

Washington State Register

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This issue contains documents officially
filed not later than April 22, 1992.

CITATION

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

PUBLIC INSPECTION OF DOCUMENTS

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

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CERTIFICATE

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

DENNIS W. COOPER
Code Reviser

STATE MAXIMUM INTEREST RATE

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

The maximum allowable interest rate applicable for the month of May 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.

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

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STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

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

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

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

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

3. PRINTING STYLE—INDICATION OF NEW OR DELETED MATERIAL

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

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

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

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

5. EFFECTIVE DATE OF RULES

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

6. EDITORIAL CORRECTIONS

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

7. INDEX AND TABLES

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

1991 – 1992

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue No.	Closing Dates ¹			Distribution Date	First Agency Hearing Date ³
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS ² or 10 p. max. Non-OTS		
For Inclusion in—	File no later than—			Count 20 days from—	For hearing on or after
91-16	Jul 10	Jul 24	Aug 7	Aug 21	Sep 10
91-17	Jul 24	Aug 7	Aug 21	Sep 4	Sep 24
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91-19	Aug 21	Sep 4	Sep 18	Oct 2	Oct 22
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91-22	Oct 9	Oct 23	Nov 6	Nov 20	Dec 10
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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
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92-23	Oct 21	Nov 4	Nov 18	Dec 2	Dec 22
92-24	Nov 4	Nov 18	Dec 2	Dec 16	Jan 5, 1993

¹All documents are due at the code reviser's office by 12:00 noon on or before the applicable closing date for inclusion in a particular issue of the Register; see WAC 1-21-040.

²A filing of any length will be accepted on the closing dates of this column if it has been prepared and completed by the order typing service (OTS) of the code reviser's office; see WAC 1-21-040. Agency-typed material is subject to a ten page limit for these dates; longer agency-typed material is subject to the earlier non-OTS dates.

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

WSR 92-08-056
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

AMENDATORY SECTION (Amending Order 2445, filed 12/2/86)

WAC 388-73-012 DEFINITIONS. (1) ~~((Those))~~ Terms defined ~~((in))~~ under chapter 74.15 RCW shall have the same meanings when used in this chapter except as otherwise provided herein.

(2) ~~((A))~~ Capacity means the maximum number of persons under care at a given moment in time.

(3) Child, "youth," and "juvenile" means any individual under the chronological age of eighteen years of age.

(4) "Developmentally disabled person" ~~((is))~~ means an individual suffering from a mental and/or physical deficiency rendering ~~((him or her))~~ the individual incapable of assuming ~~((those))~~ responsibilities expected of the socially adequate person, ~~((such as))~~ including self-direction, self-support, and social participation.

~~((3))~~ "Premises" means the buildings wherein the facility is located and the adjoining grounds over which the operator of the facility has direct control.

~~((4))~~ (5) "Full-time care provider" or "full-time care facility" means a foster family home for children or expectant mothers, group care facility, maternity home, crisis residential center, and juvenile detention facility.

~~((5))~~ "School-age child" means a child six years of age or older or otherwise eligible for admission to the first grade of a public school.

(6) ~~((Capacity~~ means the maximum number of persons under care at a given moment in time)) "Home

of community concern" means a non-traditional family home whose composition or culture is sufficiently diverse from the standards of the community at large so that a mishap or scrutiny of the license might raise concerns about the appropriateness of licensing and placement of children, and might subject the department to notoriety.

(7) "Infant" means a child under one year of age.

(8) ~~((Drop-in care~~ means unscheduled day care on a one-time only or irregular basis.

(9) "Child," "youth," and "juvenile" means any individual under the chronological age of eighteen years.

~~((10))~~ Premises" means the buildings wherein the facility is located and the adjoining grounds over which the operator of the facility has direct control.

(9) "School-age child" means a child five years of age through twelve years of age enrolled in a kindergarten or elementary school.

(10) "Secure detention facility" and "juvenile detention facility" means a facility, primarily for the care of juvenile offenders, operated so as to ensure all entrances and exits from the facility are locked, barred, or otherwise controlled so as to prevent escapes.

(11) "Semisecure facility" means any facility, including but not limited to crisis residential centers or specialized foster homes, operated in a manner to reasonably assure youth placed there will not run away: PROVIDED, That such facility shall not be a secure institution or facility as defined by the federal Juvenile Justice and Prevention Act of 1974 and regulations and clarifying instructions promulgated thereunder. A child shall not be locked in the facility ~~((nor))~~ or any part thereof, nor be otherwise controlled by the use of physical restraints except as provided in WAC 388-73-048.

~~((11))~~ "Secure detention facility" and "juvenile detention facility" means a facility, primarily for the care of juvenile offenders, operated so as to ensure all entrances and exits from the facility are locked, barred, or otherwise controlled so as to prevent escapes.

(12) ~~((A))~~ Severely and multiply-handicapped child" is a child diagnosed as primarily dependent for most ~~((bodily and social functions))~~ activities of daily living, except for ~~((cardiorespiratory functions. These children shall not include children requiring skilled nursing care as described in WAC 388-88-081))~~ persons requiring the services of skilled health care providers.

AMENDATORY SECTION (Amending Order 2796, filed 5/4/89)

WAC 388-73-014 PERSONS AND ORGANIZATIONS SUBJECT TO LICENSING. Persons and organizations operating the following types of facilities are subject to licensing under chapter 74.15 RCW and RCW 74.08.044:

(1) "Group care facility for children" means an agency maintained and operated for the care of a group of children on a twenty-four-hour basis~~((:));~~

(2) "Child-placing agency" means an agency placing children for temporary care, continued care, or for adoption~~((:));~~

(3) "Maternity service" means an agency providing or arranging for care or services to expectant mothers regardless of age, before or during confinement, or providing care as needed to mothers and their infants after confinement. See WAC 388-73-702(-);

(4) "Day care facility" means an agency regularly providing care for ~~((a group of))~~ children for periods of less than twenty-four hours. Separate requirements are adopted for the following subcategories of day care facilities:

(a) A ~~((day care center provides for the care of thirteen or more children. No such center shall be located in a private family residence unless the portion of the residence where the children have access is used exclusively for the children during the hours the center is in operation or is separate from the usual living quarters of the family.~~

~~(b) A~~) "mini-day care program" means(~~(:~~
(i)) a day care facility for the care of twelve or fewer children in a facility other than the family abode of the person or persons under whose direct care and supervision the children are placed; or

~~((ii) A day care facility for the care of from seven through twelve children in the family abode of the person or persons under whose care and supervision the children are placed.~~

~~(c) A family day care home means a day care facility for the care of ten or fewer children in the family abode of the person or persons under whose direct care and supervision the children are placed.~~

~~(d))~~ (b) A "day treatment program" means an agency providing care, supervision, and appropriate therapeutic and educational services during part of the twenty-four-hour day for a group of persons under ~~((the age of))~~ eighteen years of age and the persons are unable to adjust to full-time regular or special school programs or full-time family living because of:

(i) Disruptive behavior(-);

(ii) Family stress(-);

(iii) Learning disabilities(-); or

(iv) Other serious emotional or social handicaps.

(5) "Foster family home" means a person or persons regularly providing care on a twenty-four-hour basis to one or more, but not more than four, children, expectant mothers, or developmentally disabled persons in the family abode of the person or persons under whose direct care and supervision the child, expectant mother, or developmentally disabled person is placed(-);

(6) "Large foster family home" means a foster family home with at least two adult((s)) residents in the home providing care on a twenty-four-hour basis to five ~~((to))~~ or six children(-) or developmentally disabled persons;

(7) "Crisis residential center" means an agency operating under contract with the department to provide temporary, protective care to children in a semisecure residential facility in the performance of duties specified and in the manner provided in RCW 13.32A.010 through 13.32A.200 and 74.13.032 through 74.13.036. Separate requirements are adopted for the following subcategories of crisis residential centers:

(a) A regional crisis residential center is a structured group care facility whose primary and exclusive functions are those of a crisis residential center(-);

(b) A group care facility~~((, a portion of which functions))~~ functioning partially or exclusively as a crisis residential center(-);

(c) A foster family home functioning either partially or exclusively as a crisis residential center and has been designated as a crisis residential center by the department.

(8) A "facility for severely and multiply-handicapped children" means a group care facility providing residential care to a group of nonambulatory children whose severe, disabling, multiple physical, and/or mental handicaps will require intensive personal care, and may require ~~((nursing))~~ skilled health care, physical therapy, or other forms of therapy.

AMENDATORY SECTION (Amending Order 2796, filed 5/4/89)

WAC 388-73-016 EXCEPTIONS TO RULES.

(1) In individual cases the department, at its discretion for ~~((reasonable))~~ good cause, may waive specific requirements and may approve alternative methods of achieving the intent of specific requirements.

(2) The waiver and approval under subsection (1) of this section may not jeopardize the safety or welfare of the persons in care.

(3) The department may approve a waiver request only for a specific purpose or child and for a specific period of time not exceeding the expiration date of the license. (The licensee may apply anew for the waiver when reapplying for a license.)

(4) The department may limit or restrict a license((s)) issued ~~((under the provisions of this section))~~ to a licensee or applicant in conjunction with a waiver.

~~((4))~~ (5) Waivers shall be in writing and a copy of the waiver maintained by the licensee.

(6) The department's denial of a licensee's or applicant's waiver request shall not be subject to appeal under chapter 34.05 RCW.

AMENDATORY SECTION (Amending Order 1336, filed 9/8/78)

WAC 388-73-018 PERSONS AND ORGANIZATIONS NOT SUBJECT TO LICENSING. In addition to those persons and organizations which are exempt from the requirements of this chapter as provided in chapter 74.15 RCW, ~~((the following persons and organizations are not required to be licensed:~~

(+)) persons caring for a child in the child's own home whether related to the child or not are exempt.

~~((2) Persons who have a child in their home for purposes of adoption, provided such child was placed in such home by a licensed child-placing agency or authorized public agency, or a preplacement report is on file and has been approved by the court.~~

(3) An agency operated by any unit of local, state or federal government or by a tribal council operating an agency on a federally recognized Indian reservation.

~~(4) An agency located on a federal military reservation, except upon the invitation of the military authorities:))~~

AMENDATORY SECTION (Amending Order 1933, filed 1/5/83)

WAC 388-73-024 LICENSES FOR HOMES SUPERVISED BY LICENSED AGENCY. (1) Foster family homes certified by a licensed child-placing agency as meeting licensing requirements for foster family homes shall accept children only from the:

(a) Certifying child-placing agency; or ~~((from the))~~

(b) Department when the child is in the legal custody and/or supervision of the department and each placement by the department is approved in writing by the child-placing agency responsible for supervision of the home.

(2) Licenses issued under this section are valid only as long as the homes remain under the supervision of the certifying licensed agency and operate in accordance with licensing requirements. ~~((This section does not apply to agencies which are certified (rather than licensed) in accordance with WAC 388-73-020.))~~

AMENDATORY SECTION (Amending Order 1336, filed 9/8/78)

WAC 388-73-026 LICENSING OF EMPLOYEES. ~~((The following persons are prohibited from obtaining a license under this chapter:))~~

(1) Staff of the department or a member of ~~((his or her))~~ that person's household, and staff of a child-placing agency or a member of ~~((his or her))~~ that household, are prohibited from obtaining a license or adoptive services under this chapter from their agency if such staff are involved directly or in an administrative or supervisory capacity in:

(a) The licensing or certification process ~~((or in));~~

(b) The placement of persons in a licensed or certified facility; or ~~((in))~~

(c) Authorizing payment for such persons.

(2) These ~~((restrictions do not preclude the employment and licensing of a person whose exclusive duties for the employer are those of a foster parent))~~ individuals may apply to another agency to provide foster or adoptive care.

AMENDATORY SECTION (Amending Order 1336, filed 9/8/78)

WAC 388-73-028 LIMITATIONS ON LICENSES AND DUAL LICENSURE. ~~((Licenses))~~ The department shall not ~~((be issued))~~ issue a license to an applicant for both day care and for full-time care nor for both children and adults in the same facility, except that expectant mothers and their children may receive care in the same facility.

(1) The department may authorize an exception ~~((s may be made))~~ only if it is clearly evident that care of one category of client does not interfere with the safety

and quality of care ~~((to be))~~ provided to the other categories of clients.

(2) In such circumstances, the total number of clients in all categories shall not exceed the number permitted by the most stringent capacity limitation of the categories concerned.

(3) The licensee or applicant shall request an additional exception if the licensee wishes to exceed the more stringent capacity limitations.

AMENDATORY SECTION (Amending Order 3069, filed 9/28/90, effective 10/29/90)

WAC 388-73-030 GENERAL QUALIFICATIONS OF LICENSEE, ADOPTIVE APPLICANT, AND PERSONS ON THE PREMISES. (1) The adoptive applicant, licensee, staff, and other person on the premises shall be a person of good character.

(2) The licensee or adoptive applicant shall demonstrate that the licensee or adoptive applicant, child care staff, volunteer, and other person having access to a person under care have the understanding, ability, physical health, emotional stability, and personality suited to meet the physical, mental, emotional, and social needs of the person under care.

(3) The licensee, adoptive applicant, staff, and other person on the premises shall not have been:

(a) ~~((Have been))~~ Convicted of ~~((or)),~~ found to be a perpetrator of, or have a charge pending of child abuse and/or any crime involving physical harm to another person; nor

(b) ~~((Have been))~~ Found to:

(i) Be a perpetrator of substantiated or founded child abuse; nor

(ii) Have been an alleged perpetrator of an incident of child abuse where the department found the evidence supports the allegation.

(4) The department may, at any time, require the licensee or person on the premises to provide additional information so the department can determine whether the licensee, adoptive applicant, child care staff, volunteer, and other person having access to children in care meet the qualifications in subsections (1), (2), and (3) of this section. This information may include, but is not limited to:

(a) Sexual deviancy evaluations;

(b) Substance and alcohol abuse evaluations;

(c) Psychiatric evaluations;

(d) Psychological evaluations; and

(e) Medical evaluations.

AMENDATORY SECTION (Amending Order 1336, filed 9/8/78)

WAC 388-73-034 POSTING OF LICENSE. All licensees, except for foster family homes for children, expectant mothers, and developmentally disabled adults ~~((and adults in need of protection,))~~ shall post the original license issued under this chapter in a ~~((conspicuous))~~ place conspicuous to the public.

AMENDATORY SECTION (Amending Order 3069, filed 9/28/90, effective 10/29/90)

WAC 388-73-036 LICENSURE—DENIAL, SUSPENSION, OR REVOCATION. (1) Before granting a license and as a condition for continuance of a license, the department shall consider the ability of each applicant, licensee, and chief executive officer, if any, to operate the agency under the law and this chapter. Such persons shall be considered separately and jointly as applicants or licensees and if any one be deemed disqualified by the department in accordance with chapter 74.15 RCW or this chapter, the department may deny, suspend, revoke, or not renew the license((-));

(a) The department shall disqualify any individual engaging in illegal use of drugs or excessive use of alcohol((-);

(b) The department shall disqualify any individual who has been convicted of an offense listed in chapter 388-330 WAC;

(c) The department shall disqualify any individual convicted of a felony or released from a prison within seven years of the date of application for the license because of the conviction, if:

(i) The conviction is reasonably related to the competency of the person to exercise responsibilities for ownership, operation, or administration of an agency; and

(ii) The department determines, after investigation, the person has not been sufficiently rehabilitated to warrant public trust.

~~((c))~~ (d) The department shall not grant a license to an applicant who, in this state or elsewhere:

(i) Has been denied a license to operate an agency for the care of children, expectant mothers, or developmentally disabled adults; or

(ii) Had a license to operate such an agency suspended or revoked.

~~((d))~~ (e) An applicant may establish by clear, cogent, and convincing evidence the ability to operate an agency under this chapter. The department may waive the provision in ~~((subsection (1)(c)))~~ subdivision (1)(d) of this section and license the applicant.

(2) The department may deny, suspend, revoke, or not renew a license for failure to comply with the provisions of chapter 74.15 RCW, and rules contained in this chapter. The department shall deny, suspend, revoke, or not renew for any of the following reasons:

(a) Obtaining or attempting to obtain a license by fraudulent means or misrepresentation including:

(i) Making materially false statements on the application; or

(ii) Material omissions which would influence appraisal of the applicant's suitability.

(b) Permitting, aiding, or abetting the commission of any illegal act on the premises;

(c) Permitting, aiding, or abetting the abuse, neglect, exploitation, or cruel or indifferent care to a person under care;

(d) Repeatedly:

(i) Providing insufficient personnel relative to the number and types of persons under care; or

(ii) Allowing a person unqualified by training, experience, or temperament to care for or be in contact with the person under care.

(e) Misappropriation of the property of a person under care;

(f) Failure or inability to exercise fiscal responsibility and accountability in respect to operation of the agency;

(g) Failure to provide adequate supervision to a person under care;

(h) Refusal to admit authorized representatives of the department or state fire marshal to inspect the premises;

(i) Refusal to permit authorized representatives of the department to have access to the records necessary for the operation of the agency or to permit the department representatives to interview agency staff and clients;

(j) Knowingly having an employee or volunteer on the premises who has made misrepresentation or significant omissions on the application for employment or volunteer service; and

(k) Refusal or failure to supply necessary additional department-requested information.

(3) ~~((A license))~~ The department may ~~((be denied))~~ deny, ~~((suspended))~~ suspend, ~~((revoked))~~ revoke, or not ~~((renewed))~~ renew or modify a license for violation of any condition or limitation upon licensure including, but not limited to, providing care for:

(a) More children than the number for which the agency is licensed; or

(b) Children of ages different from the ages for which the agency is licensed.

(4) The department's notice of a denial, revocation, suspension, or modification of a license is governed by RCW 43.20A.205. The provider's right to an adjudicative proceeding is in the same law.

(a) A provider contesting a department licensing decision shall within twenty-eight days of receipt of the decision:

(i) File a written application for an adjudicative proceeding by a method showing proof of receipt with the office of appeals; and

(ii) Include in or with the application:

(A) A specific statement of the issue or issues and law involved;

(B) The grounds for contesting the department decision; and

(C) A copy of the department decision being contested.

(b) The proceeding shall be governed by the Administrative Procedure Act (chapter 34.05 RCW), RCW 43.20A.205, this chapter, and chapter 388-08 WAC. If any provision of this chapter conflicts with chapter 388-08 WAC, the provision in this chapter governs.

~~((4))~~ (5) The department may deny, suspend, revoke, or not renew a license when the agency fails to comply with the federal Indian Child Welfare Act, P.L. 95-608, chapters 13.04 and 13.34 RCW, WAC 388-73-044, Special Requirements Regarding American Indians, or WAC 388-70-600 through 388-70-640, relating to local Indian child welfare advisory committees.

AMENDATORY SECTION (Amending Order 1336, filed 9/8/78)

WAC 388-73-038 LICENSED CAPACITY. (1) The number of persons for whom ~~((a facility will be licensed))~~ the department will license an agency is dependent upon the evaluation of:

(a) The physical accommodations of the ~~((facility,))~~ agency;

(b) The numbers and skills of the licensee, staff, family members and volunteers~~((;))~~; and

(c) The ages and characteristics of the persons to be served. ~~((No facility))~~

(2) An agency shall not be licensed for the care of more persons than permitted by the rules regarding the category of care for which the license is sought.

(3) The department may license an agency for the care of fewer persons than normally permitted by the rules based on the evaluation of items listed in section (1) above.

AMENDATORY SECTION (Amending Order 1933, filed 1/5/83)

WAC 388-73-042 RELIGIOUS ACTIVITIES. The licensee shall:

(1) Respect the rights of persons in care to observe the tenets of the person's faith ~~((shall be respected))~~ and ~~((facilitated))~~ shall facilitate those rights consistent with state and federal ~~((law. Persons shall))~~ laws;

(2) Not ~~((be punished))~~ punish persons in care for exercising these rights~~((;))~~;

(3) Submit a written description of any religious policies and practices ~~((will be submitted))~~ to the department and ~~((shall be provided))~~ provide a copy to the child and, if possible, to the family upon admission.

AMENDATORY SECTION (Amending Order 1431, filed 9/10/79)

WAC 388-73-052 INTERSTATE PLACEMENT OF CHILDREN. ~~((A#))~~ (1) An agency accepting or making an interstate placement of ~~((children))~~ a child shall ~~((be))~~ do so in accordance with chapters 26.34 RCW~~((, except that))~~ and 388-71 WAC.

(2) For ~~((children))~~ a child who ~~((are))~~ is in the care of a crisis residential center and who ~~((have))~~ has legal residence outside the state of Washington and who refuses to return home, provisions of chapter 13.24 RCW (interstate compact on juveniles) shall apply.

AMENDATORY SECTION (Amending Order 2445, filed 12/2/86)

WAC 388-73-054 CLIENT RECORDS AND INFORMATION—ALL AGENCIES. (1) Agencies shall maintain records and information concerning persons in care ~~((shall be maintained))~~ in such a manner as to preserve their confidentiality. For American Indian children, see WAC 388-73-044. Records giving the following information on each person under care shall be maintained at the licensed facility. The agency's records shall contain, at a minimum, the following information:

(a) Identifying information, including:

(i) Name~~((;))~~;

(ii) Birthdate~~((, and;))~~;

(iii) For full-time care providers, dates of admission, absences, and discharge; and

(iv) For day care providers, daily attendance.

(b) Identifies information for parents or other persons to be contacted in case of emergency:

(i) Names~~((;))~~;

(ii) Addresses~~((;))~~; and

(iii) Telephone numbers, if any (home and business)~~((, of parents and or other persons to be contacted in case of emergency))~~.

(c)(i) Dates and kinds of illnesses and accidents~~((;))~~;

(ii) Medication and treatments prescribed~~((, and;))~~;

(iii) Time given and by whom~~((, and;))~~;

(iv) Except for crisis residential centers and certified juvenile detention facilities, dates and types of immunization~~((;))~~; and

(v) Other pertinent information relating to the person's health.

(d) Written parental consent (or court order) for providing medical care and emergency surgery, except as such care is otherwise authorized by law~~((;))~~;

(e) Names, addresses, and telephone numbers of persons authorized to take the person under care out of the facility~~((;))~~;

(f) Authorization for acceptance of the person under care. Juvenile detention facilities and crisis residential centers shall record the time and date a placement is made, the names of the person and organization making the placement, and the reasons for the placement~~((;))~~;

(g) In addition, for day care facilities a completed application signed by the parent, guardian, or responsible relative~~((;))~~;

(h) For day care facilities, a written consent signed by the parent or parents for all transportation provided by the caregiver, trips, and swimming if the child will be participating in these activities~~((;))~~;

(i) A copy of the report sent to the department licensor of all accidents, injuries, and illnesses requiring inpatient hospitalization occurring to the child while ~~((he or she))~~ the child is present at the facility~~((;))~~; and

(j) Immunization records as per WAC 388-73-140 (4) and (5).

(2) The agency's records of ~~((children))~~ severely and multiply handicapped children shall also contain:

(a) Information obtained upon admission including identifying and social data, an inventory of personal belongings, medical history, and a report of a physical examination and diagnosis by a physician~~((;))~~;

(b) Information about the child's daily care including all plans, treatments, medications, observations, teaching, examinations, physicians' orders, allergic responses, consent authorizations, releases, diagnostic reports, and revisions of assessments~~((;))~~;

(c) A summary upon discharge including diagnoses, treatments, and prognosis by the person responsible for the total plan of care~~((;))~~, instructions given to the person providing continuing care, and a record of any referrals directed toward continuity of care~~((;))~~; and

(d) Appropriate information if the child has died including the time and date of death, apparent cause of

death, appropriate notification of the physician and relevant others (including the coroner if necessary), and the disposition of the body and personal effects.

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

AMENDATORY SECTION (Amending Order 2796, filed 5/4/89)

WAC 388-73-056 REPORTING OF ILLNESS, DEATH, INJURY, EPIDEMIC, CHILD ABUSE, OR UNAUTHORIZED ABSENCE—ALL FACILITIES. The licensee shall immediately report to the persons indicated the following events ~~((as soon as practical after occurrence))~~:

(1) To the ~~((licensor))~~ agency licensing the home, responsible relative, and child's placement worker (if any), death, ~~((or))~~ serious injuries which include, but are not limited to:

- (a) ~~((An injury requiring stitches, (b)))~~ Casting ~~((, or (c)))~~;
- (b) Hospitalization of a child in care; or
- (c) Life-threatening illness.

(2) To the department of social and health services' child protective services or law enforcement any instance where there is reasonable cause to believe that child abuse, neglect, or exploitation may have occurred. See chapter 26.44 RCW and WAC 388-73-044 and 388-73-050(-);

(3) To the local public health department any occurrence of food poisoning or communicable disease as required by the state board of health(-); and

(4) To the placement agency (if any) or responsible relative the unauthorized absence of a child.

AMENDATORY SECTION (Amending Order 2244, filed 6/18/85)

WAC 388-73-057 REPORTING OF CIRCUMSTANTIAL CHANGES. ~~((Agencies))~~ An agency shall report to the department changes in circumstances which might constitute grounds for reclassification of agency as to category of license or continued eligibility for license and major changes in staff or program, including the following:

(1) Changes in agency's address ~~((or))~~, location, designated space, and phone number ~~((t))~~. A license is valid only for address indicated on the license((-));

(2) Changes in the maximum number, age ranges, and sex of persons licensee wishes to serve as compared to specifications in the license(-);

(3) ~~((Changes in number and qualifications of agency's staffing pattern;))~~ Change of agency's chief executive, and the death, retirement, or incapacity of a licensee. ~~((t))~~ A license is valid only for the person or organization named on the license.(t)

(4) Occurrence of a fire on licensed premises, major structural changes, or damage to premises from any causes and plans for major remodeling of facility(-);

(5) Change in name of a licensed corporation, or name by which a facility is commonly known, and

changes in agency's articles of incorporation and bylaws(-);

(6) Marriage or divorce of a foster parent or other change in household composition affecting eligibility for license or number of persons that may be served(-); and

(7) The hiring of any new staff person who might have contact with the children in care or the addition of any new volunteer who might have contact with the children in care.

AMENDATORY SECTION (Amending Order 1933, filed 1/5/83)

WAC 388-73-060 WORK ASSIGNMENTS. Agencies shall not use persons under care ~~((shall not be used))~~ to carry the responsibility for basic maintenance of the facility and equipment. ~~((However;))~~

(1) Persons under call may perform household tasks ~~((may be performed))~~ insofar as appropriate to the program and as part of a planned learning experience.

(2) For a person under care, work assignments shall be appropriate to the age and physical condition of the person under care.

(3) For persons under care, work assignments other than household tasks which are part of the treatment plan may be performed insofar as appropriate to the age and physical condition of the person under care and adequate monetary compensation shall be provided.

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

AMENDATORY SECTION (Amending Order 2445, filed 12/2/86)

WAC 388-73-062 TRANSPORTATION. When a licensee provides transportation for persons under care:

(1) The vehicle shall be in a safe operating condition. The driver shall have a current driver's license(-);

(2) There shall be at least one adult supervisor other than the driver in a vehicle when:

(a) There are more than ~~((six))~~ seven preschool-aged children in the vehicle; or

(b) Staff-to-child ratio guidelines require a second staff person.

(3) Licensee or driver shall carry liability and medical insurance(-);

(4) The licensee's vehicles shall provide seat belts or other appropriate safety devices ~~((shall be provided))~~ for all passengers. The number of passengers shall not exceed the vehicle's seating capacity. Buses approved by the state patrol shall not be required to be equipped with seat belts(-);

(5) Day care facilities transporting children shall have written parental permission.

AMENDATORY SECTION (Amending Order 1336, filed 9/8/78)

WAC 388-73-064 CLOTHING. Full-time care providers are responsible to provide or arrange for appropriate clothing for the persons under care. ~~((Clothing~~

shall be neat, ~~seasonable and of such quality and design as to foster self-respect.~~)

AMENDATORY SECTION (Amending Order 2445, filed 12/2/86)

WAC 388-73-070 TRAINING. ~~((Staff shall be made aware of the licensee's policies and procedures and the rules contained in this chapter.))~~ (1) All agencies ~~((employing five or more persons))~~ with employees shall have an in-service training program for developing and upgrading staff skills.

(2) For agencies employing five or more persons, the training plan shall be in writing.

(3) Staff shall be made aware of the licensee's policies and procedures and the rules contained in this chapter.

(4) The agency shall provide or arrange for training in practice skills for its staff responsible for delivering the specific services it offers.

(5) Agency's employee training shall include nonphysical, age-appropriate methods of controlling behavior.

(6) Facilities required to provide staff training shall record the delivery and the nature of the training either in each employee's file or in a separate training file.

AMENDATORY SECTION (Amending Order 2081, filed 2/29/84)

WAC 388-73-077 MULTIDISCIPLINARY CARE PLAN FOR SEVERELY AND MULTIPLY-HANDICAPPED CHILDREN. ~~((For each))~~ (1) An agency licensed for the care of severely and multiply-handicapped ~~((child, there))~~ children shall ~~((be))~~ maintain a multidisciplinary plan of care ~~((addressing))~~ for each child in care:

(a) The agency's care plan shall address the social service, medical, nutritional, rehabilitative, and educational needs of each child~~((:));~~

(b) The agency's care plan shall indicate care to be given and goals to be accomplished and which professional service is responsible for each element of care~~((:));~~

(c) The agency's care plan shall be reviewed, evaluated, and updated as necessary by all professional personnel involved in the care of the child.

(2) Professional personnel shall meet at least annually to re-evaluate each child's current condition, progress, prognosis, and need for ongoing care and additional services.

(3) Agency staff shall record quarterly progress reports ~~((shall be recorded))~~ in the child's record.

AMENDATORY SECTION (Amending Order 1336, filed 9/8/78)

WAC 388-73-078 CLERICAL, ACCOUNTING AND ADMINISTRATIVE SERVICES. Except for foster family homes for children or expectant mothers, ~~((family homes for adults and family day care homes,))~~ each agency shall provide or arrange for sufficient clerical, accounting and administrative staff or services as are required to maintain proper records and carry out the agency's program.

AMENDATORY SECTION (Amending Order 1336, filed 9/8/78)

WAC 388-73-080 SUPPORT AND MAINTENANCE STAFF. Except for foster family homes for children or expectant mothers, ~~((family homes for adults and family day care homes,))~~ each licensee shall provide or arrange for sufficient support and maintenance staff or services as are required for the maintenance and repair of the facility and preparation and serving of meals.

AMENDATORY SECTION (Amending Order 1336, filed 9/8/78)

WAC 388-73-100 SITE AND TELEPHONE. ~~((The))~~ A facility operated by licensed agencies shall be located on a well-drained site free from hazardous conditions and accessible to other facilities necessary to carry out its program. There shall be at least one telephone, functional for incoming and outgoing calls, on the premises which shall be accessible for emergency use at all times.

AMENDATORY SECTION (Amending Order 2445, filed 12/2/86)

WAC 388-73-102 EQUIPMENT, SAFETY, AND MAINTENANCE. (1) In facilities operated by licensed agencies:

(a) The physical plant, premises, and equipment shall be maintained in a clean and sanitary condition, free of hazards, and in good repair~~((:));~~

(b) Steps shall be provided with handrails as determined necessary by the department. Emergency lighting devices, such as flashlights, in operational condition shall be available~~((:));~~ and

(c) All flaking or deteriorating lead-based paint on exterior and interior surfaces and equipment and toys accessible to preschool-age children shall be refinished with lead-free paint or other nontoxic material.

(2) Except in ~~((family day care and))~~ foster family homes, the facility's toilet rooms, kitchens, and other rooms subject to moisture shall have washable, moisture impervious floors; except that in the facility's kitchens, washable short-pile carpeting that is kept clean and sanitary may be approved by the department.

(3) Except in ~~((family day care and))~~ foster family homes, facilities caring for preschool children shall ~~((have electrical outlets of a safety type, covered with blank plates, or otherwise made inaccessible to such children))~~ equip child accessible outlets with non removable safety devices or covers preventing electrical injury.

(4) There shall be provision for staff members to gain rapid access to any bedroom, toilet room, shower room, bathroom, or other room occupied by children should an emergency need arise.

AMENDATORY SECTION (Amending Order 1933, filed 1/5/83)

WAC 388-73-103 WATER SAFETY. (1) Except for foster family homes, when a child uses a swimming pool ~~((is used))~~ at a child care agency, the swimming

pool shall meet the requirements of chapter 248-98 WAC as applicable to public and semipublic pools.

(2) The licensee shall place a fence having a locked gate around the pool((s)) and the pool shall be ((fenced with a locked gate to make the pool)) inaccessible to children when not in use.

(3) Except for foster family homes, a certified life-guard shall be in attendance at all times when children are using a swimming pool or swimming area.

(4) The licensee shall permit a child's use of a portable wading pool((s shall be permitted)) if the portable wading pool((s are)) is emptied and cleaned daily. Children shall be supervised at all times when wading.

(5) Licensees shall assure that hot tubs, spas, etc., shall be inaccessible to children when not in use and shall not be used by children without appropriate adult supervision.

AMENDATORY SECTION (Amending Order 1336, filed 9/8/78)

WAC 388-73-104 FIREARMS. (1) Except for foster family homes, the licensee shall not permit firearms on the premises of child care agencies.

(2) In foster family homes, firearms shall be kept in locked storage when not in use, accessible only to authorized persons.

(3) The licensee shall only allow firearm((s, if any, shall be used only)) use under competent adult supervision ((and when not in use shall be kept in locked storage accessible only to authorized persons)).

AMENDATORY SECTION (Amending Order 2445, filed 12/2/86)

WAC 388-73-106 STORAGE. (1) The licensee shall provide and use suitable space ((shall be provided and used)) for the storage of clothing and personal possessions of person in care, play and teaching equipment and supplies, records and files, cots, mats and bedding.

(2) The licensee shall store cleaning supplies, toxic substances, poisons, aerosols, and items bearing warning labels ((shall be stored)) so as to be inaccessible to pre-school children and other persons with limited mental capacity. All containers filled from a stock supply shall bear a label correctly identifying the contents.

AMENDATORY SECTION (Amending Order 2445, filed 12/2/86)

WAC 388-73-108 BEDROOMS. In full-time care facilities operated by licensed agencies:

(1)(a) Hallways, kitchens, living rooms, dining rooms, and unfinished basements shall not be used as bedrooms((-);

(b) Every bedroom shall be an outside room permitting entrance of natural light((-);

(c) Separate sleeping quarters shall be furnished for each sex for children over six years of age((-);

(d) Multiple occupancy bedrooms shall provide not less than fifty square feet per occupant of floor area exclusive of closets((-);

(e) There shall be not less than thirty inches laterally between beds((-);

(f) In group-care facilities and maternity homes, single occupancy bedrooms shall provide at least eighty square feet of floor space((-);

(g) Each person in care shall have a bed of his or her own((-);

(h) There shall be no more than four persons to a bedroom except in facilities licensed for more prior to the adoption of these rules((-);

(i) For facilities licensed after December 31, 1986, sleeping rooms shall have a minimum ceiling height of 7.5 feet and shall have a window area, permitting the direct entrance of natural light, of not less than one-tenth of the required floor space.

(2) For each person in care, there shall be a bed at least thirty inches wide with a clean, firm mattress, pillow, sheets, blankets, and pillowcases. Each person's pillow((s)) shall be covered with waterproof material or be of a washable type. The agency shall provide waterproof mattress covers ((shall be provided)) for incontinent persons.

(3) The agency shall not permit the upper bunk of double-deck beds ((are prohibited)) for use by ((pre-school-age children, expectant mothers, and handicapped)) persons who may be endangered by the use of an upper bunk. When mother and infant sleep in the same room, the room shall contain at least eighty square feet of usable floor space. The agency shall provide an infant a crib or bassinet with a clean, firm mattress covered with a waterproof material ((shall be provided for the infant)). ((No more than)) The agency shall allow only one mother and her newborn infant or infants ((may)) to occupy a bedroom.

(4) Bedding shall be clean; sheets and pillowcases shall be laundered weekly.

(5) ((No)) The agency shall not allow a child over ((the age of)) one year of age shall share a bedroom with foster parents or agency staff. An adult ((must)) shall be on the same floor or within easy hearing distance and accessibility to where children under six years of age are sleeping.

(6) See WAC 388-73-146(7) for requirements for cribs ((for)) used by infants in care.

(7) The agency shall allow only rooms having unrestricted direct access to hallways, corridors, living rooms, day rooms, or such common use area ((shall be used)) for use as bedrooms for persons in care.

AMENDATORY SECTION (Amending Order 1336, filed 9/8/78)

WAC 388-73-110 SPECIAL CARE ROOM. Except for child-placing agencies((-);) and foster family homes for children((-);) or expectant mothers, ((or adults and family day care homes,)) each agency shall provide a separate room or segregated area which is designated for the care of a person under care who needs to be separated from the group due to injury, illness or the need for additional rest.

(1) The agency shall locate this separate room or area ((must be located)) so that the child can be supervised.

(2) The agency shall provide a person under care readily accessible toilet and lavatory facilities ((shall be readily accessible)).

(3) If the person under care is suspected of having a communicable disease, ~~((and))~~ the area and equipment used by the child ~~((must))~~ shall be easily and adequately sanitized ~~((after use))~~.

(4) The agency may use this special care room or area ~~((may be used))~~ for other purposes when not needed for the separation and care of a person in care.

AMENDATORY SECTION (Amending Order 2445, filed 12/2/86)

WAC 388-73-112 KITCHEN FACILITIES. (1) The licensee shall provide facilities for ~~((the))~~ proper storage, preparation, and service of food ~~((shall be provided))~~ to meet the needs of the program.

(2) All food service facilities and practices in mini-day care centers, day treatment programs, group care facilities, and maternity homes shall be in compliance with chapter ~~((248-84))~~ 246-215 WAC, rules and regulations of the state board of health governing food service sanitation, except home canned high-acid foods with a pH of less than 4.6 (such as canned fruits, jams, jellies, and pickles) may be used. Kitchen equipment and food preparation procedures shall be approved by the department of health.

(3) Children may participate in food preparation provided it is part of an agency's supervised program. Preschool-age children shall be supervised when in the kitchen.

(4) In ~~((day care centers and))~~ mini-day care centers ~~((not in the provider's abode))~~, the kitchen shall be inaccessible to children except for planned and supervised activities.

AMENDATORY SECTION (Amending Order 2445, filed 12/2/86)

WAC 388-73-116 LAUNDRY. (1) A licensee shall provide adequate facilities ~~((shall be provided))~~ for separate storage of soiled linen and clean linen.

(2) A licensee shall provide adequate laundry and drying equipment ~~((shall be provided))~~ unless other ~~((suitable))~~ acceptable arrangements are made.

~~((2))~~ (3)(a) Except in ~~((family day care and))~~ foster homes, the licensee shall locate laundry equipment ~~((shall be located))~~ in an area separate from the kitchen and child care areas~~((Water temperature for laundry shall be maintained at a minimum of 140°F for))~~;

(b) The licensee shall use an effective method through temperature or chemical measures for adequately sanitizing laundry contaminated with urine, feces, ~~((infectious material))~~ lice, ~~((or))~~ scabies, or other potentially infectious materials. ~~((A lower wash temperature may be used for other laundry.))~~

AMENDATORY SECTION (Amending Order 2445, filed 12/2/86)

WAC 388-73-118 TOILETS, HANDWASHING SINKS, AND BATHING FACILITIES. Licensees shall provide sanitary facilities and equipment according to the following configuration:

(1) There shall be at least one indoor flush-type toilet and one nearby handwashing sink with hot and cold or

tempered running water. The following ratios of persons normally on the premises to facilities shall apply:

	Toilets	Handwashing Sinks	Bathing Facilities
((Day Care Centers)) Day Treatment Programs	*2 minimum and 1:15 or major fraction	2 minimum and 1:15 or major fraction	None Required
Mini-Day Care Programs	1 minimum	1 minimum	None Required
Group Care Facilities Maternity Homes	2 minimum and 1:8 or major fraction	2 minimum and 1:8 or major fraction	1 minimum and 1:8 or major fraction
((Family Home for Adults)) Foster Family Home ((Family Day Care Home))	1 minimum	1 minimum	1 minimum

*A minimum of one is acceptable provided no more than fifteen persons capable of using a flush-type toilet are on the premises.

(2) The licensee shall assure that toilet facilities comply with the following standards:

(a) Toilet and bathing facilities shall provide for privacy for persons of the opposite sex six years of age or older~~((-3))~~;

(b) Toilet, urinals, and handwashing sinks shall be of appropriate height for the children served or be provided with a safe and easily cleanable platform impervious to moisture~~((-4))~~;

(c) Except in ~~((family day care and))~~ foster family homes, handwashing and bathing facilities shall be provided with hot and cold or tempered running water not exceeding one hundred ~~((ten))~~ twenty degrees Fahrenheit ~~((for preschool or developmentally disabled children and one hundred twenty degrees Fahrenheit for all others:~~

~~((5))~~ or warm running water in the range of eight-five to one hundred twenty degrees fahrenheit maximum;

(d) All bathing facilities shall have a conveniently located grab bar unless other safety measures, such as nonskid pads, are approved by the department ~~((see subsection (8)))~~ as described under subdivision (2)(g) of this ~~((section))~~ subsection. Preschool children and severely and multiply-handicapped children shall not be left unattended in a bathtub~~((-6))~~ or shower;

(e) Equipment for toileting and toilet training of toddlers shall be provided ~~((and))~~, maintained in a sanitary condition and located on a moisture impervious surface at all times. Children less than eighteen months of age and/or using toilet training equipment need not be included when determining the number of flush-type toilets required~~((-7))~~;

(f) Whenever urinals are provided, the number of urinals shall not replace more than one-third of the total required toilets~~((-8))~~;

(g) In maternity homes, bathing facilities shall have adequate grab bars in convenient places. All sleeping areas shall have at least one toilet and handwashing sink on the same floor~~((-9))~~;

(h) Soap and individual towels or disposable towels or other approved ~~((other))~~ hand drying devices shall be provided.

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

AMENDATORY SECTION (Amending Order 2445, filed 12/2/86)

WAC 388-73-120 LIGHTING. The licensee shall locate light fixtures ~~((shall be selected and located to))~~ and provide ~~((for the))~~ lighting intensities promoting good visibility and comfort ~~((and safety of))~~ for the ~~((persons under))~~ child in care. ~~((Lighting intensities shall be at least fifteen foot-candles for all rooms and areas used for care, except for classrooms, study areas, and food service areas, which shall be thirty foot-candles.))~~ Except for foster family homes, ~~((foster and day care.))~~ light bulbs and tubes shall be adequately shielded from breakage in areas used by children.

AMENDATORY SECTION (Amending Order 1336, filed 9/8/78)

WAC 388-73-126 WATER SUPPLY. Licensed facilities shall provide:

(1) A public water supply or a private water supply ~~((must be))~~ approved by the local health authority or department ~~((:))~~; and

(2) Disposable paper cups, individual drinking cups or glasses, or ~~((inclined))~~ angled jet type drinking fountains shall be provided. Bubbler-type fountains and common drinking cups are prohibited.

AMENDATORY SECTION (Amending Order 1336, filed 9/8/78)

WAC 388-73-128 TEMPERATURE. The licensee shall maintain the temperature within the facility ~~((shall be maintained))~~ at not less than 68°F during waking hours, and at not less than 60°F during sleeping hours.

AMENDATORY SECTION (Amending Order 1336, filed 9/8/78)

WAC 388-73-130 VENTILATION. The licensee shall assure that the physical facility shall be ventilated to assure health and comfort of the persons under care. Toilets, bathrooms and areas which contain housekeeping sinks which do not have windows opening to out of doors shall be vented by mechanical exhaust to the out of doors.

AMENDATORY SECTION (Amending Order 2445, filed 12/2/86)

WAC 388-73-132 HEALTH CARE PLAN. (1) All ~~((facilities))~~ agencies providing direct care shall maintain current written medical policies and procedures including:

- (a) Handwashing (i.e., for staff and children) ~~((:))~~;
- (b) Communicable disease reporting and management ~~((:))~~;
- (c) Medication management ~~((:))~~;
- (d) First aid ~~((:))~~;
- (e) Care of minor illnesses ~~((:))~~;
- (f) Action to be taken in event of medical emergencies ~~((:))~~;

(g) Infant care procedures when infants are under care ~~((:))~~; and

(h) General health practices.

(2) The licensee shall write policies and procedures ~~((shall be written))~~ for staff orientation and shall make the policies and procedures readily available for implementation. For day care facilities, parents or guardians shall be informed of said policy.

~~((2))~~ (3) Agencies licensed for the care of thirteen or more persons and all group homes shall arrange for the services of an advisory physician, physician's assistant, or registered nurse to assist in the development and periodic review of the agency's health policies, procedures, and practices. The agency shall post emergency phone numbers ~~((shall be posted))~~ next to the phone.

AMENDATORY SECTION (Amending Order 2445, filed 12/2/86)

WAC 388-73-134 FIRST AID. The licensee shall assure that:

(1) A person having completed a basic Red Cross first-aid course or a first-aid course approved by the department and training in age appropriate cardiopulmonary resuscitation (CPR) shall be present at all times persons are under care; except, for foster family homes, the "at all times" provision is not applicable. All said training shall be current. The requirement for CPR training may be waived for persons when such training is contraindicated for medical reasons. The CPR course shall include administration for the age group in care ~~((:))~~;

(2) For foster family care, the primary caregiver shall ~~((meet these requirements, except when a child for whom it is medically indicated is in care, a person meeting these requirements shall be present at all times.))~~ have current first aid and CPR training as noted under WAC 388-73-134(1);

(3) Documentation of persons having completed the training shall be maintained in the facility ~~((:))~~;

(4) First-aid supplies as needed to conform with first-aid policies and procedures shall be readily available. First-aid supplies shall include unexpired syrup of ipecac to be administered only on the advice of a physician or poison control center.

AMENDATORY SECTION (Amending Order 2778, filed 3/22/89)

WAC 388-73-136 MEDICATIONS CONTROLLED BY LICENSEE. The licensee or responsible designee:

(1) Shall ~~((disburse))~~ give or have access to medications except for self-administered medications as provided under WAC 388-73-138;

(2) Shall ~~((disburse))~~ give medications, prescription and nonprescription, only on the written approval of a parent, person, or agency having authority by court order to approve medical care;

(3) Shall ~~((disburse))~~ give prescription medications:

- (a) Only as specified on the prescription label; or
- (b) As otherwise authorized by a physician or other person legally authorized to prescribe medication.

(4) May ~~((disburse))~~ give the following classifications of nonprescription medications, with parent authorization, only at the dose, duration, and method of administration, specified on the manufacturer's label for the age and/or weight of the child needing the medication:

- (a) Antihistamines;
- (b) Nonaspirin antipyretics/analgesics, fever reducers/pain relievers;
- (c) Nonnarcotic cough suppressants;
- (d) Decongestants;
- (e) Anti-itching ointments or lotions, intended specifically to relieve itching;
- (f) Diaper ointments and powders, intended specifically for use in the diaper area of children; and
- (g) Sun screen.

(5) Shall ~~((disburse))~~ give other nonprescription medications not included in the categories listed in subsection (4) of this section or that are to be taken differently than indicated on the manufacturer's label or for which the label does not provide instruction, only as authorized in writing by a physician or as based on established medical policy approved, in writing, by a physician or other person legally authorized to prescribe medication. Such medication can be given per instruction and per a physician's standing order;

(6) Shall accept from the child's parent, guardian, or responsible relative only medicine in the original container, labeled with:

- (a) The child's first and last names;
- (b) The date the prescription was filled; or
- (c) The medication's expiration date; and
- (d) With legible instructions for administration, i.e., manufacturer's instructions or prescription label ~~((f-))~~.

(7) Shall keep all medications, refrigerated or non-refrigerated, in an orderly fashion, inaccessible to children;

(8) Shall store external medications separately, in separate compartments, from internal medications;

(9) Except for foster family homes, shall keep a record of all medications disbursed; and

(10) Shall return to the parent or other responsible party medications no longer being taken.

AMENDATORY SECTION (Amending Order 2445, filed 12/2/86)

WAC 388-73-138 SELF-ADMINISTRATION OF MEDICATIONS. The licensee may permit self-administration of medications by a person in care ~~((shall be))~~ in accordance with the following:

(1) The person shall be physically and mentally capable of properly taking his or her own medication. The licensee shall make a written statement of the person's capacities and include such statement in the person's file ~~((:))~~;

(2) Medications and other medical supplies shall be kept so they are not available to unauthorized persons.

AMENDATORY SECTION (Amending Order 2277, filed 9/4/85)

WAC 388-73-140 HEALTH HISTORY, PHYSICAL EXAMINATIONS, IMMUNIZATIONS. This

section is not applicable to crisis residential centers and juvenile detention facilities.

(1) The licensee shall obtain a health history for each person under care ~~((shall be obtained))~~ when the person is accepted for care, if possible. The health history shall include:

(a) The date of the person's last physical examination~~((:))~~;

(b) Allergies~~((:))~~;

(c) Any special health problems~~((:))~~; and

(d) For children, an immunization history.

(2) If a child has not been under regular medical supervision or has not had a physical examination by a physician, physician's assistant, or certified registered nurse (nurse practitioner) within one year prior to admission, ~~((arrangements shall be made))~~ the agency shall arrange for an examination to be made within thirty days. Each severely and multiply-handicapped child shall be under regular medical supervision of a physician. Each child shall be seen by a physician regularly, according to the physician's plan of care as required in WAC 388-73-077.

(3) Yearly physical examinations are required for each child not under regular medical supervision.

(4) Except for foster family care, licensees shall require that before or on the child's first day of attendance or first day in residence, each child shall present proof of full immunization for diphtheria, tetanus, pertussis (whooping cough), poliomyelitis, measles (rubeola), rubella (German measles), and mumps as set forth ~~((in))~~ under WAC ~~((248-100-164(2)))~~ 248-100-166. For foster family care, a child shall have proof of full immunization no later than thirty days after placement in care. (Note: Appropriate forms and information may be obtained at the local health department. For the requirements applying to day care centers, see WAC 248-100-164.)

(5) ~~((Children))~~ A licensee may accept a child not having received all immunizations as set forth in WAC ~~((248-100-164(2) may be accepted))~~ 248-100-166 on a conditional basis if immunizations are initiated before or on admission and are completed as rapidly as is medically indicated.

(6) Providers, whose minor children are present on the agency premises, shall present, for each child, proof of full immunization under WAC 248-100-166 for:

(a) Diphtheria;

(b) Tetanus;

(c) Pertussis, whooping cough;

(d) Poliomyelitis;

(e) Measles, Rubeola;

(f) Rubella, German measles;

(g) Mumps; and

(h) Haemophilus influenzae type b disease.

Parents and providers may obtain appropriate forms and information at the local health department. If a provider's child has not received all immunizations, the department may give conditional approval if immunizations have been initiated and are completed as rapidly as medically indicated.

(7) Exceptions to the immunization requirement shall be made in the case of a parent or guardian expressing

religious, philosophical, or personal objections by signing a statement to this effect; or there is a physician's statement that a valid medical reason exists to contraindicate immunization.

AMENDATORY SECTION (Amending Order 2796, filed 5/4/89)

WAC 388-73-142 INFECTION CONTROL, COMMUNICABLE DISEASE. (1) Each licensee, employee, adult volunteer, and other adult persons having regular contact with persons in care shall have a tuberculin skin test, by the Mantoux method, upon employment or licensing unless medically contraindicated((-));

(a) Persons whose TB skin test is positive (ten millimeters or more induration) shall have a chest x-ray within ninety days following the skin test((-));

(b) The department shall not require the person have routine periodic retesting or x-ray ((biennial or otherwise)) after the entry testing ((is not required-)) unless the person is identified as a contact to an infectious case or develops symptoms of tuberculosis;

(c) An entry test shall not be required of persons whose TB skin test has been documented as negative ((f)), or less than ten millimeters of induration((?)), within the ((last two years nor shall routine periodic retesting or x-ray (biennial or otherwise) be required of such persons)) past six months.

(2) The licensee shall keep a record of skin test results, x-rays, or exemptions to ((such will be kept)) this requirement in the facility.

(3) Persons with a communicable disease in an infectious stage shall not be on duty.

(4) ~~((Providers whose minor children will be on the premises of the agency shall present, for each child, proof of full immunization under WAC 248-100-166 for:~~

- (a) Diphtheria;
- (b) Tetanus;
- (c) Pertussis, whooping cough;
- (d) Poliomyelitis;
- (e) Measles, Rubella;
- (f) Rubella, German measles, and
- (g) Mumps.

~~Appropriate forms and information may be obtained at the local health department. If a provider's child has not received all immunizations, the department may give conditional approval if immunizations have been initiated and are completed as rapidly as medically indicated.~~

~~((5)) Except for foster family homes, each facility caring for severely and multiply-handicapped children shall have an infection control program supervised by a registered nurse.~~

~~((6) Except for foster family homes,)) (5) Each facility shall have written policies and procedures regarding the control of infections in the facility. This shall include, but is not limited to, the following areas: Isolation, aseptic procedures, reporting of communicable diseases, handwashing and hygiene, toileting and diapering, and laundering.~~

AMENDATORY SECTION (Amending Order 2897, filed 11/1/89, effective 12/2/89)

WAC 388-73-143 HIV/AIDS EDUCATION AND TRAINING. Licensed child care agencies shall:

(1) Provide or arrange for appropriate education and training of employees on the prevention, transmission, and treatment of HIV and AIDS as prescribed by the department of social and health services. Such education and training shall consider infection control standards and materials available from appropriate professional associations and professional prepared publications. For foster family homes(~~(, family day care homes,)) and mini-day care centers, the primary caregiver shall complete this education and training; and~~

(2) Use infection control standards and educational material consistent with the approved curriculum manual KNOW - HIV/AIDS PREVENTION EDUCATION FOR HEALTH CARE FACILITY EMPLOYEES, May 31, 1989 and January, 1991, published by the department of health, office on HIV/AIDS.

AMENDATORY SECTION (Amending Order 2445, filed 12/2/86)

WAC 388-73-144 NUTRITION. The licensee shall provide food, according to the following requirements, to children in care:

(1) Food served shall be planned to meet the needs of the persons under care, taking into consideration the persons' ages, developmental levels, individual metabolic differences, cultural backgrounds, any handicapping conditions, and hours of care in the facility. To promote an educational and socializing environment during meal-times, ~~((whenever possible))~~ staff shall sit with the persons and eat the same foods((-));

(2) The ((use of)) licensee shall not serve or provide raw milk ((is prohibited)) to children in care. Skim milk and reconstituted nonfat dry milk and one and two percent butterfat milks shall not be used for drinking purposes by any child less than eighteen months of age, except with the written permission of a physician; except further, that for mini-day care centers, such reduced fat milk may be given to the child twenty-three months of age or younger with written permission of the child's parent. Dry milk and milk products may be reconstituted in the facility for drinking purposes for children over eighteen months of age, provided the preparation, service, and storage of said milk is in accordance with the requirements of chapter ((248-84)) 246-215 WAC relating to potentially hazardous foods((-));

(3) Except for ~~((family day care and))~~ foster homes and child placing agencies, ~~((facilities))~~ the licensee shall record all food served.

(a) The licensee shall prepare daily menus, including all snacks required to be served, ~~((shall be prepared))~~ at least one week in advance and dated. A schedule of meal-times shall be established and posted.

(b) A menu shall specify a variety of foods to enable a person to consume adequate nutrients. Cycle menus, including snacks, shall provide at least two weeks of variety before repeating. Any substitutions shall be of comparable nutrient value and recorded.

(c) The licensee shall keep the menus (~~((shall be kept))~~) on file for a minimum of six months for review by the department.

(d) For facilities caring for severely and multiply-handicapped children, the licensee shall post a general meal pattern including types of food and kinds of meal service (~~((shall be posted))~~). A system for recording food and fluid intake of each child shall be approved by a physician and a dietitian (see subsection (8) of this section). The licensee shall keep records of food and fluid intake of each child (~~((shall be kept))~~) in the child's file for at least one month and in the facility for at least six months.

(4) The licensee shall not serve nutrient concentrates, supplements, and modified diets (therapeutic and allergy diets) (~~((shall not be served))~~) except with the written instructions of a physician.

(a) The licensee shall obtain from the parent, responsible guardian, responsible relative, or physician a written diet listing foods the person cannot have. The licensee shall post dietary restrictions with persons' names (~~((must be posted))~~) for staff to follow.

(b) For facilities caring for severely and multiply-handicapped children, all modified diets shall be planned, reviewed, and approved by a dietitian (see subsection (8) of this section).

(5) Mini-day care and day treatment (~~((=))~~). The licensee shall serve food to children in care for five to ten hours (~~((shall be served food))~~) providing at least one-third of the ~~((1980))~~ 1989 recommended dietary allowances set by the national research council. Children in care for more than ten hours, except children in evening care, shall be offered an additional snack. Children bringing sack meals from home shall be provided additional foods to meet the requirements. Licensees shall consult with parents as to what additional foods should be provided. Menus shall be posted where parents can view them.

(a) The licensee shall offer all children arriving before 7:00 a.m. not having received breakfast (~~((shall be offered))~~) a breakfast providing at least one-fourth of the recommended dietary allowances.

(b) The licensee shall offer all children present (~~((shall be offered))~~) midmorning and midafternoon snacks. If breakfast was served to all children, then a midmorning snack is not required. Children arriving after school shall be offered a snack.

(c) The licensee shall provide all children between-meal snacks (~~((shall be provided))~~) contributing toward the daily food needs. Snacks shall consist of two or more of the following items, served in age-appropriate serving sizes:

- (i) Milk or milk products;
- (ii) Fruit and/or vegetables;
- (iii) Fruit and/or vegetable juices that are at least fifty percent real juice;
- (iv) Whole grain or enriched breads and/or cereal products;

(v) Protein foods (animal or vegetable).

(d) The (~~((occasional))~~) department shall not prohibit the licensee from occasionally serving (~~((of))~~) party foods not meeting the requirements (~~((is not prohibited))~~).

(6) Full-time care providers (~~((=))~~). The agency shall serve all children food (~~((shall be served))~~) in accordance with the ~~((1980))~~ 1989 recommended dietary allowances of the food and nutrition board, national research council, adjusted for age, sex, physical abilities, and activity of each person.

The licensee shall provide all children a minimum of three meals in each twenty-four-hour period (~~((shall be provided))~~). Deviation may be made from this minimum when a written request has been made to and approved in writing by the department. The time interval between the evening meal and breakfast shall be not more than fourteen hours. For facilities caring for severely multiply-handicapped children, if a child is incapable of consuming foods in the amounts and variety required to meet the recommended dietary allowances, nutritional supplements ordered by a physician must be provided to meet the ~~((1980))~~ 1989 recommended dietary allowances adjusted for age, weight, and height unless medically contraindicated.

(7) The licensee shall provide all children a minimum of one serving of vitamin C fruit, vegetable, or juice daily, and servings of food high in vitamin A three or more times per week.

(8) In facilities caring for severely and multiply-handicapped children, each child shall be weighed at least monthly and measured in length at least quarterly. Records of these measurements shall be maintained in the child's record.

~~((8))~~ (9) Facilities caring for severely and multiply-handicapped children shall use the services of a dietitian meeting the 1980 registration requirements of the American dietetic association to comply with WAC 388-73-077, 388-73-144 (3) and (4), and 388-73-146(6).

AMENDATORY SECTION (Amending Order 2796, filed 5/4/89)

WAC 388-73-146 CARE OF YOUNGER OR SEVERELY AND MULTIPLY-HANDICAPPED CHILDREN. This section is applicable only to ~~((day care centers;))~~ mini-day care programs, ~~((family day care homes;))~~ group care facilities, and facilities for severely and multiply-handicapped children.

(1) A licensee shall not accept a child under one month of age (~~((shall not be accepted))~~) for day care.

(2) Facilities licensed to care for thirteen or more children shall provide separate, safe play areas for children under one year of age or children not walking (~~((are required for facilities licensed to care for thirteen or more children))~~). Children under one year of age shall be cared for in rooms or areas separate from older children, as approved by the department with not more than eight such children to a room or area and with handwashing facilities in each such room or area or convenient thereto.

(3) Diaper changing. The provider shall ~~((assure))~~ ensure:

(a) Diaper-changing ~~((places))~~ areas shall be sanitized between use for different children or protected by a moisture impervious (or not absorbent) disposable covering discarded after each use;

(b) Disposable towels or clean reusable towels having been laundered between children shall be used for cleaning children;

(c) Personnel shall wash hands before and after diapering each child;

(d) Diaper-changing areas shall be separate from food preparation areas and shall be adjacent to a hand-washing sink; and

(e) The designated changing area shall be impervious to moisture and washable.

(4) Except for foster family homes (~~and family day care homes~~), the provider shall use disposable diapers, a commercial diaper service, or reusable diapers supplied by the child's family. Soiled diapers shall be placed without rinsing into separate, cleanable, covered containers provided with waterproof liners prior to transport to laundry, parent, or acceptable disposal. Soiled diapers shall be removed from the facility at least daily. Diaper-changing procedures shall be posted at the changing areas.

(5) The agency shall initiate the child's toilet training (~~shall be initiated~~) when readiness is indicated by the child and in consultation with the child's parents or placement agency. Potty chairs, when in use, shall be located on washable, impervious surfaces.

(6) When the agency formula (~~feeding of~~) feeds infants (~~(f) under one year of age~~), the infants shall be on a formula feeding schedule agreed upon by the child's parent or parents, guardian, the placement agency, and the licensee. When the agency formula (~~feeding of~~) feeds severely and multiply-handicapped children, the children shall be on a schedule agreed upon by the (~~child's~~) children's physician and the facility's dietitian (see WAC 388-73-144(8)).

(a) Feedings prepared on the premises of the facility.

(i) Any child's formula provided by the parent or parents, guardian, placement agency, or licensee shall be in a ready-to-feed strength or require no preparation other than dilution with water at the day care facility.

(ii) If the container in which the feeding was purchased does not include a sanitized bottle and nipple, (~~then~~) the agency shall transfer (~~of~~) ready-to-feed formula from the bulk container to the bottle and nipple feeding unit (~~must be done~~) in a sanitary manner in an area separate from diapering areas.

(iii) The agency shall refrigerate filled bottles (~~shall be refrigerated~~) if bottles are not used immediately and the contents shall be discarded if bottles are not used within twelve hours.

(iv) If bottles and nipples are (~~to be~~) reused by the facility, the agency shall sanitize the bottles and nipples (~~must be sanitized~~).

(v) When more than one bottle-fed child is in care, the agency shall label the bottles (~~shall be labeled~~) with the child's name and date prepared. The agency shall pour milk for children requiring bottles but no longer on formula (~~shall be poured~~) from the original container into sanitized, labeled bottles. The agency shall use sanitized nipples only (~~shall be used~~) on the bottles.

(b) Feedings brought to the child care facility.

(i) When the parent brings bottles (~~brought~~) into the facility, the bottles shall have a label showing the child's name.

(ii) The agency shall refrigerate bottles (~~shall be refrigerated~~) immediately upon their arrival at the facility and the agency shall discard the bottle contents (~~discarded~~) if not used within twelve hours.

(c) Bottles shall not be propped. The agency shall provide semisolid foods (~~shall be provided~~) for infants at between four and five months of age, upon consultation with the parent or placement agency, and/or with a physician when indicated. Infants too young or unable to sit in high chairs shall be held by the care giver in a semisitting position for all feedings unless medically contraindicated. Infants six months of age or over showing a preference for holding their own bottles may do so provided an adult remains in the room and within observation range. The agency shall take bottles (~~shall be taken~~) from the child when (~~he or she~~) the child finishes feeding or when the bottle is empty. See also WAC 388-73-144.

(7) Cribs.

(a)(i) Providers shall furnish single level infant cribs made of wood, metal, or approved plastic with secure latching devices. Such infant cribs shall also have no more than two and three-eighths inches space between vertical slats when used for infants under six months of age.

(ii) For infants, providers may use cribs not meeting the spacing requirement provided crib bumpers or other effective methods are used to prevent the infant's body from slipping between the slats.

(b) Infants' crib mattresses shall be:

(i) Snug fitting to prevent the infant or severely and multiply-handicapped child being caught between the mattress and crib side rails; and

(ii) Waterproof and easily sanitized.

(8) Children's activities.

(a) The facility shall provide infants and severely and multiply-handicapped children opportunities for:

(i) Exercise;

(ii) Large and small muscle development;

(iii) Crawling and exploring;

(iv) Sensory stimulation;

(v) Social interaction; and

(vi) Development of communication and self-help skills.

(b) The facility shall provide safe and suitable toys and equipment for the care of infants and severely and multiply-handicapped children.

(9) Nursing consultation.

(a) Except for facilities caring for severely and multiply-handicapped children requiring a registered nurse on staff or under contract, (~~day care~~) facilities licensed for the care of (~~five~~) four or more infants shall arrange for regular consultation to include at least one monthly on-site visit by a registered nurse trained or experienced in the care of young children.

(b) In collaboration with the agency's administrative staff, the nurse shall advise the agency on the:

(i) Operation of the infant care program; and

(ii) Implementation of the child health program.

(c) ~~((A))~~ The agency's written agreement with the registered nurse shall be available in the facility.

(d) The agency shall document the nurse's on-site visits ~~((shall be documented))~~.

(e) The nurse's name and telephone number shall be posted or otherwise available in the agency.

AMENDATORY SECTION (Amending Order 2445, filed 12/2/86)

WAC 388-73-202 REQUIRED PERSONNEL.

(1) A director shall be employed who is ~~((at least))~~ twenty-one years of age or older and who is a mature person especially equipped by training, experience, and personal qualities to ensure an effective program, staff development, and efficient administration. That person ~~((must))~~ shall possess an understanding of the program ~~((to be))~~ administered and have demonstrated such leadership and supervisory ability as will ensure harmonious relationships and effective performance of agency personnel.

(2) ~~((Specialists in mental health, education, religion, and law shall also be available as needed for work with agency staff, children, and parents.))~~ Specialists used by the agency shall meet the full requirements of professional competence in their respective fields and shall be provided as needed to work with agency staff and children and their families.

(3) There shall be ~~((on staff a casework supervisor who has))~~ in-person case consultation and supervision by a person with a master's degree from a recognized school of social work or equivalent academic training. Such person shall have experience and demonstrated skills in each service area where supervision is provided and ability to teach and transmit knowledge which will ensure staff development and efficient administration of the casework program. See also WAC 388-73-074.

AMENDATORY SECTION (Amending Order 2445, filed 12/2/86)

WAC 388-73-208 MEDICAL CARE. It shall be the responsibility of the child-placing agency to provide:

(1) Adoptive parents with the birth parents' mental and physical health history, as complete as possible;

(2) To foster and adoptive parents a written health history as complete as possible for each child ~~((upon))~~ prior to placement. This history shall include an immunization history, allergies, previous illnesses, and conditions of the child which may adversely affect ~~((his or her))~~ the child's health. For adoptive children, it shall also include a developmental and psychological history. ~~((Adoptive parents shall also receive all available medical information on the birth parents of their adopted child.))~~ The child-placing agency ~~((has responsibility to))~~ shall arrange for the child's medical examinations, immunizations, and health care as required by WAC 388-73-140.

AMENDATORY SECTION (Amending Order 1336, filed 9/8/78)

WAC 388-73-210 FOSTER CARE LICENSEES.

(1) As a minimum, child-placing agencies shall utilize

application and home study forms and procedures prescribed or approved by the department. See also WAC 388-73-024 and 388-73-302.

(2) A child-placing agency requesting licensure of a non-traditional home, which may be of community concern, shall first submit the application, home study, and other documents to the department for review.

AMENDATORY SECTION (Amending Order 2445, filed 12/2/86)

WAC 388-73-212 FOSTER CARE PLACEMENTS. (1) The agency shall, in planning for children, give due consideration to:

(a) A child's basic right to his or her own home and family;

(b) The importance of skillful professional service to parents to help them meet the child's needs in his or her own home whenever possible;

(c) The child's individual needs, ~~((his or her))~~ ethnic background, religious background, ~~((his or her))~~ family situation, and the wishes and participation of ~~((his or her))~~ the child's parent; and

(d) ~~((recruitment and))~~ The selection of a foster home that will provide for maximum development of the child's capacities and meet the child's individual needs. ~~((Placements which involve the likelihood of community concern shall first be submitted to the department for review and written approval.))~~ See WAC 388-73-044 for recruitment involving placement of American Indian children. The agency shall notify the DCFS licensor before placement of a child into a non-traditional home which may be of community concern.

(2) The agency shall use a written ~~((social))~~ intake study ~~((of))~~ for each child and expectant mother ~~((shall serve))~~ as the basis for acceptance for foster care and related services.

(3) Every acceptance for care by an agency shall be based on well-planned, individual preparation of the child and ~~((his or her))~~ the child's family and the expectant mother other than in emergent situations.

(4) Except in an emergency, a child shall be placed in foster care only with the written consent of ~~((his or her))~~ the child's parents or under order of a court of competent jurisdiction. Such consent or order shall include authorization for medical care or emergency surgery.

(5) All foster homes and group care facilities used by child-placing agencies shall be licensed prior to placing any children therein.

(6) An agency will give sufficient information about the child (especially behavioral and emotional problems) and ~~((his or her))~~ the child's family ~~((will be given))~~ to foster parents to enable them to make an informed decision regarding whether or not to accept a child in their home. The agency shall inform the foster parents ~~((must be informed))~~ that this information is confidential and may not be shared. The agency shall document the provision of this information ~~((is to be documented))~~ in the child's file at the time of placement.

(7) The frequency of the caseworker's contacts with ~~((an expectant mother or))~~ a foster child ~~((and his or~~

her)), the foster child's foster family, or with an expectant mother shall be determined by a casework plan reflecting their needs (~~(- Each active foster home shall be visited not less than once every ninety days)~~), but shall not be less frequent than one in-home visit every ninety days. Each foster child and one or both foster parents shall be seen at each visit.

(8) The ~~((preparation))~~ the agency in preparing a child for discharge from placement shall follow the same basic steps as preparation for placement, but a child shall be released only to parents, adoptive parents, guardians or other persons or agencies holding legal custody, or to a court of competent jurisdiction.

NEW SECTION

WAC 388-73-213 CERTIFICATION TO PROVIDE ADOPTION SERVICES. A child-placing agency providing adoption services shall meet additional requirements. Demonstrated ability to comply with WAC 388-73-214 and 388-73-216 are prerequisites for certification to provide adoption services.

AMENDATORY SECTION (Amending Order 2445, filed 12/2/86)

WAC 388-73-214 ADOPTION PROCEDURES. (1) ~~((All agencies))~~ An agency providing adoption services shall have supervisory staff having experience and demonstrated skills in adoption services and ~~((an))~~ a written in-service training ~~((program))~~ plan to train service staff in adoption services.

(2) ~~((All agencies))~~ An agency providing adoption services shall, as a minimum, provide to adoptive applicants the following services:

(a) Information about the adoption process, agency policy and practices, legal procedures, types of children available, implications for parenting different types of children, ~~((fees,))~~ and the availability of subsidy~~((:))~~;

(b) Accompanying the application and prior to signing a contract for services, the child-placing agency shall provide the applicants with a written statement explaining fixed fees, fixed charges, and an estimate of additional itemized expenses of any kind to be paid by the applicants. The statement shall set forth the specific services to be performed by the agency related to the child placement or adoption for which the fees are assessed;

(c) An adoptive home study in which agency staff and applicant or applicants collaboratively assess the applicant or applicants appropriateness to be an adoptive parent, and the type of child or children for which the applicant or applicants are best suited~~((-e))~~;

(d) Acceptance or denial of the application with an explanation, when the application is denied, of the reason for denial~~((-d))~~;

(e) Preparation for placement of a specific child, with preparation including review and interpretation of all available social, medical, and psychological records of the child and birth family, and a discussion of the likely implications of the child's background for ~~((his or her))~~ the child's adjustment in the adoptive family~~((-e))~~; and

(f) Re-evaluation of the applicant or applicants appropriateness for adoption upon each request for an additional adoptive placement.

(g) The agency shall document the provision of these services in the adoptive home's file.

(3) ~~((All agencies))~~ An agency providing specialized adoption services, such as intercountry adoption, interstate adoption, and special needs adoptions, shall have ~~((supervisor))~~ supervisory staff having specialized training in the particular area and ~~((an))~~ a written in-service training program to train service staff in these specialized adoption ~~((for special needs children))~~ services.

(4) ~~((All agencies))~~ An agency accepting for adoptive placement children having a special need (racial minority, developmental disability, emotional disability, etc.) shall:

(a) Have a plan for active recruitment of families of the same race or ethnic category as the children~~((:))~~; or

(b) Be able to meet the ~~((child's))~~ children's other special needs.

