because unlicensed electrical contractors or uncertified electricians or trainees were working on the jobsite.~~

~~f. \$28 per day where corrections have not been made in the prescribed time, unless an exception has been requested and granted.~~

~~(10) Double fees. A double inspection fee shall be charged for:~~

~~a. Installations that are covered or concealed before inspection;~~

~~b. Failure to obtain the electrical work permit prior to beginning the installation or alteration. Exception — electrical work permits for emergency repairs to existing electrical systems shall be obtained no later than the next business day.~~

~~(11) On jobs requiring partial or progress inspections, "one" inspection of one half hour duration is allowed per \$28 of fee.~~



(12) The fee for a plan review request pursuant to WAC 296-46-140 (1) and (2) is thirty-five percent of the electrical work permit fee as determined by WAC 296-46-495, plus a plans submission fee of \$50. The fee for review of supplemental submissions of plans is \$40 per hour or a fraction of an hour.)

(1) RESIDENTIAL

(a) Single and Two Family Residential (New Construction)

- (i) First 1300 sq. ft. or less . . . . . \$60  
Each additional 500 sq. ft. or portion of . . . . . \$20
- (ii) Each outbuilding or detached garage inspected with the service (see note) . . . . . \$25

Note: When not inspected at same time as service, refer to (b) of this subsection

(b) Multi-Family Residential (New Construction)

Each Service and or Feeder

Service Ampacity	Service	Feeder
0 to 200	65	\$ 20
201 to 400	80	40
401 to 600	110	55
601 to 800	140	75
801 and over	200	150

(c) Single Family or Multi-Family Altered Services Including Circuits

Service Ampacity	Service or Feeder
0 to 200	\$ 55
201 to 600	80
over 600	120

(ii) Maintenance or Repair of Meter or Mast (No alterations to service or feeder) . . . . . \$30

(d) Single or Multi-Family Residential Circuits Only (No Service Inspection)

- (i) 1 to 4 circuits (see note) . . . . . \$40
- (ii) Each additional circuit . . . . . 5

Note: Total fee per panel not to exceed (c)(i) of this subsection Service/Feeder

(e) Mobile Homes; Mobile Home Parks; and RV Parks

- (i) Mobile Home Service or Feeder Only . . . . . \$40
- (ii) Mobile Home Service and Feeder . . . . . 65
- (iii) Mobile Home Park Sites and RV Park Sites
- (A) First service or feeder . . . . . 40
- (B) Each additional service; or a feeder inspected at same time as service . . . . . 25

Note: For Master Service Installations, see subsection (2).

(2) COMMERCIAL/INDUSTRIAL

(a) Service/Feeder; and Feeders Inspected at the Same Time as Service (Circuits Included)

Service/ Feeder Ampacity	Service/ Feeder	Additional Feeder inspected at the same time
0 to 100	\$ 65	\$ 40
101 to 200	80	50
201 to 400	150	60
401 to 600	175	70
601 to 800	225	95
801 to 1000	275	115
Over 1000	300	160

(ii) Over 600 volts surcharge . . . . . \$50

(b) Altered Services or Feeders (No Circuits)

Service Ampacity	Service/ Feeder
0 to 200	\$ 65
201 to 600	150
601 to 1000	225
Over 1000	250

(ii) Over 600 Volts Surcharge . . . . . \$50

(iii) Maintenance or Repair of Meter or Mast (No alteration of service equipment) . . . . . 55

(c) Circuits Only

- (i) First five circuits per branch circuit panel . . . . . \$50
- (ii) Each additional circuit per branch circuit panel . . . . . 5

Note: Total fee per panel not to exceed (a)(i) of this subsection Service/Feeder

(3) TEMPORARY SERVICES

(a) Residential . . . . . \$35

(b) Commercial/Industrial

Service or Feeder Ampacity	
0 to 100	\$40
101 to 200	50
201 to 400	60
401 to 600	80
Over 600	90

Each additional feeder inspected at the same time as service or first feeder add 50% of the fee above.

(4) IRRIGATION MACHINES, PUMPS AND EQUIPMENT

Irrigation Machines

- (a) Each tower when inspected at same time as service and feeder . . . . . \$5

(b) When not inspected at same time as service and feeders – first 6 . . . . . 60  
 Each additional tower per (a) of this subsection . . . . . 5

(5) MISCELLANEOUS – Commercial/Industrial and Residential

(a) Thermostats  
 (i) First thermostat . . . . . \$30  
 (ii) Each additional thermostat inspected at the same time as first thermostat . . . . . 10

(b) Low Voltage Fire Alarm and Burglar Alarm  
 (i) First 2500 sq. ft. or less. Includes nurse call intercom, security systems and similar low energy circuits and equipment . . . . . \$35  
 (ii) Each additional 500 sq. ft. or portion thereof . . . . . 10

(c) Signs and Outline Lighting  
 (i) First sign (No service) . . . . . \$30  
 (ii) Each additional sign inspected at the same time on the same bldg. or structure . . . . . 15

(d) Berth at a marina or dock . . . . . \$40  
 Each additional berth inspected at the same time . . . . . 25

(e) Yard pole meter loops Only . . . . . \$40  
 Meters installed remote from service equipment: Inspected at same time as service, temporary service or other installations . . . . . 10

(f) Emergency Inspections Requested Outside Normal Work Hours. Regular fee plus surcharge of . . . . . \$75

(g) Generators  
 (i) 50 KVA or less . . . . . \$50  
 (ii) Each additional 50 KVA or portion thereof . . . . . 10

(h) Annual permit fee for plant location employing regular electrical maintenance staff – Each inspection two hour maximum.

	Fee	Inspections
1 to 3 plant electricians	\$1,430	12
4 to 6 plant electricians	2,860	24
7 to 12 plant electricians	4,290	36
13 to 25 plant electricians	5,720	52
more than 25 plant electricians	7,150	52

(i) Carnival Inspections  
 (i) First field inspection each year  
 (A) Each ride and generator truck . . . . . \$15  
 (B) Each remote distribution equipment, concession or gaming show . . . . . 5  
 (C) Minimum fee . . . . . 75

(ii) Subsequent inspections  
 (A) First 10 rides, concessions, generators, remote distribution equipment or gaming show . . . . . \$75  
 (B) Each additional ride, concession, generator, remote distribution equipment or gaming show . . . . . 5

(j) Trip Fees  
 (i) Requests to inspect existing installations . . . . . \$60  
 (ii) Submitter notifies the department that work is ready for inspection when it is not . . . . . 30  
 (iii) Additional inspection required because submitter has provided wrong address . . . . . 30  
 (iv) More than one additional inspection required to inspect corrections; or for repeated neglect, carelessness, or improperly installed electrical work . . . . . 30  
 (v) Each trip necessary to remove a noncompliance notice . . . . . 30  
 (vi) Corrections have not been made in the prescribed time, unless an exception has been requested and granted . . . . . 30

(k) Double Fees will be charged for:  
 (i) Installations that are covered or concealed before inspection.  
 (ii) Failure to obtain an electrical work permit prior to beginning the installation or alteration.

Exception: Electrical work permits for emergency repairs to existing electrical systems shall be obtained the next business day.

(l) Progress Inspections  
 On partial or progress inspections, each one-half hour . . . . . \$30

(m) Plan Review Fee  
 (i) Fee is thirty-five percent of the electrical work permit fee as determined by WAC 296-46-495, plus a plan submission fee of . . . . . \$50  
 (ii) Supplemental submissions of plans per hour or fraction of an hour . . . . . \$60

(n) Other Inspections  
 Inspections not covered by above inspection fees shall be charged portal to portal per hour . . . . . \$60

AMENDATORY SECTION (Amending WSR 90-17-041, filed 8/10/90, effective 9/10/90)

WAC 296-46-915 ELECTRICAL CONTRACTOR LICENSE, ADMINISTRATOR CERTIFICATE AND EXAMINATION, AND COPY FEES.

- (1) General or specialty contractor license (per twenty-four month period) ((580))  
\$200
- (2) Administrator certificate examination application (nonrefundable) \$25

- (3) Administrator original certificate (submitted with application) ((~~\$40~~)  
\$60)
- (4) Administrator certificate renewal (per twenty-four month period) ((~~\$52~~)  
\$75)
- (5) Late renewal of administrator certificate (per twenty-four month period) ((~~\$104~~)  
\$150)
- (6) Transfer of administrator designation within 10 days ((~~\$20~~)  
\$30)
- after 10 days ((~~\$50~~)  
\$60)
- (7) Certified copy of each document (maximum \$44 per file)
  - \$20 first document
  - \$2 each additional document

**WSR 92-08-103**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
 [Filed April 1, 1992, 9:12 a.m.]

Date of Adoption: April 1, 1992.

Purpose: Proposed amendments to WAC 296-46-910 are changes made to cover the increasing costs of making electrical inspections; and proposed amendments to WAC 296-46-915 are changes made to cover the increasing costs of electrical contractor licensing, electrical administrator application, certification transfer and renewal fees.

Citation of Existing Rules Affected by this Order: Amending WAC 296-46-910, changes made to cover the increasing costs of making electrical inspections; and WAC 296-46-915, changes made to cover the increasing costs of electrical contractor licensing, administrator application, certification and transfer fees.

Statutory Authority for Adoption: RCW 19.28.060, 19.28.010(1), and 19.28.600. For WAC 296-46-910 is RCW 19.28.060 and 19.28.210(6); and for WAC 296-46-915 is RCW 19.28.060, 19.28.120(2) and 19.28.510(2).

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

Reasons for this Finding: Emergency adoption, effective April 1, 1992, of the proposed increases in electrical inspection and licensing fees is necessary to avoid the electrical license fund balance from falling below a level sufficient to meet the section's obligations. The revenues have been approximately \$100,000 below expenditures thus reducing the fund balance to approximately \$1.8 million by April 30, 1992, at the current schedule of fees.

Effective Date of Rule: Immediately.

April 1, 1992  
 Joseph A. Dear  
 Director

AMENDATORY SECTION (Amending WSR 90-17-041, filed 8/10/90, effective 9/10/90)

**WAC 296-46-910 INSPECTION FEES.** To calculate the inspection fees, the amperage is based on the (~~larger of the~~) conductor ampacity or the overcurrent device rating.

~~((1) The fee for inspection of the installation, alteration, or maintenance of the following service(s), or feeder(s), is:~~

	<del>Residential Services</del> Column A	<del>Commercial/Industrial</del> Column B	<del>Commercial/Industrial</del> Additional Feeders in Column C
1- 100 AMP	<del>\$ 33</del>	<del>\$ 44</del>	<del>\$ 11</del>
101- 200 AMP	<del>\$ 44</del>	<del>\$ 55</del>	<del>\$ 17</del>
201- 400 AMP	<del>\$ 60</del>	<del>\$110</del>	<del>\$ 28</del>
401- 600 AMP	<del>\$ 77</del>	<del>\$154</del>	<del>\$ 39</del>
601- 1000 AMP	<del>\$ 94</del>	<del>\$198</del>	<del>\$ 50</del>
1001- Over AMP	<del>\$110</del>	<del>\$242</del>	<del>\$ 60</del>
Two family dwelling	<del>\$ 55</del>		
Temporary construction service	<del>\$ 30</del>		

~~No additional fee for inspection of branch circuits when included on the service/feeder permit.~~

- ~~Column A - Residential:~~
  - ~~- Single family residential services.~~
  - ~~- Multi-family residential services.~~
- ~~Column B - Commercial and industrial:~~
  - ~~- Each service or the first feeder when the service is not being installed, increased or altered.~~
  - ~~- Feeders that terminate in a separate building.~~
  - ~~- Secondaries of transformers that have a capacity greater than 600 VA.~~
  - ~~- Each service or feeder that is over 600 volts.~~
- ~~Column C - Additional feeders in commercial and industrial facilities:~~
  - ~~- Each feeder inspected with a service or feeder in Column B on the same permit.~~

~~(2) The following fees shall be provided for the inspection of each of the following units:~~

	<del>Single/first Unit</del> Column A	<del>Additional Units</del> Column B
a. <del>Mobile home, modular home, or commercial coach service.</del> <del>(200 Amp. Max.)</del>	<del>28</del>	<del>7*</del>
b. <del>Mobile home feeder.</del>	<del>28</del>	<del>7*</del>
c. <del>Each lot for a recreational vehicle.</del>	<del>28</del>	<del>7</del>
d. <del>Berth at a marina or dock.</del>	<del>28</del>	<del>7</del>
e. <del>Yard pole meter loops or similar isolated metering installations.</del>	<del>28</del>	<del>7</del>
f. <del>Outbuilding(s) on residential property</del>	<del>28</del>	<del>7</del>
g. <del>Motors 10 HP or larger</del>	<del>28</del>	<del>7</del>
h. <del>Multi-family dwelling feeders</del>	<del>28</del>	<del>7</del>
i. <del>Signs</del>	<del>28</del>	<del>7</del>
j. <del>Low voltage temperature control circuits per building story or system</del>	<del>28</del>	<del>7</del>

~~Column A—The fee for inspection of a single unit or the first of several units when a service or feeder in (1)(A) or (1)(B) is not installed.~~

~~Column B—The fee for inspection of additional units when they are inspected at the same time, at the same location and on the same permit as a unit in Column (1)(A), (1)(B), or (2)(A).~~

~~\*Total fee for inspection of one service and feeder for a mobile home when they are inspected at the same time is \$35.00.~~

~~The above fees are in addition to master-meter, mobile home park, recreational vehicle park, marina shore services and/or the main service(s).~~

~~(3) The fee for new circuits, circuit extensions, and circuit alterations where the service or feeder is not modified, shall be \$28 for one to four circuits inspected at the same time on the same premises under a single permit plus \$2 for each additional circuit. The total fee shall be no greater than the fee for a new service for the building.~~

~~(4) Low voltage systems. The fee for inspection of residential, burglar or fire alarm systems, and other Class 2, low voltage systems shall be \$28. For commercial or industrial, Class 2, low voltage system installations, the minimum fee shall be \$28 for the control panel and up to four circuits or zones plus \$7 for each additional circuit (zone).~~

~~(5) In addition to the service and feeder installation fees, the fee for inspecting each electrically driven irrigation machine is \$50 including tower and drive motors.~~

~~(6) The fee for emergency, standby, and resource recovery generators up to 50 KVA is \$28. The fee for a generator installation larger than 50 KVA, or that is the main source of power, is that in the appropriate Column B or C in subsection (1) of this section.~~

~~(7) A firm, corporation or other entity which has a regularly employed electrical maintenance staff which is exempted from the requirement to have an electrician certificate of competency by RCW 19.28.610, may choose to purchase an annual electrical work permit rather than a work permit for each installation or alteration in accordance with this section. A separate fee shall be provided for each plant location or complex. The following fee will entitle the purchaser to the number of inspections shown for a one year period after the date of purchase of an electrical work permit.~~

~~FEE — INSPECTIONS~~

<del>1 thru 3 plant electricians</del>	<del>1,430 per year</del>	<del>12</del>
<del>4 thru 6 plant electricians</del>	<del>\$2,860 per year</del>	<del>24</del>
<del>7 thru 12 plant electricians</del>	<del>\$4,290 per year</del>	<del>36</del>
<del>13 thru 25 plant electricians</del>	<del>\$5,720 per year</del>	<del>52</del>
<del>more than 25 plant electricians</del>	<del>\$7,150 per year</del>	<del>52</del>

~~(8) Fees for carnival electrical inspections:~~

~~a. Preseason or first field inspection per year, \$15 per ride and generator truck and \$2 per remote distribution equipment, concession or gaming show with a minimum fee of \$50. Amusement rides shall be set up prior to inspection.~~

~~b. For subsequent inspections, the fee shall be \$50 for the first ten rides, concessions, generators, remote distribution equipment or gaming shows and \$2 each for all additional rides, concessions, generators, remote distribution equipment and gaming shows. If a ride, concession, generator, remote distribution equipment or gaming show has no insignia of inspection for the calendar year, the fee shall be that charged in a. of this subsection.~~

~~(9) Trip fees. A fee shall be paid before approval of the installation if the following services are necessary:~~

~~a. \$56 for requests to inspect existing installations.~~

~~b. \$28 for trips to inspect when the permit submitter has given notice to the department that the work is ready for inspection when it is not.~~

~~c. \$28 where an additional inspection trip is necessary because the submitter has given an erroneous or incomplete address.~~

~~d. \$28 for more than one additional inspection trip per permit to inspect corrections or for repeated carelessness, neglect, or improperly installing electrical conductors or equipment.~~

~~e. \$28 for each trip necessary to remove a noncompliance citation from the jobsite, posted because unlicensed electrical contractors or uncertified electricians or trainees were working on the jobsite.~~

~~f. \$28 per day where corrections have not been made in the prescribed time, unless an exception has been requested and granted.~~

~~(10) Double fees. A double inspection fee shall be charged for:~~

~~a. Installations that are covered or concealed before inspection;~~

~~b. Failure to obtain the electrical work permit prior to beginning the installation or alteration. Exception = electrical work permits for emergency repairs to existing electrical systems shall be obtained no later than the next business day.~~

~~(11) On jobs requiring partial or progress inspections, "one" inspection of one half hour duration is allowed per \$28 of fee.~~

~~(12) The fee for a plan review request pursuant to WAC 296-46-140 (1) and (2) is thirty-five percent of the electrical work permit fee as determined by WAC 296-46-495, plus a plans submission fee of \$50. The fee for review of supplemental submissions of plans is \$40 per hour or a fraction of an hour.)~~

~~(1) RESIDENTIAL~~

~~(a) Single and Two Family Residential (New Construction)~~

~~(i) First 1300 sq. ft. or less ..... \$60  
Each additional 500 sq. ft. or portion of ..... \$20~~

~~(ii) Each outbuilding or detached garage inspected with the service (see note) ..... \$25~~

~~Note: When not inspected at same time as service, refer to (b) of this subsection~~

~~(b) Multi-Family Residential (New Construction)~~

Each Service and or Feeder

Service Ampacity	Service	Feeder
0 to 200	65	\$ 20
201 to 400	80	40
401 to 600	110	55
601 to 800	140	75
801 and over	200	150

(c) Single Family or Multi-Family Altered Services Including Circuits

(i) Service Ampacity	Service or Feeder
0 to 200	\$ 55
201 to 600	80
over 600	120

(ii) Maintenance or Repair of Meter or Mast (No alterations to service or feeder) . . . . . \$30

(d) Single or Multi-Family Residential Circuits Only (No Service Inspection)

(i) 1 to 4 circuits (see note) . . . . . \$40  
(ii) Each additional circuit . . . . . 5

Note: Total fee per panel not to exceed (c)(i) of this subsection Service/Feeder

(e) Mobile Homes; Mobile Home Parks, and RV Parks

(i) Mobile Home Service or Feeder Only . . . . . \$40  
(ii) Mobile Home Service and Feeder . . . . . 65  
(iii) Mobile Home Park Sites and RV Park Sites  
(A) First service or feeder . . . . . 40  
(B) Each additional service, or a feeder inspected at same time as service . . . . . 25

Note: For Master Service Installations, see subsection (2).

(2) COMMERCIAL/INDUSTRIAL

(a) Service/Feeder, and Feeders Inspected at the Same Time as Service (Circuits Included)

(i) Service/ Feeder Ampacity	Service/ Feeder	Additional Feeder inspected at the same time
0 to 100	\$ 65	\$ 40
101 to 200	80	50
201 to 400	150	60
401 to 600	175	70
601 to 800	225	95
801 to 1000	275	115
Over 1000	300	160

(ii) Over 600 volts surcharge . . . . . \$50

(b) Altered Services or Feeders (No Circuits)

(i) Service Ampacity	Service/ Feeder
0 to 200	\$ 65
201 to 600	150
601 to 1000	225
Over 1000	250

(ii) Over 600 Volts Surcharge . . . . . \$50

(iii) Maintenance or Repair of Meter or Mast (No alteration of service equipment) . . . . . 55

(c) Circuits Only

(i) First five circuits per branch circuit panel . . . . . \$50

(ii) Each additional circuit per branch circuit panel . . . . . 5

Note: Total fee per panel not to exceed (a)(i) of this subsection Service/Feeder

(3) TEMPORARY SERVICES

(a) Residential . . . . . \$35

(b) Commercial/Industrial

Service or Feeder

Ampacity	
0 to 100	\$40
101 to 200	50
201 to 400	60
401 to 600	80
Over 600	90

Each additional feeder inspected at the same time as service or first feeder add 50% of the fee above.

(4) IRRIGATION MACHINES, PUMPS AND EQUIPMENT

Irrigation Machines

(a) Each tower when inspected at same time as service and feeder . . . . . \$5

(b) When not inspected at same time as service and feeders - first 6 . . . . . 60

Each additional tower per (a) of this subsection . . . . . 5

(5) MISCELLANEOUS - Commercial/Industrial and Residential

(a) Thermostats

(i) First thermostat . . . . . \$30

(ii) Each additional thermostat inspected at the same time as first thermostat . . . . . 10

(b) Low Voltage Fire Alarm and Burglar Alarm

(i) First 2500 sq. ft. or less. Includes nurse call intercom, security systems and similar low energy circuits and equipment . . . . . \$35

- (ii) Each additional 500 sq. ft. or portion thereof . . . . . 10
- (c) Signs and Outline Lighting
  - (i) First sign (No service) . . . . . \$30
  - (ii) Each additional sign inspected at the same time on the same bldg. or structure . . . . . 15
- (d) Berth at a marina or dock . . . . . \$40  
Each additional berth inspected at the same time . . . . . 25
- (e) Yard pole meter loops Only . . . . . \$40  
Meters installed remote from service equipment: Inspected at same time as service, temporary service or other installations . . . . . 10
- (f) Emergency Inspections Requested Outside Normal Work Hours. Regular fee plus surcharge of . . . . . \$75
- (g) Generators
  - (i) 50 KVA or less . . . . . \$50
  - (ii) Each additional 50 KVA or portion thereof . . . . . 10
- (h) Annual permit fee for plant location employing regular electrical maintenance staff - Each inspection two hour maximum.

	Fee	Inspections
1 to 3 plant electricians	\$1,430	12
4 to 6 plant electricians	2,860	24
7 to 12 plant electricians	4,290	36
13 to 25 plant electricians	5,720	52
more than 25 plant electricians	7,150	52

- (i) Carnival Inspections
  - (i) First field inspection each year
    - (A) Each ride and generator truck . . . . . \$15
    - (B) Each remote distribution equipment, concession or gaming show . . . . . 5
    - (C) Minimum fee . . . . . 75
  - (ii) Subsequent inspections
    - (A) First 10 rides, concessions, generators, remote distribution equipment or gaming show . . . . . \$75
    - (B) Each additional ride, concession, generator, remote distribution equipment or gaming show . . . . . 5
- (j) Trip Fees
  - (i) Requests to inspect existing installations . . . . . \$60
  - (ii) Submitter notifies the department that work is ready for inspection when it is not . . . . . 30
  - (iii) Additional inspection required because submitter has provided wrong address . . . . . 30

- (iv) More than one additional inspection required to inspect corrections; or for repeated neglect, carelessness, or improperly installed electrical work . . . . . 30
- (v) Each trip necessary to remove a noncompliance notice . . . . . 30
- (vi) Corrections have not been made in the prescribed time, unless an exception has been requested and granted . . . . . 30
- (k) Double Fees will be charged for:
  - (i) Installations that are covered or concealed before inspection.
  - (ii) Failure to obtain an electrical work permit prior to beginning the installation or alteration.

Exception: Electrical work permits for emergency repairs to existing electrical systems shall be obtained the next business day.

- (l) Progress Inspections  
On partial or progress inspections, each one-half hour . . . . . \$30
- (m) Plan Review Fee
  - (i) Fee is thirty-five percent of the electrical work permit fee as determined by WAC 296-46-495, plus a plan submission fee of . . . . . \$50
  - (ii) Supplemental submissions of plans per hour or fraction of an hour . . . . . \$60
- (n) Other Inspections  
Inspections not covered by above inspection fees shall be charged portal to portal per hour . . . . . \$60

**AMENDATORY SECTION (Amending WSR 90-17-041, filed 8/10/90, effective 9/10/90).**

**WAC 296-46-915 ELECTRICAL CONTRACTOR LICENSE, ADMINISTRATOR CERTIFICATE AND EXAMINATION, AND COPY FEES.**

- (1) General or specialty contractor license (per twenty-four month period) ((~~\$80~~)  
\$200)
- (2) Administrator certificate examination application (nonrefundable) \$25
- (3) Administrator original certificate (submitted with application) ((~~\$40~~)  
\$60)
- (4) Administrator certificate renewal (per twenty-four month period) ((~~\$52~~)  
\$75)
- (5) Late renewal of administrator certificate (per twenty-four month period) ((~~\$104~~)  
\$150)
- (6) Transfer of administrator designation within 10 days ((~~\$20~~)  
\$30  
after 10 days ((~~\$50~~)  
\$60)
- (7) Certified copy of each document (maximum \$44 per file) \$20 first document  
\$2 each additional document

**WSR 92-08-104**  
**PROPOSED RULES**  
**PUBLIC DISCLOSURE COMMISSION**  
 [Filed April 1, 1992, 9:15 a.m.]

**Original Notice.**

Title of Rule: Use of the terms "reelect", "retain", and "return", WAC 390-18-040.

Purpose: Amend rule to better accommodate situations arising from redistricting activity, and bring it more in line with statutory language.

Statutory Authority for Adoption: RCW 42.17.370.

Summary: Amendment replaces references to position sought with office, and speaks to use of certain words in political advertisements by incumbents affected by district boundary changes.

Reasons Supporting Proposal: The statute the rule interprets, RCW 42.17.520, wasn't enacted until 1984. Effects of redistricting weren't considered when the implementing rule was first adopted.

Name of Agency Personnel Responsible for Drafting: Roselyn Marcus, A.G., Olympia, 586-1913; Implementation and Enforcement: Graham Johnson, Public Disclosure Commission, Olympia, 753-1111.