AMENDATORY SECTION (Amending Order 2445, filed 12/2/86)

WAC 388-73-216 ADOPTIVE PLACEMENTS. (1)(a) The agency shall protect the child from unnecessary separation from ~~((his or her natural))~~ the child's birth parents when the ~~((natural))~~ birth parents are capable of and willing to successfully ~~((fulfilling))~~ fulfill their parental role or can be helped to do so.

(b) The agency's adoptive placement of a child shall be made only when the child is freed for adoption by action of a court of competent jurisdiction giving the agency authority to place such child for adoption and to consent to ~~((his or her))~~ the child's adoption as provided by chapter 26.33 RCW.

(2)(a) The agency shall evaluate potential adoptive parents for a child in relation to ~~((their))~~ the adoptive parents':

(i) Capacity and readiness for parenthood~~((, their))~~;

(ii) Emotional and physical health; and

(iii) Ability to meet the physical, social, emotional, educational, and cultural needs of the child.

(b) An agency placing a child for whom it feels that continued contact with the child's birth family is in the child's best interest shall evaluate the adoptive family's willingness to have the child maintain contact with members of ~~((his or her))~~ the child's birth family~~((:))~~;

(c) The agency shall file preplacement reports ~~((shall be filed))~~ with the court as required by RCW 26.33.180 through 26.33.230.

(3) ~~((Except for inter-country adoptions, the agency shall place all minority race children whose case plan is adoption into families of the same racial background as the child. PROVIDED, That if both the agency's own recruitment effort and registration with the Washington adoption resource exchange fail to identify a suitable family within ninety days, placement with a family of a different racial background may be considered. AND PROVIDED FURTHER, That if a child was placed into a foster family of a different racial background before adoption was considered for the child, and if a~~

~~strong attachment has developed between the foster parents and the child, and if the family can describe specific actions it will take to ensure the child's racial identification is maintained and enhanced, then adoption by the foster family may be considered. AND PROVIDED FURTHER, That if the child's birth parent or parents make a specific written request the child be placed in a family of a racial background different from that of the child, this request may be considered))~~ Child-placing agencies shall consider the racial, ethnic, and cultural heritage needs of the child being placed. At the same time, the agency shall prevent discrimination on the basis of race, color, or national origin against any of its clients.

(4) Agencies shall ensure that the child's best interest are met by requiring that a number of factors are taken into consideration when making adoptive placement decisions:

(a) When making a child adoptive placement decision, the agency shall emphasize the best interests of the child, taking into account the particular child, parents and circumstances. The agency shall take into consideration the following factors:

- (i) Relationship of family to child;
- (ii) Sibling placement status;
- (iii) Physical and emotional needs of child;
- (iv) Age;
- (v) Sex;
- (vi) Racial;
- (vii) Ethnic and cultural identity;
- (viii) Placement background;
- (ix) Availability of placement resources for timely placement; and

(x) Continuity and stability of the child's foster care placement and child's psychological attachment to foster family.

(b) The agency shall make all child adoptive placement decisions on a case-by-case basis to take into account the particular child, adoptive parents, and circumstances.

(c) Although a child's racial, ethnic, and cultural identity should be considered when making an adoptive placement decision, the agency may not make the decision based upon such factors unless it is in the best interest of the child to be placed, taking into account the particular child, parents, and circumstances. See WAC 388-73-044 for placement involving an American Indian child.

~~((4))~~ (5) The agency shall transmit to the adoptive parent or parents at time of the child's placement a report containing all ((reasonably known)) available medical, social, and psychological information about the child and ((his or her)) the child's birth parents. The agency's report shall not contain ((no)) information which might identify the birth parents. The adoptive parent or parents shall sign one copy of the report, signifying receipt of the information. The agency shall retain this signed copy ((shall be retained)) in the child's permanent record.

~~((5))~~ (6) The agency shall ((provide supervision)) visit the adoptive home of all adoptive placements at least once ((per month)) in the first thirty days and an

additional face-to-face visit each sixty days thereafter until the adoption is finalized. Upon filing of the petition for adoption, the agency shall make recommendation to the court on the advisability of finalizing the adoption.

~~((6))~~ (7) The agency shall be available for consultation ((and support of)) with the adoptive family after finalization of the adoption.

~~((7))~~ (8) The agency shall maintain a permanent sealed record of each person for whom it has accepted permanent custody. This record shall contain all available identifying legal, medical, and social information. Access to the identifying information shall not be given without a court order if the person has been adopted. In the event the agency closes, the agency shall make arrangements for the permanent retention of these records and will inform the division of children and family services adoption program manager.

AMENDATORY SECTION (Amending Order 1336, filed 9/8/78)

WAC 388-73-302 ORIENTATION AND TRAINING. Applicants ((and)) for a foster family home ((licensees other than those certified for licensing by a licensed child placing agency)) license shall attend orientation and pre-service training programs ((provided, arranged or approved)) as required by the department or licensed child-placing agency.

AMENDATORY SECTION (Amending Order 2445, filed 12/2/86)

WAC 388-73-304 CAPACITY. (1) ((No)) A family home for developmentally disabled persons shall not be licensed for more than four persons.

(2) ((No)) A foster family home for children shall not be licensed for more than four foster children, nor more than a total of six children to include the foster parents' own or adopted minor children residing in the home; except that "a large foster home" where there are at least two adults providing care may be licensed for five or six foster children, such number to be reduced by the number of the foster parents' own or adopted children residing in the home((-):)

(a) No home designated by the department as a "receiving home" shall be licensed for more than six foster children((-);). Such number ((to)) shall be reduced by the number of the foster parents' own or adopted minor children residing in the home;

(b) ((No)) A home otherwise meeting the standards ((shall)) may be ((denied a license)) licensed for the care of at least one child or single family of children.

(3) ((No)) A foster family home for expectant mothers ((with)) shall not be licensed for more than three expectant mothers.

(4) ((No)) A foster family home for children shall not be licensed for more than two children under two years of age, such number to be reduced by the number of licensee's own children of such age.

(5) ((No)) A family home shall not be licensed for the care of more than ((two)) three persons suffering mental or physical handicaps of such severity as to require nursing care, and then licensed only if the:

(a) Licensee is qualified by training and/or experience to provide proper care; and ~~((the))~~

(b) Person's treatment is under the supervision of a physician.

(6) ~~((No))~~ A foster family shall not be licensed for the care of more than two nonambulatory persons whether that condition is due to age or physical or mental impairment.

(7) ~~((No))~~ A foster family home functioning as a crisis residential center or specialized receiving home shall not be licensed for the care of more than four children in placement. There shall not be more than six children residing on the premises, including the foster parents' own minor children ~~((residing on the premises))~~. ~~((No))~~ There shall not be more than two children requiring crisis residential care ~~((may be))~~ in foster family care at the same time. All such homes shall be two-foster-parent homes and one ~~((or the other))~~ of the foster parents shall not be employed outside the home.

(8) A foster family home may, for purposes of respite care, exceed the foster family home licensed capacity by receiving additional foster children ~~((from another licensed foster home))~~.

(a) This section does not authorize care in excess of subsection (4) or (6) of this section relating to the care of infants or nonambulatory children.

(b) Exceeding capacity under authority of this section will only be possible so long as the requirements of WAC 388-73-310 (Fire safety), 388-73-108 (Bedrooms), and 388-73-054 (Client records and information—All agencies) are complied with for the larger number of children in care.

(c) Such an excess in child care shall be permitted not more than three times in any calendar year and for not more than ~~((seventy-two hours))~~ two weeks at a time.

(d) ~~((No))~~ A foster home providing such care pursuant to this subsection shall not exceed its licensing capacity by more than twice the number of persons for which the foster family has been licensed.

(e) Prior approval shall be obtained from the placing agency, if any, and if not, the person's or persons' parents or guardian or responsible relative.

AMENDATORY SECTION (Amending Order 1421, filed 9/10/79)

WAC 388-73-306 FOSTER PARENTS~~((/SPONSORS))~~—EMPLOYMENT. If both foster parents~~((/sponsors))~~ in a two-parent home, or the single foster parent~~((/sponsor))~~ in a one-parent home, are or is employed outside the home, the parents must give the placing agency or department ~~((must give))~~ a written ~~((approval))~~ outline of the plan for supervision of the child or children in care when the foster parents or single foster parent are not in the home. Such agency approval ~~((with))~~ shall be based on the needs of the persons under care. The foster family~~((/sponsor(s))~~) shall have sufficient regular income to maintain their own family without the board payments made for the persons in care.

This section is not applicable to foster family homes licensed as crisis residential centers.

AMENDATORY SECTION (Amending Order 1336, filed 9/8/78)

WAC 388-73-308 ABSENCE FROM HOME. (1) Foster parents~~((/sponsors))~~ shall not place a person in another home temporarily or otherwise without the consent of the:

(a) Placing agency, if any~~((:))~~; or ~~((of his/her))~~

(b) Person's parents or guardian or responsible relative.

(2) If it is necessary for the foster parents~~((/sponsors))~~ to be absent overnight, the placing agency, if any, if not, the person(s) parents or guardian or responsible relative shall be notified and suitable arrangements made for care. Permission for persons under care to travel on extended trips with foster parents~~((/sponsors))~~ shall be obtained from:

(a) The placing agency, if any~~((:))~~; or ~~((from))~~

(b) Parents or guardians or responsible relative.

AMENDATORY SECTION (Amending Order 2796, filed 5/4/89)

WAC 388-73-310 FIRE SAFETY. A licensed foster family home and a group home shall comply with the following fire safety requirements:

(1) Every room used by persons under care shall have:

(a) Two separate doors; or

(b) One door leading directly to the outside; or

(c) A window of sufficient size and free of obstructions to be readily available for emergency escape or rescue.

(2) Every occupied area shall have access to at least one exit not passing through rooms or spaces subject to being locked or blocked from the opposite side~~((:))~~;

(3) No space shall be used for residential purposes accessible only by ladder, folding stairs, or a trap door~~((:))~~;

(4) Every bathroom door lock shall be designed to permit the opening of the locked door from the outside in an emergency~~((:))~~;

(5) Every closet door latch shall be such that the door can be opened from the inside~~((:))~~;

(6) No stove or heater shall be so located as to block escape in case of malfunctioning and ensuing fire~~((:))~~;

(7) Flammable, combustible, or poisonous material shall be stored away from exits and in areas not accessible to persons under care~~((:))~~;

(8) Open-flame devices, heating and cooking appliances, and other similar products capable of igniting clothing shall not be left unattended or used in such a manner which could result in accidental ignition of clothing~~((:))~~;

(9) Caregivers shall instruct all persons under care in emergency evacuation procedures and conduct drills at regular intervals to test and practice the procedure~~((:))~~;

(10) There shall be readily available an approved 2A-rated fire extinguisher. Except for facilities licensed prior to June 3, 1983, an approved five pound or larger all purpose (A.B.C.) fire extinguisher will be acceptable. (Where local fire authorities require installation of a different type or size of fire extinguisher, the requirement of the local authority shall apply~~((:))~~);

(11) A smoke detector in working condition shall be located in proximity to the area or areas where persons under care sleep((-)); and

(12) If question arises concerning fire danger, the local fire protection authority shall be consulted.

~~((13) In family day care facilities licensed for the care of eight or more children, spaces above the second floor shall not be occupied by children in care. An exception is the use of toilet facilities while under the supervision of a caregiver.))~~

AMENDATORY SECTION (Amending Order 1336, filed 9/8/78)

WAC 388-73-312 FAMILY FOSTER HOMES—SERVICES TO PERSON UNDER CARE. (1) Foster parents(~~/sponsors~~) shall provide or arrange for such care and supervision as age and condition of the persons under care require.

(2) Foster parents shall provide opportunities for play and recreation (~~shall be provided~~) within the family group (~~and~~). Foster parents shall encourage persons in care (~~shall be encouraged~~) to participate in community and culturally relevant activities in accord with the person's capacity for such experience.

AMENDATORY SECTION (Amending Order 2445, filed 12/2/86)

WAC 388-73-409 OFF-GROUNDS TRIPS. Except in the event of a medical emergency, no child shall be removed from the premises of a (~~day care center or~~) mini-day care center by either the licensee or an employee or volunteer of the agency without the express written consent of the child's parent or custodian.

AMENDATORY SECTION (Amending Order 2445, filed 12/2/86)

WAC 388-73-414 ATTENDANCE—(~~DAY CARE CENTERS AND~~) MINI-DAY CARE CENTERS. The parent, or other person authorized by the parent to take the child to or from the facility, shall sign the child in on arrival at the mini-center and out when leaving. When children leave the facility to attend school as authorized by the parents, a staff person shall sign (~~them~~) the children out when they leave and in when they return.

AMENDATORY SECTION (Amending Order 1933, filed 1/5/83)

WAC 388-73-504 PERSONNEL. A day treatment program shall have the following staff:

(1) A director responsible for the overall management of the agency's facilities and operation, and a program supervisor responsible for the implementation and supervision of the agency's child care and treatment program. The director and the program supervisor may be one and the same person if (~~he or she is~~) qualified for both positions. One or the other shall normally be on the premises while the children are in care and another competent person left in charge during the director's and/or program supervisor's temporary absence.

(a) The director shall:

(i) Be at least twenty-one years of age (~~and shall~~); and

(ii) Have the management and supervisory skills necessary for the proper administration of the agency, including the:

(A) Maintenance of necessary records(~~the~~);

(B) Management of the agency's finances; and (~~the~~)

(C) Maintenance of positive relationship with staff, parents, and the community as evidenced by appropriate references and on-the-job performance.

(b) The program supervisor shall:

(i) Be at least twenty-one years of age (~~and shall~~);

(ii) Have a knowledge of child growth and development, the origin and treatment of deviant behavior, techniques of guiding children's behavior (~~and~~);

(iii) Have the ability, in conjunction with the director, board, and other staff, to implement programs to meet the needs of the children served(~~He or she shall have~~); and

(iv) Have a least a masters degree in social work, clinical psychology or closely related field.

(2) Psychiatrist (=). The agency shall receive regular consultation from a child psychiatrist(-);

(3) Psychologist (=). The agency shall provide or arrange for the services of a psychologist for the administration of psychological testing and related services if these services are not provided by the accredited school where the child is regularly enrolled(-);

(4) Teaching staff (=). The agency shall provide or arrange for teaching by certified teachers qualified by training or experience in remedial education(-);

(5) Group counselors (=). Group counselors shall be persons qualified by training or by experience in the care of disturbed children.

AMENDATORY SECTION (Amending Order 1336, filed 9/8/78)

WAC 388-73-506 RATIO OF COUNSELOR AND TEACHING STAFF TO CHILDREN. (~~There~~) The agency shall (~~be~~) employ sufficient group counselors and teachers that the children are normally in groups of no more than six under the supervision of one or the other of such staff.

AMENDATORY SECTION (Amending Order 1336, filed 9/8/78)

WAC 388-73-512 PLAY AREAS. The requirements for play areas specified for mini-day care programs (~~and day care centers in~~) under WAC 388-73-440 also apply to day treatment programs.

AMENDATORY SECTION (Amending Order 2081, filed 2/29/84)

WAC 388-73-602 FUNCTION OF GROUP CARE FACILITY. A group care facility normally serves children six years of age and older who:

(1) Need foster care but cannot ordinarily adjust to the close, personal relationships normally required by a foster family home;

(2) Need emergency placement pending more permanent planning or during temporary disruption of a current placement; or

(3) Are emotionally disturbed or physically or mentally handicapped, or whose behavior is ~~((unacceptable to most))~~ inappropriate for foster family ~~((home parents: PROVIDED, That))~~ care. The agency, through its own program or by the marshalling of appropriate community resources, ~~((can))~~ must be able to provide the necessary specialized services required by the group which the facility serves ~~((except))~~.

(4) Children cared for in facilities for severely and multiply-handicapped children will most frequently be younger than six years of age~~((?))~~.

AMENDATORY SECTION (Amending Order 1933, filed 1/5/83)

WAC 388-73-604 DAILY ACTIVITY PROGRAM. Except for juvenile detention facilities, the agency shall submit a ~~((detailed))~~:

(1) Written program description for departmental approval outlining the recreational and ~~((therapeutic))~~ other support services to be provided to the ~~((child))~~ residents and ~~((his or her family,))~~ their families; and ~~((a))~~

(2) Schedule of typical daily activities for persons in care.

AMENDATORY SECTION (Amending Order 2081, filed 2/29/84)

WAC 388-73-606 REQUIRED POSITIONS. An agency shall provide staff in accordance with the following requirements:

(1) A director responsible for the general management and administration of the agency's program. This person shall:

(a) Be ~~((at least))~~ twenty-one years of age ~~((and))~~ or older;

(b) Possess ability to understand the role of the agency in meeting the needs of children ~~((and to))~~;

(c) Work with representatives of appropriate agencies ~~((This person shall))~~;

(d) Have ~~((had))~~ a bachelor's degree in a social science or closely allied field ~~((shall))~~; or

(e) Have had a minimum of two years' experience;

(i) Working in a group care facility; or

(ii) As a foster parent with a letter of recommendation from the licensing agency and/or supervising agency.

(2) Child care staff whose primary duties are the care, supervision, and guidance of children. Such staff shall be at least eighteen years of age. Staff under twenty-one years of age shall be under the immediate supervision of staff at least twenty-one years of age.

In addition, in crisis residential centers, no less than fifty percent of the child care staff shall have completed at least two years of college and one year of working with children in a group setting. Experience may be substituted for education on a year-for-year basis. A bachelor of arts degree in behavioral or social science may be substituted for experience. The remaining child

care staff shall have at least a high school diploma (or equivalent) and one year of successful experience as a foster family parent for three or more children or working with children in a group setting. Two years of college may be substituted for the required experience.

(a) Except for crisis residential centers, facilities for severely and multiply-handicapped children, and juvenile detention facilities, during the waking hours of the children there shall be at least one child care staff member on duty for every eight children or major fraction (five or more) of such number of children on the premises.

~~((For facilities serving severely and multiply-handicapped children, there shall be a minimum of one child care staff for every four and one-half children determined on a twenty-four hour basis.))~~

For juvenile detention facilities, there shall be a minimum of one child care staff on duty for every ten children in care during the waking hours of the children.

~~((For regional crisis residential centers, there shall be a minimum of one child care staff on duty for every two children in care during the waking hours of the children; and a minimum of three such staff for every eight children during the sleeping hours.~~

~~For other group crisis residential centers, during the waking hours, there shall be a minimum of one child care staff for every three children in temporary protective care without duties related to the children in full-time care. During the sleeping hours, there shall be one such staff member for every five such children. If the two classes of children are combined into one group, the staff ratio applicable to the children in temporary care shall prevail.~~

~~For both types of crisis residential centers, on duty staff does not include staff sleeping on the premises.))~~

The director and support and maintenance staff may temporarily serve as child care staff when not involved in other duties if appropriately trained and involved in ongoing training, provided the required number of child care staff is maintained.

(b) Except for crisis residential centers, whenever more than eight children are on the premises at least two adults (including at least one child care staff) shall be on duty. During nighttime hours, "on duty" staff may include staff sleeping in the group care facility and available to the children. During sleeping hours, there shall be at least one adult in proximity to the children.

~~((Agencies caring for very young children or for children presenting emotional disturbance, physical handicaps, or mental retardation shall provide such additional child care staff and professional services for the children as the department requires.~~

~~Whenever))~~ When only one child care staff is on duty, there shall be a second person on call.

~~((Facilities caring for severely and multiply-handicapped children shall have a registered nurse in employment or under contract in charge of nursing care. Sufficient licensed nursing staff shall be provided to meet the nursing care needs of the children.))~~

(3) The agency shall have relief staff to enable all staff to have the equivalent of two days off a week.

AMENDATORY SECTION (Amending Order 2081, filed 2/29/84)

WAC 388-73-610 REQUIRED ROOMS, AREAS, AND EQUIPMENT—GROUP CARE FACILITIES. ~~((There))~~ The facility shall ~~((be))~~ provide rooms and areas of sufficient size and properly equipped to accommodate the number of children served. The facility shall provide the following rooms or areas ~~((shall be provided))~~:

(1) Living room. There shall be at least one comfortably furnished living room ~~((-));~~ except, this subsection is not applicable to juvenile detention facilities ~~((-));~~

(2) Dining area. ~~((An attractive))~~ A dining area shall be provided of sufficient capacity to accommodate the group comfortably. (This subsection is not applicable to juvenile detention facilities ~~((-));~~)

(3) Staff quarters. Rooms for staff on night supervision shall be separate from but in proximity to the sleeping rooms of the children. (This subsection is not applicable to juvenile detention facilities ~~((-));~~)

(4) Recreation area. When there are more than twelve occupants, the agency shall provide at least one separate indoor area ~~((shall be provided))~~, sufficient in size and location, for recreational and informal education activities ~~((-));~~

(5) Offices. ~~((There))~~ The agency shall ~~((be))~~ provide a room or area that can be used as an administrative office. Suitable offices shall be provided for social service staff. In facilities caring for fewer than thirteen children, such offices may be combined with the administrative office ~~((-));~~

(6) Visiting area. ~~((There))~~ The agency shall ~~((be))~~ provide space ~~((provided))~~ where privacy can be achieved for the use of visitors.

AMENDATORY SECTION (Amending Order 2445, filed 12/2/86)

WAC 388-73-702 TYPES OF MATERNITY SERVICES. (1) Day programs for mothers. A day program provides pregnant or delivered young women training in child care, help with adjustment problems, counseling and social planning, infant care as needed, and academic or vocational training as appropriate during part of the twenty-four-hour day in a facility suitable for such purposes.

(2) Child-placing agencies. The placement of ~~((pregnant children and adults))~~ expectant mothers and mothers with infants in properly licensed foster family homes.

(3) Residential care for expectant mothers (maternity home). A maternity home serves as a group living facility to provide residential care and treatment on a twenty-four-hour basis to expectant unmarried mothers during the period of their pregnancy and the immediate postpartum period.

(4) Residential care for mothers and infants. Residential care for a group of mothers and their infants provides a group living facility on a twenty-four-hour basis, guidance, family life education, and child care for residents needing it, and academic and/or vocational training when appropriate. The care provided infants in the

absence of their mother shall meet the applicable standards of chapter 388-73 WAC unless the care is exempt by virtue of RCW 74.15.020 (4)(a) through (k).

(5) Pregnancy counseling services. A nonresidential program which provides counseling, information, and referral is required to be licensed when that program also places or assists in the placement of mothers or children.

AMENDATORY SECTION (Amending Order 1336, filed 9/8/78)

WAC 388-73-704 DAILY ACTIVITIES PROGRAM. ~~((The agency))~~ Except for foster family homes, agencies providing residential maternity care shall submit a detailed written program description for departmental approval outlining the educational, recreational, and therapeutic services to be provided to persons in care, a schedule of typical daily activities for persons in care, and a statement of religious practices, if any.

AMENDATORY SECTION (Amending Order 1336, filed 9/8/78)

WAC 388-73-706 ELIGIBILITY FOR SERVICE—REQUIRED SERVICES. (1) Eligibility for service shall not be contingent upon a parent's decision to keep or relinquish her child, with the exception of medical payments.

(2) Services required herein need not necessarily be provided directly by the licensee in each instance. However, if not provided directly, it is the responsibility of the licensee to arrange for such services through formal agreements with other community resources or to otherwise assist ~~((mothers))~~ clients in the program to obtain appropriate and needed services.

AMENDATORY SECTION (Amending Order 1933, filed 1/5/83)

WAC 388-73-708 REQUIRED PERSONNEL. (1) An agency providing maternity services shall employ the following staff:

(a) A director ~~((;))~~ who shall be:

(i) At least twenty-one years of age; and

(ii) A mature person especially equipped by training, experience, and personal qualities to ~~((insure))~~ ensure an effective program, staff development, and efficient administration ~~((shall be employed))~~. The director must possess an understanding of the program to be administered and have demonstrated such leadership and supervisory ability as will ~~((insure))~~ ensure harmonious relationships and effective performance of agency personnel.

~~((2))~~ Consultants. Consultants in mental health, education, religion, and law shall also be available as needed for work with agency staff, as well as with the parent. Consultants used by the agency shall meet the full requirements of professional competence in the consultants' respective fields.

~~((3))~~ (b) Residential staff. Residential programs providing twenty-four-hour care to expectant mothers or to mothers and their infants shall employ residential staff in sufficient numbers to ~~((insure))~~ ensure the physical and emotional needs of the residents are met. Residential staff are staff in charge of supervision of the day-to-

day living situation. Such staff may carry out maintenance tasks not detracting from the staff's primary function.

~~((a))~~ (i) Residential staff shall be on duty in a ratio of one such staff to every eight mothers or major fraction thereof.

(A) When more than eight mothers are on the premises, at least two adults ~~((t))~~, including at least one residential care staff ~~((r))~~, shall be on duty.

(B) Additional staff may be required under certain circumstances, as required by the department.

~~((b))~~ (ii) On-duty staff may include persons sleeping on the premises but are available to the residents as needed during the nighttime hours. In homes caring for fewer than ten persons, at least one staff shall be physically present with an additional person available "on call" at all times.

~~((c))~~ (iii) Relief staff. The agency shall make available sufficient relief staff ~~((shall be available))~~ to allow all staff the equivalent of two days off a week.

(2) Consultants. Consultants in mental health, education, religion, and law shall also be available as needed for work with agency staff, as well as with the parent. Consultants used by the agency staff, shall meet the full requirements of professional competence in the consultants' respective fields.

AMENDATORY SECTION (Amending Order 1336, filed 9/8/78)

WAC 388-73-710 ~~((GUIDANCE AND COUNSELING)) SERVICES PROVIDED.~~ (1) ~~((A))~~ A maternity service program ~~((s))~~ shall provide information and, where necessary and appropriate, referral service ~~((and guidance and counseling))~~ to every person who applies for care.

(2) Licensed pregnancy counseling agencies providing services:

(a) Shall offer or provide, either directly or through referral, the following:

(i) Counseling for birth parents and if requested by birth parents, extended families which includes presentation of pregnancy-related options or alternatives;

(ii) After-care counseling, upon request;

(iii) Pregnancy-related medical services;

(iv) Adoption-related legal services; and

(v) Assistance planning the child's future.

(b) May provide financial and/or in-kind assistance, including assistance with:

(i) Living arrangement expenses. Payment for the expectant mother's necessary living arrangement expenses shall be permitted to the extent of food, lodging, and utility (including heat, hot water, gas and electricity) expenses as provided herein. The agency's payment of the expectant mother's monthly expenses shall not exceed the Washington State Department of Social and Health Services' need standards for households with an obligation to pay shelter costs for one person in the household, as may be amended from time to time. See WAC 388-29-100(1)(a). The agency shall not make payment for the expectant mother's living arrangement expenses for more than a total of three months.

(ii) Transportation. Payment for the expectant mother's necessary transportation to obtain medical, legal, counseling, and other adoption-related services shall be permitted.

(iii) Maternity Clothing. The agency may make payment for the expectant mother's maternity clothing in an amount not to exceed two hundred fifty dollars.

(iv) Other basic needs. Other basic needs shall include only those services necessary to preserve, protect, or restore the physical health of the expectant mother or the unborn child.

The agency's payment for the foregoing services or goods shall be made directly to the provider of such services, except that any payment may be made to the expectant mother.

(3) Guidance and counseling provided by the agency to persons in residential care may take the form of individual or group counseling sessions. Areas to be included are:

(a) Living arrangements((:));

(b) Medical care planning((:));

(c) Legal services((:));

(d) Vocational or educational guidance((:));

(e) Plans for the child((:));

(f) Financial, emotional or psychological problems((:));

(g) Relations with parents and ~~((unwed))~~ birth father; and

(h) Follow-up for those leaving the program.

AMENDATORY SECTION (Amending Order 1336, filed 9/8/78)

WAC 388-73-712 HEALTH EDUCATION. All maternity service programs shall ~~((make provisions for skilled))~~ offer or arrange for the expectant mothers instruction in the nature and need for:

(1) Hygiene of pregnancy;

(2) Suitable preparation for childbirth;

(3) The physiological changes which occur;

(4) Events and procedures used in examination, and childbirth;

(5) Postnatal and pediatrics care((:));

(6) Contraception((:));

(7) Nutritional requirements for mother and child((:)); and

(8) Child health and development~~((, and, for expectant mothers, the hygiene of pregnancy, suitable preparation for childbirth, the physiological changes which occur, the events and procedures used in examination, and childbirth))~~.

AMENDATORY SECTION (Amending Order 1933, filed 1/5/83)

WAC 388-73-714 FAMILY LIFE EDUCATION. All maternity service programs shall ~~((provide))~~ offer or arrange for the expectant mother's classes in family life. Examples of such services are:

(1) Home management and consumer education((:));

(2) Child-rearing techniques((:)); and

(3) Family planning.

AMENDATORY SECTION (Amending Order 1336, filed 9/8/78)

WAC 388-73-720 MEDICAL SERVICE. (1) In residential programs, each expectant mother and mother and infant shall be under the medical supervision of a physician. In a nonresidential maternity program, each expectant mother shall be advised and assisted in obtaining medical supervision from a physician.

(2) Consultation by specialists shall be provided or arranged when requested by the physician.

(3) For expectant mothers:

(a) The agency shall arrange deliveries ((shall be)) in a licensed hospital or ((approved)) licensed birthing facility((-The length of hospitalization shall depend upon the mother's physician and the facilities and nursing care available in the maternity home.)); and

(b) The agency shall ensure that postpartum medical examinations ((shall be)) are provided ((at the end of six weeks and earlier, if indicated. An entry shall be made in mother's record to indicate the date of the postpartum examination and name of the examining physician. If a postpartum examination is not provided, the record should indicate the reasons.

(c) No expectant mother who has a known or suspected infectious disease shall be admitted or retained in group care)) as offered or prescribed by a licensed physician.

AMENDATORY SECTION (Amending Order 1336, filed 9/8/78)

WAC 388-73-722 REQUIRED ROOMS, AREAS, EQUIPMENT. (1) Excluding foster family homes, in residential programs the required rooms, areas, and equipment specified for group care facilities in WAC 388-73-610 shall apply to maternity homes and also residential care for mothers and infants.

(2) The required rooms, areas, and equipment specified for group care facilities in WAC 388-73-610 shall apply to day programs for mothers, except for living rooms, dining areas, staff quarters, and recreational areas((-also apply to day programs for mothers)).

(3) Facilities for medical and nursing care. In agencies in which medical clinics are held, there shall be a separate, adequately equipped examination room. The agency shall provide adequate nursing equipment ((shall be provided)) as necessary.

AMENDATORY SECTION (Amending Order 1431, filed 9/10/79)

WAC 388-73-804 HOURS OF OPERATION. In crisis residential centers, the agency shall have intake ((shall be)) open twenty-four hours a day, seven days a week.

NEW SECTION

WAC 388-73-815 GROUP CRISIS RESIDENTIAL CENTERS—STAFFING. (1) For regional crisis residential centers, the agency shall have a minimum of:

(a) One child care staff on duty for every two children in care during the waking hours of the children; and

(b) Three such staff for every eight children during the sleeping hours.

(2) For other group crisis residential centers:

(a) During the waking hours, the facility shall provide a minimum of one child care staff for every six children in temporary protective care without duties related to the children in full-time care;

(b) During the sleeping hours, the facility shall provide one such staff member for every eight such children;

(c) In group crisis residential centers caring for both children in long-term care and children in temporary care, if the two classes of children are combined into one group, the staff ratio applicable to the children in temporary care shall prevail.

(3) For both types of crisis residential centers, the facility shall provide at least one awake staff and a second available on the premises.

(4) For crisis residential centers, WAC 388-73-606 shall apply. In addition:

(a) No less than fifty percent of the facility's child care staff shall have completed at least two years of college and one year of working with children in a group setting. A child care staff person's child care experience may be substituted for education on a year-for-year basis. A bachelor of arts degree in behavioral or social science may be substituted for experience; and

(b) The remaining child care staff shall have at least a high school diploma or equivalent and one year of successful experience as a foster family parent for three or more children or when working with children in a group setting. Two years of college may be substituted for the required experience.

AMENDATORY SECTION (Amending Order 1431, filed 9/10/79)

WAC 388-73-820 FAMILY CRISIS RESIDENTIAL CENTERS. All requirements applicable to foster family homes, unless otherwise indicated in the text, are also applicable to crisis residential centers operated in a foster family residence.

NEW SECTION

WAC 388-73-901 MULTIDISCIPLINARY CARE PLAN FOR SEVERELY AND MULTIPLY-HANDICAPPED CHILDREN. (1) For each severely and multiply-handicapped child, the licensee shall have a multidisciplinary plan of care addressing the social service, medical, nutritional, rehabilitative, and educational needs of each child.

(2) The licensee's care plan shall indicate:

(a) Care to be given and goals to be accomplished; and

(b) Which professional service is responsible for each element of care.

to be accomplished and which professional service is responsible for each element of care.

(3) The licensee's care plan shall be reviewed, evaluated, and updated as necessary by all professional personnel involved in the care of the child.

(4) Professional personnel shall meet at least annually to re-evaluate each child's current condition, progress,

prognosis, and need for ongoing care and additional services.

(5) The licensee or staff shall record quarterly progress reports in the child's record.

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

AMENDATORY SECTION (Amending Order 2081, filed 2/29/84)

~~WAC 388-73-902 SERVICES PROVIDED. ((In addition to educational services provided pursuant to WAC 388-73-072 and nursing services provided pursuant to WAC 388-73-606 (2)(c), the facility shall also provide or arrange for additional services, as required by the individual needs of the children in care. The services to be available include:))~~

(1) The services provided by facilities for severely and multiply handicapped children shall include:

(a) Each group care facility serving severely and multiply handicapped children shall provide or arrange for the provision of an individualized education plan suited to the unique needs of each child in care;

(b) Facilities other than foster family homes caring for severely and multiply handicapped children shall have a registered nurse in employment or under contract in charge of nursing care. The agency shall provide sufficient licensed nursing staff to meet the nursing care needs of the children;

(c) Group care facilities having as their major purpose the care of severely handicapped children shall make arrangements for regular nursing consultation, including at least one weekly on-site visit, by a registered nurse currently licensed by the state of Washington.

(i) The registered nurse's name, address, and telephone number shall be readily available.

(ii) The nurse shall assist the agency in implementing a program providing for periodic health supervision of all children and for follow-up care of special health needs as identified by the child's physician or noted by agency personnel.

(iii) The nurse shall advise and assist nonmedical personnel in maintaining medical records, meeting daily health needs, and caring for children with minor illnesses and injuries.

(2) In addition, as required by the individual needs of children in care, the facility shall provide or arrange for the availability of the following services:

(a) Physicians, including surgeons, general and family practitioners, and specialists in the child's particular diagnosis on either a referral, consultative, or ongoing treatment basis;

~~((2))~~ (b) Dental care of both routine and emergent nature;

~~((3))~~ (c) Communication disorder therapy;

~~((4))~~ (d) Physical and occupational habilitation and rehabilitation therapy and devices;

~~((5))~~ (e) Recreation therapy;

~~((6))~~ (f) Psychological testing; and

~~((7))~~ (g) Transportation.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 388-73-608 NURSING SERVICE.

WAC 388-73-716 LEISURE TIME ACTIVITIES.

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

AMENDATORY SECTION (Amending Order 2891, filed 11/1/89, effective 12/2/89)

WAC 248-14-120 RESIDENTIAL CARE UNIT:

(1) Location. Each residential care unit shall be located to minimize through traffic to any general service, diagnostic, treatment, or administrative area. All rooms or areas within the unit shall be on the same floor level.

(2) Required facilities.

(a) Each unit shall have at least the following basic service facilities:

(i) A nurses' station;

(ii) A medicine storage and preparation area;

(iii) Clean and soiled utility rooms;

(iv) Housekeeping facilities; and

(v) Storage space for linen, other supplies, and equipment.

(b) Resident rooms in buildings which are connected to the main nursing home building by means of enclosed and heated passageways will be construed as portions of the main home.

(3) Resident rooms.

(a) The floor level shall be above grade level except for earth berms.

(b) Each resident room shall be directly accessible from the corridor and shall be located to prevent through traffic.

(c) Every resident room shall be an outside room and shall have a clear glass window which is located in an outside wall and has an area equal to not less than one-tenth of the usable floor space.

(i) All resident room windows shall be located twenty-four feet or more from another building or the opposite wall of a court or ten feet or more away from a property line, except on street sides. If the depth of a court is less than one-half its width, the width requirement will not apply. The outside window wall shall be eight feet or more from an outside public walkway.

(ii) Window sills shall be three feet or less above the floor.

(d) The maximum capacity of any resident bedroom shall be four beds.

(e) No bed shall be located more than two beds deep from an exterior window wall.

~~(f) ((On each unit there shall be at least one single uncarpeted bedroom capable of providing isolation care. It shall contain:~~

~~(i) A lavatory with water supplied through a mixing valve, and~~

~~(ii) Its own adjoining toilet room equipped with a bedpan flushing attachment and containing a bathing facility.~~

~~(g))~~ There shall be eighty-five square feet or more of usable floor space per bed in each multibed room and one hundred square feet or more of usable floor space for each one bed room.

~~((th))~~ (g) Dimensions of rooms shall provide for three feet or more of space between the sides and foot of the bed and any wall, fixed obstruction, or other bed.

(4) Resident room equipment.

(a) There shall be a wall-mounted or equivalent reading light and a nurse call signal device for each bed.

(b) There shall be a lavatory in each multibed room. There shall be a lavatory in each single room which does not have an adjoining toilet room containing a lavatory.

(c) There shall be a separate, enclosed wardrobe or closet for each bed in each room. The inside dimensions shall be twenty-two inches or more deep (front to back) by thirty inches wide. The clothes rod shall be placed to provide five feet or more but not more than five feet six inches of free hanging space from the center of the clothes rod to the floor of the room.

(d) There shall be a lockable shelf space or drawer for storage of other personal belongings for each resident bed in addition to the bedside cabinet.

(e) There shall be separate storage for extra pillows and blankets for each bed. This may be combined with the wardrobe or closet if it does not impinge upon the required space for clothing.

(f) Each multibed room shall have permanently installed cubicle curtain tracks or rods around each bed with flame-proof curtains approved by the state fire marshal.

(g) For electrical outlet and lighting requirements refer to electrical section, WAC 248-14-160.

(5) Resident toilet(s).

(a) There shall be a toilet room directly accessible from each resident room and from each bathing facility without going through a general corridor. One toilet room may serve two bedrooms except for those resident rooms for which private toilet rooms are required. One toilet shall serve a maximum of four beds. For alterations of existing resident rooms the ratio of one toilet fixture for each eight residents or fraction thereof is acceptable.

(b) Each toilet fixture in toilet rooms adjoining resident rooms shall be equipped with a bedpan flushing attachment unless a siphon jet clinic service sink is provided in each soiled utility room.

(c) There shall be provision for storage of a bedpan brush container off the floor in each toilet room equipped with a bedpan flushing attachment.

(d) At least one lavatory shall be provided in each toilet room, except when it opens into a single bed room which has a lavatory.

(e) Each resident toilet room shall be designed to accommodate a person in a wheelchair.

(f) A properly located and securely mounted grab bar or its equivalent shall be provided at each side of a toilet fixture.

(6) Resident bathing facilities.

(a) On each unit there shall be at least one bathtub or shower facility per every fifteen beds or fraction thereof which are not in rooms served by an adjoining bathroom.

(b) On each unit there shall be a bathing device designed for patient bathing by immersion, accessible from the corridor.

(c) There shall be at least one roll-in shower accessible from the corridor on each unit. It shall be designed:

(i) For ease of shower chair entry;

(ii) With bulkheads which are a maximum of thirty-four inches high and provide for toe space;

(iii) With a properly sloped and drained floor to prevent the flow of water outside the stall, but provide for safe use of a shower chair within the stall; and

(iv) With the water inlet approximately four and one-half feet from floor level and with a flexible hose approximately five feet long with a lightweight, shampoo-type, spray attachment.

(d) In each bathroom containing more than one bathing facility each bathtub or shower shall be in a separate room or compartment. The area for each bathtub and shower shall be sufficient to accommodate a shower chair and attendant(s) and provide for visual privacy.

(e) Grab bars.

(i) One horizontal grab bar forty-eight or more inches long shall be provided at the side of a standard bathtub and an L-shaped bar at the faucet end. The horizontal side of the L-shaped bar shall extend the width of the tub and the vertical bar shall rise thirty inches at the outer side of the tub.

(ii) At the faucet end of each peninsular bathtub there shall be at least one horizontal grab bar mounted from thirty-three to thirty-six inches above the floor and extended the full width of the bathtub. It shall be ten inches or more from the wall at the faucet end.

(iii) A horizontal grab bar shall be provided on two sides of each shower stall and an L-shaped bar mounted

on the shower head side. The horizontal bars shall be mounted thirty-one inches to thirty-six inches above the floor.

(f) Shower and tub bottom surfaces shall be slip-resistant.

(7) Nurses' station. On each residential care unit there shall be a nurses' station equipped with:

- (a) A charting surface;
- (b) Sufficient seating area;
- (c) A rack or other storage for current health records;
- (d) Storage for record and clerical supplies;
- (e) A telephone;
- (f) A nurse call annunciator; and
- (g) A clock.

(8) Utility service rooms. On each unit there shall be a clean utility room and a soiled utility room designed and equipped to ensure separation of clean and sterile supplies and equipment from those contaminated.

(a) Each clean utility room shall have a work counter, a sink, and closed storage units for clean and sterile supplies and small equipment.

(b) Each soiled utility room shall have:

(i) At the minimum a two-compartment sink mounted in a work counter of three feet or more in length on each side of the sink and the inside dimensions of each compartment shall be twenty-two by twenty-two by twenty inches deep;

(ii) Storage for cleaning supplies and other items;

(iii) Locked storage for cleaning agents, disinfectants and other caustic or toxic agents;

(iv) Adequate space for waste containers, linen hampers, and other large equipment;

(v) The work counters, sinks, and other fixed equipment shall be arranged to prevent intermingling of clean and contaminated items during processing; and

(vi) A siphon jet type clinic service sink or equivalent equipped with bedpan flushing attachment shall be provided unless a bedpan flushing device is provided in toilet rooms adjoining resident rooms.

(9) Drug facilities. There shall be facilities for drug preparation and locked storage near the nurses' station on each unit.

(a) The drug facilities shall be well illuminated, ventilated, and equipped with a work counter, sink with hot and cold running water, and drug storage units.

(b) Locks and keys for drug facilities shall be different from any other locks and keys within the nursing home.

(i) Separately keyed storage shall be provided for Schedule II and III controlled substances.

(ii) Segregated storage of different residents' drugs shall be provided.

(c) There shall be a refrigerator for storage of thermolabile drugs in the drug facility.

(10) Linen storage.

(a) A clean room shall be provided for storage of clean linen and other bedding on each unit. This may be an area within the clean utility room.

(b) There shall be a soiled linen room for collection and temporary storage of soiled linen on each unit. This may be in an area of the soiled utility room.

(11) Equipment storage. There shall be two square feet or more of storage space per bed for wheelchair and

other ambulation equipment. Storage may be combined with an equipment storage room or be in a corridor alcove but shall not impinge upon the required corridor space. If the square footage is added to the resident room size, individual wheelchair(s) and other ambulation equipment may be stored in the room.

(12) Janitors' closet. A janitors' closet with a service sink and adequate storage space for housekeeping equipment and supplies shall be provided on each unit.

AMENDATORY SECTION (Amending Order 2785, filed 3/31/89)

WAC 248-14-285 PHARMACEUTICAL SERVICES. (1) A staff pharmacist or consultant pharmacist shall be responsible for coordinating pharmaceutical services including:

(a) Provision of pharmaceutical services, evaluations, and recommendations to the administrative staff((-));

(b) On-site reviews to ensure drug handling and utilization procedures are carried out in conformance with recognized standards of practice((-));

(c) Regular reviews of each resident's therapy to screen for potential or existing drug therapy problems and documenting recommendations((-));

(d) Provision of drug information to the staff and physicians as needed((-);

(e) Planning and participation in the staff development program((-); and

(f) Consultation with other departments regarding resident care services.

(2) Administration of pharmaceutical services.

(a) The nursing home shall ensure there is timely delivery of drugs and biologicals.

(b) The nursing home shall ensure safe and effective drug therapy, distribution, control, and use.

(c) If drugs are maintained for emergency use, the nursing home and supplying pharmacy shall establish a system for drug control and accountability.

(d) The nursing home shall record medication errors and adverse drug reactions and report them immediately to the practitioner who ordered the drug.

(3) Security and storage of drugs.

(a) The nursing home shall store drugs under proper conditions of sanitation, temperature, light, moisture, ventilation, segregation, and security.

(b) The nursing home shall store drugs in locked cabinets, rooms, or carts accessible only to personnel authorized to administer or dispense drugs.

(c) The nursing home shall ensure outdated, unapproved, contaminated, deteriorated, adulterated, or recalled drugs are not available for use.

(d) If a supplemental dose kit within a unit dose drug distribution system is provided, the nursing home and supplying pharmacy must comply with WAC 360-13-030.

(4) The nursing home shall ensure drugs are:

(a) Clearly labeled;

(b) Administered to the right resident;

(c) Administered in the correct dosage; and

(d) Administered within correct times.

(5) The nursing home shall accurately document the disposition of drugs, including:

- (a) Administration;
 - (b) Destruction;
 - (c) Release;
 - (d) Retention; and
 - (e) Return to the pharmacy.
- (6) Special requirements for Schedule II and III controlled substances~~((:))~~.

(a) Nursing homes shall store Schedule II and III controlled substances separately keyed from other controlled substances except in unit dose drug distribution systems.

(b) Except in unit dose drug distribution systems, the nursing home shall maintain a bound book or books with consecutively numbered pages, and record therein a complete record of receipt and disposition of Schedule II and III controlled substances.

(c) Any staff member discovering any discrepancy between the count of drugs and the record shall document the discrepancy and report it immediately to his or her supervisor. The nursing home shall report any discrepancy not resolved to the pharmacist and the Washington state board of pharmacy.

(7) Drug orders.

(a) Staff shall only administer drugs on the written or verbal order of a practitioner. The prescribing practitioner shall sign verbal orders in a timely manner.

(b) Only a licensed nurse, pharmacist, or physician shall receive a drug order.

(c) The nursing home shall ensure all drug orders are time limited.

(8) Drug administration.

(a) Staff shall follow procedures providing for the safe handling and administration of drugs to residents as ordered.

(i) Only an individual authorized by state law to administer drugs may do so.

(ii) The individual administering a drug shall identify the resident prior to administration.

(iii) The individual administering drugs shall identify all drugs up to the point of administration.

(iv) The individual administering drugs shall personally prepare the drugs for administration immediately prior to administration.

(b) The individual administering the drugs shall document~~((; as soon as possible))~~ at the time of pouring the drug or immediately after ((the act of)) administration, the following:

(i) Verification of administration~~((:))~~;

(ii) Reasons for ordered doses not taken~~((:))~~; and

(iii) Reasons for administration of and response to drugs given on an as needed basis ~~((PRN))~~ p.r.n.

(c) The nursing home shall provide a program for self-administration of medication and shall document the following:

(i) Assessment of the resident's capabilities~~((:))~~;

(ii) Instructions for administration~~((:))~~;

(iii) Monitoring of progress and compliance with orders~~((:))~~; and

(iv) Safe storage of drugs.

AMENDATORY SECTION (Amending Order 1872, filed 9/1/82)

WAC 248-14-250 PHYSICIAN SERVICES. (1) Residents in need of nursing home care shall be under the care of an attending physician. The resident shall have an alternate physician ((who has agreed to be)),² responsible for the resident in the attending physician's absence~~((, shall be identified upon admission))~~.

(2) ~~((Medical care))~~ An attending physician shall ((be promptly provided when necessary)) provide or supervise the provision of appropriate medical care to meet identified resident needs.

(3) The resident shall be seen by ~~((the))~~ an attending physician on or immediately ((prior to)) before nursing home admission ((and as required by federal regulations)).

(4) The nursing facility shall have the following medical information ((prior to)) before or upon the resident's admission ((shall include)):

(a) A history and physical reflecting review of systems and the resident's current health status with attention to special physical and psychosocial limitations and needs~~((:))~~;

(b) Orders, as necessary, for medications, treatments, diagnostic studies, specialized rehabilitative services, diet, and any restrictions related to physical or social activities~~((:))~~;

(c) Plans for continuing care and discharge; and

(d) The attending physician and an alternate physician.

(5) Overall resident's progress and plans of care shall be reviewed and~~((/or))~~ revised during ((~~(x)~~) visits by the attending physician ((or a certified)), an advanced registered nurse practitioner (ARNP), or a physician's assistant ((within the individual scope of practice in consultation with professional personnel)) (PA).

(6) In ((facilities certified for)) Medicare or Medicaid~~((, the))~~ certified ((registered nurse or)) facilities, the physician ((assistant)) may ((not visit in lieu of the required physician visit)):

(a) Alternate required physician visits between:

(i) Personal visits by the physician; and

(ii) Personal visits by an advanced registered nurse practitioner or physician's assistant.

(b) Not delegate responsibility for the initial physician visit.

~~((Patient needs))~~ (7) The attending physician, ARNP, or PA shall ((be documented. Each need or problem (or symptom) shall)):

(a) Document resident needs; and

(b) Have in place for each resident a current plan of treatment for each need, problem, or symptom.

~~((6))~~ (8) Self-administration of medications ((is)) shall be ordered when appropriate.

AMENDATORY SECTION (Amending Order 1871, filed 9/1/82)

WAC 388-88-001 NURSING HOME CARE. (1) The department has the administrative and legal responsibility to purchase nursing home and nursing home based (out-patient services, WAC 248-14-295) care for

an eligible person(s). The department has the responsibility to assure to the state that adequate care, service, and protection are provided through licensing, certification and utilization control activities.

(2) The department shall certify each Title XIX nursing home ((will be certified)) as ((a skilled)):

(a) A nursing facility((, intermediate care facility, skilled nursing and)) (NF); or

(b) An intermediate care facility((, and/or institution)) for the mentally retarded and residents with related conditions ((HMR)) (ICF/MR).

(3) ((A contract for the provision of care to medical assistance clients at an ICF facility will be for ICF care only. Except as provided in WAC 388-88-001(4) contracts for the provision of care at all other facilities will be dual (ICF/SNF). Medical assistance clients classified as requiring either intermediate level or skilled nursing care must be provided care only in a facility so certified.

(4)) A hospital may elect to provide ((skilled)) nursing facility ((and/or intermediate care facility)) services to medical assistance clients. The hospital must be certified, and all rules and regulations relating to ((skilled)) nursing facilities ((and/or intermediate care facilities)) shall apply.

AMENDATORY SECTION (Amending Order 1871, filed 9/1/82)

WAC 388-88-075 NURSING ((HOME)) FACILITY CONTRACT—NONCOMPLIANCE. (1) ((When a home is in violation of the terms of the contract, the department may temporarily suspend the referral of clients to the home. Whenever referral is suspended under this section, the home will immediately be notified by phone and confirmed in writing of the suspension and of the basis for the department's action. Suspension may continue until the department determines the infraction has been satisfactorily corrected.

(2) Referral of clients is suspended when a home fails to provide staffing commensurate with the terms of the contract.) A home((, unable to provide the level of care for which a client is classified,)) shall not accept or retain clients whose unique needs cannot be met. Violations creating a health or safety hazard to individual residents shall constitute grounds for termination ((of the contract)) by the department, of a nursing facility's Medicaid contract (chapter 18.51 RCW).

((3)) (2) When the department terminates a contract, the ((home will be notified)) department shall notify the nursing facility, in writing, of the contract termination and the basis for the department's action.

((The department will assist in the movement of medical assistance clients needing continued nursing care.))

AMENDATORY SECTION (Amending Order 2797, filed 5/10/89)

WAC 388-88-080 UTILIZATION REVIEW ((AND CLASSIFICATION OF CLIENTS)). (1) ((Nursing care consultants shall determine the level of care in skilled nursing and intermediate care facilities in accord with the nursing care consultants' professional

judgment and as described under WAC 388-88-081 and 388-88-083.

(2) In making classification recommendations for nursing home placement, the department's personnel shall utilize the guidelines for skilled and intermediate nursing home care described under WAC 388-88-081 and 388-88-083.

(3) A department designee shall periodically review the classification of each individual nursing home client) To assure appropriate use of Medicaid services ((by:

(a) Assessing client care needs and adequacy of services provided;

(b) Determining the need for continued stay; and

(c) Identifying the level of care required to meet the nursing care needs of the client.

(4) Classification changes shall be made in accordance with the needs of the clients and in accord with appeal and relocation procedures outlined under WAC 388-88-101.

(5) Residents determined by the department not to require the level of services provided by a nursing facility shall be discharged and relocated in accord with WAC 388-88-101, except as provided under subsection (6) of this section.

(6)) , department designees may review any assessment made by a nursing facility of a medical assistance resident. Except as provided under subsection (5) of this section, a department designee may determine, based on such review, that a medical assistance resident:

(a) Needs nursing facility care; or

(b) Does not need nursing facility care and must be relocated.

(2) Resident relocations and appeals of department determinations under subsection (1), shall be carried out following the procedures defined under this section and WAC 388-88-145.

(3) If the resident or the resident's representative appeals the department's determination within thirty days from the date of receipt of the department's notification of determination, the facility shall suspend relocation procedures pending the outcome of that appeal.

(4) When the department determines a medical assistance resident does not need nursing facility care, the resident shall be ineligible for Medicaid nursing home payment thirty days following the:

(a) Effective date of the determination; or

(b) Fair hearing decision affirming the department's determination that the resident does not need nursing facility care. The department may grant a resident's medical assistance payment extension when:

(i) The NF makes a good faith effort to relocate the resident; and

(ii) An appropriate placement is not available.

(5) When the department determines that a resident does not require((s active treatment)) nursing facility care, but requires specialized services, and the resident has continuously resided in the nursing facility for thirty months or more, the department shall:

(a) Inform the resident of the institutional and non-institutional alternatives available to the resident;

(b) Offer the resident the choice of:

(i) Remaining in the facility and receiving ~~((active treatment))~~ specialized services; or ~~((of))~~

(ii) Receiving covered services in an appropriate alternative institutional or noninstitutional setting;

(c) Clarify the effect on the eligibility for departmental services if the resident ~~((chooses to))~~ leaves the facility; and

(d) Document the information given to the resident and the choice made by the resident in the resident's medical record.

~~((7) Residents sixty-five years of age and older, determined by the department to need nursing facility level of care and active treatment, may choose to:~~

~~(a) Decline active treatment and remain in a nursing facility; or~~

~~(b) Receive covered services in an appropriate alternative institutional or noninstitutional setting.~~

~~(8) Except as provided under subsections (6) and (7) of this section, residents determined under WAC 388-88-099 to need active treatment shall be required to relocate when the department determines an appropriate placement is available.))~~

AMENDATORY SECTION (Amending Order 1921, filed 12/6/82)

WAC 388-88-081 ~~((SKILLED))~~ NURSING FACILITY CARE ((RESIDENTS)). ~~((Residents))~~ A person requiring ~~((skilled))~~ nursing facility care ~~((are residents whose condition, needs, and/or services are of such complexity and sophistication so as to require frequent or continuous observation and intervention of a registered nurse, and the supervision of a licensed physician. These residents require ongoing assessments of physiological and/or psychological needs, and the development and implementation of a comprehensive plan of care involving interdisciplinary planning input and coordination. Resident needs include ongoing evaluations, care plan revisions, and the teaching necessary to provide for residents whose condition is unstable and/or complex))~~ is one:

(1) Who requires individually planned treatment and services ordered by a licensed physician and performed under the daily direction of a registered nurse; and

(2) Whose care plan is directed toward:

(a) Assisting the resident to reach the resident's highest practicable level of functioning;

(b) Preventing the resident's functional decline;

(c) Returning the resident to the community when possible; and

(d) Providing the resident more than supervision, assistance with personal care, and protection.

AMENDATORY SECTION (Amending Order 1871, filed 9/1/82)

WAC 388-88-082 MINIMUM LICENSED PERSONNEL REQUIREMENTS FOR ((SKILLED)) NURSING FACILITIES. The nursing facility shall meet all staffing requirements as defined in chapter 248-14 WAC.

AMENDATORY SECTION (Amending Order 2768, filed 2/28/89)

WAC 388-88-095 NURSING FACILITY PLACEMENT ((OF PATIENT)). (1) Nursing ~~((home))~~ facility care must be requested by ~~((the patient's))~~ a person's attending physician or Christian Science practitioner ~~((prior to))~~ before the person's admission to a Medicaid-certified facility.

(2) A Medicaid certified nursing ~~((home))~~ facility shall not admit ~~((a private paying individual))~~ any person unless ~~((, under WAC 388-88-097,))~~ an identification screen is completed ~~((and the individual is))~~ as required under WAC 388-88-097.

(3) A person identified as ((:

(a)) having ~~((neither))~~ a serious mental illness ~~((nor))~~ or a developmental disability ~~((, or~~

(b) Not requiring the pre-admission screening and annual resident review (PASARR) for any of the reasons listed under WAC 388-88-097 (3)(c); or

(c) Likely to have a mental illness or a developmental disability and a PASARR has been completed for the individual.

(3) A Medicaid certified nursing home shall not admit a Medicaid applicant or recipient until an identification screen has been completed, under WAC 388-88-097, and the individual has been identified as:

(a) Having neither a mental illness nor a developmental disability or is identified as not requiring PASARR for any of the reasons listed under WAC 388-88-097 (3)(c), and a department designee has classified the individual as requiring either intermediate nursing care or skilled nursing care, under WAC 388-88-080 and 388-88-083 or 388-88-081; or

(b) Likely to have a mental illness or developmental disability and a department designee has determined through the PASARR process the individual requires nursing home care and does not require active treatment; or

(c) Likely to have a mental illness or developmental disability, and is determined to require nursing home level of care and active treatment, but the individual is sixty-five years of age or older and chooses to be placed in a nursing home and not to have active treatment.

(4) This section has no application to an individual readmitted to a nursing home after a short stay in an acute care hospital or transferring to a nursing home from another nursing home that is not an institution for the mentally retarded), as defined in WAC 388-88-097(5), shall be assessed under WAC 388-88-097 before the person's placement in a Medicaid-certified nursing facility.

~~((5))~~ (4) There shall be no payment for nursing ((home)) facility services for a Medicaid applicant or recipient until the department has authorized such services.

~~((6))~~ (5) There shall be no retroactive payment authorized for any Medicaid applicant or recipient admitted to a nursing ((home)) facility in violation of this section.

AMENDATORY SECTION (Amending Order 2768, filed 2/28/89)

WAC 388-88-097 PREADMISSION SCREENING. (1) ~~((All individuals))~~ An applicant requesting admission to a Medicaid-certified nursing facility shall be screened prior to admission to identify whether the ~~((individual))~~ applicant may have a serious mental illness or a developmental disability. The identification screen shall be performed by the referring hospital, physician, or other referral source or the nursing facility, using a standardized form specified by the department. A copy of the completed form shall be placed in each resident's clinical record.

(2) Any ~~((individual))~~ applicant identified through the identification screen as likely to have a serious mental illness or a developmental disability ~~((and who does not meet an exception as set forth in subsection (3)(c) of this section shall be assessed under the preadmission screening and annual resident review (PASARR).~~

~~((3) A Medicaid applicant or recipient))~~ shall not be admitted to a Medicaid-certified nursing facility unless:

(a) ~~((The individual is identified, through the identification screen, as not having a mental illness or developmental disability, and))~~ In the case of a Medicaid applicant, the department determines the applicant requires ~~((intermediate nursing care or skilled))~~ nursing facility care, under WAC ~~((388-88-080 and))~~ 388-88-081 ~~((or 388-88-083)); and~~

(b) ~~((The individual is identified, through the identification screen, as likely to have a mental illness or developmental disability, but the department determines through PASARR the individual does not require active treatment; or~~

~~((c))~~ The applicant has been assessed under the pre-admission screening and annual resident review (PASARR).

(3) An applicant identified as likely to have a serious mental illness or a developmental disability shall be exempt from the PASARR requirement under subsection (2)(b) of this section if:

(a) The department or its designee determines the ~~((individual requires intermediate nursing care or skilled nursing care, under WAC 388-88-080 and 388-88-081 or 388-88-083, and the individual is identified as not requiring the PASARR, for one or more of the following reasons))~~ applicant:

(i) ~~((The individual))~~ Is ~~((discharged))~~ admitted directly from an acute care hospital ~~((for convalescence in a nursing home for not more than one hundred twenty days))~~ after receiving acute inpatient care and certified by a physician as likely to require less than thirty days care in a nursing facility;

(ii) ~~((The individual))~~ Is certified by a physician to be terminally ill as defined under section 1861 (dd)(3)(A) of the Social Security Act;

(iii) ~~((The individual))~~ Is comatose, ventilator dependent, functioning at the brain stem level, or has similar diagnoses significantly impacting the ~~((individual's))~~ applicant's level of functioning and ability to participate in ~~((active treatment))~~ specialized services, such as:

(A) Chronic obstructive pulmonary disease;

(B) Severe Parkinson's disease;

(C) Huntington's Chorea;

(D) Amyotrophic lateral sclerosis; or

(E) Congestive heart failure~~((or)).~~

(iv) ~~((The individual))~~ applicant has a primary diagnosis of dementia, including Alzheimer's disease or a related disorder~~((:~~

~~((d) The individual is identified as likely to have a mental illness or developmental disability, has been determined to require nursing home level of care and active treatment, but the individual is sixty-five years of age or older and chooses to be placed in a nursing home and not to have active treatment.~~

~~((4) No private paying individual shall be admitted to a Medicaid certified facility until an identification screen has been completed for the individual and the individual is identified as:~~

(a) ~~Not having a mental illness or developmental disability;~~

(b) ~~Not requiring PASARR review for reasons listed under subsection (3)(c) of this section; or~~

(c) ~~Likely to have a mental illness or developmental disability and a PASARR has been completed.~~

~~((5))~~;

(v) Has been admitted to the nursing facility for respite care, under WAC 248-14-298; or

(vi) Cannot accurately be diagnosed because of delirium; or

(b) The applicant is:

(i) Readmitted to a nursing facility after a short stay in an acute care hospital; or

(ii) Admitted from one nursing facility to another nursing facility.

(4) Under the PASARR, the department, through a designee, shall determine whether the ~~((individual))~~ applicant needs ~~((active treatment))~~ nursing facility care and specialized services. Need for nursing ~~((home))~~ facility care shall be determined under WAC ~~((388-88-080)), 388-88-081~~ ~~((, and 388-88-083)).~~ Need for ~~((active treatment))~~ specialized services shall be determined as follows:

(a) For ~~((an individual))~~ an applicant likely to have a serious mental illness, a qualified mental health professional, under chapter 275-56 WAC, shall ~~((validate))~~ verify whether the ~~((individual))~~ applicant has a serious mental illness and, if so, shall recommend whether ~~((or not))~~ the ~~((individual))~~ applicant needs ~~((the implementation of psychiatric active treatment))~~ specialized services;

(b) For ~~((an individual))~~ an applicant likely to have a developmental disability, a psychologist, meeting the qualifications of a qualified mental retardation professional, shall ~~((validate))~~ verify whether the ~~((individual))~~ applicant has a developmental disability. For any ~~((individual validated))~~ applicant verified by a psychologist as having a developmental disability, the department shall assess and make a final determination as to whether the ~~((individual))~~ applicant requires ~~((the implementation of a continuous active treatment program))~~ specialized services.

~~((6))~~ (5) For purposes of this regulation, the following definitions shall apply:

(a) "Applicant" shall mean any individual seeking admission to a nursing facility;

(b) "Serious mental illness" means ((an individual)) a person has a current primary or secondary diagnosis of a major mental disorder, as defined in the Diagnostic and Statistical Manual of Mental Disorders, third edition, limited to schizophrenic, paranoid, major affective, schizoaffective disorder, and atypical psychosis, and does not have a primary diagnosis of dementia, including Alzheimer's disease or a related disorder;

~~((b))~~ (c) "Developmental disability" means mental retardation or related conditions.

(i) "Mental retardation" means ((an individual)) a person has a level of mild, moderate, severe, or profound retardation as described in the American Association of Mental Deficiency's Manual on Terminology and Classification. Mental retardation refers to significantly sub-average general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period.

(ii) A person with "related conditions" means ((an individual)) a person having a severe, chronic disability meeting all of the following conditions:

(A) Related conditions attributable to:

(I) Cerebral palsy or epilepsy; or

(II) Any other condition other than mental illness found to be closely related to mental retardation because this condition results in impairment of general intellectual functioning or adaptive behavior similar to a mentally retarded person and requires treatment or services similar to those required for that person.

(B) It is manifested before the person reaches twenty-two years of age;

(C) It is likely to continue indefinitely; and

(D) It results in substantial ((functions)) functional limitations in three or more of the following areas of major life activity:

(I) Self-care((;));

(II) Understanding and use of language((;));

(III) Learning((;));

(IV) Mobility((;));

(V) Self-direction((;)); and

(VI) Capacity for independent living.

~~((c))~~ (d) "((Active treatment)) Specialized services" for ((an individual)) a person with mental retardation or related conditions means a continuous program for each ((client)) person which includes:

(i) Aggressive, consistent implementation of a program of specialized and generic training;

(ii) Treatment, health services, and related services directed toward the acquisition of the behaviors necessary for the ((client)) person to function with as much self-determination and independence as possible; and

(iii) The prevention or deceleration of regression or loss of current optimal functional status.

~~((Active treatment))~~ Specialized services does not include services to maintain a generally independent ((client)) person able to function with little supervision or in the absence of a ((continuous active)) treatment program; and

~~((d))~~ (e) "((Active treatment)) Specialized services" for ((an individual)) a person with serious mental illness

means the implementation of an individualized plan of care, developed under and supervised by a physician and other qualified mental health professionals, prescribing specific therapies and activities for the treatment of a person experiencing an acute episode of severe mental illness necessitating twenty-four hour supervision by trained mental health personnel.

AMENDATORY SECTION (Amending Order 2797, filed 5/10/89)

WAC 388-88-098 IDENTIFICATION SCREENING FOR CURRENT RESIDENTS. (1) By July 1, 1989, every Medicaid certified nursing facility shall complete an identification screen, to identify residents likely to have a serious mental illness or a developmental disability as defined in WAC 388-88-097(5):

(a) On a form designated by the department;

(b) For every ((Medicaid, Medicare, or private-paying individual residing in)) resident of the nursing facility, except for ((those individuals)) a resident for whom a pre-admission screen has been completed under WAC 388-88-097.

(2) The nursing facility shall be responsible for reviewing and updating a resident's identification screen to ensure that it accurately reflects the resident's current condition.

(3) The original of the identification screen form shall be maintained in the ((individual)) resident's medical record. ((For))

(4) The nursing facility shall notify the department or designee of those ((individuals)) residents identified through the identification screen as likely to have a serious mental illness or a developmental disability ~~((, the nursing facility shall forward a copy of the identification screen to the department's nursing care consultant assigned to the facility)).~~

~~((3))~~ (5) The department shall deny payment to a nursing facility for any resident for whom an identification screen has not been completed as required under this section.

AMENDATORY SECTION (Amending Order 2797, filed 5/10/89)

WAC 388-88-099 ~~((ACTIVE TREATMENT))~~ SPECIALIZED SERVICE ASSESSMENTS FOR CURRENT RESIDENTS. (1) ~~((For all residents of nursing homes identified, through the identification screen under WAC 388-88-098, as likely to have a mental illness or a developmental disability;))~~ The department shall determine if ((the individual requires active treatment, using the procedures under subsection (3) of this section;)) a resident identified as likely to have a serious mental illness or a developmental disability requires specialized services unless the department or its designee determine that one of the following exceptions apply:

(a) A physician certifies the individual is terminally ill, as defined under section 1861 (dd)(3)(A) of the Social Security Act;

(b) The individual has a primary diagnosis of dementia, including Alzheimer's disease or a related disorder; or

(c) The individual is comatose, functioning at the brain stem level, or has a diagnosis that, in fact, significantly impacts the individual's level of functioning and ability to participate in ~~((active treatment))~~ specialized services, such as:

- (i) Ventilator dependency;
- (ii) Chronic obstructive pulmonary disease;
- (iii) Severe Parkinson's disease;
- (iv) Huntington's chorea disease;
- (v) Amyotrophic lateral sclerosis; or
- (vi) Congestive heart failure.

~~((2)) For an individual meeting the following conditions, the department shall determine if the individual requires active treatment:~~

~~((a)) Was admitted to a Medicaid-certified nursing facility on or after January 1, 1989;~~

~~((b)) Was identified, under WAC 388-88-097, as likely to have a mental illness or a developmental disability;~~

~~((c)) Was admitted for a period of convalescence of not more than one hundred twenty days; and~~

~~((d)) Is determined by the department's designee, after the individual has resided in the facility for approximately sixty days, as likely to need nursing facility care for more than one hundred twenty days.~~

~~The department shall follow the procedures under subsection (3) of this section in making determinations regarding the need for active treatment.~~

~~((3))~~ (2) For ((an individual)) a resident identified as likely to have a serious mental illness:

~~((1))~~ (a) A qualified mental health professional, under chapter 275-56 WAC, shall:

~~((A))~~ (i) Verify whether the ((individual)) resident has a serious mental illness; and

~~((B))~~ (ii) If a serious mental illness is ((validated)) verified, recommend whether the ((individual)) resident needs ((the implementation of psychiatric active treatment)) specialized services.

~~((1))~~ (b) A department designee shall make the final determination of the ((the individual's)) resident's need for ((implementation of psychiatric active treatment)) specialized services.

~~((2))~~ (3) For ((an individual)) a resident identified as likely to have a developmental disability:

~~((1))~~ (a) A psychologist, meeting the qualifications of a qualified mental retardation professional, shall ((validate)) verify whether the ((individual)) resident has a developmental disability; and

~~((1))~~ (b) If a developmental disability is ((validated)) verified, the department shall assess and make a final determination of whether the ((individual)) resident requires ((a continuous active treatment program)) specialized services.

(4) If a resident is determined to require both nursing facility care and specialized services for a developmental disability, the resident may continue to receive services in the nursing facility.

AMENDATORY SECTION (Amending Order 1871, filed 9/1/82)

WAC 388-88-102 DISCHARGE PLANNING AND RESIDENT RELOCATION. (1) Medicaid-certified NFs shall follow all applicable federal Medicaid requirements regarding resident transfer and discharge.

(2) The facility shall provide the resident, or the resident's representative, any needed assistance in appealing a relocation determination.

(3) The facility shall suspend relocation procedures pending the outcome of the resident's formal appeal.

(4) The nursing facility shall send copies of federally required transfer and discharge notices to the appropriate nursing home services district manager when the facility initiates a resident transfer or discharge because:

(a) The facility cannot meet the resident's needs; or

(b) The health or safety of persons in the facility is endangered.

(5) The nursing facility shall prepare a suitable discharge and transfer plan ((must be prepared)) for each medical ((care)) assistance ((client)) resident.

(6) The nursing facility's discharge or transfer plan shall be dependent on the ((client)) resident's care needs, services provided, and the best resources available to provide an appropriate continuum of care.

(7) The nursing facility's discharge or transfer plan shall include provisions for the resident's continuity of care and mitigation of potential transfer trauma such as:

~~((1))~~ (a) Coordination and active participation by the ((client)) resident and/or ((client's)) resident's next of kin, guardian or responsible party in the transfer preparation program;

~~((2))~~ (b) Pretransfer visit to the new facility, when the ((client's)) resident's condition permits, to familiarize the ((client)) resident with new surroundings((-)) and other residents; and

~~((3))~~ (c) Coordination and communication of essential information concerning the ((client)) resident shall be provided in writing from:

~~((a))~~ (i) Hospital to nursing ((home)) facility;

~~((b))~~ (ii) Nursing ((home)) facility to hospital;

~~((c))~~ (iii) One nursing ((home)) facility to another;

~~((d))~~ (iv) Any other alternatives to nursing ((home)) facility care.

~~((4))~~ (8) The receiving nursing facility shall ensure that:

(a) Each medical assistance resident is eligible to receive NF care;

(b) The receiving facility is certified and capable of meeting the individual resident's needs; and

(c) Transfers are accomplished in a manner to provide appropriate continuity of care.

(9) The department ((with)) shall assume responsibility for assisting with a resident's relocation and post-transfer follow-up in the following circumstances:

~~((a))~~ (a) ((Reclassification requiring relocation;

~~((b))~~ (b) Decertification actions;

~~((c))~~ (b) Involuntary termination or nonrenewal of contract; ((d)) and

(c) Revocation or suspension of the facility's nursing home license, or emergency closure of a facility.

~~((5))~~ (10) The department ((shall participate in planning and with)), upon request by the resident or the facility, may assist with the resident's relocation and shall specify the location of available beds ((at the appropriate level of care)) consistent with the needs of the ((client)) resident when discharge or transfer is necessitated ((by:

(a) Reclassification requiring relocation;
(b) Decertification actions;
(c) Involuntary termination or nonrenewal of contract;
(d) Revocation or suspension)) for reasons other than those specified in subsection (9) of this section.

(11) When relocations occur for reasons listed in subsection (9)(c) of this section, the department shall send written notification of the action to the resident and the resident's legal representative, if any, or immediate family member if known, indicating the NF will not be allowed to operate as a nursing home. The notification shall:

(a) Specify that the resident must relocate;
(b) State the facility will not be allowed to operate as a nursing home; and
(c) Be given as soon as the department determines that the facility must cease operation.

(12) The department shall notify the resident and, when appropriate, resident representatives when the department or the Health Care Financing Administration terminates or does not renew a facility's certification. The department's notification shall be in writing and shall:

(a) Explain that these actions do not affect the facility's right to operate as a nursing home, but rather, the facility's eligibility to receive Title XIX federal funds; and
(b) Inform residents of relocation procedures and options.

(13) When a resident's relocation occurs due to a facility's voluntary closure, or voluntary termination of its Medicaid contract:

(a) The facility shall send written notification, sixty days before closure or contract termination, to the appropriate nursing home services district manager and all residents; and

(b) Residents may request relocation assistance from the department.

(14) A medical assistance resident has the right to request relocation and to select a relocation placement of the resident's choice. If this selection is available and appropriate to the resident's medical care needs, the NF shall assist the resident with relocation to the selected placement.

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 388-88-125 RESIDENT ASSESSMENT INSTRUMENT (1) All residents shall have assessments according to resident need. Each Medicaid-certified or Medicare-certified nursing facility shall assess

each resident's needs and complete a department approved assessment instrument.

(2) The nursing facility shall place copies of the completed state-approved resident assessment instrument in each resident's health care record. The department may accept a state specified computer printout of the state-required resident assessment information in lieu of copies of the state-approved resident assessment instrument.

(3) Each Medicaid-certified nursing facility shall transmit all the state-required resident assessment information for each resident of the nursing facility to the department in a form (manner) approved by the department.

(4) By May 10, 1992, nursing facilities shall transmit to the department all resident assessments completed for the period beginning January 1, 1991, and ending April 30, 1992.

(5) Beginning May 11, 1992, nursing facilities shall transmit all resident assessment information to the department within ten days of completion of any assessment required under WAC 388-88-130 or within ten days of discharging a resident.

NEW SECTION

WAC 388-88-130 COMPLETION OF RESIDENT ASSESSMENT INSTRUMENT. (1) Medicaid or Medicare-certified nursing facilities shall assess each resident:

(a) Promptly upon, but not later than fourteen days after the date of admission; and

(b) Promptly after a significant change in the resident's physical or mental condition; and

(c) Annually.

(2) The nursing facility shall review each resident quarterly, using a state-specified quarterly assessment instrument.

(3) The NF shall be responsible for assessing the medical assistance resident's continuing need for NF care.

NEW SECTION

WAC 388-88-135 USE OF INDEPENDENT ASSESSORS (1) If nursing facility staff have knowingly and willfully falsified resident assessment information, as determined by the department through a survey or audit of resident records, the department may require that resident assessments be conducted by a person who is independent of the nursing facility and who is approved by the department.

(2) The cost of an independent resident assessment shall be borne by the nursing facility and the department shall consider such cost unallowable for reimbursement.

NEW SECTION

WAC 388-88-145 NOTICE OF RELOCATION DETERMINATION AND APPEAL RIGHTS (1) When the department determines under WAC 388-88-080 that a medical assistance resident does not need nursing facility care and must be relocated, the department shall notify the resident and the resident's legal representative, if any, or immediate family member, if

known, and the attending physician, of the determination thirty days or more before relocation. The department's notification shall be in writing and shall include the following:

- (a) The specific reason(s) for the relocation determination;
- (b) The date and place of relocation;
- (c) That medical assistance payments to the nursing home will be terminated on the date of the relocation;
- (d) The resident's right to appeal a department determination within ninety days from the date of receipt of the department's notification of determination;
- (e) The resident's right to be represented at the fair hearing by an authorized representative;
- (f) The existence of legal services available in the community;
- (g) The name, address and toll-free telephone number of the state long-term care ombudsman;
- (h) The name, address and phone number of the state entity to which the resident can appeal the relocation determination. This information shall include:
 - (i) The state entity's hours of operation; and
 - (ii) The date and means by which the appeal must be filed.
- (i) That relocation procedures will be suspended pending the outcome of the resident's formal appeal if the appeal is submitted in writing, within thirty days from the date of receipt of the department's notification of determination.
- (2) The department shall give a copy of the required notification of relocation determination to the facility administrator.
- (3) The department shall attach a fair hearing request form to the notification provided to the resident and the resident's legal representative, if any, or immediate family member, if known.

REPEALER

The following sections of the Washington administrative Code are repealed:

- WAC 388-88-083 Intermediate nursing care residents.
- WAC 388-88-084 Minimum licensed personnel requirements for intermediate care facilities.
- WAC 388-88-100 Transfer or relocation.
- WAC 388-88-101 Residents' rights.

WSR 92-09-001
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF HEALTH
(Board of Pharmacy)
 [Filed April 1, 1992, 1:44 p.m.]

Please withdraw WAC 246-883-030 Ephedrine prescription restrictions, filed on January 16, 1992, in WSR 92-03-096.

Donald H. Williams
 Executive Secretary

WSR 92-09-002
PERMANENT RULES
ECONOMIC DEVELOPMENT
FINANCE AUTHORITY
 [Filed April 2, 1992, 11:16 a.m.]

Date of Adoption: March 27, 1992.

Purpose: Establishment of the officers of the board of the authority, operation of meetings, voting requirements at meetings, authority for official actions of the board, public participation in meetings, and recordkeeping.

Statutory Authority for Adoption: RCW 43.163.100(18).

Pursuant to notice filed as WSR 92-03-055 on January 13, 1992.

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

April 2, 1992

Jerry M. Viscione
 Board Member

CHAPTER 178-01 WAC
POLICIES

NEW SECTION

WAC 178-01-010 OPERATIONS AND PROCEDURES. (1) Uniform procedure rules: Practice and procedure in and before the authority are governed by the uniform procedural rules codified in the Washington Administrative Code, WAC 1-08-005 through 1-08-590, as now or hereafter amended, which rules the authority adopts as its own, subject to any additional rules the authority may add from time to time. The authority reserves the rights to make whatever determination is fair and equitable should any question not covered by its rules come before the authority, said determination to be in accordance with the spirit and intent of the law.

(2) Officers: The authority shall have the following officers each of whom are members of the board:

(a) Chair, who shall be designated by the governor,

(b) Vice chair, who shall be elected by a majority of a quorum of the authority,

(c) Secretary, who shall be the treasurer of the state of Washington, an ex-officio member of the board.

(3) Authority meetings: The meetings of the authority shall be "regular meetings" as these designations are defined in chapter 42.30 RCW. They may be called at any time and place by the chair or a majority of the members of the authority. At least 24 hours notice of all special meetings shall be given by delivering personally or by mail to each member a written notice specifying the time and place of the meeting and a copy of the agenda prepared by the executive director in consultation with the chairman, and by giving such notice to the public as may be required by law. An executive session may be called by the chairman or by a majority of all members of the authority to consider the appointment, employment or dismissal of an officer or employee, and such other matters as are permitted by RCW 42.30.110.

(4) Quorum: Ten members shall constitute a quorum, and the act of a majority of the members present at any meeting, if there is a quorum, shall be deemed the act of the authority except as specified hereafter.

(5) Chair's voting rights: The chair shall have the right to vote on all matters before the authority, just as any other authority member.

(6) Minutes of meetings: Minutes shall be kept of the proceedings of the authority.

(7) Rules of order: The authority shall generally follow Robert's Rules of Order, newly revised, in conducting its business meetings.

(8) Form of authority action: The authority shall act on the basis of a resolution when authorizing issuance of bonds pursuant to RCW 43.163.130 and when otherwise taking official and formal action with respect to the creation of special funds and the issuance and sale of bonds for providing financing for an applicant. Such resolutions shall be adopted upon the affirmative vote of a majority of a quorum of the members of the authority and shall be signed by the secretary. In all other instances the authority may act on the basis of a motion. Motions shall be adopted upon the affirmative vote of a majority of a quorum of members present at any meeting.

(9) Public participation in the meetings of the authority shall be allowed at the discretion of the chair who may recognize anyone in the audience who indicates a desire to speak at such meeting, provided that remarks by any individual person shall be limited to an amount of time granted by the chair.

WSR 92-09-003

NOTICE OF PUBLIC MEETINGS SEATTLE COMMUNITY COLLEGES

[Memorandum—March 31, 1992]

The board of trustees of the Seattle Community College District will hold a work session, beginning at 4:00 p.m. on April 7, 1992, prior to the regular board meeting.

WSR 92-09-004

PERMANENT RULES LOWER COLUMBIA COLLEGE

[Filed April 2, 1992, 12:58 p.m.]

Date of Adoption: March 18, 1992.
Purpose: Amends rule on records indexing as required by RCW 34.05.220.

Statutory Authority for Adoption: RCW 28B.50.140.
Pursuant to notice filed as WSR 92-04-057 on February 4, 1992.

Effective Date of Rule: Thirty-one days after filing.
March 18, 1992
Vernon R. Pickett
President

AMENDATORY SECTION (Amending Order 1-75, filed 11/10/75)

WAC 132M-110-130 RECORDS INDEX. (1) ~~((INDEX:))~~ The ~~((agency))~~ records officer and/or his or her designee~~((s have))~~ has available to all persons a current index which provides identifying information as to

those records promulgated and indexed since June 30, 1972, pursuant to RCW 42.17.260. The records officer shall be located in the Personnel Office, Lower Columbia College, 1600 Maple Street, Longview, WA 98632. The college's schedule for revising and updating the index may be obtained by contacting the records officer.

(2) The index shall reference records by one or more of the following classifications: Date of implementation, subject matter, or organizational unit.

~~((2) AVAILABILITY:))~~ (3) The current index promulgated by the district shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection.

WSR 92-09-005

PERMANENT RULES LOWER COLUMBIA COLLEGE

[Filed April 2, 1992, 1:03 p.m.]

Date of Adoption: March 18, 1992.

Purpose: To adopt a new chapter on procedural rules pursuant to RCW 34.05.220 and to adopt the model rules of procedure pursuant to RCW 34.05.250.

Statutory Authority for Adoption: RCW 28B.50.140.

Pursuant to notice filed as WSR 92-04-058 on February 4, 1992.

Effective Date of Rule: Thirty-one days after filing.
March 18, 1992
Vernon R. Pickett
President

Chapter 132M-108 WAC PROCEDURE

NEW SECTION

WAC 132M-108-010 MODEL RULES OF PROCEDURE. The model rules of procedure adopted by the chief administrative law judge pursuant to RCW 34.05.250, as now or hereafter amended, are hereby adopted for use at this institution. Those rules may be found at chapter 10-08 WAC. Other procedural rules adopted in this title are supplementary to the model rules of procedure. In the case of a conflict between the model rules of procedure and procedural rules adopted in this title, the procedural rules adopted by this institution shall govern.

NEW SECTION

WAC 132M-108-020 BRIEF ADJUDICATIVE PROCEDURE. This rule is adopted in accordance with RCW 34.05.482 through 34.05.494, the provisions of which are hereby adopted. Brief adjudicative procedures shall be used in all matters related to:

- (1) Appeals from residency classifications made pursuant to RCW 28B.15.013;
- (2) Appeals from parking infractions;
- (3) Student conduct or disciplinary proceedings;
- (4) Outstanding debts of college employees or students;
- (5) Loss of eligibility to participate in athletic events;

(6) Challenges to the contents of education records pursuant to WAC 132M-113-055(2).

NEW SECTION

WAC 132M-108-030 **PROCEDURE FOR CLOSING PARTS OF THE HEARINGS.** A party may apply for a protective order to close part of a hearing. The party making the request should state the reasons for making the application to the presiding officer. If the other party opposes the request, a written response to the request shall be made within ten days of the request to the presiding officer. The presiding officer shall determine which, if any, parts of the proceeding shall be closed and state the reasons thereof in writing within twenty days of receiving the request.

NEW SECTION

WAC 132M-108-040 **APPOINTMENT OF PRESIDING OFFICERS.** The president or his/her designee shall designate a presiding officer for an adjudicative proceeding. The presiding officer shall be an administrative law judge, a member in good standing of the Washington Bar Association, a panel of individuals, the president or his/her designee, or any combination of the above. Where more than one individual is designated to be the presiding officer, one person shall be designated by the president or president's designee to make decisions concerning discovery, closure, means of recording adjudicative proceedings, and similar matters.

NEW SECTION

WAC 132M-108-050 **APPLICATION FOR ADJUDICATIVE PROCEEDING.** An application for an adjudicative proceeding shall be in writing and should be submitted to the following address within twenty days of the agency action giving rise to the application, unless provided for otherwise by statute or rule: President's Office, 1600 Maple Street, Longview, Washington 98632.

NEW SECTION

WAC 132M-108-060 **METHOD OF RECORDING.** Proceedings shall be recorded by a method determined by the presiding officer, among those available pursuant to the model rules of procedure in WAC 10-08-170.

NEW SECTION

WAC 132M-108-070 **RECORDING DEVICES.** No camera or recording devices shall be allowed in those parts of proceedings which the presiding officer has determined shall be closed pursuant to WAC 132M-108-030, except for the method of official recording selected by the institution.

NEW SECTION

WAC 132M-108-080 **PETITIONS FOR STAY OF EFFECTIVENESS.** Disposition of a petition for stay of effectiveness of a final order shall be made by the official, officer, or body of officers who entered the final order.

WSR 92-09-006

PERMANENT RULES LOWER COLUMBIA COLLEGE

[Filed April 2, 1992, 1:06 p.m.]

Date of Adoption: March 18, 1992.

Purpose: Establishes rules governing loss of eligibility for student athletes who violate chapter 69.41 WAC.

Statutory Authority for Adoption: RCW 28B.50.140.

Pursuant to notice filed as WSR 92-04-060 on February 4, 1992.

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

March 18, 1992

Vernon R. Pickett
President

Chapter 132M-400 WAC LOSS OF ELIGIBILITY—STUDENT ATHLETIC PARTICIPATION

NEW SECTION

WAC 132M-400-010 **GROUND FOR INELIGIBILITY.** Any student athlete found by the college to have violated chapter 69.41 RCW by virtue of a criminal conviction or otherwise insofar as it prohibits the possession, use, or sale of legend drugs, as defined in RCW 69.41.010(9), including anabolic steroids, may be disqualified from participation in any college-sponsored athletic event or activity.

NEW SECTION

WAC 132M-400-020 **SUSPENSION PROCEDURE—RIGHT TO BRIEF ADJUDICATIVE PROCEDURE.** Any student notified of a claimed violation of WAC 132M-400-010 shall have the right to a brief adjudicative hearing if a written request for such a hearing is received by the appropriate dean within three days of receipt of a declaration of further athletic ineligibility. If no written request is received within three days after receipt of the declaration of athletic ineligibility, the student will be deemed to have waived any right to a brief adjudicative hearing and will be declared ineligible from further participation in college-sponsored athletic events or activities for the remainder of the academic year.

NEW SECTION

WAC 132M-400-030 **BRIEF ADJUDICATIVE PROCEDURE.** If a timely written request for a hearing is made, the dean shall designate a presiding officer, who shall be a college administrator who is not involved with the athletic program, to conduct the brief adjudicative proceeding. The presiding officer shall promptly conduct the hearing and permit affected parties to explain both the college's view of the matter and the student's view of the matter. The brief adjudicative proceeding shall be conducted in accordance with the Administrative Procedure Act, RCW 34.05.482 through 34.05.494.

NEW SECTION

WAC 132M-400-040 **DECISION.** The college administrator who acts as presiding officer shall issue a

written decision which shall include a brief statement of the reasons for the decision and a notice that judicial review may be available. All documents presented, considered, or prepared by the presiding officer shall be maintained as the official record of the brief adjudicative proceeding. A decision must be promptly rendered after the conclusion of the brief adjudicative proceeding and in no event later than twenty days after the request for a brief adjudicative proceeding is received by the dean.

WSR 92-09-007
PERMANENT RULES
LOWER COLUMBIA COLLEGE
 [Filed April 2, 1992, 1:08 p.m.]

Date of Adoption: March 18, 1992.

Purpose: To adopt a rule governing tenure which complies with state law and the current bargaining agreement.

Citation of Existing Rules Affected by this Order: Repealing WAC 132M-115-010, 132M-115-020, 132M-115-030, and 132M-115-040.

Statutory Authority for Adoption: RCW 28B.50.140.

Pursuant to notice filed as WSR 92-04-061 on February 4, 1992.

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

March 18, 1992
 Vernon R. Pickett
 President

NEW SECTION

WAC 132M-115-001 TENURE. This rule is adopted pursuant to the requirement of RCW 28B.50-852 and in accordance herewith it is the declared policy of the board of trustees of Washington Community College District No. 13 that all matters relating to tenure and dismissals of academic employees shall be governed by the laws of the state of Washington and the terms of the collective bargaining agreement between the board and the duly elected academic employee bargaining agent as contained in that agreement.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 132M-115-010 DEFINITIONS OF TERMS RELATING TO TENURE.

WAC 132M-115-020 TENURE.

WAC 132M-115-030 TENURE TERMINATION REVIEW COMMITTEE.

WAC 132M-115-040 REVIEW COMMITTEES FOR PROBATIONARY FACULTY.

WSR 92-09-008
PERMANENT RULES
LOWER COLUMBIA COLLEGE
 [Filed April 2, 1992, 1:10 p.m.]

Date of Adoption: March 18, 1992.

Purpose: To amend rules in compliance with WAC 131-12-010 and to add language clarifying requirements for admission of foreign students.

Citation of Existing Rules Affected by this Order: Amending WAC 132M-160-010.

Statutory Authority for Adoption: RCW 28B.50.140.

Pursuant to notice filed as WSR 92-04-062 on February 4, 1992.

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

March 18, 1992
 Vernon R. Pickett
 President

Chapter 132M-160 WAC
 ADMISSION, REGISTRATION, GRADUATION.

AMENDATORY SECTION (Amending Order 15, filed 12/20/72)

WAC 132M-160-010 ADMISSION. (1) Any applicant shall be admitted when he/she:

- (a)(i) Is at least eighteen years of age; or
- (ii) Is a graduate of a high school; or
- (iii) Has ~~((been approved by the high school principal,))~~ applied for admission under the provisions of a student enrollment options program such as Running Start or a successor program; or

(iv) If not qualified under subsection (1) of this section, has filed a written release from a public or private school he/she is attending or last attended: PROVIDED, That an applicant transferring from another institution of higher education who meets the above criteria, but who is not in good standing at the time of his/her transfer, may be conditionally admitted on a probationary status as determined by the president of the college; and

(b) Is competent to profit from the curricular offerings of the college ~~((and would not create a disruptive atmosphere within the college)); and~~

(c) Would not, by his/her presence or conduct, create a disruptive atmosphere within the community college inconsistent with the purposes of the institution.

(2) Admission to the college shall entitle the student to enroll in any instructional program(;) provided that the student is qualified and complies with the rules and procedures established for enrollment in such program.

~~(3) ((Foreign students on nonimmigrant visas may be admitted to the college provided they complete special requirements as determined by the college and the immigration and naturalization service.~~

(4) Students enrolling in certain programs shall be required)) In order to assist students in selecting courses appropriate to their needs and interests and to ensure that students will be able to profit from current curriculum offerings or benefit from a particular class, course, or program, the college may require students to take ((special)) tests or to have special training prior to enrolling in classes.

~~((5))~~ (4) Enrollment in classes, programs, or sections may be restricted by ~~((space, equipment, or other constraints))~~ limitations of physical facilities or operating funds when consistent with generally accepted educational practices regarding efficient maximum class sizes.

WSR 92-09-009
PERMANENT RULES
LOWER COLUMBIA COLLEGE

[Filed April 2, 1992, 1:12 p.m.]

Date of Adoption: March 18, 1992.

Purpose: To complete the college's rules governing use of its facilities.

Citation of Existing Rules Affected by this Order: Repealing WAC 132M-140-010; and amending WAC 132M-136-020 and 132M-136-060.

Statutory Authority for Adoption: RCW 28B.50.140.

Pursuant to notice filed as WSR 92-04-063 on February 4, 1992.

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

March 18, 1992

Vernon R. Pickett
 President

AMENDATORY SECTION (Amending Order 81-1, Resolution No. 81-1, filed 11/4/81)

WAC 132M-136-020 DISTRIBUTION OF MATERIALS POLICY. (1) Free expression is encouraged on the college campus. Use of college facilities as determined by the president and regulated by his/her designee, however, does not accord users immunity from legal action.

(2) Handbills, leaflets, newspapers, and similar material—except those which are commercial, obscene, or unlawful—may be distributed only in areas on the campus designated by the director of student programs where, and at times when, such distribution will not interfere with the orderly administration of the college, the ingress or egress of persons, or the free flow of traffic.

(3) Newspapers, leaflets, and similar material offered for sale by any student or nonstudent person or organization may be distributed and sold through the college bookstore as are other commercial forms of merchandise, subject to reasonable rules and regulations that may be imposed by the bookstore manager.

(4) All handbills, leaflets, newspapers, and similar material must bear identification as to the publishing agency and distributing organization or individual.

(5) All students and nonstudents shall be required to register with the director of student programs prior to the distribution or sale of any handbill, leaflet, newspaper, or related material, including but not limited to posting materials on college bulletin boards and distributing materials in college parking lots.

(6) Any student who violates any provision of this section relating to the distribution and sale of handbills, leaflets, newspapers, or related materials shall be subject to disciplinary action.

(7) Any distribution of materials regulated by established policies and authorized under this section by the director of student programs shall not be construed as support or approval of the content by the college or by the board of trustees of Washington Community College District No. 13.

AMENDATORY SECTION (Amending Order 81-1, Resolution No. 81-1, filed 11/4/81)

WAC 132M-136-060 USE OF COLLEGE FACILITIES (~~BY OUTSIDE GROUPS~~). (1) The policy of the college is to permit the use of its facilities by responsible organizations or groups on a space available basis except when the use of such facilities is for the purpose of:

(a) Making a profit and is in competition with available privately owned facilities.

(b) Political campaigning by or for candidates who have filed for public office except for student-sponsored activities or forums.

(c) Religious groups, as a permanent meeting place, under any circumstances. Such use shall be intermittent only.

(2) The president may allow (~~(local nonschool connected organizations or groups the))~~ persons or organizations other than college faculty, staff, or recognized student organizations use of college facilities when satisfactory arrangements can be worked out and such use does not conflict with the (~~(needs))~~ educational programs being offered by the college or with the maintenance and repair programs of the college. (~~(Neither an individual nor a nonlocal organization may be allowed the use of college facilities except as such use is sponsored or underwritten by an organization the president feels assured is able to provide adequate supervision and guarantee prepayment of rental and/or other fees and reimbursement for any and all damages which may result from such usage.))~~ Authorization to persons or organizations other than college faculty, staff, or recognized student organizations for use of college facilities is granted with the express understanding and condition that such persons or organizations assume full responsibility for any loss, damage, or claims arising out of such use. The president or his/her designee may require proof of appropriate liability insurance coverage or posting of a bond prior to granting authorization for use of college facilities.

(3) The use of college facilities shall, in all instances, be determined and regulated by the policies of the institution.

(4) Nonprofit organizations such as, but not limited to, those directly concerned with public schools and those sponsored by public schools or affiliated organizations (~~(; staff))~~ may be allowed reasonable use of college facilities without the payment of a rental fee. However, functions which require college personnel, other support services, or utilities, including heat, thereby resulting in additional costs to the college shall be charged for such costs accordingly.

(5) The college shall permit the use of its facilities to persons, groups, or organizations for such fees as will

compensate for the reasonable costs thereof. Additionally, to any organization using college facilities with the intent of realizing a profit therefrom (through charging admission, taking up a collection, or other) rental fees to be determined by the president or his designee shall be charged.

(6) The president shall establish and revise, as circumstances warrant, a schedule of rental and/or other fees consistent with the policy outlined above and ~~((to))~~ shall advise the board thereof. The established fees in effect at any given time shall apply to the facilities covered by the schedule. For those facilities which are not covered in the schedule, the president may determine reasonable fees from the relevant factors or decline ~~((to release))~~ them for noncollege use.

(7) Application is made through the office of the president or his designee. When the application is approved, an invoice shall be sent to the applicant by the business office. ~~((In the event rental fees are charged, they shall be prepaid))~~ Full payment of appropriate fees, if any, or satisfactory payment arrangements are required prior to the actual use of the facilities.

(8) Special conditions and considerations for the use of specific college facilities may be set forth in board policies as now or hereafter amended.

(9) College facilities may not be used by groups or organizations which discriminate in their membership or limit participation in a manner inconsistent with the college's commitment to nondiscrimination as set forth in its written policies and rules.

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

NEW SECTION

WAC 132M-136-100 COMMERCIAL ACTIVITIES. College facilities shall not be used for commercial solicitation, advertising, or promotional activities except when such activities clearly serve educational objectives, including but not limited to display of books of interest to the academic or career-oriented community or the display or demonstration of technical or research equipment, and when such commercial activities related to educational objectives are conducted under the sponsorship or at the request of a college department or of the dean for students or his/her designee: PROVIDED, That such solicitation does not interfere with, or operate to the detriment of, the conduct of college affairs or the free flow of pedestrian or vehicular traffic.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 132M-140-010 COMMERCIAL SOLICITATION.

**WSR 92-09-010
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES**
[Filed April 2, 1992, 4:15 p.m.]

Date of Adoption: April 2, 1992.

Purpose: Proposed amendments to WAC 296-401-175 are changes made to cover the increasing costs of application, certification and renewal of electricians and the renewal of electrical trainees.

Citation of Existing Rules Affected by this Order: Amending WAC 296-401-175, changes made to cover the increasing costs of electrician application, certification and renewal and electrical trainee renewal.

Statutory Authority for Adoption: RCW 19.28.060, 19.28.010(1), 19.28.600, 19.28.510(2), 19.28.540(2), and 19.28.550.

Pursuant to notice filed as WSR 92-03-136 on January 22, 1992.

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

April 2, 1992

Joseph A. Dear
Director

AMENDATORY SECTION (Amending WSR 90-17-041, filed 8/10/90, effective 9/10/90)

WAC 296-401-175 JOURNEYMAN, SPECIALTY AND TRAINEE CERTIFICATE, AND EXAMINATION FEES.

- (1) Journeyman or specialty electrician certificate renewal (per 24-month period) - \$ ~~((26))~~ 40
- (2) Late renewal of journeyman or specialty electrician certificate (per 24-month period) - \$ ~~((52))~~ 80
- (3) Journeyman or specialty electrician examination application (nonrefundable) - \$ 25
- (4) Journeyman or specialty electrician original certificate (submitted with application) - \$ ~~((20))~~ 40
- (5) Trainee certificate (expires one year after purchase) - \$ ~~((+5))~~ 20
- (6) Trainee certificate renewal or update of hours - \$ 20

**WSR 92-09-011
EMERGENCY RULES
DEPARTMENT OF
LABOR AND INDUSTRIES**
[Filed April 2, 1992, 4:17 p.m.]

Date of Adoption: April 2, 1992.

Purpose: Proposed amendments to WAC 296-401-175 are changes made to cover the increasing costs of application, certification and renewal of electricians and the renewal of electrical trainees.

Citation of Existing Rules Affected by this Order: Amending WAC 296-401-175, changes made to cover

the increasing costs of electrician application, certification and renewal and electrical trainee renewal.

Statutory Authority for Adoption: RCW 19.28.060, 19.28.010(1), 19.28.600, 19.28.510(2), 19.28.540(2), and 19.28.550.

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: Immediately.

April 2, 1992
Joseph A. Dear
Director

AMENDATORY SECTION (Amending WSR 90-17-041, filed 8/10/90, effective 9/10/90)

WAC 296-401-175 JOURNEYMAN, SPECIALTY AND TRAINEE CERTIFICATE, AND EXAMINATION FEES.

- (1) Journeyman or specialty electrician certificate renewal (per 24-month period) - \$ ((26))
40
- (2) Late renewal of journeyman or specialty electrician certificate (per 24-month period) - \$ ((52))
80
- (3) Journeyman or specialty electrician examination application (nonrefundable) - \$ 25
- (4) Journeyman or specialty electrician original certificate (submitted with application) - \$ ((20))
40
- (5) Trainee certificate (expires one year after purchase) - \$ ((15))
20
- (6) Trainee certificate renewal or update of hours - \$ 20

WSR 92-09-012
NOTICE OF PUBLIC MEETINGS
BELLINGHAM TECHNICAL COLLEGE
[Memorandum—April 2, 1992]

The regularly scheduled meeting of the board of trustees of Bellingham Technical College will be held on Thursday, April 16, 1992, 9-11 a.m., in the Bellingham Technical College Building G Conference Center A.

WSR 92-09-013
PERMANENT RULES
ENERGY FACILITY
SITE EVALUATION COUNCIL
[Filed April 2, 1992, 4:44 p.m.]

Date of Adoption: February 10, 1992.

Purpose: To conform council rules to its reorganization within the state energy office; and to update references to reflect current application and operational policies.

Citation of Existing Rules Affected by this Order: Amending WAC 463-06-020, 463-06-030, 463-06-040, 463-06-050, 463-06-070, 463-06-150, 463-39-010, 463-39-030, 463-39-115, 463-39-120, 463-42-055, 463-42-165, 463-42-195, 463-42-225, 463-42-265, 463-42-345, 463-42-445, 463-42-455, 463-42-465, 463-42-595, 463-42-625, 463-47-051, and 463-47-090; and repealing WAC 463-39-040, 463-39-050, 463-39-060, 463-39-080, 463-39-110, 463-39-150, and 463-26-030.

Statutory Authority for Adoption: RCW 80.50.040(1).

Pursuant to notice filed as WSR 92-02-099 on January 2, 1992.

Changes Other than Editing from Proposed to Adopted Version: WAC 463-06-020(2), "chairman" is changed to "chair"; WAC 463-06-050, "chairman" is changed to "chair" and statement on council manager responsibilities added; WAC 463-39-030(2), phrase "except for WAC 463-39-120 where the department of ecology is intended" is added; WAC 463-42-055, language revised to clarify distribution of copies; WAC 463-42-225, term "transmission and associated facilities" substituted for "natural gas and oil pipelines"; WAC 463-42-345, phrase "for a minimum length of time to be determined by the council" deleted; WAC 463-42-445, term "habitat types," added; WAC 463-42-455 and 463-42-465, term "all habitat types," added; WAC 463-42-685, this section deleted and will be subject to further rules hearing; and WAC 463-42-690, modifying language "as possible" deleted.

Effective Date of Rule: Thirty-one days after filing.
February 10, 1992
Robert G. Waldo
Chair

AMENDATORY SECTION (Amending Order 78-4, filed 8/28/78)

WAC 463-06-020 DESCRIPTION OF ORGANIZATION. (1) The voting membership of the council consists of the authorized representatives of the member agencies listed in RCW 80.50.030. In addition, a voting county representative, a voting city representative, and a nonvoting port district representative may sit with the council under the circumstances described in RCW 80.50.030.

(2) The ((~~chairman~~)) chair of the council is the person appointed by the governor with the advice and consent of the senate to a term coextensive with that of the governor pursuant to RCW 80.50.030. The chairman ((~~serves full time~~)) has a vote on all matters before the council and ((~~is officed~~)) has an office at the ((~~council office~~). The chairman may appoint a confidential secretary to the chairman)) Washington state energy office.

(3) The ((~~council has an executive secretary who is appointed by and serves at the pleasure of the council~~). The executive secretary is responsible for the appointment and supervision of council staff. All members of

~~the council staff are officed at the council office))~~
Washington state energy office provides administrative services and staff to the council.

AMENDATORY SECTION (Amending Order 81-4, filed 9/30/81)

WAC 463-06-030 COUNCIL OFFICE—BUSINESS HOURS. The council office is located at ~~((Rowesix, 4224—6th Avenue))~~ the Washington State Energy Office, 809 Legion Way S.E., Olympia, Washington. It is open each day for the transaction of business from 8:00 a.m. to 5:00 p.m., Saturdays, Sundays, and legal holidays excepted. Notices, applications, business correspondence, or other communication should be sent to the council office.

AMENDATORY SECTION (Amending Order 84-1, filed 3/21/84)

WAC 463-06-040 ~~((SEMI-MONTHLY))~~ MONTHLY MEETINGS. Regular meetings of the council are held on the second ~~((and fourth))~~ Monday ~~((s))~~ of each month. Regular meetings ~~((may be canceled or rescheduled by approved council motion either by oral notice given at the preceding meeting))~~ of the council's executive committee are held on the first and third Mondays of each month. Regular council and executive committee meetings may be canceled or rescheduled at the discretion of the chair or by the noticing procedure provided for special meetings pursuant to WAC 463-18-050.

AMENDATORY SECTION (Amending Order 103, filed 11/4/76)

WAC 463-06-050 GENERAL METHOD BY WHICH OPERATIONS ARE CONDUCTED. In general, the council reaches major policy and operational decisions through formal council action at regular and special meetings. In some circumstances, the ~~((chairman))~~ chair may perform duties which are specifically authorized by the council. Day-to-day administration is handled by the ~~((executive secretary))~~ council manager and staff. The council manager is responsible for implementing the decisions of the council and for directing the staff that supports the council.

AMENDATORY SECTION (Amending Order 103, filed 11/4/76)

WAC 463-06-070 PUBLIC RECORDS OFFICER. The council's public records officer is the ~~((executive secretary. He))~~ council manager who is responsible for implementation of these and other applicable regulations regarding public records. Correspondence regarding public records is to be addressed to the public records officer.

AMENDATORY SECTION (Amending Order 103, filed 11/4/76)

WAC 463-06-150 REVIEW OF DENIALS. Any person is entitled to review of a public record request denial if written request for review is promptly made.

The request should specifically refer to the written statement constituting the denial. Any such written request is to be promptly referred to the ~~((executive secretary of the))~~ council manager who shall either affirm or reverse the denial. The ~~((executive secretary))~~ council manager may ~~((, in his discretion,))~~ request a special meeting of the council to review the denial if such action is requested in writing and is otherwise warranted.

NEW SECTION

WAC 463-39-005 ADOPTION BY REFERENCE. The energy facility site evaluation council adopts the following sections or subsections of chapter 173-400 WAC by reference. Any revisions or changes to these rules are hereby adopted.

- WAC 173-400-030: Definitions.
- WAC 173-400-040: General standards for maximum emissions.
- WAC 173-400-050: Emission standards for combustion and incineration units.
- WAC 173-400-060: Emission standards for general process units.
- WAC 173-400-105: Records, monitoring, and reporting.
- WAC 173-400-110: New source review (NSR).
- WAC 173-400-120: Bubble rules.
- WAC 173-400-131: Issuance of emission reduction credits.
- WAC 173-400-136: Use of emission reduction credits.
- WAC 173-400-141: Prevention of significant deterioration (PSD).
- WAC 173-400-151: Retrofit requirements for visibility protection.
- WAC 173-400-161: Compliance schedules.
- WAC 173-400-171: Public involvement.
- WAC 173-400-180: Variance.
- WAC 173-400-190: Requirements for nonattainment areas.
- WAC 173-400-200: Creditable stack height and dispersion techniques.
- WAC 173-400-205: Adjustment for atmospheric conditions.

AMENDATORY SECTION (Amending Order 79-1, filed 8/6/79)

WAC 463-39-010 PURPOSE. The energy facility site evaluation council, under the authority vested in it by chapter 80.50 RCW and 40 C.F.R. Part 52 is charged with responsibilities for the conduct of a state-wide program of air pollution prevention and control for energy facilities. This regulation provides the basic framework for carrying out the council's responsibilities for such a program through the establishment of standards for maximum permissible emissions, the implementation of registration and notice requirements, provision for monitoring and reporting, and the identification of regulatory actions which may be taken to enforce standards. This chapter is designed to operate within the statutory framework for the distribution of responsibilities between state, regional and local units of government in dealing with problems of air pollution.

AMENDATORY SECTION (Amending Order 79-1, filed 8/6/79)

WAC 463-39-030 ADDITIONAL DEFINITIONS. In addition to the definitions contained in WAC 173-400-030, the following terms shall have the following meaning unless a different meaning is plainly required by context ~~((, the following words and phrases, as~~

hereinafter used in this chapter, shall have the following meanings:

(1) "Abnormal operation" means a process operation other than a normal operation which may result in emissions that exceed the standards. An abnormal operation can be anticipated and planned.

(2) "Air contaminant" means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof. "Air pollutant" means the same as "air contaminant."

(3) "Air pollution" means the presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities, and of such characteristics and duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or which unreasonably interferes with enjoyment of life and property.

(4) "Allowable emissions" means the emission rate calculated using the maximum rated capacity of the source (unless the source is subject to enforceable permit conditions which limit the operating rate or hours of operation, or both) and the most stringent of the following:

(a) Applicable standards as set forth in 40 CFR Part 60 and Part 61;

(b) The applicable state implementation plan emission limitation, or

(c) The emission rate specified as a permit condition.

(5) "Ambient air" means the surrounding outside air.

(6) "Ambient air quality standard" means an established concentration, exposure time and frequency of occurrence of a contaminant or multiple contaminants in the air which shall not be exceeded.

(7) "Best available control technology" means an emission limitation (including a visible emission standard) based on the maximum degree of reduction for each pollutant subject to this regulation which would be emitted from any proposed stationary source or major modification which the council on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such pollutant. In no event shall application of the best available control technology result in emissions of any pollutant which would exceed the emissions allowed by any applicable standard under 40 CFR Part 60 and Part 61. If the council determines that technological or economic limitations on the application of measurement methodology to a particular class of sources would make the imposition of an emission standard infeasible, it may instead prescribe a design, equipment, work practice or operational standard, or combination thereof, to require the application of best available control technology. Such standard shall, to the degree possible, set forth the emission reduction achievable by implementation of such design, equipment, work practice or operation and shall provide for compliance by means which achieve equivalent results. The requirement of RCW 70.94.152 that a new source should provide "all known available and reasonable methods of emission control" is assumed to mean the same as best available control technology.

(8) "Capacity factor" means the ratio of the average load on a machine or equipment for the period of time considered to the capacity rating of the machine or equipment.

(9) "Combustion and incineration sources" means sources using combustion for waste disposal, steam production, chemical recovery or other process requirements; but excludes open burning.

(10) "Commenced construction" means that an owner or operator has undertaken a continuous program of construction or modification or that an owner or operator has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification.

(11) "Compliance schedule" means a schedule of steps to be taken to comply with emission requirements including a description of the specific steps and the date when each step will be completed.

(12) "Concealment" means any action taken to reduce the observed or measured concentrations of a pollutant in a gaseous effluent while, in fact, not reducing the total amount of pollutant discharge.

(13) "Council" means the energy facility site evaluation council.

(14) "Chairman" means the chairman of the energy facility site evaluation council or his duly authorized representative.

(15) "Emission" means a release of contaminants into the ambient air.

(16) "Emission standard" means a regulation (or portion thereof) setting forth an allowable rate of emissions, level of opacity, or prescribing equipment or fuel specifications that result in control of air pollution emission.

(17) "Excess emissions" means emissions of an air pollutant in excess of an emission standard.

(18) "Facility" means an identifiable process or activity that emits contaminants to the ambient air.

(19) "Fossil fuel-fired steam generator" means a furnace or boiler used in the process of burning fossil fuel for the primary purpose of producing steam by heat transfer.

(20) "Fugitive dust" means a type of particulate emission made airborne by forces of wind, man's activity, or both, such as unpaved roads, construction sites, or tilled land. Two major categories are anthropogenic sources (those which result directly from and during human activities) and wind erosion sources (those resulting from erosion of soil by wind). Fugitive dust is distinguished from fugitive emissions.

(21) "Fugitive emissions" means contaminants which are generated by industrial or other activities not covered by the fugitive dust definition and which are released to the atmosphere through openings such as windows, vents, doors, or ill-fitting oven closures rather than through primary exhaust systems or are recaptured from unenclosed material handling operations. Aggregate storage operations and active tailing piles are included in this category of sources.

(22) "General process sources" means sources using a procedure or a combination of procedures for the purpose of causing a change in material by either chemical or physical means excluding combustion.

(23) "Incinerator" means a furnace used for primarily the destruction of waste.

(24) "Lowest achievable emission rate" means for any source, that rate of emissions which reflects:

(a) The most stringent emission limitation which is contained in the implementation plan of any state for such class or category of source, unless the owner or operator of the proposed source demonstrates that such limitations are not achievable; or

(b) The most stringent emission limitation which is achieved in practice by such class or category of source, whichever is more stringent.

In no event shall the application of this term permit a proposed new or modified source to emit any pollutant in excess of the amount allowable under applicable new source standards of performance.

(25) "Major source" means any stationary source which is subject to the jurisdiction of the energy facility site evaluation council under chapter 80.50 RCW and which is included in section 169(a)(i) of the Federal Clean Air Act.

(26) "Masking" means the mixing of a chemically nonreactive control agent with a malodorous gaseous effluent to change the perceived odor, usually to a less offensive odor.

(27) "Materials handling" means the handling, transporting, loading, unloading, storage, and transfer of material with no significant alteration of the chemical or physical properties of the material.

(28) "New source" means a source constructed, installed or established after the effective date of this chapter. Addition to or enlargement or replacement of a source or any major alteration or any change in a source which has the potential to increase emissions shall be construed as construction or installation or establishment of a new source.

(29) "New source performance standards (NSPS)" means the federal regulations set forth in 40 CFR Part 60.

(30) "Nonattainment area" means a clearly delineated geographic area which has been designated by EPA promulgation as exceeding a National Ambient Air Quality Standard for one or more of the criteria pollutants.

(31) "Opacity" means the degree to which an object seen through a plume is obscured, stated as a percentage.

(32) "Open burning" means the combustion of material in an open fire or in an outdoor container, without providing for the control of combustion or the control of the emissions from the combustion.

(33) "Particulate matter" means small discrete masses of liquid or solid, exclusive of uncombined water.

(34) "Person" means an individual, firm, public or private corporation, association, partnership, political subdivision, municipality or government agency.

(35) "Potential emissions" means the emissions of a pollutant from a source operated at maximum capacity in the absence of air pollution control equipment. Air pollution control equipment includes control equipment which is not, aside from air pollution control laws and regulations, vital to production of the normal product of

the source or to its normal operation. Annual potential shall be based on the maximum annual rated capacity of the source, unless the source is subject to enforceable permit conditions which limit the annual hours of operation. Enforceable permit conditions on the type or amount of materials combusted or processed may be used in determining the potential emission rate of a source.

(36) "Reasonably available control technology (RACT)" means the lowest emission limit that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. RACT is determined on a case-by-case basis for an individual source or source category, taking into account the impact of the source upon air quality, the availability of additional controls, the emission reduction to be achieved by additional controls, the impact of additional controls on air quality and the capital and operating costs of the additional controls. RACT requirements for any source or source category may be adopted as an order or regulation after public hearing.

(37) "Source" means one or more processes or operations which emit or may emit any contaminants to the ambient air. A stationary source is composed of one or more pollutant emitting facilities.

(38) "Source category" means all sources of the same type or classification.

(39) "Standard conditions" means a temperature of 60°F (15.6°C) and a pressure of 29.92 inches (760mm) of mercury.

(40) "Upset" means an unexpected sudden occurrence which may result in emissions in excess of the emission requirements).

(1) "Council" means the energy facility site evaluation council.

(2) "Ecology" and "authority" shall be synonymous with the energy facility site evaluation council except for WAC 463-39-120 where the department of ecology is intended.

AMENDATORY SECTION (Amending Order 82-3, filed 6/30/82)

WAC 463-39-115 STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES. Subparts A, D, Da, GG, J, K ((and)), Kb, Y, KKK, LLL, QQQ of Title 40, code of federal regulations, part 60 (standards of performance for new stationary sources), ((as promulgated prior to May 1, 1982)) are by this reference adopted and incorporated herein with the exception of sections 60.5 (determination of construction or modification) and 60.6 (review of plans). For the purpose of state administration of the federal regulations adopted by reference hereby, the term "administrator" as used therein shall refer to the council.

Sections 60.5 and 60.6 of Title 40, code of federal regulations, are not incorporated herein because they provide for preconstruction review of new stationary sources only on request. By virtue of WAC 463-39-110, such review under the state program is mandatory and an order of approval is required before the construction,

installation or establishment of a new stationary source may commence.

AMENDATORY SECTION (Amending Order 79-1, filed 8/6/79)

WAC 463-39-120 MONITORING AND SPECIAL REPORT. ~~((1) Monitoring.))~~ The department of ecology shall conduct a continuous surveillance program to monitor the quality of the ambient atmospheres to concentrations and movements of air contaminants.

As a part of this program, the director of the department of ecology or ~~((his))~~ an authorized representative of ~~the director~~ may recommend that any source under the jurisdiction of the council conduct stack and/or ambient air monitoring, and to report the results to the council and department of ecology.

~~((2) Investigation of conditions. For the purpose of investigating conditions specific to the control, recovery, or release of air contaminants into the atmosphere, the council, or its authorized representative, shall have the power to enter at reasonable times upon any private or public property, excepting nonmultiple unit private dwellings housing one or two families. No person shall refuse entry or access to the council, or its authorized representative when entry is requested for the purpose of inspection, and when appropriate credentials are presented; nor shall any person obstruct, hamper, or interfere with any such inspection.~~

~~(3) Source testing. In order to demonstrate compliance with this regulation the council may require that a test be made of the source using a method on file with the department of ecology. The operator of a source may be required by the council to provide the necessary platform and sampling ports for the department of ecology personnel to perform a test of the source. The department of ecology shall be allowed to obtain a sample from any source. The operator of the source shall be given an opportunity to observe the sampling and to obtain a sample at the same time.~~

~~(4) Abnormal operations or upset conditions.~~

~~(a) Upset conditions which may result in emissions in excess of the standards set by this chapter must be reported to the council within one working day. Abnormal operations can be anticipated and must be reported in advance of the occurrence of the abnormal operation if it may result in emissions in excess of standards.~~

~~(b) Any period of excess emissions is presumed to be a violation unless and until the owner or operator demonstrates and the council finds that:~~

- ~~(i) The incident was reported as required, and~~
- ~~(ii) Complete details were furnished the council, and~~
- ~~(iii) Appropriate remedial steps have been taken, and~~
- ~~(iv) The incident was unavoidable.~~

~~(c) If the conditions of subdivision (b) of this subsection are met, the incident is excusable and a notice of violation will not be issued.~~

~~(d) If any of the conditions of subdivision (b) of this subsection are not met, the incident is not excusable and a notice of violation will be issued and a penalty may be assessed.~~

~~(e) For the council to find that an incident of excess emissions is unavoidable, the following conditions must be met:~~

~~(i) The process equipment and the air pollution control equipment were at all times maintained and operated in a manner consistent with minimizing emissions.~~

~~(ii) Repairs or corrections were made in an expeditious manner when the operator knew or should have known that emission limitations were being or would be exceeded. Expeditious repairs or corrections require off-shift or overtime labor if such utilization will reduce the extent of excess emission.~~

~~(iii) The incident is not one in a recurring pattern which is indicative of inadequate design, operation or maintenance.~~

~~(iv) The amount and duration of the excess emissions as well as the impact of the emissions on ambient air quality were minimized by taking all reasonable steps.~~

~~(5) Continuous monitoring and recording. Owners and operators of the following categories of stationary sources shall install, calibrate, maintain and operate equipment for continuously monitoring and recording those emissions specified:~~

~~(a) Fossil fuel-fired steam generators:~~

~~(i) Opacity, except where:~~

~~(A) Steam generator capacity is less than 250 million BTU per hour heat input, or~~

~~(B) Only gaseous fuel is burned, or~~

~~(C) Only oil or a mixture of oil and gas is burned and opacity and particulate regulations can be met without using particulate collection equipment; and, the source has never, through any administrative or judicial procedure, been found in violation of any visible emission standard:~~

~~(ii) Sulfur dioxide, except where:~~

~~(A) Steam generator capacity is less than 250 million BTU per hour heat input, or~~

~~(B) Sulfur dioxide control equipment has not been installed:~~

~~(iii) Percent oxygen or carbon dioxide where such measurements are necessary for the conversion of sulfur dioxide continuous emission monitoring data.~~

~~(iv) General exception. These requirements do not apply to a fossil fuel-fired steam generator with an annual average capacity factor of less than thirty percent, as reported to the Federal Power Commission for calendar year 1974, or as otherwise demonstrated to the council by the owner or operator.~~

~~(b) Fluid bed catalytic cracking units catalyst regenerators at petroleum refineries.~~

~~Opacity where fresh feed capacity is more than 20,000 barrels per day:~~

~~(c) Owners and operators of those sources required to install continuous monitoring equipment under this regulation shall demonstrate to the council compliance with the equipment and performance specifications, and observe the reporting requirements, contained in Title 40, code of federal regulations, part 51, appendix P, sections 3, 4 and 5, promulgated on October 6, 1975, which is by this reference adopted and incorporated herein.~~

~~(d) All sources subject to this regulation shall procure and install equipment and commence monitoring and recording activities no later than eighteen months after adoption of this regulation by the council. Any extension to this time requirement shall be negotiated through the variance procedure of WAC 463-39-150.~~

~~(e) Special considerations. If for reason of physical plant limitations or extreme economic situations, the council determines that continuous monitoring is not a reasonable requirement, alternative monitoring and reporting procedures will be established on an individual basis. These will generally take the form of stack tests conducted at a frequency sufficient to establish the emission levels over time and to monitor deviations in these levels.~~

~~(f) Exemptions. This subsection (5) does not apply to any source which is:~~

~~(i) Subject to a new source performance standard.~~

~~(ii) Not subject to an applicable emission standard.~~

~~(iii) Monitoring system malfunctions. A source may be temporarily exempted from the monitoring and reporting requirements of this regulation during periods of monitoring system malfunctions provided that the source owner or operator shows to the satisfaction of the council that the malfunction was unavoidable and is being repaired as expeditiously as practicable.~~

~~(6) Emission inventory. The owner or operator of any air contaminant source shall submit an inventory of emissions from the source each year upon a form and according to instructions received from the council. The inventory shall include stack and fugitive emissions of particulates, sulfur dioxide, carbon monoxide, total reduced sulfur compounds (TRS), fluorides, lead, volatile organic compounds, and other contaminants, and shall be submitted when required no later than forty-five days after the end of the calendar year. The inventory shall include total emissions for the year in tons per year and an estimate of the percentage of the total emitted each quarter. An estimate shall be made of the maximum design emission rate for a one hour period and a twenty-four hour period during the year. The report shall include the average sulfur content of any fuel or raw material used which will result in emissions of more than twenty-five tons per year of sulfur dioxide.~~

~~(7) Change in raw materials or fuels. Any change or series of changes in raw material or fuel which will result in a cumulative increase in emissions of sulfur dioxide of fifty tons per year or more over that stated in the initial inventory required by WAC 463-39-120(6) shall require the submittal of sufficient information to the council to determine the effect of the increase upon ambient concentrations of sulfur dioxide. The council may require controls to reduce the effect of such increases. Cumulative changes in raw material or fuel of less than 0.5 percent increase in average sulfur content over the initial inventory shall not require such notice.))~~

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 463-39-040 GENERAL STANDARDS FOR MAXIMUM PERMISSIBLE EMISSIONS.

WAC 463-39-050 MINIMUM EMISSION STANDARDS FOR COMBUSTION AND INCINERATION SOURCES.

WAC 463-39-060 MINIMUM EMISSION STANDARDS FOR GENERAL PROCESS SOURCES.

WAC 463-39-080 COMPLIANCE SCHEDULES.

WAC 463-39-110 NEW SOURCE REVIEW.

WAC 463-39-150 VARIANCE.

AMENDATORY SECTION (Amending Order 81-5, filed 10/8/81)

WAC 463-42-055 GENERAL—FORM AND NUMBER OF COPIES. (1) Applications shall be on 8-1/2 by 11" sheets, in loose-leaf form with a hard cover binder. Applicants shall supply thirty-five copies of the application ((shall be supplied)) to the council, ((and)) two copies to each county, two copies to each city, and one copy to each port district in which the ((site is)) proposed project would be located ((at the time that the original is filed)). In addition, one copy shall be supplied to each intervenor on admission to the proceedings. Information later submitted shall be by page-for-page substitutions suitable for insertion in the application binder, bearing the date of the submission.

(2) An applicant shall also provide the council copies of its application in a digital format for use in personal computers. Digital format shall be determined by the council in consultation with its consultants and the applicant.

AMENDATORY SECTION (Amending Order 81-5, filed 10/8/81)

WAC 463-42-165 PROPOSAL—WATER SUPPLY SYSTEM. The applicant shall describe the location and type of water intakes and associated facilities.

AMENDATORY SECTION (Amending Order 81-5, filed 10/8/81)

WAC 463-42-195 PROPOSAL—WASTE-WATER TREATMENT. The applicant shall describe each wastewater source associated with the facility and for each source, the applicability of all known, available, and reasonable methods of wastewater control and treatment to ensure it meets current waste discharge and water quality regulations. Where wastewater control involves collection and retention for recycling and/or resource recovery, the applicant shall show in detail the methods selected, including at least the following information: Waste source(s), average and maximum daily amounts and composition of wastes, storage capacity and duration, and any bypass or overflow facilities to the wastewater treatment system(s) or the receiving waters. Where wastewaters are discharged into receiving waters, the applicant shall provide a detailed description of the proposed treatment system(s), including appropriate flow diagrams and tables showing the sources of all tributary waste streams, their average and maximum daily amounts and composition, individual treatment units and

their design criteria, major piping (including all bypasses), and average and maximum daily amounts and composition of effluent(s).

AMENDATORY SECTION (Amending Order 81-5, filed 10/8/81)

WAC 463-42-225 PROPOSAL—EMISSION CONTROL. The applicant shall demonstrate that the highest and best practicable treatment for control of emissions will be utilized in facility construction and operation. In the case of fossil fuel power plants (~~(and)~~), petroleum refineries, and transmission and associated facilities, the applicant should deal with products containing sulphur (~~(and)~~), NO_x, volatile organics, CO, CO₂, aldehydes, particulates, and any other emissions subject to regulation by local, state, or federal agencies. In the case of a nuclear-fueled plant, the applicant should deal with optional plant designs as these may relate to gaseous emissions.

AMENDATORY SECTION (Amending Order 81-5, filed 10/8/81)

WAC 463-42-265 PROPOSAL—PROTECTION FROM NATURAL HAZARDS. The applicant shall describe the means employed for protection of the facility from earthquakes, volcanic eruption, flood, tsunami, storms, avalanche or landslides, and other major natural disruptive occurrences.

AMENDATORY SECTION (Amending Order 81-5, filed 10/8/81)

WAC 463-42-345 PHYSICAL ENVIRONMENT—AIR POLLUTION CONTROL. The applicant shall identify all pertinent air pollution control standards. The application shall contain adequate data showing air quality and meteorological conditions at the site. Meteorological data shall include, at least, adequate information about wind direction patterns, air stability, wind velocity patterns, precipitation, humidity, and temperature. The applicant shall describe the means to be utilized to assure compliance with applicable local, state, and federal air quality and emission standards.

AMENDATORY SECTION (Amending Order 81-5, filed 10/8/81)

WAC 463-42-445 PHYSICAL ENVIRONMENT—INVENTORY OF POTENTIALLY AFFECTED VEGETATION, WETLANDS, ANIMAL LIFE, AND AQUATIC LIFE DESCRIBED. The applicant shall describe all habitat types, vegetation, wetlands, animal life, and aquatic life which might reasonably be affected by construction and/or operation of the energy facility and any associated facilities. Any endangered species or noteworthy species or habitat shall receive special attention. Assessment of these factors shall include density and distribution information.

AMENDATORY SECTION (Amending Order 87-1, filed 2/11/87)

WAC 463-42-455 PHYSICAL ENVIRONMENT—IMPACT OF CONSTRUCTION, OPERATION, ABANDONMENT, TERMINATION, OR CESSATION OF OPERATIONS ON VEGETATION, WETLANDS, ANIMAL LIFE, AND AQUATIC LIFE. The applicant shall describe the projected effect of project construction, operation, abandonment, termination, or cessation of operations upon all habitat types, vegetation, wetlands, animal life, and aquatic life.

AMENDATORY SECTION (Amending Order 87-1, filed 2/11/87)

WAC 463-42-465 PHYSICAL ENVIRONMENT—DESCRIPTION OF MEASURES TAKEN TO PROTECT VEGETATION, WETLANDS, ANIMAL LIFE, AND AQUATIC LIFE. The application shall contain a full description of each measure to be taken by the applicant to protect all habitat types, vegetation, wetlands, animal life, and aquatic life from the effects of project construction, operation, abandonment, termination, or cessation of operations.

AMENDATORY SECTION (Amending Order 81-5, filed 10/8/81)

WAC 463-42-595 HUMAN ENVIRONMENT—SOLID WASTES (~~(DISPOSAL)~~). The applicant shall describe the treatment or disposition of all solid or semi-solid construction and operation wastes including spent fuel, ash, sludge, and bottoms, and show compliance with applicable state and local (~~(comprehensive)~~) solid waste (~~(disposal plans)~~) regulations.

AMENDATORY SECTION (Amending Order 81-5, filed 10/8/81)

WAC 463-42-625 HUMAN ENVIRONMENT—CRITERIA, STANDARDS, AND FACTORS UTILIZED TO DEVELOP TRANSMISSION ROUTE. The applicant shall (~~(indicate)~~) identify the federal, state, and industry criteria used in the energy transmission route selection and shall identify the criteria used and the construction factors considered in developing the proposed design and shall indicate how such criteria are (~~(satisfied)~~) met.

NEW SECTION

WAC 463-42-690 AMENDMENTS TO APPLICATIONS, ADDITIONAL STUDIES, PROCEDURE. (1) Applications to the council for site certification shall be complete and shall reflect the best available current information and intentions of the applicant.

(2) Amendments to a pending application must be presented to the council at least thirty days prior to the commencement of the adjudicative hearing, except as noted in subsection (3) of this section.

(3) Within thirty days after the conclusion of the hearings, the applicant shall submit to the council, application amendments which include all commitments

and stipulations made by the applicant during the adjudicative hearings.

(4) After the start of adjudicative hearings, additional environmental studies or other reports shall be admitted only for good cause shown after petitions to the council or upon request of the council, or submitted as a portion of prefiled testimony for a witness at least thirty days prior to appearance.

AMENDATORY SECTION (Amending Order 84-2, filed 9/14/84)

WAC 463-47-051 DESIGNATION OF RESPONSIBLE OFFICIAL. Within the energy facility site evaluation council, the responsible official is the (~~executive secretary~~) council manager.

AMENDATORY SECTION (Amending Order 84-2, filed 9/14/84)

WAC 463-47-090 EIS PREPARATION. (1) Preparation of draft and final EISs and SEISs is the responsibility of the (~~application review committee or its successor~~) council or a council subcommittee. Before the council issues an EIS, the responsible official shall be satisfied that it complies with these rules and chapter 197-11 WAC.

(2) The council normally will prepare its own draft and final EISs. It may require an applicant to provide information that the council does not possess, including specific investigations. However, the applicant is not required to supply information that is not required under these rules.

(3) If the council would be unable to prepare a draft and/or final EIS due to its commitments or other constraints or when a local agency transfers lead agency status to the council under WAC 197-11-940, the council may allow an applicant the following option for preparation of the draft and/or final EIS for the applicant's proposal:

(a) The council retains a mutually agreed upon and independent outside party to prepare the document.

(b) The applicant and the council agree upon a method of funding in which the applicant will bear the expense of the EIS preparation, but the consultant will work directly for the council.

(c) The outside party will prepare the document under the supervision of the (~~application review committee, or its successor~~) council or council subcommittee, and the responsible official.

(d) Normally, the council will have the documents printed and distributed.

(4) Whenever someone other than the council prepares a draft or final EIS, the council shall:

(a) Direct the areas of research and examination to be undertaken and the content and organization of the document.

(b) Initiate and coordinate scoping, ensuring that the individual preparing the EIS receives all substantive information submitted by any agency or person.

(c) Assist in obtaining information on file with another agency that is needed by the person preparing the EIS.

(d) Allow the person preparing the EIS access to council records relating to the EIS (under chapter 42.17 RCW—Public disclosure and public records law).

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 463-26-030 NEWS RELEASES.

WSR 92-09-014
PERMANENT RULES
UTILITIES AND TRANSPORTATION
COMMISSION

[Order R-372, Docket No. TV-911218—Filed April 2, 1992, 4:46 p.m.]

In the matter of amending WAC 480-12-375 relating to brokering or forwarding services for the transportation of property.

This action is taken pursuant to Notice No. WSR 92-05-092 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 chapter 146, Laws of 1991, and is intended administratively to implement these statutes.

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 92-05-092 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 Jan Prezzato on behalf of Geo. S. Bush & Company; Carl Woodburn on behalf of Woodburn's Freight Service; Joseph Donchez on behalf of American Transport Systems; Douglas Barnes on behalf of A & B Transportation Service; and Danny A. Bring on behalf of Transportation Brokers Conference of America. Oral comments were received from John Schwartz on behalf of Washington Trucking Associations and Richard Wilson on behalf of Western Nugget Transportation.

The rule change affects no economic values.

In reviewing the entire record, it has been determined that WAC 480-12-375 should be amended to read as

set forth in Appendix A shown below and by this reference made a part hereof. WAC 480-12-375 as amended will require any interstate broker or forwarder doing business in Washington state to register their ICC authority with the commission and all brokers or forwarders to provide proof of a surety bond or satisfactory security in the amount of \$10,000.

ORDER

WHEREFORE, IT IS ORDERED That WAC 480-12-375 as set forth in Appendix A, be amended 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 1st day of April, 1992.

Washington Utilities and Transportation Commission
 Sharon L. Nelson, Chairman
 Richard D. Casad, Commissioner
 A. J. Pardini, Commissioner

APPENDIX "A"

AMENDATORY SECTION (Amending Order R-5, filed 6/6/69, effective 10/9/69)

WAC 480-12-375 BOND REQUIRED—BROKER—FORWARDER. (1) Each intrastate broker or forwarder and each interstate broker or forwarder shall file with the commission, and keep in effect, a surety bond, or deposit satisfactory security~~((, in a sum to be determined by the commission;))~~ in the amount of ten thousand dollars conditioned upon such broker or forwarder making compensation to shippers, consignees and carriers for all moneys belonging to them and coming into ~~((his))~~ the broker's or forwarder's possession in connection with such transportation service.

(2) It is unlawful for an interstate broker or forwarder to conduct business as such in this state without first securing appropriate authority from the Interstate Commerce Commission, if such authority is required, and registering with the Washington utilities and transportation commission. The commission shall grant such registration without hearing upon filing a uniform application for registration of operating authority issued by the ICC and payment of a one-time registration fee of twenty-five dollars.

(3) Failure to file such bond or deposit such security~~((shall be))~~ is sufficient~~((ground))~~ cause for refusal of the commission to grant the application for a permit~~((; and))~~ or registration. Failure to~~((make promptly the remittances provided for herein and in WAC 480-12-100 shall be deemed))~~ maintain the bond or the deposit of security is sufficient cause for cancellation of a permit or registration.

(4) For the purposes of this section, "intrastate broker or forwarder" means a person who provides brokering or forwarding services for the transportation of property in intrastate commerce. "Interstate broker or forwarder" means a person who provides brokering or forwarding services for the transportation of property in interstate commerce when such person, its employees, or agents are physically present in the state.

WSR 92-09-015
NOTICE OF PUBLIC MEETINGS
PUGET SOUND
WATER QUALITY AUTHORITY
 [Memorandum—March 31, 1992]

Listed below are the dates and locations for the regular meetings of the Puget Sound Water Quality Authority through September 1992. The locations for meetings through December 1993, have been confirmed and are included; I will continue to update you on the facility for each as we are able to book them.

The meetings generally start at 9:30 a.m.; any variation from this starting time will result in a starting time later than 9:30 a.m. Persons interested in more information about the meetings are invited to call Duane Fagergren at 493-9306 (in Lacey) or 1-800-SOUND [1-800-54-SOUND].

The March through June 1992 meeting locations were included in the March 3 memorandum.

July 15, 1992	Coupeville	Coupeville Methodist Church 608 North Main Coupeville, WA 98239
August 19, 1992	Mercer Island	King County Library Mercer Island Branch Meeting Room 4400 88th S.E. Mercer Island, WA 98040
September 16, 1992	Bremerton	Cascade Natural Gas 6313 Kitsap Way Bremerton

The following meeting facilities have not yet been booked:

October 21, 1992	Seattle
November 18, 1992	Everett
December 16, 1992	Tacoma
January 20, 1993	Seattle
February 17, 1993	Shelton
March 17, 1993	Olympia
April 21, 1993	Mt. Vernon
May 19, 1993	Olympia
June 9, 1993	Seattle
July 21, 1993	Friday Harbor
August 18, 1993	Federal Way
September 15, 1993	Puyallup
October 20, 1993	Port Angeles
November 17, 1993	Kirkland
December 15, 1993	Seattle

WSR 92-09-016
PERMANENT RULES
DEPARTMENT OF
GENERAL ADMINISTRATION
 [Filed April 3, 1992, 11:08 a.m.]

Date of Adoption: April 3, 1992.

Purpose: To incorporate the donation of state surplus property to qualified homeless shelters as an additional priority; and to add donation as another means of conveyance of such property.

Citation of Existing Rules Affected by this Order: Amending WAC 236-48-190.

Statutory Authority for Adoption: HB 2106 and RCW 43.19.1919.

Pursuant to notice filed as WSR 92-05-042 on February 13, 1992.

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

April 3, 1992

Michael R. Levenson
 Assistant Director

AMENDATORY SECTION (Amending Order 77-2, filed 1/28/77)

WAC 236-48-190 SURPLUS PROPERTY DISPOSAL PRIORITIES. Excess and/or surplus property will be offered for sale ~~((or))~~, transfer, or donation as designated below and according to the following priorities:

(1) Sale or transfer to state agencies (including state universities and colleges);

(2) Sale or transfer to other tax-supported educational agencies;

(3) Sale or transfer to tax-supported agencies, municipalities or political subdivisions within the state of Washington;

(4) Donation of surplus, tangible personal property to qualified shelters as described in and in accordance with RCW 43.19.1920.

(5) Sale to the general public including by auction, sealed bid and negotiation;

~~((5))~~ (6) Other action as needed, ~~((e.g.))~~ such as destruction where it has been determined that the item has no sale value.

WSR 92-09-017
PROPOSED RULES
SECRETARY OF STATE
(Division of Archives and Records Management)
 [Filed April 3, 1992, 11:29 a.m.]

Original Notice.

Title of Rule: Chapter 434-630 WAC, Powers and duties of the local records committee.

Purpose: Prescribes rules for the operation of the local records committee under RCW 40.14.070.

Statutory Authority for Adoption: Chapter 40.14 RCW.

Statute Being Implemented: RCW 40.14.070.

Summary: Prescribes duties and responsibilities of the local records committee, and the time, place and date of its regular meetings.

Reasons Supporting Proposal: Informs local governmental agencies of the duties and responsibilities of the local records committee and the date, time and place of its regular meetings.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Sid McAlpin, State Archivist, 1120 Washington Street S.E., 753-5485.

Name of Proponent: Secretary of State, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Prescribes the operational procedures of the local records committee and the duties of individual members, prescribes the date, time and place of its regular meetings. Informs local governmental agencies regulated by RCW 40.14.070 of the committee's duties and responsibilities.

Proposal does not change existing rules.

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

Hearing Location: Archives and Records Center Building, 1120 Washington Street S.E., Olympia, WA 98504, on May 29, 1992, at 8:30 a.m.

Submit Written Comments to: Sid McAlpin, Division of Archives, 1120 Washington Street S.E., Olympia, WA 98504-0238, by May 22, 1992.

Date of Intended Adoption: June 12, 1992.

April 3, 1992

Sidney F. McAlpin
 State Archivist

Chapter 434-630 WAC
POWERS AND DUTIES OF THE LOCAL RECORDS COMMITTEE

NEW SECTION

WAC 434-630-010 MEMBERSHIP. The chief examiner of the division of municipal corporations of the state auditor's office, the state archivist, and a representative appointed by the attorney general shall constitute a committee to be known as the local records committee. Reference: RCW 40.14.070.

NEW SECTION

WAC 434-630-020 COMMITTEE OFFICERS—DUTIES. The chief examiner of the division of municipal corporations shall be ex officio chairperson of the local records committee. The representative appointed by the attorney general shall be vice-chairperson. The state archivist shall act as secretary and shall be responsible for the proper recording of its proceedings.

NEW SECTION

WAC 434-630-030 GENERAL POWERS OF THE COMMITTEE. The local records committee may adopt appropriate procedures for records disposition authorization, scheduling, and other matters relating to the retention, preservation, or destruction of public records of local government agencies, and may exercise such further powers as are granted by chapter 40.14 RCW or any other statute.

NEW SECTION

WAC 434-630-040 GENERAL DUTIES OF THE COMMITTEE. The committee shall review lists of records submitted to it for destruction authorization and may veto the destruction of any or all items contained therein.

The committee shall also review recurring disposition schedules recommended to it by agencies of local government and may veto, approve, or amend such schedules. Approval of a schedule or amended schedule shall be by unanimous vote of the local records committee members.

NEW SECTION

WAC 434-630-050 DUTIES OF THE STATE ARCHIVIST. To facilitate the work of the committee, the state archivist shall have reasonable access to all public records, wherever kept, for the purposes of information, surveying, or cataloging them and shall perform the following duties:

- (1) Provide guidelines to local governmental agencies for their assistance in preparing lists and schedules for destruction authorization.
- (2) Record final actions and maintain the official files of the committee.
- (3) Designate those records of county, municipal, or other local governmental agencies which are of primarily historical interest and arrange for their transfer in order to relieve local officers of the burden of housing such records and to insure their preservation.

NEW SECTION

WAC 434-630-060 COMMITTEE MEETINGS. The local records committee shall meet in open public session on the last Thursday of each month at 10:00 a.m. to consider all business relevant to the duties of the committee, at the office of the state archivist, Olympia, Washington.

WSR 92-09-018

PROPOSED RULES

SECRETARY OF STATE

(Division of Archives and Records Management)

[Filed April 3, 1992, 11:31 a.m.]

Original Notice.

Title of Rule: Chapter 434-635 WAC, Local records disposition authorization.

Purpose: Establishes procedures for local governmental agencies to obtain authority from the local records committee to dispose of public records under RCW 40.14.070.

Statutory Authority for Adoption: Chapter 40.14 RCW.

Statute Being Implemented: RCW 40.14.070.

Summary: Prescribes types of records disposition authorizations and methods of obtaining each from the local records committee.

Reasons Supporting Proposal: Informs local governmental agencies of the procedures required under RCW 40.14.070 to obtain authority to dispose of public records under their custody.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Sid McAlpin, State Archivist, 1120 Washington Street S.E., 753-5485.

Name of Proponent: [Secretary of State], governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Prescribes methods for authorizing the disposal of public records kept by local governmental agencies and informs local governmental officials of the procedures for obtaining each authority.

Proposal does not change existing rules.

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

Hearing Location: Archives and Records Center Building, 1120 Washington Street S.E., Olympia, WA 98504, on May 29, 1992, at 9:30 a.m.

Submit Written Comments to: Sid McAlpin, State Archivist, Division of Archives, P.O. Box 40238, Olympia, WA 98504, by May 22, 1992.

Date of Intended Adoption: June 12, 1992.

April 3, 1992
Sidney F. McAlpin
State Archivist

Chapter 434-635 WAC

LOCAL RECORDS DISPOSITION AUTHORIZATION

NEW SECTION

WAC 434-635-010 STATUTORY REQUIREMENTS. No public record other than office files and memoranda of any local government agency shall be destroyed until it is six years old or until the six-year retention is reduced by the local records committee for records that are shown by the requesting agency that a six-year retention is both unnecessary and uneconomical or that a lesser federal retention guideline has been established; or until the record has been authorized for microfilming or for conversion to any other document imaging system approved by the state archivist.

Except as otherwise provided by law, no public record, including office files and memoranda, shall be destroyed until approved for destruction by the local records committee. Reference chapter 40.14 RCW.

NEW SECTION

WAC 434-635-020 TYPES OF DESTRUCTION AUTHORIZATIONS. Requests to destroy public records in the possession of local governmental agencies shall be approved only by the local records committee and shall be of two types as further set forth in these regulations; namely:

- (1) Listed nonrecurring authorization; and
- (2) Recurring disposition schedules.