Name of Proponent: Public Disclosure Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: RCW 42.17.530 (1)(b) prohibits political advertising that falsely represents that a candidate is the incumbent for the office sought when in fact the candidate is not the incumbent. Who, then can use the term "reelect," and who cannot? The rule speaks to the question regarding that term and other similar. The amended rule will allow current members of the legislature to ask to be "reelected," even though they will, because of redistricting, be running in a district with a different number than they currently represent.

Proposal Changes the Following Existing Rules: Replaces "position" with "office" wherever appropriate; and adds subsection regarding district boundary changes.

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

Hearing Location: Second Floor Conference Room, Evergreen Plaza, 711 Capitol Way, Olympia, WA 98501, on May 26, 1992, at 9 a.m.

Submit Written Comments to: Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, by May 10, 1992.

Date of Intended Adoption: May 26, 1992.

March 31, 1992  
 Graham E. Johnson  
 Executive Director

**AMENDATORY SECTION** (Amending Order 88-02, filed 7/1/88)

WAC 390-18-040 USE OF THE TERMS "RE-ELECT", "RETAIN", AND "RETURN." (1) The term "re-elect" when used in a political advertisement represents that the candidate is presently holding the office being sought, ((and)) was elected to it, and is seeking another term in that same ((position)) office in the same district or political subdivision.

(2) The term "re-elect" may be used in a political advertisement by a non-incumbent candidate who has previously been elected to the

((position)) office being sought provided that in the same advertisement it is clearly stated that the candidate is not the incumbent.

(3) The term "retain" in a political advertisement represents that the candidate is the incumbent but does not imply that the candidate attained the ((position)) office by election.

(4) The term "return" in a political advertisement represents that the candidate now holds, or has previously held, the ((position)) office being sought, but does not represent that the ((position)) office was attained by election.

(5) Whenever the boundaries of a district or political subdivision are officially altered through redistricting, consolidation or other official procedures, the candidate holding an office in the affected district or political subdivision may, in a political advertisement, use the term "re-elect," "retain" or "return," as appropriate, if the candidate is seeking the same office in the revised district or political subdivision.

(6) Stating the office sought (e.g., "mayor") by a candidate in a political advertisement without expressly stating the candidate is seeking election to the ((position)) office (e.g., "for mayor"; "Elect Smith Mayor") represents that the candidate presently holds that 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 92-08-105**  
**PERMANENT RULES**  
**PUBLIC DISCLOSURE COMMISSION**  
 [Filed April 1, 1992, 9:17 a.m.]

Date of Adoption: March 24, 1992.

Purpose: Reporting required of officials who receive compensation through sales commissions, new WAC 390-24-202.

Statutory Authority for Adoption: RCW 42.17.370.

Pursuant to notice filed as WSR 92-05-078 on February 18, 1992.

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

March 31, 1992  
 Graham E. Johnson  
 Executive Director

**NEW SECTION**

WAC 390-24-202 REPORT OF COMPENSATION FROM SALES COMMISSIONS. When a person receives compensation in the form of a commission on sales, the reporting of the compensation, required in RCW 42.17.241, shall include:

(1) the name and address of the person or persons through whom a commission was paid;

(2) for purposes of RCW 42.17.241 (1)(f), the name and address of each person (other than an individual) for whom a service was rendered or to whom a product was sold that resulted in a commission of \$1,000 or more in the aggregate;

(3) for purposes of RCW 42.17.241 (1)(g)(i), the name and address of each governmental unit for whom a service was rendered or to whom a product was sold that resulted in a commission;

(4) for purposes of RCW 42.17.241 (1)(g)(ii), the name and address of each person (other than an individual) for whom a service was rendered or to whom a product was sold that resulted in a commission of \$5,000 or more in the aggregate.



**WSR 92-08-106**  
**PROPOSED RULES**  
**DEPARTMENT OF AGRICULTURE**  
 [Filed April 1, 1992, 9:31 a.m.]

**Original Notice.**

Title of Rule: Chapter 16-436 WAC, Washington standards for peaches.

Purpose: To update the existing grade standards to more accurately reflect marketing conditions of the peach industry and to duplicate current quality requirements of the federal marketing order.

Statutory Authority for Adoption: Chapter 15.17 RCW.

Statute Being Implemented: Chapter 15.17 RCW.

Summary: The proposal establishes minimum quality and size for fresh peaches and also specifies certain containers for marketing of the product.

Reasons Supporting Proposal: Fresh peaches are currently regulated by federal marketing order and by state regulations. Chapter 16-436 WAC provides the basis for minimum quality regulations under the federal marketing order. However, size and container requirements are not included in the current rule. The peach industry is considering suspension and/or elimination of the federal marketing order and conversion to regulating the product under state authority. The revisions to chapter 16-436 WAC are necessary to maintain current quality, size, and container requirements in the event the federal marketing order is suspended or eliminated.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: James R. Archer, Olympia, Washington, (206) 753-5054.

Name of Proponent: Peach producers, Lynnell Brandt, Ray Redmond III, private.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The revisions are necessary for the agency to regulate fresh peaches and for the industry to maintain current marketing practices if the federal marketing order is eliminated through producer initiative.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule is a grade standard for fresh peaches. Quality, size, pack, and specified containers are regulated through this standard.

Proposal Changes the Following Existing Rules: The existing rule does not specify minimum size, nor does it specify container requirements. The revisions will include these factors as new requirements. The proposal eliminates Washington No. 2 grade.

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

Hearing Location: Best Western Ellensburg Inn, 1700 Canyon Road, Ellensburg, WA 98926, on May 6, 1992, at 10:00 a.m.

Submit Written Comments to: James R. Archer, Fruit/Vegetable Program Manager, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, by May 6, 1992.

Date of Intended Adoption: May 20, 1992.

April 1, 1992  
 J. Allen Stine  
 Assistant Director  
 Commodity Inspection

AMENDATORY SECTION (Amending Order 1977, filed 5/16/88)

WAC 16-436-100 WASHINGTON EXTRA FANCY GRADE. (1) Shall consist of peaches of one variety which are mature, but not soft or overripe; fairly well formed; and which are free from decay, broken skin, worms, worm holes; and free from damage caused by bruises; dirt or other foreign material; bacterial spot; scab; scale; growth cracks; hail injury; leaf or limb rubs or russetting; split pits; stem pull; rough suture; other diseases, insects or mechanical or other means.

(2) Size. Such peaches shall measure not less than 2-1/4 inches in diameter: PROVIDED, That such peaches shall also meet requirements of WAC 16-436-187 Minimum size. Definitions for the above grade will be found under WAC 16-436-160, 16-436-180, 16-436-185, 16-436-190, 16-436-200, 16-436-210, and 16-436-220.

AMENDATORY SECTION (Amending Order 1977, filed 5/16/88)

WAC 16-436-110 WASHINGTON FANCY GRADE. (1) Shall consist of peaches of one variety which meet all of the requirements of Washington extra fancy: PROVIDED, Split pit not to exceed 3/8 inch in length shall be allowed. Damage, but not serious damage, for rough suture shall be allowed in this grade.

(2) Size. Such peaches shall measure not less than 2-1/4 inches in diameter: PROVIDED, That such peaches shall also meet requirements of WAC 16-436-187 Minimum size. Definitions for the above grade will be found under WAC 16-436-165, 16-436-180, 16-436-185, 16-436-190, 16-436-200, 16-436-210, and 16-436-220.

AMENDATORY SECTION (Amending Order 1977, filed 5/16/88)

WAC 16-436-140 CULL GRADE. Shall consist of peaches which are (~~immature or soft or seriously damaged by bruises, bacterial spot, scab, scale, growth cracks, hail injury, leaf or limb rubs, split pits, or other diseases, insects or mechanical or other means. Definitions for the above grade will be found under WAC 16-436-150, 16-436-200, and 16-436-220~~) not graded in conformity with the foregoing grades.

AMENDATORY SECTION (Amending Order 1203, filed 5/14/71, effective 6/14/71)

WAC 16-436-150 CULL PEACH REQUIREMENTS. Cull peaches (~~must~~) shall be packed in one bushel baskets, ring faced with the peaches in the ring representative of the size, and quality of the peaches in the baskets and the baskets lidded, and the words "CULL PEACHES" (~~must~~) shall appear on the top and side of the basket in which they are shipped and upon labels upon the basket in clear and legible letters at least 2-1/2 inches high, and the name and address of the grower, shipper, or packer, and the variety, minimum diameter, and net weight (~~must~~) shall be legibly stamped upon the lid or appear upon the labels in letters at least 1/2 inch high. Every bill of lading, invoice, memorandum and other documents referring to said peaches shall designate them as cull peaches.

NEW SECTION

WAC 16-436-166 TOLERANCES—SIZE. In order to allow for variations incident to proper sizing, not more than 10% by count, of the peaches in any lot may be below the specified minimum size and not more than 15% may be above any specified maximum size.

AMENDATORY SECTION (Amending Order 1977, filed 5/16/88)

WAC 16-436-185 WASHINGTON STANDARD PACK. Applies to all grades except CULLS.

(1) Each package shall be packed so that the peaches in the shown face shall be (~~reasonable~~) reasonably representative in size, color and quality of the contents of the package.

(2) Baskets. Peaches packed in U.S. Standard bushel baskets, or half-bushel baskets shall be ring faced and tightly packed with sufficient bulge to prevent any appreciable movement of the peaches within the packages when lidded.

(3) Boxes. Peaches packed in standard western boxes shall be reasonably uniform in size and arranged in the packages according to the approved and recognized methods. Each wrapped peach shall be fairly well enclosed by its individual wrapper. All packages shall be well filled and tightly packed but the contents shall not show excessive or unnecessary bruising because of over-filled packages. The number of peaches in the box shall not vary more than 4 from the number indicated on the box.

(4) Peaches packed in other type boxes such as (~~wire-bound boxes and~~) fibre-board boxes or corrugated cartons may be place packed, or jammed packed faced, and all packs shall be well filled.

(5) Peaches packed in boxes equipped with cell compartments or molded trays shall be of the proper size for the cells or the molds in which they are packed.

(6) Peaches placed in individual paper cups and packed in boxes shall be in cups of the proper size for the peaches.

(7) In order to allow for variations incident to proper packing, not more than 10% of the packages in any lot may not meet these requirements.

#### NEW SECTION

WAC 16-436-186 CONTAINERS. (1) Fresh peaches of the Washington extra fancy grade when in loose or jumble packs shall be marketed in containers of a capacity equal to or greater than that of a western lug box and shall contain not less than twenty-six pounds net weight of peaches: PROVIDED, That such containers of peaches having less than twenty-six pounds net weight may be marketed if such containers are well filled.

(2) Fresh peaches of the Washington fancy grade or of the Washington combination extra fancy and fancy grade shall be marketed only in the standard peach box or western lug box: PROVIDED, That such containers of peaches having less than twenty-six pounds net weight may be marketed if such containers are well filled.

(3) The director may allow the use of containers not specified in WAC 16-436-185, subsections (1) and (2) of this section, WAC 16-436-187 Minimum size, and 16-436-200, as experimental containers for the purpose of test or trial marketing.

#### NEW SECTION

WAC 16-436-187 MINIMUM SIZE. (1) Fresh peaches of any variety, except peaches of the Elberta varieties, when packed and marketed in any container except the standard peach box, shall measure not less than 2 3/8 inches in diameter.

(2) Fresh peaches of any variety when packed and marketed in the standard peach box shall measure not less than 2 1/4 inches in diameter.

(3) Fresh peaches of the Elberta varieties when marketed in any container shall measure not less than 2 1/4 inches in diameter.

#### AMENDATORY SECTION (Amending Order 1977, filed 5/16/88)

WAC 16-436-190 MARKING REQUIREMENTS. Applies to all grades except CULLS.

(1) All containers shall be conspicuously and (~~(legible)~~) legibly stamped with the name and address of the grower, shipper or packer, the fruit variety, grade, and numerical count, or minimum diameter.

(2) When the numerical count is not shown, the minimum diameter and net weight shall be plainly stamped or otherwise marked on the container in terms of whole inches, whole and half inches, whole and quarter inches, or whole and eighth inches, as ((2)) 3 inches minimum, 2-1/4 inches minimum, (~~(1-7/8)~~) 2 3/8 inches minimum, in accordance with the facts. The minimum and maximum diameters may both be stated in accordance with the facts.

(3) (~~In order to allow for variations incident to proper sizing, not more than 10% by count, of the peaches in any lot may be below the specified minimum size and not more than 15% may be above any specified maximum size.~~)

(4) The grade shall be stamped in letters at least 1/4 inch high. The following abbreviations may be used: Washington may be abbreviated as Wash. or Wa.; extra fancy may be abbreviated as ex. fc. or extra fcy.; fancy may be abbreviated as fcy.; combination may be abbreviated as comb.

#### AMENDATORY SECTION (Amending Order 1203, filed 5/14/71, effective 6/14/71)

WAC 16-436-200 DEFINITIONS. Applying to all grades.

(1) "Diameter" means the greatest distance measured through the center of the peach at right angles to a line running from the stem to the blossom end.

(2) "Mature" means that the peach has reached the stage of growth which will insure a proper completion of the ripening process.

(3) "Soft or overripe" means that the peach has very little resistance to pressure. Such peaches are dead ripe.

(4) "Fairly well formed" means that the shape of the peach shall not be so misshapen that the appearance is more than moderately affected, consistent with the characteristic shape of the variety.

(5) "Not badly misshapen" means that the peach may be more irregularly shaped than "fairly well formed" as defined above, but shall not be deformed to the extent of seriously affecting its utility or general appearance.

(6) The term "loose or jumble pack" shall mean that the peaches are not placed in the container in cups, compartments, or trays.

(7) The term "standard peach box" shall mean a container with minimum inside dimensions of 4 1/4 to 6 by 11 1/2 by 16 inches.

(8) The term "western lug box" shall mean any container with minimum inside dimensions of 7 by 11 1/2 by 18 inches.

(9) The term "well filled" shall mean the level of the fruit is filled to the top edge of the container sides.

(10) The term "enroute" shall mean that the peaches have left the original shipping point and are in transit or being held in an intermediate storage facility prior to arriving at the final destination.

(11) The term "at destination" shall mean the final point of delivery by commercial carrier, or the wholesale or retail facility in which peaches are held.

#### AMENDATORY SECTION (Amending Order 1203, filed 5/14/71, effective 6/14/71)

WAC 16-436-210 DEFINITION—DAMAGE. Applies to Wash. ex. fancy (WAC 16-436-100); Wash. fancy (WAC 16-436-110); Wash. comb. ex. fancy and fancy (WAC 16-436-120). "Damage" means any injury or defect which materially affects the appearance or the edible or shipping quality of the peach. Any one of the following defects, or any combination thereof, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage.

(1) Bruises where any bruise discolors the flesh to a depth greater than 3/16 of an inch or discolors the skin in an area greater than 1/2 inch in diameter or smaller bruises aggregating more than 1/2 inch in diameter. Areas or depths of bruises are applicable to a peach 2-1/4 inches or smaller in diameter. Correspondingly greater areas or depths shall be allowed on (~~definitely~~) larger peaches(;) as follows:

2 1/2 inches in dia.	5/9 in. area dia.	5/24 in. deep
2 3/4 inches in dia.	11/18 in. area dia.	11/48 in. deep
3 inches in dia.	2/3 in. area dia.	1/4 in. deep
3 1/4 inches in dia.	13/18 in. area dia.	13/48 in. deep
3 1/2 inches in dia.	7/9 in. area dia.	7/24 in. deep
3 3/4 inches in dia.	15/18 in. area dia.	5/16 in. deep
4 inches in dia.	8/9 in. area dia.	1/3 in. deep

(2) Bacterial spot, when cracked, or when aggregating more than 3/8 inch in diameter;

(3) Scab spot, when cracked, or when aggregating more than 3/8 inch in diameter;

(4) Scale, when concentrated, or when scattered and aggregating more than 1/4 inch in diameter;

(5) Growth cracks, when unhealed, or more than 1/2 inch in length;

(6) Hail injury which is unhealed, or deep, or when aggregating more than 1/4 inch in diameter, or more than 1/8 inch in depth;

(7) Leaf or limb rubs or russeting, exceeding 1-1/4 inches in diameter when smooth and light colored or exceeding 1/2 inch in diameter when rough or dark colored;

(8) Split pit, when causing any unhealed crack, or when causing any crack which is readily apparent, or when affecting shape to the extent that the fruit is not fairly well formed;

(9) Stem pulls larger than 1/2 inch in diameter, including stem area;

(10) Rough suture length, half way down side of peach 1/4 inch wide and 1/32 inch high.

AMENDATORY SECTION (Amending Order 1977, filed 5/16/88)

WAC 16-436-220 DEFINITION—SERIOUS DAMAGE. Applying to Washington extra fancy (WAC 16-436-100); Wash. fancy (WAC 16-436-110); Wash. comb. ex. fancy and fancy (WAC 16-436-120)((- Wash. No. 2 (WAC 16-436-130); cull grade (WAC 16-436-140))). "Serious damage" means any injury or defect which seriously affects the appearance, or the edible or shipping quality of the peach. Any one of the following defects, or any combination thereof, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage.

(1) Bruises, when aggregated and causing a waste in excess of 10% by area on ~~((each))~~ any peach or with any one bruise causing a waste in excess of 5% by area or ~~((exceeds))~~ exceeding 3/8 of an inch in depth. Areas or depths of bruises specified are applicable to a peach 2-1/4 inches or smaller in diameter. Correspondingly greater areas or depths shall be allowed on definitely larger peaches;

(2) Bacterial spot, when any cracks are not well healed, or when aggregating more than 1/2 inch in diameter;

(3) Scab spots, when cracked, or when healed and aggregating more than one inch in diameter;

(4) Scale, when aggregating more than 1/2 inch in diameter;

(5) Growth cracks, when unhealed, or more than ~~((+2))~~ 5/8 inch in length;

(6) Hail injury, when unhealed, or shallow hail injury when aggregating more than 3/4 inch in diameter, or deep hail injury which seriously deforms the fruit or which aggregates more than 1/2 inch in diameter, or more than 1/8 inch in depth;

(7) Leaf or limb rubs, when smooth and light colored and aggregating more than 1-1/((4))2 inches in diameter, or dark or rough and barklike scars aggregating more than 1/2 inch in diameter;

(8) Split pit, when causing any unhealed crack, or when healed and aggregating more than 1/2 inch in length including any part of the crack which may be covered by the stem;

(9) Stem pulls larger than ~~((+2))~~ 5/8 inch in diameter, including stem area;

(10) Punctures not on the shoulder area or punctures on the shoulder area larger than 3/16 of an inch in diameter;

(11) Rough suture, entire length of suture 1/4 inch wide, 1/16 inch high.

NEW SECTION

WAC 16-436-225 ADOPTION OF UNITED STATES STANDARDS AS STATE STANDARDS. In addition to the standards for peaches prescribed in WAC 16-436-100 through 16-436-230 there are hereby adopted as additional standards of the state of Washington for peaches, and for optional use by the producer or shipper, the United States standards for grades of peaches, effective June 15, 1952, as they apply to U.S. fancy, U.S. extra no. 1, U.S. no. 1, U.S. no. 2: PROVIDED, That such peaches shall meet the requirements of WAC 16-436-100, 16-436-110, and 16-436-120.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 16-436-130 WASHINGTON NO. 2 GRADE.  
WAC 16-436-170 TOLERANCES.

**WSR 92-08-107**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Filed April 1, 1992, 10:59 a.m.]

Original Notice.

Title of Rule: WAC 388-86-011 Advanced registered nurse practitioners (ARNP) services; and 388-87-032

Advanced registered nurse practitioners (ARNP) services—Payment.

Purpose: These new Washington Administrative Codes incorporate the advanced registered nurse practitioners services into the rules. This is a present service that needs to be included into the regulations.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: Add advanced registered nurse practitioners services clarification.

Reasons Supporting Proposal: To incorporate a current service into the regulations.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bobbe Andersen, Medical Assistance Administration, 753-0529.

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

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

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

Proposal Changes the Following Existing Rules: See above.

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

Hearing Location: OB-2 Auditorium, 12th and Franklin, Olympia, Washington, on May 5, 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 May 5, 1992.

Date of Intended Adoption: May 8, 1992.

April 1, 1992  
Leslie F. James, Director  
Administrative Services  
by Rosemary Carr

NEW SECTION

WAC 388-86-011 ADVANCED REGISTERED NURSE PRACTITIONERS (ARNP) SERVICES. (1) The department shall pay for ARNP services within the ARNP's scope of practice for medical care clients.

(2) The department shall limit ARNP's reimbursed services to:

(a) One call per day for either a hospital, emergency room or an office call; and

(b) Two calls per month for nonemergent conditions in a nursing facility.

(3) The department shall reimburse for additional calls under subsection (2)(a) or (b) of this section when:

(a) Medically necessary; and

(b) Justified at the time of billing.

(4) The ARNP may give assessments for healthy kids program, also known as EPSDT, described under WAC 388-86-027.

(5) ARNP's services for care of clients who are out of state shall be covered as described under WAC 388-86-115.

(6) The department shall not require prior approval of medically necessary surgical procedures within the ARNP's scope of practice.

NEW SECTION

WAC 388-87-032 ADVANCED REGISTERED NURSE PRACTITIONERS SERVICES (ARNP)—PAYMENT. The department shall purchase ARNP services as described under WAC 388-86-011 on a fee-for-service or encounter rate.

**WSR 92-08-108**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Filed April 1, 1992, 11:02 a.m.]

Original Notice.

Title of Rule: WAC 388-49-470 Income—Exclusions.

Purpose: To amend by emergency adoption April 1, 1992, WAC rules to exclude earmarked student expenses from student educational income from all sources. Also, to clarify, by technical corrections, current policy regarding excluded earnings by persons under 18 years of age and excluded child support payments.

Statutory Authority for Adoption: RCW 74.04.510.

Statute Being Implemented: RCW 74.04.510.

Summary: Effective April 1, 1992, by emergency adoption the department will exclude earmarked expenses from student education assistance from all sources. Clarifies rules regarding excluded support payments and earnings for persons under 18 years of age.

Reasons Supporting Proposal: Public Law 102-237 instituted sweeping changes in computing student income for food stamp benefits. In addition, the department is making technical corrections to clarify existing policy.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dan Ohlson, Division of Income Assistance, 438-8326.

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

Rule is necessary because of federal law, Public Law 102-237.

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 May 5, 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 May 5, 1992.

Date of Intended Adoption: May 19, 1992.

April 1, 1992

Leslie F. James, Director  
 Administrative Services  
 by Rosemary Carr

**AMENDATORY SECTION** (Amending Order 3316, filed 1/21/92, effective 2/21/92)

WAC 388-49-470 INCOME—EXCLUSIONS. (1) The department shall exclude the following income:

(a) Money withheld from an assistance payment, earned income, or other income source used to repay a prior overpayment from that same income source;

(b) Income specifically excluded by any federal statute from consideration as income in the food stamp program;

(c) The earned income of ~~((children))~~ household members who are:

- (i) ~~((Members of the household;~~
- ~~((#)))~~ Seventeen years of age or under; and
- ~~((#)))~~ (ii) Attending school at least half time.
- (d) Infrequent or irregular income received during a three-month period that:
  - (i) Cannot be reasonably anticipated as available; and
  - (ii) Shall not exceed thirty dollars for all household members.
- (e) Loans, including those from private individuals and commercial institutions, other than educational loans where repayment is deferred;
- (f) Nonrecurring lump sum payments;
- (g) The cost of producing self-employment income;
- (h) ~~((Financial aid received under Title IV of the Higher Education Act designated))~~ The portion of educational assistance earmarked by the school or actually used by the student for:
  - (i) Tuition;
  - (ii) Mandatory fees, including rental or purchase of equipment, materials, and ~~((material))~~ supplies related to pursuing the course of study;
  - (iii) Books;
  - (iv) Supplies;
  - (v) Transportation; and
  - (vi) Miscellaneous personal expenses ~~((including dependent care; determined by the institution:~~
  - ~~((i))~~ Other federal financial aid designated by the school for:
    - ~~((i))~~ Tuition; and
    - ~~((ii))~~ Mandatory fees;
  - ~~((j))~~ Nonfederal financial aid designated by the school for:
    - ~~((i))~~ Tuition and mandatory fees at any school beyond high school or a school at any level for the physically or mentally handicapped; and
    - ~~((ii))~~ Other earmarked educational expenses such as transportation; supplies, textbooks, and dependent care).
  - ~~((#))~~ (i) Reimbursements for past or future expenses to the extent the reimbursements do not:
    - (i) Exceed the actual expense; and
    - (ii) Represent a gain or benefit to the household.
  - ~~((#))~~ (j) Any gain or benefit not in money;
  - ~~((#))~~ (k) Vendor payments as defined in WAC 388-49-020;
  - ~~((#))~~ (l) Money received and used for the care and maintenance of a third-party beneficiary who is not a household member;
  - ~~((#))~~ (m) Supplemental payments or allowances made under federal, state, or local laws for the purpose of offsetting increased energy costs;
  - ~~((#))~~ (n) Energy allowances included in AFDC, continuing general assistance, and refugee assistance grants.

Number in Grant Assistance Unit	Energy Exclusion
1	\$ 55
2	71
3	86
4	102
5	117
6	133
7	154
8 or more	170

~~((#))~~ (o) Support payments owed to a household member, but specified by the support court order or other legally binding written support or alimony agreement to go directly to a third-party beneficiary rather than to the household;

~~((#))~~ (p) Support payments on behalf of a household member, not required by the support court order or other legally binding written support or alimony agreement and paid directly to a third party rather than to the household;

~~((#))~~ (q) Payments from the individual and family grant program; ~~((#))~~ (r) Public assistance payments:

- (i) Over and above the regular warrant amount;
- (ii) Not normally a part of the regular warrant; and
- (iii) Paid directly to a third party on behalf of the household.

~~((#))~~ (s) From Jobs Training Partnership Act programs:
 

- (i) Allowances; and
- (ii) Earnings from on-the-job training by household members under parental control and eighteen years of age and younger.