NEW SECTION

WAC 434-635-030 LISTED NONRECURRING AUTHORIZATION. County, municipal, and other local governmental agencies may request authority to destroy noncurrent public records having no further administrative or legal value by submitting to the local records committee lists of such records on forms provided by the division of archives and records management. Such lists, when approved by the committee, constitute authority to destroy the specifically dated records indicated. Listed authorizations are valid only for the dates specified and are not recurring for subsequently dated records without submittal of a new list.

NEW SECTION

WAC 434-635-040 RECURRING DISPOSITION SCHEDULES. A local governmental agency, as an alternative to submitting lists, may elect to establish a records control program based on recurring disposition schedules recommended by the agency to the local records committee. The schedules are to be submitted on forms provided by the division of archives and records management, to the committee, which may either veto, approve, or amend the schedule. Approval of such schedules or amended schedules shall be by unanimous vote of the local records committee.

NEW SECTION

WAC 434-635-050 GENERAL SCHEDULES MAY BE ADOPTED. The local records committee may approve and issue records retention/disposition schedules which shall constitute authority to dispose of specific records, held commonly by like agencies, after a required retention period, on a recurring basis until the schedule is either amended or revised by the committee.

NEW SECTION

WAC 434-635-060 RECORDS RETENTION AND DISPOSITION GUIDELINES. The state archivist may furnish suggestions and guidelines to local governmental agencies for their assistance in the preparation of lists and schedules and may furnish information relating to any other matter relating to the retention, preservation, or destruction of public records. Such guidelines may be published and include suggestions relative to the minimal retentions of records and recommendations for microfilming. The guidelines are suggestive only and are not records destruction authorizations.

**WSR 92-09-019
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Order 3358—Filed April 3, 1992, 1:44 p.m.]**

Date of Adoption: April 3, 1992.

Purpose: Replace previous WSR 92-08-081 filed April 1, 1992; with this copy of WAC 388-83-033. This filing is to replace the filing of WAC 388-83-033 filed on April 1, 1992. The reason for this is the incorrect SHS was inadvertently filed. This replacement is to show the correct amount in subsection (1)(b)(ix). This amount should be \$199 instead of \$198.

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

April 3, 1992
Leslie F. James, Director
Administrative Services

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 ((1991)) current federal poverty income guidelines is:

	Family Size	Monthly
(i)	One	\$((552)) <u>568</u>
(ii)	Two	((5740)) <u>766</u>
(iii)	Three	((928)) <u>965</u>
(iv)	Four	((1,117)) <u>1,163</u>
(v)	Five	((1,305)) <u>1,361</u>
(vi)	Six	((1,493)) <u>1,560</u>
(vii)	Seven	((1,682)) <u>1,758</u>
(viii)	Eight	((1,870)) <u>1,956</u>

(ix) For family units with more than eight members, add \$((188)) 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 ((1991)) current federal poverty income guidelines is:

	Family Size	Monthly
(i)	One	\$((734)) <u>755</u>
(ii)	Two	((984)) <u>1,019</u>
(iii)	Three	((1,234)) <u>1,283</u>
(iv)	Four	((1,486)) <u>1,547</u>
(v)	Five	((1,736)) <u>1,810</u>
(vi)	Six	((1,986)) <u>2,074</u>
(vii)	Seven	((2,237)) <u>2,338</u>
(viii)	Eight	((2,487)) <u>2,602</u>

(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 ((1991))

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 92-09-020

COLUMBIA RIVER GORGE COMMISSION

[Filed April 6, 1992, 1:35 p.m.]

Reviser's note: The following material has not been adopted under the Administrative Procedure Act, chapter 34.05 RCW, but has been filed in the office of the code reviser and is published in the Register exactly as filed.

CERTIFICATE AND ORDER FOR FILING TEMPORARY ADMINISTRATIVE RULES WITH THE OFFICE OF THE CODE REVISER

I hereby certify that the copy shown below is a true, full and correct copy of temporary rule(s) adopted on March 24, 1992, by the Columbia River Gorge Commission to become effective upon filing through June 30, 1992.

The within matter having come before the Columbia River Gorge Commission after all procedures having been in the required form and conducted in accordance with applicable statutes and rules and being fully advised in the premises.

Now therefore, it is hereby ordered that the following action be taken: Amending 350-20-004 as administrative rules of the Columbia River Gorge Commission.

DATED this 2nd day of April, 1992.

Allen Bell
Acting Executive Director

Statutory Authority: RCW 43.97.015, chapter 499, Laws of 1987.

For Further Information Contact: Jan Brending, Rules Coordinator, (509) 493-3323.

Summary: The rule would allow a modification to a structure from its premodification appearance. The rule would allow a modification to an existing structure which already protrudes above a cliff, bluff or skyline upon showing that no alternative modification would avoid the protrusion, that the additional protrusion would not increase more than 50 percent, and that mitigation measures would reduce the contrast of the finished structure below that of the premodification structure.

Statement of Need and Emergency Justification: Failure to amend the rule as proposed will deprive the commission of an opportunity to enhance the scenic resources of the gorge by reducing the contrast of existing development otherwise exempt from regulation under commission rule. Failure to amend the rule will also result in serious prejudice to owners of some properties who could not otherwise make additions to residences built before passage of the Scenic Area Act and who have no alternative way to modify them which will not protrude above a cliff, bluff or skyline.

Authority: 16 USC § 544 et seq., ORS 196.150 to ORS 196.165, and RCW 43.97.015 to 49.97.035 [43.97.035].

Documents Relied Upon: The Columbia River Gorge National Scenic Area Act (Public Law 99-663) and final interim guidelines. The proposed amendment to the rule is based upon three years of experience applying the existing rule.

Fiscal Impact: The rule will allow certain applications for additions to be approved, that would otherwise have to be denied. This will reduce appeals to the commission, and therefore reduce costs to the commission and applicants.

**EMERGENCY RULE AMENDMENT
350-20**

350-20-004. Review Standards and Guidelines.

(1) The Columbia River Gorge National Scenic Area Final Interim Guidelines, published by the Forest Service and dated June 30, 1987, are adopted by reference as amended in paragraph (2) below and declared to be a part of this rule. In reviewing major development actions and new residential development for consistency with the standards of section 6 and the purposes of P.L. 99-663, Chapter 3 of the Final Interim Guidelines, as amended in paragraph (2) below, shall be utilized.

(2) The Final Interim Guidelines identified in paragraph (1) above are amended as follows:

(a) The definition of agricultural lands shall be revised to read as follows: "Agricultural lands are those lands which are primarily used or are suitable for the production of crops, fruits or Christmas trees or the pasturing, grazing or feeding of livestock. Lands designated as open space by the Commission shall not be considered agricultural lands."

(b) The definition of forest lands shall be revised to read as follows: "Forest lands are those lands which are used for growing forest products or capable of producing in excess of twenty (20) cubic feet per acre per year of Douglas fir, Ponderosa pine or other merchantable tree species. Lands designated as open space by the Commission shall not be considered forest lands."

(c) The guidelines for existing uses shall be revised as follows: "When a structure is destroyed or partially destroyed, it will be considered an existing use when replaced in kind and in the same location within one year. The exterior color and reflectivity of replacement structures must be consistent with the scenic guidelines in Chapter III. Replacement of a structure or use that differs in size or location from the original shall be subject to a consistency determination. Replacement of a mobile home in a special management area with a modular or site-built home, to be used in the same manner and for the same purposes, shall be considered the continuation of an existing use except that it shall be subject to review for consistency with the guidelines on scenic resources in section B (1).

(d) An alteration to a structure which was built prior to November 17, 1986, and which already protrudes above the line of a bluff, cliff or skyline, may itself protrude above the line provided that:

1. the alteration does not increase the protrusion more than 50 percent as viewed from the key viewing area from which the structure is most prominently seen;

2. the altered structure, through a combination of color, landscaping and other mitigation measures, contrasts less with its setting than before the alteration; and

3. there is no practicable alternative way to alter the structure without increasing the protrusion.

**WSR 92-09-021
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)**

[Order 3359—Filed April 6, 1992, 4:40 p.m.]

Date of Adoption: April 6, 1992.

Purpose: Amendment clarifies that women with no other child can receive CEAP and that the list of WAC reasons allowing a family to demonstrate an inability to plan for an emergency is an exclusive list. Amendment allows a family under sanction from another public assistance program to receive CEAP.

Citation of Existing Rules Affected by this Order: Amending WAC 388-24-250 Consolidated emergency assistance program—Conditions of eligibility.

Statutory Authority for Adoption: RCW 74.04.660.

Pursuant to notice filed as WSR 92-03-113 on January 21, 1992.

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

April 6, 1992

Leslie F. James, Director
Administrative Services

**AMENDATORY SECTION (Amending Order 3121,
filed 12/28/90, effective 1/1/91)**

WAC 388-24-250 CONSOLIDATED EMERGENCY ASSISTANCE PROGRAM—CONDITIONS OF ELIGIBILITY. The department shall grant assistance under the consolidated emergency assistance program (CEAP) to families with dependent children or pregnant women meeting all of the following eligibility conditions:

(1) Have net monthly income less than fifty percent of the need standard for AFDC households with shelter costs or, if income is above the fifty percent cutoff, demonstrate that they could not have planned to avoid the emergency. The household ((can)) shall demonstrate an inability to plan if funds ordinarily available were expended for:

- (a) Medical bills;
- (b) Emergent child care to avoid abuse;
- (c) Dental care to alleviate pain; or
- (d) Costs incurred in obtaining employment.

(2) Are in financial need((-));

(3) Are experiencing one or more of the following emergent needs:

- (a) Food;
- (b) Shelter;
- (c) Clothing;
- (d) Minor medical;
- (e) Utilities;
- (f) Household maintenance;
- (g) Necessary clothing or transportation costs to accept or maintain a job; or

(h) Transportation for a minor, not in foster care, to a home where care will be provided by family members or approved caretakers.

(4) Are taking all steps necessary to make themselves eligible for, or are not under sanction for failure to comply with, the eligibility requirements of AFDC, SSI,

GA-U, refugee assistance, medical assistance for CEAP applicants requesting emergent medical care, and food stamps for those CEAP applicants requesting emergent food assistance. If the crisis is not a result of the sanction and the family could not have prevented the need for emergency assistance by compliance with eligibility requirements, the family may receive assistance if otherwise eligible;

(5) Are residents of Washington state. A resident is a person living in the state voluntarily with the intention of making and maintaining a home in the state and not for a temporary purpose or are:

(a) If not a resident, detained in Washington state for reasons beyond the household's control as a result of events which could not have been reasonably anticipated; or

(b) Migrants.

(6) Have not transferred property contrary to the requirements given in WAC 388-28-457 through 388-28-465.

(7) Have not refused a bona fide job offer or voluntarily terminated employment without good cause within thirty days before application or after application.

(a) Households refusing a bona fide offer of employment or voluntary ((~~termination~~)) terminating employment without good cause within thirty days before application or after application shall be ineligible for thirty days or until the person accepts employment, whichever is less.

(b) The period of ineligibility shall begin on the date of refusal or termination of employment.

(c) The following conditions when verified shall constitute good cause for refusal or termination of employment:

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

(ii) Inability of the ((~~individual~~)) person to get to and from the job without undue cost or hardship to the ((~~individual~~)) person, e.g., travel time in excess of one hour, one way, is considered undue hardship((?));

(iii) The nature of the work would be hazardous to the ((~~individual~~)) person;

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

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

(vi) Child care is not available to the household.

(8) Have applied for unemployment compensation if potentially eligible((-)); and

(9) Are not aliens granted lawful temporary resident status under sections 245A and 210A of the Immigration and Nationality Act. Disqualification due to this provision applies for a period of five years from the date the temporary residence status was granted.

WSR 92-09-022
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3360—Filed April 6, 1992, 4:42 p.m.]

Date of Adoption: April 6, 1992.

Purpose: Places the provisions stated previously in WAC 388-24-265 in a new section. Renames the section more appropriately as it describes who can receive a CEAP payment and states that SSI recipients cannot receive consolidated emergency assistance program (CEAP).

Citation of Existing Rules Affected by this Order: Amending [new section] WAC 388-24-252 Consolidated emergency assistance program—Persons included in payment of grant.

Statutory Authority for Adoption: RCW 74.04.660.

Pursuant to notice filed as WSR 92-03-114 on January 21, 1992.

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

April 6, 1992

Leslie F. James, Director
Administrative Services

NEW SECTION

WAC 388-24-252 CONSOLIDATED EMERGENCY ASSISTANCE PROGRAM—PERSONS INCLUDED IN PAYMENT OF GRANT. (1) The department shall authorize CEAP for the following persons provided they are otherwise eligible:

(a) A pregnant woman in any stage of a verified pregnancy;

(b) The child or children seventeen years of age or younger who is:

(i) Living with a parent or other relative as specified under WAC 388-24-125 (1) and (2); or

(ii) Not living with such relative but has within the six months prior to the month in which assistance is requested.

(c) The parent or parents with whom the child lives. The parental relationship shall be established according to the Uniform Parentage Act; or

(d) One needy caretaker relative with whom the child lives, if a parent does not reside in the family home.

(2) Persons receiving supplemental security income (SSI) shall not be included in the authorization of a CEAP grant.

WSR 92-09-023
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3361—Filed April 6, 1992, 4:44 p.m.]

Date of Adoption: April 6, 1992.

Purpose: Eliminates reference to payments made under the community services administration's emergency

energy program as this act was eliminated by 1981 Omnibus Reconciliation Act. Adds that payments are exempt up to \$2,000 per year per individual for Indian tribal judgment funds distributed per capita basis and funds from Alaska Native Claims Settlement Act.

Citation of Existing Rules Affected by this Order: Amending WAC 388-24-253 Exempt income and resources from CEAP.

Statutory Authority for Adoption: RCW 74.04.660.

Pursuant to notice filed as WSR 92-03-115 on January 21, 1992.

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

April 6, 1992

Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2503, filed 6/17/87)

WAC 388-24-253 EXEMPT INCOME AND RESOURCES FOR CEAP. The department shall disregard:

(1) A home((:)); WAC 388-28-420 shall apply in determining whether real property is used as a home;

(2) A used and useful vehicle with an equity value not to exceed one thousand five hundred dollars;

(3) Used and useful household furnishings;

(4) Used and useful personal effects;

(5) Tools and equipment used and useful in the person's occupation;

(6) Livestock, the products of which are consumed by the applicant((s)) and ((his or her)) the applicant's dependents;

(7) Any payment received under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, P.L. 91-646;

(8) The value of the coupon allotment under the Food Stamp Act of 1977, as amended;

(9) Any compensation provided to volunteers in ACTION programs established by Titles I, II, and III of P.L. 93-113, the Domestic Volunteer Service Act of 1973;

~~(10) ((Any compensation provided volunteers in ACTION programs established by Title I of P.L. 93-113, the Domestic Volunteer Service Act;~~

~~((11))~~ Any benefits received under the women, infants and children program (WIC) of the Child Nutrition Act of 1966, as amended, and the special food service program for children under the National School Lunch Act, as amended;

~~((12)) Payments made under the Community Services Administration's Emergency Energy Conservation Program of 1979; and~~

~~((13))~~ (11) The income and resources of a Supplemental Security Income recipient;

(12) Energy assistance payments;

(13) Grants, loans, or work study to a student under Title IV-A of the Higher Education Amendments or Bureau of Indian Affairs for attendance costs as identified by the institution, P.L. 100-50;

(14) Indian tribal judgment funds distributed per capita under P.L. 93-134, P.L. 94-114, P.L. 97-408, P.L.

97-458, P.L. 98-64, limited to two thousand dollars per person;

(15) Two thousand dollars per person per calendar year received under the Alaska Native Claims Settlement Act or under P.L. 92-203 and P.L. 100-241;

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

(17) Payments made from the Agent Orange Settlement Fund established to settle agent orange liability claims under P.L. 101-201.

WSR 92-09-024

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Order 3362—Filed April 6, 1992, 4:45 p.m.]

Date of Adoption: April 6, 1992.

Purpose: Clarify that the income and family members' circumstances must be estimated and considered in determining eligibility for consolidated emergency assistance program (CEAP), and to include public assistance payments as income to the family.

Citation of Existing Rules Affected by this Order: Amending WAC 388-24-254 Determining income for CEAP.

Statutory Authority for Adoption: RCW 74.04.660.

Pursuant to notice filed as WSR 92-03-116 on January 21, 1992.

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

April 6, 1992

Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 3121, filed 12/28/90)

WAC 388-24-254 DETERMINING INCOME FOR CEAP. (1) The department shall estimate the expected income and circumstances of all family members described under WAC 388-24-255(1) for the calendar month in which eligibility is established. The ~~((estimate))~~ department shall ~~((be based))~~ base the income estimate on reasonable expectation and knowledge of anticipated total non-exempt income for the household, including all public assistance payments plus additional requirements.

(2) The department shall allow the following deductions from income:

(a) Ninety dollars from earned income for work expenses;

(b) The actual amount paid for child care from earned income up to the maximums in WAC 388-28-570; and

(c) The current month's verified expenditures for:

(i) Medical bills;

(ii) Emergent child care to avoid abuse;

(iii) Dental care to alleviate pain; or

(iv) Costs incurred in obtaining employment.

WSR 92-09-025
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3363—Filed April 6, 1992, 4:47 p.m.]

Date of Adoption: April 6, 1992.

Purpose: Use income and resources of family members to determine eligibility and payment amount of the consolidated emergency assistance program. To consider public assistance payments plus authorized additional requirements as income and deduct from the need amount. Reorganizes the WAC in a more organized flow.

Citation of Existing Rules Affected by this Order: Amending WAC 388-24-255 Consolidated emergency assistance program (CEAP)—Financial need and benefit amounts.

Statutory Authority for Adoption: RCW 74.04.660.

Pursuant to notice filed as WSR 92-03-117 on January 21, 1992.

Changes Other than Editing from Proposed to Adopted Version: Clarifies which family members are referred to in the WAC.

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

April 6, 1992
 Leslie F. James, Director
 Administrative Services

AMENDATORY SECTION (Amending Order 2503, filed 6/17/87)

WAC 388-24-255 CONSOLIDATED EMERGENCY ASSISTANCE PROGRAM (CEAP)—FINANCIAL NEED AND BENEFIT AMOUNTS. (1) The department shall consider all income, cash, marketable securities, and personal and real property of all family members not specifically exempted in WAC 388-24-253. Family members whose income is considered includes:

(a) Family members included in the assistance unit as described under WAC 388-24-265 (1) and (2); and

(b) The spouses and minor siblings of all persons included in the assistance unit.

~~(2) ((The department shall deduct income, cash on hand (if not already counted as income), and the value of other nonexempt resources at the time of grant authorization from the amount required to meet the emergent need subject to payment maximums.~~

~~(3))~~ The department shall place a value on all other nonexempt resources available to the applicant at the time of grant authorization in accordance with WAC 388-28-400.

(3) The department shall deduct income (including public assistance grants and authorized additional requirements), cash on hand (if not already counted as income), and the value of other nonexempt resources at

the time of grant authorization from the amount required to meet the emergent need subject to payment maximums.

(4) The department shall deny CEAP if the amount of income, cash on hand, and nonexempt resources of all family members are the same as or are greater than the applicant's needs for the certification period.

(5) The department shall not deny CEAP to an eligible child based on the income and resources of a relative caretaker who is not:

(a) The child's parent; and

(b) Legally obligated to support the child; and

(c) Required to be included in the assistance unit as specified under WAC 388-24-265.

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 92-09-026
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3364—Filed April 6, 1992, 4:49 p.m.]

Date of Adoption: April 6, 1992.

Purpose: To clearly define the assistance unit composition for consolidated emergency assistance program. To clearly state who must be, who cannot be, and who may be included in the assistance unit.

Citation of Existing Rules Affected by this Order: Amending WAC 388-24-265 Consolidated emergency assistance program (CEAP)—Assistance units.

Statutory Authority for Adoption: RCW 74.04.660.

Pursuant to notice filed as WSR 92-03-118 on January 21, 1992.

Changes Other than Editing from Proposed to Adopted Version: Clarifies which family members are referred to in the WAC. Allows the family to include step-siblings in the assistance unit at the option of family.

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

April 6, 1992
 Leslie F. James, Director
 Administrative Services

AMENDATORY SECTION (Amending Order 2503, filed 6/17/87)

WAC 388-24-265 CONSOLIDATED EMERGENCY ASSISTANCE PROGRAM (CEAP)—ASSISTANCE UNITS. (1) ~~((The department shall authorize CEAP for the following people provided they are otherwise eligible:~~

~~(a) A pregnant woman in any stage of a verified pregnancy, and~~

~~(b) The child or children under eighteen years of age who:~~

~~(i) Is living with a parent or other relative as specified in WAC 388-24-125 (1)(a), or~~

~~(ii) Has lived with such relative within the six months prior to the month in which assistance is requested;~~

~~(c) The parent or parents with whom the child lives. The parental relationship shall be established according to the Uniform Parentage Act, or~~

~~(d) One needy caretaker with whom the child lives.~~

~~(2) Individuals receiving supplemental security income (SSI), general assistance or refugee assistance shall not be included in the assistance unit)) Except as specified under subsection (3) of this section, the department shall include, in a single assistance unit, the following persons living together:~~

~~(a) A pregnant woman in any stage of pregnancy who has no other child; or~~

~~(b) The child(ren), including all full, half, or adopted brothers and sisters seventeen years of age or younger of such a child(ren); and~~

~~(c) The parent(s), adoptive parent(s), or stepparent(s) with whom the child(ren) lives; and~~

~~(d) A minor parent's parent(s) who is the caretaker relative of:~~

~~(i) The minor parent; or~~

~~(ii) The minor parent's full or half brother or sister; or~~

~~(e) Only the minor parent's child if the minor parent is not eligible due to the income and resources of the minor parent's parent(s).~~

~~(2) Except as specified under subsection (3) of this section, the department may include in the assistance unit, at the option of the family:~~

~~(a) One needy relative caretaker of specified degree whose eligibility depends solely on caring for the child(ren), if a parent does not reside in the family home; or~~

~~(b) The stepbrothers or stepsisters of a child included in the assistance unit, except as required in subsection (1) of this section.~~

~~(3) The department shall exclude from the assistance unit those persons ineligible due to factors not related to need. Exclusions include, but are not limited to:~~

~~(a) A recipient of SSI benefits;~~

~~(b) An alien not meeting the citizenship and alienage requirements as specified under WAC 388-24-250.~~

WSR 92-09-027

NOTICE OF PUBLIC MEETINGS

TRANSPORTATION IMPROVEMENT BOARD

[Memorandum—April 3, 1992]

MEETING NOTICE FOR APRIL 1992

TRANSPORTATION IMPROVEMENT BOARD
TRANSPORTATION BUILDING, OLYMPIA, WASHINGTON
98504

Strategic Management, 1:00 p.m., Thursday, April 23, 1992, in Olympia at the Best Western Aladdin Motor Inn, Cascade Room, 900 South Capitol Way.

Work Session, 7:00 p.m., Thursday, April 23, 1992, at the Best Western Aladdin Motor Inn, Cascade Room.

TIB Meeting, 9:00 a.m., Friday, April 24, 1992, in Olympia at the Transportation Building, Commission Board Room.

The next scheduled meeting is May 22, 1992, in Vancouver, Washington.

WSR 92-09-028

PROPOSED RULES

DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Filed April 7, 1992, 3:34 p.m.]

Original Notice.

Title of Rule: WAC 388-49-660 Intentional program violation.

Purpose: Increase cost effectiveness of disqualifications by not referring suspected intentional program violation overissuances under \$450 for an administrative disqualification hearing.

Statutory Authority for Adoption: RCW 74.04.510.

Statute Being Implemented: RCW 74.04.510.

Summary: Only suspected intentional program violation overissuances in amounts \$450 or higher will be referred for an administrative disqualification hearing.

Reasons Supporting Proposal: It is not cost-effective to refer suspected intentional program violation overissuances with amounts under \$450 to an administrative disqualification hearing.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Joan Wirth, Division of Income Assistance, 585-8327.

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 27, 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 27, 1992.

Date of Intended Adoption: May 29, 1992.

April 7, 1992

Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2900, filed 11/17/89, effective 1/1/90)

WAC 388-49-660 INTENTIONAL PROGRAM VIOLATIONS—ADMINISTRATIVE DISQUALIFICATION HEARINGS. Administrative disqualification hearings are governed by chapter 388-08 WAC and this section. If a provision in this section conflicts with a provision in chapter 388-08 WAC, the provision in this section controls.

(1) The department shall refer an individual who has no prior intentional program violation but who is suspected of committing an intentional program violation for an administrative disqualification hearing when:

(a) The overissuance caused by the suspected intentional program violation is ~~((two))~~ four hundred fifty dollars or more; and

(b) At the time of referral, the individual resides:

(i) In Washington state; or

(ii) Outside Washington but within one hour's reasonable drive to a community services office; and

(c) The department determines that administrative proceedings will not jeopardize criminal prosecution.

(2) The department shall refer an individual who has committed one or more intentional program violations and who is suspected of committing another intentional program violation when:

(a) The act of suspected intentional program violation occurred:

(i) After the department mailed the administrative decision disqualifying the individual for the most recent intentional program violation; or

(ii) After entry of the order in criminal proceedings that caused the individual to be disqualified for the most recent intentional program violation; and

(b) At the time of referral, the individual resides:

(i) In Washington state; or

(ii) Outside Washington but within one hour's reasonable drive to a community services office; and

(c) The department determines that administrative proceedings will not jeopardize criminal prosecution.

(3) The department shall:

(a) Give thirty days or more advance notice of the hearing date to the person alleged to have committed an intentional program violation as defined in WAC 388-49-020(:); and

(b) Obtain proof of receipt of the notice.

(4) The notice of hearing shall comply with WAC 10-08-040 and contain the following information:

(a) The allegations;

(b) A summary of the department's evidence;

(c) A statement of how and where interested parties may examine the evidence;

(d) A statement that if the person or a representative fails without good cause to appear at the hearing, the administrative law judge and the review judge will make a decision based solely on the evidence and argument the department presents; ~~((and))~~

(e) A statement that the person has ten days from the date of the scheduled hearing to file a request with the administrative law judge:

(i) Showing good cause for failure to appear(:); and

(ii) Seeking a new hearing; and

(f) A statement that if a telephone hearing is scheduled, the person may request an in-person hearing by filing a request with the administrative law judge one week or more prior to the date of the hearing.

(5) The person or a representative shall have the right to one continuance of up to thirty days provided a request is filed ten days or more prior to the hearing date.

(6) The department shall conduct the hearing without the person or a representative if either person fails to appear at the hearing without good cause.

(a) The administrative law judge and the review judge shall base the decision solely on the evidence and argument the department presents.

(b) The person has ten days from the date of the scheduled hearing to file a request with the administrative law judge:

(i) Showing good cause for failure to appear(:); and

(ii) Requesting the hearing be reinstated.

(7) The administrative law judge shall grant a request to change a scheduled telephone hearing to an in-person hearing if the person or representative:

(a) Files the request one week or more before the date the hearing is scheduled(:); or

(b) Files the request one week or less before the date the hearing is scheduled if the person shows good cause for having the hearing conducted in person.

(8) The administrative law judge shall advise the person or representative they may refuse to answer questions during the hearing.

(9) The department shall bear the burden of proof for demonstrating intentional program violation with clear and convincing evidence.

(10) The department shall follow the decision-rendering in WAC 388-08-406.

(11) The department shall make a final decision and notify the household member of the decision within ninety days of the date the individual receives the notice of hearing.

(12) The department may combine an overissuance fair hearing and an administrative disqualification hearing into a single hearing when the facts alleged for each arise out of the same or related circumstances. When combined:

(a) The hearing procedures and time frames shall be those applicable to an administrative disqualification hearing(:);

(b) The household loses its right to a subsequent fair hearing on the overissuance(:); and

(c) The department shall give prior notice to:

(i) The person alleged to have committed the intentional program violation(:); and

(ii) The person alleged to be liable for the overissuance.

WSR 92-09-029

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Order 3365—Filed April 7, 1992, 3:36 p.m.]

Date of Adoption: April 7, 1992.

Purpose: Update Washington Administrative Code to reflect correct references to federal public laws, and current federal regulations.

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

Statutory Authority for Adoption: RCW 74.04.050.

Pursuant to notice filed as WSR 92-05-005 on February 7, 1992.

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

April 7, 1992

Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 3191, filed 6/18/91, effective 7/19/91)

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

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

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

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

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

~~((e)))~~ Title IV-E, state and/or local foster care maintenance payments; and

~~((f)))~~ (e) Adoption support payments if the adopted child is excluded from the assistance unit.

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

(a) Bonafide loans as specified in WAC 388-28-480(4). The department shall consider loans bonafide

when the loan is a debt the borrower has an obligation to repay;

(b) Grants, loans, or work study to a student under Title IV-A of the Higher Education Amendments or Bureau of Indian Affairs (Public Law (P.L.) 99-498 amended by P.L. 100-50), or the Carl D. Perkins Vocational and Applied Technology Education Act (P.L. 101-391), for attendance costs as identified by the institution. For a student attending school:

(i) At least half-time, attendance costs include tuition, fees, books, supplies, transportation, and miscellaneous personal expenses; or

(ii) Less than half-time, attendance costs include tuition and fees.

(c) Grants or loans to an undergraduate student insured by the commissioner of education;

(d) Any remaining grants, work study, scholarships, or fellowships as allowed under WAC 388-28-578;

(e) ~~((Apply))~~ The earned income disregards in WAC 388-28-570(6) for AFDC and WAC 388-37-025 for GA-U to any work study earnings received and not excluded in subsection (2)(b), (c), and (d) of this section;

(f) Payment under Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646, section 216);

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

(h) Compensation to volunteers ~~((in ACTION programs established by Titles I, H, and III of))~~ under the Domestic Volunteer Act of 1973 (P.L. 93-113, Titles I, II, and III);

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

(j) Food service program for children under the National School Lunch Act of 1966 (P.L. 92-433 and 93-150);

(k) Energy assistance payments;

(l) Indian trust funds or lands held in trust (including interest and investment income accrued while such funds are held in trust) by the Secretary of the Interior for an Indian Tribe, including but not limited to funds issued pursuant to the Maine Indian Claims Settlement Act of 1980 (P.L. 96-420);

(m) Per capita judgment funds under ~~((Public Law 92-254))~~ 97-408 to members of the:

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

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

(iii) Assiniboine Tribe of the Fort Belknap Indian Community.

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

(n) Indian judgment funds or funds held in trust by the Secretary of the Interior distributed per capita under P.L. 93-134, 94-114, 97-458, or 98-64, limited to the extent the per capita shares do not exceed two thousand dollars per individual. In addition:

(i) Real or personal property purchased directly with funds from the per capita payment up to the amount of

the funds from the per capita payment hereafter referred to as the initial investments.

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

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

(iv) The disregard does not apply to per capita payments or initial investments from per capita payments which are transferred or inherited.

(o) Two thousand dollars per individual per calendar year received under the Alaska Native Claims Settlement Act ((or under P.L. 98-64; (o))) (P.L. 92-203 and 100-241).

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

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

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

~~((r))~~ (s) A previous underpayment of assistance under WAC 388-33-195;

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

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

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

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

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

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

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

~~((r))~~ (w) Payments made under the ~~((federal major))~~ Disaster ~~((and emergency assistance program provided to persons and families under))~~ Relief Act of 1974 (P.L. 93-288~~((, The Robert T. Stafford)))~~ as amended by Disaster Relief and Emergency Assistance ~~((Act))~~ amendments of 1988 (P.L. 100-707). This ~~((includes))~~ applies to assistance ~~((under the individual and family grant (IFG), temporary (emergency) housing assistance, and disaster unemployment (DUA) programs))~~ issued by federal, state, or local governments or by a disaster assistance organization;

~~((w))~~ (x) Payments from the Radiation Exposure Compensation ~~((Act))~~ Act (P.L. 101-426) made to an injured person, surviving spouse, children, grandchildren, or grandparents;

(y) Income specifically excluded by any other federal statute from consideration as income or resource.

(c) Consider financial relative responsibility as described under WAC 388-83-130 and 388-92-025;

(d) Exclude lump sum payments as described under WAC 388-92-045;

(e) Consider the AFDC earned income exemption as described under WAC 388-83-130; and

(f) Count the payment and interest from sales or real estate contracts as described under WAC 388-92-045(2) as unearned income~~((:));~~

(g) 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;

(h) Allow child care expenses paid by the client as an income deduction; and

(i) Exclude earned income tax credit refunds and payments, the person receives on or after January 1, 1991, during the month of receipt and the following month.

WSR 92-09-030
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3366—Filed April 7, 1992, 3:38 p.m.]

Date of Adoption: April 7, 1992.

Purpose: To ensure compliance between state and federal rules. Clients are required to apply for any other benefits to which they may be titled [entitled].

Citation of Existing Rules Affected by this Order: Amending WAC 388-83-041 Income—Eligibility.

Statutory Authority for Adoption: RCW 74.08.090.

Pursuant to notice filed as WSR 92-05-006 on February 7, 1992.

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

April 7, 1992

Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 3132, filed 4/9/91, effective 5/10/91)

WAC 388-83-041 INCOME—ELIGIBILITY. (1) For cash assistance recipients of AFDC, FIP, or SSI, the department shall find a person eligible for medical programs without a separate determination of eligibility.

(2) For noncash medical assistance recipients or applicants, the department shall determine countable income according to AFDC, FIP, or SSI methodology, except the department shall:

(a) Budget income prospectively as defined under WAC 388-28-483;

(b) Not use mandatory monthly income reporting;

WSR 92-09-031
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3367—Filed April 7, 1992, 3:40 p.m.]

Date of Adoption: April 7, 1992.

Purpose: This rule amendment implements a new federal food stamp rule. It provides a \$128 shelter cost in lieu of actual expenses for certain homeless households. It mandates new verification rules for homeless households incurring actual expenses exceeding shelter costs.

Citation of Existing Rules Affected by this Order: Amending WAC 388-49-500 Homeless shelter deduction.

Statutory Authority for Adoption: RCW 74.04.510.

Other Authority: 7 CFR 273.9 (e)(5)(i).

Pursuant to notice filed as WSR 92-05-043 on February 13, 1992.

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

April 7, 1992

Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 3292, filed 11/19/91, effective 12/20/91)

WAC 388-49-500 INCOME—DEDUCTIONS. (1) The department shall allow the following deductions when computing net income:

(a) A standard deduction of one hundred twenty-two dollars per household per month;

(b) An earned income deduction of twenty percent of gross earned income except as provided in WAC 388-49-640(8);

(c) A dependent care deduction of the actual amount incurred not to exceed one hundred sixty dollars per dependent when care is necessary for a household member to:

- (i) Seek, accept, or continue employment; or
- (ii) Attend training or education preparatory to employment.

(d) A deduction for nonreimbursable monthly medical expenses over thirty-five dollars incurred by an elderly or disabled household member;

(e) Shelter costs in excess of fifty percent of the household's income after deducting the standard, earned income, medical, and dependent care deductions. The shelter deduction shall not exceed one hundred ninety-four dollars; and

(f) An excess shelter deduction for the monthly amount exceeding fifty percent of the household's monthly income after all applicable deductions for households containing an elderly or disabled person.

(2) A household's shelter costs may include:

(a) Costs for a home not occupied because of employment, training away from the home, illness, or abandonment caused by casualty loss or natural disaster shall be allowed if the:

- (i) Household intends to return to the home;
- (ii) Current occupants, if any, are not claiming shelter costs for food stamp purposes; and
- (iii) Home is not being leased or rented during the household's absence.

(b) Charges for the repair of the home substantially damaged or destroyed due to a natural disaster;

(c) The standard utility allowance when a household incurs any separate utility charges for heating or cooling costs. A household may incur a separate utility charge when the household:

- (i) Has not yet received a billing for utilities;
- (ii) Is billed monthly by the landlord for actual usage as determined through individual metering; or
- (iii) Shares residence and utility costs with other persons, in which case the deduction is for the household's prorated share of the standard allowance.

(d) Actual utility costs rather than the standard utility allowance if the household is:

- (i) Not entitled to the standard utility allowance; or
- (ii) Requesting use of actual utility bills. A monthly telephone standard shall be allowed for households incurring telephone expenses if the household is not entitled to claim the standard utility allowance.

(e) A shelter amount of one hundred twenty-eight dollars when all household members are homeless as specified under WAC 388-49-020(36) and the household incurs or expects to incur:

- (i) Monthly shelter costs no greater than one hundred twenty-eight dollars; or
- (ii) Unverified shelter costs exceeding one hundred twenty-eight dollars.

(3) A household may switch between actual utility costs and the standard utility allowance:

- (a) At each recertification; and
- (b) One additional time during each twelve-month period following the initial certification action.

(4) The department shall provide excess medical or shelter deductions effective with supplemental security income (SSI) eligibility when households:

(a) Become categorically eligible within the time limits specified under WAC 388-49-120 and 388-49-150 after a food stamp application;

(b) Receive food stamps as a nonassistance household until becoming categorically eligible; or

(c) Become categorically eligible after denial of non-assistance food stamps.

(5) The department shall not provide a deduction for that portion of a deductible expense, described under this section, paid by an excluded:

- (a) Reimbursement; or
- (b) Vendor payment, except for Low Income Home Energy Assistance Act (LIHEAA) payments.

(6) The department shall verify:

(a) Dependent care costs including changes, except in prospective budgeting; and

(b) Medical expenses and the reimbursement amounts resulting in a deduction:

(i) At recertification, if the amount has changed more than twenty-five dollars; and

(ii) On a monthly basis for a household subject to monthly reporting.

(c) Actual shelter costs for homeless households when such costs exceed the amount in subsection (2)(e) of this section.

(i) All household members are homeless individuals according to WAC 388-49-020(36) for the entire month; and

(ii) Such costs exceed the amount in subsection (1)(g) of this section.

(7) If medical reimbursement cannot be verified, the department shall certify the household without allowing the deduction, except in prospective budgeting.

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 92-09-032
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3368—Filed April 7, 1992, 3:42 p.m.]

Date of Adoption: April 7, 1992.

Purpose: This rule amendment complies with new federal regulations that require a shelter standard for homeless individuals. Costs claimed in excess of the shelter standard for homeless individuals must be verified.

Citation of Existing Rules Affected by this Order: Amending WAC 388-49-110 Verification.

Statutory Authority for Adoption: RCW 74.04.510.

Other Authority: 7 CFR 273.9.

Pursuant to notice filed as WSR 92-05-044 on February 13, 1992.

Effective Date of Rule: Thirty-one days after filing.
 April 7, 1992
 Leslie F. James, Director
 Administrative Services

AMENDATORY SECTION (Amending Order 3098,
 filed 11/20/90, effective 12/21/90)

WAC 388-49-110 VERIFICATION. (1) The department shall verify household eligibility from the following sources:

- (a) Documentary evidence;
- (b) Collateral contacts; and
- (c) Scheduled home visits.

(2) The household has primary responsibility for providing documentary evidence. The department shall offer to assist in obtaining documentary evidence if it would be difficult or impossible for the household to obtain in a timely manner.

(3) At initial application, the department shall verify:

- (a) Identity of:
 - (i) The person making the application; or
 - (ii) The authorized representative and the head of household.

(b) Immigration status of all alien household members;

- (c) Residency;
- (d) Gross nonexempt income;

(e) ~~((Actual))~~ Actual utility expenses in excess of the standard utility allowance as specified in WAC 388-49-505;

(f) Medical care expenses as specified under WAC 388-49-500 (6)(b) and (7);

(g) Dependent care expenses as specified under WAC 388-49-500 (6)(a);

(h) Disability; ~~((and))~~

(i) Resources of an alien's sponsor; and

(j) Actual shelter costs for households where all members are homeless as specified under WAC 388-49-020(36), if the shelter costs exceed the shelter amount as specified under WAC 388-49-500.

(4) At recertification, the department shall verify a change in income, medical expenses, or actual utility expenses claimed by a household if the source has changed or the amount has changed by more than twenty-five dollars since the verification was completed.

(5) The department shall verify for monthly reporting households the following factors on a monthly basis:

- (a) Gross nonexempt income;
- (b) Utility expenses unless the standard utility allowance is used;
- (c) Medical expenses per WAC 388-49-500(6);
- (d) Alien status, Social Security number, residency, and citizenship if changed;
- (e) All other questionable information.
- (6) The department shall verify questionable information.

WSR 92-09-033
 PERMANENT RULES
 DEPARTMENT OF
 SOCIAL AND HEALTH SERVICES
 (Public Assistance)

[Order 3369—Filed April 7, 1992, 3:44 p.m.]

Date of Adoption: April 7, 1992.

Purpose: This rule amendment clarifies the client must expend their funds for the need items of housing, utilities, food, or clothing identified in WAC 388-29-270, not the emergent situations described in the section.

Citation of Existing Rules Affected by this Order:
 Amending WAC 388-29-270 Additional requirements for emergent situations—AFDC.

Statutory Authority for Adoption: RCW 74.04.005.

Pursuant to notice filed as WSR 92-05-035 on February 11, 1992.

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

April 7, 1992
 Leslie F. James, Director
 Administrative Services

AMENDATORY SECTION (Amending Order 2451,
 filed 12/17/86)

WAC 388-29-270 ADDITIONAL REQUIREMENTS FOR EMERGENT SITUATIONS—AFDC.

(1) The department shall allow additional requirements in the following emergent situations ~~((in which))~~ when, for good cause, a recipient does not have adequate funds to:

(a) Secure housing and necessary clothing in the event of a natural disaster, such as flood or fire, and relief is not available under WAC 388-53-010 ~~((et seq.))~~;

(b) Prevent imminent eviction, where a formal written notice of eviction ((or)), notice to pay or vacate, or notice of foreclosure has been received((, and only in)). The department shall limit payment to an amount needed to either prevent the eviction or to secure new housing;

(c) Correct a sudden malfunction resulting in loss of heat, water, electricity, or cooking facilities and the recipient is legally responsible for the repairs and winterization funds are not available ~~((, limited))~~. The department shall limit payment to actual costs of repairs, or replacement when there is no other alternative;

(d) Obtain new housing when:

- (i) The premises contains a verifiable material defect jeopardizing the occupant's health and safety; and
- (ii) The landlord or owner fails or refuses to correct the defect within the time allowed by law.

(e) Prevent an impending utility shutoff when a notice of impending shutoff has been received or it is otherwise verified by the department that the recipient is without necessary fuel for heating or cooking ~~((and)), but only in the amount to meet the emergent need;~~

(f) Obtain new housing for needs caused by an abusive spouse. ~~((Payments will be limited))~~ The department shall limit payment to:

(i) Established fees paid to shelters ((especially)) for abused spouses((;)); or

(ii) The amount necessary to obtain new housing.

(g) Obtain food, when no other resource is available.
 (2) Good cause shall be established when the department determines funds ordinarily available to meet need are no longer available because of:

- (a) Stolen proceeds from cashed warrants((-));
 (b) Payment for the necessities ((for)) of:
 (i) Medical bills;
 (ii) Child care in an emergency;
 (iii) Avoiding abuse;
 (iv) Dental care for alleviation of pain or to obtain employment; or
 (v) ~~((Need identified in subsections (1)(a) through (g) of this section))~~ Meeting temporary extra costs for the necessary need items of housing, utilities, food, or clothing; provided the actions of the recipient were reasonable under the circumstances. ~~((★))~~ The department shall presume a recipient ((shall be presumed to have)) acted reasonably when the amount expended for these necessities does not exceed the amount specified ((in)) under WAC 388-29-112. The department shall determine other cases ((shall be determined)) on a case-by-case basis. If the amount in WAC 388-29-112 is exceeded, the department shall make a judgment regarding reasonability.

(3) The total of payments made under this section for one month shall not exceed one month's payment standard as ((set in)) established under WAC 388-29-100 for renting, owning, or buying.

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

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

WSR 92-09-034

PROPOSED RULES

DEPARTMENT OF ECOLOGY

[Order 91-13—Filed April 7, 1992, 4:31 p.m.]

Continuance of WSR 91-22-108.

Title of Rule: Chapter 173-183 WAC, Preassessment screening and oil spill compensation schedule rule.

Other Identifying Information: The purpose of this continuance is to extend the intended date of adoption from April 7, 1992, to April 21, 1992.

Date of Intended Adoption: April 21, 1992.

April 7, 1992
 Fred Olson
 Deputy Director

WSR 92-09-035

PROPOSED RULES

DEPARTMENT OF ECOLOGY

[Order 91-55—Filed April 7, 1992, 4:36 p.m.]

Original Notice.

Title of Rule: Amendments to WAC 173-433-100, 173-433-110 and 173-433-170, Solid fuel burning devices.

Purpose: To increase the retail sales fee to \$30, remove exemption of masonry fireplaces, and implement the new clean air Washington standard for emissions contained in ESHB 1028 (1991).

Other Identifying Information: The rule is also referred to as the woodstove regulation.

Statutory Authority for Adoption: Chapter 70.94 RCW, 501-506 ESHB 1028 (1991).

Statute Being Implemented: Chapter 70.94 RCW, ESHB 1028 (1991).

Summary: Amendments to reduce air pollution by requiring sale, installation and use of solid fuel burning devices that meet state requirements, increase public awareness, raise additional revenue, remove the exemption of masonry fireplaces, specify new standards for stoves and fireplaces.

Reasons Supporting Proposal: To reduce air pollution and provide additional revenue for education and enforcement.

Name of Agency Personnel Responsible for Drafting: Paul Carr, 4550 3rd Avenue, Lacey, WA, (206) 438-7777; Implementation and Enforcement: Joe Williams, 4550 3rd Avenue, Lacey, WA, (206) 459-6255.

Name of Proponent: Washington State Department of Ecology, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Amendments to reduce air pollution by requiring sale; installation and use of solid fuel burning devices that meet state requirements, increase public awareness, raise additional revenue, remove the exemption of masonry fireplaces from collection of the retail sales fee, and specify new standards for stoves and fireplaces. Anticipated effects include cleaner air and additional revenue.

Proposal Changes the Following Existing Rules: Increases fee from \$15 to \$30 of retail sale of SFBDs. Removes exemption from retail fee of masonry fireplaces. Adds a 10% capacity level for educational purpose. Implements new emission performance standards for SFBDs on January 1, 1995.

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

The woodstove rule amendment changes the performance standards for woodstoves (WAC 173-433-100), clarifies that the opacity standards apply to residential solid fuel heating devices and that for educational purposes, ten percent opacity is attainable (WAC 173-433-110), and increases the fee on the retail sale of solid fuel burning devices to thirty dollars (WAC 173-433-100).

The State Economic Policy Act (chapter 43.21H RCW) requires that economic values be given appropriate consideration in the promulgation of rules. The Regulatory Fairness Act (chapter 19.85 RCW) requires a small business economic impact statement (SBEIS) if rules have an effect on more than 20% of all industry or more than 10% of any three digit standard industrial

classification (SIC) industry. The SBEIS analyzes compliance costs and the disproportionate impacts of the rule. If impacts exist and are disproportionate, mitigation is required.

This rule has been reviewed and found to have negligible impacts on industry and retailers. No SBEIS is required. Almost one third of the new stoves and fireplaces currently sold meet the even stricter 1995 Washington state standards already. The federal standards have been known since 1988 and product lines have generally already been adjusted. The rule merely requires meeting the federal standards six months early. The fee will increase from \$15 to \$30. For the lowest priced products on the market this is a 6.6 percent increase in the product price. The demand for heat is substantially inelastic. It is unlikely that such a price increase will have a substantial effect on the number of woodstoves purchased. Indeed the inability to burn uncertified device during periods of impaired air quality may increase purchases of stoves meeting the standards.

If you have questions or desire additional information please contact Paul Carr, Department of Ecology, Air Program, Mailstop PV-11, P.O. Box 47600, Olympia, WA 98504-7600, phone number (206) 438-7777.

Hearing Location: Olympia Timberland Library, East 8th Street and South Franklin Street, on May 28, 1992, at 7:00 p.m.

Submit Written Comments to: Paul Carr, Department of Ecology, by June 3, 1992.

Date of Intended Adoption: July 21, 1992.

April 7, 1992

Fred Olson

Deputy Director

AMENDATORY SECTION (Amending Order 90-58, filed 3/20/91, effective 4/20/91)

WAC 173-433-100 EMISSION PERFORMANCE STANDARDS. (1) Woodstoves ~~((sales))~~. On or before January 1, 1995, a ((A*)) person shall not advertise to sell, offer to sell, sell, bargain, exchange, or give away a new woodstove in Washington unless it has been tested to determine its emission performance and heating efficiency and certified and labeled in accordance with procedures and criteria specified in "40 CFR 60 Subpart AAA - Standards of Performance for Residential Wood Heaters" as amended through July 1, 1990. After January 1, 1995 woodstove sales shall comply with the requirements of subsection (3) Solid fuel burning devices.

(2) Fireplaces. After January 1, 1997 a person shall not advertise to sell, offer to sell, sell, bargain, exchange, or give away a factory built fireplace unless it meets the 1990 United States environmental protection agency standards for wood stoves or equivalent standard that may be established by the state building code council by rule. Subsection (3) of this section shall not apply to fireplaces, including factory built fireplaces and masonry fireplaces.

(3) Solid fuel burning devices. After January 1, 1995, a person shall not advertise to sell, offer to sell, sell, bargain, exchange, or give away a solid fuel burning device in Washington unless it has been certified and labeled in accordance with procedures and criteria specified in "40 CFR 60 Subpart AAA - Standards of Performance for Residential Wood Heaters" as amended through July 1, 1990, and meets the following particulate air contaminant emission standards and the test methodology of the United States environmental protection agency in effect on January 1, 1991, or an equivalent standard under any test methodology adopted by the United States environmental protection agency subsequent to such date:

(i) Two and one-half grams per hour for catalytic wood stoves; and

(ii) Four and one-half grams per hour for all other solid fuel burning devices.

(iii) For purposes of this subsection, "equivalent" shall mean the emissions limits specified in this subsection multiplied by a statistically

reliable conversion factor determined by ecology that relates the emission test results from the methodology established by the United States environmental protection agency prior to May 15, 1991, to the test results from the methodology subsequently adopted by that agency.

[AMENDATORY SECTION (Amending Order 90-58, filed 3/20/91, effective 4/20/91)]

WAC 173-433-110 OPACITY STANDARDS. (1) A person shall not cause or allow emission of a smoke plume from any residential solid fuel burning device to exceed an average of twenty percent opacity for six consecutive minutes in any one-hour period.

(2) State-wide opacity standard. An authority shall not adopt or enforce an opacity level for solid fuel burning devices that is more stringent than the state-wide standard.

(3) Test method and procedures. Methods and procedures specified by the EPA in "40 CFR 60 Appendix A reference method 9 - VISUAL DETERMINATION OF THE OPACITY OF EMISSIONS FROM STATIONARY SOURCES" as amended through July 1, 1990, shall be used to determine compliance with subsection (1) of this section.

(4) Enforcement. Smoke visible from a chimney, flue or exhaust duct in excess of the opacity standard shall constitute prima facie evidence of unlawful operation of an applicable solid fuel burning device. This presumption may be refuted by demonstration that the smoke was not caused by an applicable solid fuel burning device. The provisions of this requirement shall:

(a) Be enforceable on a complaint basis.

(b) Not apply during the starting of a new fire for a period not to exceed twenty minutes in any four-hour period.

(5) Education. Any person or retailer providing information on the operation of solid fuel burning devices, such as brochures, demonstrations, and public education programs, should include information that opacity levels of ten percent or less are attainable through proper operation.

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

[AMENDATORY SECTION (Amending Order 90-58, filed 3/20/91, effective 4/20/91)]

WAC 173-433-170 RETAIL SALES FEE. (1) A person selling a solid fuel burning device at retail shall collect a fee from the buyer, pursuant to RCW 70.94.483.

(2) The fee shall be:

(a) Set at a minimum of ~~((fifteen dollars, until January 1, 1994))~~ thirty dollars on January 1, 1992. Thereafter, ecology may annually increase adjust the fee ((according to changes in the consumer price index)) to account for inflation as determined by the office of the state economic and revenue forecast council. Adjustments in the fee should be rounded down to the nearest dollar.

(b) Applicable to all new and used solid fuel burning devices ~~((with the exception of built-in masonry fireplaces))~~.

(c) Procedures for masonry fireplaces. Generally, contractors will collect, pay and report the fee to the department of revenue on the Combined Excise Tax return for the tax reporting period during which the retail sales tax is billed to the customer for the construction of the masonry fireplace. (See: WAC 458-20-170 for a detailed explanation.) Collection and payment of the fee by contractors shall be in accordance with the following:

(i) A masonry contractor or other sub-contractor who builds a masonry fireplace. The retail sale occurs at the time the general or prime contractor or customer is billed for the work. The masonry contractor or other subcontractor must collect the fee and pay it to the department of revenue, unless the masonry contractor or other subcontractor has received a resale certificate from the general or prime contractor. The fee shall be reported on the Combined Excise Tax return.

(ii) A general or prime contractor building a custom building. The retail sale occurs at the time the customer is billed for the construction. The fee is charged and reported with the first progress payment after the masonry fireplace has been substantially completed. If a general or prime contractor sub-contracts the work on a custom building to a masonry or other contractor, the general or prime contractor may give the masonry or other subcontractor a resale certificate. The general or prime contractor is responsible to collect the fee and pay it to the department of revenue. The fee is reported on the Combined Excise Tax return.

(iii) A general or prime contractor building a speculation building. The fee is required to be paid at the time the fireplace is complete. The fee must be reported to the department of revenue on a Combined Excise Tax return and paid to the department of revenue. If the prime or general contractor sub-contracts the building of the masonry fireplace to a masonry contractor or other sub-contractor, the general or prime contractor may not give a resale certificate to the masonry or other sub-contractor. The masonry or other sub-contractor must collect and pay the fee to the department of revenue as provided in subsection (i) above.

~~((c))~~ (d) Procedures for all other solid fuel burning devices. Collected by the retailer at the time of sale and remitted to the department of revenue in conjunction with the retail sales tax under chapter 82.08 RCW.

(3) If the retailer or contractor fails to collect and remit the fee to the department of revenue as prescribed in chapter 82.08 RCW, the retailer or contractor shall be personally liable to the state for the amount of the fee, with subsequent actions taken in accordance with the collection provisions of chapter 82.32 RCW.

(4) Beginning July 1, 1990, and each calendar quarter thereafter, the funds collected under RCW 70.94.483 shall be used solely for the purposes of public education and enforcement of the solid fuel burning device program. The department shall distribute the funds from the woodstove education and enforcement account as follows:

(a) Sixty-six percent of the funds shall be distributed to those local air authorities with enforcement programs, based upon the fraction of the total state population residing in the counties within their respective jurisdictions. Population figures used to establish this fraction shall be determined by the office of financial management. Where an activated local air authority does not exist or does not implement an enforcement program, or elects not to receive the funds, ecology shall retain the funds that would otherwise be distributed under this subsection; and

(b) Thirty-four percent of the funds shall be distributed to ecology for the purposes of enforcement and educating the public about:

(i) The effects of solid fuel burning device emissions upon health and air quality; and

(ii) Methods of achieving better efficiency and emission performance from solid fuel burning devices.

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

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.

WSR 92-09-036

NOTICE OF PUBLIC MEETINGS DEPARTMENT OF AGRICULTURE (Wine Commission)

[Memorandum—April 7, 1992]

There is a change in date for the next meeting of the Washington Wine Commission. We had originally given notice for our meeting to be held on Thursday, May 7, 1992. Circumstances have required that we move the meeting one day earlier, to Wednesday, May 6th.

The meeting time of 9 a.m. and location of the Red Lion Inn/Pasco remain unchanged.

WSR 92-09-037

PROPOSED RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Public Assistance)

[Filed April 9, 1992, 10:05 a.m.]

Original Notice.

Title of Rule: WAC 388-49-640 Overissuances.

Purpose: Conform with Public Law 102-237 (H.R. 3029), Section 911. Increase cost-effectiveness of collection activity.

Statutory Authority for Adoption: RCW 74.04.510.

Statute Being Implemented: RCW 74.04.510.

Summary: Reduces from 24 to 12 months the period of time an administrative error overissuance may be calculated from the date of discovery; allows no collection activity if the claim is less than \$35 and the total of all claims for which no collection action has been initiated is less than \$35; reduces the time period from 30 days to 10 days for clients to respond to an inadvertent household error overissuance notice; requires the department to calculate overissuances and mail demand letters within 2 years of overissuance discovery date; and fiscal impact - estimated cost savings of \$12,000 to \$24,000 a year.

Reasons Supporting Proposal: Public Law 102-237 (H.R. 3029), Section 911 requires a change which reduces the time period for clients to respond to an inadvertent household error overissuance letter. Increase cost-effectiveness of collection activity.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Joan Wirth, Division of Income Assistance, 438-8327.

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

Rule is necessary because of federal law, Public Law 102-237 (H.R. 3029), Section 911.

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 27, 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 27, 1992.

Date of Intended Adoption: May 29, 1992.

April 9, 1992

Leslie F. James, Director
Administrative Services
by Rosemary Carr

AMENDATORY SECTION (Amending Order 3278, filed 10/31/91, effective 12/1/91)

WAC 388-49-640 OVERISSUANCES. (1) The department shall establish claims and take collection action against households and

household members for administrative error, inadvertent household error, or intentional program violation resulting in overissuances except as provided in subsections (3), (10), and (11) of this section.

(2) The department shall establish an overissuance claim against any household:

(a) Receiving more food stamp benefits than it was entitled to receive; or

(b) Containing an adult member who was an adult member of another household receiving more benefits than it was entitled to receive.

(3) The department shall not establish an administrative error claim or an inadvertent household error claim if an overissuance occurred because:

(a) The department failed to ensure the household:

- (i) Signed the application form;
- (ii) Completed a current work registration form; or
- (iii) Was certified in the correct project area.

(b) The household transacted an expired food coupon authorization (FCA) unless the household had altered the FCA.

(4) The department shall hold all persons who were adult members of the household at the time of the overissuance jointly and severally liable for the overissuance.

(a) The department shall establish an overissuance claim and pursue collection action against any or all of these persons.

(b) If the household composition changes, the department may establish an overissuance claim and pursue collection action against any household containing a person who was an adult member of the household receiving the overissuance.

(5) The department shall not collect more than the amount of the overissuance.

(6) The department shall ~~((calculate the allotment the household should have been authorized when the department discovers))~~ not establish an:

(a) Administrative error ~~((or inadvertent household error occurred in the prior twenty-four months; or))~~ overissuance unless the department has:

- (i) Discovered the overissuance within twelve months of its occurrence; and
- (ii) Calculated the overissuance and mailed the household a demand letter within twenty-four months of the overissuance discovery date.

(b) Inadvertent household error overissuance unless the department has:

- (i) Discovered the overissuance within twenty-four months of its occurrence; and
- (ii) Calculated the overissuance and mailed the household a demand letter within twenty-four months of the overissuance discovery date.

(c) Intentional program violation ~~((in the prior))~~ overissuance unless the department has:

- (i) Discovered the overissuance within seventy-two months of its occurrence; and
- (ii) Calculated the overissuance and mailed the household a demand letter within twenty-four months of the overissuance discovery date.

(7) Except as provided in subsection (8) of this section, the amount of the overissuance shall be the difference between:

- (a) The monthly allotment actually authorized(;;); and
- (b) The monthly allotment the household should have been authorized.

(8) When determining the monthly allotment the household should have been authorized, the department shall not apply the twenty percent earned income deduction:

- (a) To that portion of earned income which the household intentionally failed to report;
- (b) When the department has determined that the household committed an intentional program violation.

(9) The amount of the household's and/or household member's liability for an overissuance shall be the difference between:

- (a) The amount of the overissuance; and
- (b) Any lost benefits not previously restored or used as an offset.

(10) The department shall initiate collection action on all inadvertent household or administrative error claims unless:

- (a) The claim is collected through offset;
- (b) The total amount of the claim is less than thirty-five dollars and the ~~((claim cannot be recovered by reducing the household's allotment))~~ total amount of all claims for which collection action has not been initiated is less than thirty-five dollars;
- (c) The department cannot locate the liable household; or

(d) The department determines collection action will prejudice an inadvertent household error claim case ~~((being))~~ referred for possible prosecution or administrative disqualification.

(11) The department shall initiate collection action against the liable household whose member is found to have committed an intentional program violation unless:

- (a) The household has repaid the overissuance;
- (b) The department cannot locate the household; or
- (c) The department determines collection action will prejudice the case against a household member referred for prosecution.

(12) The department shall initiate collection action by providing the household a demand letter.

(13) A household or household member may repay an overissuance except as provided in subsections (14) through (18) of this section by:

- (a) A lump sum;
- (b) Regular installments under a payment schedule agreed to by the household or household member and the department; and/or
- (c) Allotment reductions.

(14) When the allotment reduction is the method of collection, the department shall reduce a currently participating household's allotment to repay an:

- (a) Inadvertent household error overissuance by the greater of:
 - (i) Ten percent of the household's monthly allotment; or
 - (ii) Ten dollars per month.
- (b) Intentional program violation overissuance by the greater of:
 - (i) Twenty percent of the household's monthly entitlement; or
 - (ii) Ten dollars per month.
- (c) Administrative error overissuance by the amount agreed to by the household.

(15) A household member and/or the department may request the payment schedule be renegotiated.

(16) The department shall ensure the negotiated monthly installment amount is not less than the amount which could be recovered through allotment reduction when:

- (a) A current participating household is liable for an inadvertent household error or an intentional program violation; and
- (b) An installment payment schedule is the method of collection.

(17) The department shall reduce the allotment to repay an inadvertent household error or an intentional program violation overissuance without additional notice if, after notification of failure to make payment in accordance with a repayment schedule, the household member fails to:

- (a) Make the overdue payments; or
- (b) Request renegotiation of the payment schedule.

(18) The department shall reduce the household's allotment if:

- (a) The household member fails to respond to the demand letter:
 - (i) Within ~~((thirty))~~ ten days of the date the inadvertent household error overissuance notice is mailed; or
 - (ii) Upon receipt of the intentional program violation overissuance notice or the next business day if received on a nonbusiness day.
- (b) The household is liable for an inadvertent household error or an intentional program violation claim.

(19) The department shall suspend collection action when:

- (a) Collection action has not been initiated as provided in subsection (10) of this section;
- (b) A liable household member cannot be located; or
- (c) The cost of further collection action is likely to exceed the amount that can be recovered.

(20) The department may accept offers of compromise for overissuances when:

- (a) The department has already established the account receivable for the overissuance and taken steps to recover the overissuance; and
- (b) The amount offered approximates the net amount expected to be collected prior to the expiration of the collection period allowed by statute.

(21) The department shall write-off amounts from its account receivable records and release any applicable liens prior to the expiration of the collection period allowed by statute when there is:

- (a) No further possibility of collection;
- (b) An account receivable balance after payment of an accepted offer of compromise; or
- (c) An account receivable balance after a claim has been in suspense for three consecutive years, as provided in subsection (19) of this section.

WSR 92-09-038
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed April 9, 1992, 10:06 a.m.]

The Department of Social and Health Services is withdrawing the repeal of WAC 388-320-110 and 388-320-135 that appeared in WSR 91-20-091 filed on September 20, 1991.

Leslie F. James, Director
Administrative Services
by Rosemary Carr

Statutory Authority for Adoption: RCW 28B.50.140(13).

Other Authority: Chapter 34.05 RCW.

Pursuant to notice filed as WSR 92-01-056 on December 12, 1991.

Changes Other than Editing from Proposed to Adopted Version: WAC 132B-108-080 is changed to correct the internal reference from WAC 132B-108-010 to 132B-108-070.

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

March 23, 1992
Richard Murakami
Chairman
Board of Trustees

WSR 92-09-039
NOTICE OF PUBLIC MEETINGS
WHATCOM COMMUNITY COLLEGE
[Memorandum—January 27, 1992]

The board of trustees of Whatcom Community College, District Number Twenty-One, has cancelled its regularly scheduled meeting for April 14, 1992, at 2:00 p.m. in the board room of the Laidlaw Center.

WSR 92-09-040
NOTICE OF PUBLIC MEETINGS
BELLINGHAM TECHNICAL COLLEGE
[Memorandum—April 9, 1992]

BELLINGHAM TECHNICAL COLLEGE
BOARD OF TRUSTEES
REGULAR MEETING
BUILDING G - 9 A.M.
APRIL 16, 1992

Executive Session (if needed):

In keeping with with RCW 42.30.110, the board of trustees will convene an executive session for one hour to review professional negotiations and personnel matters. Action may be taken, if necessary, as a result of items discussed in the executive session.

PLEASE NOTE: From approximately 10-11 a.m., board members are scheduled to visit the following programs: Diesel and Heavy Equipment Mechanics; Commercial Refrigeration; Engineering Technology; Surveying Technology; Electronics Technology; and Instrumentation and Control Technology.

WSR 92-09-041
PERMANENT RULES
GRAYS HARBOR COLLEGE
[Filed April 9, 1992, 1:52 p.m.]

Date of Adoption: March 23, 1992.

Purpose: To specify uniform rules of practice and procedures applicable to adjudicative proceedings under the Administrative Procedure Act, chapter 34.05 RCW.

Chapter 132B-108 WAC
PRACTICE AND PROCEDURE

NEW SECTION

WAC 132B-108-010 ADOPTION OF MODEL RULES OF PROCEDURE. The model rules of procedure adopted by the chief administrative law judge pursuant to RCW 34.05.250, as now or hereafter amended, are hereby adopted for use at Grays Harbor 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 adopted in this title, the procedural rules adopted by this institution shall govern. Rules adopted at this institution prior to July 1, 1989, remain in full force and effect unless specifically repealed or amended.

NEW SECTION

WAC 132B-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, one person shall be designated by the president or president's designee to make decisions concerning discovery, closure, means of recording adjudicative proceedings, and similar matters.

NEW SECTION

WAC 132B-108-030 METHOD OF RECORDING. Proceedings shall be recorded by a method determined by the presiding officer, among those available pursuant to the model rules of procedure in WAC 10-08-170.

NEW SECTION

WAC 132B-108-040 APPLICATION FOR ADJUDICATIVE PROCEEDING. An application for adjudicative proceeding shall be in writing. Application forms are available at the following address:

Office of the President
Grays Harbor College
1620 Edward P. Smith Drive
Aberdeen, WA 98520

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 132B-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 hereby adopted. Brief adjudicative procedures shall be used in all matters related to:

- (1) Residency determinations made pursuant to RCW 28B.15.013, conducted by the admissions office;
- (2) Challenges to contents of education records;
- (3) Student conduct proceedings. The procedural rules in chapter 132B-120 WAC apply to these proceedings;
- (4) Outstanding debts owed by students or employees;
- (5) Loss of eligibility for participation in institution-sponsored athletic events, pursuant to chapter 132B-120 WAC.

NEW SECTION

WAC 132B-108-060 DISCOVERY. Discovery in adjudicative proceedings may be permitted at the discretion of the presiding officer. In permitting discovery, the presiding officer shall make reference to the civil rules of procedure. The presiding officer shall have the power to control the frequency and nature of discovery permitted, and to order discovery conferences to discuss discovery issues.

NEW SECTION

WAC 132B-108-070 PROCEDURE FOR CLOSING PARTS OF THE HEARINGS. A party may apply for a protective order to close part of a hearing. The party making the request should state the reasons for making the application to the presiding officer. If the other party opposes the request, a written response to the request shall be made within ten days of the request to the presiding officer. The presiding officer shall determine which, if any, parts of the proceeding shall be closed, and state the reasons therefor in writing within twenty days of receiving the request.

NEW SECTION

WAC 132B-108-080 RECORDING DEVICES. No cameras or recording devices shall be allowed in those parts of proceedings which the presiding officer has determined shall be closed pursuant to WAC 132B-108-070, except for the method of official recording selected by the institution.

WSR 92-09-042
PROPOSED RULES
DEPARTMENT OF WILDLIFE
[Filed April 9, 1992, 4:28 p.m.]

Original Notice.

Title of Rule: Amending WAC 232-28-022 Game management units (GMUs)—Special game areas—Boundary descriptions.

Purpose: To amend WAC 232-28-022 Game management units (GMUs)—Special game areas—Boundary descriptions.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: Amends the boundary descriptions that were adopted February 7, 1992, for hunting seasons.

Reasons Supporting Proposal: Edits in boundary descriptions are necessary to update road names, change management strategies or alter geographic areas.

Name of Agency Personnel Responsible for Drafting and Implementation: Tom Juelson, AD, Wildlife Management Division, Olympia, (206) 753-5728; and Enforcement: Tony de la Torre, AD, Wildlife Enforcement, Olympia, (206) 754-5740.

Name of Proponent: Washington Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Amends boundary descriptions for hunting seasons.

Proposal Changes the Following Existing Rules: Amends boundary descriptions for hunting seasons.

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

Hearing Location: Department of Wildlife, Land Resources Division, 516 North Washington Street, Olympia, WA, on May 26, 1992, at 9:00 a.m.

Submit Written Comments to: Pam Madson, 600 Capitol Way North, Olympia, WA 98501-1091, by May 12, 1992.

Date of Intended Adoption: May 26, 1992.

April 9, 1992

Pamela K. Madson

Administrative Rules Officer

AMENDATORY SECTION (Amending Order 533, filed 2/25/92, effective 4/27/92)

WAC 232-28-022 GAME MANAGEMENT UNITS (GMUS)—SPECIAL GAME AREAS—BOUNDARY DESCRIPTIONS.

REGION ONE

GMU 100—Curlew (Ferry and Okanogan counties): Beginning at Republic; then south along Highway 21 to the northern boundary of the Colville Indian Reservation; then east along the Reservation boundary to the Stall Creek Road, USFS #310; then north on #310 to USFS Road #250; then north to the Kettle Crest Trail #13; then north on Trail #13 to the Deer Creek—Boulder Creek Road; then west on the Deer Creek—Boulder Creek Road to the Kettle River at Curlew; then north along the Kettle River to the Canadian Border near Danville; then west along the border to the Kettle river near the Ferry Customs Office; then south along the Kettle River to the mouth of Toroda Creek and the Toroda Creek Road; then southwest along the Toroda

Creek Road to Wauconda and Highway 20; then southeast on Highway 20 to Republic to the point of beginning. (See Colville National Forest map)

GMU 103-Boulder (Ferry County): Beginning at Lake Roosevelt at the mouth of the Kettle River; then south along Lake Roosevelt to the north boundary of the Colville Indian Reservation; then west along the Reservation boundary to the Stall Creek Road, USFS Road #310; then north on #310 to USFS Road #250; then north on #250 to the Kettle Crest Trail #13; then north on Trail #13 to the Deer Creek Boulder Creek Road; then west on the Deer Creek-Boulder Creek Road to the Kettle River at Curlaw; then north along the Kettle River to the Canadian Border near Danville; then east along the border to the Kettle River near Laurier then south along the Kettle River to its mouth to the point of beginning. (See Colville National Forest map)

GMU 105-Kelly Hill (Stevens County): Beginning at the Kettle River on the Canadian border near Laurier; then south along the Kettle River to its mouth at Lake Roosevelt; then northeast along Lake Roosevelt to the Canadian border; then west along the border to the Kettle River near Laurier to the point of beginning. (See Washington Atlas and Gazetteer)

GMU 108-Douglas (Stevens County): Beginning at the bridge over Lake Roosevelt near Northport; then southwest along Lake Roosevelt to the bridge over Lake Roosevelt near Kettle Falls (Highway 395); then south east on Highway 395 into Colville and Highway 20; then east on Highway 20 the edge of town and the Colville-Aladdin-Northport Road; then north and west on the Colville-Aladdin-Northport Road to the town of Northport and Highway 25; then through town to the Lake Roosevelt bridge to the point of beginning. (See Washington Atlas & Gazetteer)

GMU 111-Aladdin (Stevens and Pend Oreille counties): Beginning at Lake Roosevelt at the Canadian Border; then south along Lake Roosevelt to the bridge over the lake near Northport (Highway 25); then into Northport on Highway 25 to the Colville-Aladdin-Northport Road; then east and south along the Colville-Aladdin-Northport Road to Highway 20 near Colville; then east on Highway 20 to the Pend Oreille River near Tiger; then north along the Pend Oreille river to the Canadian border; then west along the border to Lake Roosevelt to the point of beginning. (See Washington Atlas & Gazetteer)

GMU 113-Selkirk (Pend Oreille County): Beginning on the Pend Oreille River at the Canadian border; then south along the Pend Oreille River to the Idaho border near Newport; then north along the Idaho-Washington border to the Canadian border; then west along the Canadian border to the Pend Oreille River to the point of beginning. (See Washington Atlas & Gazetteer or Colville National Forest map)

GMU 118-Chewelah (Stevens and Pend Oreille counties): Beginning at Colville; then east on Highway 20 to the Pend Oreille River near Tiger; then south along the Pend Oreille River to the bridge over the river at Usk; then west on the McKenzie Road to the West Side Calispell Road and the Flowery Trail Road; then west on the Flowery Trail Road to Chewelah and Highway 395; then north on Highway 395 to Colville to the point of beginning. (See Washington Atlas & Gazetteer)

GMU 119-Boyer (Stevens and Pend Oreille counties): Beginning on the Pend Oreille River at the bridge near Usk; then west on the McKenzie Road to the Westside Calispell Road and the Flowery Trail Road; then west on the Flowery Trail Road to Chewelah and Highway 395; then south on Highway 395 to Highway 231; then south on Highway 231 to Springdale; then east on Highway 292 to Highway 395 at Loon Lake; then south on Highway 395 to Deer Park; then east on the Deer Park-Milan Road to Highway 2, then northeast on Highway 2 to the Idaho border at Newport; then north along the Idaho border to the Pend Oreille River; then north along the Pend Oreille River to the bridge at Usk and point of beginning. (See Washington Atlas & Gazetteer)

GMU 121-Huckleberry (Stevens County): Beginning at the bridge over Lake Roosevelt near Kettle Falls; then south on Highway 395 to Highway 231; then south on Highway 231 to the northeast corner of the Spokane Indian Reservation; then west along the north boundary of the Reservation to Lake Roosevelt; then north along Lake Roosevelt to the Highway 395 bridge near Kettle Falls to the point of beginning. (See Washington Atlas & Gazetteer)

GMU 124-Mount Spokane (Spokane, Stevens and Pend Oreille counties): Beginning at the Idaho-Washington border at Newport; then south on Highway 2 to the Deer Park-Milan Road; then west on the Deer Park-Milan Road to Deer Park and Highway 395; then north on Highway 395 to Highway 292 at Loon Lake; then west on Highway 292 to Springdale and Highway 231; then south on Highway 231 to the northeast boundary of the Spokane Indian Reservation; then south along the east boundary of the Indian Reservation (Chamokane Creek) to the Spokane River; then east along the Spokane River to the Washington-Idaho border; then north along the border to Newport and point of beginning. (See Washington Atlas & Gazetteer)

GMU 127-Mica Peak (Spokane County): Beginning at Spokane; then south along State Highway 195 to the Spokane-Whitman County line; then east along Spokane-Whitman County line to the Washington-Idaho line; then north along the Washington-Idaho line to the Spokane River; then west along the Spokane River to the point of beginning. (See Washington Atlas & Gazetteer)

GMU 130-Cheney (Spokane and Lincoln counties): Beginning at Spokane; then south along State Highway 195 to the Spokane-Whitman County line; then west along the north boundary of Whitman and Adams counties to U.S. Highway No. 395; then north-east along U.S. Highway 395 to Sprague; then north along State Highway No. 231 to its junction with U.S. Highway No. 2; then east along U.S. Highway No. 2 to Reardan; then north along state Highway No. 231 to the Spokane River; then up the Spokane River to Spokane to the point of beginning. (See Washington Atlas & Gazetteer)

GMU 133-Roosevelt (Lincoln County): Beginning at Reardan; then north along State Highway 231 to the Spokane River; then west along the Spokane River to Lake Roosevelt; then west along Lake Roosevelt to Coulee Dam; then southeast on State Highway 174 to Wilbur and U.S. Highway 2; then east along Highway 2 to Reardan and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 136-Harrington (Lincoln County): Beginning at the town of Grand Coulee; then southeast along State Highway No. 174 to its junction with U.S. Highway No. 2 at Wilbur; then east along U.S. Highway No. 2 to its junction with U.S. Highway No. 231 three miles west of Reardan; then south along Highway No. 231 to its junction with U.S. Highway No. 395; then southwest along U.S. Highway No. 395 to the Adams County line at Sprague Lake; then west along the Adams-Lincoln County line to the Grant County line; then north along the Grant-Lincoln County line to Grand Coulee and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 139-Steptoe (Whitman County): Beginning at Colfax; then west along State Highway 127 to Dusty and continuing west along State Highway No. 26 through LaCrosse to the west Whitman County line (Palouse River); then north along the west Whitman County line, east along the north Whitman County line and south along the east Whitman County line to the Moscow-Pullman Highway; then west along the Moscow-Pullman-Colfax Highway to Colfax and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 142-Almota (Whitman County): Beginning at Clarkston; then down the Snake River to the mouth of the Palouse River; then up the Palouse River to the Washtucna-LaCrosse Highway (State Highway No. 26); then east along the highway through LaCrosse to State Highway 127 to Dusty; then continuing east along State Highway 127 to Colfax; then southeast along the Colfax-Pullman-Moscow Highway to the Washington-Idaho line; then south along the state line to Clarkston and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 145-Mayview (Garfield and Asotin counties): Beginning at the mouth of Alpowa Creek and its junction with U.S. Highway No. 12; then west along U.S. Highway No. 12 to its junction with State Highway 127 (Central Ferry Highway); then north along the Highway to the Snake River; then east up the Snake River to the mouth of Alpowa Creek and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 148-Starbuck (Walla Walla, Columbia, and Garfield counties): Beginning at Central Ferry; then south along State Highway No. 127 to Dodge Junction; then southwest along U.S. Highway No. 12 to the town of Waitsburg and the Touchet River; then west along the river to its junction with the Ayer Road at Harsha; then north along the Ayer Road to the Snake River at Ayer; then east along the Snake River to

Central Ferry and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 151-Eureka (Walla Walla County): Beginning at the Washington-Oregon State line on the Columbia River (near Wallula Junction); then north up the Columbia River to the Snake River; then northeast up the Snake River to Ayer; then south along the Ayer Road to State Highway No. 124 and the Touchet River at Harsha; then east up the river to Waitsburg and U.S. Highway 12; then southwest along Highway 12 to Walla Walla and State Highway No. 125; then south along State Highway No. 125 to the Washington-Oregon State line; then west along the state line to the Columbia River and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 154-Blue Creek (Walla Walla and Columbia counties): Beginning at the Washington-Oregon State line on State Highway No. 125 (south of Walla Walla); then north along State Highway No. 125 to U.S. Highway No. 12; then northeast along Highway 12 to the Payne Hollow Road at Long Station; then south along the Payne Hollow-Jasper Mountain-Mt. Pleasant Road to the Lewis Peak Road; then south along the Lewis Peak Road to its termination at the Mill Creek Watershed Intake Trail; then southwest along the trail to the Washington-Oregon State line; then west along the state line to State Highway No. 125 and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 157-Watershed, Mill Creek Watershed area (Walla Walla, Columbia counties): Starting at the Mill Creek Watershed Intake Trail (No. 3211) on the Washington-Oregon State line; then northeast along the Intake Trail to the Skyline Drive Road (No. 64); then south along the road to the Washington-Oregon State line; then due west to the point of beginning. (See Umatilla Forest map)

GMU 160-Touchet (Walla Walla, and Columbia counties): Beginning at Dayton; then south along the North Touchet River Road to its junction with the Skyline Drive Road at Manila Springs; then southwest along the Skyline Road to its junction with the Mill Creek Watershed Intake Trail (No. 3211); then west along the Intake Trail to the Lewis Peak Road; then north along the Lewis Peak-Mt. Pleasant-Jasper Mountain-Payne Hollow Road to U.S. Highway 12 at Long Station; then north along said highway to Dayton and the point of beginning. (See Washington Atlas & Gazetteer and Umatilla National Forest map)

GMU 161-Eckler (Columbia County): Beginning at Dayton; then east along the Patit Creek Road to its junction with the Hartsock-Maloney Mountain Road; then south and west along the Maloney Mountain Road (No. 4625) to the Skyline Drive Road (No. 46); then south along the Skyline Drive Road to its junction with the North Touchet River Road at Manila Springs; then north along the North Touchet River Road to Dayton and the point of beginning. (See Washington Atlas & Gazetteer and Umatilla National Forest map)

GMU 163-Marengo (Columbia, and Garfield counties): Beginning at Dayton; then east along the Main Patit Road to its junction with the Hartsock-Maloney Mountain Road; then north down the Hartsock Grade Road to the Tucannon Road; then south along the Tucannon Road to the Blind Grade Road; then east up the Blind Grade Road to the Linville Gulch Road; then north down the Linville Gulch Road to U.S. Highway No. 12; then west and south along Highway 12 to Dayton and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 166-Tucannon (Columbia, and Garfield counties): Beginning on the Tucannon River Road at its junction with the Hartsock Grade Road; then south up the Hartsock Grade Road to its junction with the Maloney Mountain Road; then southwest along the Maloney Mountain Road (No. 4625) to the Skyline Drive Road (No. 46); then south along the Skyline Drive Road to its junction with the Teepee Road (No. 4608); then east along the Teepee Road to Teepee Camp; then east along the Teepee Oregon Butte-Bullfrog Springs Diamond Peak Trail to Diamond Peak; then east along the Diamond Peak Road (No. 4030) to the Mountain Road (No. 40); then north along the Mountain Road to its junction with the elk drift fence at the Forest Boundary; then north and west along the fence to the Tucannon Road; then north along the Tucannon Road to the Hartsock Grade Road and the point of beginning. (See Washington Atlas & Gazetteer and Umatilla National Forest map)

GMU 169-Wenaha (Columbia, Garfield and Asotin counties): Beginning on the Skyline Drive Road at the Washington-Oregon State line; then north along the road to Godman Springs and the Teepee Road

(No. 4608); then east along the Teepee Road to Teepee Camp; then east along the Teepee Oregon Butte-Bullfrog Springs Diamond Peak Trail to Diamond Peak; then east on the Diamond Peak Road (No. 4030) to the Mountain Road (No. 40); then south along the Mountain Road to the South Boundary Road (No. 4039); then west along the road to the Three Forks Trail (No. 3133); then west down said trail to Crooked Creek; then south on Crooked Creek to the Washington-Oregon State line; then due west along the line to Skyline Road and the point of beginning. (See Umatilla National Forest map)

GMU 172-Mountview (Garfield and Asotin counties): Beginning at the junction of State Highway 129 and Mill Road at Anatone; then southwest on the Mill Road & Bennett Ridge Road-West Mountain Road (No. 1290) to the Big Butte-Mt. Misery Road (No. 4304); then west along the road to the Mountain Road (No. 40); then south on the road to the South Boundary Road (No. 4039); west along the South Boundary Road to the Three Forks Trail (No. 3133); then down said trail to Crooked Creek; then down the creek to the Washington-Oregon State line; then east along the line to State Highway No. 129; then north on Highway 129 to Anatone and the point of beginning. (See Washington Atlas & Gazetteer and Umatilla National Forest map)

GMU 175-Lick Creek (Garfield and Asotin counties): Beginning at the junction of the Mountain Road (No. 40) and National Forest Boundary (south of Pomeroy); then south along the Mountain Road to its junction with the Wenatchee Guard Station-Anatone Road; then east along the road to the National Forest Boundary at Big Butte; then northwest along the boundary fence to the Cloverland-Wenatchee Guard Station Road; then northeast along the Cloverland Road to the Campbell Grade Road; then down the Campbell Grade Road to the South Fork Asotin Creek Road; then down South Fork Asotin Creek Road to Asotin Creek; then down Asotin Creek to Charley Creek; then up Charley Creek to the elk drift fence; then west along the elk fence to its junction with the Mountain Road (No. 40) and the point of beginning. (See Umatilla National Forest map)

GMU 178-Peola (Garfield and Asotin counties): Beginning on the Snake River at the mouth of Asotin Creek; then up Asotin Creek to Charley Creek; then up Charley Creek to the elk drift fence; then northwest along the fence to the Tucannon Road; then down the Tucannon Road to the Blind Grade Road; then up Blind Grade to the Linville Gulch Road; then down the Linville Gulch Road to U.S. Highway No. 12; then east along Highway 12 to the mouth of Alpowa Creek on the Snake River; then up the Snake River to the mouth of Asotin Creek and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 181-Couse (Asotin County): Beginning at the mouth of Asotin Creek on the Snake River; then south along the Snake River to the Grande Ronde River; then west up the Grande Ronde River to State Highway No. 129; then northeast along Highway 129 to Anatone; then west and south along the Mill Road-Bennett Ridge Road-West Mountain Road to the National Forest Boundary at Big Butte (Road No. 4304); then northwest along the Forest Boundary fence to the Cloverland Road; then northeast on that road to the Campbell Grade Road; then down that road to the South Fork Asotin Creek Road; then down that road to Asotin Creek; then down Asotin Creek to the Snake River and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 184-Joseph (Asotin County): Beginning at the mouth of the Grande Ronde River; then west along the river to the mouth of Joseph Creek; then south up Joseph Creek to the first Joseph Creek bridge and the Joseph Creek Road; then south up said road to the Washington-Oregon State line; then east along the line to the Snake River; then north down the Snake River to the Grande Ronde River and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 185-Black Butte (Asotin County): Beginning at State Highway No. 129 on the Washington-Oregon State line; then north along Highway 129 to the Grande Ronde River; then east down the river to the mouth of Joseph Creek; then south up Joseph Creek to the first Joseph Creek bridge and the Joseph Creek Road; then south up said road to the Washington-Oregon State line; then west along the line to State Highway No. 129 and the point of beginning. (See Washington Atlas & Gazetteer)

REGION TWO

GMU 200-Tunk (Okanogan and Ferry counties): Beginning at Tonasket, then south along the Okanogan River to the north boundary of the Colville Indian Reservation, then east along the Reservation boundary to State Route 21 south of Republic, then north along State Route 21 to Republic and State Route 20, then west along State Route 20 to Tonasket to the point of beginning. (See Okanogan National Forest Travel Plan)

GMU 203-Pasayten (Okanogan and Whatcom counties): Beginning at the eastern boundary of the Pasayten Wilderness and its junction with the Canadian border, then south along the wilderness boundary to Trail #341, then west along Trail #341 to the Iron Gate Road and Trail #343, then west along Trail #343 to its junction with the Pasayten Wilderness boundary, then west along the wilderness boundary to the Hidden Lakes Trail (#477) then west along Hidden Lakes Trail to Drake Creek, then southwest down Drake Creek and the Lost River to the Pasayten Wilderness boundary and the Robinson Creek Trail #478, then north up the Robinson Creek Trail to the junction of the Ferguson Lake Trail, then west to Silver Lake, then west to the West Fork Trail crossing of the West Fork of the Pasayten River, then west to Oregon Basin and the Pasayten Wilderness boundary, then west and north along the boundary to the Canadian border, then east along the border to the point of beginning. (See Okanogan National Forest Travel Plan)

GMU 206-Bonaparte (Okanogan and Ferry counties): Beginning at the town of Tonasket, then north along the Okanogan River and the east shore of Osoyoos Lake to the Canadian border, then east along the Canadian border to the Kettle River near the Ferry Customs office, then south along the Kettle River to the mouth of Toroda Creek, then southwest along Toroda Creek to Toroda Creek Road (#502 and #9495), then southwest along Toroda Creek Road to its junction with State Route 20 at Wauconda, then west along State Route 20 to Tonasket and the point of beginning. (See Okanogan National Forest Travel Plan)

GMU 209-Wannacut (Okanogan County): Beginning at the Canadian border on Lake Osoyoos, then south along the west shore of Lake Osoyoos and the Okanogan River to the bridge at Tonasket, then south on County Road #7 (#9437) to the North Pine Creek-Aeneas Lake Road (#9400) junction, then southwest on that road to the Horse Springs Coulee Road (#4371) junction, then northwest on that road to the Loomis-Nighthawk Highway (#9425) junction near Spectacle Lake, then west on Loomis-Nighthawk Highway to Loomis, then north on the Loomis-Nighthawk Highway (#9425) past Palmer Lake to the Canadian border station near Nighthawk, then east on the U.S.-Canada boundary to Lake Osoyoos and the point of beginning. (See Okanogan National Forest Travel Plan)

GMU 215-Sinlahekin (Okanogan County): Beginning at the Canadian border station near Nighthawk, then south through Nighthawk and past Palmer Lake on the Nighthawk-Loomis Highway (#9425) to Loomis, then east on the Loomis-Tonasket Highway (#9425) to the Horse Springs Coulee Road (#4371) junction near Spectacle Lake, then south on that road to the North Pine Creek-Aeneas Lake Road (#9400), then east on that road to the Okanogan River, then south along the Okanogan River to the town of Riverside, then north on U.S. Highway 97 to its junction with the South Pine Creek Road (#9410), then west on South Pine Creek Road to its junction with the Conconully-Loomis Road (#4015), then south on Road #4015 to Conconully, then north on the North Fork Salmon Creek Road (#2361, Road 38 and 2820) over Lone Frank Pass to the junction with Road #39, then north on Road #39 to Long Swamp, then east along the Middle Fork Toats Coulee Road (#39) to the junction with the Iron Gate Road (#500), then northwest along the Iron Gate Road to its end, then north and east along trails #533 and #341 to the Pasayten Wilderness boundary, then north along that boundary to the Canadian border, then east along the border to the Nighthawk border station and the point of beginning. (See Okanogan National Forest Travel Plan)

GMU 218-Chewuch (Okanogan County): Beginning at the junction of the Iron Gate Road (#500) and the Pasayten Wilderness boundary, then southeast on the Iron Gate Road to the Middle Fork Toats Coulee Creek Road (#39), then west and south on the Middle Fork Toats Coulee Creek Road past Long Swamp to the Boulder Creek Road (#37), then southwest down Boulder Creek Road to the East Chewuch River Road (#9137) then south to Winthrop and State Route 20, then northwest on State Route 20 to the Okanogan County

line, then northwest along the Okanogan County line through Harts Pass to Oregon Basin, then east to Silver Lake, then due east to the intersection of Ferguson Lake Trail and Middle Fork Trail #478, then south on Trail #478 to the Pasayten Wilderness boundary, then northeast along that boundary to Lost River, then northeast up Lost River and Drake Creek to Hidden Lake Trail #477, then east along Trail #477 to the Pasayten Wilderness boundary at Eight-Mile Pass, then east along the wilderness boundary to its junction with Trail #342 near Hicky Hump, then north along Trail #342 to its junction with Trail #343 at Two Bear camp, then east along Trail #343 to the Iron Gate Road to the point of beginning. (See Okanogan National Forest Travel Plan)

GMU 224-Pearrygin (Okanogan County): Beginning at the town of Conconully, then north along County Road 2361, and the N. Fork Salmon Creek Road (#38) to its junction with Road 39, SW along Road 39 to the Boulder Creek Road (#37), then southwest along the Boulder Creek Road to the East Chewuch River Road (#9137), then south down the East Chewuch River Road to Winthrop, then south and east along State Route 20 to the Loup Loup summit, then north along the North Summit Road (#42) and County Road 2017 to Conconully and the point of beginning. (See Okanogan National Forest Travel Plan)

GMU 231-Gardner (Okanogan County): Beginning at the town of Twisp, then northwest along State Route 20 to the Okanogan County line, then south along the county line to Copper Pass and the North Fork Twisp River Trail #426, then southeast along Trail #426 to the Twisp River Road, then southeast along the Twisp River Road to the town of Twisp and the point of beginning. (See Okanogan National Forest Travel Plan)

GMU 233-Pogue (Okanogan County): Beginning at the town of Riverside, then north along U.S. Highway 97 to the South Pine Creek Road (#9410), then west on South Pine Creek Road to the Conconully-Loomis Road (#4015), then south along Road #4015 to Conconully, then south along County Road 2017 and the North Summit Road (#42) to State Route 20 near Loup Loup summit, then east on State Route 20 to the town of Okanogan and the Okanogan River, then north up the Okanogan River to Riverside and the point of beginning. (See Okanogan National Forest Travel Plan)

GMU 239-Chiliwist (Okanogan County): Beginning at the town of Okanogan, then west on State Route 20 to State Route 153, then south along State Route 153 to Pateros and the Columbia River, then north up the Columbia and Okanogan rivers to Okanogan and the point of beginning. (See Okanogan National Forest Travel Plan)

GMU 242-Alta (Okanogan County): Beginning at Pateros, then northwest on State Route 153 to Twisp, then west on the Twisp River Road (County Road 9114 and Forest Road #4440) to Roads End Campground, then northwest on the North Fork Twisp River Trail #426 to Copper Pass and the Okanogan County line, then southeast along the county line to the junction of South Fork Gold Creek Road (#4330) and the South Navarre Road (#8200), then southeast along Road (#8020) to the Antoine Creek Road (#8140), then southeast along Road (#8140) to U.S. Highway 97, then north on U.S. Highway 97 to Wells Dam, then upriver to Pateros and the point of beginning. (See Okanogan National Forest Travel Plan)

GMU 248-Big Bend (Douglas and Grant counties): Beginning at Mansfield; then west along State Route 172 to Road B N.E.; then north on B N.E. and the West Foster Creek Road to State Route 17; then east along State Route 17 to the Chalk Hills Road (Road K N.W.); then north along the Chalk Hills Road (K & L N.E.) to Road 28 N.E.; then north along Road L N.E. for 4 miles to the east boundary of Range 26 E; then north to the Columbia River; then up the Columbia River to Grand Coulee Dam; then south along the Feeder Canal and the west side of Banks Lake to a point due east from Road 9 N.E.; then west from that point and along Road 9 N.E. through Mold to State Route 17; then north along State Route 17 to Sim's Corner (Jct. State Routes 17 & 172); then west on State Route 172 to Mansfield and the point of beginning. (See official road map of Douglas County)

GMU 254-Saint Andrews (Douglas and Grant counties): Beginning at Sim's Corner (Jct. of State Routes 17 and 172); then south on State Route 17 to Road 9 N.E.; then east on Road 9 N.E. (through Mold) to a point due east on the west shore of Banks Lake; then south along the west shore of Banks Lake to State Route 2; then west along State

Route 2 to State Route 172; then north and east along State Route 172 through Mansfield to Sim's Corner and the point of beginning. (See official road map of Douglas County)

GMU 260—Foster Creek (Douglas County): Beginning at Bridgeport; then down the Columbia River to Bonita Flat; then east along the Bonita Flat Road to the town site of Dyer; then south along the Dyer Hill Road and the N. Division Road to Road 20 N.E.; then east along Road 20 N.E. (Dyer Hill Rd.) to the W. Foster Creek Rd.; then north along the West Foster Creek Road to State Route 17; then east along State Route 17 to the Chalk Hills Road (K N.E.); then north along the Chalk Hills Road (K & L N.E.) to Road 28 N.E.; then north along Road L N.E. for 4 miles to the east boundary of Range 26 E.; then north to the Columbia River; then down the Columbia River to Bridgeport and the point of beginning. (See official road map of Douglas County)

GMU 262—Withrow (Douglas County): Beginning at Orondo; then up the Columbia River to the Bonita Flat Road; then east along the Bonita Flat Road to the town site of Dyer; then south along the Dyer Hill Road and the N. Division Road to Road 20 N.E. (Dyer Hill Rd.); then east along Road 20 N.E. to Road B N.E. (W. Foster Ck. Rd.); then south on Road B N.E. to State Route 172; then west and south on State Route 172 to State Route 2; then west along State Route 2 to Orondo and the point of beginning. (See official road map of Douglas County)

GMU 266—Badger (Douglas County): Beginning at Orondo; then down the Columbia River to the Rock Island Grade Road (includes Turtle Rock Island); then north along the Rock Island Grade Road to the Titchenal Canyon Road; then northeast along the Titchenal Canyon Road to the Alstown Road; then east to Alstown; then north and east along the Alstown Road to Road K S.W.; then north along Road K to State Route 2; then west along State Route 2 to Orondo and the point of beginning. (See official road map of Douglas County)

GMU 269—Moses Coulee (Douglas and Grant counties): Beginning near Rock Island Dam at the junction of State Route 28 and the Rock Island Grade Road; then north along the Rock Island Grade Road to the Titchenal Canyon Road; then northeast along the Titchenal Canyon Road to the Alstown Road; then east to Alstown; then north and east along the Alstown Road to Road K S.W.; then north along Road K to State Route 2; then east along State Route 2 to the Moses Coulee Road; then south along the Moses Coulee Road to the Grant & Douglas County line; then south along the Sagebrush Flat Road to Road J N.W.; then south along Road J N.W. to the Overen Road (Road 20 N.W.); then west along the Overen Road to the Baird Springs Road; then southwest along the Baird Springs Road across State Route 28 to the Crescent Bar Road; then south along the Crescent Bar Road to the Columbia River; then up the Columbia River to the Rock Island Grade Road and the point of beginning. (See official road maps of Douglas and Grant counties)

GMU 272—Beezley (Grant and Douglas counties): Beginning at the town of Grand Coulee, then southwest along the west shore of Banks Lake to State Route 2, then west along State Route 2 to Moses Coulee Road, then south along Moses Coulee Road to the Grant—Douglas County line; then south along the Sagebrush Flats Road to Road J N.W.; then south along Road J N.W. to the Overen Road, (Road 20 N.W.); then west along the Overen Road to the Baird Springs Road, then southwest along Baird Springs Road across State Route 28 to the Crescent Bar Road, then southwest along Crescent Bar Road to the Columbia River, then down the Columbia River to Interstate 90, then northeast along Interstate 90 to the Beverly Burke Road (Road R S.W.), then south along Beverly Burke Road to Frenchman Hills Road, then east along Frenchman Hills Road to O'Sullivan Dam Road, then east along O'Sullivan Dam Road to State Route 17, then south along State Route 17 to the Grant—Adams County line (Road 12 S.E.), then east and north along the Grant County line to the town of Grand Coulee and the point of beginning except Private Lands Wildlife Management Area 201 (Wilson Creek). (See official road maps of Grant and Douglas counties)

GMU 278—Wahluk (Grant and Adams counties): Beginning at the Columbia River at Interstate 90, then northeast along Interstate 90 to the Beverly Burke Road (Road R S.W.); then south along Beverly Burke Road to Frenchman Hills Road; then east along Frenchman Hills Road to O'Sullivan Dam Road; then east along O'Sullivan Dam Road to State Route 17, then south along State Route 17 to State Route 26; then east along State Route 26 to State Route 24 at Othello;

then south and west along State Route 24 to the Columbia River at Vernita Bridge; then up the Columbia River to Interstate 90 and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 281—Ringold (Franklin, Adams, and Grant counties): Beginning at the Columbia River and U.S. Highway 395 at Pasco, then up the Columbia River (including all islands) to State Route 24 at Vernita Bridge; then east and north along State Route 24 to State Route 26 at Othello; then east along State Route 26 to State Route 17; then south along State Route 17 to U.S. Highway 395; then south along U.S. Highway 395 to the Columbia River at Pasco and the point of beginning. The Hanford Nuclear Site and the Saddle Mountain National Wildlife Refuge are closed to unauthorized public entry. (See Washington Atlas & Gazetteer)

GMU 284—Kahlotus (Adams and Franklin counties): Beginning at the Columbia River and U.S. Highway 395 at Pasco; then north along U.S. Highway 395 to State Route 17; then north along State Route 17 to the Grant & Adams County line (Road 12 S.E.); then east and north along the Grant & Adams County line to the Lincoln County line; then east along the Adams—Lincoln County line to the Whitman County line; then south along the Adams—Whitman County line to the Palouse River; then down the Palouse River to the Snake River; then down the Snake River to the Columbia River; then up the Columbia River to U.S. Highway 395 and the point of beginning. (See Washington Atlas & Gazetteer)

REGION THREE

GMU 300—Manson (Chelan County): Beginning at the town of Chelan; then down the Chelan River Gorge to the Columbia River; then north along the Columbia River to Wells Dam; then southwest along Highway 97 to the Antoine Creek Road (USFS #8140); then west along Antoine Creek Road to Forest Road #8020 near Cooper Mountain; then northwest along Road #8020 to junction of Road #4330 near Fox Peak; then northwest along the ridge separating the Chelan and Methow—Twisp drainages (Sawtooth Ridge) to McAlester Mountain; then southeast along the ridge between Rainbow Creek and Boulder Creek to the Stehekin River; then south along Lake Chelan shore to the town of Chelan to the point of beginning. (See Wenatchee National Forest Recreation map and Washington Atlas and Gazetteer)

GMU 301—Clark (Chelan County): That portion of Chelan County that lies within the Glacier Peak Wilderness Area and that portion of the Lake Chelan National Recreation Area west of McAlester Mountain and running southwest along the ridge between Rainbow Creek and Boulder Creek to the Stehekin River; then continuing south along Lake Chelan to the south boundary of the National Recreation Area. (See Wenatchee National Forest Recreation map)

GMU 302—Alpine (Kittitas and Chelan counties): Those lands within Kittitas and Chelan counties east of the Pacific Crest Trail that lie within the Alpine Lakes Wilderness Area. (See Wenatchee National Forest Recreation map)

GMU 304—Chiwawa (Chelan County): Beginning at Coles Corner on Highway 2; then north along Highway 207 to Highway 209 near Lake Wenatchee; then south on Highway 209 to the Eagle Creek Road #7520; then northeast on Road #7520 to French Corral and Forest Road #5800; then east along Roads #5800 and #5700 to the Entiat River near Ardenvoir; then north along the Entiat River to the Glacier Peak Wilderness Boundary; then south and west along the Glacier Peak Wilderness Boundary to the Pacific Crest Trail; then south to Highway 2 at Stevens Pass; then east on Highway 2 to Coles Corner. (See Wenatchee National Forest Recreation map)

GMU 306—Slide Ridge (Chelan County): Beginning on the Entiat River at the Glacier Peak Wilderness Boundary (near the mouth of Larch Lakes Creek); then south along the Entiat River to the mouth of Fox Creek; then east on Fox Creek to Fourmile Ridge Trail #1445; then east on Trails #1445 and #1448 to the Slide Ridge Road #8410 at Stormy Mountain; then north on Road #8410 to Twenty-five Mile Creek; then north on Twenty-five Mile Creek to Lake Chelan; then north and west along the south shore of Lake Chelan to the Lake Chelan National Recreation Area Boundary near Riddle Creek; then south and west along the Recreation Area and Glacier Peak Wilderness Boundaries to the Entiat River. (See Wenatchee National Forest Recreation map)

GMU 308—Entiat (Chelan County): Beginning at the mouth of the Entiat River near the town of Entiat; then northwest along the Entiat

River to the mouth of Fox Creek; then east along Fox Creek to the Fourmile Ridge Trail #1445 then east along Trail #1445 and #1448 to the Slide Ridge Road #8410 at Stormy Mountain; then north along Road #8410 to Twenty-five Mile Creek; then North along Twenty-five Mile Creek to Lake Chelan; then southeast along Lake Chelan and the Chelan River Gorge to the Columbia River; then southwest along the Columbia River to the mouth of the Entiat River. (See Wenatchee National Forest Recreation map)

GMU 314—Mission (Kittitas and Chelan counties): Beginning at the mouth of the Colockum Creek on the Columbia River; then west along Colockum Creek and the Colockum Pass Road (#10) to the Naneum Ridge Road (#9); then northwest along Naneum Ridge Road and Mission Ridge to the Liberty-Beehive Road #9712; then northwest along Road #9712 to Road #9716; then north along Road #9716 to Highway 97 at Swauk Pass; then northwest along the Kittitas-Chelan County line and Trail #1226 to the Alpine Lakes Wilderness Boundary at Navaho Peak, then north along the Alpine Lakes Wilderness Boundary to Icicle Creek near Black Pine Horse Camp; then east along Icicle Creek to the Wenatchee River; then south and east along the Wenatchee and Columbia Rivers to the mouth of Colockum Creek. (See Wenatchee National Forest Recreation map)

GMU 316—Swakane (Chelan County): Beginning at the mouth of the Wenatchee River; then north along the Columbia River to the Entiat River; then north along the Entiat River to Road #5700 near Ardenvoir; then west along Roads #5700 and #5800 to French Corral; then west along the Eagle Creek Road #7520 to Highway 209; then north along Highway 209 to Highway 207 near Lake Wenatchee; then south along Highway 209 to Highway 2 at Coles Corner; then west along Highway 2 to Stevens Pass; then south along the Chelan-King County Line to the Alpine Lakes Wilderness Boundary; then east and south along the Alpine Lakes Wilderness Boundary to Icicle Creek; then east along Icicle Creek to the Wenatchee River; then east along the Wenatchee River to its mouth on the Columbia River. (See Wenatchee National Forest Recreation map)

GMU 328—Naneum (Kittitas and Chelan counties): Beginning at the intersection of Highway 97 and Lower Green Canyon Road; then north along Lower Green Canyon Road to the East Highline Canal (T19N, R18E, S28); then east along the canal to the Colockum Pass Road #10; then northeast along the Colockum Pass Road to the Naneum Ridge Road #9; then northwest along the Naneum Ridge Road and Mission Ridge to the Liberty Beehive Road #9712; then northwest along Road #9712 to Road #9716; then north along Road #9716 to Highway 97 at Swauk Pass; then south along Highway 97 to the Lower Green Canyon Road. (See Wenatchee National Forest Recreation map & Department of Wildlife map)

GMU 329—Quilomene (Kittitas and Chelan counties): Beginning on Interstate 90 at the Columbia River near Vantage; then north along the Columbia River to the mouth of Tekieson Creek; then up Tekieson Creek to Road #14; then north along Roads 14, 14.17 and 14.14 to the top of Cape Horn cliffs; then north along the cliff top to the northern point of Cape Horn; then southwest along the stock fence to Road #14.14; then west on Road 14.14 to the switch backs in Sections 19 and 20; then north from the boundary sign on the section lines between Sections 17, 18, 19 and 20; T20N, R28 E.W.M. to the boundary sign on Road 14 in the northwest corner of Section 17; then north and west to Davies Canyon; then east along Davies Canyon to the Columbia River; then north along the Columbia River to mouth of Colockum Creek; then southwest along Colockum Creek and Colockum Road (Road #10) to the East Highline Canal (T18N, R20E, S17); then east along the canal and Interstate 90 to the Columbia River at Vantage. (See Department of Wildlife map)

GMU 330—West Bar (Kittitas County): Beginning at the mouth of Tekieson Creek on the Columbia River; then up Tekieson Creek to Road #14; then north on Road 14, 14.14 and 14.17 to the top of the Cape Horn Cliffs; then north along the cliff top to the north end of Cape Horn; then southwest along the stock fence to Road 14.14; then west on Road #14.14 to the switch backs in Sections 19 and 20; then north from the boundary sign on the section lines between Sections 17, 18, 19, and 20, T20N, R21 E.W.M. to the boundary sign on Road 14 in the northwest corner of Section 17; then north and west to Davies Canyon; then east along Davies Canyon to the Columbia River; then south along the Columbia River to the mouth of Tekieson Creek. (See Department of Wildlife map)

GMU 334—Ellensburg (Kittitas County): Beginning at the intersection of Highway 97 and Lower Green Canyon Road; then north along the Lower Green Canyon Road to the East Highline Canal (Sec. 28, Twp. 19N., R. 18E); then east and south along the canal past Interstate 90 to the pump station; then south and west along the upper most branch of the canal to Highway 821 and the Yakima River (a point about one mile south of Thrall); then north along the Yakima River to Damman Road; then south on Damman Road and Shushuskin Canyon to the South Branch Extension Canal; then west along the canal to where it crosses Manastash Road; then north along the South Branch Canal to Taneum Creek; then east along Taneum Creek to the Yakima River; then northeast along the river to Thorp Highway; then east along the Thorp Highway and Highway 10 to Highway 97; then north along Highway 97 to Lower Green Canyon Road. (See Wenatchee National Forest Recreation map & Department of Wildlife map) (This is a Kittitas County Closure area for high power rifle hunting of both deer and elk. Contact Kittitas County for more details)

GMU 335—Teanaway (Kittitas County): Beginning at Swauk Pass on Highway 97; then northwest along the Kittitas-Chelan County line and Trail #1226 to the Alpine Lakes Wilderness Boundary at Navaho Peak; then west along the Alpine Lakes Wilderness Boundary to the King-Kittitas County line at Kendal Peak; then south along the King-Kittitas County line to Interstate 90; then east along Interstate 90 to Cle Elum; then east along Highway 10 to Highway 97; then northeast on Highway 97 to Swauk Pass. (See Wenatchee National Forest Recreation map)

GMU 336—Taneum (Kittitas County): Beginning at Cle Elum; then west along Interstate Highway 90 to the Pacific Crest Trail at Snoqualmie Pass; then southeast along the Pacific Crest Trail to Blowout Mountain; then southeast along the divide between the Naches and Yakima River drainages and Trail #1388 to Peaches Ridge and Trail #1363; then north along Trail #1363 to Trail #1367; then east along Trail #1367 to South Fork Taneum Creek; then east along Taneum Creek to the Yakima River; then north (downstream) on the Yakima River to the Thorp Highway Bridge; then northwest along the Thorp Highway, State Highway 10 and State Highway 903 to Cle Elum. (See Wenatchee National Forest Recreation map)

GMU 340—Manastash (Kittitas County): Beginning at the junction of Taneum Creek and the South Branch Highline Canal; then west up Taneum Creek and South Fork Taneum Creek to USFS Trail #1367; then west on Trail #1367 to Trail #1363 (Peaches Ridge Trail), to the Naches-Yakima River Divide; then southeast along Trail #1388 and the ridge top dividing the Manastash and Wenas-Umtaneum drainages to the junction of the Observatory Road, (Twp. 17 N., R. 17 E.W.M., Section 20) then south on the Observatory Road to the Wenas-Ellensburg Road; then east on the Wenas-Ellensburg Road to Umtaneum Creek; then down Umtaneum Creek to the Yakima River; then up the Yakima River to the Damman Road; then south to the Wenas-Ellensburg Road; then south on the Wenas-Ellensburg Road to the South Branch Highline Canal; then along the canal to Taneum Creek and the beginning. (See Wenatchee National Forest Recreation map)

GMU 342—Umtaneum (Kittitas and Yakima counties): Beginning at Yakima then north along the Yakima River to Umtaneum Creek; then up Umtaneum Creek to the Wenas-Ellensburg Road; then west along the Wenas-Ellensburg Road to the Observatory Road; then north along the Observatory Road to the Road junction at the top of the ridge (Section 20, T17N, R.17 E.W.M.); then west and north along the top of the ridge dividing Manastash and Umtaneum-Wenas drainages to USFS Trail #1388 and Forest Road 1701; then along Road 1701 to Highway 410 to the junction of I-82 and the Yakima River. (See Wenatchee National Forest map and Washington Atlas & Gazetteer)

GMU 346—Little Naches (Yakima & Kittitas counties): Beginning at the Junction of Highway 410 and Forest Road 1701; then north on Road 1701 to Trail #1388; then northwest along Trail #1388 to the Pacific Crest Trail at Blowout Mountain; then south along the Pacific Crest Trail to State Highway 410 at Chinook Pass; then east along State Highway 410 to point of beginning. (See Wenatchee National Forest Recreation map)

GMU 352—Nile (Yakima County): Beginning at Highway 410 at its junction with Forest Road 1500 (Eagle Rock); then west along the 1500 Road to the McDaniel Lake Road (USFS Road #1502); then west along the McDaniel Lake Road to the junction of the North Fork

and the South Fork of Rattlesnake Creek; then up the North Fork of Rattlesnake Creek to Richmond Mine Trail #973; then north along Richmond Mine Trail to the Bumping Lake Road; then north along Bumping Lake Road to Highway 410; then east along Highway 410 to Eagle Rock and the point of beginning. (See Wenatchee National Forest Recreation map)

GMU 356-Bumping (Yakima County): Beginning at the intersection of Highway 12 and USFS Road #1500; then north along Road #1500 to McDaniel Lake Road (USFS Road #1502); then west on McDaniel Lake Road to the junction of North Fork and South Fork of Rattlesnake Creek; then up the North Fork of Rattlesnake Creek to Richmond Mine Trail #973; then north along Richmond Mine Trail to the Bumping Lake Road; then north along the Bumping Lake Road to Highway 410; then west along Highway 410 to the Pacific Crest Trail at Chinook Pass; then south along the Pacific Crest Trail to Highway 12 at White Pass; then east along Highway 12 to the point of beginning. (Lands within the boundary of Mt. Rainier National Park along the Pacific Crest Trail are not open to hunting). (See Wenatchee National Forest Recreation map)

GMU 360-Bethel (Yakima County): Beginning at the junction of Highway 410 and Highway #12; then west along Highway 12 to the junction with USFS Road #1500; then north and east along Road #1500 to its junction with Highway 410 at Eagle Rock; then southeast along Highway 410 to its junction with Highway 12 and the point of beginning. (See Wenatchee National Forest Recreation map)

GMU 364-Rimrock (Yakima County): Beginning at the junction of Highway 12 and Jump-off Road (USFS Road #1302); then southwest along Jump-off Road to Divide Ridge Trail #1127 at Jump-off Lookout; then southeast along Divide Ridge Trail #1127 to Strobach Springs; then west to Blue Slide Lookout; then south on jeep trail to Blue Lake; then south along jeep trail to the Darland Mountain Road and the north boundary of the Yakima Indian Reservation; then west along the reservation boundary to the Pacific Crest Trail; then north along the Pacific Crest Trail to Highway 12 at White Pass; then east along Highway 12 to the junction with Jump-off Road and the point of beginning. (See Wenatchee National Forest Recreation map)

GMU 366-Rimrock-Cowiche (Yakima County): GMUs 364 (Rimrock) and 368 (Cowiche) (See Wenatchee National Forest Recreation map)

GMU 368-Cowiche (Yakima County): Beginning at the junction of Highway 12 and Jump-off Road (USFS Road #1302); then southwest along Jump-Off Road to Divide Ridge Trail #1127 at Jump-off Lookout; then southwest along Divide Ridge Trail #1127 to Strobach Springs; then west to Blue Slide Lookout; then south on jeep trail to Blue Lake; then south along jeep trail to the Darland Mountain Road and the north boundary of the Yakima Indian Reservation; then east along the reservation boundary to the Yakima River and Highway 12; then north and west along Highway 12 to the point of beginning. (See Wenatchee National Forest Recreation map & Washington Atlas & Gazetteer)

GMU 370-Priest Rapids (Kittitas, Yakima and Benton counties): Beginning at the Interstate 90 bridge at Vantage; then west along Interstate 90 to the East Highline Canal (which is approximately 1/4 mile west of Boylston Road); then southwest along the canal to Highway 821 and the Yakima River, at a point about one mile south of Thrall; then southeast along the Yakima River to the Mabton-Sunnyside Road; then south along the Mabton-Sunnyside Road; then south along the Yakima Indian Reservation Boundary to the Yakima-Klickitat county line; then east along the county line to the Alderdale Road; then south along the Alderdale Road to Highway 14 and the Columbia River; then upstream along the Columbia River to the point of beginning at Vantage. (See Washington Atlas & Gazetteer)

REGION FOUR

GMU 405-Chuckanut (Whatcom and Skagit counties): Beginning at the Canadian border and the Silver Lake Road; then south along the Silver Lake Road to the Mount Baker Highway; then southwest along the Mount Baker Highway to the Mosquito Lake Road; then south along the Mosquito Lake Road to the Blue Mountain Road; then east to Peterson Creek and the Musto Marsh Road; then south to Skookum Creek; then west down Skookum Creek to its mouth; then northwest down the South Fork Nooksack River to Saxon Bridge; then west on the Saxon Bridge Road to Highway 9; then south along Highway 9

through Sedro Woolley to the town of Arlington and the Stillaguamish River; then down the Stillaguamish River through Stanwood and West Pass to Skagit Bay; then west and north through Skagit Bay, Deception Pass, Rosario Strait and Bellingham Channel to Samish Bay and Edison; then north along the shoreline to the Whatcom County line; then west and north along the Whatcom County line to the Canadian border; then east along the Canadian border to the point of beginning. (See Washington Atlas & Gazetteer; this description is not easily found on base maps. Contact the Region 4 office for more information.)

GMU 410-Islands (San Juan, Island counties): All islands in San Juan County as well as Whidbey and Camano islands and Cypress and Sinclair islands in Skagit County. (See Washington Atlas & Gazetteer)

GMU 418-Nooksack (Whatcom and Skagit counties): Beginning at the point where Jackman Creek meets State Highway 20 (east of Concrete); then northeast up Jackman Creek to the range line between Range 9 and 10E; then north along this range line to the boundary of the North Cascades National Park; then north along the North Cascades Park boundary to the Canadian border; then west along the Canadian border to the Silver Lake Road; then south along the Silver Lake Road to the Mount Baker Highway; then southwest along the Mount Baker Highway to the Mosquito Lake Road; then south along the Mosquito Lake Road to the Blue Mountain Road; then east to Peterson Creek and the Musto Marsh Road; then south to Skookum Creek; then west down Skookum Creek to its confluence with the South Fork Nooksack River; then west down the South Fork Nooksack River to the Saxon Bridge; then west on the Saxon Bridge Road to Highway 9; then south along Highway 9 to its intersection with State Highway 20 (east of Sedro Woolley); then east along Highway 20 to Jackman Creek (east of Concrete) and the point of beginning. (See Washington Atlas & Gazetteer or Mt. Baker/Snoqualmie National Forest map)

GMU 426-Diablo (Skagit and Whatcom counties): The Ross Lake National Recreation Area and the adjoining corridor between the Pasayten Wilderness Area and the northeast boundary of the south segment of North Cascades National Park. (See Washington Atlas & Gazetteer)

GMU 433-Cavanaugh (Skagit and Snohomish counties): Beginning at the intersection of State Highway 20 and State Highway 9 at Sedro Woolley; then south along State Highway 9 to Arlington; then east along the Arlington-Darrington Highway 530 to Darrington; then north along the Sauk Valley Road to Rockport; then west along the State Highway 20 to Sedro Woolley and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 440-Suiattle (Skagit and Snohomish counties): Beginning at the intersection of State Highway 20 and the Sauk Valley Road at Rockport; then south along the Sauk Valley Road to Darrington and the Sauk River to the Suiattle River; then along that river to the Glacier Peak Wilderness Area boundary; then north and east along that boundary to the line between Ranges 12 and 13 E.; then north on that range line to the North Cascades National Park boundary; then west and north along the North Cascades Park boundary and the Ross Lake National Recreation Area boundary to the range line between range 9 and 10 E; then south along this range line to the Jackman Creek drainage; then southwest down the Jackman Creek drainage to State Highway 20; then east along State Highway 20 to Rockport and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 442-Tulalip (Snohomish and King counties): Beginning at the mouth of the Stillaguamish River; then up the Stillaguamish River to Arlington; then northeast along the Arlington-Darrington Highway to the Trafton School at Trafton; then southeast along the Jim Creek-Trafton Road (242nd St. N.E.) to the City of Seattle power transmission line; then southwest along the transmission line to the point where it crosses the Jordan Road in Sec. 20, T31N, R6E; then southeast along the Jordan Road to Granite Falls; then south along the Menzel Lake-Lake Roesiger Roads to the Woods Creek Road; then south on Woods Creek Road to Monroe; then south on Highway 203 to the Snoqualmie River at Duvall; then north down the Snoqualmie River to the Snohomish River and down the Snohomish River to Puget Sound; then north along the shore of Puget Sound to the mouth of the Stillaguamish River and the point of beginning. (See Washington Atlas & Gazetteer or Mt. Baker/Snoqualmie National Forest map)

GMU 448—Stillaguamish (Snohomish and Skagit counties): Beginning at Sultan; then east along U.S. Highway 2 to Stevens Pass; then north along the Pacific Crest Trail to Henry M. Jackson Wilderness Area boundary; then north along this boundary to the North Fork Skykomish Trail No. 1051; then west on Trail No. 1051 to Forest Service Road 63, then west on Forest Service Road 63 to Quartz Creek Trail (No. 1050); then north on Trail 1050 to Curry Gap; then east on Trail 650 along the crest between Sloan Creek and the North Fork of the Skykomish River drainages to June Mountain, near the headwaters of Sloan Creek (Sec. 25, T29N, R13E); then north along the Glacier Peak Wilderness Area boundary to the Suitttle River; then west along the Suitttle River to the Sauk River; then south up the Sauk River to Darrington; then west along the Darrington—Arlington Highway to the Trafton School at Trafton; then southeast along the Jim Creek—Trafton Road (242nd St. N.E.) to the City of Seattle power transmission lines; then southwest along the transmission line to the point where it crosses the Jordan Road in Sec. 20, T31N, R6E; then southeast along the Jordan Road to Granite Falls; then south along the Menzel Lake—Lake Roesiger Roads to the Woods Creek Road; then south on Woods Creek Road to Highway 2 (Skykomish—Monroe Highway); then east along Highway 2 to Sultan to the point of beginning. (See Washington Atlas & Gazetteer or Mt. Baker/Snoqualmie National Forest map)

GMU 450—Cascade (Skagit and Snohomish counties): Beginning at the Glacier Peak Wilderness boundary and the Skagit County/Chelan County line at the headwaters of the Middle Fork Cascade River and then west and southerly along the Glacier Peak Wilderness boundary to the Skagit County/Snohomish County line. In Snohomish County, continue south along the Glacier Peak Wilderness boundary to June Mountain near the headwaters of Sloan Creek (Sec. 25, T29N, R13E); then west along the 650 trail along the crest between Sloan Creek and the North Fork of the Skykomish River drainages to Curry Gap; then south along the Quartz Creek Trail (No. 1050) to Forest Service Road 63; then east on Road 63 to its end at the 1051 Trail and east up Trail 1051 to the Henry M. Jackson Wilderness boundary; then south and east along that boundary to the Snohomish/Chelan County line; then north along the Snohomish/Chelan County line to the Skagit County line; then north along the Skagit/Chelan County line to the point of beginning. (See Washington Atlas & Gazetteer and Mt. Baker/Snoqualmie National Forest map)

GMU 454—Issaquah (King and Snohomish counties): Beginning at the mouth of the Snohomish River near Everett; then southeast up the Snohomish River to Duvall; then south along State Highway 203 to Fall City; then southwest along the Fall City—Preston Road to Interstate 90; then east on Interstate 90 to State Highway 18; then southwest along State Highway 18 to its intersection with the Raging River; then south up that river to its junction with the posted boundary of the City of Seattle Cedar River Watershed; then along that posted boundary to its junction with the boundary of the City of Tacoma Green River Watershed (CTGRW); then south along the CTGRW posted boundary to Weyerhaeuser Road 5200 near Lynn Lake; then down the 5200 Road for approximately 7.6 miles to its junction with U.S. Highway 410; then west along U.S. Highway 410 and State Highway Nos. 164 and 18 through Auburn to U.S. Highway 99; then north along Highway 99 to the Redondo Beach junction; then due west to Puget Sound; then north along Puget Sound to the mouth of the Snohomish River and the point of beginning. (See Mt. Baker/Snoqualmie National Forest map and Washington Atlas & Gazetteer)

GMU 460—Snoqualmie (King and Snohomish Counties): Beginning at the intersection of State Highway 203 and U.S. Highway 2; then east along U.S. Highway 2 to Stevens Pass and the Pacific Crest Trail; then south along the Pacific Crest Trail to its junction with the City of Seattle Cedar River Watershed posted boundary; then west along the posted boundary to its intersection with the headwaters of the Raging River; then down the Raging River to its intersection with State Highway 18; then along State Highway 18 to its junction with Interstate Highway 90 (I-90); then west along I-90 to its junction with the Preston—Fall City Road; then north along the Preston—Fall City Road to State Highway 203; then north on State Highway 203 to the point of beginning. (See Mt. Baker/Snoqualmie National Forest map and Washington Atlas & Gazetteer)

GMU 466—Stampede (King County): Beginning at intersection of the Pacific Crest Trail (USFS Trail 2000) and the posted boundary for the City of Seattle Cedar River Watershed; then south along the Pacific Crest Trail to its junction with the Naches Pass Trail at Pyramid

Peak; then west on the Naches Pass Trail to Twin Camps and USFS Road 7035; then along USFS Road 7035 to USFS Trail 1172 and its intersection with USFS Road 7012 (Champion Creek Rd.); then down Road 7012 to the posted boundary of the City of Tacoma Green River Watershed; then east and north along that boundary and the City of Seattle Cedar River Watershed posted boundary to the point of beginning. (See Mt. Baker/Snoqualmie National Forest map and Washington Atlas & Gazetteer)

GMU 472—White River (King and Pierce counties): Beginning at the junction of State Highway 410 and the north boundary of Mount Rainier National Park; then west along the north park boundary to the Carbon River; then down the Carbon River to its intersection with the Bonneville Power Transmission line; then up the powerline to South Prairie Creek; then up South Prairie Creek to New Pond Creek; then up New Pond Creek to its intersection with Champion 923 Road.; then north on Champion 923 Road to Champion 92 Road; then east on Champion 92 Road to Champion 93 Road; then northwest on Champion 93 Road to Champion 931 Road; then east on Champion 931 Road to Champion 9 Road; then northeast on Champion 9 Road to Champion 96 Road; then east on Champion 96 Road to Champion 9601 Road; then east on Champion 9601 Road to Old Pond Creek to the White River; then down White River to the first set of Bonneville Power Transmission lines; then up the powerline to where it intersects State Highway 410; then east along State Highway 410 to Weyerhaeuser Road 5200; then up that road for approximately 7.6 miles to its junction with the City of Tacoma Green River Watershed posted boundary; then east along that posted boundary and USFS Trail 1172 to USFS Road 7035; then east along that road to its intersection with the Naches Pass Trail at Twin Camps; then east along the Naches Pass Trail to the Pacific Crest Trail (USFS Trail 2000) near Pyramid Peak; then south along the Pacific Crest Trail to the Mount Rainier National Park boundary near Sourdough Gap; then north and west along the park boundary to the point of beginning. (See Washington Atlas & Gazetteer and Mt. Baker/Snoqualmie National Forest map)

GMU 478—Mashel (Pierce County): Beginning where the Bonneville Power Transmission line crosses the Orville Road at the Puyallup River Bridge; then northerly along the Bonneville Power Transmission line to the Carbon River to the west boundary of Mt. Rainier National Park; then south along the park boundary to the Nisqually River; then west down the Nisqually River to Alder Lake; then continuing west down Alder Lake and the Nisqually River to the Weyerhaeuser 1000 (Main) Line (Vail—Eatonville Truck Trail) Bridge; then east on the 1000 line to its junctions with Highway 7 (Mountain Highway) and Highway 161 (Eatonville—LaGrande Road); then east and north along Highway 161 through Eatonville to its junction with Orville Road E. (Kapowsin—Eatonville Road); then north along that road through Kapowsin to the point of beginning at the junction of the Bonneville Power Transmission line and the Orville Road. (See Mt. Baker/Snoqualmie National Forest map or Washington Atlas & Gazetteer)

GMU 480—South Islands (Pierce County): Anderson and Ketron islands. (See Washington Atlas & Gazetteer)

GMU 484—Puyallup (Pierce and King counties): Beginning at the mouth of the Nisqually River; then up the Nisqually River to its junction with the Weyerhaeuser 1000 line, then east along the Weyerhaeuser 1000 line to its intersection with State Highways 7 and 161; then north along State Highway 161 to its intersection with the Orville Road; then north along the Orville Road to the Puyallup River Bridge where it intersects the Bonneville Power Transmission line; then up the powerline to South Prairie Creek; then up South Prairie Creek to New Pond Creek; then up New Pond Creek to its intersection with Champion 923 Road; then north on Champion 923 Road to Champion 92 Road; then east on Champion 92 Road to Champion 93 Road; then northwest on Champion 93 Road to Champion 931 Road; then east on Champion 931 Road to Champion 9 Road; then northeast on Champion 9 Road to Champion 96 Road; then east on Champion 96 Road to Champion 9601 Road; then east on Champion 9601 Road to Old Pond Creek; then down Old Pond Creek to the White River; then down White River to the first set of Bonneville Power Transmission lines; then up the powerline to where it intersects State Highway 410; then west along State Highway 410 to where it intersects State Highway 164; then west along State Highway 164 through Auburn to Old Highway 99; then north along Old Highway 99 to Redondo Junction; then due west to Puget Sound; then south along the shoreline of Puget

Sound to the mouth of the Nisqually River and the point of beginning. (See Washington Atlas & Gazetteer or Mt. Baker/Snoqualmie National Forest map)

GMU 485—Green River (King County): Beginning at the junction of the Green River and the west boundary of the Tacoma Watershed; then south and east along the watershed boundary to the USFS 7012 Road (Champion Creek Road); then northwest along that road and the posted GMU 485 boundary to where it meets USFS Road 5063; then east, then north along that road to its junction with the USFS 5060 Road near the headwaters of Friday Creek; then north along that road to the Tacoma Watershed boundary; then west along the Tacoma Watershed boundary to the Green River and the point of beginning. (See Mt. Baker/Snoqualmie National Forest map and Washington Atlas & Gazetteer)

GMU 490—Cedar River (King County): Beginning at the junction of the Cedar River and the western posted boundary of the City of Seattle Cedar River Watershed; then north and east along said posted boundary to Yakima Pass; then continue south and west along that posted boundary and to the point of beginning. Note that the City of Seattle enforces trespass on lands owned or controlled by the city. (See Mt. Baker/Snoqualmie National Forest map and Washington Atlas & Gazetteer)

REGION FIVE

GMU 501—Lincoln (Lewis, Thurston, Pacific and Grays Harbor counties): Beginning at the intersection of Interstate 5 and State Highway 6, then west on State Highway 6 to the Stevens Road, then northwest on Stevens Road to Elk Creek Road (Doty), then west on Elk Creek Road to the 7000 Road, then west on the 7000 Rd. to the 7800 Rd., then west on the 7800 Rd. to the 720 Rd., then northeast on the 720 Rd. to Garrard Creek Road, then northeast on the Garrard Creek Road to Oakville and U.S. Highway 12, then east on U.S. 12 to Interstate 5, then south on Interstate 5 to State Highway 6 and point of beginning. (See Washington Atlas & Gazetteer)

GMU 504—Stella (Cowlitz County): Beginning at the mouth of the Cowlitz River at the Columbia River, then west down the Columbia to the mouth of Germany Creek, then north up Germany Creek to State Highway 4, then east on Highway 4 to Germany Creek Road, then north on Germany Creek Road to IP 1000 Road, then north on IP 1000 to the IP 1050 Road, then east on IP 1050 Road to the 2200 Rd., then east and south to the 2000 Rd., then south on the 2000 Rd. to the Delameter Road (Woodside Road), then east on Delameter Road to State Highway 411, then north on Highway 411 to PH 10 Road (Four Corners), then east to Cowlitz River, then south down the Cowlitz River to the Columbia River and point of beginning. (See Washington Atlas & Gazetteer)

GMU 505—Mossyrock (Lewis County): Beginning on Interstate 5 and the Cowlitz River, then northeast up the Cowlitz River to Mayfield Lake and the U.S. Highway 12 bridge, then east on Highway 12 to Winston Creek Road, then south and east to Longbell Road and Perkins Road, then northeast on Perkins Road to Swofford Road, then north on Swofford Road to Ajlune Road, then east on Ajlune Road to Riffe Lake, then east along the south shore to the Cowlitz River and up the Cowlitz River to the USFS 23 Road (Cispus Road) Bridge, then south and east to the Cline Road, then east to the Bennet Road, then east to U.S. Highway 12, then west on Highway 12 to State Highway 7 (Morton), then north on State Highway 7 to State Highway 508, then west on Highway 508 to Centralia/Alpha Road, then west and north on Centralia/Alpha Road to Salzer Valley Road, then west to Summa Street and Kresky Road, then north on Kresky Road to Tower Street, then on Tower Street to State Highway 507, then west on Highway 507 Cherry, Alder and Mellen streets to Interstate 5, then south on Interstate 5 to the Cowlitz River and point of beginning. (See Washington Atlas & Gazetteer)

GMU 506—Willapa Hills (Wahkiakum, Pacific, and Lewis counties): Beginning at PeEll and the Muller Road; then south on the Muller Road to the 1000 Road; then south on the 1000 Road to the 1800 Road; then south on the 1800 Road to the 500 Road; then southeast on the 500 Road to State Highway 407; then south on State Highway 407 to State Highway 4; then east on State Highway 4 to State Highway 409; then south on State Highway 409 to the Columbia River/Puget Island Bridge; then west along Columbia River to the mouth of the Deep River; then north along the Deep River to State Highway 4; then northwest on State Highway 4 to the Salmon Creek Road; then north

on the Salmon Creek Road to the Bonneville Powerline Road; then north on the Bonneville Powerline Road to State Highway 6; then east on State Highway 6 to the town of PeEll and the point of beginning. (See Washington Atlas & Gazetteer, Forest Protection Map "Willapa Hills")

GMU 510—Stormking (Lewis County): Beginning on U.S. Highway 12 at the Silver Creek Bridge; then north up Silver Creek to Silverbrook Road, then east to USFS 47 Rd., then north on USFS 47 to USFS 85, then west on USFS 85 to Silver Creek, then southwest on Silver Creek to Lynx Creek, then north on Lynx Creek and its northern most tributary to USFS 85 Rd., then northwest on the USFS 85 Rd. to Catt Creek, then north on Catt Creek to the Nisqually River, then west down the Nisqually River to State Highway 7, then south on Highway 7 to U.S. Highway 12 (Morton), then east on Highway 12 to Silver Creek and point of beginning. (See Gifford Pinchot National Forest map)

GMU 512—Sawtooth (Lewis County): Beginning on U.S. Highway 12 at the Silver Creek bridge, then north up Silver Creek to Silverbrook Road, then east to USFS 47 Rd., then north on USFS 47 Rd. to USFS 85 Rd., then west on USFS 85 to Silver Creek, then southwest on Silver Creek to Lynx Creek, then north on Lynx Creek and its northern most tributary to USFS 85 Rd., then north on 85 Rd. to Catt Creek, then northwest down Catt Creek to the Nisqually River, then east up the Nisqually River to Horse Creek, then east up Horse Creek to USFS 52 Rd. (Skate Creek Road), then southeast on USFS 52 to the Cowlitz River, then southwest down the Cowlitz River to Smith Creek, then up Smith Creek to U.S. Highway 12, then west on U.S. Highway 12 to Silver Creek and point of beginning. (See Gifford Pinchot National Forest map and/or Washington Atlas & Gazetteer)

GMU 514—Tatoosh (Lewis County): Beginning at USFS 52 Rd. (Skate Creek) and the Cowlitz River (at Packwood), then northwest on USFS 52 Rd. to Horse Creek, then down Horse Creek to the Nisqually River and the southern boundary of Mt. Rainier National Park, then north and east along the Nisqually River and south park boundary to the Cascade Crest Trail, then south along the Cascade Crest Trail to U.S. Highway 12, then northwest and southwest on Highway 12 to USFS 1270 Rd., then north on USFS 1270 to the Cowlitz River, then southwest down the Cowlitz River to the USFS 52 Rd. and point of beginning. (See Gifford Pinchot National Forest map)

GMU 516—Packwood (Lewis and Skamania counties): Beginning at the mouth of Cispus River, then east up the Cispus River to the USFS 56 Rd. (Midway G.S. Road), then east on the USFS 56 Rd. to the USFS 5603 Rd., then east on the USFS 5603 to the Yakima Indian Reservation boundary and the Cascade Crest; then north along the Reservation boundary to Cispus Pass and the Cascade Crest Trail, then north along the Cascade Crest Trail to the U.S. Highway 12 (White Pass), then northwest and southwest on Highway 12 to USFS 1270 Rd. (Sec. 31, T14N, R10E), then north on USFS 1270 to the Cowlitz River, then southwest down the Cowlitz River to the mouth of Smith Creek, then south up Smith Creek to U.S. Highway 12, then southwest down Highway 12 to Bennet Road, then west on the Bennet Road to the C line Road, then west to the USFS 23 Rd. (Cispus Road), then west and north to the Cowlitz River, then west down the Cowlitz River to the mouth of the Cispus River and point of beginning. (See Gifford Pinchot National Forest map)

GMU 520—Winston (Cowlitz, Lewis and Skamania counties): Beginning at the intersection of Interstate 5 and the Cowlitz River, then south down the Cowlitz River to the Toutle River, then east up the Toutle River to the North Fork Toutle River, then up the North Fork Toutle River to the Green River, then east up the Green River to USFS 2612 Rd., then east on 2612 to USFS 26 Rd. (Ryan Lake Road), then north on USFS 26 Rd. to the Cispus River, then west down the Cispus to the Cowlitz River, then west down the Cowlitz River to Riffe Lake, then west along the south shore to Ajlune Road, then west to Swofford Road, then south on Swofford Road to Perkins Road, then southwest and northwest on Perkins Road and Longbell Road to Winston Creek Road, then northwest on Winston Creek Road to State Highway 12, then west on State Highway 12 to the Mayfield Lake bridge, then southwest down Mayfield Lake and the Cowlitz River to Interstate 5 and point of beginning. (See Washington Atlas & Gazetteer)

GMU 522—Loo-wit (Cowlitz and Skamania counties): Beginning on the North Fork Toutle River at the mouth of Hoffstadt Creek, then

southeast up the North Fork Toutle River to the Weyerhaeuser 3001 Rd., then southeast along the 3001, 3000, and 3090 roads to the headwaters of the South Fork Castle Creek, then due south to the South Fork Toutle River, then east along South Fork Toutle to its headwaters and Mount St. Helens crater edge; then east along the crater edge to the headwaters of Ape Canyon, then down Ape Canyon Creek to the USFS Smith Creek Trail then north up USFS Smith Creek Trail to USFS 99 Rd., then north along USFS 99 to USFS 26, then north to Strawberry Lake Creek, then west down Strawberry Lake Creek to the Green River, then across the Green River to Grizzly Creek, then up Grizzly Creek to Grizzly Lake, then west up the western inlet to its headwaters, then west to the headwaters of Coldwater Creek, then west down Coldwater Creek to Coldwater Lake, then southwest along the northwest shore to the old Weyerhaeuser 3500 Rd., then west along the 3500, 3530, 3540, 3130, 3120 roads to the intersection with Hoffstadt Creek, then down Hoffstadt Creek to the North Fork Toutle River and point of beginning. (See Gifford Pinchot National Forest map)

GMU 524-Margaret (Cowlitz, Skamania and Lewis counties): Beginning on the North Fork Toutle River at the mouth of the Green River, then southeast up the North Fork Toutle River to the mouth of Hoffstadt Creek, then up Hoffstadt Creek to the 3120 Rd., then east along the 3120, 3130, 3540, 3530 and 3500 roads to Coldwater Lake, then northeast along the northwest shoreline to Coldwater Creek, then up Coldwater Creek to its headwaters and east to the headwaters of Grizzly Lake, then east down the west inlet creek to Grizzly Lake, then down Grizzly Creek to the Green River and the mouth of Strawberry Lake Creek, then up Strawberry Lake Creek to the USFS 26 Rd. (Ryan Lake Road), then north on the USFS 26 Rd. to the USFS 2612 Rd., then west on USFS 2612 Rd. to the Green River, then down the Green River to its mouth and point of beginning. (See Gifford Pinchot National Forest map)

GMU 530-Ryderwood (Cowlitz, Lewis, Wahkiakum counties): Beginning south of the town of Doty on State Highway 6; then east on State Highway 6 to Chehalis and Interstate 5; then south on Interstate 5 to the Cowlitz River; then south along the Cowlitz River to Castle Rock and the PH 10 Road (Four Corners); then west on the PH 10 Road to State Highway 411; then south on State Highway 411 to Delameter Road (Woodside Drive); then southwest on Delameter Road to the 2000 Road; then west on the 2000 Road to the 2200 Road; then north and west on the 2200 Road to the IP 1050 Road; then west on the IP 1050 Road to the IP 1000 Road; then south on the IP 1000 Road to the Germany Creek Road; then south on the Germany Creek Road to State Highway 4; then west on State Highway 4 to Germany Creek; then south along Germany Creek to its mouth at the Columbia River; then west along the Columbia River and the Cathlamet Channel to the Puget Island Bridge on State Highway 409; then north on State Highway 409 to State Highway 4; then west on State Highway 4 to State Highway 407; then northwest on State Highway 407 to the 500 Road; then west on the 500 Road to the 1800 Road; then north on the 1800 Road to the 1000 Road; then north on the 1000 Road to the Muller Road; then north on Muller Road to PeEll and State Highway 6; then north on State Highway 6 to south of Doty and the point of beginning. (See Washington Atlas & Gazetteer, Forest Protection Map "Willapa Hills")

GMU 550-Coweeman (Cowlitz County): Beginning at the mouth of the Cowlitz River, then north to the Toutle River, then east along the Toutle River to the South Fork Toutle River, then up the South Fork Toutle to the 4950 Rd., then south and east on the 4950 Rd. to the 235 Rd., then south on the 235, 200, 245, 134, 133, 130 and 1680 roads to the 1600 Rd., then southeast along the 1600 and 1400 roads to the Kalama/Coweeman summit, then south along the 1420 Rd. to the 1425 Rd., then southwest along the 1425 Rd. to the 6400 Rd., then southwest down the 6400 Rd. to the 6000 Rd., then east to the 6450 Rd., then southeast approximately one mile on the 6450 Rd. to the Arnold Creek Road, then southeast on Arnold Creek Road to Dubois Road, then to State Highway 503, then west on State Highway 503 to Cape Horn Creek, then down Cape Horn Creek to Merwin Reservoir and the Lewis River, then down the Lewis River to the Columbia River, then down the Columbia River to the mouth of the Cowlitz River and point of beginning. (See Washington Atlas & Gazetteer)

GMU 554-Yale (Cowlitz County): Beginning on State Highway 503 at its crossing of Cape Horn Creek, then east on Highway 503 to 6690 Rd. (Rock Creek Road), then northeast on the 6690 and 6696 roads to

West Fork Speelyai Creek, then down Speelyai Creek to State Highway 503, then northeast on Highway 503 to Dog Creek, then down Dog Creek to Yale Reservoir, then south and west down Yale Reservoir, Lewis River, and Merwin Reservoir to Cape Horn Creek, then up Cape Horn Creek to State Highway 503 and point of beginning.