~~((#))~~ (t) Cash donations based on need:
 

- (i) Received directly by the household;

(ii) From one or more private, nonprofit, charitable organizations; and  
 (iii) Not exceeding three hundred dollars in any federal fiscal year quarter.

~~((w))~~ (u) Earned income credit.

(2) When ~~((a-child's))~~ earnings or amount of work performed by a household member described in subsection (1) (c) of this section, cannot be differentiated from the earnings or work performed by other household members, the department shall:

(a) Prorate the earnings equally among the working members; and

(b) Exclude the ~~((child's))~~ household member's pro rata share.

(3) When the intended beneficiaries of a single payment for care and maintenance of a third-party beneficiary include both household members and persons not in the household, the department shall exclude:

(a) Any identifiable portion intended and used for the care and maintenance of the person out of the household; or

(b) If the portions are not readily identified as:

(i) An even pro rata share; or

(ii) The amount actually used for the care and maintenance of the person out of the household, whichever is less.

**WSR 92-08-109**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Filed April 1, 1992, 11:04 a.m.]

Date of Adoption: April 1, 1992.

Purpose: To amend by emergency adoption April 1, 1992, WAC rules to exclude earmarked student expenses from student educational income from all sources. Also, to clarify, by technical corrections, current policy regarding excluded earnings by persons under 18 years of age and excluded child support payments.

Citation of Existing Rules Affected by this Order: Amending WAC 388-49-470 Income—Exclusions.

Statutory Authority for Adoption: RCW 74.04.510.

Other Authority: Public Law 102-237.

Pursuant to RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: Public Law 102-237 instituted sweeping changes in computing student income for food stamp benefits. In addition, the department is making technical corrections to clarify existing policy.

Effective Date of Rule: Immediately.

April 1, 1992

Leslie F. James, Director  
 Administrative Services  
 by Rosemary Carr

**AMENDATORY SECTION (Amending Order 3316, filed 1/21/92, effective 2/21/92)**

**WAC 388-49-470 INCOME—EXCLUSIONS.**

(1) The department shall exclude the following income:

(a) Money withheld from an assistance payment, earned income, or other income source used to repay a prior overpayment from that same income source;

(b) Income specifically excluded by any federal statute from consideration as income in the food stamp program;

(c) The earned income of ~~((children))~~ household members who are:

(i) ~~((Members of the household;~~

~~((ii))~~ Seventeen years of age or under; and

~~((iii))~~ (ii) Attending school at least half time.

(d) Infrequent or irregular income received during a three-month period that:

(i) Cannot be reasonably anticipated as available; and

(ii) Shall not exceed thirty dollars for all household members.

(e) Loans, including those from private individuals and commercial institutions, other than educational loans where repayment is deferred;

(f) Nonrecurring lump sum payments;

(g) The cost of producing self-employment income;

(h) ~~((Financial aid received under Title IV of the Higher Education Act designated))~~ The portion of educational assistance earmarked by the school or actually used by the student for:

(i) Tuition;

(ii) Mandatory fees, including rental or purchase of equipment, materials, and ~~((material))~~ supplies related to pursuing the course of study;

(iii) Books;

(iv) Supplies;

(v) Transportation; and

(vi) Miscellaneous personal expenses ~~((including dependent care, determined by the institution.~~

~~((i) Other federal financial aid designated by the school for:~~

~~((i) Tuition; and~~

~~((ii) Mandatory fees.~~

~~((j) Nonfederal financial aid designated by the school for:~~

~~((i) Tuition and mandatory fees at any school beyond high school or a school at any level for the physically or mentally handicapped; and~~

~~((ii) Other earmarked educational expenses such as transportation, supplies, textbooks, and dependent care)).~~

~~((k))~~ (i) Reimbursements for past or future expenses to the extent the reimbursements do not:

(i) Exceed the actual expense; and

(ii) Represent a gain or benefit to the household.

~~((l))~~ (j) Any gain or benefit not in money;

~~((m))~~ (k) Vendor payments as defined in WAC 388-49-020;

~~((n))~~ (l) Money received and used for the care and maintenance of a third-party beneficiary who is not a household member;

~~((o))~~ (m) Supplemental payments or allowances made under federal, state, or local laws for the purpose of offsetting increased energy costs;

~~((p))~~ (n) Energy allowances included in AFDC, continuing general assistance, and refugee assistance grants.

Number in Grant Assistance Unit	Energy Exclusion
1	\$ 55
2	71
3	86
4	102
5	117
6	133
7	154
8 or more	170

(ii) *The amount actually used for the care and maintenance of the person out of the household, whichever is less.*

**WSR 92-08-110**  
**WITHDRAWAL OF PROPOSED RULES**  
**DEPARTMENT OF HEALTH**  
**(Board of Physical Therapy)**  
 [Filed April 1, 1992, 11:41 a.m.]

The Washington State Board of Physical Therapy is requesting withdrawal of the proposed amendments to WAC 246-915-030 Examination, filed on October 2, 1991, at 3:01 p.m., WSR 91-20-165.

Carol Neva  
 Program Manager

**WSR 92-08-111**  
**PROPOSED RULES**  
**DEPARTMENT OF HEALTH**  
**(Board of Physical Therapy)**  
 [Filed April 1, 1992, 11:43 a.m.]

Original Notice.

Title of Rule: WAC 246-915-015 Examination appeal procedures; 246-915-030 Examination; and 246-915-075 Temporary permits—Issuance and duration.

Purpose: Repealing examination appeal procedures; adoption of acceptable passing examination score; and defining temporary permit requirements.

Statutory Authority for Adoption: RCW 18.74.023.

Statute Being Implemented: Chapter 18.74 RCW.

Summary: WAC 246-915-015 repeals the examination appeal procedures; WAC 246-915-030 changes the passing exam score from 1.0 standard deviation below the national mean to 70% raw score; and WAC 246-915-075 establishes temporary permit requirements.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Carol Neva, 1300 S.E. Quince Street, 753-3132.

Name of Proponent: Washington State Board of Physical Therapy, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Repeals examination appeal procedures; changes passing examination score to 70% raw score; and establishes temporary permit requirements.

Proposal Changes the Following Existing Rules: Repeals examination appeal procedures; and changes passing examination score to 70% raw score.

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

Hearing Location: Cavanaugh Inn at the Park, West 303 North River Drive, Spokane, WA 99201, on May 12, 1992, at 1:30 p.m.

Submit Written Comments to: Department of Health, 1300 S.E. Quince Street, P.O. Box 7868, Olympia, WA 98504, FAX (206) 586-7774, by May 8, 1992.

~~((t))~~ (o) *Support payments owed to a household member, but specified by the support court order or other legally binding written support or alimony agreement to go directly to a third-party beneficiary rather than to the household;*

~~((t))~~ (p) *Support payments on behalf of a household member, not required by the support court order or other legally binding written support or alimony agreement and paid directly to a third party rather than to the household;*

~~((s))~~ (q) *Payments from the individual and family grant program;*

~~((t))~~ (r) *Public assistance payments:*

- (i) *Over and above the regular warrant amount;*
- (ii) *Not normally a part of the regular warrant; and*
- (iii) *Paid directly to a third party on behalf of the household.*

~~((t))~~ (s) *From Jobs Training Partnership Act programs:*

- (i) *Allowances; and*
- (ii) *Earnings from on-the-job training by household members under parental control and eighteen years of age and younger.*

~~((v))~~ (t) *Cash donations based on need:*

- (i) *Received directly by the household;*
- (ii) *From one or more private, nonprofit, charitable organizations; and*
- (iii) *Not exceeding three hundred dollars in any federal fiscal year quarter.*

~~((w))~~ (u) *Earned income credit.*

(2) *When ~~((a-children))~~ earnings or amount of work performed by a household member described in subsection (1) (c) of this section, cannot be differentiated from the earnings or work performed by other household members, the department shall:*

- (a) *Prorate the earnings equally among the working members; and*
- (b) *Exclude the ~~((child's))~~ household member's pro rata share.*

(3) *When the intended beneficiaries of a single payment for care and maintenance of a third-party beneficiary include both household members and persons not in the household, the department shall exclude:*

- (a) *Any identifiable portion intended and used for the care and maintenance of the person out of the household; or*
- (b) *If the portions are not readily identified as:*
  - (i) *An even pro rata share; or*

Date of Intended Adoption: May 12, 1992.

March 25, 1992  
Christine Larson, PT  
Chair

**[REPEALER]**

The following section of the Washington Administrative Code is repealed:

WAC 246-915-015 Examination appeal procedures.

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

**AMENDATORY SECTION** (Amending Order 178B, filed 6/21/91, effective 7/22/91)

WAC 246-915-030 EXAMINATIONS. (1) The examination acceptable to and approved for use under the provisions of RCW 18.74-.035 shall be the examination for physical therapists as reviewed and approved by the board of physical therapy. A passing score is considered to be one of the following:

(a) Not less than ~~((+0 standard deviation below the national mean))~~ seventy percent of the raw score for the examination approved by the board beginning February 28, 1991; or

(b) Not less than sixty percent raw score on each of the three examination parts for the examination approved by the board prior to February 28, 1991.

(2) If a candidate fails to receive a passing score on the examination, he or she will be required to retake the examination.

(3) Where necessary, applicant's score will be rounded off to the nearest whole number.

**Reviser's note:** RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

**NEW SECTION**

WAC 246-915-075 TEMPORARY PERMITS—ISSUANCE AND DURATION. (1) Unless there is a basis for denial of a physical therapy license, an applicant who is licensed in another jurisdiction shall be issued a temporary practice permit after receipt of the following documentation by the department of health:

(a) Submission of a completed physical therapy license application on which the applicant indicates that he or she wishes to receive a temporary practice permit;

(b) Payment of the application fee and temporary practice permit fee;

(c) Submission of all required supporting documentation as described in the application forms and instructions provided by the department of health, excepting the seven hour AIDS education requirement as described in WAC 246-915-110.

(2) Applicants wishing to receive a temporary practice permit shall be granted an additional ninety days to complete the AIDS education requirement; however, issuance of a physical therapy license is contingent upon evidence of having met this requirement.

(3) The temporary permit shall expire upon the issuance of a license by the board; initiation of an investigation by the board of the applicant; or ninety days, whichever occurs first.

(4) An applicant who receives a temporary practice permit and who does not complete the application process may not receive additional temporary practice permits even upon submission of a new application in the future.

**WSR 92-08-112**  
**PERMANENT RULES**  
**DEPARTMENT OF HEALTH**  
**(Board of Health)**

[Order 261B—Filed April 1, 1992, 11:49 a.m.]

Date of Adoption: March 11, 1992.

Purpose: To establish health standards to promote and protect health, safety and well-being, and to prevent the spread of disease by food.

Citation of Existing Rules Affected by this Order: Repealing WAC 246-215-009, 246-215-019, 246-215-029, 246-215-039, 246-215-049, 246-215-059, 246-215-069, 246-215-079, 246-215-089, 246-215-099, 246-215-109, 246-215-119, 246-215-129, 246-215-139, 246-215-149, 246-215-159, 246-215-169, 246-215-179, 246-215-189, 246-215-199, 246-215-209, 246-215-219, 246-215-229, 246-215-239, 246-215-500 and 246-215-900; and amending WAC 246-215-001.

Statutory Authority for Adoption: RCW 43.20.050.

Pursuant to notice filed as WSR 92-03-142 on January 22, 1992.

Changes Other than Editing from Proposed to Adopted Version: WAC 246-215-010(37), the definition of "person" was expanded to "include the state, county or municipal government or agency of the federal government which is subject to the jurisdiction of the state"; WAC 246-215-040(10), the section requiring labeling of foods which have been irradiated was deleted; WAC 246-215-160 (4)(c), the reheating requirement for foods in mobile restaurants was changed from 30 minutes to one hour; and WAC 246-215-270, the small business impact mitigation clause was deleted.

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

March 31, 1992

Sylvia Beck

Executive Director

**AMENDATORY SECTION** (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-215-001 ~~((SCOPE AND))~~ **PURPOSE AND AUTHORITY.** ~~((These regulations, as authorized under RCW 43.20.050, are adopted to protect the health, safety and well-being of the public and to prevent the spread of disease.))~~ The purpose of chapter 246-215 WAC is to establish state board of health standards for food service under RCW 43.20.050 to promote and protect the health, safety, and well-being of the public and prevent the spread of disease by food.

**NEW SECTION**

WAC 246-215-010 **DEFINITIONS.** (1) "Abbreviations":

(a) "FDA" means United States Food and Drug Administration.

(b) "HACCP" means hazard analysis, critical control point.

(c) "PPM" means parts per million.

(d) "USA" means United States of America.

(e) "USDA" means United States Department of Agriculture.

(f) "WSDA" means Washington state department of agriculture.

(2) "Adulterated" means the altered condition of food including:



(a) Bearing or containing any poisonous or deleterious substance in a quantity rendering food injurious to health;

(b) Bearing or containing any added poisonous or deleterious substance where no safe tolerance has been established by regulation, or exceeding such tolerance if one has been established;

(c) Consisting in whole or in part of any filthy, putrid, or decomposed substance, or otherwise being unfit for human consumption;

(d) Processing, preparing, packing, or holding potentially hazardous foods under improper time-temperature conditions or under other conditions increasing the probability of food contamination with excessive microorganisms or physical contaminants;

(e) Processing, preparing, packing, or holding food under insanitary conditions increasing the probability of food contamination or cross-contamination;

(f) Holding or packaging food in containers composed, in whole or in part, of any poisonous or deleterious substance rendering the contents potentially injurious to health; or

(g) Containing any product of a diseased animal, or an animal dying by means other than by slaughter, except as permitted under WAC 246-215-020(6).

(3) "Approved" means acceptable to the health officer based on his/her determination regarding conformance with appropriate standards and public health practice.

(4) "Approved source" means foods which are obtained by the food service establishment owner from persons who comply with applicable federal, state and local laws, ordinances and regulations.

(5) "Aquatic foods" means foods grown in or harvested from water, including all types of fish, shellfish and mollusks, edible crustacea, reptiles, amphibians, and mixtures containing aquatic foods and synthetic foods, such as surimi.

(6) "Base of operation" means an approved site for servicing, cleaning, sanitizing, supplying, and maintaining a mobile food unit.

(7) "Bed and breakfast" means a private home or inn offering lodging on a temporary basis to travelers, tourists, and transient guests which provides food service only to registered guests.

(8) "Bulk food" means processed or unprocessed food in containers where consumers withdraw desired quantities.

(9) "Caterer" means a person or food service establishment contracted to prepare food in an approved facility for final cooking or service at another location.

(10) "Commissary" means an approved food service establishment where food is stored, prepared, portioned, or packaged for service elsewhere.

(11) "Corrosion-resistant" means a material maintaining original surface characteristics under prolonged contact with food, cleaning compounds, or sanitizing solutions.

(12) "Critical control point" means a location where exercising a preventive measure or procedure eliminates, prevents, or minimizes a hazard or hazards from occurring after that point.

(13) "Cross-contamination" means the process where disease causing organisms are transferred from raw or other foods to equipment or ready-to-eat foods.

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

(15) "Durable" means capable of withstanding expected use and remaining easily cleanable.

(16) "Easily cleanable" means readily accessible with materials and finish fabricated to permit complete removal of residue by normal cleaning methods.

(17) "Equipment" means all stoves, ovens, ranges, hoods, slicers, mixers, meat blocks, tables, counters, refrigerators, sinks, dish machines, steam tables, and similar items used in the operation of a food service establishment.

(18) "Extensive remodel" means construction in a food service establishment requiring a building permit or plumbing permit, except for signs and fences.

(19) "Food" means any raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale, in whole or in part, for human consumption.

(20) "Food additive" means substances added directly or indirectly to food.

(21) "Food contact surfaces" means those surfaces of equipment and utensils normally contacting food, and those surfaces where food may drain, drip, or splash back onto surfaces normally in contact with food.

(22) "Food service establishment" means:

(a) A place, location, operation, site, or facility where food is manufactured, prepared, processed, packaged, dispensed, distributed, sold, served, or offered to the consumer regardless of whether or not compensation for food occurs, including but not limited to:

(i) Restaurants, snack bars, cafeterias, taverns, bars;

(ii) Retail food stores, supermarkets, retail meat markets, retail fish markets, retail bakeries, delicatessens;

(iii) Institutional operations licensed by the department or local health officer, such as schools, hospitals, jails, prisons, and child care facilities;

(iv) Central preparation sites, including caterers;

(v) Satellite servicing locations;

(vi) Temporary food service establishments or mobile food units;

(vii) Bed and breakfast operations;

(viii) Remote feeding sites; and

(ix) Vending machines dispensing potentially hazardous foods.

(b) Except for the following:

(i) Private homes where food is prepared or served for consumption by household members and/or their guests;

(ii) Establishments offering only commercially pre-packaged nonpotentially hazardous foods;

(iii) Commercial food processing establishments, licensed and regulated by the USDA, FDA, or WSDA; and

(iv) Farmers exempt from licensure under RCW 36.71.090.

(23) "Food service worker" means the permit holder, an individual having supervisory or management duties, and any other person working in a food service establishment.

(24) "Frozen" means the condition of a food when it is continuously stored at or below 10° F.

(25) "Game meat" means warm-blooded and cold-blooded animals, excluding fish and meat food animals as defined by USDA, noncommercially raised and processed without continuous regulatory surveillance, including, but not limited to:

(a) Mammals such as deer, elk, antelope, buffalo, and bear;

(b) Birds; and

(c) Reptiles such as alligator.

(26) "Hazard analysis critical control point (HACCP)" means a method used to reduce the risk of foodborne illness by:

(a) Identifying hazards of high risk foods;

(b) Assessing the hazards posed by each preparation step;

(c) Determining the critical points for controlling hazards;

(d) Monitoring a critical control point or points; and

(e) Implementing immediate and appropriate corrective action when control criteria are not met.

(27) "Health officer" means the city, county, city-county, or district health officer defined under RCW 70.05.010(2), or his/her authorized representative, or the representative of the department.

(28) "Hermetically sealed container" means a properly designed container, intended to keep the contents free of contamination by microorganisms and to maintain the commercial sterility of its contents after thermal processing.

(29) "Imminent or actual health hazard" means:

(a) A breakdown or lack of equipment or power causing improper temperature control for potentially hazardous foods; and/or

(b) Lack of water preventing adequate handwashing or equipment cleaning and sanitizing; and/or

(c) Emergency situations including fire, flood, building collapse, or similar accident or natural disaster; and/or

(d) A sewage backup or sewage contamination within a food service establishment; and/or

(e) An occurrence of an outbreak of foodborne illness linked to the food service establishment.

(30) "Immediate service" means foods served to the public within thirty minutes of preparation.

(31) "Menu" means a written or graphic description of foods prepared and offered for sale or service by a food service establishment.

(32) "Mislabelled" means the presence of any false or misleading written, printed, or graphic material upon or accompanying food or food containers.

(33) "Mobile food unit" means a readily movable food service establishment.

(34) "Modified atmosphere packaging" means a process that completely encases food in an impermeable or partially permeable membrane, with either a partial or complete vacuum; or a gas or mixture of gases surrounding the food. Hermetically sealed containers are not considered to be modified atmosphere packaging.

(35) "Owner" means a person owning and/or responsible for the operation of a food service establishment.

(36) "Perishable food" means foods, other than potentially hazardous foods, where deterioration or spoilage due to loss of moisture or growth of molds and bacteria may occur.

(37) "Person" means any individual, partnership, corporation, association, or other legal entity or agency of state, county, or municipal government, or agency of the federal government which is subject to the jurisdiction of the state.

(38) "Person in charge" means the individual present in a food service establishment and designated supervisor of the food service establishment at the time of inspection or any food service worker present when a designated supervisor is absent.

(39) "pH" means a measure of the amount of acid in a food product.

(40) "Potentially hazardous food" means any natural or synthetic edible item, material, or ingredient in a form supporting rapid and progressive growth of infectious or toxigenic microorganisms or the slower growth of *Clostridium botulinum*. Potentially hazardous food:

(a) Includes any food of animal origin, raw, cooked, or processed;

(b) Includes certain cooked or prepared foods of plant origin, including but not limited to:

(i) Potato products;

(ii) Dry legumes;

(iii) Rice;

(iv) Sprouts; and

(v) Cut melons and cut cantaloupes.

(c) Excludes foods:

(i) With a water activity ( $A_w$ ) value of 0.90 or less;

(ii) With a pH level of 4.6 or below;

(iii) Enclosed in unopened hermetically sealed containers commercially processed to achieve and maintain commercial sterility under nonrefrigerated storage and distribution conditions; and

(iv) Where laboratory evidence acceptable to the health officer indicates no likelihood of rapid or progressive growth of infectious or toxigenic microorganisms or the slower growth of *Clostridium botulinum*.

(41) "Restructured" means potentially hazardous foods processed and formed so surface contaminants may become incorporated inside the final product.

(42) "Sanitary design" means smooth, nonabsorbent, and easily cleanable.

(43) "Sanitized" means effective bactericidal treatment by a process providing enough accumulative heat or concentration of chemicals for enough time to reduce the bacterial count, including pathogens, to a safe level on food contact surfaces.

(44) "Sealed" means free of cracks or other openings permitting entry or passage of moisture or air.

(45) "Self-service" means any site within a food service establishment where customers dispense their own food or beverages.

(46) "Served" means offered to a person for consumption.

(47) "Single service articles" means utensils designed, fabricated, and intended by the manufacturer for one time use.

(48) "Sulfiting agents" means chemicals used to treat food to increase shelf life and enhance appearance including:

- (a) Sulfur dioxide;
- (b) Sodium sulfite;
- (c) Sodium bisulfite;
- (d) Potassium bisulfite;
- (e) Sodium metabisulfite; and
- (f) Potassium metabisulfite.

(49) "Temporary food service establishment" means a food service establishment operating at a fixed location for not more than twenty-one consecutive days in conjunction with a single event or celebration.

(50) "Time/temperature" means the relationship between the length of time and the specific temperatures to which potentially hazardous foods are subjected during storage, transportation, preparation, cooking, reheating, dispensing, service, or sale.

(51) "Utensil" means any food contact implement used in storing, preparing, transporting, dispensing, serving, or selling of food.

(52) "Water activity (Aw)" means a measure of the amount of moisture available for bacterial growth in a food.

(53) "Wholesome" means in sound condition, clean, free from adulteration, and otherwise suitable for use as human food.

**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.

#### NEW SECTION

WAC 246-215-020 FOOD SUPPLIES. Food service establishment owners shall:

- (1) Use or sell food supplies which are:
  - (a) From approved sources;
  - (b) In compliance with applicable federal, state, and local laws, ordinances, and regulations;
  - (c) Clean, wholesome, and free from spoilage and adulteration;
  - (d) Protected from becoming adulterated;
  - (e) Safe for human consumption; and
  - (f) Hermetically sealed containers, processed in an approved commercial food processing establishment, when used.

(2) Use or sell commercially pasteurized fluid milk, fluid milk products, dry milk, and dry milk products which meet the Grade "A" quality standards contained in the most current version of the federal Pasteurized Milk Ordinance, except:

- (a) Grade "A" raw milk as defined under RCW 15.36.140 may be sold in the original container for off-premises consumption in retail food stores only;
- (b) Unripened raw milk cheese and similar raw milk cultured products may be sold in retail stores for off-premises consumption and may be used in food service establishments, only if the foods are subsequently cooked to a minimum temperature of 165° F; and
- (c) Properly fermented raw milk cheeses, produced using a flash heating process and meeting cheese composition requirements described under WAC 246-215-040

(6)(c), may be sold or used in food service establishments and are exempted from the cooking requirements of (b) of this subsection.

(3) Use or sell fresh and frozen shellfish (oysters, clams, mussels, and scallops):

(a) From sources approved by the department; or certified for interstate shipment in accordance with the National Shellfish Sanitation Program (NSSP); and

(b) Which are identified by one of the following methods:

(i) A tag or label containing name, address, state certification number, harvest date, and location attached to bags of unshucked shellfish;

(ii) A label containing name, address, and state certification number attached to containers of shucked shellfish; or

(iii) State certification numbers and harvest location provided on invoices accompanying shellfish.

(4) Use or sell eggs meeting WSDA or USDA standards. The use or sale of ungraded eggs, unpasteurized liquid eggs, except as specified in WAC 246-215-030 (1)(j), or cracked or checked eggs is prohibited.

(5) Use or sell only USDA inspected meat, meat products, poultry, and poultry products. Custom meat facilities defined in RCW 16.49.435 may process or handle uninspected meat for the household user. Custom meat facilities shall not use or sell uninspected meat to the public.

(6) Use or sell game meat:

(a) Processed in a state agriculture inspected processing plant;

(b) Processed in a processing plant with USDA voluntary inspection;

(c) Imported from outside the USA from a country having an approved program of inspection authorized by USDA or FDA; or

(d) Approved by the health officer for use in the following types of institutions:

(i) Jails and correction facilities; and

(ii) Distributing organizations limited to food banks and soup kitchens specified under RCW 69.80.020.

#### NEW SECTION

WAC 246-215-030 FOOD PROTECTION. (1) Food service establishment owners shall protect food from potential or actual sources of contamination or adulteration during transporting, storing, preparing, cooking, displaying, and serving by the following methods:

(a) Covering food or food storage containers with tightly fitting covers manufactured from approved materials such as metal, plastic, plastic wrap, or aluminum foil, except:

(i) During necessary preparation or cooling periods;

(ii) When serving food to the customers;

(iii) When displaying or storing fresh, raw, unprocessed whole fruits and vegetables;

(iv) When displaying or storing raw, whole aquatic foods; and

(v) During storage, quarters or sides of meat, and primal cuts may be placed on clean sanitized hooks or racks.

(b) Prohibiting the storage of food under leaking refrigeration condensers, exposed or unprotected sewer lines, leaking water lines, or water lines with accumulations of condensed water;

(c) Storing foods above the floor level to prevent contamination and permit easy cleaning, except:

(i) Floor storage is permitted for foods stored in bulk if contained in impervious covered containers;

(ii) Storage on a floor surface is permitted when beverages are in pressurized beverage containers; or foods are protected by glass, durable plastic, cans, or other waterproof containers; and

(A) Floors beneath the foods are dry and easily cleanable; and

(B) Foods can be easily moved to allow cleaning of the floor.

(d) Prohibiting the storage of food, utensils, or single-service articles in toilet rooms, toilet room vestibules, or garbage rooms;

(e) Labeling foods removed from original containers, unless identity of the food is unmistakable;

(f) Providing protection from contamination through use of a sneeze guard, display case, packaging, or other effective measures;

(g) Minimizing hand contact with foods by:

(i) Using appropriate utensils, including single service food service gloves when practical; and

(ii) Providing tongs, bakery papers, scoops, spatulas, ladles, and similar utensils for handling foods during display or service.

(h) Prohibiting the storage of raw meats, poultry, and aquatic foods above foods requiring no additional cooking before service or in a manner increasing the probability of cross-contamination;

(i) Prohibiting the use of ice for human consumption following use for cold holding or after contamination; or

(j) Prohibiting use of pooled eggs prepared from raw eggs, except:

(i) If used for immediate service; or

(ii) If cooked to 140° F. or above within thirty minutes of breaking.

(k) Prohibiting egg breaking procedures where liquid eggs contact egg shells such as egg breaking machines;

(l) By any other methods approved by the health officer.

(2) In emergency situations when an imminent or actual health hazard exists, the owner or person in charge of a food service establishment shall take appropriate action to prevent adulteration of foods, including the following:

(a) Protecting foods from contamination;

(b) Ensuring proper temperature controls;

(c) Notifying the health officer; and

(d) Destroying contaminated, adulterated, or temperature abused foods after consultation with the health officer.

(3) Food service establishment owners shall:

(a) Prohibit application of sulfiting agents in the food service establishment;

(b) Prohibit the storage of sulfiting agents on the premises unless in packaged form, clearly labeled, and offered for retail sale; and

(c) Allow sulfiting agents only if contained within properly labeled commercially processed foods.

(4) When owners of food service establishments store or display mollusks in live holding systems, they shall protect the mollusks from contamination by:

(a) Requiring an approved source for seawater placed in the system; or

(b) Using a commercial mix for artificial seawater mixed with potable drinking water; and

(c) Completely separating mollusks from crustaceans or fish.

(5) Owners of food service establishments specified in WAC 246-215-020 (6)(d) shall establish control measures for the use of game meat. These control measures designed to prevent illness and approved by the health officer include:

(a) Requiring adequate facilities for butchering and processing;

(b) Designation of a person in charge who is responsible for:

(i) Record keeping of all game meat received and used;

(ii) Insuring separation of raw game meat from all other foods;

(iii) Adequate cooking of all game meat to 165° F. or above; and

(iv) Maintenance of temperature monitoring and control.

(c) Compliance with all other parts of this chapter, unless specified otherwise.

(6) Game meat, except sources specified in WAC 246-215-020 (6)(a), (b), and (c), may only be possessed, handled, and processed by retail food stores:

(a) When approved by the health officer;

(b) For hunters who bring their game meat to the retail store and receive the same game meat back after the completion of processing;

(c) So contamination is avoided by separating raw game meat from all other foods; and

(d) When all processing of game meat occurs at a separate time than processing of all other meat or meat products.

(7) Owners of food service establishments may sell or serve mold cultured cheeses. The sale or service of moldy cheese is prohibited unless the cheese is reconditioned by removing the mold in the following manner:

(a) If the cheese has been held under refrigeration, a one-half inch layer is removed and the moldy portions are discarded;

(b) If the cheese has been held at ambient temperatures, a one inch layer is removed and the moldy portions are discarded;

(c) The cutting is performed so that mold contamination of the new surfaces is minimized; and

(d) When cheese has high moisture content such as brie, camembert, cream cheese, or cottage cheese, or where mold filaments have deeply penetrated the surface, the entire cheese shall be discarded.

#### NEW SECTION

WAC 246-215-040 PUBLIC HEALTH LABELING. (1) Food service establishment owners shall label

all food products offered for sale if enclosed in a package or container; except:

- (a) Food products produced on-site;
- (b) Nonpotentially hazardous bakery products from approved sources; or
- (c) Single service portions or other packaged foods which are shipped to the food service establishment enclosed within a properly labeled master carton.

(2) Food service establishment owners shall label modified atmosphere packaged foods in compliance with WAC 246-215-060.

(3) Food service establishment owners shall ensure labels include:

- (a) The common name of the food;
- (b) All ingredients, including food additives, in descending order of predominance;
- (c) The name, city, state, and zip code of the manufacturer; and
- (d) A packaging date code, when required by law or when the food is potentially hazardous.

(4) Food service establishment owners shall ensure information contained on labels is:

- (a) Accurate;
- (b) Easily readable; and
- (c) In the English language, except that duplicate labeling in foreign languages is allowed.

(5) When labels, menus, or other printed or graphic materials are inaccurate or misleading and a report of illness or injury is associated with the food product, the health officer may:

- (a) Stop sale of the product until correctly labeled;
- (b) Require relabeling of the product; and
- (c) Issue public health advisories.

(6) Whenever raw milk or raw milk cheese or similar raw milk products are offered for sale in a food service establishment, the health officer shall:

(a) Require conspicuous labeling of raw milk or products containing raw milk as "raw milk" or "contains raw milk";

(b) Require conspicuous posting of signs near the product that state: "Warning: Raw milk or foods prepared from raw milk, such as unripened or fresh cheese, may be contaminated with dangerous bacteria capable of causing severe intestinal illnesses. Contact your local health department for advice or to report a suspected illness";

(c) Exempt properly fermented raw milk cheeses from the labeling requirements contained in this subsection, provided the cheeses are produced using a flash heating process and they meet the following cheese composition requirements:

- (i) Moisture content of 40% or less;
- (ii) Saline-in-moisture content of 3.75% or greater;
- (iii) Water activity (Aw) of 0.96 or less; and
- (iv) pH of 5.40 or less.

(7) Food service establishment owners shall label packaged or bulk foods containing sulfiting agents at detectable levels as follows:

- (a) Accept accurate labels placed on packaged foods by the manufacturer;
- (b) Place a label on prepackaged foods stating, "This food contains a sulfiting agent";

(c) Place a sign or label on the bulk food container or in a conspicuous place nearby stating, "The following food or foods contain a sulfiting agent, .....

(d) Except these foods may be sold without labeling:

- (i) Wine by the glass;
- (ii) Salad bars; and
- (iii) Delicatessens and similar take-out food facilities when food is prepared on-site.

(8) Food service establishment owners shall provide prominent and conspicuous labels on bulk food display units with at least one of the following:

- (a) Manufacturer's or processor's container label plainly in view;
- (b) A card, sign, or other appropriate device stating the common name of the food; or
- (c) A list of ingredients and any food additives contained in the product.

(9) Food service establishment owners shall ensure accurate labels are present on bulk containers of chemicals and pet foods.

(10) When raw or undercooked meats, eggs, or aquatic foods are offered for immediate service or for sale as ready-to-eat, the health officer shall require these foods to be identified, as such:

- (a) On the menu;
- (b) On the label; or
- (c) On a sign clearly visible to the patrons.

(11) The health officer may approve alternate wording on signs required in subsections (6) and (7) of this section.

#### NEW SECTION

WAC 246-215-050 FOOD PREPARATION. (1) The health officer may require a food service establishment owner to limit or modify food preparation and may delete some menu items when the available equipment is inadequate to rapidly cool or reheat, properly cook, hot hold, cold hold, or process potentially hazardous foods.

(2) Food service establishment owners shall prepare, display, serve, and transport food:

- (a) Only with safe and necessary time-temperature steps;
- (b) With a minimum amount of hand contact;
- (c) With suitable utensils;
- (d) On clean, sanitized surfaces;
- (i) Washed, rinsed, and sanitized as required under this chapter prior to use; and
- (ii) Washed, rinsed, and sanitized to prevent cross-contamination.

(3) Food service establishment owners shall:

(a) Maintain the internal temperature of potentially hazardous food at 45° F. or below, or 140° F. or above, at all times except as provided in these regulations;

(b) Minimize the time potentially hazardous foods remain at room temperature during preparation to a total time of two hours;

(c) Store in-use serving utensils:

- (i) In the food product, only if the handle remains out of the food item; except in ice machines;
- (ii) In a running water dipper well;
- (iii) In water above 140° F., or below 45° F.;

(iv) For ice machines, either on a clean dry surface or in an approved utensil holder; or

(v) By other approved methods;

(vi) Except that in-use serving utensils for nonpotentially hazardous foods may be stored on a clean surface.

(d) Discard any leftover foods already served to a customer; except that packaged, nonpotentially hazardous foods which are still packaged in a sound and sanitary condition, may be re-served. Properly dispensed, nonpotentially hazardous foods such as those dispensed by using squeeze dispensers, covered containers with proper serving utensils, or shaker dispensers, may be re-served.

(e) Ensure all foods served raw are thoroughly washed with potable water before serving;

(f) Prepare potentially hazardous salads and sandwich spread using cold ingredients prechilled to 45° F. or below;

(g) Ensure potentially hazardous foods transported or stored in ice are prechilled to 45° F. or below.

#### NEW SECTION

WAC 246-215-060 MODIFIED ATMOSPHERE PACKAGING. (1) Modified atmosphere packaging of foods in food service establishments is permitted by the health officer for the following:

(a) Nonpotentially hazardous foods;

(b) Raw meat;

(c) Natural hard or semi-soft cheeses containing live starter culture organisms; and

(d) Foods which are rapidly frozen and are stored frozen until reheated or thawed for immediate service. Foods frozen under this subsection shall meet all of the following continuous cooling and freezing requirements:

(i) Cooling foods from 140° F. to 70° F. or below within two hours;

(ii) Cooling foods from 140° F. to 45° F. or below within four hours;

(iii) Cooling foods to below 38° F. within twelve hours; and

(iv) Freezing foods completely to below 10° F. within twenty-four hours.

(2) Food service establishment owners shall not perform modified atmosphere packaging on the premises for any foods unless allowed under subsection (1) of this section; except

(3) The health officer may allow additional foods to be modified atmosphere packaged only if an approved HACCP based procedure which controls the growth of bacterial pathogens is in place. Acceptable controls would be:

(a) Maintaining water activity below 0.93;

(b) Maintaining pH below 4.6;

(c) Using processed meats or meat products, poultry, or poultry products produced in a plant regulated by USDA and received in an intact package before modified atmosphere packaging;

(d) Properly curing the food on site using a standard recipe approved by the health officer with an initial sodium nitrite concentration of 120 ppm and 3.5% salt concentration; or

(e) Properly processing uncured meats or poultry on-site by monitoring critical control points established in the HACCP plan specified in subsection (4)(e) of this section.

(4) Whenever foods are modified atmosphere packaged under subsection (3) of this section, the health officer shall require all of the following:

(a) Store the food at 38° F. or below;

(b) Sell the food within fourteen days of packaging;

(c) Prohibit exceeding the original processor's shelf life, if applicable;

(d) Establish critical control points during processing, packaging, and storage;

(e) Monitor critical control points established in (d) of this subsection by any or all of the following:

(i) Routine laboratory testing;

(ii) Measuring refrigerated storage temperatures;

(iii) Measuring temperatures during smoking or cooking processes;

(iv) Providing other information requested by the health officer; and

(f) Maintain accurate records of critical control point monitoring specified in (e) of this subsection, for examination by the health officer;

(g) Attach the following labels:

(i) "Keep refrigerated at 38° F. or below and use within seven days of purchase, unless frozen"; and

(ii) "Sell by month/day/year" with the date established within fourteen days of packaging.

(5) Modified atmosphere packaging of aquatic foods, including fish, is prohibited by the health officer except under subsections (1)(d), (3)(a), (b), or (d) of this section.

(6) The food service establishment owner shall designate a person in charge of all modified atmosphere packaging operations to be responsible for control measures contained in subsections (4) and (9) of this section.

(7) Modified atmosphere packaged foods packaged in USDA or FDA regulated plants and maintained in intact packages are exempted by the health officer from meeting labeling requirements contained in subsection (4)(g) of this section.

(8) The food service establishment owner shall destroy modified atmosphere packaged foods which have exceeded the requirement for foods to be sold within fourteen days of packaging (contained in subsection (4)(b) of this section), except until that date modified atmosphere packaged foods may be:

(a) Frozen; or

(b) Removed from the packaging and used in the food service establishment.

(9) Modified atmosphere packaged foods which have exceeded the requirement for foods to be sold within fourteen days of packaging (contained in subsection (4)(b) of this section) are prohibited by the health officer from sale.

#### NEW SECTION

WAC 246-215-070 TEMPERATURE CONTROL. (1) The food service establishment owner shall:

(a) Provide metal, stem-type, numerically scaled food thermometers accurate to within 2° F. in the appropriate range for the foods being tested;

(b) Ensure thermometers are checked for accuracy;

(c) Be allowed to use digital thermometers or thermocouples to measure temperatures as long as they are accurate to within 2° F. and are capable of measuring all food temperatures contained in (e) of this subsection;

(d) Equip each refrigeration unit with a numerically scaled thermometer accurate to within 3° F. located:

(i) To be easily readable; and

(ii) In the warmest part of the unit.

(e) Ensure food service workers use thermometers to measure food temperatures to attain and maintain safety for potentially hazardous foods during:

(i) Cooking;

(ii) Reheating;

(iii) Hot holding;

(iv) Cooling; and

(v) Cold holding.

(2) Food service workers shall safely thaw potentially hazardous foods:

(a) In refrigeration units at a temperature of 45° F. or less;

(b) Under potable running water of a temperature of 70° F. or less with sufficient water velocity to agitate and float loose food particles into the overflow; or

(c) In an approved cooking unit as part of a continuous cooking process, only when the food depths or thickness for solid foods is less than four inches.

(3) Food service workers shall safely cook all parts of potentially hazardous foods requiring cooking to the following minimum internal temperatures:

(a) 165° F. or above for:

(i) Poultry or any food containing poultry;

(ii) Stuffed meats or stuffing containing meats; and

(iii) Casseroles containing potentially hazardous foods.

(b) 155° F. or above for ground, fabricated, or restructured meats; except that ground beef may be cooked to lower temperatures if specifically ordered by the immediate consumer;

(c) 150° F. or above for pork or any food containing pork;

(d) 130° F. or above for:

(i) Rare roast beef; and

(ii) Rare beef steak, except that beef steak may be cooked to a lower temperature if specifically ordered by the immediate consumer.

(e) 140° F. or above for eggs and foods containing uncooked eggs, unless specifically ordered by the immediate consumer otherwise, except:

(i) Health care facilities such as nursing homes and hospitals shall only use pasteurized eggs or eggs cooked to 140° F. or above unless a physician's statement allows otherwise; and

(ii) Traditionally uncooked or undercooked eggs when used to prepare foods such as eggs benedict, caesar salad, meringue, or hollandaise sauce shall be:

(A) Prepared for immediate service to the customer;

(B) Rapidly cooled and held at 45° F. or less; or

(C) Held hot at 140° F. or above.

(f) 140° F. or above for all other potentially hazardous foods except as specified under (a) through (e) of this subsection;

(g) Except that potentially hazardous foods that have been partially cooked or blanched shall be cooled rapidly using procedures contained in subsection (6) of this section and reheated before service as described in subsection (8) of this section.

(4) Food service establishment owners are prohibited from overnight cooking without temperature monitoring.

(5) Food service workers shall ensure potentially hazardous foods, after initial cooking or reheating, are held hot at or above the following temperatures:

(a) 130° F. for unsliced rare roast beef; or

(b) 140° F. for all other potentially hazardous foods;

(c) Except that overnight hot holding without temperature monitoring is prohibited.

(6) When potentially hazardous foods require cooling or cold holding after preparation, rapid methods of cooling from 140° F. to 45° F. shall be used. Food service workers shall use methods including:

(a) Reducing very viscous foods such as refried beans, chowders, and gravies to a thickness of two inches or less and:

(i) Placing immediately in a refrigerator or in a freezer; and

(ii) Leaving uncovered until cooled to 45° F. or below, while protecting the food from cross-contamination.

(b) Reducing foods not listed in subsection (6)(a) of this section to a thickness of four inches or less and:

(i) Placing immediately in a refrigerator or freezer; and

(ii) Leaving uncovered until cooled to 45° F. or below, while protecting the food from cross-contamination.

(c) Placing liquid foods deeper than four inches into an ice and water bath provided:

(i) The container is immersed to the depth of the food;

(ii) Ice is replaced as it melts;

(iii) The food is frequently stirred;

(iv) A metal stem thermometer is used; and

(v) The food is refrigerated or frozen once cooled to 45° F.

(d) Using other methods for rapid cooling approved by the health officer, provided the food is cooled from 140° F. to 45° F. or below within four hours.

(7) Food service workers shall ensure potentially hazardous foods requiring cold holding are kept at 45° F. or below by:

(a) Using mechanical refrigeration;

(b) Storing in ice provided:

(i) The food is prechilled to 45° F. or below;

(ii) The container is placed in ice to the height of the food;

(iii) Ice is replaced as it melts; and

(iv) Melt water is frequently drained.

(c) Using refreezable ice or similar products with prior approval by the health officer;

(d) Except cold holding temperatures required for commercially prepared modified atmosphere processed aquatic foods are 38° F. or below.



(8) Food service workers shall ensure potentially hazardous foods previously cooked and cooled are rapidly reheated from 45° F.:

- (a) With no interruption in the reheating process;
  - (b) In one hour or less;
  - (c) To the following minimum temperatures:
    - (i) 165° F. for foods prepared in any food service establishment; or
    - (ii) 140° F. for foods prepared in any food processing establishment under jurisdiction of USDA or FDA only for initial reheating.
  - (d) In equipment designed to meet the performance standards provided in this subsection; and
  - (e) With frequent stirring for liquid or semi-solid potentially hazardous foods.
- (9) Food service workers may reheat completely cooked potentially hazardous foods with no minimum reheating temperature only if they are:
- (a) Served either hot or cold; and
  - (b) Reheated to order in individual portions when ordered by the consumer.

#### NEW SECTION

WAC 246-215-080 PERSONAL HYGIENE. (1) Food service workers shall wash their hands, including fingernails, in an approved handwashing facility by applying soap, using warm water, scrubbing thoroughly, rinsing, and then drying, using methods which prevent recontamination:

- (a) Before starting work; and
  - (b) During work, as often as necessary to prevent contamination of foods:
    - (i) After using the toilet;
    - (ii) After handling raw meat, poultry, or aquatic foods;
    - (iii) After handling unclean items;
    - (iv) After eating or smoking; and
    - (v) Before preparing ready-to-eat foods.
- (2) Food service workers shall:
- (a) Wear clean outer garments;
  - (b) Maintain a high degree of personal cleanliness; and
  - (c) Restrain hair as necessary.
- (3) The food service establishment owner shall ensure bactericidal and viricidal hand rinses are used only in addition to approved handwashing methods.
- (4) The food service establishment owner shall ensure eating or use of tobacco in any form by food service workers is permitted only in designated areas approved by the health officer.
- (5) The food service establishment owner shall provide adequate facilities for the orderly storage of food service workers' clothing and personal belongings.
- (6) The person in charge of the food service establishment shall ensure all food service workers:
- (a) Comply with the provisions of chapter 69.06 RCW and chapter 246-217 WAC;
  - (b) Obtain valid food and beverage service worker permits within thirty days of employment; and
  - (c) Maintain current food and beverage service worker permits.

(7) The person in charge of the food service establishment must display or file the food and beverage service workers permits, or copies thereof, where they are available for inspection by the health officer upon request.

#### NEW SECTION

WAC 246-215-090 SANITARY DESIGN, CONSTRUCTION, AND INSTALLATION OF EQUIPMENT AND UTENSILS. (1) Food service establishment owners shall use equipment and utensils designed and of such materials and workmanship to be:

- (a) Smooth;
  - (b) Easily cleanable;
  - (c) Durable;
  - (d) In good repair; and
  - (e) In conformance with the current standards and listings of the National Sanitation Foundation or equivalent.
- (2) Food service establishment owners shall ensure food contact surfaces of equipment and utensils are:
- (a) Made of food grade material;
  - (b) Smooth;
  - (c) Easily accessible for cleaning;
  - (d) Nontoxic;
  - (e) Corrosion resistant; and
  - (f) Nonabsorbent.
- (3) When single service articles are used, the food service establishment owner shall ensure they are:
- (a) Made from clean, sanitary, and safe materials; and
  - (b) Prohibited from reuse.
- (4) Food service establishment owners shall install and maintain equipment to:
- (a) Facilitate cleaning of equipment and adjacent areas; and
  - (b) Avoid placement under:
    - (i) Exposed or unprotected sewer lines;
    - (ii) Open stairwells;
    - (iii) Unprotected insulation; and
    - (iv) Other sources of contamination.
- (5) Owners shall ensure food service establishments using equipment or utensils requiring cleaning and sanitizing are equipped with either:
- (a) Approved mechanical dishwashing facilities and a sink with a minimum of two compartments in the dishwashing area;
  - (b) A sink with a minimum of three compartments, a space for soiled utensils ahead of the first compartment, and a drain board for clean utensils when no mechanical dishwasher is available, or when utensils cannot be cleaned and sanitized in the mechanical dishwasher due to size or configuration; or
  - (c) A sink with a minimum of two compartments, a space for soiled utensils ahead of the first compartment, and a drainboard for clean utensils when:
    - (i) Only single service articles are provided for use by the consumer, very minimal utensil washing is needed, and the health officer determines it is consistent with the intent of the regulations; and
    - (ii) Only single service articles are provided for use by the consumer, only nonpotentially hazardous foods and

ingredients are used, and the health officer determines it is consistent with the intent of the regulations.

(6) Food service establishment owners shall provide sink compartments of sufficient size to accommodate the largest utensil.

(7) Food service establishment owners of bars and taverns shall provide a sink compartment for disposing of liquid waste in addition to sinks necessary for cleaning and sanitizing.

(8) Food service establishment owners shall provide sufficient food preparation sinks in which foods may be:

(a) Washed, soaked, rinsed, or drained;

(b) Cooled or thawed; or

(c) Processed in a manner requiring placement in a sink.

(9) Food service establishment owners shall prohibit use of food preparation sinks for:

(a) Handwashing;

(b) Utensil washing; and

(c) Other activities which may contaminate foods.

(10) Food service establishment owners shall provide a mop sink or equivalent fixture capable of supplying and disposing of water for cleaning floors, walls, and other nonfood contact surfaces.

(11) The health officer may exempt food service establishment owners from subsections (5)(a), (7), (8), and (10) of this section when:

(a) A plan review was approved prior to the effective date of these regulations;

(b) The food service establishment was constructed prior to the effective date of these regulations; or

(c) The menu, method of food preparation, and volume of food preparation present no health hazard.

#### NEW SECTION

**WAC 246-215-100 EQUIPMENT AND UTENSIL CLEANING AND SANITIZING.** (1) The following articles shall be thoroughly washed, rinsed, and sanitized by a food service worker after each use:

(a) Utensils; and

(b) Food contact surfaces of equipment, except cooking surfaces.

(2) All utensils and food contact surfaces of equipment used in preparation, service, display, or storage of potentially hazardous food shall be sanitized by a food service worker:

(a) Following any interruption of operations during which contamination of the food contact surfaces may have occurred; and

(b) Whenever contamination has occurred.

(3) When equipment and utensils are used for the preparation of potentially hazardous foods on a continuous or production line basis, the food service establishment owner shall ensure utensils and the food contact surfaces of equipment are washed, rinsed, and sanitized. The health officer, based on food temperatures, type of food, and amount of particle accumulation shall specify the minimum time interval between cleaning operations.

(4) The food service establishment owner shall ensure cleaning and sanitizing of food contact surfaces of equipment and utensils are accomplished by first

prescraping or prerinsing and then by either of the following methods:

(a) Manual dishwashing in proper sequence:

(i) Washing in a clean, hot detergent solution;

(ii) Rinsing in clean, warm water;

(iii) Sanitizing by immersion for at least one minute in:

(A) A chemical sanitizing solution at proper concentration as described in C.F.R. 21.178; or

(B) A mechanically heated sink at a temperature of at least 170° F.; and

(iv) Air drying; or

(b) Mechanical dishwashing which washes and then sanitizes by:

(i) A high temperature final rinse with a minimum of 180° F. measured by the gauge;

(ii) A high temperature final rinse with a minimum of 160° F. measured at the surface of the utensil;

(iii) An approved concentration of chemical sanitizer as described in C.F.R. 21.178 which is automatically dispensed; or

(iv) A method approved by the health officer consistent with the intent of the regulations.

(5) The food service establishment owner shall ensure cleaned and sanitized equipment, utensils, and single service articles are stored to:

(a) Protect from all sources of contamination; and

(b) Minimize unnecessary handling.

(6) Food service workers shall ensure wiping cloths used for cleaning up food spills or wiping work surfaces, table surfaces, high chairs, equipment, utensils, or foodworkers' hands are:

(a) Kept in a clean, sanitary condition at all times;

(b) Moistened with an approved sanitizing solution at all times when in use; and

(c) Stored in a proper concentration of sanitizing solution between uses.

(7) Food service workers shall be responsible for monitoring sanitizing operations by:

(a) Checking temperature gauges;

(b) Measuring chemical concentrations with appropriate methods; or

(c) Using premeasured sanitizing packages or tablets, following label directions.

(8) The food service establishment owner shall ensure:

(a) Wiping cloths used for removing food spills from tableware such as plates or bowls, are clean, dry, and used for no other purposes;

(b) Cooking surfaces of equipment are cleaned at least once daily; and

(c) Nonfood contact surfaces of equipment are cleaned at such intervals to keep them clean and in a sanitary condition.