GMU 556-Toutle (Cowlitz County): Beginning on State Highway 503 (Lewis River Road) and USFS 81 Rd. (Merril Lake Road) intersection, then north on USFS 81 Rd. to Weyerhaeuser 7200 Rd., then northeast on the 7200 Rd. to the 7400 Rd., then northwest on the 7400 Rd. to the 5500 Rd., then east and north on the 5500 and 5670 roads to the South Fork Toutle River, then east up the South Fork Toutle River to a point due south of the headwaters of the South Fork Castle Creek (Sec. 1, TWP 8N R4E), then north to the headwaters of South Fork Castle Creek, then down South Fork Castle Creek to Weyerhaeuser 3092 Rd., then west on the 3092 Rd. to 3090 Rd., then northwest on the 3090, 3000 and 3001 roads to the North Fork Toutle River, then down the North Fork Toutle River to the South Fork Toutle River, then south-east up the South Fork Toutle River to the 4950 Rd., then south on the 4950, 235, 200, 245, 243A, 134, 133, 130, and 1680 roads to the 1600 road, then southeast on the 1600 and 1400 roads to the Kalama/Coweeman summit, then south on the 1420 Rd. to the 1425 Rd., then southwest along the 1425 Rd. to the 6400 Rd., then southwest on the 6400 Rd. to the 6000 Rd., then east up the 6000 Rd. to the 6450 Rd., then southwest on the 6450 Rd. approximately one mile to the Arnold Creek Road, then southeast on Arnold Creek and Dubois roads to State Highway 503, then east on State Highway 503 to the 6690 Rd. (Rock Creek Road); then northeast on the 6690 and 6696 roads to the West Fork Speelyai Creek, then down Speelyai Creek to State Highway 503, then northeast on State Highway 503 to USFS 81 Rd. and point of beginning. (See Washington Atlas & Gazetteer)

GMU 558-Marble (Cowlitz and Skamania counties): Beginning on State Highway 503 (Lewis River Road) and USFS 81 Rd. intersection, then north on USFS 81 Rd. to Weyerhaeuser 7200 Rd., then northeast on the 7200 Rd. to the 7400 Rd., then northwest on the 7400 Rd. to the 5500 Rd., then east and north on the 5500 and 5670 roads to the South Fork Toutle River, then east up the South Fork Toutle River to Mount St. Helens crater and along crater to headwaters of Ape Canyon, then east down Ape Canyon Creek to Smith Creek Trail then north up USFS Smith Creek Trail to USFS 99 Rd., then northeast on USFS 99 Rd. to USFS 25 Rd., then south on USFS 25 Rd. to the Muddy River, then south down the Muddy River to the North Fork Lewis River, then west down the North Fork Lewis River, Swift Reservoir to Yale Reservoir and Dog Creek, then north up Dog Creek to State Highway 503, then southwest to USFS 81 Rd. and point of beginning. (See Gifford Pinchot National Forest map)

GMU 560-Lewis River (Skamania, Klickitat, Yakima and Lewis counties): Beginning at Trout Lake, north to the USFS 80 Rd., then north to the USFS 82 Rd., then northeast on the USFS 82 Rd. to the Yakima Indian Reservation boundary, then north along boundary (Cascade Crest) to USFS 5603 Rd., then west to the USFS 56 Rd., then west to the Cispus River, then northwest down the Cispus River to the USFS 26 Rd. (Ryan Lake Road), then west and south on the USFS 26 Rd. to USFS 99 Rd., then northeast to the USFS 25 Rd., then south to Muddy River, then south down the Muddy River to the North Fork Lewis River, then west to the USFS 90 Rd. bridge (Eagle Cliff), then east on USFS 90 Rd. to USFS 51 Rd., then southeast to USFS 30 Rd., then northeast on the USFS 30 Rd. to USFS 24 Rd., then southeast to the State Highway 141, then northeast to Trout Lake and point of beginning. (See Gifford Pinchot National Forest map)

GMU 564-Battle Ground (Clark and Skamania counties): Beginning on the Interstate 5 at the Lewis River Bridge and the Lewis River; then northeast along the Lewis River (Cowlitz-Clark County line) to the Merwin Dam; then on a southeast line to the transmission line; then south on the transmission line to the County Road 20; then southeast on County Road 20 to the Pup Creek Road; then southeast on Pup Creek Road to County Road 16; then southeast on County Road 16 through Yacolt to County Road 12; then southeast on County Road 12 to Dole Valley Road; then south on the Dole Valley Road to Rock Creek Road; then southeast and south on the DNR 1000 Road to DNR 1500 Road; then east on DNR 1500 Road to N.E. 412 Ave.; then south on N.E. 412th Ave. to Skye Road; then east and south on the Skye Road to Washougal River Road; then south on Washougal River Road to State Highway 140; then southeast on State Highway

140 to Cape Horn Road; then south on Cape Horn Road to the Columbia River; then west down the Columbia River (including islands in Washington) to the Lewis River; then north along the Lewis River to the Interstate 5 Bridge and the point of beginning. (See Washington Atlas & Gazetteer, Forest Protection Map "St. Helens West")

GMU 568—Washougal (Clark and Skamania counties): Beginning at Merwin Dam on the Lewis River and Lake Merwin; then northeast along Lake Merwin (Cowlitz—Clark County line) to Canyon Creek; then southeast along Canyon Creek to N.E. Healy Road; then east on N.E. Healy Road to USFS Road 54; then east on USFS Road 54 to USFS Road 37; then northwest on USFS Road 37 to USFS Road 53; then south on USFS Road 53 to USFS Road 4205 (Gumboat Road); then south on USFS Road 4205 to USFS Road 42 (Green Fork Road); then southwest on USFS Road 42 to USFS Road 41 (Sunset Hemlock Road) at Sunset Falls; then east on USFS Road 41 to USFS Road 406 at Lookout Mountain; then southeast on USFS Road 406 to the boundary of the Gifford Pinchot National Forest; then due east on the National Forest boundary to Rock Creek; then southeast along Rock Creek to Stevenson and the Columbia River; then west down the Columbia River (including the islands in Washington) to the Cape Horn Road; then north on the Cape Horn Road to State Highway 140; then west on State Highway 140 to the Washougal River Road; then northwest on the Washougal River Road to the Skye Road; then northwest on the Skye Road to N.E. 412th Ave.; then northwest on DNR 1500 Road to DNR 1000 Road; then north and west on DNR 1000 Road to Dole Valley Road; then north on the Dole Valley Road to County Road 12; then northwest on County Road 12 to Moulton and County Road 16; then northwest on County Road 16 through Yacolt and Amboy to the Pup Creek Road; then northwest on the Pup Creek Road to County Road 20; then north on County Road 20 to the transmission line; then north on the transmission line to Merwin Dam on the Lewis River and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 572—Siouxon (Skamania and Clark counties): Beginning at the Yale Dam and Yale Lake; then north along Yale Lake (Cowlitz—Clark County line) to the North Fork Lewis River and Lewis River (old river bed); then northeast along the Lewis River to the Swift Creek Reservoir; then east along the Swift Creek Reservoir to Eagle Cliff Bridge and USFS Road 90; then east on USFS Road 90 to USFS 51 (Curly Creek Road); then southeast on USFS Road 51 to USFS Road 30; then north on USFS Road 30 to USFS Road 24 (Twin Butte Road); then south on USFS Road 24 to USFS Road 60 (Carson Guler Road); then southwest on USFS Road 60 to USFS Road 65 (Panther Creek Road); then southwest on USFS Road 65 to the Wind River Highway; then northwest on the Wind River Highway to Stabler; then west on Hemlock Road to USFS Road 41 (Sunset—Hemlock Road); then west on the USFS Road 41 to Sunset Falls and USFS Road 42 (Green Fork Road); then northeast on USFS Road 42 to USFS Road 4205 (Gunboat Road); then north on USFS Road 4205 to USFS Road 53; then northwest on USFS Road 53 to USFS Road 54 (N.E. Healy Road); then west on USFS Road 54 to Canyon Creek; then north along Canyon Creek to the Lewis River; then northeast along the Lewis River to the Yale Dam and the point of beginning. (See Gifford Pinchot National Forest map, and Forest Protection Map "St. Helens West")

GMU 574—Wind River (Skamania County): Beginning at Little Lookout Mountain on USFS Road 41 (Sunset—Mowich Butte); then east on USFS Road 41 to Stabler; then east on the Hemlock Road to the Wind River Road; then southeast on the Wind River Road to USFS Road 65 (Panther Creek Road); then north on USFS Road 65 to Old State Road; then east to the USFS Road 60 (Carson—Guler Road); then northeast on USFS Road 60 to USFS Road 24 and State Highway 141 to USFS Road 86; then south on USFS Road 86 to USFS Road 1840; then south on USFS Road 1840 to USFS Road 18 (Oklahoma Road); then south on USFS Road 18 to Willard and the Little White Salmon River; then south on the Little White Salmon River to the Columbia River; then west along the Columbia River to the mouth of Rock Creek; then northwest along Rock Creek through Stevenson to the south boundary of Gifford Pinchot National Forest; then on the south boundary of Gifford Pinchot National Forest due west to USFS Road 4100—406; then northwest on USFS Road 4100—406 to USFS Road 41 and the point of beginning. (See Washington Atlas & Gazetteer, Gifford Pinchot National Forest map)

GMU 576—White Salmon (Klickitat, Yakima, and Skamania counties): Beginning at the mouth of the Klickitat River (Lyle) to the Fisher Hill Bridge, then north along the Fisher Hill Road (P-2000) to the Gravel Pit Road, then west to the B-Z Corners—Glenwood Road, then southwest to Highway 141 (B-Z Corners), then north to Trout Lake, then west on Highway 141 to USFS 86 Rd., then south to the USFS 1840 Rd., then south on the USFS 1840 Rd. to the USFS 18 Rd. (Oklahoma Road), then south on the 18 Rd. to Willard and the Little White Salmon River, then south down the Little White Salmon River to the Columbia River, then east up the Columbia River to the Klickitat River and point of beginning. (See Washington Atlas & Gazetteer)

GMU 580—Sixprong (Klickitat and Yakima counties): Beginning on State Highway 14 at Sundale, then east to the Goldendale—Goodnoe Hills Road; then northwest along Goldendale—Goodnoe Hills Road to Dot Road; then north along the Dot Road to Cleveland; then along the Goldendale—Bickleton Road to the Yakima County line; then east along the Yakima County line to Alderdale Road; then southeast along the Alderdale Road to State Highway 14 and Columbia River; then west along the state line to Sundale and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 584—Goodnoe (Klickitat County): Beginning at the U.S. Highway 97 bridge on the Columbia River (Maryhill), then north on Highway 97 to Satus Pass and the Yakima Indian Reservation, then east along south Reservation boundary to the Yakima County line, then east to Goldendale/Bickleton Road, then southwest to Cleveland and Dot Road, then south to Goldendale/Goodnoe Hills Road, then southeast to State Highway 14, then west to Sundale and mouth of Chapman Creek, then west down the Columbia River to U.S. Highway 97 bridge and point of beginning. (See Washington Atlas & Gazetteer)

GMU 586—Glenwood (Klickitat County): Beginning at B-Z Corners and State Highway 141, then north to Trout Lake and the USFS 80 Rd., then to the USFS 82 Rd., then north to the Yakima Indian Reservation boundary, then east along the south Reservation boundary to Summit Creek Primary Road, then south to the Klickitat River and the Truck Cut Road, then west to the Glenwood/Goldendale Road, then northwest to the Gravel Pit Road, then south to the B-Z Corners/Glenwood Road, then southwest to B-Z Corners and point of beginning. (See Washington Atlas & Gazetteer)

GMU 588—Grayback (Klickitat County): Beginning at Highway 97 bridge across Columbia River (Maryhill), then west down the Columbia River to Lyle and the mouth of the Klickitat River, then up the Klickitat River to the Fisher Hill Bridge, then north along the Fisher Hill Road (P-2000) to the Gravel Pit Road, then north to the Glenwood/Goldendale Road, then east to the Truck Cut Road, then north to the Summit Creek Primary Road, then to the Yakima Indian Reservation boundary, then east along the southern boundary of the Reservation to Highway 97 (Satus Pass Highway), then south on Highway 97 to Maryhill and point of beginning. (See Washington Atlas & Gazetteer)

REGION SIX

GMU 601—Hoko (Clallam County): Beginning at the mouth of the Hoko River, then up the river to State Highway 112; then southeast along State Highway 112 to its junction with the Hoko—Ozette Road; then southeast along the Hoko—Ozette Road to the Olympic National Park boundary; then north along the Olympic National Park boundary to the Makah Indian Reservation boundary; then east and north along the Makah Indian Reservation boundary to the Strait of Juan de Fuca; then southeast along the shore of the Strait of Juan de Fuca to the mouth of the Hoko River and the point of beginning. (See updated Olympic National Forest and Olympic National Park map and Washington Atlas & Gazetteer)

GMU 602—Dickey (Clallam County): Beginning at the mouth of the Clallam River, then up the river to State Highway 112; then south along State Highway 112 to its junction with the Burnt Mountain Road; then southwest along the Burnt Mountain Road to its junction with U.S. Highway 101; then southwest along U.S. Highway 101 to the junction with the LaPush Road; then southwest along LaPush Road to the Olympic National Park boundary; then north along the Olympic National Park boundary to the Hoko—Ozette Road; then northeast along the Hoko—Ozette Road to its junction with State Highway 112; then northwest along State Highway 112 to the Hoko River; then down the Hoko River to its mouth and the Strait of Juan

de Fuca; then east along the shore of the Strait of Juan de Fuca to the mouth of the Clallam River and the point of beginning. (See updated Olympic National Forest and Olympic National Park map and Washington Atlas & Gazetteer)

GMU 603-Pysht (Clallam County): Beginning at the mouth of the Clallam River; then up the river to the State Highway 112; then south along State Highway 112 to its junction with the Burnt Mountain Road; then southwest along the Burnt Mountain Road to its junction with U.S. Highway 101; then east along U.S. Highway 101 to the point where the highway enters the Olympic National Park, about one mile west of Lake Crescent; then north and east along the Olympic National Park boundary to the Elwha River; then north down the Elwha River to its mouth and the Strait of Juan de Fuca; then west along the shore of the Strait of Juan de Fuca to the mouth of the Clallam River and the point of beginning. EXCEPT that part of the Lower Elwha Indian Reservation within this boundary. (See updated Olympic National Forest and Olympic National Park map and Washington Atlas & Gazetteer)

GMU 607-Soleduck (Clallam County): Beginning at Forks, then south along U.S. Highway 101 to the Bogachiel River; then east up the Bogachiel River to the Olympic National Park boundary; then north and east along the Olympic National Park boundary to its intersection with U.S. Highway 101; then west and south along U.S. Highway 101 to Forks to the point of beginning. (See updated Olympic National Forest and Olympic National Park map and Washington Atlas & Gazetteer)

GMU 612-Goodman (Jefferson and Clallam counties): Beginning at LaPush on the Pacific Ocean, then east along the LaPush Road to its junction with U.S. Highway 101 north of Forks; then south along U.S. Highway 101 to the Pacific Ocean below the mouth of the Hoh River; then north along the Pacific Ocean to LaPush and the point of beginning; EXCEPT that part of the Hoh Indian Reservation and the Olympic National Park within this boundary. (See updated Olympic National Forest and Olympic National Park map and Washington Atlas & Gazetteer)

GMU 615-Clearwater (Jefferson County): Beginning at the junction of Bogachiel River and U.S. Highway 101, then east up the Bogachiel River to the Olympic National Park boundary; then south, east and west along the Olympic National Park boundary to where it meets the boundary of the Quinalt Indian Reservation; then west along the Quinalt Indian Reservation boundary to U.S. Highway 101; then north and east along U.S. Highway 101 to the Bogachiel River and point of beginning; EXCEPT that part of the Olympic National Park within this boundary. (See updated Olympic National Forest and Olympic National Park map and Washington Atlas & Gazetteer)

GMU 618-Matheny (Jefferson and Grays Harbor counties): Those lands between the Queets and Quinalt Rivers that are outside the Olympic National Park and outside the Quinalt Indian Reservation. (See Olympic National Forest map)

GMU 621-Olympic (Jefferson, Clallam and Mason counties): Beginning at the junction of U.S. Highway 101 and the Elwha River, then south up the Elwha River to the Olympic National Park boundary; then east and south along Olympic National Park boundary to the North Fork of the Skokomish River; then south down the North Fork of the Skokomish River to Lake Cushman; then southeast along the west shore of Lake Cushman to Cushman Upper Dam; then east along the Power Dam Road to its intersection with Lake Cushman-Hoodsport Road; then southeast on Lake Cushman-Hoodsport Road to U.S. Highway 101 and Hood Canal; then north along Hood Canal to Dabob Bay and Quilcene Bay to East Quilcene Road at the north end of Quilcene Bay; then west along East Quilcene Road to its junction with Chimacum Center Road; then south along Chimacum Center Road to Quilcene and U.S. Highway 101; then north and west along U.S. Highway 101 to the Elwha River and the point of beginning. EXCEPT that part of the Lower Elwha Indian Reservation within this boundary. (See updated Olympic National Forest and Olympic National Park map and Washington Atlas & Gazetteer)

GMU 624-Coyle (Clallam and Jefferson counties): Beginning at the mouth of the Elwha River, then south up the Elwha River to U.S. Highway 101; then east and south along U.S. Highway 101 to Quilcene; then north on the Chimacum Center Road to its junction with East Quilcene Road; then east on the East Quilcene Road to Quilcene Bay; then south along the east shore of Quilcene Bay to

Dabob Bay and Hood Canal; then north along the shore of Hood Canal to Puget Sound; then north through Admiralty Inlet to Port Townsend and Juan de Fuca Straits (including Marrowstone Island); then west along the south shore line of Juan de Fuca Straits to the mouth of the Elwha River and the point of beginning; EXCEPT all of Indian Island in Jefferson County. (See updated Olympic National Forest and Olympic National Park map and Washington Atlas & Gazetteer)

GMU 625-Indian Island (Jefferson County): Indian Island in Jefferson County. (See Washington Atlas & Gazetteer)

GMU 627-Kitsap (Kitsap, Mason, Pierce and King counties): Beginning at the town of Allyn on State Highway 3; then north along Highway 3 to Belfair; then north up the "Old Belfair Highway" to its junction with the Bear Creek-Dewatto Road; then west on Bear Creek-Dewatto Road to the Mason-Kitsap County line; then west along the Mason-Kitsap county line to Hood Canal; then north along the shoreline of Hood Canal to Puget Sound at Hansville; then south through Puget Sound to Nisqually Reach and Case Inlet; then north up Case Inlet to the town of Allyn and the point of beginning; also Vashon Island. (See Washington Atlas & Gazetteer)

GMU 633-Mason (Mason County): Beginning at the Mason-Thurston County Line on U.S. Highway 101 at Oyster Bay; then north and east through Oyster Bay, Totten Inlet-Dana Passage and Case Inlet to the town of Allyn on State Highway 3; then north along Highway 3 to Belfair; then north up the "Old Belfair Highway" to its junction with the Bear Creek-Dewatto Road; then west on the Bear Creek-Dewatto Road to its junction with the Dewatto-Holly Road; then west along the Mason-Kitsap County Line to Hood Canal; then south through Hood Canal to Hoodsport and U.S. Highway 101; then south along Highway 101 to the Mason-Thurston County Line and the point of beginning. (See the Washington Atlas & Gazetteer)

GMU 636-Skokomish (Grays Harbor and Mason counties): Beginning at the junction of the Lake Cushman-Hoodsport Road and U.S. Highway 101 at Hoodsport; then south down U.S. Highway 101 to its junction with the Shelton Dayton-Matlock Road (County Road 9010); then west to the town of Matlock; then west on the Matlock-Deckerville Road and Middle Satsop Road to the Kelly Road (C-500 Line); then north on the Kelly Road to its junction with the L-600 Line (Canyon River Road, Road 2260); then west on the L-600 line to USFS Road 22 (Montesano-Grisdale Road); then north on USFS Road 22 through Grisdale; then west and south on USFS Road 22 to where it crosses the East Fork of the Humptulips River; then upstream on the East Fork Humptulips River to the most northern point crossed by the range line 7W.W.M. and 8W.W.M., then north on this range line to its junction with Road 2302 (USFS Road 2204-200); then east and north on Road 2302 to the Olympic National Park Boundary; then east along the Olympic Park boundary to the North Fork of the Skokomish River; then south down the North Fork of the Skokomish River to Lake Cushman; then southeast along the west shore of Lake Cushman to Cushman Upper Dam; then east along the Power Dam Road to its intersection with Lake Cushman-Hoodsport Road; then southeast on Lake Cushman-Hoodsport Road to U.S. Highway 101 and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 638-Quinalt Ridge (Grays Harbor and Jefferson counties): Beginning at the Olympic National Park boundary at the northwest corner of Lake Quinalt; then southwest along the south shore of Lake Quinalt to the boundary of the Quinalt Indian Reservation; then southwest along this boundary to U.S. Highway 101; then south along U.S. Highway 101 to Quinalt Ridge Road (Forest Service Road #2258); then northeast along the Quinalt Ridge Road to the Forest Service Road #2280; then east along Forest Service Road #2280 to the Forest Service Road #2220; then north and south along that road to the Forest Service Road #2204; then northeast along Forest Service Road #2204 to the 2204-200 Spur Road; then north along this spur road to the boundary of the Olympic National Park; then west along the Olympic National Park Boundary to Lake Quinalt and the point of beginning. (See Olympic National Forest map)

GMU 639-Humtulpis (Grays Harbor County): Beginning at the junction of U.S. Highway 101 and the Quinalt Ridge Road (Forest Service Road #2258); then northeast along Quinalt Ridge Road to the Forest Service Road #2280; then east along Forest Service Road #2280 to the Forest Service Road #2220; then north and south along Forest Service Road #2220 to the Forest Service Road #2204; then northeast along Forest Service Road #2204 and the 2204-200 Spur

Road to a point crossed by the range line between range 7W.W.M. and 8W.W.M.; then south on this range line to the most northern point crossed by the East Fork of the Humptulips River; then downstream on the East Fork of the Humptulips to the USFS 22 Road; then west and south along USFS 22 Road to its junction with the Donkey Creek Road; then southwest along the Donkey Creek Road (Forest Service Road #22) to its junction with U.S. Highway 101; then north along U.S. Highway 101 to its junction with the Quinault Ridge Road (Forest Service Road #2258) and the point of beginning. (See Olympic National Forest map)

GMU 642-Copalis (Grays Harbor County): Beginning at the U.S. Highway 101 bridge crossing the Hoquiam River in the City of Hoquiam; then north along U.S. Highway 101 to the boundary of the Quinault Indian Reservation; then southwest along the Quinault Indian Reservation boundary to the Pacific Ocean; then south along the shore of the Pacific Ocean to Grays Harbor; then east along the north shore of Grays Harbor to the mouth of the Hoquiam River; then north along the Hoquiam River to U.S. Highway 101 and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 648-Wynoochee (Grays Harbor County): Beginning at the junction of U.S. Highway 101 and the Donkey Creek Road; then northeast along the Donkey Creek Road (Forest Service Road #22) to its junction with the Donkey Creek-Grisdale Road; continuing east on this road (Forest Service Road #22) to Camp Grisdale (south of Wynoochee Lake); then south along the Grisdale-Montesano Road (Forest Service Road #22) to the junction with the L-600 line (Canyon River Road, Road 2260); then east along the L-600 line to the concrete bridge over the West Fork of the Satsop River in Sec. 15, T.21N., R.7W.W.M.; then south down the West Fork and the main stream of the Satsop River to U.S. Highway 12; then west along U.S. Highway 12 to its junction with U.S. Highway 101 in Aberdeen; then west and north along U.S. Highway 101 to its junction with the Donkey Creek Road and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 651-Satsop (Grays Harbor, Mason and Thurston counties): Beginning at the U.S. Highway 12 Bridge on the Satsop River, then upstream on the Satsop River to its junction with the West Fork of the Satsop River; then up the West Fork of the Satsop to the concrete bridge on the L-600 Road (Canyon River Road, Road 2260); then east on the L-600 Line to its junction with the Kelly Road; then south on the Kelly Road to the Middle Satsop Road; then east on the Middle Satsop and Matlock-Deckerville Roads to the town of Matlock; then east on the Shelton-Matlock Road (County Road 9010) to its junction with U.S. Highway 101; then south on U.S. Highway 101 to its junction with State Route #8, then west on State Route 8 to its junction with U.S. Highway 12; then west along Highway 12 to the Satsop River and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 658-North River (Grays Harbor and Pacific counties): Beginning at the U.S. Highway 101 bridge across the Chehalis River in Aberdeen; then west along the Chehalis River to the river mouth; then west along the southern shore of Grays Harbor to the Pacific Ocean; then south along the Pacific Ocean to Willapa Bay; then east in Willapa Bay to the mouth of the Willapa River; then east up the Willapa River to U.S. Highway 101 in the City of Raymond; then north along U.S. Highway 101 to the Chehalis River Bridge and the point of beginning; also Rennie Island. (See Washington Atlas & Gazetteer)

GMU 660-Minot Peak (Grays Harbor and Pacific counties): Beginning at the junction of U.S. Highway 101 and U.S. Highway 12 in Aberdeen; then south along U.S. Highway 101 to the Smith Creek Road; then east along the Smith Creek Road to its junction with the North River Road; then east along the North River Road through Brooklyn and continuing east along the Brooklyn-Oakville Road to the town of Oakville; then north along U.S. Highway 12 to Elma; then west along U.S. Highway 12 to U.S. Highway 101 and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 663-Capitol Peak (Grays Harbor and Thurston counties): Beginning at the intersection of Highway 8 and Highway 12 near Elma; then southeast along U.S. Highway 12 to its junction with the Moon Road; then north on the Moon Road to the Gate-Mima Road; then northeast on Gate-Mima Road to Waddell Creek Road; then northeast and then northwest on Waddell Creek Road to Delphi Road; then

north on the Delphi Road to U.S. Highway 101; then west on Highway 101 to Highway 8; then west on Highway 8 to Elma and Highway 12 and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 666-Deschutes (Thurston County): Beginning at the mouth of the Nisqually River; then south on the Nisqually River to old Pacific Highway (Mounts Road); then southwest on old Pacific Highway (Mounts Road) to Highway 510; then southeast on Highway 510 to Yelm Highway; then southwest and west on the Yelm Highway to Spurgeon Creek Road; then south on the Spurgeon Creek Road to Rainier Road; then northwest on Rainier Road to Stedman Road; then west and south on Stedman Road to Waldrick Road; then west on Waldrick Road to Pacific Highway S.E. (Old Highway 99); then north on Pacific Highway S.E. (Old Highway 99) to McCorkle Road; then west on McCorkle Road to 113th Avenue; then west on 113th Avenue to Littlerock Road; then north on Littlerock Road to 110th Avenue; then west on 110th Avenue to Delphi Road; then north on Delphi Road to U.S. Highway 101; then northwest on Highway 101 to the Mason-Thurston county Line at Oyster Bay; then northeast and southeast through Totten Inlet, Dana Passage and Nisqually Reach to the mouth of the Nisqually River and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 667-Skookumchuck (Thurston and Lewis counties): Beginning at the old Pacific Highway (Mounts Road) Bridge on the Nisqually River; then upstream on the Nisqually River to Alder Lake; then along the north shore of Alder Lake to the town of Elbe and Highway 7; then south on Highway 7 to Highway 508 at Morton; then west on Highway 508 to the Centralia-Alpha Road; then west on the Centralia-Alpha Road and Salzer Road to Pearl Street; then north on Pearl Street to Highway 507; then northwest on Highway 507 to Interstate 5 then north on Interstate 5 to U.S. Highway 12; then west on Highway 12 to Moon Road; then north on Moon Road to the Gate-Mima Road; then northeast on the Gate-Mima Road to Waddell Creek Road; then northeast on the Waddell Creek Road to the Delphi Road; then south on the Delphi Road to 110th Avenue; then east on 110th Avenue to Littlerock Road; then south on Littlerock Road to 113th Avenue; then east on 113th Avenue to McCorkle Road; then east on McCorkle Road to Pacific Highway S.E. (Old Highway 99); then south on Pacific Highway S.E. (Old Highway 99) to Waldrick Road; then east on Waldrick Road to Stedman Road; then north and east on Stedman Road to Rainier Road; then southeast on Rainier Road to Spurgeon Creek Road; then north on Spurgeon Creek Road to the Yelm Highway; then east and northeast on Yelm Highway to Highway 510; then northwest on Highway 510 to Pacific Highway; then northeast on Pacific Highway to the Nisqually River and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 669-Palix (Pacific County): Beginning at the U.S. Highway 101 Bridge across the Willapa River in Raymond; then west along the Willapa River to Willapa Bay; then south along the east shore of Willapa Bay to the mouth of the North Nemah River; then northeast up the North Nemah River and Williams Creek to the North Nemah Road Crossing (or North Nemah A Line); then east on the North Nemah A Line to the Williams Creek A Line; then northeast on the Williams Creek A Line to the C2000 Line to the Trap Creek A Line; then east on the Trap Creek A Line (on the north side of the Trap Creek Lookout) to the Bonneville Power Line Road; then north on the Bonneville Powerline Road to its junction with State Highway 6; then northwest along Highway 6 to its junction with U.S. Highway 101 in the City of Raymond; then north along U.S. Highway 101 to the bridge across the Willapa River and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 672-Fall River (Pacific, Lewis and Grays Harbor counties): Beginning at the junction of U.S. Highway 101 and State Highway 6 in Raymond; then east along State Highway 6 to Doty Road (Stevens Road); then northwest on Stevens Road to the Elk Creek Road (in Doty); then west on the Elk Creek Road to the 7000 Road; then west on the 7000 Road to the 7800 Road; then west on the 7800 Road to the 720 Road; then northeast on the 720 Road to Garrard Creek Road; then north on the Garrard Creek Road to the Brooklyn-Oakville Road; then east along the Brooklyn-Oakville Road, North River Road, to the Smith Creek Road; then southwest along the Smith Creek Road to U.S. Highway 101; then south on U.S. Highway 101 to its junction with State Highway 6 and the point of the beginning. (See Washington Atlas & Gazetteer)

GMU 678-Nemah (Pacific and Wahkiakum counties): Beginning at the mouth of the North Nemah River on Willapa Bay; then northeast

up the North Nemah River and Williams Creek to the North Nemah Road Crossing (or North Nemah A Line); then east on the North Nemah A Line to the Williams Creek A Line to the C2000 line to the Trap Creek A Line; then east along the Trap Creek A Line (north side of Trap Creek Lookout) to the Bonneville Powerline Road; then south along the Powerline Road to the Salmon Creek Road; then southwest along the Salmon Creek Road to State Highway 4; then west along State Highway 4 to its junction with U.S. Highway 101 at Johnson's Landing and continuing west along U.S. Highway 101 to the Naselle River bridge; then down the Naselle River to Willapa Bay; then north along the shore of Willapa Bay to the mouth of the North Nemah River and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 681-Bear River (Pacific and Wahkiakum counties): Beginning at the Deep River Bridge on State Highway 4; then down the Deep River to the Columbia River; then west along the Columbia River to the mouth of the Wallacut River; then up the Wallacut River to U.S. Highway 101; then northwest on U.S. Highway No. 101, north on Alternate U.S. Highway No. 101 and northeast on U.S. Highway 101 to the Bear River; then down the Bear River to Willapa Bay; then north along the shore of Willapa Bay to the mouth of the Naselle River and up the Naselle River to U.S. Highway 101; then east along U.S. Highway 101 to its junction with State Highway 4 at Johnson's Landing; then southeast along State Highway 4 to the Deep River Bridge and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 684-Long Beach (Pacific County): The Long Beach Peninsula and those lands west of the following line; beginning at the mouth of Bear River; then up the Bear river to U.S. Highway 101; then southwest along U.S. Highway 101 to Alternate U.S. Highway 101; then south along Alternate U.S. Highway 101 to U.S. Highway 101; then southeast along U.S. Highway 101 to the Wallacut River; then down the Wallacut River to the Columbia River. (See Washington Atlas & Gazetteer)

DEER AREA DESCRIPTIONS

Deer Area No. 001 Champion North (Pierce County): Beginning at the point where the Bonneville Power Transmission Line crosses the Carbon River (about 14 miles northwest of Carbonado); then south and west up the Carbon River to where it intersects State Highway No. 165; then south and east along State Highway No. 165 to where it intersects the Mt. Rainier National Park boundary; then south along said boundary to where it intersects the North Fork Puyallup River; then north and west down the North Fork Puyallup River and the Puyallup River to where it intersects the Bonneville Power Transmission Line (about three miles south of Orting); then north and east along said power transmission line to the point of beginning. (See Washington Atlas & Gazetteer)

Deer Area No. 002 Champion South (Pierce County): Beginning at the point where Champion's 1 Road crosses the Puyallup River (approximately 1 1/2 miles NE of Kapowsin) then southeast up the Puyallup River to the confluence with Deer Creek; then south up Deer Creek to where it intersects the 243 Road; then northwest along the 243 Road to where it intersects the 24 Road; then southwest along the 24 Road to where it intersects the 3270 Road; then west along the 3270 Road to where it intersects the 327 Road; then southwest along the 327 Road to where it crosses Busy Wild Creek (near Lake Lorraine); then west down the Busy Wild Creek to its confluence with the North Fork Mashel River; then up the North Fork Mashel River (about 1 mile) to the point nearest the southernmost extension of the 311 Road (T16N, R6E, Sec. 19, SW 1/2 of SW 1/2); then in a line to the 311 Road; then along 311 Road to where it intersects the 3113 Road; then north along the 3113 Road to where it intersects the 843 Road; then along the 843 Road to where it intersects the 84 Road; then along the 84 Road to where it intersects the 8 Road; then north along the 8 Road to where it intersects the 82 Road; then along the 82 Road to where it intersects the township line between Townships 16 & 17 North, W.M.; then west on said line to where it intersects the range line between Ranges 4 & 5 East, W.M.; then north on said line to northwest corner of Sec. 31, T17N, R5E; then east on section line between sections 30 and 31, T17N, R5E to 1/4 corner (Champion ownership); then north from said corner along ownership line to the point closest to the southernmost extension of the 0-100 Road (approx. 3/4 mile); then in a northwest line to the 0-100 Road, then along the 0-100 Road to where it intersects with Ohop Creek; then northwest along Ohop Creek to where it empties into Lake Kapowsin; then

northeast along the east shore of Lake Kapowsin to the point closest to the start of the 1 Road; then along the 1 Road to point of beginning. (See Washington Atlas & Gazetteer)

Deer Area No. 010 Pyramid (Chelan County): That part of GMUs 306 and 304 beginning at the Glacier Peaks Wilderness and Lake Chelan; then south along Lake Chelan to Corral Creek Campground; then west to the intersection of trail #1433 and Butte Trail #1440; then northwest along Butte Trail #1440 to South Pyramid Trail #1439; then southwest to intersection of trail #1437; then due west to Trail #1434; then northwest to Trail #1435; then south to Trail #1400; then southeast to Garland Creek; then west to Garland Peak; then north along trail #1408 to Trail #1515; then south to Trail #1530; then west to trail #1509; then south to Trail #1527; then north to Estes Butte and continuing along the Glacier Peaks Wilderness boundary to beginning. (See Wenatchee National Forest map)

Deer Area No. 030 Squaw Creek (Benton, Kittitas, Yakima counties): That portion of GMU 370 north of State Highway 24. (See Washington Atlas and Gazetteer)

Deer Area No. 040 Foss River (King County in the Alpine Lakes Wilderness Area): Beginning at the intersection of the Dingford Creek Trail (USFS Trail 1005) and the Alpine Lakes Wilderness Area boundary; then north along USFS Trail 1005 to Little Myrtle Lake; then in a northeast line approximately one-half mile to Marlene Lake; then down the tributary from Marlene Lake to its intersection with USFS Trail 1072 near Lake Dorothy; then north along USFS Trail 1072 to its intersection with the Alpine Lakes Wilderness Area boundary; then north and east along the wilderness boundary to the Pacific Crest Trail at Hope Lake; then south along the Pacific Crest Trail to Ridge Lake; then in a northwest direction approximately one-half mile to Gravel Lake; then down the Gravel Lake tributary to Goat Creek; then down Goat Creek to its intersection with Alpine Lakes Wilderness Area boundary; then north and west along the wilderness area boundary to the point of beginning. (See Washington Atlas and Gazetteer)

Deer Area 041 Pilchuck (Snohomish and King counties): Beginning at the mouth of the Stillaguamish River; then up the Stillaguamish River to Arlington; then northeast along Highway 530 to a point in Section 10, T32N, R7E where it intersects with the City of Seattle power transmission line; then southwest along the transmission line to the point where it crosses the divide between Jim Creek and the north fork of Canyon Creek (Section 11, T31N, R7E), then down the north fork of Canyon Creek and Canyon Creek to the south fork Stillaguamish River, then down the Stillaguamish River to Jordan Road, then along Jordan Road to Granite Falls then south along Menzel Lake Road to the Pilchuck River Road (P-5000); then east on P-5000 Road to Culmback Dam (Spada Lake); then southeast on Culmback Dam Road to Sultan Basin Road at Olney Pass; then south on Sultan Basin Road to Kellogg Lake Road to U.S. Highway 2 east of Sultan; then west on Highway 2 to Monroe; then south on Highway 203 to Duvall; then north down the Snoqualmie River to the Snohomish River and down the Snohomish River to Puget Sound; then north along the shore of Puget Sound to the mouth of the Stillaguamish River and the point of beginning. (See Washington Atlas and Gazetteer or Mount Baker/Snoqualmie National Forest map).

Deer Area 042 Tolt (King and Snohomish counties): Beginning at intersection of Highway 202 and the Tokul Creek Road S.E. (near Snoqualmie Falls); then north on Tokul Creek Road S.E. and onto S.E. 53rd Way then onto the S.E. 53 Road; then along S.E. 53rd Road to its junction with the Weyerhaeuser mainline; then north on Weyerhaeuser mainline road through Gate 4 onto the Weyerhaeuser mainline truck road; then north on Weyerhaeuser mainline truck road (approximately 23 miles) to its junction with Proctor Creek Road; then north on Proctor Creek Road to its junction with Highway 2; then west on Highway 2 to its junction with Highway 203 at Monroe; then south on Highway 203 to its junction with Highway 202; then east along Highway 202 to the point of beginning. (See Washington Atlas and Gazetteer or Weyerhaeuser Recreational Map and Thomas Brothers Guide.)

Deer Area No. 060 Olympic Wilderness (Clallam, Jefferson, Grays Harbor and Mason counties): The Buckhorn, Colonel Bob, Mt. Skokomish, the Brothers and Wonder Mountain Wilderness areas of Olympic National Forest. (See Olympic National Forest map for these primitive roadless areas)

Deer Area No. 061 Marrowstone Island (Jefferson County): Marrowstone Island in Jefferson County. (See Washington Atlas and Gazetteer)

ELK AREA DESCRIPTIONS

Elk Area No. 001 Trinidad (Grant and Douglas counties): All of Douglas and Grant counties except closed in the corridor described as follows: Beginning at East Wenatchee and following a line parallel to and one-half mile north and east of Highway No. 28 from East Wenatchee to a point in Grant County one-half mile north of SR 28 on Road "U" N.W.; then south on Road "U" N.W. to Road "9" N.W.; then west on Road "9" N.W. To the Ancient Lake Road; then south on the Ancient Lake Road to the northwest corner of Sec. 8, T19N, R23E W.M. (yellow cattle guard); then west to midstream of the Columbia; then north up midstream of the Columbia River to East Wenatchee and the point of beginning. (See official road map of Douglas and Grant counties)

Elk Area No. 002 Caribou (Kittitas County): Beginning at the Highline Canal; then north along the Reecer Creek Road and USFS 35 Road to the junction at the USFS 3517 Road; then east and south along USFS 3517 Road and Lillard Hill Road to the Bonneville Powerlines; then east along the Bonneville Powerlines to the Colockum Pass-Brushy Road (cattle guard); then east along the Brushy Road to the Crossover Road; then south along the Crossover Road to the Perkins/Caribou junction; then east along the Perkins Road to the Beacon Ridge Road; then south along the Beacon Ridge Road to the Old Vantage Highway; then south along a county service road to Interstate #90; then west along Interstate #90 to the Highline Canal near the Stevens Road; then northwest along the Highline Canal to the point of beginning. (See Department of Wildlife map)

Elk Area No. 003 Kingsbury (Chelan, Kittitas counties): That portion of GMU 314 which lies east of the Stemilt Creek, Stemilt Creek Road, Stemilt Hill Road, Stemilt Loop Road and Jump Off Ridge Road. (See Washington Atlas & Gazetteer)

Elk Area No. 004 Wenatchee (Chelan, Kittitas and Okanogan counties): GMUs 300, 304, 306, 308, 316, that portion of 302 which lies in Chelan County; and that portion of 314 which lies west of the following boundaries: Beginning at the mouth of the Stemilt Creek at the Columbia River, south up Stemilt Creek to the Stemilt Creek Road to the Stemilt Hill Road; then east and south along the Stemilt Hill Road to the Stemilt Loop Road; then east along the Jump Off Road to the Jump Off Ridge Road (Bonneville Powerlines); then south along the Jump Off Ridge Road to the Naneum Ridge Road. (See Washington Atlas & Gazetteer)

Elk Area No. 025 Backbone (Lewis County): Beginning at State Highway No. 12 at the Pacific Crest Trail; then northwest and southwest along State Highway No. 12 to Coal Creek in Sec. 1, Twp. 13N., R 9 E.W.M.; then north along the range line between Ranges 9 and 10 E.W.M., across the Cowlitz River to the Gifford Pinchot National Forest boundary in the NE corner of Sec. 1, Twp. 13N., R 9 E.W.M.; then southwest along the National Forest Boundary to the Skate Creek Road (first contact) in Sec. 9, Twp. 13N., R 9 E.W.M.; then northwest along the Skate Creek Road to the mouth of Horse Creek and the south boundary of Mt. Rainier National Park; then east along the south Park boundary to the Pacific Crest Trail; then south along the Pacific Crest Trail to State Highway No. 12 and the point of beginning. (See Gifford Pinchot National Forest map)

Elk Area No. 029 Toledo (Lewis County): Beginning at the Cedar Creek Bridge along State Highway No. 505; then northeast up Cedar Creek approximately 4 miles to the Weyco 1970 line; then north and west along the Weyco 1970 line approximately 3.5 miles to the Weyco 1800 line; then north along the Weyco 1800 line approximately 1 mile to the Evans Road; then southwest along the Evans Road to the Layton Road; then south along the Layton Road to State Highway No. 505; then east and southeast along State Highway No. 505 to Cedar Creek Bridge and the point of beginning. (See Washington Atlas & Gazetteer)

Elk Area No. 030 Reecer Creek (Kittitas County): Beginning at the Highline Canal; then north along the Reecer Creek Road and USFS 35 Road to the junction of the USFS 3517 Road; then east and south along the USFS 3517 Road and Lillard Hill Road to the Wilson Creek Road to the Highline Canal; then west along the Highline Canal to the point of beginning. (See Wenatchee National Forest map)

Elk Area No. 031 Shushuskin (Kittitas County): Beginning at Damon Road and the Yakima River; then west along Damon Road to Manastash Road; then west on Manastash Road to Cove Road; then south on Cove Road to Umtaneum Creek; then east (downstream) along Umtaneum Creek to the Yakima River; then north along the Yakima River to the point of beginning. (See Washington Atlas and Gazetteer)

Elk Area No. 032 Malaga (Kittitas and Chelan counties): Beginning at the power line on the Columbia River (approximately 3/4 mile downstream from Colockum Creek); then west and south along the Powerline Road to the intersection with the North Fork Tarpiscan Creek Road (Section 9, T20N, R21E); then north and west along North Fork of Tarpiscan Creek Road to Colockum Pass Road (Section 9, T20N, R21E); then south and west on Colockum Pass Road to section line between Sections 8 and 9 as well as Sections 4 and 5 (T20N, R21E) and Sections 32 and 33 (T21N, R21E); to Mose Carr Road; then west and north on Mose Carr Road to Jumpoff Road; then south and west on Jumpoff Road to Shaller Road; then north and west on Shaller Road to Upper Basin Loop Road; then north and west on Upper Basin Loop Road to Wheeler Ridge Road; then north on Wheeler Ridge Road to the Basin Loop Road (pavement) in Section 10 (T21N, R20E); then north on the Basin Loop Road to Wenatchee Heights Road; then west on Wenatchee Heights Road to Squilchuck Road; then south on Squilchuck Road to Beehive Road (USFS Road 9712); then northwest on Beehive Road to USFS Road 7100 near Beehive Reservoir; then north and west on USFS Road 7100 to Peavine Canyon Road (USFS Road 7101); then north and east on Peavine Canyon Road to Number Two Canyon Road; then north on Number Two Canyon Road to Crawford Street in Wenatchee; then east on Crawford Street to the Columbia River; then south and east along the Columbia River to the powerline south of Colockum Creek and point of beginning. (See Washington Atlas and Gazetteer)

Elk Area No. 033 Peshastin (Chelan County): Beginning at Crawford Street and the Columbia River in Wenatchee; then west on Crawford Street and Number Two Canyon Road to USFS #7101 Road (Peavine Canyon); then west on USFS #7101 Road to Mission Creek Road; then north on Mission Creek Road to USFS #7104 Road (Sand Creek); then west on USFS #7104 Road (Sand Creek) to Camas Creek; then west up Camas Creek to where Camas Creek crosses USFS #7200 Road, T22N, R18E, Section 4; then north along USFS #7200 Road to Highway #97; then north on Highway #97 to USFS #7300 Road (Mountain Home Road); then north on the USFS #7300 Road to the Wenatchee River at Leavenworth; then down the Wenatchee River and Columbia River to the point of beginning. (See Washington Atlas and Gazetteer)

Elk Area No. 034 Parke Creek (Kittitas County): Beginning at the Highline Canal on Parke Creek Road; then north to the BPA Powerlines; then west along BPA Powerlines (through Sections 22, 16, 8, 5, and 6) to the Cook Canyon Road; then north on Cook Canyon Road to Bonneville Powerlines (Section 19); then west along Bonneville Powerlines to Wilson Creek Road; then south on the Wilson Creek Road to the Highline Canal; then southeast along the Highline Canal to point of beginning.

Elk Area No. 039 Backbone (Lewis County): Legal description same as Elk Area No. 025 (Backbone) (See Gifford Pinchot National Forest Map)

Elk Area No. 051 Doty (Lewis and Pacific counties): Beginning on State Highway 6 at the town of Adna, then west on Highway 6 to Stevens Road, then northwest on Stevens Road to Elk Creek Road (Doty), then west on Elk Creek Road to the 7000 Road, then west on the 7000 Road to the 7800 Road, then west on the 7800 Road to the 720 Road, then northeast on the 720 Road to Garrard Creek Road, east on Garrard Creek Road to Manners Road, then south on Manners Road to Lincoln Creek Road, then east along Lincoln Creek Road to Ingalls Road, then south and east on Ingalls and Bunker Creek roads to the town of Adna and point of beginning. (See Washington Atlas & Gazetteer)

Elk Area No. 052 Mayfield (Lewis County): Beginning at the junction of Highway 12 and the Winston Creek Road; then southeast and north along the Winston Creek Road, Longbell, Perkins, Green Mountain roads to Riffe Lake; then west and northwest along the shoreline of Riffe Lake to the Cowlitz River; then west along the Cowlitz River to Highway 12; then west along Highway 12 to the Winston Creek Road and the point of beginning. (See Washington Atlas & Gazetteer)

Elk Area No. 053 Randle (Lewis County): Beginning at State Highway 12 and the Cispus Road in the town of Randle; then east along Highway 12 to the Bennett Road approximately one (1) mile east of Cora Bridge; then west on Bennett and C line roads to the Cispus Road; then north on said road to the town of Randle and the point of beginning. (See Gifford Pinchot National Forest map)

Elk Area No. 054 Boistfort (Lewis County): Beginning at the town of Vader; then west along State Highway 506 to the Wildwood Road; then north along the Wildwood Road to the Abernathy 500 line gate (Sec. 20, T11N, R3W, Willamette Meridian); then northwest along the 500, 540, and 560 lines to the Weyerhaeuser 813 line; then northwest along the 813, 812, 5000J, 5000 and 4000 lines to the Pe Ell/McDonald Road (Sec. 15, T12N, R4W[]); then west along the Pe Ell/McDonald Road to the Lost Valley Road; then northeast along the Lost Valley Road to the Boistfort Road; then north along the Boistfort Road to the King Road; then east along the King Road to the town of Winlock and State Highway 603; then south along Highway 603 to the Winlock/Vader Road; then south along said road to the town of Vader and the point of beginning. (See Washington Atlas & Gazetteer)

Elk Area No. 055 East Valley (Wahkiakum County): Within one mile on either side of the line beginning at Wilson Creek Park on East Valley Road; then west on East Valley Road to the junction with Middle Valley Road (4.5 miles); then north along Middle Valley Road to the junction of Oat Field Road (2.5 miles). (See Washington Atlas & Gazetteer)

Elk Area No. 057 Carlton (Lewis County): That part of unit 514 (Tatoosh) lying east of Highway No. 123 and north of Highway No. 12. (See Gifford Pinchot National Forest map)

Elk Area No. 058 West Goat Rocks (Lewis County): Goat Rocks Wilderness west of the Cascade Crest Trail. (See Gifford Pinchot National Forest map)

Elk Area No. 059 Mt. Adams Wilderness (Skamania and Yakima counties): The Mt. Adams Wilderness (See Gifford Pinchot National Forest map)

Elk Area No. 061 Mt. Tebo (Mason County): Beginning at the junction of the North Fork and South Fork of the Skokomish River; then northwest along the South Fork to the boundary of Olympic National Park; then east along the National Park boundary to the North Fork of the Skokomish River; then southeast down the North Fork of the Skokomish River through Lake Cushman; then south down the North Fork of the Skokomish River to the South Fork of the Skokomish River and the point of beginning. (See Olympic National Forest Map)

Elk Area No. 065 Willapa Valley (Pacific County): That part of Pacific County within two miles of State Highway 6 between Menlo and the eastern most junction of Elk Prairie Road and State Highway 6. (See Washington Atlas & Gazetteer)

Elk Area No. 066 Twin Valley (Grays Harbor County): Beginning in the City of Hoquiam at the junction of U.S. Highway No. 101 and the East Hoquiam Road; then north on the East Hoquiam Road to its junction with the East Hoquiam Cutoff Road in Sec. 21, T19N, R9 W.W.M.; then east on the East Hoquiam Cutoff Road to its junction with the Wishkah Road; then south on the Wishkah Road to its junction with the Wishkah-Wynoochee Crossover Road in Sec. 35, T19N, R9 W.W.M.; then east on the Wishkah-Wynoochee Crossover Road to its junction with the Donovan Corkey A line; then north on the A line to its junction with the A 2200; then east on the A 2200 Road to its junction with the A 2210; then south on the A 2210 Road to a point crossed by the township line between Twp 20N and 19N; then east on the township line to its junction with the Wynoochee River Road; then south along the Wynoochee River Road to U.S. Highway No. 12; then west along U.S. Highway 12 to its junction with U.S. Highway No. 101 in the City of Aberdeen, then west on U.S. Highway 101 to the City of Hoquiam and junction with the East Hoquiam Road and the point of beginning. (See Washington Atlas & Gazetteer)

Elk Area No. 067 South Willapa (Pacific County): Beginning in the City of South Bend at the junction of U.S. Highway 101 and the Skidmore Slough C-line; then south on the Skidmore Slough C-line to its junction with the B-line in Sec. 11, T13N, R9 W.W.M.; then southeast on the B-line to its junction with the A-line in Sec. 18, T13N, R8 W.W.M.; then east and north on the A-line to its junction with the South Fork Willapa Road; then east along the South Fork Willapa Road to State Highway No. 6, Sec. 10, Twp. [Twp.] 13 N.,

R. 8 W.W.M.; then northwest on State Highway No. 6 to its junction with U.S. Highway 101; then southwest on U.S. Highway 101 to its junction with the Skidmore Slough C-line and the point of beginning. (See Washington Atlas & Gazetteer)

Elk Area No. 069 Chinook (Pacific County): Beginning at the junction of U.S. Highway 101 and Lingenfelter Road west of the town of Chinook; then northwest on Prest Road to its junction with Chinook Valley Road; then west on Chinook Valley Road to its intersection with the east branch of the Wallicut River; then north along the Wallicut River to its intersection with Highway 101; then west on Highway 101 to the junction of Highway 101 alternate; then south on Highway 101 alternate to Highway 101; then east on Highway 101 to Prest Road and the point of beginning. (See Washington Atlas & Gazetteer)

BOW AND ARROW AREA DESCRIPTIONS

Bow Area No. 802 Long Island (Pacific County): Long Island in Pacific County. (See Washington Atlas & Gazetteer map)

Bow Area No. 806 Rattlesnake (Yakima County): Beginning at the point where USFS Road #1500 crosses Little Rattlesnake Creek, near Hanging Tree Campground; then southwest up Little Rattlesnake Creek to USFS Road #1500; then north along Road #1500 to USFS Trail #1101 (MJB Trail); then northwest along MJB Trail to USFS Trail #1114; then north along Trail #1114 to USFS Trail #981; then west along Trail #981 to USFS Trail #982; then northeast along Trail #982 to USFS Trail #973; then northwest along Trail #973 to the North Fork of Rattlesnake Creek; then down the North Fork to the junction with South Fork of Rattlesnake Creek; then up the South Fork to USFS Road #1502; then east on Road #1502 to USFS Road #1500; then east on Road #1500 to Little Rattlesnake Creek and the point of beginning. (See Wenatchee National Forest map)

Bow Area No. 807 Ahtanum (Yakima County): That part of GMU 368 which lies west of the following boundary; beginning at the junction of the North and South fork of Ahtanum Creek; then northwest up North Fork of Ahtanum Creek to Nasty Creek; then north up Nasty Creek to the Nasty Creek-Cowiche Road (DNR Road #C1050); then north on Road #C1050 to South Fork of Cowiche Creek; then east down South Fork Cowiche Creek to the power line which crosses near the mouth of Reynolds Creek; then northwest along the powerline to Jump-off (USFS Road #1302). Except closed east of a north south line drawn between the South Fork and North Fork of Ahtanum Creek two miles west of the Tampico Store. (See Wenatchee National Forest map)

Bow Area No. 808 Acme (Whatcom County): Beginning at the town of Acme; then north on Highway No. 9 to the junction of the Strand Road; then east on the Strand Road and over the Van Zandt Dike following the south boundaries of Sections 21, 22 and 23 of Twp. 38 N, R 5 E to the Mosquito Lake Road; then south along the Mosquito Lake Road to the Blue Mountain Road; then east to Peterson Creek and the Musto Marsh Road; then south to Skookum Creek; then west along Skookum Creek to the South Fork Nooksack River; then continue west along the South Fork Nooksack River to the mouth of Christy Creek; then south along Christy Creek to its source; then west to Ennis Creek; then west along Ennis Creek to the Ennis Creek Road; then west along Ennis Creek Road to the Wickersham Road; then west along the Wickersham Road to Highway No. 9; then north along Highway No. 9 to Acme and the point of beginning. (See Washington Atlas & Gazetteer)

Bow Area No. 820 Malott (Okanogan County): Beginning south of the town of Riverside, then south down the Okanogan River to Highway 97 bridge at mouth of river, then west on Highway 97 through the town of Brewster to the Indian Dan Canyon Road, then north to Paradise Hill Road; then east and south along the Paradise Hill Road to the Hanford Cutoff (approximately 1/2 mile south of Rat Lake Road), then west on Hanford Cutoff to the North Star Road, then north on North Star Road to junction with Chliwist Road then east on Chliwist Road to junction with Olema/Cook Mt. Road, then north on Olema/Cook Mt. Road to its junction with Highway 20, then east on Highway 20 to the junction with Buzzard Lake Road, then north on Buzzard Lake Road to the junction with Windy Hill Road, then east on Windy Hill Road to its junction with Spring Coulee/Salmon Creek Road, then north on Spring Coulee/Salmon Creek Road to the junction with Green Lake Road, then north on Green Lake Road to the Conconully Highway then northwest on the Conconully Highway to the junction with the Riverside Cutoff Road, then northeast of the

Riverside Cutoff Road to the town of Riverside and the Okanogan River and the point of beginning. (See Washington Atlas & Gazetteer)

Bow Area No. 831 Hamilton (Skagit County): Beginning at the point where State Highway No. 20 crosses Child's Creek approximately one mile west of Lyman; then east along Highway No. 20 to the Burpee Hill Road at Concrete; then north along said road to the Baker Lake Highway; then west along said highway to the DNR Road N. 2400; then continue west along said line to the DNR 2000 line; then north along said line to the DNR 2800 line; then west along said line to the DNR 2900 line; then west along said line to the Scott Paper Mainline; then north along said line to the Scott Paper 1:10 line; then continue west along said line to where it crosses Child's Creek; then south down said creek to State Highway No. 20 and point of beginning. (See Washington Atlas & Gazetteer)

Bow Area No. 832 Coleman (Kittitas County): Beginning on Naneum Creek at the lower BPA Powerline (T19N, R19E, Sec. 20); then north and west along Naneum Creek to USFS Road 3530 (T21N, R18E, Sec. 36); then northwest on USFS Road 3530 to USFS Road 9712; then southwest on USFS Road 9712 to USFS Road 9718, then southwest on USFS Road 9718 through Liberty to US Highway 97 (T20N, R17E, Sec. 10); then north and east on US Highway 97 to USFS Road 9716 at Swauk Pass; then south on USFS Road 9716 to USFS Road 9712, then east on USFS Road 9712 to the west edge of section 22 (T21N, R19E); then southeast along the ridge past Mission Peak to Wenatchee Mountain and Naneum Ridge Road (WDW Road 9); then southeast along Naneum Ridge Road to the northwest corner of the Arthur Coffin Game Reserve at Four Corners, then southwest along the western edge of the Arthur Coffin Game Reserve to the southwest corner of the Arthur Coffin Game Reserve between sections 20 and 29 (T20N, R20E); then east along the southern boundary of the Arthur Coffin Game Reserve to the Colockum Pass Road (WDW Road 10); then south and west on Colockum Pass Road (WDW Road 10) to the lower BPA Powerline between sections 5 and 6 (T18N, R20E); then northwest along the lower BPA Powerline to Naneum Creek and point of beginning. (See Wenatchee National Forest and WDW Naneum Green Dot Maps)

MUZZLELOADER AREA DESCRIPTIONS

Muzzleloader Area No. 908 Acme (Whatcom County): Same as Bow Area No. 808. (See Washington Atlas & Gazetteer)

Muzzleloader Area No. 910 Cle Elum (Kittitas County): Beginning at Easton; then southeast along the main BPA Powerlines to the Fowler Creek Road (4517); southeast on Spur Road 117 to Granite Creek Trail #1326; then south on Trail #1326 to the top of South Cle Elum Ridge; then east along the ridge on Trail #1326 to Spur Road ((H9)) 111; then ((north)) east on Road ((H9)) 111 to the Peoh Point Road (3350); then ((south)) southeast on Road 3350 to the junction with Road 3352; then east on ((the)) Road 3352 ((Road)) to the Cedar Creek Road; then ((north on the Microwave Road to Sky Meadows and Casassa Road to the BPA Powerlines; then east along the BPA Powerlines to Highway 10; then east along Highway 10 to the junction with Highway 97; then north on Highway 97 to the Lower Green Canyon Road; then north to Upper Green Canyon Road to the junction of the First Creek Road; then west on the First Creek Road)) south on the Cedar Creek Road to the Morrison Canyon Road; then southeast on the Morrison Canyon Road to Interstate Highway 90; then east on I-90 to Exit 106 and junction with Highway 97; then north on Highway 97 to Hungary Junction Road and east on Hungary Junction Road to Look Road; then north on Look Road and east on Alford Road to the Wilson Creek Road; then north on Wilson Creek Road to the Lillard Hill Road; northwest on Lillard Hill Road to USFS Road 3517; then northwest on USFS Road 3517 to the Reecer Creek Road, USFS Road 35, then south on USFS Road 35 to USFS Road 3507 and then northwest on USFS Road 3507 to Spur Road 120 (Snowshoe Ridge Road); then west on Spur Road 120 (Snowshoe Ridge Road) to Spur Road 114; then north and south on Spur Road 114 to Spur Road 116; then north on Spur Road 116 to USFS Road 9718; then southwest on USFS Road 9718 (Cougar Gulch Road) through the town of Liberty to Highway 97; then north on Highway 97 to USFS 9738, ((f))Blue Creek((g)); then west on USFS 9738 to USFS 9702 ((f))Dickey Creek((g)); then ((southwesterly)) west on Road 9702 to the ((Dickey Creek Road; then west on USFS 9702 to the)) North ((Fork)) Teanaway Road; then south to the junction with ((West)) Middle Fork Teanaway Road; then ((south)) west on Middle Fork Road ((to Bible Camp)) 1/4 mile to Teanaway Campground; then south up Camp #17 Canyon Road to Cle Elum Ridge Road; then

west on Cle Elum Ridge Road to the bottom of #5 Canyon Road; then south to Highway 903 and Bullfrog Road (Sportland Mini-Mart); then south on Bullfrog Road to Interstate Highway 90; then west on Interstate Highway 90 to Easton and point of beginning. (See Wenatchee National Forest map and Washington Atlas and Gazetteer)

Muzzleloader Area No. 921 Baleville (Pacific County): Beginning at the junction of the Hammond Road and U.S. Highway 105; then north on the Hammond Road to the radio towers; continue north on the D 2100 line to its junction with the D-line; then northwest along the D-line (also known as the Rayonier 2720) to its junction with the Rayonier 2700 line, then southwest on the Rayonier 2700 line to its junction with Highway 105; then east on Highway 105 to the Hammond Road and point of beginning. (See Washington Atlas & Gazetteer.)

Muzzleloader Area No. 925 Ritzville (Adams County): Beginning at the junction of Interstate 90 and S.R. 261 near the town of Ritzville, then south along S.R. 261 to Washtucna, then east on S.R. 26 to the Whitman County line, then north along the Adams, Whitman County line to where it intersects the Lincoln, Adams County line, then north along the Adams, Lincoln County line to Interstate 90, then west along Interstate 90 to point of beginning. (See Washington Atlas & Gazetteer)

Muzzleloader Area No. 940 Coal Creek (Skagit County): Beginning at the point where State Highway No. 20 crosses Childs Creek approximately one mile west of Lyman; then north up said creek to Crown Pacific 110 Road; then west along said road to Crown Pacific 130 Road; then west along said road to Crown Pacific 132 Road; then continue west along said road to where it crosses Hansen Creek; then south down Hansen Creek to State Highway No. 20; then east along State Highway No. 20 to Childs Creek and point of beginning.

Muzzleloader Area No. 944 Clemen (Yakima County): That portion of GMU 342 beginning at the junction of Highway #410 and USFS Road #1701 (Big Bald Mountain Road); then north to USFS Road #1712; then east on USFS Road #1712 (Clemen Ridge Road) to the east edge of Meyster Canyon; then along the east side of Meyster Canyon to the elk fence; then west along the elk fence to Waterworks Canyon and Highway #410 and to point of beginning. (See Wenatchee National Forest map)

Muzzleloader Area No. 950 Toutle Mountain (Cowlitz County): Beginning at the confluence of the South Fork Toutle River and the North Fork Toutle River; then up the S.F. Toutle River to Johnson Creek; then up Johnson Creek to the Weyerhaeuser Company 4400 [440] Road; then northeast on the 440 [4400] Road to the 2421 Road; then north to the 2400 Road; then east on the 2400 Road to Alder Creek; then north down Alder Creek to the North Fork Toutle River; then west down the North Fork Toutle River to the confluence with the South Fork Toutle River and point of beginning. (See Washington Atlas & Gazetteer)

Muzzleloader Area No. 961 Hoko River (Clallam County): Within one mile of the Hoko County Road between Highway 112 and the Olympic National Park boundary near Lake Ozette. (See Olympic National Forest Map)

Muzzleloader Area No. 962 Elwha (Clallam County): Beginning at the U.S. Highway 101 Bridge on the Elwha River; then south on the Elwha River to the Olympic National Park boundary; then along Olympic National Park boundary to the section line between Sections 32 and 33 of T 30 N, R 7 W. W. M.; then north on the section lines to U.S. Highway 101; then east on U.S. Highway 101 to Elwha River and point of beginning. (See Washington Atlas and Gazetteer)

Goat Unit 2-1 Mount Chopaka:

Permit Area: Okanogan County within the following described boundary: Beginning where the Similkameen River crosses the Canadian boundary near Mt. Chopaka; then south down said river and up Palmer Lake and Sinlahekin Creek to Toats Coulee Creek; then west up said creek and north up the North Fork Toats Coulee Creek to Snowshoe Mountain and the Canadian boundary; then east along the Canadian boundary to the Similkameen River and point of beginning; EXCEPT CLOSED in Township 39 North, Range 25EWM, which includes Grandview Mountain.

Goat Unit 2-2 Methow Area:

Permit Area: Okanogan County within the following described boundary: Beginning at the Town of Twisp, westerly along the Twisp River Road (County Road #4440) to roads end; westerly up the Twisp Pass Trail #432 to Twisp Pass and the Okanogan County line; northerly along the Chelan-Okanogan County line through Washington Pass to the Cascade Summit; northerly along the Cascade Summit and the Okanogan County line to Harts Pass; southeast down Harts Pass (Road #5400) to Lost River; then along the Lost River-Mazama Road to Mazama; then southeasterly along State Highway 20 to Twisp and the point of beginning.

Goat Unit 3-1 East Stevens Pass:

Permit Area: Chelan County within the following described boundary: Beginning at Stevens Pass; then north along the Cascades Summit to Cady Pass and the source of the Little Wenatchee River; then down the Little Wenatchee River, Lake Wenatchee and the Wenatchee River to U.S. Highway 2; then north and west along U.S. Highway 2 to Stevens Pass and point of beginning EXCEPT those lands within 1/2 mile of Alpine Lookout.

Goat Unit 3-2 North Wenatchee Mountains:

Permit Area: Chelan County south of the Stevens Pass Highway, west of the Blewett Pass Highway, and north of Ingalls Creek, and Kittitas County north of the following described line: Beginning at Ingalls Peak; then down Fortune Creek to the Cle Elum River; then up the Cle Elum River to the Cascade Summit at Deception Pass.

Goat Unit 3-3 Goat and Davis Mountains:

Permit Area: Kittitas County west of the Cle Elum River, north of the Waptus River, and east and south of Trail Creek Trail.

Goat Unit 3-4 Snoqualmie:

Permit Area: Kittitas County within the following described boundary: Beginning at Snoqualmie Pass; then north along the Cascade Crest to Deception Pass and the headwaters of the Cle Elum River; then south along the Cle Elum River to the Trail Creek Trail #1322; then southwest along the Trail Creek Trail to the Waptus River Trail #1310; then southeast along the Waptus River Trail to the Cle Elum River at the Salmon la Sac campground; then south along the Cle Elum River to the Cooper Pass Road (USFS Road 4600); then west along the Cooper Pass Road, through Cooper Pass to the road end near the Kachess River; then south along the Kachess River and Kachess Lake to Interstate Highway 90; then west along Interstate Highway 90 to Snoqualmie Pass and point of beginning.

Goat Unit 3-5 Cle Elum:

Permit Area: Kittitas and Chelan counties within the following described boundary: Beginning at the point where Interstate Highway 90 crosses the Cle Elum River; then north along the Cle Elum River to Fortune Creek; then east along Fortune Creek to Ingalls Peak and the headwaters of Ingalls Creek; then south and east along Ingalls Creek to U.S. Highway 97; then south along U.S. Highway 97 and State Highway 970 to Interstate 90 at Cle Elum; then west along Interstate 90 to the Cle Elum River and point of beginning.

Goat Unit 3-6 Naches Pass:

Permit Area: Yakima and Kittitas counties within the following described boundary: Beginning at Chinook Pass; then north along the Pacific Crest Trail to Naches Pass; then east to USFS Road 19 and continuing to State Highway 410; then west along State Highway 410 to Chinook Pass and point of beginning.

Goat Unit 3-7 Bumping River:

Permit Area: Yakima County within the following described boundary: Beginning at White Pass and the Pacific Crest Trail; then north to Forest Trail #980; then north to USFS Road 18; then north to State Highway 410; then east to State Highway 12; then west along State Highway 12 and back to point of beginning; EXCEPT Timberwolf Mountain, which is closed.

Goat Unit 3-8 Bumping River:

Permit Area: Yakima County within the following described boundary: Beginning at White Pass and the Pacific Crest Trail; then north to Forest Trail #980; then north to USFS Road 18; then north to State Highway 410; then east to State Highway 12; then west along State

Highway 12 and back to point of beginning; EXCEPT Timberwolf Mountain, which is closed.

Goat Unit 3-9 Tieton River:

Permit Area: Yakima County within the following described boundary: Beginning at White Pass and Pacific Crest Trail; then south to the Yakima Indian Reservation boundary; then east to USFS Road 1137; then west to USFS Road 1000; then north to USFS Road 12; then north to State Highway 12; then west on State Highway 12 to point of beginning.

Goat Unit 4-1 Ruth Creek Area:

Permit Area: Whatcom County within the Mt. Baker Wilderness of the Mt. Baker-Snoqualmie National Forest north of the North Fork Nooksack River.

Goat Unit 4-3 Chowder Ridge:

Permit Area: Whatcom County within the following described boundary: Beginning where Wells Creek intersects the North Fork Nooksack River; then up Wells Creek to Bar Creek; then southwest up Bar Creek to the Mazama Glacier; then continue southwest up Mazama Glacier to the summit of Mt. Baker; then northwest between Roosevelt Glacier and Coleman Glacier to Kulshan Cabin and the headwaters of Kulshan Creek and Grouse Creek to Smith Creek; then north down Smith Creek to Glacier Creek; continue north down Glacier Creek to the North Fork Nooksack River; then east along the North Fork Nooksack River to Wells Creek and the point of beginning.

Goat Unit 4-4 Lincoln Peak:

Permit Area: Whatcom County within the following described boundary: Beginning where Glacier Creek intersects with the Mt. Baker Highway (State Highway 547); then south up Glacier Creek to Smith Creek; then south up Smith Creek to Grouse Creek; then continue up Grouse Creek in a south direction to Kulshan Creek; then southeast up Kulshan Creek to Kulshan Cabin; then continue southeast between Roosevelt Glacier and Coleman Glacier to the summit of Mt. Baker; then south down Eastern Glacier to Baker Pass and the Baker Pass Trail #603 (5,000 ft.); then west along Baker Pass Trail #603 to the Ridley Creek Trail (#690); then northwest on the Ridley Creek Trail to Ridley Creek; then down Ridley Creek to the Middle Fork Nooksack River; then west down the Middle Fork Nooksack River to the Mosquito Lake Road; then north on the Mosquito Lake Road to the Mt. Baker Highway (State Highway 542); then north and east on Mt. Baker Highway (State Highway 542) to Glacier Creek and the point of beginning.

Goat Unit 4-6 Dillard Creek:

Permit Area: Whatcom County within the following described boundary: Beginning at the intersection of USFS Road 3725 and the Baker Lake Road (USFS Road 394); then west along USFS Road 3725 to Sulphur Creek; then northwest up Sulphur Creek to the Baker Pass Trail (#603) to Baker Pass (5,000 ft. elevation); then northeast up Eastern Glacier to the summit of Mt. Baker; then southeast down Park Glacier to the headwaters of Park Creek; then continue southeast down Park Creek to the Baker Lake Road (USFS Road 394); then south along the Baker Lake Road (USFS Road 394) to USFS Road 3725 and the point of beginning.

Goat Unit 4-7 Avalanche Gorge:

Permit Area: Whatcom County within the following described boundary: Beginning at the intersection of the Baker Lake Road (USFS Road 394) and Park Creek; then northwest up Park Creek to Park Glacier; then continue northwest up Park Glacier to the summit of Mt. Baker; then northeast down Mazama Glacier to the 6,500 ft. elevation; then east to the Portals; then continue east along the ridge line to Coleman Pinnacle; then northeast along the Camp Kiser Trail #683 (Ptarmigan Ridge) to the extreme southeast extension of Kulshan Ridge; then due east to the Lake Ann Trail #600; then east along the Lake Ann Trail #600 to the boundary of North Cascades National Park; then south and east along the Park boundary to the Baker River and down the Baker River to the Baker Lake Road (USFS Road 394); then west along the Baker Lake Road (USFS Road 394) to Park Creek and the point of beginning.

Goat Unit 4-8 East Ross Lake:

Permit Area: Whatcom County within the following described boundary: Beginning at the point the U.S.-Canada boundary meets the east

boundary of North Cascades National Park; then south along the Park boundary to Stetattle Creek; then south down Stetattle Creek to Gorge Lake; then southwest along Gorge Lake to State Highway 20; then east and north along State Highway 20 to Ross Dam; then north along the east shoreline of Ross Lake (Note: Exclude Ruby Arm) to Devil's Creek; then east up Devil's Creek to a tributary extending south to ridge line between Jerry Lakes and a pinnacle of Jack Mountain (7,292 ft. elevation); continue south over this ridge line into the Crater Creek Basin and Crater Creek; then down Crater Creek to its confluence with Ruby Creek; then east up Ruby Creek to Granite Creek; then continue east up Granite to the Cascades Summit; then north along the Cascades Summit to the U.S.-Canada boundary; then west along the Canadian line to the east boundary of North Cascades National Park and the point of beginning. (Notice: Jack Mountain not included in Goat Unit 4-8, East Ross Lake. See description for Goat Unit 4-9, Jack Mountain.)

Goat Unit 4-9 Jack Mountain:

Permit Area: Whatcom County within the following described boundary: Beginning at the confluence of Ruby Creek and Crater Creek; then north up Crater Creek to the ridge line between Jerry Lakes and a pinnacle of Jack Mountain (7,292 ft. elevation); continue due north to Devil's Creek; then west down Devil's Creek to Ross Lake; then south along the east shoreline of Ross Lake to Ruby Arm; then easterly up Ruby Arm and Ruby Creek to the confluence of Crater Creek and the point of beginning.

Goat Unit 4-10 Majestic Mountain:

Permit Area: Whatcom and Skagit counties within the following described boundary: Beginning at the intersection of Pyramid Creek and State Highway 20; then south up Pyramid Creek to the North Cascades National Park boundary; then east along the Park boundary to the Cascades Summit; then north along the Cascades Summit to Granite Creek; then west down Granite Creek to Ruby Creek and Ruby Arm; then continue west along Ruby Arm to Ross Lake and Ross Dam; then southwest from Ross Dam to State Highway 20; then southwest and northwest along State Highway 20 to Pyramid Creek and the point of beginning.

Goat Unit 4-12 Mt. Tommy Thompson:

Permit Area: Skagit County within the following described boundary: Beginning at the confluence of Illabot Creek on the Skagit River; then east up Illabot Creek to its headwaters; then continue east over the ridge line to the northern-most extension of Buck Creek; then north over the ridge line at 6,921 foot elevation to the southern-most extension of Muchler Creek; then northeast down Muchler Creek to Kindy Creek; then north down Kindy Creek to the Cascade River; then north and west down the Cascade River to the Skagit River; then west down the Skagit River to Illabot Creek and the point of beginning.

Goat Unit 4-14 Mt. Buckindy:

Permit Area: Skagit and Snohomish counties within the following described boundary: Beginning at the confluence of Buck Creek on the Suiattle River; then east up the Suiattle River to Sulphur Creek; then continue east up Sulphur Creek to Dome Creek; then north to Sinister Mountain and the Cascades Summit; then north along the Cascades Summit to Mt. Formidable; continue north into the headwaters at the Middle Fork Cascade River; then west down the Middle Fork Cascade River to the main Cascade River; continue west along the Cascade River to Kindy Creek; then south up Kindy Creek to Muchler Creek; then southwest up Muchler Creek to its southern-most extension; then continue southwest over the ridgetop at 6,921 foot elevation to the northern-most extension of Buck Creek; then continue southwest down Buck Creek to the Suiattle River and the point of beginning.