#### NEW SECTION

**WAC 246-215-110 POISONOUS OR TOXIC MATERIALS.** (1) Food service establishment owners shall allow poisonous or toxic materials on the premises only under the following conditions:

(a) When necessary and intended for the operation and maintenance of the food service establishment;

(b) When used to prevent or control pests;

(c) When used to clean and sanitize equipment, utensils, and work surfaces; or

(d) When offered for sale in a retail food store, grocery, or similar food service establishment, provided these materials are separated from food and single-service articles by:

- (i) Spacing;
- (ii) Partitioning;
- (iii) Dividers; or
- (iv) Storage below food or single-service articles.

(2) Food service establishment owners shall ensure commercially filled containers of poisonous or toxic materials are labeled in accordance with Environmental Protection Agency regulations. Small containers may be filled or taken from a properly labeled container only when identified with the common name of the material.

(3) Food service establishment owners shall ensure poisonous or toxic materials are stored and used:

(a) In accordance with the manufacturer's label requirements;

(b) In a manner preventing adulteration of food and contamination of food contact surfaces, utensils, and single-service articles; and

(c) So food service workers and other persons are protected from potential health and safety hazards.

(4) Food service establishment owners shall ensure lubricants used on food contact surfaces of equipment are nontoxic.

#### NEW SECTION

WAC 246-215-120 SANITARY FACILITIES AND CONTROLS. (1) Food service establishment owners shall ensure:

(a) Their water source is;

(i) Adequate in quantity and quality;

(ii) Supplied by a source approved under chapter 246-290 WAC (formerly chapter 248-54 WAC); and

(iii) Monitored according to standards established by the health officer.

(b) Use of bottled water from an approved source; and

(c) Ice used for any purpose is:

(i) Made from an approved water source; and

(ii) Manufactured, stored, transported, and handled in a sanitary manner.

(2) Food service establishment owners shall dispose of all liquid waste including gray water, mop water, and ice melt:

(a) Into a public sewer system;

(b) Into an approved on-site sewage disposal system;

or

(c) In another manner approved by the health officer.

(3) Food service establishment owners shall ensure plumbing is:

(a) Sized, installed, and maintained in accordance with applicable state and local plumbing codes;

(b) Free of cross connections between potable water supplies and:

(i) Nonpotable or questionable sources of water; or

(ii) Chemical feed lines or similar devices.

(c) Indirectly drained from ice machines, food preparation sinks, beverage ice sinks, salad bars, dipper wells, and mechanical dishwashers, into:

(i) A floor sink;

(ii) Hub drain; or

(iii) A similar device.

(4) Food service establishment owners shall install a properly vented dual check valve device or an approved reduced pressure backflow assembly between copper pipe or tubing and carbonated beverage dispensing machines. Carbonated beverage dispensing machines installed before the effective date of these regulations are exempt from this requirement.

(5) Food service establishment owners shall ensure toilets for food workers are:

(a) Provided within the food service establishment; or

(b) Convenient to food workers and within two hundred feet of the food service establishment.

(6) Food service establishment owners shall ensure toilet facilities for patrons are provided within, or convenient to, the food service establishment when:

(a) Customer seating for on-premises consumption of food or drink is provided; and

(b) The food service establishment was constructed or extensively remodeled after the effective date of these regulations.

(7) Toilet facilities may be used jointly by patrons and food service workers, provided patrons accessing the facility are excluded from food preparation and storage areas.

(8) Food service establishment owners shall ensure all toilet facilities are:

(a) Of sanitary design;

(b) Kept clean;

(c) In good repair;

(d) Provided with toilet paper; and

(e) Provided with easily cleanable waste storage receptacles.

(9) Food service establishment owners shall ensure hand sinks are:

(a) Accessible to food workers at all times;

(b) Located to permit convenient use by all food workers in food preparation, food service, and utensil washing areas and in, or immediately adjacent to, toilet facilities; and

(c) Used exclusively for hand washing.

(10) Food service establishment owners shall be responsible for maintenance of hand sinks designated for use by food service workers and patrons and ensure each hand sink is:

(a) Provided with hot, at a minimum temperature of 100° F., and cold running water provided through a mixing faucet;

(b) Provided with hand soap;

(c) Provided with single use towels or other hand drying devices approved by the health officer; and

(d) Kept clean and in good repair.

(11) Food service establishment owners shall ensure hand operated automatic faucets have a minimum cycle of fifteen seconds.

#### NEW SECTION

WAC 246-215-130 GARBAGE, RUBBISH, AND LITTER. The food service establishment owner shall:

(1) Properly store and dispose of all garbage, rubbish, and litter in and around a food service establishment. Storage prior to disposal shall be in containers that are:

- (a) Durable;
- (b) Easily cleanable;
- (c) Insect and rodent proof;
- (d) Nonabsorbent;
- (e) In sound condition;
- (f) Watertight; and

(g) Kept covered with tight fitting lids except when stored in a closed, pest-proof room or enclosure.

(2) Dispose of liquid wastes as waste water when collected from:

- (a) Leaking garbage containers;
- (b) Garbage compacting operations; or
- (c) Cleaning operations.

(3) Store all other rubbish in containers or other areas in a manner approved by the health officer.

(4) Use rooms, enclosures, areas, and containers adequate in size and number for garbage storage.

(5) Prevent overflows and nuisances caused by garbage, rubbish, and litter by:

- (a) Ensuring frequent disposal;
- (b) Providing adequate cleaning facilities; and
- (c) Ensuring that containers, rooms, and areas are cleaned as needed.

#### NEW SECTION

WAC 246-215-140 PESTS AND PEST CONTROL. Food service establishment owners shall:

(1) Take effective measures to minimize:

- (a) Entry of pests such as rodents and insects; and
- (b) Presence of pests.

(2) Ensure the premises are kept in such condition to prevent:

- (a) Harborage of pests; and
- (b) Feeding of pests.

(3) Ensure only pesticides labeled for use in food service areas are stored on the premises or used to eliminate or control pests.

(4) Ensure pesticides are stored:

- (a) In cabinets;
- (b) In a physically separate place used for no other purpose; and

(c) Below or separate from food, food equipment, utensils, or single service articles.

(5) Ensure that pesticides are applied:

- (a) In accordance with label directions; and

(b) In compliance with Washington state department of agriculture rules located in chapter 16-228 WAC, pesticide regulations, to prevent adulteration of foods and contamination of food contact surfaces.

(6) Employ the services of a licensed pest control operator when the health officer determines:

(a) Measures taken by the owner of the food service establishment are ineffective; or

(b) Pest problems are severe and extend beyond the property boundaries controlled by the food service establishment owner.

(7) Ensure that automatic dispensing aerosol units, if used, are:

(a) Prohibited in all areas where food is prepared or served; and

(b) Installed and used only in areas outside the influence area of ventilation systems and at least twenty feet away from any:

- (i) Food storage area;
- (ii) Food preparation or service area;
- (iii) Unprotected food contact surfaces; and
- (iv) Utensil washing or storage area.

#### NEW SECTION

WAC 246-215-150 CONSTRUCTION AND MAINTENANCE OF PHYSICAL FACILITIES.

Food service establishment owners shall:

(1) Ensure floors and floor coverings in all areas are:

- (a) Constructed of easily cleanable materials;
- (b) Kept clean;
- (c) In good repair; and
- (d) Coved at the floor/wall junctures, except for carpeted areas.

(2) Provide proper construction of floors and floor coverings with the following characteristics:

- (a) Water impervious construction;
- (b) Grease resistance;
- (c) Durability; and

(d) Drains provided when water or pressure spray methods of cleaning are used, in any of the following areas:

- (i) Food-preparation areas;
- (ii) Food and utensil storage areas;
- (iii) Utensil washing areas;
- (iv) Walk-in refrigerators;
- (v) Dressing rooms or locker rooms with shower facilities; and

(vi) Bathrooms where toilets or urinals are located.

(3) Ensure walls, windows, doors, and ceilings in all areas are clean and in good repair.

(4) Ensure that walls are constructed, in addition to requirements in subsection (3) of this section, with the following characteristics:

- (a) Smooth finish;
- (b) Nonabsorbent surfaces; and
- (c) Construction with easily cleanable materials in the following areas:

(i) Walk-in refrigerators and freezers;

(ii) Food preparation areas;

(iii) Utensil washing areas;

(iv) Dressing rooms or locker rooms with shower facilities; and

(v) Bathrooms.

(5) Provide:

(a) Lighting of at least thirty foot candles in the following:

(i) Areas where food is prepared or stored;

(ii) Areas where utensils are washed;

(iii) Areas where hands are washed;

(iv) In bathrooms; and

(v) When cleaning is occurring.

(b) Proper shields or guards for lights in the food preparation and storage areas.

(6) Ensure design, installation, and maintenance of ventilation systems in accordance with applicable state and local mechanical and fire codes; and

(a) Provide ventilation systems, when necessary, to keep all areas free of excessive:

- (i) Heat;
- (ii) Steam;
- (iii) Condensation;
- (iv) Fumes and vapors;
- (v) Obnoxious odors; and
- (vi) Smoke.

(b) Design and maintain ventilation hoods and filters to:

(i) Prevent grease and condensate from dripping into food or onto food contact surfaces; and

(ii) Allow ready removal of filters for cleaning and replacement.

(7) Maintain the premises by:

(a) Allowing only articles necessary for operation and maintenance of the food service establishment to be stored there;

(b) Prohibiting use of any room in the food service establishment as living or sleeping quarters:

(i) Except when separated from all food service operations by complete partitions and solid doors; and

(ii) Except for bed and breakfasts.

(c) Allowing live animals only under the following conditions:

(i) Fish, crustacea, and shellfish for food purposes in aquariums;

(ii) Fish in aquariums for display or decor;

(iii) Patrol dogs accompanying security or police officers; or

(iv) Guide dogs or service dogs, as defined under chapter 70.84 RCW, are allowed to accompany a blind, visually handicapped, hearing impaired, or otherwise physically disabled person in all areas of a food service establishment except in food preparation areas.

(d) Allowing only food service workers or other persons authorized by the health officer in food preparation and storage areas.

#### NEW SECTION

WAC 246-215-160 MOBILE FOOD UNITS. (1) The owner of a mobile food unit shall comply with the requirements of this chapter, except as allowed in this section.

(2) The health officer may impose additional requirements to protect against health hazards related to the operation of a mobile food unit and may:

(a) Limit the food preparation steps;

(b) Restrict the mode of operation when facilities or equipment are inadequate to protect public health; or

(c) Prohibit some menu items; and

(d) When no imminent health hazard will result, may waive or modify requirements of this chapter.

(3) The person in charge of the mobile food unit shall ensure:

(a) All foods, including ice, are from an approved source or commissary; and

(b) All prepackaged foods are properly labeled, except when prepared in and sold from the same mobile food unit.

(4) The person in charge of the mobile food unit shall ensure proper temperature control of potentially hazardous foods on the unit by:

(a) Prohibiting cooling of potentially hazardous foods or ingredients;

(b) Allowing only potentially hazardous foods that have been cooked and cooled in an approved commissary to be reheated in individual portions for immediate service;

(c) Allowing only foods processed in commercial food processing plants to be reheated from 45° F. to 140° F. or above within one hour when reheated at the commissary or when reheated on the mobile unit after leaving the commissary.

(d) Prohibiting cooking of raw meats greater than one inch in thickness;

(e) Preheating hot holding equipment and prechilling cold holding equipment before loading potentially hazardous food onto the mobile unit; and

(f) Monitoring temperatures of potentially hazardous foods with a thermometer.

(5) The person in charge of the mobile food unit shall ensure:

(a) Preparation steps for potentially hazardous foods are minimized to decrease risk of foodborne illness;

(b) Facilities are adequate for all food preparation steps on the mobile unit; and

(c) Daily preparation of potentially hazardous foods prepared on the mobile unit.

(6) The owner of a mobile food unit shall:

(a) Allow only food service workers and persons authorized by the health officer to be present in the mobile food unit; and

(b) Ensure that all food service workers in the mobile food unit have current food and beverage service workers permits, unless all foods are prepackaged and nonpotentially hazardous.

(7) The owner of a mobile food unit shall ensure cold holding of potentially hazardous foods is accomplished by use of:

(a) Mechanical refrigeration; or

(b) Ice, when all food is prechilled and packaged in sealed containers.

(8) The owner of a mobile food unit shall only provide single service articles for use by the consumer.

(9) When a mobile food unit has a water supply:

(a) The source and system design shall be approved by the health officer;

(b) The capacity of the system shall be sufficient to furnish enough hot and cold water for each of the following procedures if they occur on the mobile food unit:

(i) Food preparation;

(ii) Utensil cleaning;

(iii) Sanitizing;

(iv) Handwashing; and

(v) Facility cleaning.

(10) The owner of a mobile food unit with a water system shall ensure:

(a) All liquid waste is stored in a wastewater retention tank with at least fifteen percent more capacity than the water tank; and

(b) Wastewater is retained on the mobile food unit until disposed of by a method approved by the health officer.

(11) The owner of a mobile food unit shall provide:

(a) A three-compartment sink with hot and cold running water to wash, rinse, and sanitize utensils when equipment or utensils are reused on the mobile food unit; except

(b) This requirement may be waived or modified by the health officer when:

(i) Limited food preparation occurs; or

(ii) Additional clean utensils are available and utensil washing can take place at an approved base of operation.

(12) The person in charge of the mobile food unit shall provide a separate handwashing facility for food workers consisting of:

(a) A sink with potable, warm, running water;

(b) Soap; and

(c) Paper towels.

(13) Food workers may use a three-compartment utensil washing sink for handwashing if:

(a) The mobile food unit owner locates it in the food preparation area; and

(b) The health officer determines that periodic handwashing will not interfere with washing of utensils.

(14) When only prepackaged food items are served, the health officer may waive or modify requirements for handwashing.

(15) The person in charge of the mobile food unit shall ensure toilet facilities for food workers are available and readily accessible within two hundred feet of the unit during operation.

(16) The owner of a mobile food unit or permit applicant shall submit properly prepared plans and specifications of the mobile food unit, base of operation, and/or commissary to the health officer for approval before:

(a) Construction or remodeling begins;

(b) The menu of the mobile food unit is changed; or

(c) The method of food preparation is changed.

(17) The owner or permit applicant shall include in the plan:

(a) Menu and food preparation steps;

(b) Floor plan;

(c) Equipment specifications and location;

(d) Finish schedule;

(e) Proposed itinerary or sites to be served;

(f) Source of water and specifications of the on-board plumbing;

(g) Site used for sewage disposal;

(h) Availability of restrooms for food service workers; and

(i) Base of operation or commissary.

(18) The permit applicant shall obtain approval from the department of labor and industries, if necessary.

#### NEW SECTION

WAC 246-215-170 CUSTOMER SELF-SERVICE OF FOOD AND BULK FOOD DISPENSING.  
(1) Food service establishment owners shall protect

foods from adulteration and contamination during customer self-service by:

(a) Designating a person to be responsible for the customer self-service area. This person shall:

(i) Monitor the customer self-service and bulk food areas to prevent tampering and contamination of foods;

(ii) Ensure adequate temperature control of potentially hazardous foods by:

(A) Cooking, reheating, or prechilling foods before offering for sale;

(B) Monitoring food temperatures with a metal stem thermometer; and

(C) Correcting improper storage practices.

(iii) Clean up any spills that occur and rotate stock;

(iv) Clean and sanitize storage containers and utensils used for food storage or handling of foods; and

(v) Dispose of any bulk foods returned to the food service establishment or contaminated by customers.

(b) Separating all bulk food display units from any containers of chemicals which might contaminate bulk foods and from pet foods by approved methods including one of the following:

(i) Horizontal separation, different aisles, or partitions between bulk foods and chemicals or pet foods; or

(ii) Vertical separation with chemicals or pet foods stored below bulk foods.

(c) Storing and dispensing all foods on display for customer self-service or bulk foods by one of the following:

(i) Gravity dispensing units;

(ii) Display units or storage containers with covers or lids; or

(iii) Foods on display while being held hot or cold shall be protected with a properly designed sneeze guard, display case, or easily movable cover.

(2) Food service workers shall utilize:

(a) Proper utensils when required in this section using the following:

(i) Properly designed and cleaned scoops, spatulas, tongs, and similar dispensing utensils present in or on each display unit;

(ii) In-use serving utensils stored in the food with the handles extending out of the food; or

(iii) Dispensing utensils stored clean and dry between uses in a protective enclosure or utensil holder.

(b) Containers for display of ready-to-eat foods with the lowest access point at least thirty inches above floor level, except for:

(i) Raw fruits and vegetables;

(ii) Honey;

(iii) Oil; or

(iv) Similar liquids as approved by the health officer.

#### NEW SECTION

WAC 246-215-180 BED AND BREAKFAST FOOD SERVICE OPERATIONS. (1) Owners of bed and breakfast homes and inns shall comply with all food supply, food handling, personal hygiene, food protection, food service establishment maintenance, permitting, and enforcement requirements under WAC 246-215-020, 246-215-030, 246-215-050, 246-215-060, 246-215-070, 246-215-080, 246-215-090, 246-215-100, 246-

215-110, 246-215-120, 246-215-130, 246-215-140, 246-215-200, 246-215-210, 246-215-220, 246-215-230, 246-215-240, 246-215-260 and 246-215-300, except as otherwise provided in this section.

(2) The health officer may impose additional requirements to protect against health hazards related to the food service portion of a bed and breakfast operation and when no health hazard will result, may waive or modify requirements of these regulations.

(3) Owners of bed and breakfast homes and inns may prepare foods in their residential kitchen when:

- (a) All food service is limited to overnight guests;
- (b) Potentially hazardous foods items are prepared for immediate service;
- (c) Cooling and/or reheating of potentially hazardous foods prepared on-site is prohibited;
- (d) A minimum of a three-compartment sink or a sink together with a homestyle dishwasher with 155° F. water provided by a booster or a sanitizing cycle is available and used;
- (e) Food supplies for domestic use are separated from food supplies intended for customer use; and
- (f) Children under age ten and pets are kept out of the kitchen during preparation of foods for bed and breakfast guests.

#### NEW SECTION

**WAC 246-215-190 TEMPORARY FOOD SERVICE ESTABLISHMENTS.** (1) The owner of a temporary food service establishment shall comply with the requirements of this chapter, except as allowed in this section.

(2) The health officer may impose additional requirements to protect against health hazards related to the operation of the temporary food service establishment and may:

- (a) Limit the preparation steps; or
  - (b) Prohibit some menu items; and
  - (c) When no health hazard will result, waive or modify requirements of this chapter.
- (3) The owner of a temporary food service establishment shall ensure proper time/temperature control by:
- (a) Prohibiting cooling of potentially hazardous foods at temporary food service establishments, except potentially hazardous foods may be cooled before an event if:
    - (i) The food product that was cooled will be served cold; or
    - (ii) Individual portions of the food are reheated for immediate service;
    - (iii) The food was cooled in an approved facility with adequate cooling capacity and cold holding facilities; and
    - (iv) Cooling procedures meet requirements contained in WAC 246-215-070(6).

(b) Ensuring rapid reheating of all potentially hazardous foods from 45° F. to a minimum temperature of 165° F. within thirty minutes, except when individual portions are reheated for immediate service.

(4) The owner of a temporary food service establishment shall safely prepare foods by:

(a) Providing adequate facilities at the temporary food service establishment for all proposed food preparation steps; and

(b) Ensuring all off-site preparation is done in an approved facility.

(5) The owner of a temporary food service establishment shall:

- (a) Apply for a permit to operate a temporary food service establishment, as far in advance as possible, to allow adequate time for review by the health officer;
- (b) Require the person in charge of the temporary food service establishment to obtain a valid food and beverage service worker permit before beginning work;
- (c) Allow only food service workers and other persons authorized by the health officer to be present in a temporary food service establishment;
- (d) Require the use of only single service articles for use by consumers;
- (e) Separate grills and barbecues from public access by using ropes or other approved methods; and
- (f) Construct booths to minimize:
  - (i) Public access;
  - (ii) Dust;
  - (iii) Mud; and
  - (iv) Overhead contamination.

(6) The owner of a temporary food service establishment shall provide:

- (a) Approved hand washing facilities for food workers at the temporary food service establishment with:
    - (i) Clean, warm, running water;
    - (ii) Soap; and
    - (iii) Paper towels.
  - (b) Readily accessible and available toilet facilities within two hundred feet of the temporary food service establishment; and
  - (c) Access within two hundred feet to a three compartment sink with running water to wash, rinse, and sanitize utensils when:
    - (i) Equipment or utensils are reused on-site; or
    - (ii) The temporary food service establishment operates for two or more consecutive days;
    - (iii) Except the health officer may approve an alternative utensil cleaning method when three compartment sinks are not available and no health hazard will exist.
- (7) The health officer may allow handwashing in a three compartment utensil washing sink only if:
- (a) The sink is located in the food preparation area; and
  - (b) Periodic handwashing will not interfere with washing of utensils.

#### NEW SECTION

**WAC 246-215-200 PERMITS REQUIRED, SUSPENSION, REVOCATION, ENFORCEMENT.**

(1) Any person desiring to operate a food service establishment shall:

- (a) Comply with the provisions of these regulations; and
  - (b) Make written application for a permit on forms provided by the health officer.
- (2) Food service establishment owners operating a food service establishment:



(a) Shall possess a valid permit issued to him/her by the health officer;

(b) Shall post the permit conspicuously in the food service establishment;

(c) May be guilty of a misdemeanor pursuant to RCW 70.05.120 and/or local regulations if operating without a valid permit issued by the health officer; and

(d) May be exempt from the permit requirements for the sale of certain foods with prior authorization of the health officer and concurrence of the department.

(3) The health officer may suspend any permit to operate a food service establishment if:

(a) Continued operation of the food service establishment constitutes an imminent or actual health hazard;

(b) Operations, facilities, or equipment in the food service establishment fail to comply with these regulations;

(c) The holder of the permit does not comply with these regulations; or

(d) Interference with the health officer in the performance of his/her duties has occurred.

(4) When the health officer has suspended a food service establishment permit, the person in charge:

(a) Shall immediately cease all food service operations;

(b) Shall be notified in writing by the health officer that the food service establishment permit is immediately suspended upon service of the notice and the suspension shall remain in effect until a hearing with the health officer occurs. If the health officer finds the operation to be in compliance with the requirements of these regulations the suspension will be lifted;

(c) May request a hearing by filing a written request for a hearing with the health officer within ten days of receipt of the notice of suspension; and

(d) Shall be notified, if a written request for a hearing is not filed within ten days, that the suspension is sustained.

(5) Any food service establishment owner whose food service permit has been suspended may at any time make written application for a reinspection for the purpose of reinstatement of the permit. The application shall include a statement, signed by the owner, that in the owners's opinion, the conditions causing the suspension of the permit have been corrected.

(6) Within two working days following receipt of a written request for a reinspection, the health officer shall make a reinspection, and reinstate the permit if the owner of the food service establishment is in compliance with these regulations.

(7) The health officer may use a permit suspension process different from those specified under subsections (3), (4), (5), or (6) of this section, if adopted by the local board of health.

(8) The health officer may revoke a food service permit after providing the owner of the food service establishment an opportunity for a hearing if:

(a) Serious and repeated violation(s) of any requirements of these regulations have occurred; or

(b) Repeated interference with, or assault upon, the health officer in the performance of his/her duty has occurred.

(9) Before revocation, the health officer shall notify, in writing, the owner of the food service establishment or the person in charge of the specific reason(s) why the permit is to be revoked. The notice shall state:

(a) That the permit will be revoked at the end of the ten days following such notice unless a written request for a hearing is filed with the health officer by the owner of the food service establishment within such ten-day period; and

(b) If a request for a hearing is not filed by the owner of the food service establishment within the ten-day period, the revocation of the permit becomes final.

(10) Any owner of a food service establishment whose permit has been revoked by the health officer, after a period of six months may:

(a) Make written application for a new permit; and

(b) Request a hearing with the health officer to determine whether a new permit will be issued.

(11) The health officer may use a permit revocation process different from those specified under subsections (8), (9), and (10) of this section if adopted by the local board of health.

(12) The health officer may initiate any one, or a combination of, compliance methods which include, but are not limited to:

(a) Holding an administration conference with the food service establishment owner or person in charge;

(b) Placing the owner of the food service establishment on probation;

(c) Setting conditions for continued operation of the food service establishment, by the owner, during the probation period;

(d) Requiring additional education and/or training of employees, management, and owners of the food service establishment; and

(e) Completing a hazard analysis critical control point (HACCP) evaluation and requiring monitoring procedures be implemented for critical control points identified.

#### NEW SECTION

WAC 246-215-210 SERVICE OF NOTICES. (1) A notice provided for in these regulations is properly served when it is:

(a) Delivered to the holder of the permit;

(b) Delivered to the person in charge of the food service establishment; or

(c) Sent by registered or certified mail, return receipt requested, to the last known address of the holder of the permit.

(2) A copy of the notice shall be filed in the records of the health officer.

#### NEW SECTION

WAC 246-215-220 HEARINGS. (1) The hearings provided for in these regulations shall be:

(a) Conducted by the health officer or his/her designee; and

(b) Conducted at a time and place designated by the health officer.

(2) The health officer or designee shall:

- (a) Make a final finding based upon the complete hearing record;
  - (b) Sustain, modify, or rescind any notice or order considered in the hearing; and
  - (c) Furnish a written report of the hearing decision to the holder of the permit.
- (3) An alternate hearing process, if adopted by a local board of health, may be used.

#### NEW SECTION

**WAC 246-215-230 INSPECTIONS AND INVESTIGATIONS.** (1) Inspections or investigations of a food service establishment:

- (a) Shall be performed by the health officer as often as necessary for the enforcement of these regulations;
- (b) Shall be required by the health officer:
  - (i) Before issuing a new permit to a new food service establishment; and
  - (ii) Following extensive remodeling of a food service establishment.
- (c) May be required by the health officer:
  - (i) For renewal of a permit;
  - (ii) Before issuing a new permit to an existing food service establishment; and
  - (iii) For an existing food service establishment when the on-site management has changed.

(2) The person in charge of any food service establishment shall permit the health officer, after proper identification, to enter at any time, for the purpose of making inspections or investigations to determine compliance with these regulations.

(3) The person in charge of the food service establishment shall permit the health officer to examine the records of the establishment to obtain information pertaining to:

- (a) Food and supplies purchased, received, or used; and
- (b) Any person employed which is pertinent to an illness investigation; or
- (c) Other matters which may affect health or the enforcement of these regulations.

(4) The health officer may conduct a HACCP in lieu of, or in addition to, routine inspections. The health officer may investigate to ensure monitoring of critical control points.

(5) Whenever an inspection of a food service establishment is made:

- (a) The health officer shall record the findings on an inspection report form approved by the department;
- (b) The health officer shall state on the completed inspection report specific violations found, and establish a specific and reasonable period of time for correction; and
- (c) The health officer shall furnish a copy of the completed inspection report to the person in charge of the food service establishment at the conclusion of the inspection.

(6) The health officer shall inspect all food service establishments at least once a year.

(7) The health officer shall conduct additional inspections of food service establishments based upon the risk of foodborne illness transmission as determined by:

- (a) Types of foods served;

- (b) Methods of food preparation and service;
- (c) Number of meals served; and
- (d) Past history of compliance.

#### NEW SECTION

**WAC 246-215-240 EXAMINATION, HOLD ORDERS, CONDEMNATION, AND DESTRUCTION OF FOOD.** (1) The person in charge of a food service establishment in which food has been improperly handled, stored, or prepared shall:

- (a) Voluntarily destroy the questionable food; or
- (b) Contact the health officer to determine if the food is safe for human consumption.

(2) The person in charge of a food service establishment shall denature or destroy any food if the health officer determines the food presents an imminent or actual health hazard.

(3) The health officer may examine or collect samples of food as often as necessary for enforcement of these regulations.

(4) The health officer may, after notice to the person in charge, place a written hold order on any suspect food until a determination on its safety can be made and shall:

- (a) Tag;
- (b) Label; or
- (c) Otherwise identify any food subject to the hold order and complete a department-approved form for all suspect food.

(5) The hold order issued by the health officer shall include:

- (a) Instructions for filing a written request for a hearing with the health officer within ten calendar days; and
- (b) Notification that if a hearing is not requested in accordance with the instructions provided in the hold order, and the health officer does not vacate the hold order, the food shall be destroyed under the supervision of the health officer.

(6) When foods are subject to a hold order by the health officer the food service establishment owner is prohibited from:

- (a) Using;
- (b) Serving; or
- (c) Moving them from the food service establishment.

(7) The health officer shall permit storage of food under conditions specified in the hold order, unless storage is not possible without risk to the public health, in which case, immediate destruction shall be ordered and accomplished by the owner of the food service establishment.

(8) Based upon evidence provided at the hearing, the health officer shall either:

- (a) Vacate the hold order; or
- (b) Direct the owner of the food service establishment by written order to:
  - (i) Denature or destroy such food; or
  - (ii) Bring the food into compliance with the provisions of these regulations.

#### NEW SECTION

**WAC 246-215-250 REVIEW OF PLANS AND MENU.** (1) The food service establishment owner shall

submit properly prepared plans and specifications to the health officer for approval whenever:

- (a) A food service establishment is constructed;
  - (b) An existing structure is converted for use as a food service establishment;
  - (c) Significant changes to the methods of food preparation or style of service occurs; or
  - (d) An existing food service establishment undergoes an extensive remodel, provided that the health officer may waive a complete plan review if:
    - (i) The remodel does not substantially affect the requirements of these regulations; or
    - (ii) The health officer requires minor modifications of the existing food service establishment to improve compliance with these regulations.
- (2) The health officer shall base plan approval on:
- (a) Information on proposed type of menu and style of service, including:
    - (i) Type of food to be served;
    - (ii) Method of food preparation and type of cooking;
    - (iii) Seating capacity and anticipated maximum meals per day;
    - (iv) Designation of smoking and nonsmoking sections as applicable;
    - (v) Methods of customer service;
    - (vi) Type of customer utensils; and
    - (vii) Number of employees per shift.
  - (b) Information on proposed site, including:
    - (i) Site plan;
    - (ii) Availability of approved public water supply;
    - (iii) Availability of approved sewage disposal; and
    - (iv) Accessibility for delivery traffic, garbage storage, garbage pickup frequency, and other auxiliary needs.
  - (c) Information on proposed facilities, including:
    - (i) Floor plan;
    - (ii) Finishes used on floors, walls, and ceilings;
    - (iii) Number, types, and locations of sinks and drain boards;
    - (iv) Plumbing specifications, such as types and locations of fixtures, drains, and grease traps;
    - (v) Restroom design and number of fixtures;
    - (vi) Types and locations of lighting; and
    - (vii) Types and locations of ventilation, including exhaust hoods, screened windows, or doors.
  - (d) Information on proposed equipment, including:
    - (i) Material and design of food contact surfaces;
    - (ii) Refrigeration and shelving design for rapid cooling, prechilling, thawing, and separation of raw meats from other foods;
    - (iii) Ice-making equipment for supplying ice bath cooling, salad bar, or buffet service;
    - (iv) Cooking, reheating, and hot holding equipment;
    - (v) Shelving for dry food storage;
    - (vi) Mechanical dishwashing machine and associated equipment; and
    - (vii) Design and installation of equipment, including self-service and display equipment.
- (3) The procedure for plan approval is as follows:
- (a) The food service establishment owner shall submit plans as described in this chapter;
  - (b) The health officer shall grant approval if the health officer determines the plans are satisfactory;

(c) The food service establishment owner shall submit a food service permit application and request a preoperational inspection; and

(d) Prior to operation of the food service establishment, the health officer shall provide a preoperational inspection to determine conformance with approved plans and compliance with these regulations.

#### NEW SECTION

WAC 246-215-260 PROCEDURE WHEN DISEASE TRANSMISSION IS SUSPECTED. (1) When a possible foodborne illness incident is reported to any food service employee, the person in charge of the food service establishment shall:

- (a) Immediately report the incident to the local health officer; and
  - (b) Remove from sale and refrigerate any suspect foods until released by the health officer.
- (2) When the health officer suspects that a food service establishment, or its employees, may be a source of a foodborne illness, the health officer shall take appropriate action to control the transmission of disease. Such actions shall include any or all of the following:
- (a) Secure records that may enable identification of persons potentially exposed to the disease, and/or require additional assistance in locating such persons;
  - (b) Secure the illness history of each suspected employee;
  - (c) Exclude any suspected employee(s) from working in food service establishments until, in the opinion of the health officer, there is no further risk of disease transmission;
  - (d) Suspend the permit of the food service establishment until, in the opinion of the health officer, there is no further risk of disease transmission;
  - (e) Restrict the work activities of any suspected employee;
  - (f) Require medical and laboratory examinations of any food service employee and of his/her body discharges;
  - (g) Obtain any suspect food for laboratory examination; and
  - (h) Require the destruction of suspect food or prevent it from being served.
- (3) The health officer shall prohibit food handlers with a communicable illness in a disease or carrier state from handling food if the infectious agent can be transmitted through food.
- (4) The provisions of chapter 246-100 WAC, Communicable and certain other diseases shall apply.

#### NEW SECTION

WAC 246-215-270 VARIANCE CLAUSE. The health officer, upon written petition of the owner of the food service establishment, may grant a variance to any section of these regulations covering physical facilities, equipment standards, and food source requirements when:

- (1) No health hazard would exist as a result of this action; and

(2) The variance is consistent with the intent of these regulations.

#### NEW SECTION

WAC 246-215-280 INTERPRETATION. (1) These regulations shall be enforced by the health officer in accordance with the interpretations contained in the 1976 edition of the United States Public Health Service, "Food Service Sanitation Manual," where applicable.

(2) When a section of these regulations conflicts with the "Food Service Sanitation Manual," these regulations shall apply.

(3) A local board of health may adopt more stringent regulations than those contained in these regulations.

#### NEW SECTION

WAC 246-215-290 SEPARABILITY CLAUSE. Should any section, paragraph, clause, or phrase of these rules and regulations be declared unconstitutional or invalid for any reason, the remaining rules and regulations shall not be affected.

#### NEW SECTION

WAC 246-215-300 PENALTY CLAUSE. Any person violating, refusing, or neglecting to comply with these regulations shall:

(1) Upon conviction be guilty of a misdemeanor under RCW 70.05.120; or

(2) May be subject to a civil penalty under local health department/district rules and regulations.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 246-215-009 DEFINITIONS.

WAC 246-215-019 FOOD SUPPLIES.

WAC 246-215-029 FOOD PROTECTION AND STORAGE.

WAC 246-215-039 FOOD PREPARATION, DISPLAY, SERVICE AND TRANSPORTATION.

WAC 246-215-049 PERSONNEL.

WAC 246-215-059 SANITARY DESIGN, CONSTRUCTION, AND INSTALLATION OF EQUIPMENT AND UTENSILS.

WAC 246-215-069 EQUIPMENT AND UTENSIL CLEANING AND SANITATION.

WAC 246-215-079 SANITARY FACILITIES AND CONTROLS.

WAC 246-215-089 GARBAGE AND RUBBISH.

WAC 246-215-099 INSECT AND RODENT CONTROL.

WAC 246-215-109 CONSTRUCTION AND MAINTENANCE OF PHYSICAL FACILITIES.

WAC 246-215-119 MOBILE UNITS.

WAC 246-215-129 BULK FOODS, STORAGE, AND DISPLAY.

WAC 246-215-139 TEMPORARY FOOD SERVICE ESTABLISHMENTS.

WAC 246-215-149 PERMITS REQUIRED, SUSPENSION AND REVOCATION PROCEDURES.

WAC 246-215-159 SERVICE OF NOTICES.  
 WAC 246-215-169 HEARINGS.  
 WAC 246-215-179 INSPECTIONS.  
 WAC 246-215-189 EXAMINATION—HOLD ORDERS—CONDEMNATION—DESTRUCTION OF FOOD.  
 WAC 246-215-199 REVIEW OF PLANS.  
 WAC 246-215-209 PROCEDURE WHEN INFECTION IS SUSPECTED.  
 WAC 246-215-219 VARIANCE CLAUSE.  
 WAC 246-215-229 INTERPRETATION.  
 WAC 246-215-239 SULFITING AGENTS.  
 WAC 246-215-500 SEPARABILITY CLAUSE.  
 WAC 246-215-900 PENALTY CLAUSE.

**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

**Suffixes:**

- P = Proposed action
- C = Continuance of previous proposal
- E = Emergency action
- S = Supplemental notice
- W = Withdrawal of proposed action
- No suffix means permanent action

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

WAC # shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

WSR # shows the issue of the Washington State Register where the document may be found; the last three digits show the sequence of the document within the issue.

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4-25-190	REP-W	92-03-062	16-230-813	NEW-P	92-03-134	16-230-863	NEW-P	92-03-134
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16-436-190	AMD-P	92-08-106	16-752-620	NEW-P	92-03-106	132H-105-120	REP-E	92-07-071
16-436-200	AMD-P	92-08-106	16-752-620	NEW	92-07-025	132H-105-130	REP-E	92-07-071
16-436-210	AMD-P	92-08-106	16-752-630	NEW-P	92-03-106	132H-105-140	REP-E	92-07-071
16-436-220	AMD-P	92-08-106	16-752-630	NEW	92-07-025	132H-105-150	REP-E	92-07-071
16-436-225	NEW-P	92-08-106	16-752-640	NEW-P	92-03-106	132H-105-160	REP-E	92-07-071
16-461	AMD	92-06-085	16-752-640	NEW	92-07-025	132H-105-170	REP-E	92-07-071
16-461-006	NEW	92-06-085	16-752-650	NEW-P	92-03-106	132H-106-010	NEW-E	92-07-071
16-461-010	AMD	92-06-085	16-752-650	NEW	92-07-025	132H-106-020	NEW-E	92-07-071
16-470-500	REP	92-06-024	16-752-660	NEW-P	92-03-106	132H-106-030	NEW-E	92-07-071
16-470-510	REP	92-06-024	16-752-660	NEW	92-07-025	132H-106-040	NEW-E	92-07-071
16-470-520	REP	92-06-024	50-12-116	AMD	92-04-027	132H-106-050	NEW-E	92-07-071
16-470-530	REP	92-06-024	50-14-020	NEW	92-06-041	132H-106-060	NEW-E	92-07-071
16-470-600	REP	92-06-023	50-14-030	NEW	92-06-041	132H-112-003	REP-E	92-07-074
16-470-605	REP	92-06-023	50-14-040	NEW	92-06-041	132H-112-006	REP-E	92-07-074
16-470-610	REP	92-06-023	50-14-050	NEW	92-06-041	132H-112-009	REP-E	92-07-074
16-470-615	REP	92-06-023	50-14-060	NEW	92-06-041	132H-112-012	REP-E	92-07-074
16-470-620	REP	92-06-023	50-14-070	NEW	92-06-041	132H-112-015	REP-E	92-07-074
16-470-625	REP	92-06-023	50-14-080	NEW	92-06-041	132H-112-018	REP-E	92-07-074
16-470-630	REP	92-06-023	50-14-090	NEW	92-06-041	132H-112-021	REP-E	92-07-074
16-470-635	REP	92-06-023	50-14-100	NEW	92-06-041	132H-112-024	REP-E	92-07-074
16-470-900	NEW-P	92-03-104	50-14-110	NEW	92-06-041	132H-112-027	REP-E	92-07-074
16-470-900	NEW	92-07-023	50-14-120	NEW	92-06-041	132H-112-030	REP-E	92-07-074
16-470-905	NEW-P	92-03-104	50-14-130	NEW	92-06-041	132H-112-033	REP-E	92-07-074
16-470-905	NEW	92-07-023	50-14-140	NEW	92-06-041	132H-112-036	REP-E	92-07-074
16-470-910	NEW-P	92-03-104	50-30-010	NEW	92-02-105	132H-112-039	REP-E	92-07-074
16-470-910	NEW	92-07-023	50-30-020	NEW	92-02-105	132H-112-042	REP-E	92-07-074
16-470-915	NEW-P	92-03-104	50-30-030	NEW	92-02-105	132H-112-045	REP-E	92-07-074
16-470-915	NEW	92-07-023	50-30-040	NEW	92-02-105	132H-112-048	REP-E	92-07-074

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
132H-112-051	REP-E	92-07-074	132K-12-470	REP	92-03-031	132M-120-120	NEW-P	92-04-059
132H-112-054	REP-E	92-07-074	132K-12-480	REP	92-03-031	132M-120-130	NEW-P	92-04-059
132H-112-057	REP-E	92-07-074	132K-12-490	REP	92-03-031	132M-120-200	NEW-P	92-04-059
132H-112-060	REP-E	92-07-074	132K-12-500	REP	92-03-031	132M-120-210	NEW-P	92-04-059
132H-112-063	REP-E	92-07-074	132K-12-510	REP	92-03-031	132M-120-220	NEW-P	92-04-059
132H-128-010	REP-E	92-07-072	132K-12-520	REP	92-03-031	132M-120-300	NEW-P	92-04-059
132H-128-020	REP-E	92-07-072	132K-12-530	REP	92-03-031	132M-120-310	NEW-P	92-04-059
132H-128-030	REP-E	92-07-072	132K-12-540	REP	92-03-031	132M-120-320	NEW-P	92-04-059
132H-128-040	REP-E	92-07-072	132K-12-550	REP	92-03-031	132M-136-020	AMD-P	92-04-063
132H-148-010	REP-E	92-07-073	132K-12-560	REP	92-03-031	132M-136-060	AMD-P	92-04-063
132H-148-110	REP-E	92-07-073	132K-12-570	REP	92-03-031	132M-136-100	NEW-P	92-04-063
132K-12-001	REP	92-03-031	132K-12-580	REP	92-03-031	132M-140-010	REP-P	92-04-063
132K-12-010	REP	92-03-031	132K-12-590	REP	92-03-031	132M-160-010	AMD-P	92-04-062
132K-12-020	REP	92-03-031	132K-12-600	REP	92-03-031	132M-300-001	NEW-P	92-04-064
132K-12-030	REP	92-03-031	132K-12-610	REP	92-03-031	132M-300-010	NEW-P	92-04-064
132K-12-040	REP	92-03-031	132K-12-620	REP	92-03-031	132M-400-010	NEW-P	92-04-060
132K-12-050	REP	92-03-031	132K-12-630	REP	92-03-031	132M-400-020	NEW-P	92-04-060
132K-12-060	REP	92-03-031	132K-12-640	REP	92-03-031	132M-400-030	NEW-P	92-04-060
132K-12-070	REP	92-03-031	132K-12-650	REP	92-03-031	132M-400-040	NEW-P	92-04-060
132K-12-080	REP	92-03-031	132K-12-660	REP	92-03-031	132Y-100-008	AMD-P	92-04-067
132K-12-090	REP	92-03-031	132K-12-670	REP	92-03-031	132Y-100-010	REP-P	92-04-067
132K-12-100	REP	92-03-031	132K-12-680	REP	92-03-031	132Y-100-028	AMD-P	92-04-067
132K-12-110	REP	92-03-031	132K-12-690	REP	92-03-031	132Y-100-036	REP-P	92-04-067
132K-12-120	REP	92-03-031	132K-12-700	REP	92-03-031	132Y-100-040	REP-P	92-04-067
132K-12-130	REP	92-03-031	132K-12-710	REP	92-03-031	132Y-100-044	AMD-P	92-04-067
132K-12-140	REP	92-03-031	132K-12-720	REP	92-03-031	132Y-100-048	REP-P	92-04-067
132K-12-150	REP	92-03-031	132K-12-725	REP	92-03-031	132Y-100-066	NEW-P	92-04-067
132K-12-160	REP	92-03-031	132K-12-730	REP	92-03-031	132Y-100-072	AMD-P	92-04-067
132K-12-170	REP	92-03-031	132K-12-740	REP	92-03-031	132Y-100-100	AMD-P	92-04-067
132K-12-180	REP	92-03-031	132K-12-750	REP	92-03-031	132Y-100-104	AMD-P	92-04-067
132K-12-190	REP	92-03-031	132K-12-760	REP	92-03-031	132Y-100-112	AMD-P	92-04-067
132K-12-200	REP	92-03-031	132K-12-770	REP	92-03-031	132Y-100-116	AMD-P	92-04-067
132K-12-220	REP	92-03-031	132K-12-780	REP	92-03-031	132Y-100-120	AMD-P	92-04-067
132K-12-230	REP	92-03-031	132K-12-790	REP	92-03-031	136-01-010	AMD-P	92-08-068
132K-12-232	REP	92-03-031	132K-12-800	REP	92-03-031	136-01-020	AMD-P	92-08-068
132K-12-234	REP	92-03-031	132K-12-810	REP	92-03-031	136-01-030	AMD-P	92-08-068
132K-12-236	REP	92-03-031	132K-12-820	REP	92-03-031	136-03-010	NEW-P	92-08-069
132K-12-238	REP	92-03-031	132K-12-830	REP	92-03-031	136-03-020	NEW-P	92-08-069
132K-12-240	REP	92-03-031	132K-12-840	REP	92-03-031	136-03-030	NEW-P	92-08-069
132K-12-242	REP	92-03-031	132M-108-010	NEW-P	92-04-058	136-03-040	NEW-P	92-08-069
132K-12-244	REP	92-03-031	132M-108-020	NEW-P	92-04-058	136-03-050	NEW-P	92-08-069
132K-12-246	REP	92-03-031	132M-108-030	NEW-P	92-04-058	136-03-060	NEW-P	92-08-069
132K-12-248	REP	92-03-031	132M-108-040	NEW-P	92-04-058	136-03-070	NEW-P	92-08-069
132K-12-250	REP	92-03-031	132M-108-050	NEW-P	92-04-058	136-03-080	NEW-P	92-08-069
132K-12-252	REP	92-03-031	132M-108-060	NEW-P	92-04-058	136-03-090	NEW-P	92-08-069
132K-12-254	REP	92-03-031	132M-108-070	NEW-P	92-04-058	136-03-100	NEW-P	92-08-069
132K-12-256	REP	92-03-031	132M-108-080	NEW-P	92-04-058	136-03-110	NEW-P	92-08-069
132K-12-258	REP	92-03-031	132M-110-130	AMD-P	92-04-057	136-130-030	AMD-P	92-08-070
132K-12-268	REP	92-03-031	132M-112-010	REP-P	92-04-064	136-130-050	AMD-P	92-08-070
132K-12-270	REP	92-03-031	132M-112-011	REP-P	92-04-064	136-130-060	AMD-P	92-08-070
132K-12-272	REP	92-03-031	132M-113-010	AMD-P	92-04-065	136-130-070	AMD-P	92-08-070
132K-12-274	REP	92-03-031	132M-113-015	AMD-P	92-04-065	136-160-050	AMD-P	92-08-071
132K-12-276	REP	92-03-031	132M-113-020	AMD-P	92-04-065	136-160-060	AMD-P	92-08-071
132K-12-278	REP	92-03-031	132M-113-025	AMD-P	92-04-065	136-210-020	AMD-P	92-08-072
132K-12-280	REP	92-03-031	132M-113-030	AMD-P	92-04-065	136-210-030	AMD-P	92-08-072
132K-12-282	REP	92-03-031	132M-113-035	REP-P	92-04-065	172-04-010	NEW-P	92-04-085
132K-12-284	REP	92-03-031	132M-113-045	REP-P	92-04-065	172-06-010	NEW-P	92-04-083
132K-12-286	REP	92-03-031	132M-113-050	NEW-P	92-04-065	172-65	AMD-P	92-05-054
132K-12-288	REP	92-03-031	132M-113-055	NEW-P	92-04-065	172-65-010	AMD-P	92-05-054
132K-12-290	REP	92-03-031	132M-115-001	NEW-P	92-04-061	172-65-020	AMD-P	92-05-054
132K-12-300	REP	92-03-031	132M-115-010	REP-P	92-04-061	172-65-030	AMD-P	92-05-054
132K-12-310	REP	92-03-031	132M-115-020	REP-P	92-04-061	172-65-040	AMD-P	92-05-054
132K-12-320	REP	92-03-031	132M-115-030	REP-P	92-04-061	172-65-050	AMD-P	92-05-054
132K-12-330	REP	92-03-031	132M-115-040	REP-P	92-04-061	172-65-060	AMD-P	92-05-054
132K-12-340	REP	92-03-031	132M-120	AMD-P	92-04-059	172-65-070	AMD-P	92-05-054
132K-12-350	REP	92-03-031	132M-120-010	AMD-P	92-04-059	172-65-080	AMD-P	92-05-054
132K-12-360	REP	92-03-031	132M-120-020	AMD-P	92-04-059	172-65-090	AMD-P	92-05-054
132K-12-370	REP	92-03-031	132M-120-025	NEW-P	92-04-059	172-108-010	NEW-P	92-04-084
132K-12-380	REP	92-03-031	132M-120-030	AMD-P	92-04-059	172-108-020	NEW-P	92-04-084
132K-12-390	REP	92-03-031	132M-120-040	AMD-P	92-04-059	172-108-030	NEW-P	92-04-084
132K-12-400	REP	92-03-031	132M-120-050	REP-P	92-04-059	172-108-040	NEW-P	92-04-084
132K-12-410	REP	92-03-031	132M-120-065	NEW-P	92-04-059	172-108-050	NEW-P	92-04-084
132K-12-420	REP	92-03-031	132M-120-070	REP-P	92-04-059	172-108-060	NEW-P	92-04-084
132K-12-430	REP	92-03-031	132M-120-080	REP-P	92-04-059	172-108-070	NEW-P	92-04-084
132K-12-440	REP	92-03-031	132M-120-095	NEW-P	92-04-059	172-108-080	NEW-P	92-04-084
132K-12-450	REP	92-03-031	132M-120-100	NEW-P	92-04-059	172-108-090	NEW-P	92-04-084
132K-12-460	REP	92-03-031	132M-120-110	NEW-P	92-04-059	172-124	AMD-P	92-05-056