Goat Unit 4-16 Glacier Peak:

Permit Area: Snohomish County within the following described boundary: Beginning at Tenpeak Mountain on the Cascades Crest; then northeast to three lakes (approximately 1.75 miles northeast of Tenpeak Mountain); then north and west down the Suiattle River to Mill Creek; then up the Mill Creek Trail (#790) and the Pacific Crest Trail (#2000) to Mica Lake, Fire Creek Pass, and Glacier Creek; continuing down Glacier Creek to the White Chuck River; then up the White Chuck River to White Mountain at the Cascade Crest, then northeast along Cascade Crest to Tenpeak Mountain and the point of beginning.

Goat Unit 4-18 Sauk River Area:

Permit Area: Snohomish County within the following described boundary: Beginning at the confluence of the Whitechuck River and Pugh Creek; then south up Pugh Creek to Round Lake; then south to USFS Trail #646; then west and south down this trail to the North Fork Sauk River; then east up said river to Sloan Creek; then up Sloan Creek to June Mountain; then due south to USFS Trail #1051; then east along said trail to the Pacific Crest Trail (#2000); then north along the Pacific Crest Trail to White Mountain; then down the Whitechuck River to the confluence with Pugh Creek and the point of beginning.

Goat Unit 4-21 Liberty Mountain:

Permit Area: Snohomish County within the following described boundary: Beginning at the Boulder River bridge on the Darrington-Arlington Highway (State Highway 530) to the town of Darrington; then east along said highway to the Darrington-Clear Creek Road (USFS Road 20); then southeast along that road to the bridge over Clear Creek; then south up Clear Creek to the confluence with Helena Creek and southeast up Helena Creek to Windom Lake; then southeast over an unnamed ridge to Independence Lake and down USFS Trail #712 to intersection with USFS Road 4060; then south down said road to the South Fork Stillaguamish River; then west down said river to Canyon Creek; then northeast up Canyon Creek, North Fork Canyon Creek and Meadow Creek to Tupso Creek; then east up Tupso Creek to its easternmost point; then continue northeast to Boulder River; then north down Boulder River to the bridge on State Highway 530 and the point of beginning.

Goat Unit 4-23 Twin Peaks:

Permit Area: Snohomish County within the following described boundary: Beginning at the intersection of Falls Creek and the Mt. Loop Highway (USFS Road 322); then west up Falls Creek and along USFS Trail #645 to USFS Road 3006; then south down said road to the Mountain Loop Highway; then east and north on said highway to Falls Creek and the point of beginning.

Goat Unit 4-24 Sloan Peak:

Permit Area: Snohomish County with the following described boundary: Beginning at the confluence of the South Fork and the North Fork of the Sauk River; then east up to the North Fork Sauk River to Sloan Creek; then south and southeast up Sloan Creek to June Mountain; then due south to USFS Trail #1051; then southwest along said trail to USFS Road 63; then continue southwest on said road to Silver Creek; then north up Silver Creek to Silver Lake; then north on USFS Trail #708 to Glacier Creek; then west along said creek to the South Fork Sauk River; then north down the South Fork Sauk River to the confluence of the North Fork Sauk River and the point of beginning.

Goat Unit 4-25 Vesper Peak:

Permit Area: Snohomish County within the following described boundary: Beginning at the Mountain Loop Highway bridge over Bear Creek (approximately three miles east of Verlot); then east up said highway to USFS Trail #707; then southwest on said trail (between Sperry Peak and Morning Star Peak) to the Sultan River; then west down said river and Spada Lake to Culmback Dam; then north up unnamed creek to the Pilchuck-Sultan divide; then northwest along said divide to Ritz Creek; then northeast down Ritz Creek to the Pilchuck River; then northwest down said river to Wilson Creek; then northwest up Wilson Creek to Ashland Lakes on the Pilchuck-Stillaguamish divide; then north down Black Creek and Bear Creek drainage to the Mountain Loop Highway bridge over Bear Creek and the point of beginning.

Goat Unit 4-30 Tolt River:

Permit Area: King and Snohomish counties within the following described boundary: Beginning at the point the Tolt River intersects the Weyerhaeuser Mainline Truck Road (approximately one mile west of the Tolt River South Fork Reservoir); then north along said road to the junction with State Highway 2; then east along said highway to the junction with the South Fork Skykomish River; then east and south up said river to the confluence of Money Creek; then west up Money Creek to Lake Elizabeth; then west to the headwaters of the South Fork Tolt River near Lake Elizabeth; then west down the South Fork Tolt River to the point of beginning. Except Closed: All of the Mount Index and Mount Persis as follows: Beginning at confluence of South

Fork Skykomish River and Index Creek; then west up said creek and its northern fork to Ink Lake; then west up the ridge to the 4,915 elevation point; then southwest down the ridge (approximately one and one-half miles) to the confluence of Titacae Creek and the North Fork Tolt River; then west along said river to the Weyerhaeuser Mainline Truck Road; then north along said road to State Highway 2; then east along said highway to where it intersects the South Fork Skykomish River; then east along said river to the point of beginning.

Goat Unit 4-32 Foss River:

Permit Area: King and Snohomish counties within the following described boundary: Beginning at intersection of U.S. Highway 2 and the King County line at Stevens Pass; then south along the King County line to the headwaters of the Middle Fork Snoqualmie River near Dutch Miller Gap; then west and south down said river to the confluence with the Dingford Creek; then north and east up said creek to its headwaters intersection with USFS Trail #1005; then north up said trail to Little Myrtle Lake; then west and north to Marlene Lake (approximately 4 miles); then north down the stream outlet from Marlene Lake to the junction with USFS Trail #1002 near Dorothy Lake; then north along said trail to the junction with the East Fork Miller River headwaters; then north down said river to the confluence with the South Fork Skykomish River; then east up said river to the junction with U.S. Highway 2; then east along said highway to the point of beginning.

Goat Unit 4-34 Pratt River:

Permit Area: King County within the following described boundary: Beginning at the point where the Weyerhaeuser Mainline Truck Road intersects the Middle Fork Snoqualmie River (near the confluence of the North Fork and Snoqualmie Rivers); then northeast up the Middle Fork Snoqualmie to its headwaters near Dutch Miller Gap at the King County line; then south along the King County line to Snoqualmie Pass and the intersection with Interstate 90; then west along Interstate 90 to the point nearest the Middle Fork Snoqualmie River (approximately one mile east of North Bend); then north and east up the Middle Fork Snoqualmie River and to the point of beginning. Except closed: Snoqualmie Mountain and the watersheds of Denny Creek and South Fork of the Snoqualmie above Denny Creek.

Goat Unit 4-38 Corral Pass:

Permit Area: Pierce County within the following described boundary: Beginning where Goat Creek intersects the Corral Pass Road; then southeast up Goat Creek to the Cascade Crest; then north along the Crest to USFS Trail #1188; then northwest along said trail to USFS Trail #1176; then north along said trail to Corral Pass; then west along Corral Pass Road to its intersection with Goat Creek and the point of beginning.

Goat Unit 5-2 Tatoosh:

Permit Area: Lewis County within the following described boundary: Beginning at the junction of the southern Mount Rainier National Park boundary and State Highway 123; then south along State Highway 123 to U.S. Highway 12; then southwest along said highway to Skate Creek Road (USFS Road 52); then northwest along said road to the junction of Morse Creek Road (old road to Longmire Campground); then north along said road to the Mount Rainier National Park boundary; then east along the southern park boundary to the point of beginning.

Goat Unit 5-4 Goat Rocks:

Permit Area: Lewis County south of the White Pass Highway (U.S. Highway 12) and east of the Johnson Creek Road (USFS Road 1302).

Goat Unit 6-1 Elwha River:

Permit Area: Clallam and Jefferson counties outside Olympic National Park and west of the Dungeness River.

Goat Unit 6-2 Quilcene River:

Permit Area: Clallam and Jefferson counties outside Olympic National Park, east of the Dungeness River and north of the Dosewallips River.

Goat Unit 6-3 Hamma Hamma River:

Permit Area: Jefferson and Mason counties outside Olympic National Park and south of the Dosewallips River.

MOOSE

Moose Unit 1 Selkirk Mountains:

Permit Area: GMU 113.

Moose Unit 2 Mt. Spokane:

Permit Area: GMU 124.

Moose Unit 3 Chewelah:

Permit Area: GMU 118.

Moose Unit 4 Boyer:

Permit Area: GMU 119.

BIGHORN SHEEP

Sheep Unit 1 Okanogan:

Permit Area: Okanogan County west of the Okanogan River.

Sheep Unit 2 Vulcan Mountain:

Permit Area: Ferry County north of the Kettle River.

Sheep Unit 3 Tucannon River:

Permit Area: The Tucannon River drainage in Columbia and Garfield counties.

Sheep Unit 5 Umtaneum:

Permit Area: That part of Yakima County north of Wenas Creek and that part of Kittitas County south of Interstate 90.

Sheep Unit 6 Murray:

Permit Area: That part of Yakima County north of Wenas Creek and that part of Kittitas County south of Interstate 90.

Sheep Unit 8 Mountview:

Permit Area: That part of Asotin County within the following described boundary: Beginning at Anatone; thence west along the main Big Butte-Mount Misery Road to its junction with the Mountain Road (#40); thence south along the Mountain Road to the West Fork of Grouse Creek; thence southeast down Grouse Creek to the Oregon-Washington boundary; thence east along said boundary to State Highway 129; thence north along Highway 129 to Anatone and point of beginning.

Sheep Unit 9 Blackbutte:

Permit Area: That part of Asotin County within the following described boundary: All of GMU 184 (Joseph), 185 (Blackbutte), and that part of GMU 181 (Couse) that drains into the Grande Ronde River between the mouth of the Grande Ronde River and State Highway No. 129.

Sheep Unit 10 Mt. Hull:

Permit Area: That part of Okanogan County within the following described boundary: Beginning at Oroville; then south along Highway 97 to the Swanson's Mill Road (old Mt. Hull Road) near Lake Andrews, then east to the Dry Gulch Road; then north to the Molson Grade Road; then west to Oroville and the point of beginning.

Sheep Unit 11 Wenaha Wilderness:

Permit Area: The Crooked Creek drainage in Asotin, Garfield, and Columbia counties within the boundary of GMU 169.

LYNX

Permit Area: That part of Okanogan County west of the Okanogan River except closed within the following described boundary: Beginning at Okanogan, then west along State Highway 20 to Twisp; then north along the Methow River to the Chewuch River; then north along the Chewuch River to the Pasayten Wilderness boundary; then east and north along boundary to the U.S.-Canada border; then east along said border to U.S. Highway 97; then south along U.S. Highway 97, to Okanogan and point of beginning.

COUGAR PERMIT AREA DESCRIPTIONS

Unit	Description
1	Pend Oreille—GMU 113
2	Colville—GMUs 108, 111, 118, and 119
3	Republic—GMUs 100, 103, 105, 200, and 206
4	Spokane—GMUs 121 and 124
5	Blue Mountains—GMUs 145 through 185
6	Okanogan—GMUs 203, 209-242, and 300
7	Wenatchee—GMUs 301-368
8	Nooksack—GMU 418
9	Skagit—GMUs 426, 433, 440-448, and 450
10	Snoqualmie—GMUs 454, 460, 466, 472, 490
11	Olympic Peninsula—GMUs 601-651, and 663
12	Rainier—GMUs 478, 484, 505, 510, 512, 514, 516, 666, and 667
13	St. Helens—GMUs 520, 524, GMUs 550 through 588

PRIVATE LANDS WILDLIFE MANAGEMENT AREA

Area Description

PLWMA 201 - Wilson Creek (Grant County): This area surrounds Billy Clapp Lake directly north of the town of Stratford and northwest of the town of Wilson Creek. The legal description is T22N, R29E, ((south 1/2 and northwest 1/4 of Section 2)); North 1/2 of Section 3, Section((s)) 4*(:) except southeast 1/4 of southeast 1/4; Sections 5, 6, 8, and 9. T23N, R29E, Sections 5, 7, 8, 13, 14, 17, and 18; Section 19 except for northwest 1/4 of the southwest 1/4; Sections 20, 21, 22, 23, 24, 25, 26, 27, 28, and 29; southeast 1/4 of Section 30; Sections 31, 32*, 33, 34*, and 35. T23N, R28E, Section 2, Section 3 except west 1/4; Section 4 except southwest 1/4 and east 1/2 of southeast 1/4; Section 5; Section 6 except west 1/4; Sections 7 and 8; Section 9 except east 1/2 of southeast 1/4; north 1/2 of Section 10 except west 1/4; Section 11 except south 1/4; Section 15; Section 16 except northeast 1/4; Sections 17, 18, 19, 20, 21, 22, and 23; west 1/4 of Section 24*; Sections 26*, 27, 28, 29, 30, and 33; west 1/2 of Section 34 except south 1/4; Section 35. T24N, R29E, west 1/2 of Section 32. T24N, R28E, Section 35. *Public lands within the external boundaries are not part of the PLWMA.

WSR 92-09-043

PERMANENT RULES

DEPARTMENT OF TRANSPORTATION

[Order 130—Filed April 10, 1992, 11:20 a.m.]

Date of Adoption: April 7, 1992.

Purpose: To adopt amendments to the Highway Advertising Control Act, chapter 468-66 WAC.

Citation of Existing Rules Affected by this Order: Amending chapter 468-66 WAC.

Statutory Authority for Adoption: Chapter 47.42 RCW.

Pursuant to notice filed as WSR 92-06-010 on February 24, 1992.

Changes Other than Editing from Proposed to Adopted Version: Remove new WAC 468-66-140(9) which will be addressed at a later date.

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

April 7, 1992
Ed W. Ferguson
Deputy Secretary
of Transportation

AMENDATORY SECTION (Amending Order 116, filed 10/20/88)

WAC 468-66-010 DEFINITIONS. The following terms when used in this chapter shall have the following meanings:

(1) "Abandoned." A sign for which neither sign owner nor land owner claim any responsibility.

(2) "Act" shall mean the Highway Advertising Act of 1961, as amended and embodied in chapter 47.42 RCW.

(3) "Centerline of the highway" means a line equidistant from the edges of the median separating the main-traveled ways of a divided highway, or the centerline of the main-traveled way of a nondivided highway.

(4) "Commercial and industrial areas" means any area zoned commercial or industrial by a county or municipal code, or if unzoned by a county or municipal code, that area occupied by three or more separate and distinct commercial and/or industrial activities within a space of five hundred feet and the area within five hundred feet of such activities on both sides of the highway. The area shall be measured from the outer edges of the regularly used buildings, parking lots, storage or processing areas of the commercial or industrial activity and not from the property lines of the parcels upon which such activities are located. Measurements shall be along or parallel to the edge of the main-traveled way of the highway. The following shall not be considered commercial or industrial activities:

- (a) Agricultural, forestry, grazing, farming, and related activities, including, but not limited to, wayside fresh produce stands;
- (b) Transient or temporary activities;
- (c) Railroad tracks and minor sidings;
- (d) Signs;
- (e) Activities more than six hundred and sixty feet from the nearest edge of the right of way;
- (f) Activities conducted in a building principally used as a residence.

Should any commercial or industrial activity, which has been used in defining or delineating an unzoned area, cease to operate for a period of six continuous months, any signs located within the former unzoned area shall become nonconforming and shall not be maintained by any person after May 10, 1974.

(5) "Commission" means the Washington state transportation commission.

(6) "Discontinued." A sign shall be considered discontinued if, after receiving notice of absence of advertising content for three months, the permit holder fails to put advertising content on the sign within three months of the notice.

(7) "Entrance roadway" means any public road or turning roadway including acceleration lanes, by which traffic may enter the main-traveled way of a controlled access highway from the general road system within the state, including rest areas, view points, and sites used by the general public, irrespective of whether traffic may also leave the main-traveled way by such road or turning roadway.

(8) "Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish.

(9) "Exit roadway" means any public road or turning roadway including deceleration lanes, by which traffic may leave the main-traveled way of a controlled access highway to reach the general road system within the state, including rest areas, view points, and sites used by

the general public, irrespective of whether traffic may also enter the main-traveled way by such road or turning roadway.

(10) "Interstate system" means any state highway which is or does become part of the national system of interstate and defense highways as described in section 103(d) of Title 23, United States Code.

(11) "Legible" means capable of being read without visual aid by a person of normal visual acuity.

(12) "Maintain" means to allow to exist. A sign loses its right to remain as a nonconforming sign if its size is increased more than fifteen percent over its size on the effective date of the Scenic Vistas Act on May 10, 1971, or the effective date of control of a given route, whichever is applicable.

(13) "Main-traveled way" means the traveled way of a highway on which through traffic is carried. In the case of a divided highway, the traveled way of each of the separated roadways for traffic in opposite directions is a main-traveled way. It does not include such facilities as frontage roads, turning roadways, entrance roadways, exit roadways, or parking areas.

(14) "Person" means this state or any public or private corporation, firm, partnership, association, as well as any individual, or individuals.

(15) "Primary system" means any state highway which is or does become part of the federal-aid primary system as described in section 103(b) of Title 23, United States Code.

(16) "Scenic system" means:

(a) Any state highway within any public park, federal forest area, public beach, public recreation area, or national monument;

(b) Any state highway or portion thereof outside the boundaries of any incorporated city or town designated by the legislature as a part of the scenic system; or

(c) Any state highway or portion thereof, outside the boundaries of any incorporated city or town, designated by the legislature as a part of the scenic and recreational highway system except for the sections of highways specifically excluded in section 2, chapter 62, Laws of 1971 ex. sess.

(17) "Sign" means any outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, or other thing which is designed, intended or used to advertise or inform, any part of the advertising or informative contents of which is visible from any place on the main-traveled way of the interstate system or other state highway.

(18) "Trade name" shall include brand name, trademark, distinctive symbol, or other similar device or thing used to identify particular products or services.

(19) "Traveled way" means the portion of a roadway for the movement of vehicles, exclusive of shoulders.

(20) "Turning roadway" means a connecting roadway for traffic turning between two intersection legs of an interchange.

(21) "Visible" means capable of being seen (whether or not legible) without visual aid by a person of normal visual acuity.

(22) "Electronic sign" means an outdoor advertising sign, display, or device whose message may be changed

by electrical or electronic process, and includes the device known as the electronically changeable message center for advertising on-premise activities (WAC 468-66-070).

(23) "Public service information" means a message on an electronic sign which provides the time, date, temperature, weather, or ((similar)) information about non-profit activities sponsored by civic or charitable organizations.

(24) "Temporary agricultural directional sign" means a sign on private property adjacent to state highway right of way to provide directional information to places of business offering for sale seasonal agricultural products ((harvested or produced on the property where the sale is taking place)).

AMENDATORY SECTION (Amending Order 96, filed 8/12/85)

WAC 468-66-090 PREFERENCE OF APPLICANTS FOR TYPE 4, TYPE 5, AND TYPE 8 SITES. Applications for available Type 4, Type 5, and Type 8 sign sites, where the number of applications shall exceed the available sites, shall be awarded upon the following preferential basis:

(1) Agencies of the state of Washington in order of their applications.

(2) Counties or incorporated cities in the order of their applications.

(3) Federal agencies in the order of their applications.

(4) All other applicants in the order of their applications, giving preference, however, to the holder of an existing permit for renewal thereof. In the event the department has initiated proceedings for removal of an existing sign situated on a legal site, the department will not accept new applications until such proceedings are concluded. All applications received during the department's normal office hours during the same day shall be construed as having been received simultaneously. In the case of a tie between applicants, and upon notification thereof by the department, the department shall determine by lot which shall receive the permit.

AMENDATORY SECTION (Amending Order 116, filed 10/20/88)

WAC 468-66-140 PERMITS. (1) No signs except Type 1, Type 2, or Type 3 signs shall be erected or maintained adjacent to interstate system, primary system, or scenic system highways without a permit issued by the department of transportation. Permits for erection and maintenance of signs adjacent to the interstate system, primary system, or scenic system will be issued by the department of transportation in accordance with this chapter.

(2) Applications for permits (except for Type 8 signs) will be accepted only at the Department of Transportation Headquarters Office, Olympia, Washington. Applications transmitted by mail shall be effective from date of receipt rather than of mailing.

(3) Application forms shall contain:

(a) The name and address of the owner of the sign;

(b) A statement and the signature of the owner or occupant of the land on which the sign is to be erected or maintained indicating that he has consented thereto;

(c) A statement of the precise location where the sign is to be erected or maintained;

(d) A statement of the proposed size and shape of the sign. An application for a Type 5 sign to be erected along the interstate system shall contain a description of the copy to be placed on the sign;

(e) Such other information as may be required by the department;

(f) For Type 8 signs, application forms must be submitted to the appropriate department of transportation district office and submittals must include, in addition to (a) through (e) of this subsection, an exact description of the location of the temporary agricultural business activity, a description of the proposed sign copy, identification of the products sold, expected weeks/months of sales, and assigned tax number. After approval of the application by the transportation district office, the sign may be erected at the beginning of the sale season and must be removed at the end of the sale season. Approved applications shall be valid for five consecutive years from the date of application approval. A new application must be submitted and approved prior to erection of a sign at a location where the five-year validation has expired.

For any Type 8 sign not in compliance with this chapter, the department of transportation shall request the attorney general on its behalf to institute legal proceedings to cause such sign to be removed as an illegal sign without payment of compensation.

Subsections (5) through (10) of this section do not apply to Type 8 signs.

(4) Applications shall be accompanied by a fee of ten dollars for each sign.

(5) Permits shall be for the calendar year and shall be renewed annually upon payment of said fee for the new year without the filing of a new application (~~except as provided in WAC 468-66-090~~). Fees shall not be prorated for fractions of the year. (~~Any moneys paid to the department of transportation for a sign permit shall be credited first to the payment of any annual permit or renewal fee for such sign due for any prior year. The department shall not accept payment for the current year renewal fee until all due and unpaid permit and renewal fees for prior years have been paid.~~)

(6) Prior to December 1 of each year the department of transportation shall notify in writing the owner of every sign for which a permit (~~is required~~) has been issued under RCW 47.42.120 and this section (~~but for which no sign permit was obtained or renewed for the then-current calendar year~~), that (~~all unpaid permit and renewal fees for such sign and~~) the renewal fee for such sign due in the calendar year to commence on the following January 1 shall be due and payable not later than the following February 1. The notice shall further state that if (~~all~~) such fee (~~s have~~) has not been paid by February 1, legal proceedings will be (~~instituted~~) initiated to cause removal of such sign as an illegally maintained sign.

(7) Following the notice specified in subsection (6) of this section, if (~~all~~) the due (~~and unpaid permit and~~)

renewal fee (~~s are~~) is not received for any permitted sign (~~for which a permit is required~~) by the date specified, the department of transportation shall request the attorney general on its behalf to (~~institute~~) initiate legal proceedings to cause such sign to be removed as an illegal sign without the payment of compensation therefor.

(8) Changes in size, shape, or position of a permitted sign shall be reported to the department of transportation at Olympia at least ten days before a change is to be made. In the case of Type 5 signs permitted along the interstate system, changes in copy shall be reported to the department at Olympia at least ten days before a change is to be made.

(9) Assignment of permits in good standing shall be effective only upon receipt of assignment by the department of transportation.

(10) Every permit issued by the department shall be assigned a separate identification number, and it shall be the duty of each permittee to fasten to each sign a weatherproof label, not larger than six square inches, which shall be furnished by the department and on which shall be plainly visible the said permit number. The permittee shall also place his name in a conspicuous position on the front or back of each sign.

(11) A permit issued under this chapter does not relieve the permittee from the duty to comply with all local rules, regulations, and ordinances pertaining to signs and sign structures.

WSR 92-09-044

PERMANENT RULES

OFFICE OF

INSURANCE COMMISSIONER

[Order R 92-2—Filed April 10, 1992, 12:44 p.m.]

Date of Adoption: April 10, 1992.

Purpose: Adopt WAC 284-44-240 to provide guidelines for the review and approval of participating provider contracts.

Statutory Authority for Adoption: RCW 48.44.050, 48.44.070, and 48.02.060.

Pursuant to notice filed as WSR 92-06-056 on March 2, 1992.

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

April 10, 1992

Dick Marquardt

Insurance Commissioner

by David H. Rodgers

Chief Deputy

Insurance Commissioner

NEW SECTION

WAC 284-44-240 PARTICIPATING PROVIDER CONTRACTS (1) A "participating provider contract form" is that portion of the participating provider contract described in subsection (3) of this section or any variation approved by the commissioner. Each participating provider contract form must be in writing and filed with the commissioner for approval at least fifteen

days before use. Each filing shall include a transmittal page as prescribed by the commissioner.

(2) Each participating provider contract must contain a complete approved participating provider contract form before it is used. "Use" of the participating provider contract shall include, but not be limited to, execution by the health care service contractor or the provider, effectuating the terms of the contract, or referring enrolled participants to the participating provider for nonemergent, in-area covered services. When an approved participating provider contract form is included verbatim in a participating provider contract, the contract shall be deemed to be approved, and need not be filed on an individual basis.

(3) Each participating provider contract form shall consist of the following provisions or variations approved by the commissioner:

(a) "{Name of Provider} hereby agrees that in no event, including, but not limited to nonpayment by {Name of HCSC}, {Name of HCSC}'s insolvency or breach of this contract shall {Name of Provider} bill, charge, collect a deposit from, seek compensation, remuneration or reimbursement from, or have any recourse against an enrolled participant or person, other than {Name of HCSC}, acting on their behalf, for services provided pursuant to this contract. This provision shall not prohibit collection of {deductibles, copayments, co-insurance, and/or noncovered services}, which have not otherwise been paid by a primary or secondary carrier in accordance with regulatory standards for coordination of benefits, from enrolled participants in accordance with the terms of the enrolled participant's subscriber agreement."

(b) "{Name of Provider} agrees, in the event of {Name of HCSC}'s insolvency, to continue to provide the services promised in this contract to enrolled participants of {Name of HCSC} for the duration of the period for which premiums on behalf of the enrolled participant were paid to {Name of HCSC} or until the enrolled participant's discharge from inpatient facilities, whichever time is greater."

(c) "Notwithstanding any other provision of this contract, nothing in this contract shall be construed to modify the rights and benefits contained in the enrolled participant's subscriber agreement."

(d) "{Name of Provider} may not bill the enrolled participant for covered services (except for deductibles, copayments or co-insurance) where {Name of HCSC} denies payments because the provider has failed to comply with the terms of the participating provider contract."

(e) "{Name of Provider} further agrees (i) that the above provisions (a), (b), (c), and (d) of this subsection {or identifying citations appropriate to the contract form} shall survive termination of this contract regardless of the cause giving rise to termination and shall be construed to be for the benefit of {Name of HCSC}'s enrolled participants, and (ii) that this provision supersedes any oral or written contrary agreement now existing or hereafter entered into between {Name of Provider} and enrolled participants or persons acting on their behalf."

(f) "If {Name of Provider} contracts with other health care providers who agree to provide covered services to enrolled participants of {Name of HCSC} with the expectation of receiving payment directly or indirectly from {Name of HCSC}, such providers must agree to abide by the above provisions (a), (b), (c), (d), and (e) of this subsection {or identifying citations appropriate to the contract form}."

(4) When an approved participating provider contract is modified, the modified contract need not be filed with the commissioner unless any provision contained in the approved participating provider contract form is modified, other than the name of the provider, in which case the modified contract form must be filed with the commissioner for approval at least fifteen days prior to use.

(5)(a) Every participating provider contract entered into after the effective date of this regulation shall be amended to comply with this regulation no later than April 1, 1992.

(b) Participating provider contracts entered into prior to the effective date of these regulations that followed previously approved participating provider contract forms shall be amended upon renewal to comply with the provisions of subsections (2) and (3) of this section, but in no event later than March 31, 1993.

WSR 92-09-044A

PERMANENT RULES

OFFICE OF

INSURANCE COMMISSIONER

[Order R 92-3—Filed April 10, 1992, 12:46 p.m.]

Date of Adoption: April 10, 1992.

Purpose: Adopt WAC 284-46-575 to provide guidelines for the review and approval of participating provider contracts.

Statutory Authority for Adoption: RCW 48.46.200, 48.46.243, and 48.02.060.

Pursuant to notice filed as WSR 92-06-055 on March 2, 1992.

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

April 10, 1992

Dick Marquardt
Insurance Commissioner
by David H. Rodgers
Chief Deputy
Insurance Commissioner

NEW SECTION

WAC 284-46-575 PARTICIPATING PROVIDER CONTRACTS. (1) Except for the provision of emergency services, out-of-area services, or in exceptional circumstances approved in advance by the commissioner, if the health maintenance organization is unable to negotiate reasonable and cost effective participating provider contracts, a health maintenance organization must have written contracts with its participating providers.

(2) A "participating provider contract form" is that portion of the participating provider contract described

in subsection (4) of this section or any variation approved by the commissioner. Each participating provider contract form must be in writing and filed with the commissioner for approval at least fifteen days before use. Each filing shall include a transmittal page as prescribed by the commissioner.

(3) Each participating provider contract must contain a complete approved participating provider contract form before it is used. "Use" of a participating provider contract shall include, but not be limited to, execution by the health maintenance organization or the provider, effectuating the terms of the contract, or referring enrolled participants to the provider for nonemergent, in-area covered services. When an approved participating provider contract form is included verbatim in a participating provider contract, the contract shall be deemed to be approved, and need not be filed on an individual basis.

(4) Each participating provider contract form shall consist of the following provisions or variations approved by the commissioner:

(a) "{Name of Provider} hereby agrees that in no event, including, but not limited to nonpayment by {Name of HMO}, {Name of HMO}'s insolvency or breach of this contract shall {Name of Provider} bill, charge, collect a deposit from, seek compensation, remuneration or reimbursement from, or have any recourse against an enrolled participant or person, other than {Name of HMO}, acting on their behalf, for services provided pursuant to this contract. This provision shall not prohibit collection of {deductibles, copayments, co-insurance, and/or noncovered services}, which have not otherwise been paid by a primary or secondary carrier in accordance with regulatory standards for coordination of benefits, from enrolled participants in accordance with the terms of the enrolled participant's subscriber agreement."

(b) "{Name of Provider} agrees, in the event of {Name of HMO}'s insolvency, to continue to provide the services promised in this contract to enrolled participants of {Name of HMO} for the duration of the period for which premiums on behalf of the enrolled participant were paid to {Name of HMO} or until the enrolled participant's discharge from inpatient facilities, whichever time is greater."

(c) "Notwithstanding any other provision of this contract, nothing in this contract shall be construed to modify the rights and benefits contained in the enrolled participant's subscriber agreement."

(d) "{Name of Provider} may not bill the enrolled participant for covered services (except for deductibles, copayments or co-insurance) where {Name of HMO} denies payments because the provider has failed to comply with the terms of the participating provider contract."

(e) "{Name of Provider} further agrees (i) that the above provisions (a), (b), (c), and (d) of this subsection {or identifying citations appropriate to the contract form} shall survive termination of this contract regardless of the cause giving rise to termination and shall be construed to be for the benefit of {Name of HMO}'s enrolled participants, and (ii) that this provision supersedes any

oral or written contrary agreement now existing or hereafter entered into between {Name of Provider} and enrolled participants or persons acting on their behalf."

(f) "If {Name of Provider} contracts with other health care providers who agree to provide covered services to enrolled participants of {Name of HMO} with the expectation of receiving payment directly or indirectly from {Name of HMO}, such providers must agree to abide by the above provisions (a), (b), (c), (d), and (e) of this subsection {or identifying citations appropriate to the contract form}."

(5) When an approved participating provider contract is modified, the modified contract need not be filed with the commissioner unless any provision contained in the approved participating provider contract form is modified, other than the name of the provider, in which case the modified contract form must be filed with the commissioner for approval at least fifteen days prior to use.

(6)(a) Every participating provider contract entered into after the effective date of this regulation shall be amended to comply with this regulation no later than April 1, 1992.

(b) Participating provider contracts entered into prior to the effective date of these regulations that followed previously approved participating provider contract forms shall be amended upon renewal to comply with the provisions of subsections (3) and (4) of this section, but in no event later than March 31, 1993.

WSR 92-09-045
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Institutions)

[Filed April 10, 1992, 1:05 p.m.]

Original Notice.

Title of Rule: WAC 275-25-530 Funding formula—Developmental disabilities.

Purpose: To clarify the method of distributing funds to the counties. This amendment outlines how current and new funding will be distributed to counties.

Statutory Authority for Adoption: RCW 71A.14.040.

Statute Being Implemented: RCW 71A.14.040.

Summary: Outlines how current and new funding for division of developmental disabilities will be distributed to counties.

Reasons Supporting Proposal: To clarify the formula used to distribute funds to counties.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Rita Dickey, Division of Developmental Disabilities, 664-0121.

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 27, 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 27, 1992.

Date of Intended Adoption: June 10, 1992.

April 10, 1992
Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Orders 3230 and 3230A, filed 8/9/91 and 8/14/91, effective 9/9/91 and 9/14/91)

WAC 275-25-530 FUNDING FORMULA—DEVELOPMENTAL DISABILITIES. (1) For the purposes of this section, "county" shall mean the legal subdivision of the state, regardless of any agreement with another county to provide developmental disabilities services jointly.

(2) The allocation of funds to counties shall be based on the following criteria:

(a) ~~((The department may withhold up to ten percent of allocated funds to provide funding for new programs, for state-wide priority programs, and for emergency needs.~~

(b) ~~Each county shall be guaranteed a minimum amount for basic developmental disabilities services subject to the availability of state and federal funds.~~

(c) ~~The remainder of the funds shall be distributed either on a county per capita basis or on a rate per client basis, whichever will more equitably support developmental disabilities programs)) Each county shall receive a base amount of funds. The amount shall be based on the prior biennial allocation, including any funds from budget provisos from the prior biennium, and subject to the availability of state and federal funds;~~

(b) The distribution of any additional funds provided by the legislature or other sources shall be based on a distribution formula which best meets the needs of the population to be served as follows:

(i) On a basis which takes into consideration minimum grant amounts, requirements of clients residing in an ICF/MR or clients on one of the division's Title XIX home and community-based waivers, and the general population of the county, and special education enrollment as well as the population eligible for county-funded developmental disabilities services;

(ii) Needs of eligible members of minority groups residing within the county shall be considered; and

(iii) A biennial adjustment shall be made after these factors are considered.

(c) Funding appropriated through legislative proviso, including vendor rate increases, shall be distributed to the population directed by the legislature utilizing a formula as directed by the legislature or using a formula specific to that population or distributed to identified people;

(d) The ability of the community to provide funds for the developmental disability program provided in chapter 71A.14 RCW may be considered with any or all of the above.

(3) A county may utilize seven or less percent of the county's allocated funds for county administrative expenses. A county may utilize more than seven percent for county administration with approval of the division director. A county electing to provide all services directly, in addition to county administration, is exempt from this requirement.

(4) The department may withhold ~~((ten))~~ five or less percent of allocated funds for new programs, for state-wide priority programs, and for emergency needs.

WSR 92-09-046
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Institutions)

[Order 3370—Filed April 10, 1992, 1:08 p.m., effective April 11, 1992]

Date of Adoption: April 9, 1992.

Purpose: To clarify the method of distributing funds to the counties. This amendment outlines how current and new funding will be distributed to counties.

Citation of Existing Rules Affected by this Order: Amending WAC 275-25-530 Funding formula—Developmental disabilities.

Statutory Authority for Adoption: RCW 71A.14.040.

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: Outlines how current and new funding will be distributed to counties.

Effective Date of Rule: April 11, 1992.

April 10, 1992
Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Orders 3230 and 3230A, filed 8/9/91 and 8/14/91, effective 9/9/91 and 9/14/91)

WAC 275-25-530 FUNDING FORMULA—DEVELOPMENTAL DISABILITIES. (1) For the purposes of this section, "county" shall mean the legal subdivision of the state, regardless of any agreement with another county to provide developmental disabilities services jointly.

(2) The allocation of funds to counties shall be based on the following criteria:

(a) ~~((The department may withhold up to ten percent of allocated funds to provide funding for new programs, for state-wide priority programs, and for emergency needs.~~

(b) ~~Each county shall be guaranteed a minimum amount for basic developmental disabilities services subject to the availability of state and federal funds.~~

(c) ~~The remainder of the funds shall be distributed either on a county per capita basis or on a rate per client basis, whichever will more equitably support developmental disabilities programs)) Each county shall receive a base amount of funds. The amount shall be based on the prior biennial allocation, including any funds from budget provisos from the prior biennium, and subject to the availability of state and federal funds;~~

(b) The distribution of any additional funds provided by the legislature or other sources shall be based on a distribution formula which best meets the needs of the population to be served as follows:

(i) On a basis which takes into consideration minimum grant amounts, requirements of clients residing in

an ICF/MR or clients on one of the division's Title XIX home and community-based waivers, and the general population of the county, and special education enrollment as well as the population eligible for county-funded developmental disabilities services;

(ii) Needs of eligible members of minority groups residing within the county shall be considered; and

(iii) A biennial adjustment shall be made after these factors are considered.

(c) Funding appropriated through legislative proviso, including vendor rate increases, shall be distributed to the population directed by the legislature utilizing a formula as directed by the legislature or using a formula specific to that population or distributed to identified people;

(d) The ability of the community to provide funds for the developmental disability program provided in chapter 71A.14 RCW may be considered with any or all of the above.

(3) A county may utilize seven or less percent of the county's allocated funds for county administrative expenses. A county may utilize more than seven percent for county administration with approval of the division director. A county electing to provide all services directly, in addition to county administration, is exempt from this requirement.

(4) The department may withhold ((ten)) five or less percent of allocated funds for new programs, for state-wide priority programs, and for emergency needs.

WSR 92-09-047

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 92-16—Filed April 10, 1992, 3:52 p.m.]

Date of Adoption: March 3, 1992.

Purpose: Commercial and subsistence fishing regulations.

Citation of Existing Rules Affected by this Order: Amending WAC 220-32-055.

Statutory Authority for Adoption: RCW 75.08.080.

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

Reasons for this Finding: Harvestable numbers of salmon are available for a subsistence fishery. This conforms state regulations with Yakima Tribe regulations.

Effective Date of Rule: Immediately.

April 3, 1992

Joseph R. Blum
Director

NEW SECTION

WAC 220-32-05500A COLUMBIA RIVER AND TRIBUTARIES—SUBSISTENCE. Notwithstanding the provisions of WAC 220-32-055 and WAC 220-32-

059, effective immediately until further notice it is unlawful for any persons to take salmon for commercial or subsistence purposes from the waters of the Yakima, Klickitat, Icicle or Wind Rivers, except that treaty Indian fishers possessing treaty rights under the Yakima Treaty may fish for foodfish as provided for in this section:

(1) Yakima River – From Horn Rapids Dam to Wapato Dam fishing is allowed 12:00 noon Wednesday to 6:00 p.m. Saturday of each week, April 8 through June 27, 1992. It is unlawful to place fishing platforms or to fish within 30 feet of any fish ladder, fishway or fish bypass pipe. It is unlawful to fish from any floating device.

(2) Klickitat River – From the Swinging Bridge (mile 1.5) to Fishway #5 (mile 2.2) fishing is allowed from 12:00 noon Wednesday to 6:00 p.m. Saturday of each week, April 8 through May 30, 1992. It is unlawful to place fishing platforms or to fish within 30 feet of any fish ladder, fishway or fish bypass pipe. It is unlawful to fish from any floating device. It is unlawful to leave any net unattended if such net is in a fishing position.

(3) Icicle Creek – In waters bordering the property of the U.S. Fish and Wildlife National Fish Hatchery at Leavenworth fishing is allowed 9:00 p.m. Wednesday to 12:00 noon Saturday of each week, May 13 through June 27, 1992. It is unlawful to place fishing platforms or to fish within 30 feet of any fish ladder, fishway or fish bypass pipe. It is unlawful to fish from any floating device.

(4) Wind River –

(a) From the mouth to a marker 400 feet below Shipperd Falls, fishing is allowed 6:00 a.m. Monday to 6:00 p.m. Saturday of each week, April 1 through June 13, 1992.

(b) From a marker 200 feet above Shipperd Falls to the outlet stream of Carson National Fish Hatchery fishing is allowed 6:00 a.m. Monday to 6:00 p.m. Saturday of each week from June 1 to June 27, 1992.

(5) Ringold Ponds – From a marker approximately 1/2 mile upstream of Spring Creek (hatchery rearing pond outlet) to a marker approximately 1/2 mile downstream of the Ringold wasteway outlet fishing is allowed 6:00 a.m. Monday through 6:00 p.m. Saturday of each week immediately through July 31, 1992. Fishing is allowed from the riverbank on the hatchery side of the Columbia River only. It is unlawful to fish from any floating device.

(6) During the fishing periods provided for in this section, fishing gear is limited to dipnets, set bag nets or rod and reel with bait or lures. It is unlawful to snag fish.

WSR 92-09-048

PERMANENT RULES

SECRETARY OF STATE

(Productivity Board)

[Filed April 10, 1992, 4:06 p.m.]

Date of Adoption: April 3, 1992.

Purpose: WAC 383-07-020, to add definition of executive director, to further define "cost savings", and to make housekeeping changes; WAC 383-07-030, to make housekeeping changes; WAC 383-07-040, to expand the duties of the program administrator, and to change the title of that position to that of program manager; WAC 383-07-045, to include in the responsibilities of agency management the continuance of any gains made, and to make housekeeping changes; WAC 383-07-050, to expand the responsibilities of the TIP liaison to include creation of an executive summary and coordination of agency recognition of teams, and to make housekeeping changes; WAC 383-07-060, to make housekeeping changes; WAC 383-07-070, to clarify the requirements for teams to reapply for a consecutive year in the teamwork incentive program, and to make housekeeping changes; WAC 383-07-080, to require the submission of each team member's Social Security numbers with the application, and to make housekeeping changes; WAC 383-07-090, to make housekeeping changes; WAC 383-07-100, to make housekeeping changes; WAC 383-07-115, a new section, to outline the requirements necessary to evaluate savings; WAC 383-07-120, to limit the amount of individual awards to be consistent with the brainstorm program, to stipulate how TIP awards are to be paid, and to make housekeeping changes; and WAC 383-07-130, to make housekeeping changes.

Citation of Existing Rules Affected by this Order: Amending chapter 383-07 WAC, Teamwork incentive program.

Statutory Authority for Adoption: Chapter 41.60 RCW.

Pursuant to notice filed as WSR 92-04-077 on February 5, 1992.

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

April 10, 1992

Linda L. Mackintosh
Executive Director

AMENDATORY SECTION (Amending Order 88-1, filed 7/14/88)

WAC 383-07-020 DEFINITIONS. As used in this chapter, these definitions refer only to the teamwork incentive program unless the context requires otherwise:

(1) "Board" means productivity board.

(2) "Executive director" is the administrator of the programs and staff to the productivity board:

(3) "Program" means teamwork incentive program developed by the productivity board under chapter 41.60 RCW, and is frequently abbreviated as TIP.

((3)) (4) "Program ((administrator)) manager" refers to the person hired by the ((board)) executive director to administer the program known as TIP.

((4)) (5) "The act" referred to in this chapter is chapter 41.60 RCW.

((5)) (6) "Agency" includes every subdivision of state government eligible to participate under chapter 41.60 RCW, including all merit system agencies and institutions of higher education.

((6) "Unit") (7) "Team" means a subdivision with a common mission within ((an agency)) or between agencies. A ((unit)) team may also be referred to as a ((team)) "unit" or a "group".

((7)) (8) "Director" means the appointed or elected chief executive of the agency.

((8)) (9) "Supervisor" means the person responsible for unit operations in accordance with WAC 356-05-400 or 251-01-395. (Merit system rules and higher education personnel board rules defining supervisor.)

((9)) (10) "Steering committee" means a representative group of individuals responsible for planning and implementation of TIP within an agency.

((10)) (11) "Liaison" means the individual who is the key contact from an agency to the productivity board. The TIP liaison is a member of the steering committee in agencies using them.

((11)) (12) "Award" means the percentage of savings allowed by chapter 41.60 RCW.

((12)) (13) "Cost savings" refers to cost efficiencies which occurred as a result of productivity improvements. Cost savings may be reflected in budget reductions and/or cost containment. Gains to state funds may be reflected in higher receipts or revenue recoveries as a result of improved methods used by the team.

((13)) (14) "Outcome" refers to the accomplishments or results achieved by the unit.

((14)) (15) "Project year" means the twelve-month period during which performance and fiscal measures are monitored.

AMENDATORY SECTION (Amending Order 88-1, filed 7/14/88)

WAC 383-07-030 FUNCTIONS OF THE BOARD. The responsibilities of the board shall include:

(1) Promotion and marketing of the program to agency directors and the legislature;

(2) Establishment of policies under which the program shall be promoted and administered, including guidelines cited in WAC 383-07-045, 383-07-050, and 383-07-060 concerning the responsibilities of agency management, TIP liaisons and agency employees;

(3) Adoption of rules and regulations necessary for the administration of this act;

(4) Final determination in approving ((unit)) team participation in the teamwork program;

(5) Final approval of any amount awarded to an eligible ((unit)) team;

(6) Submission of reports required by chapter 41.60 RCW.

AMENDATORY SECTION (Amending Order 88-1, filed 7/14/88)

WAC 383-07-040 DUTIES OF THE PROGRAM ((ADMINISTRATOR)) MANAGER. The program ((administrator)) manager shall report to the executive director and be responsible and accountable to the board for the administration of the program, and shall:

(1) Attend meetings of the board and ensure a record of its actions regarding the program is maintained.

(2) Propose policies, rules, and regulations appropriate for the administration of the program.

(3) Establish and maintain records and procedures necessary for the administration and maintenance of the program.

(4) Interact with agency managers regarding team participation and facilitate understanding and involvement in the program.

(5) Review applications and reports submitted by ((units)) teams to ensure compliance with chapter 41.60 RCW and to recommend necessary changes.

~~((5) Supervise staff and)~~ (6) Interface with agency TIP liaisons and/or other agency personnel about the program.

AMENDATORY SECTION (Amending Order 88-1, filed 7/14/88)

WAC 383-07-045 RESPONSIBILITIES OF AGENCY MANAGEMENT. Under the following guidelines, agency management shall be responsible for facilitating agency involvement at all stages of the teamwork program, including the following:

(1) Promotion and administration of the TIP program within the agency, offering assistance in the completion of ((unit)) team applications, including documentation of approval and denial of applications;

(2) Providing support throughout ((unit)) team participation in the TIP project through encouragement, records management and training assistance, and facilitating cooperation between shifts, other units, other divisions, etc.;

(3) Review of quarterly and final TIP reports, verifying sustained or improved performance and quality measures, and fiscal impact;

(4) Cooperation and assistance in recognizing TIP ((units)) teams for their efforts and achievements, including timely payment of awards.

(5) Ensurance that gains obtained during the TIP-year are sustained.

The agency head shall appoint an individual as TIP liaison to coordinate agency TIP activities with the productivity board. A group of individuals, including the agency TIP liaison, may be designated as a steering committee within the agency to implement and maintain the program.

AMENDATORY SECTION (Amending WSR 89-19-006, filed 9/7/89, effective 10/8/89)

WAC 383-07-050 RESPONSIBILITIES OF THE TIP LIAISON. The TIP liaison, under these guidelines, serves as the primary link between the board and the agency, and is responsible and accountable to agency management. The TIP liaison shall:

(1) Coordinate the TIP program within the agency as a key member of the agency's TIP steering committee or as an individual liaison between the agency and the board.

(2) Oversee the completion and submission of all TIP applications, working within agency chain of command and with productivity board staff. Ensure that all applications meet the criteria established by RCW 41.60.100,

WAC 383-07-070 and 383-07-080. Ensure an executive summary for board meeting packets is prepared and submitted with the TIP application.

(3) Monitor on-going TIP activities within the agency, reviewing all quarterly reports for completeness and accuracy and transmit reports to the program ((administrator)) manager in a timely manner.

(4) Represent the agency on TIP-related issues at board meetings. Attend regularly scheduled board meetings when the agenda includes TIP projects or issues relevant to the agency.

(5) Promote and market the program within the agency through on-site presentations, written communications, facilitation of meetings and other effective means to acquaint employees and supervisors with the purpose and benefits of the program. Coordinate recognition of groups completing the year-long project.

(6) Ensure that award authorizations are processed, and that payments are made to individuals in a timely manner.

(7) Identify and encourage use of internal resources, such as training staff and management analysts, to assist units participating in TIP.

(8) Identify and encourage use of other resources inside and outside state government, such as the state energy office, the career executive program, and other knowledgeable experts.

(9) Coordinate with agency management and the board recognition of groups completing the year-long project.

AMENDATORY SECTION (Amending WSR 89-19-006, filed 9/7/89, effective 10/8/89)

WAC 383-07-060 EMPLOYEE RESPONSIBILITIES. Employees within a unit form a team under these guidelines. As team members, individuals should:

(1) Understand the mission of the ((unit)) team and be aware of performance goals and fiscal targets identified as a baseline in the TIP ((data-base)) application.

(2) Identify areas which the team should address as a means to improve performance outcomes.

(3) Share ideas with other team members and build upon ideas shared by others.

(4) Propose efficiencies and develop action plans designed to achieve and maintain ongoing productivity gains.

(5) Submit action plans to management as needed to implement proposals.

(6) Implement changes and evaluate their effectiveness.

AMENDATORY SECTION (Amending Order 88-1, filed 7/14/88)

WAC 383-07-070 APPLICATION PROCEDURES. Units interested in being considered for participation in the teamwork incentive program shall complete a TIP application form.

(1) Application forms shall be available from the productivity board office or the TIP liaison within the agency.

(2) Applications which are approved by the agency shall be submitted by the TIP liaison to the program ((administrator)) manager.

(3) Applications should be submitted prior to the beginning of the project year and must be received by the board staff by the 10th of the month preceding board action to approve a ((unit's)) team's participation in the teamwork incentive program.

(4) Applications presented to the board for action shall contain authorizing signatures and outcome and fiscal information.

(5) In accordance with RCW 41.60.110 (1)(b), ((units)) teams completing a TIP project year may re-apply by the submission of an abbreviated application, including authorizing signatures, timeframes and either a confirmation of the previous results and/or revised performance measures as the ((data-base)) baseline to be used.

AMENDATORY SECTION (Amending WSR 89-19-006, filed 9/7/89, effective 10/8/89)

WAC 383-07-080 APPLICATION FORMAT. For applications to be considered by the board, units interested in participating in the teamwork incentive program must meet these eligibility criteria:

(1) An identification of the ((data-base)) baseline as specified in RCW 41.60.110(1), against which savings shall be evaluated at the end of the project year, including the following:

(a) A general description of the ((unit)) team and its mission;

(b) Performance measures which quantify the workflow and outcome measures of the ((unit)) team;

(c) Fiscal information pertinent to outcomes;

(d) A list of participating personnel and their Social Security numbers, with special notation of those working less than full time; and

(e) A statement of how the ((unit)) team expects to achieve gains.

(2) Signatures of agency management authorizing the ((unit's)) team's participation in the TIP project, including:

(a) The head of the agency in which the ((unit)) team is located or his or her designee;

(b) The supervisor/manager of the participating unit;

(c) The appropriate fiscal/budget officer of the agency; and

(d) Other signatures specified by the agency, such as the personnel manager and division directors.

AMENDATORY SECTION (Amending WSR 89-19-006, filed 9/7/89, effective 10/8/89)

WAC 383-07-090 APPROVAL OR DENIAL OF THE APPLICATION. Upon receipt of the official application, the program ((administrator)) manager shall:

(1) Review the application for completeness and accuracy, coordinating with the agency TIP liaison on any points needing clarification.

(2) Schedule the application for board action at the next appropriate meeting.

(3) Prepare an executive summary about the ((unit)) team, its performance measures and its TIP goals to be sent to board members prior to scheduled action.

(4) Make a recommendation to board members concerning the application, based on whether or not the application is reasonable and practical and includes program indicators which lend themselves to a judgment of success or failure.

(5) The board may approve or deny an application based upon whether or not the proposal is deemed reasonable, practical and includes program indicators which lend themselves to a judgment of success or failure.

(6) Communicate with the TIP liaison and interested others about dates for the anticipated board action on the application, the quarterly reports and the anticipated final review and approval of any ((unit)) team award.

AMENDATORY SECTION (Amending WSR 89-19-006, filed 9/7/89, effective 10/8/89)

WAC 383-07-100 REPORTS TO THE PRODUCTIVITY BOARD. Each ((unit)) team accepted to participate in the program shall submit regular progress reports to the board through the agency's TIP liaison.

(1) Quarterly reports shall be submitted to the board in accordance with a schedule arranged by the program ((administrator)) manager and shall contain, as a minimum, the following information:

(a) An update on ((unit)) team accomplishments relative to TIP performance measures;

(b) An update on personnel changes; and

(c) An indication of quality of outcomes.

(2) Final reports shall be submitted to the board within three months following the TIP completion date and shall include, as a minimum, the following information:

(a) Annual accomplishments relative to TIP performance measures as compared to TIP ((data-base)) baseline measures, expressed in both quantitative and qualitative terms, including the total net savings, the ((unit)) team award and the amount of a full award share;

(b) A list of personnel eligible to receive full award shares;

(c) A list of personnel eligible to receive partial award shares, based on the fraction of the year each has worked for the unit;

(d) A statement of quality of services written by agency management; and

(e) Specific information requested by the program ((administrator)) manager on behalf of the board.

(3) In their final report, the ((unit)) team shall submit documentation which quantifies performance measures, fiscal measures, and outcome measures for the TIP project year. Acceptable documentation may include, but is not limited to:

(a) Fiscal documents, such as budgets and accounting reports;

(b) Agency management reports quantifying outcomes;

(c) Reports from other agencies, such as the state energy office or federal agencies;

(d) Reports made to other agencies or governmental units;

- (e) Personnel reports quantifying overtime hours;
 (f) Other reports relevant to TIP performance outcomes and operational costs.
 (4) The program ((~~administrator~~)) manager may extend due dates for reports.

NEW SECTION

WAC 383-07-115 EVALUATION OF SAVINGS. Teams must demonstrate cost efficient operations during the TIP year through lower costs, improved productivity, and/or higher level of receipts with no decrease in level of service. Legitimate cost efficiencies are savings or gains to the state and may be achieved in one or more of the following ways:

- (1) Net cost reductions, when spending levels decrease;
- (2) Cost containment or cost avoidance, when spending levels are not reduced but additional funding does not have to be requested to handle increased workloads;
- (3) Revenue recoveries, when more moneys owed to the state are collected as a result of enhanced operations leading to higher yield of receipts; or
- (4) Other means considered by the board to represent true costs savings or enhanced generation of revenue.

AMENDATORY SECTION (Amending WSR 89-19-006, filed 9/7/89, effective 10/8/89)

WAC 383-07-120 DISTRIBUTION OF AWARDS. Awards shall be distributed to employees and supervisors of the unit identified as team members in the final report as follows:

- (1) If the board determines in its judgment that a ((~~unit~~)) team qualifies for an award, the board shall authorize payment of the award to the ((~~employees and supervisors of the unit~~)) team a percentage of net savings as specified in RCW 41.60.120.
- (2) The ((~~unit~~)) team award shall be divided and distributed in equal shares to ((~~employees and supervisors of the unit~~)) members of the team, except those who have worked within the ((~~unit~~)) team for less than twelve months of the TIP-year or less than full time during the twelve months of the project shall receive a pro rata share based upon the fraction of the TIP-year worked.
- (3) ((~~Units~~)) No individual share of the team award shall exceed the maximum suggestion award allowed in RCW 41.60.041(2).
- (4) Funds for paying awards shall be drawn from the agency in which the team is located. Awards for generating increased revenue to a state fund or account may be paid from the benefitted fund or account. In the case of general fund revenue, the award shall be drawn from the general fund in accordance with productivity board policy.
- (5) Teams not demonstrating cost efficiencies may receive special recognition of merit in the form and manner determined by the board.

AMENDATORY SECTION (Amending WSR 89-19-006, filed 9/7/89, effective 10/8/89)

WAC 383-07-130 AWARD AUTHORIZATION AND PAYMENT PROCEDURES. Following approval of a teamwork incentive award by the productivity board, the ((~~program administrator~~)) executive director shall submit a notice to the agency authorizing payment of awards in accordance with RCW 41.60.120.

- (1) The award authorization notice shall include:
 - (a) The total amount of savings;
 - (b) The unit award based upon the percentage specified by RCW 41.60.120; and
 - (c) A list of employees and the amount of each individual's award share.
- (2) The award authorization notice shall be sent to the agency's TIP liaison for processing payments of awards and fees. A copy of the authorization shall be forwarded to the ((~~unit~~)) team supervisor.
- (3) The award authorization notice shall be sent as soon as possible following board action.
- (4) The agency shall arrange for payment of awards in a timely manner.

WSR 92-09-049

NOTICE OF PUBLIC MEETINGS CONVENTION AND TRADE CENTER

[Memorandum—April 8, 1992]

The board of directors of the Washington State Convention and Trade Center will meet on Wednesday, April 15, 1992, at 2:00 p.m. in Room 309 of the Convention Center, 800 Convention Place, Seattle.

If you have any questions regarding this meeting, please call 447-5000.

WSR 92-09-050

PERMANENT RULES WASHINGTON STATE PATROL

[Filed April 13, 1992, 9:40 a.m.]

Date of Adoption: February 7, 1992.

Purpose: To clarify when hazard strobe lights on school buses may be used.

Citation of Existing Rules Affected by this Order: Amending WAC 204-74A-060.

Statutory Authority for Adoption: RCW 46.37.290.

Pursuant to notice filed as WSR 91-24-003 on November 22, 1991.

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

February 7, 1992
 George B. Tellevik
 Chief

AMENDATORY SECTION (Amending WSR 90-18-047, filed 8/30/90, effective 9/30/90)

WAC 204-74A-060 ADDITIONAL HAZARD STROBE LAMP. (1) In addition to the eight lamp

warning system, each bus may be equipped with a single additional hazard strobe lamp. Such lamps must meet the Class I requirements of SAE Standard J1318, 360 degree gaseous discharge warning lamp.

(2) A clear lens strobe lamp, less than eight inches in height, may be mounted on the centerline of the roof in the rear one-half of the bus. At no time shall the lamp be mounted any closer than six feet from the rear of the bus measured from a vertical plane tangent to the rear-most point of the bus body.

(3) The hazard strobe lamp will be activated by a switch independent of all other lamp switches. The hazard strobe lamp switch shall be plainly labeled and have a pilot lamp that shall indicate when the lamp is in operation.

(4) The use of a hazard strobe lamp is permitted only when the bus is occupied with school children and one or more of the following conditions exist:

(a) ~~((It))~~ The bus is in motion in inclement, sight obscuring conditions, including but not limited to rain, fog, snow, and smoke; ~~((and/or))~~

(b) There is a need to improve the visibility of the bus when stopping, standing, or starting onto a highway ((in areas of));

(c) There is limited visibility caused by geographic hazards such as winding roadways, hills, trees, buildings, etc.

The strobe lamp shall not be activated solely because of darkness.

WSR 92-09-051
RESCINDING EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Institutions)

[Filed April 13, 1992, 11:59 a.m.]

Purpose: Rescind WSR 92-09-046 filed April 10, 1992. Division of Developmental Disabilities does not want an emergency filed on WAC 275-25-530, Funding formula; only a permanent filing is to be filed.

Citation of Existing Rules Affected by this Order: Rescinding WAC 275-25-530 Funding formula—Developmental disabilities.

Statutory Authority for Adoption: RCW 74A.14.040 [71A.14.040].

April 13, 1992
Leslie F. James, Director
Administrative Services

WSR 92-09-052

NOTICE OF PUBLIC MEETINGS
EDMONDS COMMUNITY COLLEGE

[Memorandum—April 13, 1992]

Thursday, April 16, 1992
Lynnwood Hall, Room 424
4:30 – 6:00

The facilities for this meeting are free of mobility barriers and interpreters for deaf individuals and brailled or taped information for blind individuals will be provided upon request when adequate notice is given.

WSR 92-09-053

NOTICE OF PUBLIC MEETINGS
WORKFORCE TRAINING AND
EDUCATION COORDINATING BOARD

[Memorandum—April 8, 1992]

April 28-29, 1992

April 28, 1992, 6:00 p.m., Executive Court, Legend B Room, Hotel Ridpath, Spokane, Washington, the Workforce Training and Education Coordinating Board will meet for dinner on Tuesday, April 28, 1992, in the Executive Court Legend B Room at the Hotel Ridpath, Spokane, Washington. The dinner meeting, which will begin at 6:00 p.m. and conclude by approximately 9:00 p.m., is for the purpose of discussing strategies for accomplishing needed changes in the overall workforce training system. No action will be taken at this meeting.

April 29, 1992, 10:30 a.m., Littlefoot A & B, Spokane Community College, North 1810 Greene Street, Spokane, WA, the Workforce Training and Education Coordinating Board will meet in a regular meeting on Wednesday, April 29, 1992, in Littlefoot A & B Conference Rooms at Spokane Community College, North 1810 Greene Street, Spokane, WA. The meeting will begin at 10:30 a.m. and conclude by approximately 5:30 p.m.

Agenda items will include consideration of a job skills program grant application, a discussion on a process for improved coordination and interaction with community-based organizations, a discussion on the Office of the Superintendent of Public Instruction and the State Board for Community and Technical Colleges 1993-95 budget priorities, and subcommittee appointments. In addition, there will be reports from the chairperson, acting executive director, funding task force, and from individual board members on events they have attended. The board will review staff work on policy/administration options and impacts, and an executive session may be called for any permissible reason, as authorized by the Open Public Meetings Act.

People needing special accommodations, please call Patsi Justice at (206) 753-5660 or 234-5660 scan.

WSR 92-09-054
DEPARTMENT OF ECOLOGY
 [Memorandum—April 13, 1992]

STATE/ENVIRONMENTAL PROTECTION AGENCY
 AGREEMENT
 NOTICE OF PUBLIC HEARING

The Washington State Departments of Ecology, Health, and Agriculture and the United State Environmental Protection Agency (EPA) are requesting public review and comment on proposed environmental programs prior to submittal of annual state grant applications to EPA for state fiscal year 1993 (July 1, 1992 – June 30, 1993).

This state/environmental protection agency agreement (SEA) addresses environmental problems that have been identified as priorities by both levels of government. It identifies planned state activities in the areas of air quality, water quality, drinking water, hazardous waste, and pesticides that are proposed for federal grant support. The grants require state matching funds. The activities will be carried out by state employees with federal technical assistance.

The draft SEA document will be available to the public after May 3, 1992, at Ecology Headquarters (Lacey), Ecology Regional Offices (Tumwater, Bellevue, Yakima, and Spokane), Health Headquarters (Tumwater), Agriculture Headquarters (Olympia), and EPA offices (Seattle and Lacey).

A public hearing will be held to receive comments on the draft SEA. Written comments will also be accepted until June 6, 1992.

Public Hearing: May 28, 1992, 7:00 p.m., Attorney General's Office Conference Center, 4224 6th Avenue S.E., Lacey, WA.

Requests for the draft SEA and written comments should be addressed to: Leslie H. Romer, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, phone (206) 459-6280.

WSR 92-09-055
PERMANENT RULES
EDMONDS COMMUNITY COLLEGE
 [Filed April 13, 1992, 12:47 p.m.]

Date of Adoption: March 19, 1992.

Purpose: Amend campus traffic rules.

Citation of Existing Rules Affected by this Order:
 Amending chapter 132Y-100 WAC.

Statutory Authority for Adoption: RCW 28B.50.140.

Pursuant to notice filed as WSR 92-04-067 on February 4, 1992.

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

April 10, 1992
 Barbara Patterson
 Dean of Human Resources and
 Assistant to the President

AMENDATORY SECTION (Amending Resolution No. 85-8-2, filed 8/23/85)

WAC 132Y-100-008 PERMITS REQUIRED FOR EMPLOYEE VEHICLES ((ON-CAMPUS)) IN DESIGNATED LOTS. Except as provided in WAC 132Y-100-010 and 132Y-100-052 of these rules, no ((person)) employee shall leave any vehicle unattended in a designated staff lot, upon the campus of the college without a permit issued by the security office of the college, unless such ((person)) employee is in the process of loading, unloading, or is a registered visitor.

((Visitors must register their name and vehicle license number at the college information office.)) Students and visitors are not required to obtain a permit to park in lots not designated as staff or carpool lots.

AMENDATORY SECTION (Amending Resolution No. 81-8-1, filed 8/14/81)

WAC 132Y-100-028 ISSUANCE OF PERMITS.
 (1) ((Students, faculty, and staff.)) Employees seeking a permit to park in designated staff lots or students seeking a permit to park in designated carpool lots may be issued a parking permit by the security office, upon registration of his/her vehicle with the campus security office at the beginning of ((each academic)) employment with the college or, for students, the beginning of the quarter by presenting vehicle make, model, color, year, license number, and payment.

(2) Campus information may issue visitor parking permits when such permits are necessary.

(3) Temporary and special parking permits may be issued when such permits are necessary to enhance the business ((of)) operation of the college.

(4) Two permits may be issued to one individual ((without second payment.)) provided the applicant presents either title or registration indicating ownership of both vehicles.

AMENDATORY SECTION (Amending Resolution No. 81-8-1, filed 8/14/81)

WAC 132Y-100-044 ADDITIONAL VEHICLES. When a new or different motor vehicle is acquired, it shall be necessary to register that vehicle with Edmonds Community College and a permit issued if the vehicle is to be used in designated staff lots on campus. No additional fee for parking will be required when new or different vehicle is acquired.

NEW SECTION

WAC 132Y-100-066 CARPOOL PARKING PERMIT FOR STUDENTS. Students who qualify for a carpool permit shall be allowed to park in the designated lot for carpools. To qualify for a carpool permit, the individual must designate two other regular riders in addition to the driver. This permit may be renewed each quarter. The permit can be obtained from the campus security office.

AMENDATORY SECTION (Amending Resolution No. 83-10-2, filed 11/1/83)

WAC 132Y-100-072 HANDICAPPED PARKING. No vehicle shall park in a handicapped zone without a state issued handicapped permit. Enforcement of handicapped parking is accomplished by either the college or the police department of the city of Lynnwood.

AMENDATORY SECTION (Amending Resolution No. 81-8-1, filed 8/14/81)

WAC 132Y-100-100 ISSUANCE OF TRAFFIC CITATIONS. Upon the violations of any of the rules contained in this document the Campus security officers are authorized to issue traffic citations, setting forth the date, the approximate time of violations, permit number, license number, infraction and name of officer. Such traffic citations may be served by attaching or affixing a copy thereof in some prominent place outside such vehicle or by personally serving the operator.

AMENDATORY SECTION (Amending Resolution No. 83-10-2, filed 11/1/83)

WAC 132Y-100-104 FINES AND PENALTIES. Campus security officers are authorized to impose the following fines and penalties when:

(1) ~~((Except as provided under subsection 2, fines will be imposed starting the first week of each quarter. The amount of all fines will be determined by the college.~~

(2)) Vehicles are parked in a manner to obstruct fire lanes, access to and from parking spaces, handicapped parking or causing a disruption in college activities may be impounded and taken to such place for storage as the college selects. The expenses of such impoundings and storage shall be charged to the owner or operator of the vehicle. The college and its employees shall not be liable for loss or damage of any kind resulting from impounding and storage.

~~((3) Vehicles involved in more than two violations of these rules within any one quarter may be impounded by the attachment of a vehicle immobilizer.~~

(4)) (2) Vehicles are parked in staff lots without a valid permit.

Except as provided under subsection (1) of this section, fines will be imposed starting the first week of each quarter. The amount of all fines will be determined by the college. Fines are to be paid at the college's cashier's desk.

AMENDATORY SECTION (Amending Resolution No. 83-10-2, filed 11/1/83)

WAC 132Y-100-112 ENFORCEMENT FOR STUDENTS. In the event a student fails to comply with these rules, such student may be declared ineligible to register for additional courses, and/or to obtain a transcript of his/her grades or credits until he/she has otherwise complied with the determination.

AMENDATORY SECTION (Amending Resolution No. 81-8-1 filed 8/14/81)

WAC 132Y-100-116 LIABILITY OF COLLEGE. The college assumes no liability (~~((under any circumstances))~~) for vehicles parked on campus.

AMENDATORY SECTION (Amending Resolution No. 81-8-1, filed 8/14/81)

WAC 132Y-100-120 SEVERABILITY. If any provision of chapter 132Y-100 WAC is adjudged by a court to be ~~((unconstitutional))~~ contrary to law, the remaining provisions of chapter 132Y-100 WAC shall continue in effect.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 132Y-100-010 VOLUNTARY STUDENT FEE ASSESSMENT.
WAC 132Y-100-036 PARKING PERMIT FEES.
WAC 132Y-100-040 REFUND OF FEES.
WAC 132Y-100-048 FAILURE TO REGISTER.

WSR 92-09-056**NOTICE OF PUBLIC MEETINGS****COMMISSION ON
JUDICIAL CONDUCT**

[Memorandum—April 10, 1992]

The October 1, 1992, public meeting of the Commission on Judicial Conduct, previously scheduled for 2:00 p.m. at Campbell's Resort in Chelan, Washington, has been canceled.

The regular public meeting of the Commission on Judicial Conduct is scheduled for 11:00 a.m., Friday, October 2, 1992, at the Holiday Inn, 17338 Pacific Highway South, Seattle, WA 98188.

WSR 92-09-057**PROPOSED RULES****BELLEVUE COMMUNITY COLLEGE**

[Filed April 13, 1992, 2:33 p.m.]

Original Notice.

Title of Rule: Chapter 132H-105 WAC, Bylaws and standing orders of Community College District VIII; and chapter 132H-106 WAC, Bylaws and standing orders of Community College District VIII (governing orders).

Purpose: To repeal chapter 132H-105 WAC which will be covered by new chapter 132H-106 WAC.

Statutory Authority for Adoption: Chapter 34.05 RCW.

Statute Being Implemented: RCW 28B.50.140.

Summary: Repeals chapter 132H-105 WAC; and adds new chapter 132H-106 WAC.

Reasons Supporting Proposal: Provides current operating procedures of board of trustees.

Name of Agency Personnel Responsible for Drafting and Implementation: Phyllis Hudson, A201, (206) 641-2302; and **Enforcement:** Board of Trustees, A201, (206) 641-2302.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Bylaws of board of Trustees. Rules provide current operating procedures for public information.

Proposal Changes the Following Existing Rules: New chapter reflects current practices which are inconsistent with rules being repealed.

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

Hearing Location: Bellevue Community College, 3000 Landerholm Circle S.E., B-202A, Bellevue, WA 98007-6484, on June 2, 1992, at 8:00 a.m.

Submit Written Comments to: Phyllis Hudson, by May 28, 1992.

Date of Intended Adoption: June 11, 1992.

April 9, 1992
Phyllis Hudson
Secretary
Board of Trustees

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 132H-105 BYLAWS AND STANDING ORDERS OF COMMUNITY COLLEGE DISTRICT VIII

NEW CHAPTER

The following chapter of the Washington Administrative Code is a New Chapter which replaces Chapter 132H-105 [REPEALED]

BYLAWS AND STANDING ORDERS OF COMMUNITY COLLEGE DISTRICT
VIII
Chapter 132H-106 WAC

WAC

132H-106-010 Introduction. [NEW SECTION]
132H-106-020 Offices of the board of trustees. [NEW SECTION]
132H-106-030 Meetings of the board of trustees. [NEW SECTION]
132H-106-040 Officers of the board. [NEW SECTION]
132H-106-050 Seal and name of the college. [NEW SECTION]
132H-106-060 Bylaws of the board of trustees. [NEW SECTION]

Reviser's note: The brackets and enclosed material in the text of the above digest 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 132H-106-010 BOARD OF TRUSTEES. The board of trustees is an agency of the state and derives its authority as described in chapter 8, Laws of 1967 ex. sess. It shall be the responsibility of the board of trustees to establish policy and to evaluate the total college program. The board of trustees shall appoint a college president to administer the college and shall delegate to him/her the authority and responsibility for implementation of board policy.

NEW SECTION

WAC 132H-106-020 OFFICES OF THE BOARD OF TRUSTEES. The board of trustees shall maintain an office at Bellevue Community College, 3000 Landerholm Circle S.E., Bellevue, Washington

98007-6484, where all records, minutes and the official college seal shall be kept.

Persons may obtain information from and submit written comments or requests to the secretary of the board who is located in this office.

NEW SECTION

WAC 132H-106-030 MEETINGS OF THE BOARD OF TRUSTEES. Meetings may be held upon request by the chair or by a majority of the members of the board.

The board of trustees customarily holds a regular meeting on the second Tuesday of each month at such time and place as it may designate.

(1) All regular and special meetings of the board of trustees shall be announced and held in accordance with chapter 42.30 RCW (the Open Public Meetings Act).

(2) No official business shall be conducted by the board of trustees except during a regular or special meeting.

(3) The board of trustees may convene in executive session whenever it is deemed necessary pursuant to RCW 42.30.110.