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
172-124-010	AMD-P	92-05-056	173-202-020	AMD-P	92-07-085	182-12-111	AMD	92-03-040
172-124-020	AMD-P	92-05-056	173-224-015	AMD	92-03-131	182-12-115	AMD-P	92-04-001
172-124-100	REP-P	92-05-056	173-224-020	AMD	92-03-131	182-12-115	AMD-C	92-07-046
172-124-200	REP-P	92-05-056	173-224-030	AMD	92-03-131	182-12-115	AMD	92-08-003
172-124-210	REP-P	92-05-056	173-224-040	AMD	92-03-131	192-12-017	REP-P	92-07-104
172-124-220	REP-P	92-05-056	173-224-050	AMD	92-03-131	192-12-019	REP-P	92-07-104
172-144-010	AMD-P	92-05-053	173-224-090	AMD	92-03-131	192-12-072	AMD-P	92-07-104
172-144-020	AMD-P	92-05-053	173-224-100	AMD	92-03-131	192-12-300	AMD-P	92-03-145
172-144-030	REP-P	92-05-053	173-224-120	AMD	92-03-131	192-12-305	AMD-P	92-03-145
172-144-040	AMD-P	92-05-053	173-303-145	AMD-P	92-03-127	192-12-310	AMD-P	92-03-145
172-144-045	NEW-P	92-05-053	173-305-060	REP-P	92-05-083	192-12-320	AMD-P	92-03-145
172-144-050	REP-P	92-05-053	173-305-070	REP-P	92-05-083	192-12-370	NEW-P	92-03-145
172-325-010	AMD-P	92-05-055	173-305-080	REP-P	92-05-083	192-12-400	NEW-P	92-07-104
173-19-130	AMD-P	92-07-091	173-305-090	REP-P	92-05-083	192-12-405	NEW-P	92-07-104
173-19-1701	AMD	92-03-132	173-492-010	NEW-P	92-06-088	192-32-120	NEW	92-05-051
173-19-230	AMD-P	92-04-080	173-492-020	NEW-P	92-06-088	192-32-125	NEW	92-05-051
173-19-2503	AMD-P	92-07-090	173-492-030	NEW-P	92-06-088	196-24-050	AMD-P	92-04-008
173-19-2511	AMD-P	92-07-087	173-492-040	NEW-P	92-06-088	204-24-030	AMD	92-05-016
173-19-2515	AMD-P	92-03-128	173-492-050	NEW-P	92-06-088	204-24-040	AMD	92-05-016
173-19-2521	AMD-P	92-07-088	173-492-060	NEW-P	92-06-088	204-24-050	AMD	92-05-016
173-19-2601	AMD	92-04-081	173-492-070	NEW-P	92-06-088	204-24-070	AMD	92-05-016
173-19-2602	AMD-P	92-03-129	173-492-080	NEW-P	92-06-088	204-38-030	AMD-P	92-05-015
173-19-4205	AMD-P	92-03-130	173-492-090	NEW-P	92-06-088	204-38-040	AMD-P	92-05-015
173-19-430	AMD-P	92-07-089	173-492-100	NEW-P	92-06-088	220-32-05100J	REP-E	92-04-051
173-175-010	NEW-P	92-06-091	173-563-015	NEW-E	92-07-055	220-32-05100K	NEW-E	92-04-051
173-175-020	NEW-P	92-06-091	173-564-010	NEW-E	92-07-054	220-32-05100K	REP-E	92-07-007
173-175-030	NEW-P	92-06-091	173-564-020	NEW-E	92-07-054	220-32-05100L	NEW-E	92-07-007
173-175-040	NEW-P	92-06-091	173-564-030	NEW-E	92-07-054	220-32-05700I	NEW-E	92-03-022
173-175-050	NEW-P	92-06-091	173-564-040	NEW-E	92-07-054	220-32-05700I	REP-E	92-05-004
173-175-060	NEW-P	92-06-091	178-01-010	NEW-C	92-03-055	220-32-05700J	NEW-E	92-04-051
173-175-070	NEW-P	92-06-091	178-01-010	NEW-E	92-03-056	220-32-05700J	REP-E	92-07-007
173-175-100	NEW-P	92-06-091	180-16-200	AMD	92-05-047	220-32-05700K	NEW-E	92-08-090
173-175-110	NEW-P	92-06-091	180-16-205	AMD	92-05-047	220-33-01000D	REP-E	92-05-004
173-175-120	NEW-P	92-06-091	180-16-222	AMD	92-04-044	220-33-01000E	NEW-E	92-05-004
173-175-130	NEW-P	92-06-091	180-16-223	AMD	92-04-044	220-44-030	AMD-P	92-03-150
173-175-140	NEW-P	92-06-091	180-25-031	NEW	92-04-043	220-44-030	AMD	92-07-008
173-175-150	NEW-P	92-06-091	180-51-085	AMD-P	92-05-067	220-44-050	AMD-P	92-03-150
173-175-160	NEW-P	92-06-091	180-51-085	AMD	92-08-078	220-44-050	AMD	92-07-008
173-175-170	NEW-P	92-06-091	180-75-016	NEW	92-04-044	220-44-05000R	REP-E	92-03-030
173-175-180	NEW-P	92-06-091	180-75-055	AMD	92-04-044	220-44-05000S	NEW-E	92-03-030
173-175-190	NEW-P	92-06-091	180-75-065	AMD	92-04-044	220-44-05000S	REP-E	92-08-007
173-175-200	NEW-P	92-06-091	180-75-080	REP	92-04-044	220-44-05000T	NEW-E	92-08-007
173-175-210	NEW-P	92-06-091	180-75-085	AMD	92-04-044	220-48-005	AMD-P	92-06-092
173-175-220	NEW-P	92-06-091	180-75-087	AMD	92-04-044	220-48-005	AMD-C	92-08-079
173-175-230	NEW-P	92-06-091	180-75-089	NEW	92-04-044	220-48-011	AMD-P	92-06-092
173-175-240	NEW-P	92-06-091	180-75-090	AMD	92-04-044	220-48-011	AMD-C	92-08-079
173-175-250	NEW-P	92-06-091	180-75-110	NEW	92-04-044	220-48-042	AMD-P	92-06-092
173-175-260	NEW-P	92-06-091	180-77-040	AMD	92-05-039	220-48-042	AMD-C	92-08-079
173-175-270	NEW-P	92-06-091	180-77-045	AMD	92-05-039	220-48-052	AMD-P	92-06-092
173-175-350	NEW-P	92-06-091	180-77-050	AMD	92-05-039	220-48-052	AMD-C	92-08-079
173-175-360	NEW-P	92-06-091	180-77-065	AMD	92-05-039	220-49-02000D	NEW-E	92-08-022
173-175-370	NEW-P	92-06-091	180-77-100	NEW	92-05-039	220-52-07300H	NEW-E	92-06-054
173-175-380	NEW-P	92-06-091	180-77-105	NEW	92-05-039	220-56-10500A	NEW-E	92-08-031
173-175-390	NEW-P	92-06-091	180-77-110	NEW	92-05-039	220-56-116	AMD-P	92-03-151
173-175-400	NEW-P	92-06-091	180-78-165	AMD	92-06-027	220-56-145	AMD-P	92-03-151
173-175-500	NEW-P	92-06-091	180-79-047	AMD	92-04-044	220-56-156	AMD-P	92-03-151
173-175-510	NEW-P	92-06-091	180-79-049	AMD	92-04-044	220-56-160	AMD-P	92-03-151
173-175-520	NEW-P	92-06-091	180-79-075	AMD	92-04-044	220-56-195	AMD-P	92-03-151
173-175-600	NEW-P	92-06-091	180-79-080	AMD	92-04-044	220-56-205	AMD-P	92-03-151
173-175-610	NEW-P	92-06-091	180-79-086	AMD	92-04-044	220-56-235	AMD-P	92-03-151
173-175-620	NEW-P	92-06-091	180-79-115	AMD	92-04-044	220-56-240	AMD-P	92-03-151
173-175-630	NEW-P	92-06-091	180-79-120	AMD	92-04-044	220-56-250	AMD-P	92-03-151
173-180D-010	NEW-P	92-06-087	180-79-123	NEW	92-04-044	220-56-28000A	NEW-E	92-07-015
173-180D-020	NEW-P	92-06-087	180-79-129	REP	92-04-044	220-56-282	AMD-P	92-03-151
173-180D-030	NEW-P	92-06-087	180-79-131	AMD	92-04-044	220-56-285	AMD-P	92-03-151
173-180D-040	NEW-P	92-06-087	180-79-136	AMD	92-04-044	220-56-310	AMD-P	92-03-151
173-180D-050	NEW-P	92-06-087	180-79-230	AMD	92-04-044	220-56-315	AMD-P	92-03-151
173-180D-055	NEW-P	92-06-087	180-79-241	AMD-P	92-08-077	220-56-320	AMD-P	92-03-151
173-180D-060	NEW-P	92-06-087	180-79-310	REP	92-04-044	220-56-335	AMD-P	92-03-151
173-180D-065	NEW-P	92-06-087	180-79-311	NEW	92-04-044	220-56-350	AMD-P	92-03-151
173-180D-070	NEW-P	92-06-087	180-79-333	NEW	92-04-044	220-56-360	AMD-P	92-03-151
173-180D-075	NEW-P	92-06-087	180-79-379	NEW	92-04-044	220-56-380	AMD-P	92-03-151
173-180D-080	NEW-P	92-06-087	180-85-045	AMD	92-04-044	220-56-400	AMD-P	92-03-151
173-180D-085	NEW-P	92-06-087	180-85-077	NEW	92-04-044	220-57-160	AMD-P	92-03-151
173-180D-090	NEW-P	92-06-087	180-85-115	AMD	92-04-044	220-57-16000L	NEW-E	92-04-050
173-180D-098	NEW-P	92-06-087	180-86-150	AMD-P	92-08-077	220-57-16000M	NEW-E	92-08-059
173-202-020	AMD-E	92-05-084	180-86-155	AMD-P	92-08-077	220-57-175	AMD-P	92-03-151



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220-57-205	AMD-P	92-03-151	232-12-074	AMD-C	92-05-018	236-12-351	NEW	92-04-036
220-57-205	AMD-W	92-04-011	232-12-077	AMD-P	92-02-086	236-12-360	NEW	92-04-036
220-57-210	AMD-P	92-03-151	232-12-077	AMD-C	92-05-018	236-12-361	NEW	92-04-036
220-57-210	AMD-W	92-04-011	232-12-147	AMD-P	92-06-072	236-12-362	NEW	92-04-036
220-57-255	AMD-P	92-03-151	232-12-147	AMD-E	92-08-066	236-12-365	NEW	92-04-036
220-57-265	AMD-W	92-04-011	232-12-267	AMD-P	92-02-086	236-12-370	NEW	92-04-036
220-57-31500V	NEW-E	92-08-031	232-12-267	AMD-C	92-05-018	236-12-371	NEW	92-04-036
220-57-385	AMD-P	92-03-151	232-12-277	AMD-P	92-02-086	236-12-372	NEW	92-04-036
220-57-38500T	NEW-E	92-07-035	232-12-277	AMD-C	92-05-018	236-48-190	AMD-P	92-05-042
220-57-405	AMD-P	92-03-151	232-28-022	AMD-P	92-02-085	240-15-005	AMD-P	92-08-060
220-57-425	AMD-P	92-03-151	232-28-022	AMD	92-06-017	240-15-010	AMD-P	92-08-060
220-57-430	AMD-P	92-03-151	232-28-226	AMD-P	92-06-075	240-15-015	AMD-P	92-08-060
220-57-430	AMD-W	92-04-011	232-28-227	AMD-P	92-06-076	240-15-020	AMD-P	92-08-060
220-57-435	AMD-P	92-03-151	232-28-228	AMD-P	92-02-087	240-15-025	AMD-P	92-08-060
220-57-450	AMD-P	92-03-151	232-28-228	AMD	92-06-018	240-15-030	AMD-P	92-08-060
220-57-455	AMD-P	92-03-151	232-28-228	AMD-P	92-06-077	240-15-035	AMD-P	92-08-060
220-57-460	AMD-P	92-03-151	232-28-229	REP-P	92-06-078	246-08-390	NEW	92-07-080
220-57-46000Y	NEW-E	92-07-035	232-28-230	REP-P	92-06-079	246-205	AMD-S	92-03-143
220-57-465	AMD-P	92-03-151	232-28-231	REP-P	92-06-080	246-205	AMD-S	92-04-071
220-57-470	AMD-W	92-04-011	232-28-233	NEW-P	92-06-078	246-205-001	AMD-S	92-03-143
220-57-490	AMD-P	92-03-151	232-28-234	NEW-P	92-06-079	246-205-001	AMD-S	92-04-071
220-57-490	AMD-W	92-04-011	232-28-235	NEW-P	92-06-080	246-205-010	AMD-S	92-04-071
220-57-50500T	NEW-E	92-08-031	232-28-61825	NEW-E	92-03-013	246-205-520	NEW-S	92-03-143
220-57-51500H	NEW-E	92-08-031	232-28-61826	NEW-E	92-05-022	246-205-520	NEW-S	92-04-071
220-57A-180	AMD-P	92-03-151	232-28-61827	NEW-E	92-05-021	246-205-530	NEW-S	92-03-143
222-12-046	NEW-P	92-07-093	232-28-61828	NEW-E	92-05-019	246-205-530	NEW-S	92-04-071
222-12-090	AMD-P	92-07-093	232-28-61829	NEW-E	92-05-024	246-205-540	NEW-S	92-03-143
222-16-010	AMD	92-03-028	232-28-61830	NEW-E	92-08-067	246-205-540	NEW-S	92-04-071
222-16-010	AMD-E	92-06-004	232-28-61831	NEW-E	92-08-064	246-205-550	NEW-S	92-03-143
222-16-010	AMD-P	92-07-093	232-28-61901	NEW-P	92-02-088	246-205-550	NEW-S	92-04-071
222-16-020	AMD-P	92-07-093	232-28-61901	NEW	92-07-038	246-205-560	NEW-S	92-03-143
222-16-030	AMD-P	92-07-093	232-28-61902	NEW-P	92-02-089	246-205-560	NEW-S	92-04-071
222-16-035	NEW-P	92-07-093	232-28-61902	NEW	92-07-039	246-205-570	NEW-S	92-03-143
222-16-050	AMD-E	92-06-004	232-28-61903	NEW-P	92-02-090	246-205-570	NEW-S	92-04-071
222-16-050	AMD-P	92-07-093	232-28-61903	NEW-W	92-07-037	246-205-580	NEW-S	92-03-143
222-16-070	NEW-E	92-06-004	232-28-61904	NEW-P	92-02-091	246-205-580	NEW-S	92-04-071
222-16-070	NEW-P	92-07-093	232-28-61904	NEW	92-07-040	246-215-001	AMD-P	92-03-142
222-16-080	NEW-P	92-07-093	232-28-61905	NEW-P	92-02-092	246-215-001	AMD	92-08-112
222-22-010	NEW-P	92-07-093	232-28-61905	NEW	92-07-041	246-215-009	REP-P	92-03-142
222-22-020	NEW-P	92-07-093	232-28-61906	NEW-P	92-02-093	246-215-009	REP	92-08-112
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222-22-040	NEW-P	92-07-093	232-28-61907	NEW-E	92-05-020	246-215-010	NEW	92-08-112
222-22-050	NEW-P	92-07-093	232-28-61907	NEW-P	92-06-073	246-215-019	REP-P	92-03-142
222-22-060	NEW-P	92-07-093	232-28-61908	NEW-P	92-06-074	246-215-019	REP	92-08-112
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222-22-080	NEW-P	92-07-093	232-28-714	REP	92-06-019	246-215-020	NEW	92-08-112
222-22-090	NEW-P	92-07-093	236-12-001	AMD	92-04-036	246-215-029	REP-P	92-03-142
222-22-100	NEW-P	92-07-093	236-12-010	REP	92-04-036	246-215-029	REP	92-08-112
222-24-010	AMD-P	92-07-093	236-12-011	REP	92-04-036	246-215-030	NEW-P	92-03-142
222-24-020	AMD-P	92-07-093	236-12-012	REP	92-04-036	246-215-030	NEW	92-08-112
222-24-025	AMD-P	92-07-093	236-12-013	REP	92-04-036	246-215-039	REP-P	92-03-142
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222-24-035	AMD-P	92-07-093	236-12-015	NEW	92-04-036	246-215-040	NEW-P	92-03-142
222-24-040	AMD-P	92-07-093	236-12-040	REP	92-04-036	246-215-040	NEW	92-08-112
222-24-050	AMD-P	92-07-093	236-12-050	REP	92-04-036	246-215-049	REP-P	92-03-142
222-24-060	AMD-P	92-07-093	236-12-060	REP	92-04-036	246-215-049	REP	92-08-112
222-30-010	AMD-P	92-07-093	236-12-061	REP	92-04-036	246-215-050	NEW-P	92-03-142
222-30-020	AMD-P	92-07-093	236-12-120	REP	92-04-036	246-215-050	NEW	92-08-112
222-30-025	NEW-P	92-07-093	236-12-130	REP	92-04-036	246-215-059	REP-P	92-03-142
222-30-040	AMD-P	92-07-093	236-12-131	REP	92-04-036	246-215-059	REP	92-08-112
222-30-050	AMD-P	92-07-093	236-12-132	REP	92-04-036	246-215-060	NEW-P	92-03-142
222-30-060	AMD-P	92-07-093	236-12-133	REP	92-04-036	246-215-060	NEW	92-08-112
222-30-070	AMD-P	92-07-093	236-12-185	NEW	92-04-036	246-215-069	REP-P	92-03-142
222-30-090	AMD-P	92-07-093	236-12-186	NEW	92-04-036	246-215-069	REP	92-08-112
222-30-100	AMD-P	92-07-093	236-12-187	NEW	92-04-036	246-215-070	NEW-P	92-03-142
222-30-110	NEW-P	92-07-093	236-12-188	NEW	92-04-036	246-215-070	NEW	92-08-112
222-30-120	NEW	92-08-025	236-12-189	NEW	92-04-036	246-215-079	REP-P	92-03-142
222-34-040	AMD-P	92-07-093	236-12-190	NEW	92-04-036	246-215-079	REP	92-08-112
222-38-010	AMD-P	92-07-093	236-12-191	NEW	92-04-036	246-215-080	NEW-P	92-03-142
222-38-020	AMD-P	92-07-093	236-12-200	AMD	92-04-036	246-215-080	NEW	92-08-112
222-38-030	NEW-P	92-07-093	236-12-220	AMD	92-04-036	246-215-089	REP-P	92-03-142
222-38-040	NEW-P	92-07-093	236-12-225	REP	92-04-036	246-215-089	REP	92-08-112
230-20-685	NEW-C	92-08-057	236-12-290	AMD	92-04-037	246-215-090	NEW-P	92-03-142
230-50-580	AMD-E	92-06-033	236-12-300	AMD	92-04-037	246-215-090	NEW	92-08-112
232-12-021	AMD-P	92-02-086	236-12-320	AMD	92-04-036	246-215-099	REP-P	92-03-142
232-12-021	AMD-C	92-05-018	236-12-340	REP	92-04-036	246-215-099	REP	92-08-112

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246-215-100	NEW	92-08-112	246-239-010	AMD	92-06-008	246-816-660	NEW-W	92-05-085
246-215-109	REP-P	92-03-142	246-239-025	NEW	92-06-008	246-816-670	NEW-W	92-05-085
246-215-109	REP	92-08-112	246-240-010	NEW	92-06-008	246-816-680	NEW-W	92-05-085
246-215-110	NEW-P	92-03-142	246-240-050	NEW	92-06-008	246-816-701	NEW-W	92-06-063
246-215-110	NEW	92-08-112	246-243-050	AMD	92-06-008	246-816-701	NEW-P	92-06-064
246-215-119	REP-P	92-03-142	246-243-190	AMD	92-06-008	246-816-710	NEW-W	92-06-063
246-215-119	REP	92-08-112	246-290-010	AMD	92-04-070	246-816-710	NEW-P	92-06-064
246-215-120	NEW-P	92-03-142	246-290-300	AMD	92-04-070	246-816-720	NEW-W	92-06-063
246-215-120	NEW	92-08-112	246-290-310	AMD	92-04-070	246-816-720	NEW-P	92-06-064
246-215-129	REP-P	92-03-142	246-290-320	AMD	92-04-070	246-816-730	NEW-W	92-06-063
246-215-129	REP	92-08-112	246-290-330	AMD	92-04-070	246-816-730	NEW-P	92-06-064
246-215-130	NEW-P	92-03-142	246-290-480	AMD	92-04-070	246-816-740	NEW-W	92-06-063
246-215-130	NEW	92-08-112	246-310-020	AMD	92-05-057	246-816-740	NEW-P	92-06-064
246-215-139	REP-P	92-03-142	246-310-135	NEW	92-05-057	246-830-401	AMD-P	92-03-139
246-215-139	REP	92-08-112	246-310-136	NEW	92-05-057	246-830-410	AMD-P	92-03-139
246-215-140	NEW-P	92-03-142	246-316-990	AMD-P	92-07-097	246-830-420	AMD-P	92-03-139
246-215-140	NEW	92-08-112	246-318-990	AMD-P	92-07-097	246-830-430	AMD-P	92-03-139
246-215-149	REP-P	92-03-142	246-322-990	AMD-P	92-07-097	246-830-440	AMD-P	92-03-139
246-215-149	REP	92-08-112	246-322-991	AMD-P	92-07-097	246-830-450	AMD-P	92-03-139
246-215-150	NEW-P	92-03-142	246-326-990	AMD-P	92-07-097	246-836-210	NEW-P	92-02-097
246-215-150	NEW	92-08-112	246-358-001	AMD	92-04-082	246-836-210	NEW	92-06-020
246-215-159	REP-P	92-03-142	246-358-010	AMD	92-04-082	246-851-030	REP-P	92-02-095
246-215-159	REP	92-08-112	246-358-025	AMD	92-04-082	246-851-030	REP	92-06-030
246-215-160	NEW-P	92-03-142	246-358-035	AMD	92-04-082	246-851-050	REP-P	92-02-095
246-215-160	NEW	92-08-112	246-358-045	AMD	92-04-082	246-851-050	REP	92-06-030
246-215-169	REP-P	92-03-142	246-358-055	AMD	92-04-082	246-851-090	AMD-P	92-02-095
246-215-169	REP	92-08-112	246-358-075	AMD	92-04-082	246-851-090	AMD	92-06-030
246-215-170	NEW-P	92-03-142	246-358-095	AMD	92-04-082	246-851-270	PREP	92-03-032
246-215-170	NEW	92-08-112	246-358-105	AMD	92-04-082	246-851-360	PREP	92-03-032
246-215-179	REP-P	92-03-142	246-358-115	AMD	92-04-082	246-851-440	NEW-P	92-02-095
246-215-179	REP	92-08-112	246-358-125	AMD	92-04-082	246-851-440	NEW	92-06-030
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246-215-180	NEW	92-08-112	246-358-145	AMD	92-04-082	246-851-450	NEW	92-06-030
246-215-189	REP-P	92-03-142	246-358-155	AMD	92-04-082	246-851-460	NEW-P	92-02-095
246-215-189	REP	92-08-112	246-358-175	AMD	92-04-082	246-851-460	NEW	92-06-030
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246-215-190	NEW	92-08-112	246-390-010	NEW-P	92-07-078	246-851-470	NEW	92-06-030
246-215-199	REP-P	92-03-142	246-390-020	NEW-P	92-07-078	246-851-480	NEW-P	92-02-095
246-215-199	REP	92-08-112	246-390-030	NEW-P	92-07-078	246-851-480	NEW	92-06-030
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246-215-200	NEW	92-08-112	246-390-050	NEW-P	92-07-078	246-851-490	NEW	92-06-030
246-215-209	REP-P	92-03-142	246-390-060	NEW-P	92-07-078	246-851-990	AMD	92-06-029
246-215-209	REP	92-08-112	246-390-070	NEW-P	92-07-078	246-853-990	AMD-P	92-06-028
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246-215-210	NEW	92-08-112	246-510-400	NEW-P	92-07-077	246-857-180	AMD-P	92-07-098
246-215-219	REP-P	92-03-142	246-762-010	AMD-P	92-02-096	246-857-320	AMD-P	92-07-098
246-215-219	REP	92-08-112	246-762-010	AMD	92-06-067	246-857-330	AMD-P	92-07-098
246-215-220	NEW-P	92-03-142	246-762-020	AMD-P	92-02-096	246-857-340	AMD-P	92-07-098
246-215-220	NEW	92-08-112	246-762-020	AMD	92-06-067	246-858-020	AMD-P	92-07-098
246-215-229	REP-P	92-03-142	246-762-040	AMD-P	92-02-096	246-858-030	AMD-P	92-07-098
246-215-229	REP	92-08-112	246-762-040	AMD	92-06-067	246-858-040	AMD-P	92-07-098
246-215-230	NEW-P	92-03-142	246-806-990	AMD-P	92-03-140	246-858-060	AMD-P	92-07-098
246-215-230	NEW	92-08-112	246-806-990	AMD	92-07-017	246-858-070	AMD-P	92-07-098
246-215-239	REP-P	92-03-142	246-807-480	NEW-P	92-06-065	246-861-010	NEW	92-03-029
246-215-239	REP	92-08-112	246-807-480	NEW-E	92-06-066	246-861-020	AMD	92-03-029
246-215-240	NEW-P	92-03-142	246-815-031	AMD	92-03-006	246-861-030	AMD	92-03-029
246-215-240	NEW	92-08-112	246-815-115	NEW	92-03-126	246-861-040	AMD	92-03-029
246-215-250	NEW-P	92-03-142	246-816-050	AMD	92-05-012	246-861-050	AMD	92-03-029
246-215-250	NEW	92-08-112	246-816-160	NEW-P	92-02-098	246-861-060	AMD	92-03-029
246-215-260	NEW-P	92-03-142	246-816-160	NEW-W	92-06-007	246-861-070	REP	92-03-029
246-215-260	NEW	92-08-112	246-816-201	AMD	92-05-012	246-861-080	REP	92-03-029
246-215-270	NEW-P	92-03-142	246-816-210	AMD	92-05-012	246-861-090	AMD	92-03-029
246-215-270	NEW	92-08-112	246-816-230	AMD	92-05-012	246-861-095	NEW	92-03-029
246-215-280	NEW-P	92-03-142	246-816-250	AMD	92-05-012	246-861-100	REP	92-03-029
246-215-280	NEW	92-08-112	246-816-260	AMD	92-05-012	246-861-110	REP	92-03-029
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246-215-300	NEW-P	92-03-142	246-816-360	AMD	92-05-012	246-863-070	AMD-P	92-07-098
246-215-300	NEW	92-08-112	246-816-370	AMD	92-05-012	246-863-080	AMD-P	92-03-124
246-215-500	REP-P	92-03-142	246-816-390	AMD	92-05-012	246-863-080	AMD-P	92-07-098
246-215-500	REP	92-08-112	246-816-410	AMD	92-05-012	246-863-080	AMD-W	92-08-061
246-215-900	REP-P	92-03-142	246-816-510	AMD	92-05-012	246-863-090	AMD-P	92-07-098
246-215-900	REP	92-08-112	246-816-610	NEW-W	92-05-085	246-863-110	AMD-P	92-07-098
246-221-090	AMD	92-06-008	246-816-620	NEW-W	92-05-085	246-865-030	AMD-P	92-07-098
246-225-160	NEW	92-05-011	246-816-630	NEW-W	92-05-085	246-865-060	AMD-P	92-07-098
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246-869-020	AMD-P	92-07-098	246-915-030	AMD-P	92-08-111	246-930-075	AMD-P	92-07-079
246-869-050	AMD-P	92-07-098	246-915-075	NEW-P	92-08-111	246-930-200	AMD-P	92-07-079
246-869-070	AMD-P	92-07-098	246-915-120	AMD	92-08-039	246-930-210	AMD-P	92-07-079
246-869-095	NEW-P	92-03-095	246-915-150	AMD	92-08-039	246-930-220	AMD-P	92-07-079
246-869-100	AMD-P	92-07-098	246-915-180	AMD	92-08-039	246-930-300	AMD-P	92-07-079
246-869-120	AMD-P	92-07-098	246-915-185	NEW	92-08-039	246-930-301	AMD-P	92-07-079
246-869-190	AMD-P	92-07-098	246-915-200	AMD	92-08-039	246-930-310	AMD-P	92-07-079
246-869-210	AMD-P	92-07-098	246-917-125	NEW	92-08-021	246-930-320	AMD-P	92-07-079
246-869-220	AMD-P	92-07-098	246-917-126	NEW	92-08-021	246-930-330	AMD-P	92-07-079
246-869-240	AMD-P	92-04-040	246-917-990	AMD	92-08-062	246-930-340	AMD-P	92-07-079
246-869-240	AMD	92-08-058	246-918-005	NEW-P	92-08-063	246-930-400	AMD-P	92-07-079
246-871-040	AMD-P	92-07-098	246-918-006	NEW-P	92-08-063	246-930-410	NEW-P	92-07-079
246-873-060	AMD-P	92-07-098	246-918-007	NEW-P	92-08-063	246-930-499	AMD-P	92-07-079
246-873-080	AMD-P	92-07-098	246-918-008	NEW-P	92-08-063	246-930-990	AMD-P	92-07-079
246-875-020	AMD-P	92-07-098	246-918-020	REP-P	92-08-063	246-933-250	AMD	92-03-074
246-875-060	AMD-P	92-07-098	246-918-030	AMD-P	92-08-063	246-933-280	AMD	92-03-074
246-875-070	AMD-P	92-07-098	246-918-035	AMD-P	92-08-063	246-933-300	NEW	92-03-074
246-875-080	AMD-P	92-07-098	246-918-040	REP-P	92-08-063	246-933-305	NEW	92-03-074
246-875-090	REP-P	92-07-098	246-918-060	REP-P	92-08-063	246-933-980	AMD-P	92-03-125
246-879-020	AMD-P	92-07-098	246-918-090	AMD-P	92-08-063	246-933-980	AMD	92-07-036
246-879-030	AMD-P	92-07-098	246-918-100	REP-P	92-08-063	246-933-990	AMD-P	92-03-125
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246-879-070	AMD-P	92-07-098	246-918-120	AMD-P	92-08-063	246-935-125	NEW-P	92-03-125
246-879-080	AMD-P	92-07-098	246-918-130	AMD-P	92-08-063	246-935-125	NEW	92-07-036
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246-883-040	AMD-P	92-07-098	246-918-180	AMD-P	92-08-063	248-14-120	AMD	92-08-074
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246-887-050	AMD-P	92-07-098	246-918-260	AMD-P	92-08-063	250-25-020	NEW	92-03-002
246-887-060	AMD-P	92-07-098	246-918-270	REP-P	92-08-063	250-25-030	NEW	92-03-002
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246-887-100	AMD	92-04-029	246-918-290	REP-P	92-08-063	250-25-045	NEW	92-03-002
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246-887-210	NEW-P	92-04-042	246-918-350	REP-P	92-08-063	250-25-090	NEW	92-03-002
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246-893-030	AMD-P	92-07-098	246-920-030	AMD-E	92-07-096	250-67-050	REP	92-03-002
246-893-040	AMD-P	92-07-098	246-922-990	AMD-P	92-06-058	250-67-060	REP	92-03-002
246-893-090	AMD-P	92-07-098	246-924-991	NEW-E	92-03-107	250-68-001	REP	92-03-002
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246-893-998	AMD-P	92-07-098	246-924-992	NEW-E	92-03-107	250-68-030	REP	92-03-002
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246-895-100	AMD-P	92-07-098	246-926-030	AMD	92-05-010	250-68-060	REP	92-03-002
246-895-120	AMD-P	92-07-098	246-926-040	AMD	92-05-010	250-68-070	REP	92-03-002
246-895-130	AMD-P	92-07-098	246-926-060	AMD	92-05-010	250-75-010	REP	92-03-002
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246-895-170	AMD-P	92-07-098	246-926-090	AMD	92-05-010	250-75-040	REP	92-03-002
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246-897-050	AMD-P	92-07-098	246-926-120	AMD	92-05-010	250-75-060	REP	92-03-002
246-897-150	AMD-P	92-07-098	246-926-130	AMD	92-05-010	250-75-070	REP	92-03-002
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246-903-010	AMD-P	92-07-098	246-926-190	AMD	92-05-010	250-76-030	NEW	92-04-018
246-907-020	AMD-P	92-03-124	246-926-200	AMD	92-05-010	250-76-040	NEW	92-04-018
246-907-020	AMD	92-07-099	246-926-990	AMD	92-05-010	250-76-050	NEW	92-04-018
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251-01-255	AMD-W	92-07-019	284-66-180	REP	92-06-021	308-10-030	AMD-P	92-05-088
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251-01-350	AMD-C	92-05-026	284-66-200	AMD	92-06-021	308-10-045	AMD-P	92-05-088
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251-01-390	AMD-C	92-05-026	284-66-230	REP	92-06-021	308-10-070	AMD-P	92-05-088
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308-102-004	NEW	92-08-045	314-24-040	AMD	92-03-110	315-41-50200	NEW	92-03-048
308-102-006	NEW-P	92-05-061	315-11-691	AMD	92-03-048	315-41-50210	NEW	92-03-048
308-102-006	NEW	92-08-045	315-11-710	NEW	92-03-048	315-41-50220	NEW	92-03-048
308-102-008	NEW-P	92-05-061	315-11-711	NEW	92-03-048	315-41-50300	NEW	92-03-048
308-102-008	NEW	92-08-045	315-11-712	NEW	92-03-048	315-41-50310	NEW	92-03-048
308-102-010	AMD-P	92-05-061	315-11-730	NEW	92-03-048	315-41-50320	NEW	92-03-048
308-102-010	AMD	92-08-045	315-11-731	NEW	92-03-048	315-41-50400	NEW-P	92-03-146
308-102-011	AMD-P	92-05-061	315-11-732	NEW	92-03-048	315-41-50400	NEW	92-08-094
308-102-011	AMD	92-08-045	315-11-740	NEW	92-03-048	315-41-50410	NEW-P	92-03-146
308-102-020	AMD-P	92-05-061	315-11-741	NEW	92-03-048	315-41-50410	NEW	92-08-094
308-102-020	AMD	92-08-045	315-11-742	NEW	92-03-048	315-41-50420	NEW-P	92-03-146
308-102-040	REP-P	92-05-061	315-11-750	NEW-P	92-03-146	315-41-50420	NEW	92-08-094
308-102-040	REP	92-08-045	315-11-750	NEW-W	92-05-069	315-41-50500	NEW-P	92-03-146
308-102-100	AMD-P	92-05-061	315-11-751	NEW-P	92-03-146	315-41-50500	NEW	92-08-094
308-102-100	AMD	92-08-045	315-11-751	NEW-W	92-05-069	315-41-50510	NEW-P	92-03-146
308-102-110	REP-P	92-05-061	315-11-752	NEW-P	92-03-146	315-41-50510	NEW	92-08-094
308-102-110	REP	92-08-045	315-11-752	NEW-W	92-05-069	315-41-50520	NEW-P	92-03-146
308-102-120	REP-P	92-05-061	315-11-753	NEW	92-08-002	315-41-50520	NEW	92-08-094
308-102-120	REP	92-08-045	315-11-754	NEW	92-08-002	315-41-50600	NEW-P	92-03-146
308-102-125	REP-P	92-05-061	315-11-755	NEW	92-08-002	315-41-50600	NEW	92-08-094
308-102-125	REP	92-08-045	315-11-760	NEW-P	92-03-146	315-41-50610	NEW-P	92-03-146
308-102-130	AMD-P	92-05-061	315-11-760	NEW	92-08-002	315-41-50610	NEW	92-08-094
308-102-130	AMD	92-08-045	315-11-761	NEW-P	92-03-146	315-41-50620	NEW-P	92-03-146
308-102-140	AMD-P	92-05-061	315-11-761	NEW	92-08-002	315-41-50620	NEW	92-08-094
308-102-140	AMD	92-08-045	315-11-762	NEW-P	92-03-146	318-04-030	AMD	92-03-061
308-102-150	REP-P	92-05-061	315-11-762	NEW	92-08-002	326-02-010	AMD-E	92-07-001
308-102-150	REP	92-08-045	315-11-770	NEW-P	92-03-146	326-02-010	RESCIND	92-07-102
308-102-160	REP-P	92-05-061	315-11-770	NEW-P	92-08-093	326-02-010	AMD-E	92-07-102
308-102-160	REP	92-08-045	315-11-771	NEW-P	92-03-146	326-02-010	AMD-P	92-07-103
308-102-170	REP-P	92-05-061	315-11-771	NEW-P	92-08-093	326-02-020	AMD-E	92-07-001
308-102-170	REP	92-08-045	315-11-772	NEW-P	92-03-146	326-02-020	RESCIND	92-07-102
308-102-180	REP-P	92-05-061	315-11-772	NEW-P	92-08-093	326-02-020	AMD-E	92-07-102
308-102-180	REP	92-08-045	315-11-780	NEW-P	92-08-093	326-02-020	AMD-P	92-07-103
308-102-190	AMD-P	92-05-061	315-11-781	NEW-P	92-08-093	326-02-030	AMD-E	92-07-001
308-102-190	AMD	92-08-045	315-11-782	NEW-P	92-08-093	326-02-030	RESCIND	92-07-102
308-102-200	AMD-P	92-05-061	315-11-790	NEW-P	92-08-093	326-02-030	AMD-E	92-07-102
308-102-200	AMD	92-08-045	315-11-791	NEW-P	92-08-093	326-02-030	AMD-P	92-07-103
308-102-210	REP-P	92-05-061	315-11-792	NEW-P	92-08-093	326-02-040	AMD-E	92-07-001
308-102-210	REP	92-08-045	315-11-800	NEW-P	92-08-093	326-02-040	RESCIND	92-07-102
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308-102-220	REP	92-08-045	315-11-802	NEW-P	92-08-093	326-02-040	AMD-P	92-07-103
308-102-230	REP-P	92-05-061	315-30-020	AMD-P	92-08-093	326-02-045	NEW-E	92-07-001
308-102-230	REP	92-08-045	315-30-030	AMD-P	92-08-093	326-02-045	RESCIND	92-07-102
308-102-240	REP-P	92-05-061	315-30-040	AMD-P	92-08-093	326-02-045	NEW-E	92-07-102
308-102-240	REP	92-08-045	315-31-060	AMD-P	92-08-093	326-02-045	NEW-P	92-07-103
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308-102-250	AMD	92-08-045	315-33A-020	AMD-P	92-08-093	326-02-050	RESCIND	92-07-102
308-102-255	NEW-P	92-05-061	315-33B-010	NEW-P	92-03-146	326-02-050	AMD-E	92-07-102
308-102-255	NEW	92-08-045	315-33B-010	NEW	92-08-002	326-02-050	AMD-P	92-07-103
308-102-260	AMD-P	92-05-061	315-33B-020	NEW-P	92-03-146	326-02-060	AMD-E	92-07-001
308-102-260	AMD	92-08-045	315-33B-020	NEW	92-08-002	326-02-060	RESCIND	92-07-102
308-102-265	AMD-P	92-05-061	315-33B-030	NEW-P	92-03-146	326-02-060	AMD-E	92-07-102
308-102-265	AMD	92-08-045	315-33B-030	NEW	92-08-002	326-02-060	AMD-P	92-07-103
308-102-270	REP-P	92-05-061	315-33B-040	NEW-P	92-03-146	326-02-070	AMD-E	92-07-001
308-102-270	REP	92-08-045	315-33B-040	NEW	92-08-002	326-02-070	RESCIND	92-07-102
308-102-280	REP-P	92-05-061	315-33B-050	NEW-P	92-03-146	326-02-070	AMD-E	92-07-102
308-102-280	REP	92-08-045	315-33B-050	NEW	92-08-002	326-02-070	AMD-P	92-07-103
308-102-290	AMD-P	92-05-061	315-33B-060	NEW-P	92-03-146	326-02-080	AMD-E	92-07-001
308-102-290	AMD	92-08-045	315-33B-060	NEW	92-08-002	326-02-080	RESCIND	92-07-102
308-102-295	REP-P	92-05-061	315-33B-070	NEW-P	92-03-146	326-02-080	AMD-E	92-07-102
308-102-295	REP	92-08-045	315-33B-070	NEW	92-08-002	326-02-080	AMD-P	92-07-103
308-104-160	AMD-P	92-05-061	315-34-010	AMD-P	92-08-093	326-02-090	AMD-E	92-07-001
308-104-160	AMD	92-08-045	315-34-020	AMD-P	92-08-093	326-02-090	RESCIND	92-07-102
308-104-340	NEW-P	92-05-061	315-34-040	AMD-P	92-03-146	326-02-090	AMD-E	92-07-102
308-104-340	NEW	92-08-045	315-34-040	AMD	92-07-014	326-02-090	AMD-P	92-07-103
308-300-220	AMD-P	92-07-095	315-34-040	AMD-P	92-08-093	326-08-010	AMD-E	92-07-001
308-300-230	AMD-P	92-07-095	315-40-010	NEW	92-03-048	326-08-015	AMD-E	92-07-001
308-300-240	AMD-P	92-07-095	315-40-020	NEW	92-03-048	326-08-016	NEW-E	92-07-001
308-300-250	AMD-P	92-07-095	315-40-030	NEW	92-03-048	326-08-018	NEW-E	92-07-001

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326-08-035	NEW-E 92-07-001	326-20-097	REP-E 92-07-102	332-22-220	NEW 92-06-003
326-08-040	AMD-E 92-07-001	326-20-097	REP-P 92-07-103	332-22-230	NEW 92-06-003
326-08-050	AMD-E 92-07-001	326-20-098	AMD-E 92-07-001	332-22-240	NEW 92-06-003
326-08-051	NEW-E 92-07-001	326-20-098	RESCIND 92-07-102	332-52-065	AMD 92-05-036
326-08-060	REP-E 92-07-001	326-20-098	AMD-E 92-07-102	332-130-010	AMD 92-03-007
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326-08-080	AMD-E 92-07-001	326-20-110	AMD-E 92-07-001	332-130-025	NEW 92-03-007
326-08-090	AMD-E 92-07-001	326-20-110	RESCIND 92-07-102	352-32-011	AMD 92-04-072
326-08-095	AMD-E 92-07-001	326-20-110	AMD-E 92-07-102	352-32-250	AMD-P 92-07-083
326-08-100	AMD-E 92-07-001	326-20-110	AMD-P 92-07-103	352-32-25002	AMD 92-05-002
326-08-105	NEW-E 92-07-001	326-20-115	AMD-E 92-07-001	352-40-090	AMD-P 92-07-062
326-08-110	AMD-E 92-07-001	326-20-115	RESCIND 92-07-102	356-05-214	NEW 92-03-099
326-08-120	AMD-E 92-07-001	326-20-115	AMD-E 92-07-102	356-05-355	AMD-P 92-04-034
326-08-130	AMD-E 92-07-001	326-20-115	AMD-P 92-07-103	356-05-355	AMD 92-08-009
326-08-140	NEW-E 92-07-001	326-20-120	AMD-E 92-07-001	356-06-055	AMD-P 92-06-089
326-20-010	AMD-E 92-07-001	326-20-120	RESCIND 92-07-102	356-15-060	AMD-P 92-06-090
326-20-010	RESCIND 92-07-102	326-20-120	AMD-E 92-07-102	356-15-063	AMD-P 92-08-092
326-20-010	AMD-E 92-07-102	326-20-120	AMD-P 92-07-103	356-18-060	AMD 92-03-098
326-20-010	AMD-P 92-07-103	326-20-130	AMD-E 92-07-001	356-18-116	AMD 92-03-101
326-20-020	REP-E 92-07-001	326-20-130	RESCIND 92-07-102	356-18-220	AMD-P 92-08-091
326-20-020	RESCIND 92-07-102	326-20-130	AMD-E 92-07-102	356-34-010	AMD-P 92-08-096
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326-20-030	AMD-E 92-07-001	326-20-140	RESCIND 92-07-102	356-47-040	AMD 92-03-100
326-20-030	RESCIND 92-07-102	326-20-140	AMD-E 92-07-102	365-180-030	AMD 92-03-019
326-20-030	AMD-E 92-07-102	326-20-140	AMD-P 92-07-103	365-180-060	AMD 92-03-019
326-20-030	AMD-P 92-07-103	326-20-150	AMD-E 92-07-001	365-180-090	AMD 92-03-019
326-20-040	AMD-E 92-07-001	326-20-150	RESCIND 92-07-102	365-200-010	NEW 92-06-005
326-20-040	RESCIND 92-07-102	326-20-150	AMD-E 92-07-102	365-200-020	NEW 92-06-005
326-20-040	AMD-E 92-07-102	326-20-150	AMD-P 92-07-103	365-200-030	NEW 92-06-005
326-20-040	AMD-P 92-07-103	326-20-160	AMD-E 92-07-001	365-200-040	NEW 92-06-005
326-20-050	AMD-E 92-07-001	326-20-160	RESCIND 92-07-102	365-200-050	NEW 92-06-005
326-20-050	RESCIND 92-07-102	326-20-160	AMD-E 92-07-102	365-200-060	NEW 92-06-005
326-20-050	AMD-E 92-07-102	326-20-160	AMD-P 92-07-103	365-200-070	NEW 92-06-005
326-20-050	AMD-P 92-07-103	326-20-170	AMD-E 92-07-001	374-50-010	NEW-P 92-06-060
326-20-060	AMD-E 92-07-001	326-20-170	RESCIND 92-07-102	374-50-020	NEW-P 92-06-060
326-20-060	RESCIND 92-07-102	326-20-170	AMD-E 92-07-102	374-50-030	NEW-P 92-06-060
326-20-060	AMD-E 92-07-102	326-20-170	AMD-P 92-07-103	374-50-040	NEW-P 92-06-060
326-20-060	AMD-P 92-07-103	326-20-171	AMD-E 92-07-001	374-50-050	NEW-P 92-06-060
326-20-070	AMD-E 92-07-001	326-20-171	RESCIND 92-07-102	374-50-060	NEW-P 92-06-060
326-20-070	RESCIND 92-07-102	326-20-171	AMD-E 92-07-102	374-50-070	NEW-P 92-06-060
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326-20-070	AMD-P 92-07-103	326-20-172	AMD-E 92-07-001	374-50-090	NEW-P 92-06-060
326-20-080	AMD-E 92-07-001	326-20-172	RESCIND 92-07-102	383-07-020	AMD-P 92-04-077
326-20-080	RESCIND 92-07-102	326-20-172	AMD-E 92-07-102	383-07-030	AMD-P 92-04-077
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326-20-080	AMD-P 92-07-103	326-20-173	AMD-E 92-07-001	383-07-045	AMD-P 92-04-077
326-20-081	AMD-E 92-07-001	326-20-173	RESCIND 92-07-102	383-07-050	AMD-P 92-04-077
326-20-081	RESCIND 92-07-102	326-20-173	AMD-E 92-07-102	383-07-060	AMD-P 92-04-077
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326-20-081	AMD-P 92-07-103	326-20-180	AMD-E 92-07-001	383-07-080	AMD-P 92-04-077
326-20-091	REP-E 92-07-001	326-20-180	RESCIND 92-07-102	383-07-090	AMD-P 92-04-077
326-20-091	RESCIND 92-07-102	326-20-180	AMD-E 92-07-102	383-07-100	AMD-P 92-04-077
326-20-091	REP-E 92-07-102	326-20-180	AMD-P 92-07-103	383-07-115	NEW-P 92-04-077
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326-20-096	AMD-P 92-07-103	332-22-190	NEW 92-06-003	388-14-205	AMD-P 92-08-001
326-20-097	REP-E 92-07-001	332-22-200	NEW 92-06-003	388-14-270	AMD-P 92-08-001

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388-14-275	AMD-P	92-08-001	388-51-130	NEW-P	92-04-013	388-73-602	AMD	92-08-056
388-14-300	AMD-P	92-08-001	388-51-130	NEW-E	92-04-014	388-73-604	AMD	92-08-056
388-14-310	AMD-P	92-08-001	388-51-130	NEW	92-08-033	388-73-606	AMD	92-08-056
388-14-415	AMD-P	92-08-001	388-51-132	NEW-P	92-04-013	388-73-608	REP	92-08-056
388-14-425	AMD-P	92-08-001	388-51-132	NEW-E	92-04-014	388-73-610	AMD	92-08-056
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388-15-170	AMD-E	92-08-029	388-51-140	NEW-E	92-04-014	388-73-710	AMD	92-08-056
388-15-170	AMD-P	92-08-030	388-51-140	NEW	92-08-033	388-73-712	AMD	92-08-056
388-22-030	AMD-P	92-07-051	388-73	AMD-C	92-04-035	388-73-714	AMD	92-08-056
388-24-074	AMD-C	92-04-024	388-73	AMD-C	92-06-011	388-73-716	REP	92-08-056
388-24-074	AMD	92-08-041	388-73-012	AMD	92-08-056	388-73-720	AMD	92-08-056
388-24-125	AMD-P	92-08-005	388-73-014	AMD	92-08-056	388-73-722	AMD	92-08-056
388-24-125	AMD-E	92-08-006	388-73-016	AMD	92-08-056	388-73-804	AMD	92-08-056
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388-24-253	AMD-P	92-03-115	388-73-026	AMD	92-08-056	388-73-901	NEW	92-08-056
388-24-254	AMD-P	92-03-116	388-73-028	AMD	92-08-056	388-73-902	AMD	92-08-056
388-24-255	AMD-P	92-03-117	388-73-030	AMD	92-08-056	388-77-256	REP	92-04-003
388-24-265	AMD-P	92-03-118	388-73-034	AMD	92-08-056	388-80-005	AMD-W	92-04-019
388-28-535	AMD	92-03-090	388-73-036	AMD	92-08-056	388-80-005	RESCIND	92-04-019
388-28-570	AMD-P	92-04-013	388-73-038	AMD	92-08-056	388-81-017	NEW	92-05-050
388-28-570	AMD-E	92-04-014	388-73-042	AMD	92-08-056	388-81-038	NEW	92-03-084
388-28-570	AMD	92-08-033	388-73-052	AMD	92-08-056	388-81-047	AMD-P	92-03-112
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388-88-145	NEW	92-08-074	392-123-078	AMD	92-03-024	392-140-486	NEW	92-03-023
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388-92-034	AMD-E	92-08-016	392-123-115	AMD	92-03-024	392-140-491	NEW	92-03-023
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388-92-045	AMD	92-08-037	392-140-067	NEW	92-03-023	392-140-493	NEW	92-03-023
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388-95-360	AMD-E	92-03-149	392-140-070	NEW	92-03-023	392-140-496	NEW	92-03-023
388-95-360	AMD-C	92-07-053	392-140-071	NEW	92-03-023	392-140-497	NEW	92-03-023
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392-105-035	AMD-P	92-06-052	392-140-434	NEW	92-03-023	392-141-157	NEW	92-08-024
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392-105-055	NEW-P	92-06-052	392-140-438	NEW	92-03-023	392-141-160	AMD	92-08-024
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392-122-205	AMD	92-03-045	392-140-443	NEW	92-03-023	392-141-170	AMD	92-08-024
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392-122-207	NEW	92-03-045	392-140-445	NEW	92-03-023	392-141-175	AMD	92-08-024
392-122-210	AMD	92-03-045	392-140-446	NEW	92-03-023	392-141-180	AMD-P	92-04-009
392-122-211	NEW	92-03-045	392-140-447	NEW	92-03-023	392-141-180	AMD	92-08-024
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392-122-213	NEW	92-03-045	392-140-451	NEW	92-03-023	392-141-185	AMD	92-08-024
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392-196-080	AMD	92-05-068	434-166-300	NEW-E	92-02-103	463-39-010	AMD-P	92-02-099
392-196-085	AMD	92-05-068	434-166-300	NEW-P	92-02-104	463-39-030	AMD-P	92-02-099
392-196-090	REP	92-05-068	434-166-310	NEW-E	92-02-103	463-39-040	REP-P	92-02-099
392-196-100	AMD	92-05-068	434-166-310	NEW-P	92-02-104	463-39-050	REP-P	92-02-099
392-202-110	AMD-W	92-03-063	434-166-320	NEW-E	92-02-103	463-39-060	REP-P	92-02-099
392-202-115	AMD-W	92-03-063	434-166-320	NEW-P	92-02-104	463-39-080	REP-P	92-02-099
392-202-120	AMD-W	92-03-063	434-166-330	NEW-E	92-02-103	463-39-110	REP-P	92-02-099
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399-30-045	AMD	92-03-052	434-166-350	NEW-E	92-02-103	463-42-055	AMD-P	92-02-099
399-30-050	AMD	92-03-052	434-166-350	NEW-P	92-02-104	463-42-165	AMD-P	92-02-099
399-30-060	AMD	92-03-052	434-166-360	NEW-E	92-02-103	463-42-195	AMD-P	92-02-099
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434-166-010	NEW-P	92-02-104	434-677-020	NEW	92-08-020	463-42-625	AMD-P	92-02-099
434-166-020	NEW-E	92-02-103	434-677-030	NEW-P	92-04-026	463-42-685	NEW-P	92-02-099
434-166-020	NEW-P	92-02-104	434-677-030	NEW	92-08-020	463-42-685	NEW-P	92-06-070
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434-166-040	NEW-E	92-02-103	434-677-050	NEW-P	92-04-026	463-47-051	AMD-P	92-02-099
434-166-040	NEW-P	92-02-104	434-677-050	NEW	92-08-020	463-47-090	AMD-P	92-02-099
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434-166-090	NEW-P	92-02-104	458-16-020	PREP	92-04-069	478-160-050	AMD-P	92-08-065
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434-166-100	NEW-P	92-02-104	458-16-020	AMD-E	92-06-039	478-160-060	AMD-P	92-08-065
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