NEW SECTION

WAC 132H-106-040 OFFICERS OF THE BOARD. Annually, at its June meeting the board elects from its membership a chair and vice chair to serve for the ensuing year. In addition, the president of Bellevue Community College or the president's designee serves as secretary to the board of trustees as specified by state law.

NEW SECTION

WAC 132H-106-050 SEAL AND NAME OF THE COLLEGE. The board of trustees of Community College District VIII shall maintain an official seal for use upon any or all official documents of the board. The seal shall have inscribed upon it the name of the college which shall be: Bellevue Community College.

NEW SECTION

WAC 132H-106-060 BYLAWS OF THE BOARD OF TRUSTEES. Bylaws of the board may be revised by majority vote of the board.

WSR 92-09-058

PROPOSED RULES

BELLEVUE COMMUNITY COLLEGE

[Filed April 13, 1992, 2:40 p.m.]

Original Notice.

Title of Rule: Chapter 132H-112 WAC, Rules for selection of a bargaining agent, rules for administering employer-employee relations.

Purpose: To repeal chapter 132H-112 WAC.

Statutory Authority for Adoption: Chapter 34.05 RCW.

Statute Being Implemented: RCW 28B.50.140.

Summary: Repeal chapter 132H-112 WAC.

Reasons Supporting Proposal: Necessary for the preservation of general welfare as current practices are inconsistent with WAC as filed.

Name of Agency Personnel Responsible for Drafting: Phyllis Hudson, A201, (206) 641-2302; **Implementation and Enforcement:** Board of Trustees, A201, (206) 641-2302.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Clarifies current practices.

Proposal Changes the Following Existing Rules: Existing rules are in direct conflict with current negotiated agreements as they affect employees or students.

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

Hearing Location: Bellevue Community College, 3000 Landerholm Circle S.E., B-202A, Bellevue, WA 98007-6484, on June 2, 1992, at 8:00 a.m.

Submit Written Comments to: Phyllis Hudson, Secretary, Board of Trustees, by May 28, 1992.

Date of Intended Adoption: June 11, 1992.

April 9, 1992
Phyllis Hudson
Secretary
Board of Trustees

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 132H-112 RULES FOR SELECTION OF A BARGAINING AGENT

WSR 92-09-059
PROPOSED RULES
BELLEVUE COMMUNITY COLLEGE

[Filed April 13, 1992, 2:47 p.m.]

Original Notice.

Title of Rule: Chapter 132H-128 WAC, Reduction-in-force procedure to accomplish reduction in academic work force.

Purpose: Repeal chapter 132H-128 WAC.

Statutory Authority for Adoption: Chapter 34.05 RCW.

Statute Being Implemented: RCW 28B.50.140.

Summary: Repeals chapter 132H-128 WAC.

Reasons Supporting Proposal: Necessary for the preservation of general welfare as current practices are inconsistent with WAC as filed.

Name of Agency Personnel Responsible for Drafting: Phyllis Hudson, A201, (206) 641-2302; Implementation and Enforcement: Board of Trustees, A201, (206) 641-2302.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Clarifies current practices.

Proposal Changes the Following Existing Rules: Existing rules are in direct conflict with current negotiated agreements as they affect employees or students.

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

Hearing Location: Bellevue Community College, 3000 Landerholm Circle S.E., B-202A, Bellevue, WA 98007-6484, on June 2, 1992, at 8:00 a.m.

Submit Written Comments to: Phyllis Hudson, Secretary, Board of Trustees, by May 28, 1992.

Date of Intended Adoption: June 11, 1992.

April 9, 1992
Phyllis Hudson
Secretary
Board of Trustees

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 132H-128 REDUCTION IN FORCE POLICY

WSR 92-09-060
PROPOSED RULES
BELLEVUE COMMUNITY COLLEGE

[Filed April 13, 1992, 2:50 p.m.]

Original Notice.

Title of Rule: Chapter 132H-148 WAC, Affirmative action policy regarding equal opportunity/affirmative action at Bellevue Community College.

Purpose: To repeal chapter 132H-148 WAC.

Statutory Authority for Adoption: Chapter 34.05 RCW.

Statute Being Implemented: RCW 28B.50.140.

Summary: Repeals chapter 132H-148 WAC.

Reasons Supporting Proposal: Necessary for the preservation of general welfare as current practices are inconsistent with WAC as filed.

Name of Agency Personnel Responsible for Drafting: Phyllis Hudson, A201, (206) 641-2302; Implementation and Enforcement: Board of Trustees, A201, (206) 641-2302.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Clarifies current practices.

Proposal Changes the Following Existing Rules: Existing rules are in direct conflict with current negotiated agreements as they affect employees or students.

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

Hearing Location: Bellevue Community College, 3000 Landerholm Circle S.E., B-202A, Bellevue, WA 98007-6484, on June 2, 1992, at 8:00 a.m.

Submit Written Comments to: Phyllis Hudson, Secretary, Board of Trustees, by May 28, 1992.

Date of Intended Adoption: June 11, 1992.

April 9, 1992
Phyllis Hudson
Secretary
Board of Trustees

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 132H-148 AFFIRMATIVE ACTION PROGRAM

WSR 92-09-061
EMERGENCY RULES
DEPARTMENT OF
NATURAL RESOURCES
 [Order 598—Filed April 14, 1992, 8:28 a.m.]

Date of Adoption: April 13, 1992.

Purpose: Postponing the starting date of closed season.

Statutory Authority for Adoption: RCW 76.04.005(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: Current and predicted weather conditions allow for the delay of the start of the closed season, as defined in RCW 76.04.005(2), until May 1, 1992.

Effective Date of Rule: Immediately.

April 13, 1992

Brian Boyle
 Commissioner of
 Public Lands

NEW SECTION

WAC 332-26-080 CLOSED SEASON. The start of the Closed Season, as defined in RCW 76.04.005(2), for 1992 shall be delayed until May 1.

WSR 92-09-062
PROPOSED RULES
BELLEVUE COMMUNITY COLLEGE
 [Filed April 14, 1992, 9:04 a.m.]

Original Notice.

Title of Rule: Chapter 132H-116 WAC, Parking and traffic rules, rules covering parking on campus and driving regulations.

Purpose: Amend chapter 132H-116 WAC.

Statutory Authority for Adoption: Chapter 34.05 RCW.

Statute Being Implemented: RCW 28B.50.140.

Summary: Amends chapter 132H-116 WAC.

Reasons Supporting Proposal: Provides current traffic and parking regulations.

Name of Agency Personnel Responsible for Drafting: Phyllis Hudson, A201, (206) 641-2302; Implementation and Enforcement: Board of Trustees, A201, (206) 641-2302.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Provides current rules and regulations on Bellevue Community College parking and traffic regulations.

Proposal Changes the Following Existing Rules: Existing rules are in conflict with current operating practices.

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

Hearing Location: Bellevue Community College, 3000 Landerholm Circle S.E., B-202A, Bellevue, WA 98007-6484, on June 2, 1992, at 8:00 a.m.

Submit Written Comments to: Phyllis Hudson, by May 28, 1992.

Date of Intended Adoption: June 11, 1992.

April 9, 1992
 Phyllis Hudson
 Secretary
 Board of Trustees

PARKING AND TRAFFIC RULES
Chapter 132H-116 WAC

AMENDATORY SECTION (Amending Order 43, filed 8/10/76)

WAC 132H-116-300 PREAMBLE. Pursuant to the authority granted by RCW 28B.50.140(10) and 28B.19.020(2) the board of trustees of Community College District VIII, Bellevue Community College is granted authority to establish rules and regulations for pedestrian (~~pedestrians~~) and vehicular traffic over property owned, operated, or maintained by the college district.

AMENDATORY SECTION (Amending Order 43, filed 8/10/76)

WAC 132H-116-310 OBJECTIVES OF PARKING AND TRAFFIC RULES AND REGULATIONS. The objectives of these regulations are:

(1) To protect and control pedestrian and vehicular traffic on property owned, operated, or maintained by the college district.

(2) To assure access at all times for emergency equipment.

(3) To minimize traffic disturbances. (~~during class hours~~)

(4) To facilitate the operation of the college by assuring access to vehicles.

~~((4) To facilitate the work of the college by assuring access to its vehicles and by assigning limited parking space for the most efficient use by all.))~~

(5) To allocate limited parking space for the most efficient use.

(6) ~~((5))~~ To protect state property.

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 132H-116-315 DEFINITIONS. For the purposed of this chapter, the following terms and definitions shall apply:

(1) Board: The board of trustees of Community College District VIII, State of Washington.

(2) Campus: Any or all real property owned, operated, controlled, or maintained by Community College District VIII, State of Washington.

(3) Car pool: Any group of three to five faculty, staff, or students who commute to the college in the same vehicle.

(4) College: Bellevue Community College, or any additional community college hereafter established with Community College District VIII, State of Washington, and collectively, those responsible for its control and operations.

(5) Faculty members: Any employee of Community College District VIII who is certified to teach in a community college in the State of Washington.

(6) Foot Propelled device: Wheeled devices including but not limited to skateboards, roller skates, roller blades, etc. designed or used for recreation and/or transportation purposes.

(7) Security Officers: Employees of the college accountable to the Dean of Administration and responsible for campus security, safety, and parking and traffic control.

(8) Staff: The administrative and classified members employed by the college.

(9) Student: Any person enrolled in the college.

(10) Vehicle: An automobile, truck, motorcycle, scooter or bicycle, both engine-powered and non-engine-powered.

(11) Visitor(s): Person(s) who come on to campus as guest(s), and person(s) who lawfully visit the campus for purposes in keeping with the college's role as an institution of higher learning in the State of Washington and are neither employees nor registered students of the institution.

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

AMENDATORY SECTION (Amending Order 43, filed 8/10/76)

WAC 132H-116-320 APPLICABLE PARKING AND TRAFFIC RULES AND REGULATIONS (~~(=AREAS AFFECTED)~~). The applicable parking and traffic (~~(following)~~) rules and regulations (~~(apply upon state lands devoted mainly to the educational or recreational activities of Bellevue Community College)~~) upon the campus are:

(1) The motor vehicle and other traffic laws of the state of Washington. RCW title 46. (~~(These shall be applicable upon all lands located within the State of Washington.)~~)

(2) The traffic code of the city of Bellevue. (~~(This code applies upon all lands located within the city of Bellevue.)~~)

(3) The Bellevue Community College parking and traffic regulations described in this chapter. (~~(These shall be applicable to all state lands which are or may hereafter be devoted mainly to educational, recreational, or parking activities of Bellevue Community College.)~~) In case of conflict among the provisions of the motor vehicle and other traffic laws of the state of Washington or the traffic code of the city of Bellevue and Bellevue Community College parking and regulations, the provisions of the state of Washington motor vehicle laws 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.

AMENDATORY SECTION (Amending Order 43, filed 8/10/76)

WAC 132H-116-330 ENFORCEMENT OF PARKING AND TRAFFIC (~~(BELLEVUE COMMUNITY COLLEGE)~~) RULES AND REGULATIONS. The Dean of Administration is responsible for parking and traffic management on campus. Duly appointed Security (~~(security)~~) Officers (~~(officers)~~) of Bellevue Community College are (~~(shall be)~~) delegated the authority to enforce all college parking and traffic rules and regulations. Employees of the Bellevue Community College parking division may be delegated the authority to enforce college parking and traffic regulations.

AMENDATORY SECTION (Amending Order 43 [75], filed 8/10/76 [1/21/82])

WAC 132H-116-350 PERMITS REQUIRED FOR VEHICLES ON CAMPUS. No person shall park, or leave any vehicle, whether attended or unattended, upon the campus of Bellevue Community College without a permit issued by the security division, cashier or registration offices. Permission to park on campus will be shown by display of a valid permit.

(1) A valid permit is:

(a) A current vehicle permit (~~(and area designator)~~) displayed in accordance with (~~(instructions. (See WAC 132H-116-580))~~) WAC 132H-116-356. Vehicle permits are valid until revoked.

(b) A temporary permit authorized by the security division and displayed in accordance with instructions. Temporary permits are valid through the date on the permit.

(c) A parking permit issued by a gate attendant. This permit must be displayed on the vehicle in accordance with instructions. (~~(shown on permit:)~~)

(d) A parking permit dispensed by machine at Bellevue Community College and displayed in accordance with instructions. (~~(shown on permit:)~~)

(2) Parking permits are not transferable, except as provided in (~~(WAC 132H-116-530) [132H-116-350])~~) WAC 132H-116-354.

(3) The college reserves the right to refuse to issue (~~(the issuance of)~~) a parking permit.

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

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

NEW SECTION

WAC 132H-116-351 AUTHORIZATION FOR ISSUANCE OF PERMITS. (1) The Dean of Administrative Services or his or her designee is authorized to issue all parking permits.

(2) Car pool permits may be issued to faculty, staff and students. One transferable permit will be issued by the security office for each car pool. This permit is transferable only among the registered members of the car pool. This permit must be displayed in accordance with the instructions provided with the permit.

(3) Special parking permits may be issued to physically handicapped faculty members, college personnel and students or if issuance enhances the business or operation of the college. Special parking permits are valid for six months from the date of issuance. Those requiring handicapped parking for more than six months must display a state of Washington handicapped permit.

NEW SECTION

WAC 132H-116-352 PERMIT REVOCATIONS. Parking permits are the property of the college, and may be recalled by the Dean of Administration or his or her designee for any of the following reasons:

(1) When the purpose for which the permit was issued changes or no longer exists.

(2) When a permit is used by an unauthorized individual.

(3) Falsification on a parking permit application.

(4) Continued violations or parking regulations.

(5) Counterfeiting or altering of permits.

(6) Failure to comply with a final decision of the citation review committee, or institutional hearing officer.

NEW SECTION

WAC 132H-116-353 RIGHT TO APPEAL REVOCATION. Parking permit revocations under this chapter may be appealed pursuant to the procedures in WAC 132H-120-062.

NEW SECTION

WAC 132H-116-354 TRANSFER OF PERMITS. (1) Parking permits are not transferable. If a vehicle is sold or traded, a new permit will be issued to the permit holder at no additional cost if the permit holder does the following:

(a) Records invalid permit number;

(b) Removes invalid permit; and

(c) Brings invalid permit or remnant thereof and permit number to the Security division. This office shall then issue the permit holder a new parking permit. Permit holder will then be registered under the new number.

(2) Permits may be reissued as authorized by the college Security Supervisor.

NEW SECTION

WAC 132H-116-355 RESPONSIBILITY OF PERSON TO WHOM PERMIT ISSUED. The person to whom a permit is issued is responsible for the vehicle upon which the permit is affixed. He or she shall be held responsible for all violations of these rules and regulations charged to that vehicle. However, the operator of a vehicle will not be relieved of responsibility for violating any rule or regulation of this chapter simply because he or she is not also the holder of the permit.

NEW SECTION

WAC 132H-116-356 DISPLAY OF PERMITS. The vehicle permit issued by the college shall be permanently affixed to the inside of the rear window on the lower left corner. If the vehicle is a convertible or a truck-camper or has no permanently fixed rear window, the permit shall be displayed in the front windshield. Permits not displayed in accordance with the provisions of this section shall not be valid and vehicles displaying the improperly placed permit shall be subject to citation.

NEW SECTION

WAC 132H-116-357 **PARKING FEES.** Parking fees may be adopted by the Board of Trustees, specifying the charge per quarter and year.

AMENDATORY SECTION (Amending Order 43, filed 8/10/76)

WAC 132H-116-360 (~~(TOURISTS AND VISITORS)) VISITORS—EXEMPTION FROM PERMIT REQUIREMENTS.~~ (1) The Security (~~(security division supervisor)) Supervisor~~ may allow (~~(tourists and))~~ visitors without permits to drive through the campus without parking. (~~(but he))~~

(2) The Security Supervisor or his or her designee may require visitors (~~(them))~~ to wait at the entrances to the campus during times when pedestrian and/or vehicular traffic congestion is above normal. (~~(such as at the time of class changes:))~~ (See WAC 132H-116-430.)

NEW SECTION

WAC 132H-116-405 **ALLOCATION OF PARKING SPACES.** The parking space available on the campus shall be allocated by the Dean of Administration or his or her designee in such manner as will best obtain the objectives of these regulations. The Dean of Administration or his or her designee is further authorized to designate and mark the various parking areas on the campus with numbers or titles or both.

AMENDATORY SECTION (Amending Order 43, filed 8/10/76)

WAC 132H-116-410 **PARKING WITHIN DESIGNATED SPACES.** (1) No vehicle shall be parked on the campus except in those areas set aside and designated as parking areas.

(2) No vehicle shall be parked so as to occupy any portion of more than one parking space or stall as designated within the parking area. The fact that other vehicles may have been so parked as to require the vehicle parked to occupy a portion of more than one space or stall shall not constitute an excuse for a violation of this section.

NEW SECTION

WAC 132H-116-415 **DAY AND EVENING PARKING.** Students, staff and faculty may obtain day and/or evening parking on campus to the extent spaces are available as follows:

(1) Student daytime parking is limited to areas designated student parking.

(2) Staff/faculty daytime parking is limited to areas designated staff/faculty parking.

(3) Evening parking, after 3:00 p.m., for students, staff and faculty is available in all designated parking areas with the exceptions of the parking spaces for the handicapped, the college motor pool, and specifically signed reserved areas.

AMENDATORY SECTION (Amending Order 43, filed 8/10/76)

WAC 132H-116-430 **SPECIAL PARKING AND TRAFFIC REGULATIONS** (~~(AND RESTRICTIONS))~~ **AUTHORIZED.** During special occasions causing additional and/or heavy traffic and during emergencies, the Security (~~(security/safety-s))~~ Supervisor is authorized to impose additional traffic and parking regulations (~~(and restrictions for the))~~ to achieve (~~(achievement of))~~ the specified objectives of this chapter. (~~(these regulations and provide appropriate notice thereof whenever possible:))~~

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

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 132H-116-431 **REGULATORY SIGNS AND DIRECTIONS.** Drivers of vehicles shall obey regulatory signs and signs related to the collection of parking fees. Drivers of vehicles shall comply with directions given to them by college Security Officers in the control and regulation of traffic. Drivers shall also comply with directions given to them by the Traffic Guides or Parking Checkers of the security

division in the assignment of parking space and in the collection of parking fees.

NEW SECTION

WAC 132H-116-432 **SPEED.** No vehicle shall be operated on the campus at a speed in excess of twenty miles per hour or such lower speed as is reasonable and prudent in the circumstance.

NEW SECTION

WAC 132H-116-433 **PEDESTRIAN'S RIGHT OF WAY.** (1) The operator of a vehicle shall yield right of way, slowing down or stopping, if need be, to so yield to any pedestrian, but no pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible or unsafe for the driver to yield.

(2) Whenever any vehicle slows or stops so as to yield to pedestrian traffic, the operator of any other vehicle approaching from the rear shall not overtake and pass such a vehicle which has slowed or stopped to yield to pedestrian traffic.

(3) Where a sidewalk is provided, pedestrian shall proceed upon such a sidewalk.

AMENDATORY SECTION (Amending Order 43, filed 8/10/76)

WAC 132H-116-470 **EXCEPTIONS TO PARKING AND TRAFFIC RESTRICTIONS.** WAC 132H-116-350, ~~132H-116-410~~ (~~(132H-116-400)),~~ and 132H-116-450 (~~(and 132H-116-780))~~ of these rules and regulations shall not apply to the drivers of state-owned or operated vehicles which are operated by Bellevue Community College in the performance of assigned functions.

AMENDATORY SECTION (Amending Order 43 [75], filed 8/10/76 [1/21/82])

WAC 132H-116-590 (~~(PARKING OF))~~ **MOTORCYCLES, BICYCLES,** (~~(AND))~~ **SCOOTERS.** (1) Motorcycles, (~~(motorized))~~ bicycles and scooters are for the purpose of these regulations considered to be motor vehicles and are subject to all traffic and parking rules and regulations controlling other motor vehicles.

(2) Motorcycles (~~(motorized bicycles))~~ and motorized scooters may be parked in designated areas in addition to the regular parking lots.

(3) Motorcycles (~~(motorized bicycles))~~ and motorized scooters are not permitted on paths, sidewalks, (~~(in buildings))~~ or authorized bicycle (~~(areas))~~ or (~~(in))~~ pedestrian areas or in buildings at any time.

(4) Bicycles shall be parked in designated areas only. In properly parked bicycles may be impounded and a citation and/or a fine imposed upon the owner.

(5) No bicycles or foot propelled devices shall be operated on campus walkways, corridors, hallways or buildings unless their use is required as part of the educational process in an authorized program.

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.

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

NEW SECTION

WAC 132H-116-615 **ISSUANCE OF TRAFFIC CITATIONS.** Upon probable cause to believe that a violation of these rules and regulations has occurred, the Dean of Administration and/or duly appointed Security Officers may issue citations setting forth the date, the approximate time, the locality, the nature of the violation, the permit number, license number, infraction, officer, and the amount fine(s), by attaching or affixing a copy thereof to the vehicle allegedly involved in such violation, by placing a copy thereof in some prominent place within such vehicle, by mail, or by personal service.

AMENDATORY SECTION (Amending Order 43 [75], filed 8/10/76 [1/21/82])

WAC 132H-116-620 **FINES, PENALTIES AND IMPOUNDING.** (~~(The fines to be assessed for violations of these regulations shall be detailed in WAC 132H-116-810.~~

(~~(1) Fines = payment))~~

(1) The current schedule and fines shall be published by the college and made available for review in the Security Office.

~~((a) Persons cited for violation of these regulations may respond either by filing a written appeal as detailed in WAC 132H-116-630 or by forfeiting a fine within fifteen days of receipt of the citation.~~

~~(b) All fines are payable to the Bellevue Community College cashier. Fines may be paid by mail by sending the citation and amount of fine to the Bellevue Community College cashier.~~

~~(2) Fines - unpaid~~

~~(a) If any citation remains unpaid after fifteen days, the following action shall be taken by Bellevue Community College:))~~

~~(2) In addition to imposing fines, the Dean of Administration and duly appointed Security Officers are authorized to impound, immobilize and take to such place for storage as the campus Security Supervisor selects, any vehicles parked on college property in violation of these regulations. The expenses of such impounding, immobilization and storage shall be charged to the owner or operator of the vehicle and must be paid prior to the vehicle's release.~~

~~(a) The college shall not be liable for loss or damage of any kind resulting from such impounding, immobilization or storage.~~

~~(b) Impoundment of a vehicle does not remove the obligation for any fines associated with the violation.~~

~~(c) Vehicles left unattended on college property for an unreasonable duration (a period greater than 4 days) may be impounded by the college.~~

~~(d) Grounds for impounding vehicles shall include, but not be limited to the following:~~

~~(i) Blocking a roadway so as to impede the flow of traffic;~~

~~(ii) Blocking a walkway so as to impede the flow of pedestrian traffic;~~

~~(iii) Blocking a fire hydrant or fire lane;~~

~~(iv) Creating a safety hazard in the opinion of a campus security officer;~~

~~(v) Blocking another legally parked vehicle;~~

~~(vi) Parking in a marked "tow-away" zone.~~

~~(3) All fines must be paid within 20 calendar days from the date of the citation. All fines are payable as designated on the citation.~~

~~(3) If any citation remains unpaid after 20 calendar days from the date of the citation, the following action may be taken by Bellevue Community College:~~

~~(a) Degrees, transcripts, grades, refunds or credits may be withheld until all fines are paid.~~

~~(b) ~~((+))~~ Registration for the following quarter may ~~((shat))~~ be delayed. ~~((impounding violator's vehicle:))~~~~

~~(c) ~~((+))~~ The college shall consider impounding)) The violator's vehicle may be impounded.~~

~~(d) ~~((+))~~ Faculty, students and staff may ~~((wit))~~ be denied future ~~((unable to purchase))~~ parking privileges. ~~((permits unless outstanding tickets are paid:))~~~~

~~(e) The college may refuse to issue keys to faculty, staff or students.~~

~~(4) An accumulation of traffic violations by a student will be cause for disciplinary action, and the dean of administration or his or her designee may initiate disciplinary proceedings against such students.~~

~~((b) These procedures will be applicable to all students, faculty and staff members receiving citations for violation of these regulations.~~

~~(3) Excessive citations~~

~~(a) The citation review committee or institutional hearing officer may review the parking privileges of students, faculty and staff acquiring an excessive number of citations (3 or more) and may take action as the circumstances warrant:))~~

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

Reviser's note: The spelling 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.

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

AMENDATORY SECTION (Amending Order 43, filed 8/10/76)

WAC 132H-116-630 APPEALS OF FINES AND PENALTIES. Any fines and penalties levied against a violator of the rules and regulations in this chapter may be appealed pursuant to the provisions of chapter 132H-120 WAC. Appeals must be made in writing within 20 calendar days from the date of the citation. ~~((Students, faculty or staff members receiving citations for violations of these regulations may appeal to the chairperson of the citation review committee in writing through the dean of student services. Appeals must be submitted without posting of fine within seven days after date of citation. The citation review committee meets a minimum of once a month while the college is in session.~~

~~(a) The citation review committee shall consider each appeal on its merits and shall make written notification of each decision of the citation review committee to the appellant and the security division:))~~

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

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

NEW SECTION

WAC 132H-116-655 REPORT OF ACCIDENT. The operator of any vehicle involved in an accident on campus resulting in injury to or death of any person or total or claimed damage to either or both vehicles of \$500, shall within 24 hours report such accident to the campus security department. This does not relieve any person so involved in an accident from his responsibility to file a state of Washington motor vehicle accident report within 24 hours after such accident.

AMENDATORY SECTION (Amending Order 43, filed 8/10/76)

WAC 132H-116-730 REGULATORY SIGNS, MARKINGS, BARRICADES, ETC. (1) The ~~((director))~~ Director of Campus ~~((plant))~~ ~~((operations))~~ Operations is authorized to erect signs, barricades and other structures and to paint marks and other directions upon the streets and parking areas owned and operated by the college. ~~((roadways for the regulation of traffic and parking upon state lands devoted mainly to the educational, recreational, or parking activities of Bellevue Community College:))~~ Such signs, barricades, structures, markings and directions shall be so made and placed as in the opinion of the ~~((director))~~ Director of Campus ~~((plant))~~ ~~((operations))~~ Operations will best achieve ~~((effectuate))~~ the goals ~~((objectives))~~ of these regulations. ~~((as stated in WAC 132H-116-310:))~~

~~(2) Drivers of vehicles shall obey the signs, barricades, structures, markings and directions erected pursuant to this section. Drivers shall also comply with the directions given them by a Campus Security Officer or other campus security personnel controlling and regulating traffic.~~

~~(3) ~~((+))~~ No person without authorization from the ~~((director))~~ Director of Campus ~~((plant))~~ ~~((operations))~~ Operations shall move, deface, or in any way change a sign, barricade, structure, marking or direction so placed, or previously placed, for the purpose of regulating traffic or parking.~~

AMENDATORY SECTION (Amending Order 43, filed 8/10/76)

WAC 132H-116-750 DELEGATION OF AUTHORITY. The authority and powers conferred upon the ~~((director))~~ Director of Campus ~~((plant))~~ ~~((operations))~~ Operations or the Security ~~((security/safety supervisor))~~ Supervisor by these regulations may ~~((shat))~~ be ~~((subject))~~ delegated ~~((to delegation))~~ by them to their subordinates.

NEW SECTION

WAC 132H-116-765 LIABILITY OF COLLEGE. Except for college owned and/or operated vehicles, the college assumes no liability under any circumstances for vehicles on college properties.

NEW SECTION

WAC 132H-116-791 ENFORCEMENT. Parking rules and regulations will be enforced throughout the calendar year. Parking and traffic rules and regulations are enforced on a 24 hour daily basis.

REPEALER

The following Sections of the Washington Administrative Code are repealed:

WAC

132H-116-340	Modification of parking and traffic regulations.
132H-116-370	Speed.
132H-116-380	Regulatory signs and directions.
132H-116-390	Pedestrians—Right of way.
132H-116-400	Designated and assigned parking areas.
132H-116-420	Disabled and inoperative vehicles—Impounding.
132H-116-440	Liability of college.
132H-116-450	Parking—Prohibited places.
132H-116-480	Authorization for issuance of permits.
132H-116-490	Allocation of parking space and priorities of applicants.
132H-116-500	Visitors and guests.
132H-116-510	Special permits.
132H-116-520	Permit revocations.
132H-116-530	Car pool permits.
132H-116-540	Second car permits.
132H-116-542	Temporary permit.
132H-116-550	Annual and quarterly permit periods.
132H-116-560	Parking area, zone and reserved space designations and area assignments.
132H-116-570	Responsibility of person to whom permit issued.
132H-116-580	Display of permits.
132H-116-600	Annual parking fee payment.
132H-116-610	Schedule of fees.
132H-116-640	Establishment of citation review committee, appointment of members and appointment of institutional hearing officer.
132H-116-650	Jurisdiction of the citation review committee.
132H-116-660	Procedure—Summons and service thereof.
132H-116-670	Election to forfeit or contest.
132H-116-680	Procedure—Rules of evidence.
132H-116-690	Procedure—Review decision.
132H-116-700	Mitigation and suspension of fines.
132H-116-710	Enforcement of the decisions of the citation review committee.
132H-116-720	Procedure—Review decision appeal.
132H-116-740	Impounding of vehicles.
132H-116-760	Prohibition of dumping.
132H-116-770	Horses on campus.
132H-116-780	Bicycle and other foot propelled devices.
132H-116-810	Parking and traffic fines schedule.

WSR 92-09-063**EMERGENCY RULES****BELLEVUE COMMUNITY COLLEGE**

[Filed April 14, 1992, 9:12 a.m.]

Date of Adoption: April 1, 1992.

Purpose: Amend chapter 132H-116 WAC, Parking and traffic rules.

Citation of Existing Rules Affected by this Order: Amending chapter 132H-116 WAC.

Statutory Authority for Adoption: Chapter 34.05 RCW.

Other Authority: RCW 28B.50.140.

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

to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: It is necessary for the preservation of the general welfare because current practices are inconsistent with WAC as filed.

Effective Date of Rule: Immediately.

April 8, 1992

Phyllis C. Hudson

Secretary

Board of Trustees

PARKING AND TRAFFIC RULES
Chapter 132H-116 WAC

AMENDATORY SECTION (Amending Order 43, filed 8/10/76)

WAC 132H-116-300 PREAMBLE. Pursuant to the authority granted by RCW 28B.50.140(10) and 28B.19.020(2) the board of trustees of Community College District VIII, Bellevue Community College is granted authority to establish rules and regulations for pedestrian (~~pedestrians~~) and vehicular traffic over property owned, operated, or maintained by the college district.

AMENDATORY SECTION (Amending Order 43, filed 8/10/76)

WAC 132H-116-310 OBJECTIVES OF PARKING AND TRAFFIC RULES AND REGULATIONS. The objectives of these regulations are:

(1) To protect and control pedestrian and vehicular traffic on property owned, operated, or maintained by the college district.

(2) To assure access at all times for emergency equipment.

(3) To minimize traffic disturbances. (~~during class hours~~.)

(4) To facilitate the operation of the college by assuring access to vehicles.

~~((4) To facilitate the work of the college by assuring access to its vehicles and by assigning limited parking space for the most efficient use by all.)~~

(5) To allocate limited parking space for the most efficient use.

(6) ~~((5))~~ To protect state property.

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 132H-116-315 DEFINITIONS. For the purposed of this chapter, the following terms and definitions shall apply:

(1) *Board*: The board of trustees of Community College District VIII, State of Washington.

(2) *Campus*: Any or all real property owned, operated, controlled, or maintained by Community College District VIII, State of Washington.

(3) *Car pool*: Any group of three to five faculty, staff, or students who commute to the college in the same vehicle.

(4) College: Bellevue Community College, or any additional community college hereafter established with Community College District VIII, State of Washington, and collectively, those responsible for its control and operations.

(5) Faculty members: Any employee of Community College District VIII who is certified to teach in a community college in the State of Washington.

(6) Foot Propelled device: Wheeled devices including but not limited to skateboards, roller skates, roller blades, etc. designed or used for recreation and/or transportation purposes.

(7) Security Officers: Employees of the college accountable to the Dean of Administration and responsible for campus security, safety, and parking and traffic control.

(8) Staff: The administrative and classified members employed by the college.

(9) Student: Any person enrolled in the college.

(10) Vehicle: An automobile, truck, motorcycle, scooter or bicycle, both engine-powered and non-engine-powered.

(11) Visitor(s): Person(s) who come on to campus as guest(s), and person(s) who lawfully visit the campus for purposes in keeping with the college's role as an institution of higher learning in the State of Washington and are neither employees nor registered students of the institution.

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

AMENDATORY SECTION (Amending Order 43, filed 8/10/76)

WAC 132H-116-320 APPLICABLE PARKING AND TRAFFIC RULES AND REGULATIONS(=~~AREAS AFFECTED~~)). The applicable parking and traffic (~~following~~) rules and regulations (~~apply upon state lands devoted mainly to the educational or recreational activities of Bellevue Community College~~) upon the campus are:

(1) The motor vehicle and other traffic laws of the State of Washington. RCW title 46. (~~These shall be applicable upon all lands located within the State of Washington.~~)

(2) The traffic code of the city of Bellevue. (~~This code applies upon all lands located within the city of Bellevue.~~)

(3) The Bellevue Community College parking and traffic regulations described in this chapter. (~~These shall be applicable to all state lands which are or may hereafter be devoted mainly to educational, recreational, or parking activities of Bellevue Community College.~~) In case of conflict among the provisions of the motor vehicle and other traffic laws of the state of Washington or the traffic code of the city of Bellevue and Bellevue Community College parking and regulations, the provisions of the state of Washington motor vehicle laws 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.

AMENDATORY SECTION (Amending Order 43, filed 8/10/76)

WAC 132H-116-330 ENFORCEMENT OF PARKING AND TRAFFIC (~~BELLEVUE COMMUNITY COLLEGE~~) RULES AND REGULATIONS. The Dean of Administration is responsible for parking and traffic management on campus. Duly appointed Security (~~security~~) Officers (~~officers~~) of Bellevue Community College are (~~shall be~~) delegated the authority to enforce all college parking and traffic rules and regulations. Employees of the Bellevue Community College parking division may be delegated the authority to enforce college parking and traffic regulations.

AMENDATORY SECTION (Amending Order 43 [75], filed 8/10/76 [1/21/82])

WAC 132H-116-350 PERMITS REQUIRED FOR VEHICLES ON CAMPUS. No person shall park, or leave any vehicle, whether attended or unattended, upon the campus of Bellevue Community College without a permit issued by the security division, cashier or registration offices. Permission to park on campus will be shown by display of a valid permit.

(1) A valid permit is:

(a) A current vehicle permit (~~and area designator~~) displayed in accordance with (~~instructions. (See WAC 132H-116-580)~~) WAC 132H-116-356. Vehicle permits are valid until revoked.

(b) A temporary permit authorized by the security division and displayed in accordance with instructions. Temporary permits are valid through the date on the permit.

(c) A parking permit issued by a gate attendant. This permit must be displayed on the vehicle in accordance with instructions. (~~shown on permit.~~)

(d) A parking permit dispensed by machine at Bellevue Community College and displayed in accordance with instructions. (~~shown on permit.~~)

(2) Parking permits are not transferable, except as provided in (~~WAC [132H-116-530] [132H-116-350]~~) WAC 132H-116-354.

(3) The college reserves the right to refuse to issue (~~the issuance of~~) a parking permit.

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

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

NEW SECTION

WAC 132H-116-351 AUTHORIZATION FOR ISSUANCE OF PERMITS. (1) The Dean of Administrative Services or his or her designee is authorized to issue all parking permits.

(2) Car pool permits may be issued to faculty, staff and students. One transferable permit will be issued by the security office for each car pool. This permit is

transferable only among the registered members of the car pool. This permit must be displayed in accordance with the instructions provided with the permit.

(3) Special parking permits may be issued to physically handicapped faculty members, college personnel and students or if issuance enhances the business or operation of the college. Special parking permits are valid for six months from the date of issuance. Those requiring handicapped parking for more than six months must display a state of Washington handicapped permit.

NEW SECTION

WAC 132H-116-352 PERMIT REVOCATIONS. Parking permits are the property of the college, and may be recalled by the Dean of Administration or his or her designee for any of the following reasons:

- (1) When the purpose for which the permit was issued changes or no longer exists.
- (2) When a permit is used by an unauthorized individual.
- (3) Falsification on a parking permit application.
- (4) Continued violations or parking regulations.
- (5) Counterfeiting or altering of permits.
- (6) Failure to comply with a final decision of the citation review committee, or institutional hearing officer.

NEW SECTION

WAC 132H-116-353 RIGHT TO APPEAL REVOCATION. Parking permit revocations under this chapter may be appealed pursuant to the procedures in WAC 132H-120-062.

NEW SECTION

WAC 132H-116-354 TRANSFER OF PERMITS. (1) Parking permits are not transferable. If a vehicle is sold or traded, a new permit will be issued to the permit holder at no additional cost if the permit holder does the following:

- (a) Records invalid permit number,
 - (b) Removes invalid permit, and
 - (c) Brings invalid permit or remnant thereof and permit number to the Security division. This office shall then issue the permit holder a new parking permit. Permit holder will then be registered under the new number.
- (2) Permits may be reissued as authorized by the college Security Supervisor.

NEW SECTION

WAC 132H-116-355 RESPONSIBILITY OF PERSON TO WHOM PERMIT ISSUED. The person to whom a permit is issued is responsible for the vehicle upon which the permit is affixed. He or she shall be held responsible for all violations of these rules and regulations charged to that vehicle. However, the operator of a vehicle will not be relieved of responsibility for violating any rule or regulation of this chapter simply because he or she is not also the holder of the permit.

NEW SECTION

WAC 132H-116-356 DISPLAY OF PERMITS. The vehicle permit issued by the college shall be permanently affixed to the inside of the rear window on the lower left corner. If the vehicle is a convertible or a truck-camper or has no permanently fixed rear window, the permit shall be displayed in the front windshield. Permits not displayed in accordance with the provisions of this section shall not be valid and vehicles displaying the improperly placed permit shall be subject to citation.

NEW SECTION

WAC 132H-116-357 PARKING FEES. Parking fees may be adopted by the Board of Trustees, specifying the charge per quarter and year.

AMENDATORY SECTION (Amending Order 43, filed 8/10/76)

WAC 132H-116-360 (~~TOURISTS AND VISITORS~~) VISITORS—EXEMPTION FROM PERMIT REQUIREMENTS. (1) The Security (~~security division supervisor~~) Supervisor may allow (~~tourists and~~) visitors without permits to drive through the campus without parking. (~~but he~~)

(2) The Security Supervisor or his or her designee may require visitors (~~them~~) to wait at the entrances to the campus during times when pedestrian and/or vehicular traffic congestion is above normal. (~~such as at the time of class changes~~;) (See WAC 132H-116-430.)

NEW SECTION

WAC 132H-116-405 ALLOCATION OF PARKING SPACES. The parking space available on the campus shall be allocated by the Dean of Administration or his or her designee in such manner as will best obtain the objectives of these regulations. The Dean of Administration or his or her designee is further authorized to designate and mark the various parking areas on the campus with numbers or titles or both.

AMENDATORY SECTION (Amending Order 43, filed 8/10/76)

WAC 132H-116-410 PARKING WITHIN DESIGNATED SPACES. (1) No vehicle shall be parked on the campus except in those areas set aside and designated as parking areas.

(2) No vehicle shall be parked so as to occupy any portion of more than one parking space or stall as designated within the parking area. The fact that other vehicles may have been so parked as to require the vehicle parked to occupy a portion of more than one space or stall shall not constitute an excuse for a violation of this section.

NEW SECTION

WAC 132H-116-415 DAY AND EVENING PARKING. Students, staff and faculty may obtain day and/or evening parking on campus to the extent spaces are available as follows:

(1) Student daytime parking is limited to areas designated student parking.

(2) Staff/faculty daytime parking is limited to areas designated staff/faculty parking.

(3) Evening parking, after 3:00 p.m., for students, staff and faculty is available in all designated parking areas with the exceptions of the parking spaces for the handicapped, the college motor pool, and specifically signed reserved areas.

AMENDATORY SECTION (Amending Order 43, filed 8/10/76)

WAC 132H-116-430 SPECIAL PARKING AND TRAFFIC REGULATIONS (~~AND RESTRICTIONS~~) AUTHORIZED. During special occasions causing additional and/or heavy traffic and during emergencies, the Security (~~(security/safety-s)~~) Supervisor is authorized to impose additional traffic and parking regulations (~~(and restrictions for the)~~) to achieve (~~(achievement of)~~) the specified objectives of this chapter. (~~(these regulations and provide appropriate notice thereof whenever possible.)~~)

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

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 132H-116-431 REGULATORY SIGNS AND DIRECTIONS. Drivers of vehicles shall obey regulatory signs and signs related to the collection of parking fees. Drivers of vehicles shall comply with directions given to them by college Security Officers in the control and regulation of traffic. Drivers shall also comply with directions given to them by the Traffic Guides or Parking Checkers of the security division in the assignment of parking space and in the collection of parking fees.

NEW SECTION

WAC 132H-116-432 SPEED. No vehicle shall be operated on the campus at a speed in excess of twenty miles per hour or such lower speed as is reasonable and prudent in the circumstance.

NEW SECTION

WAC 132H-116-433 PEDESTRIAN'S RIGHT OF WAY. (1) The operator of a vehicle shall yield right of way, slowing down or stopping, if need be, to so yield to any pedestrian, but no pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible or unsafe for the driver to yield.

(2) Whenever any vehicle slows or stops so as to yield to pedestrian traffic, the operator of any other vehicle

approaching from the rear shall not overtake and pass such a vehicle which has slowed or stopped to yield to pedestrian traffic.

(3) Where a sidewalk is provided, pedestrian shall proceed upon such a sidewalk.

AMENDATORY SECTION (Amending Order 43, filed 8/10/76)

WAC 132H-116-470 EXCEPTIONS TO PARKING AND TRAFFIC RESTRICTIONS. WAC 132H-116-350, 132H-116-410 (~~(132H-116-400)~~), and 132H-116-450 (~~(and 132H-116-780)~~) of these rules and regulations shall not apply to the drivers of state-owned or operated vehicles which are operated by Bellevue Community College in the performance of assigned functions.

AMENDATORY SECTION (Amending Order 43 [75], filed 8/10/76 [1/21/82])

WAC 132H-116-590 (~~(PARKING OF)~~) MOTORCYCLES, BICYCLES, ((AND)) SCOOTERS. (1) Motorcycles, (~~(motorized)~~) bicycles and scooters are for the purpose of these regulations considered to be motor vehicles and are subject to all traffic and parking rules and regulations controlling other motor vehicles.

(2) Motorcycles (~~(, motorized bicycles)~~) and motorized scooters may be parked in designated areas in addition to the regular parking lots.

(3) Motorcycles (~~(, motorized bicycles)~~) and motorized scooters are not permitted on paths, sidewalks, (~~(in buildings)~~) or authorized bicycle (~~(areas)~~) or (~~(in)~~) pedestrian areas or in buildings at any time.

(4) Bicycles shall be parked in designated areas only. In properly parked bicycles may be impounded and a citation and/or a fine imposed upon the owner.

(5) No bicycles or foot propelled devices shall be operated on campus walkways, corridors, hallways or buildings unless their use is required as part of the educational process in an authorized program.

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.

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

NEW SECTION

WAC 132H-116-615 ISSUANCE OF TRAFFIC CITATIONS. Upon probable cause to believe that a violation of these rules and regulations has occurred, the Dean of Administration and/or duly appointed Security Officers may issue citations setting forth the date, the approximate time, the locality, the nature of the violation, the permit number, license number, infraction, officer, and the amount fine(s), by attaching or affixing a copy thereof to the vehicle allegedly involved in such violation, by placing a copy thereof in some prominent place within such vehicle, by mail, or by personal service.

AMENDATORY SECTION (Amending Order 43 [75], filed 8/10/76 [1/21/82])

WAC 132H-116-620 FINES, PENALTIES AND IMPOUNDING. ~~((The fines to be assessed for violations of these regulations shall be detailed in WAC 132H-116-810.~~

~~(1) Fines — payment))~~

(1) The current schedule and fines shall be published by the college and made available for review in the Security Office.

~~((a) Persons cited for violation of these regulations may respond either by filing a written appeal as detailed in WAC 132H-116-630 or by forfeiting a fine within fifteen days of receipt of the citation.~~

~~(b) All fines are payable to the Bellevue Community College cashier. Fines may be paid by mail by sending the citation and amount of fine to the Bellevue Community College cashier.~~

~~(2) Fines — unpaid~~

~~(a) If any citation remains unpaid after fifteen days, the following action shall be taken by Bellevue Community College:))~~

(2) In addition to imposing fines, the Dean of Administration and duly appointed Security Officers are authorized to impound, immobilize and take to such place for storage as the campus Security Supervisor selects, any vehicles parked on college property in violation of these regulations. The expenses of such impounding, immobilization and storage shall be charged to the owner or operator of the vehicle and must be paid prior to the vehicle's release.

(a) The college shall not be liable for loss or damage of any kind resulting from such impounding, immobilization or storage.

(b) Impoundment of a vehicle does not remove the obligation for any fines associated with the violation.

(c) Vehicles left unattended on college property for an unreasonable duration (a period greater than 4 days) may be impounded by the college.

(d) Grounds for impounding vehicles shall include, but not be limited to the following:

(i) Blocking a roadway so as to impede the flow of traffic;

(ii) Blocking a walkway so as to impede the flow of pedestrian traffic;

(iii) Blocking a fire hydrant or fire lane;

(iv) Creating a safety hazard in the opinion of a campus security officer;

(v) Blocking another legally parked vehicle;

(vi) Parking in a marked "tow-away" zone.

(3) All fines must be paid within 20 calendar days from the date of the citation. All fines are payable as designated on the citation.

(3) If any citation remains unpaid after 20 calendar days from the date of the citation, the following action may be taken by Bellevue Community College:

(a) Degrees, transcripts, grades, refunds or credits may be withheld until all fines are paid.

(b) ((†)) Registration for the following quarter may ((shall)) be delayed. ((impounding violator's vehicle.))

(c) ((††)) The college shall consider impounding)) The violator's vehicle may be impounded.

(d) ((†††)) Faculty, students and staff may ((will)) be denied future ((unable to purchase)) parking privileges. ((permits unless outstanding tickets are paid.))

(e) The college may refuse to issue keys to faculty, staff or students.

(4) An accumulation of traffic violations by a student will be cause for disciplinary action, and the dean of administration or his or her designee may initiate disciplinary proceedings against such students.

~~((b) These procedures will be applicable to all students, faculty and staff members receiving citations for violation of these regulations.~~

~~(3) Excessive citations~~

~~(a) The citation review committee or institutional hearing officer may review the parking privileges of students, faculty and staff acquiring an excessive number of citations (3 or more) and may take action as the circumstances warrant.))~~

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

Reviser's note: The spelling 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.

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AMENDATORY SECTION (Amending Order 43, filed 8/10/76)

WAC 132H-116-630 APPEALS OF FINES AND PENALTIES. Any fines and penalties levied against a violator of the rules and regulations in this chapter may be appealed pursuant to the provisions of chapter 132H-120 WAC. Appeals must be made in writing within 20 calendar days from the date of the citation. ((Students, faculty or staff members receiving citations for violations of these regulations may appeal to the chairperson of the citation review committee in writing through the dean of student services. Appeals must be submitted without posting of fine within seven days after date of citation. The citation review committee meets a minimum of once a month while the college is in session.

(a) The citation review committee shall consider each appeal on its merits and shall make written notification of each decision of the citation review committee to the appellant and the security division.))

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

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

NEW SECTION

WAC 132H-116-655 **REPORT OF ACCIDENT.** The operator of any vehicle involved in an accident on campus resulting in injury to or death of any person or total or claimed damage to either or both vehicles of \$500, shall within 24 hours report such accident to the campus security department. This does not relieve any person so involved in an accident from his responsibility to file a state of Washington motor vehicle accident report within 24 hours after such accident.

AMENDATORY SECTION (Amending Order 43, filed 8/10/76)

WAC 132H-116-730 **REGULATORY SIGNS, MARKINGS, BARRICADES, ETC.** (1) The ~~((director))~~ Director of Campus ~~((plant))~~ ~~((operations))~~ Operations is authorized to erect signs, barricades and other structures and to paint marks and other directions upon the streets and parking areas owned and operated by the college. ~~((roadways for the regulation of traffic and parking upon state lands devoted mainly to the educational, recreational, or parking activities of Bellevue Community College.))~~ Such signs, barricades, structures, markings and directions shall be so made and placed as in the opinion of the ~~((director))~~ Director of Campus ~~((plant))~~ ~~((operations))~~ Operations will best achieve ~~((effectuate))~~ the goals ~~((objectives))~~ of these regulations. ~~((as stated in WAC 132H-116-310.))~~

(2) Drivers of vehicles shall obey the signs, barricades, structures, markings and directions erected pursuant to this section. Drivers shall also comply with the directions given them by a Campus Security Officer or other campus security personnel controlling and regulating traffic.

(3) ~~((2))~~ No person without authorization from the ~~((director))~~ Director of Campus ~~((plant))~~ ~~((operations))~~ Operations shall move, deface, or in any way change a sign, barricade, structure, marking or direction so placed, or previously placed, for the purpose of regulating traffic or parking.

AMENDATORY SECTION (Amending Order 43, filed 8/10/76)

WAC 132H-116-750 **DELEGATION OF AUTHORITY.** The authority and powers conferred upon the ~~((director))~~ Director of Campus ~~((plant))~~ ~~((operations))~~ Operations or the Security ~~((security/safety supervisor))~~ Supervisor by these regulations may ~~((shall))~~ be ~~((subject))~~ delegated ~~((to delegation))~~ by them to their subordinates.

NEW SECTION

WAC 132H-116-765 **LIABILITY OF COLLEGE.** Except for college owned and/or operated vehicles, the college assumes no liability under any circumstances for vehicles on college properties.

NEW SECTION

WAC 132H-116-791 **ENFORCEMENT.** Parking rules and regulations will be enforced throughout the calendar year. Parking and traffic rules and regulations are enforced on a 24 hour daily basis.

REPEALER

The following Sections of the Washington Administrative Code are repealed:

WAC

- 132H-116-340 Modification of parking and traffic regulations.
- 132H-116-370 Speed.
- 132H-116-380 Regulatory signs and directions.
- 132H-116-390 Pedestrians—Right of way.
- 132H-116-400 Designated and assigned parking areas.
- 132H-116-420 Disabled and inoperative vehicles—Impounding.
- 132H-116-440 Liability of college.
- 132H-116-450 Parking—Prohibited places.
- 132H-116-480 Authorization for issuance of permits.
- 132H-116-490 Allocation of parking space and priorities of applicants.
- 132H-116-500 Visitors and guests.
- 132H-116-510 Special permits.
- 132H-116-520 Permit revocations.
- 132H-116-530 Car pool permits.
- 132H-116-540 Second car permits.
- 132H-116-542 Temporary permit.
- 132H-116-550 Annual and quarterly permit periods.
- 132H-116-560 Parking area, zone and reserved space designations and area assignments.
- 132H-116-570 Responsibility of person to whom permit issued.
- 132H-116-580 Display of permits.
- 132H-116-600 Annual parking fee payment.
- 132H-116-610 Schedule of fees.
- 132H-116-640 Establishment of citation review committee, appointment of members and appointment of institutional hearing officer.
- 132H-116-650 Jurisdiction of the citation review committee.
- 132H-116-660 Procedure—Summons and service thereof.
- 132H-116-670 Election to forfeit or contest.
- 132H-116-680 Procedure—Rules of evidence.
- 132H-116-690 Procedure—Review decision.
- 132H-116-700 Mitigation and suspension of fines.
- 132H-116-710 Enforcement of the decisions of the citation review committee.
- 132H-116-720 Procedure—Review decision appeal.
- 132H-116-740 Impounding of vehicles.
- 132H-116-760 Prohibition of dumping.
- 132H-116-770 Horses on campus.
- 132H-116-780 Bicycle and other foot propelled devices.
- 132H-116-810 Parking and traffic fines schedule.

WSR 92-09-064
EMERGENCY RULES
FOREST PRACTICES BOARD

[Filed April 14, 1992, 9:54 a.m., effective April 15, 1992]

Date of Adoption: March 13, 1992.

Purpose: To provide direction for a watershed analysis system to address watershed concerns.

Statutory Authority for Adoption: RCW 76.09.040, 76.09.50 [76.09.050], and 34.05.350.

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: On October 25, 1990, the Snohomish County Superior Court issued a final judgment declaring WAC 222-16-050(1) invalid as it existed on that date. *Snohomish County v. DNR*, No. 89-2-06923-5 (Snohomish Cy. Super. Ct.). On November 14, 1990, the Forest Practices Board adopted an emergency rule to replace the one declared invalid, and adopted a second emergency rule directing the Department of Natural Resources to develop a watershed screening and analysis process (WSR 90-23-041). A revision of that rule was adopted on March 13, 1991 (WSR 91-07-034). On March 15, 1991, the Forest Practices Board filed a request for preproposal comments on permanent rule changes to WAC 222-16-050(1) (WSR 91-07-030). The board established three task forces to develop recommendations for new permanent rule language relating to pesticide use, aesthetics, and wildlife. The task forces reported the results of their work at Forest Practices Board meetings on February 13, 1991, March 13, 1991, May 8, 1991, and June 25, 1991. The task forces have completed preliminary drafts and are continuing to receive comment and input. In addition, the Cumulative Effects Committee of the board is reviewing the watershed screening and analysis process. At its June 25, 1991, meeting the Forest Practices Board incorporated recommendations of the task forces in the new emergency rules. On August 15, 1991, the Forest Practices Board replaced the existing emergency rule (WAC 222-16-045) with a new emergency rule providing direction for a watershed analysis system (WAC 222-16-046). On October 9, 1991, the Forest Practices Board adopted a work plan, subsequently amended on December 17, 1991, which would result in adoption of permanent rules for cumulative effects, including watershed analysis, no later than June 30, 1992. On December 17, 1991, and again on March 13, 1992, the Forest Practices Board adopted the emergency rule (WAC 222-16-046) with minor changes to reflect progress made in developing watershed analysis methodology, a rule proposal for a regulatory system using watershed analysis. On March 13, 1992, the Forest Practices Board initiated permanent rule making on cumulative effects and watershed analysis by directing staff to file the rule proposal with the code reviser for publication in the Washington State

Register. The permanent rule proposal was filed on March 18, 1992 (WSR 92-07-093).

Effective Date of Rule: April 15, 1992.

April 3, 1992
 Brian Boyle
 Commissioner of
 Public Lands

NEW SECTION

WAC 222-16-046 WATERSHED ANALYSIS IMPLEMENTATION. *The purpose of this rule is to provide direction for a watershed analysis system to address watershed concerns. Water resource inventory areas or sub-basins are the basis for forest practices rules to address watershed concerns. Earliest possible implementation shall be achieved by the following:*

(1) *the department has presented to the board an operational methodology for prioritizing watershed analysis. Such methodology shall reflect screening and other sources of information.*

(2) *the department has presented to the board a proposed prototype watershed analysis methodology. The department shall develop this methodology in consultation with the Timber-Fish-Wildlife's Cooperative Monitoring, Evaluation and Research Committee (CMER).*

(3) *the department shall complete the initial prioritization of watersheds for analysis by May 31, 1992. Such prioritization shall consider existing and potential damage to fish, water, and public capital improvements.*

(4) *the department shall present to the cumulative effects committee of the board by April 1, 1992 an operational watershed analysis methodology. The department shall develop this methodology in consultation with CMER.*

(5) *the cumulative effects committee has recommended to the board for adoption a regulatory system using watershed analysis. Such recommendations shall include the establishment of defined resource goals. Upon adoption of watershed analysis rules by the board, the interim guidelines adopted by the board on March 28, 1990 shall expire. The regulatory system should include elements for both conditioning and classification of forest practices. Such a regulatory approach shall consider the following criteria:*

(a) *use of the best science and management advice available;*

(b) *use of existing rules and conditioning authorities to the fullest extent possible. Of particular importance is the use of road maintenance and abandonment plans or hazard reduction plans to achieve protection of public resources;*

(c) *guidance for conditioning, approval, or denial of forest practices applications so as to provide protection of public resources;*

(d) *responsiveness to regional or local variation;*

(e) *consistency and certainty in management and regulation in forest practices;*

(f) *principles of adaptive management;*

(g) *use of the best available scientific information, expertise, professional judgment, including local expertise, during actual on-the-ground implementation; and*

(h) use of information developed during watershed planning processes. Federally recognized tribal fish managers, the departments of fisheries, wildlife, and ecology, and local governments are asked to develop resource objectives and goals.

(6) the cumulative effects committee shall periodically report to the board on progress.

(7) effective September 3, 1991, the department shall condition the size of clearcut harvest applications in the significant rain-on-snow zones where the department determines local evidence of peak flows which have resulted in material damage to public resources. Such conditioning authority shall expire upon completion of watershed analysis in a water resource inventory area or sub-basin.

(8) effective September 3, 1991, the department shall concentrate and exercise its authority in implementing the use of existing road construction, maintenance and abandonment rules where there is evidence of road related damage to public resources.

Cultural resources and wildlife habitat requirements have not been specifically addressed. The board shall continue consultation with the departments of ecology, fisheries, wildlife, natural resources and federally recognized tribes on these resource issues.

WSR 92-09-065

NOTICE OF PUBLIC MEETINGS FOREST PRACTICES BOARD

[Memorandum—April 10, 1992]

Notice is hereby given in accordance with RCW 42.30.080.

The Forest Practices Board will convene a special meeting on April 21, 1992, at 1:15 p.m. in the Ponderosa Room of the Holiday Inn West, 4121 Sunset Boulevard, Spokane, WA, for the purpose of designating presiding officers for hearings to be conducted April 21-25. No other business will be conducted.

Additional information may be obtained: Forest Practices Division, P.O. Box 47012, Olympia, WA 98504-7012, (206) 753-5315.

WSR 92-09-066

PROPOSED RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Public Assistance)

[Filed April 14, 1992, 10:02 a.m.]

Original Notice.

Title of Rule: WAC 388-49-590 Monthly reporting; and 388-49-700 Fair hearings—Continuation of benefits pending.

Purpose: The Department of Social and Health Services (DSHS) is revising the Washington Administrative

Code to comply with final rules enacted in the Code of Federal Regulations as published in the December 4, 1991, Federal Register. The rule change requires the department to notify mandatory monthly reporting households what must be done for the household to continue to receive benefits if termination is solely for non-receipt of a monthly report. It also requires the department to issue continued benefits pending a fair hearing once a household returns a completed monthly report by the end of the issuance month when termination is due to nonreceipt of the monthly report and the household indicates the monthly report had been returned.

Statutory Authority for Adoption: RCW 74.04.510.

Statute Being Implemented: RCW 74.04.510.

Summary: The issuance will instruct department staff to send written notice to those MMR households explaining the conditions to continue receiving food stamps; and continue benefits pending a fair hearing once the household returns a completed monthly report by the end of the issuance month provided to household claims they had returned a monthly report which was reported not received.

Reasons Supporting Proposal: This issuance implements a final rule published in the December 4, 1991, Federal Register amending 7 CFR 273.21 (k)(2)(ii), (m)(2)(iv), and (p)(2)(i) and (iii). The rule change requires the department to notify mandatory monthly reporting households that they must return a completed monthly report by the end of the issuance month to continue to receive benefits if termination is solely for non-receipt of a monthly report; and provides for continuation of benefits pending a fair hearing when a household submits a completed monthly report by the end of the issuance month when termination is due to nonreceipt of the monthly report and the household indicates the monthly report had been returned.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Mick Determan, Division of Income Assistance, 438-8323.

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

Rule is necessary because of federal law, 7 CFR 273.21 (k)(2)(ii), (m)(2)(iv), (p)(2)(i) and (iii).

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 27, 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 27, 1992.

Date of Intended Adoption: May 29, 1992.

April 14, 1992
Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 3098, filed 11/20/90, effective 12/21/90)

WAC 388-49-590 MONTHLY REPORTING. (1) The department shall require the following households to return a completed monthly report by the fifth day of the process month describing the household circumstances during the budget month:

(a) A household with earned income or with a recent work history except a:

- (i) Migrant or seasonal farm worker household; or
- (ii) Household in which all members are homeless individuals; or
- (iii) Household with a recent work history in which all adult members are elderly or disabled.

(b) An AFDC household subject to monthly reporting.

(2) A household with a recent work history shall report for two months:

(a) Beginning the month following the month of opening at initial application(;;); or

(b) After the last month of earnings during the certification period.

(3) The department shall require a household reporting monthly to verify the factors specified in WAC 388-49-110(5).

(4) The department shall notify a household if:

- (a) Its monthly report is late(;;);
- (b) Its monthly report is incomplete(;;); or
- (c) Additional information is needed.

(5) If the household furnishes a completed report to the department by the end of the process month, the department shall:

- (a) Accept the monthly report(;;); and
- (b) Continue benefits if the household remains eligible.

(6) The department shall:

(a) Terminate a household failing to return a completed report by the end of the process month, unless the household indicates it had returned a completed monthly report.

(b) Notify the household claiming to have filed a monthly report that it must return a completed monthly report by the last day of the issuance month to receive continued benefits.

(7) The department shall not require a household that reports monthly to report changes before reporting on the monthly report.

AMENDATORY SECTION (Amending order 2893, filed 11/1/89, effective 12/2/89)

WAC 388-49-700 FAIR HEARINGS—CONTINUATION OF BENEFITS PENDING. (1) The department shall continue benefits at the contested or previous level pending a fair hearing if:

(a) The client requests a hearing within the period specified by the notice of adverse action;

(b) The certification period is not expired;

(c) The household does not waive continuation of benefits; and

(d) Households subject to monthly reporting submit a completed monthly report timely for each month of continued benefits.

(2) The department shall reduce or terminate benefits if a hearing request is not made within the period specified in the notice, unless failure to make the request is for good cause.

(3) Once continued or reinstated, the department shall not reduce or terminate benefits before receipt of the hearing decision unless:

(a) The certification period expires;

(b) The administrative law judge issues a preliminary determination, in writing, stating:

(i) The sole issue is one of federal law or regulations; and

(ii) The household's claim the department improperly computed benefits or misapplied such law or regulation is invalid.

(c) The household fails to request a new hearing after receiving a notice of adverse action on a change occurring pending the hearing decision;

(d) A mass change occurs while the hearing decision is pending; or

(e) A household whose certification period expired has made a timely application for a new certification period pending receipt of a hearing decision.

(4) For households subject to monthly reporting, the department shall continue benefits within five working days from the day the:

(a) Request for continued benefits is received for an issue other than nonreceipt of a monthly report; or

(b) Completed monthly report is returned when termination is solely for failure to submit a monthly report, provided:

(i) The household indicates it had returned the monthly report; and

(ii) The completed monthly report is submitted by the last day of the issuance month.

(5) The department shall act on reported changes without regard to the matter at issue in the hearing:

(a) During the certification period(;;);

(b) When a monthly report is received(;;); or

(c) When a timely application is made for a new certification period pending receipt of a hearing decision.

(6) The department shall promptly inform the household in writing if benefits are reduced or terminated pending the hearing decision.

(7) The department shall establish a claim for all overissuances if the department's action is upheld by the hearing decision.

WSR 92-09-067**NOTICE OF PUBLIC MEETINGS
HARDWOODS COMMISSION**

[Memorandum—April 8, 1992]

There will be a meeting of the Washington State Hardwoods Commission on April 22, 1992, at 9:00 a.m. until completed at the BAC Building, 919 Lakeridge Way, Olympia, WA.

WSR 92-09-068**PERMANENT RULES
DEPARTMENT OF AGRICULTURE**

[Filed April 14, 1992, 1:48 p.m.]

Date of Adoption: April 13, 1992.

Purpose: Correct term expiration dates, amend the rules regarding assessments, provide for board members to participate in proceedings concerning agriculture chemicals used on hops and provide for promotional hostings.

Citation of Existing Rules Affected by this Order: Amending WAC 16-532-010 (15) and (16), 16-532-020 [(4)](d), 16-532-030 [(1)](g), and 16-532-110(1); and new section WAC 16-532-065.

Statutory Authority for Adoption: Chapter 15.65 RCW.

Pursuant to notice filed as WSR 92-06-071 on March 4, 1992.

Changes Other than Editing from Proposed to Adopted Version: [WAC 16-532-065], subsection (5)(e) should read (line 3) "described in (a) through (d) of this subsection are being hosted will cultivate and promote sales of Washington-grown hops."

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

April 13, 1992

Michael V. Schwisow
Deputy Director

AMENDATORY SECTION (Amending Marketing Order Article I, filed 7/1/64)

WAC 16-532-010 DEFINITIONS. For the purpose of this marketing order:

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

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

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

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

(5) "Affected producer" means any person who produces hops in commercial quantities in the state of Washington.

(6) "Commercial quantity" means any hops produced for market by a producer in any calendar year.

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

(8) "Hop commodity board" hereinafter referred to as "board" means the commodity board formed under the provisions of WAC 16-532-020.

(9) "Hops" means and includes all kinds and varieties of "humulus lupulus" grown, picked and dried in the state of Washington, whether loose, packaged or baled and all oils, extracts and/or lupulin derived therefrom.

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

(11) "Producer-handler" means any person who acts both as a producer and as a handler with respect to hops. A producer-handler shall be deemed to be a producer with respect to the hops which he produces and a handler with respect to the hops which he handles, including those produced by himself.

(12) "Affected area" means the state of Washington.

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

(14) "Affected unit" means two hundred pounds net of hops, or the amount of lupulin, extract or oil produced from two hundred pounds net of hops.

(15) "Promotional hosting" as used in these rules means the hosting of individuals and groups of individuals at meetings, meals, and gatherings for the purpose of cultivating trade relations and promoting sales of Washington grown hops.

(16) "Hosting" may include providing meals, refreshments, lodging, transportation, gifts of nominal value, reasonable and customary entertainment, and normal incidental expenses at meetings or gatherings.

AMENDATORY SECTION (Amending Order 1992, filed 12/2/88)

WAC 16-532-020 HOP BOARD. (1) Administration. The provisions of this order and the applicable provisions of the act shall be administered and enforced by the board as the designee of the director.

(2) Board membership.

(a) The board shall consist of ten members. Nine members shall be affected producers elected as provided in this section. The director shall appoint one member of the board who is neither an affected producer nor a handler to represent the department and the public.

(b) For the purpose of nomination and election of producer members of the board, the affected area shall be the entire state of Washington.

(3) Board membership qualifications.

The affected producer members of the board shall be practical producers of hops and shall be citizens and residents of the state of Washington, over the age of twenty-five years, each of whom is and has been actually engaged in producing hops within the state of Washington for a period of five years and has during that time derived a substantial portion of his income therefrom and who is not engaged in business, directly or indirectly, as a handler or other dealer.

(4) Term of office.

(a) The term of office for members of the board shall be three years and one-third of the membership as nearly as possible shall be elected each year.

(b) Membership positions on the board shall be designated numerically; affected producers shall have positions one through nine and the member appointed by the director position ten.

(c) The term of office for the initial board members shall be as follows:

Positions one, two, three and ten - until June 30, 1967

Positions four, five and six - until June 30, 1966

Positions seven, eight and nine - until June 30, 1965

(d) Terms of office for the board members serving at the time of the (~~1988~~) 1992 amendment of this section shall be as follows:

Positions one, two, three and ten - until December 31, (~~1991~~) 1994

Positions four, five and six - until December 31, (~~1989~~ ~~1990~~) 1993

Positions seven, eight and nine - until December 31, (~~1990~~ ~~1989~~) 1992

(5) Nomination and election of board members. Each year the director shall call for a nomination meeting. Such meeting shall be held at least thirty days in advance of the date set by the director for the election of board members. Notice of every such meeting shall be published in a newspaper of general circulation within the major production area not less than ten days in advance of the date of such meeting and in addition, written notice of every such meeting shall be given to all affected producers according to the list maintained by the director pursuant to RCW 15.65.200 of the act. Nonreceipt of notice by any interested person shall not invalidate the proceedings at such nomination meeting. Any qualified affected producer may be nominated orally for membership on the board at such nomination meetings. Nominations may also be made within five days after any such meetings by written petition filed with the director signed by not less than five affected producers. At the inception of this order nominations may be made at the issuance hearing.

(6) Election of board members.

(a) Members of the board shall be elected by secret mail ballot within the month of November under the supervision of the director. Affected producer members of the board shall be elected by a majority of the votes cast by the affected producers. Each affected producer shall be entitled to one vote.

(b) If a nominee does not receive a majority of the votes on the first ballot a run-off election shall be held

by mail in a similar manner between the two candidates for such position receiving the largest number of votes.

(c) Notice of every election for board membership shall be published in a newspaper of general circulation within the major production area not less than ten days in advance of the date of such election. Not less than ten days prior to every election for board membership, the director shall mail a ballot of the candidates to each affected producer entitled to vote whose name appears upon the list of such affected producers maintained by the director in accordance with RCW 15.65.200. Any other affected producer entitled to vote may obtain a ballot by application to the director upon establishing his qualifications. Nonreceipt of a ballot by any affected producer shall not invalidate the election of any board member.

(7) Vacancies prior to election. In the event of a vacancy on the board, the remaining members shall select a qualified person to fill the unexpired term.

(8) Quorum. A majority of the members shall constitute a quorum for the transaction of all business and the carrying out of all duties of the board.

(9) Board compensation. No member of the board shall receive any salary or other compensation, but each member shall be reimbursed for actual subsistence and traveling expenses incurred through attendance at meetings or other board activities: PROVIDED, That such expenses shall be authorized by resolution by unanimous approval of the board at a regular meeting.

(10) Powers and duties of the board. The board shall have the following powers and duties:

(a) To administer, enforce and control the provisions of this order as the designee of the director.

(b) To elect a chairman and such other officers as the board deems advisable.

(c) To employ and discharge at its discretion such personnel, including attorneys engaged in the private practice of law subject to the approval and supervision of the attorney general, as the board determines are necessary and proper to carry out the purpose of the order and effectuate the declared policies of the act.

(d) To pay only from moneys collected as assessments or advances thereon the costs arising in connection with the formulation, issuance, administration and enforcement of the order. Such expenses and costs may be paid by check, draft or voucher in such form and in such manner and upon the signature of the person as the board may prescribe.

(e) To reimburse any applicant who has deposited money with the director in order to defray the costs of formulating the order.

(f) To establish a "hop board marketing revolving fund" and such fund to be deposited in a bank or banks or financial institution or institutions, approved for the deposit of state funds, in which all money received by the board except as the amount of petty cash for each day's needs, not to exceed one hundred dollars, shall be deposited each day or as often during the day as advisable.

(g) To keep or cause to be kept in accordance with accepted standards of good accounting practice, accurate records of all assessments, paid outs, moneys and other

financial transactions made and done pursuant to this order. Such records, books and accounts shall be audited at least annually subject to procedures and methods lawfully prescribed by the state auditor. Such books and accounts shall be closed as of the last day of each fiscal year of the state of Washington. A copy of such audit shall be delivered within thirty days after the completion thereof to the governor, the director, the state auditor and the board.

(h) To require a bond of all board members and employees of the board in a position of trust in the amount the board shall deem necessary. The premium for such bond or bonds shall be paid by the board from assessments collected. Such bond shall not be necessary if any such board member or employee is covered by any blanket bond covering officials or employees of the state of Washington.

(i) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of the order during each fiscal year.

(j) To establish by resolution, a headquarters which shall continue as such unless and until so changed by the board. All records, books and minutes of board meetings shall be kept at such headquarters.

(k) To adopt rules and regulations of a technical or administrative nature, subject to the provisions of chapter ((34.04)) 34.05 RCW (Administrative Procedure Act).

(l) To carry out the provisions of RCW 15.65.510 covering the obtaining of information necessary to effectuate the provisions of the order and the act, along with the necessary authority and procedure for obtaining such information.

(m) To bring actions or proceedings upon joining the director as a party for specific performance, restraint, injunction or mandatory injunction against any person who violates or refuses to perform the obligations or duties imposed upon him by the act or order.

(n) To confer with and cooperate with the legally constituted authorities of other states and of the United States for the purpose of obtaining uniformity in the administration of federal and state marketing regulations, licenses, agreements or orders.

(o) To carry out any other grant of authority or duty provided designees and not specifically set forth in this section.

(11) Procedures for board.

(a) The board shall hold regular meetings, at least quarterly, with the time and date thereof to be fixed by resolution of the board.

(b) The board shall hold an annual meeting, at which time an annual report will be presented. The proposed budget shall be presented for discussion at the meeting. Notice of the annual meeting shall be given by the board at least ten days prior to the meeting by written notice to each producer and by regular wire news services and radio-television press.

(c) The board shall establish by resolution, the time, place and manner of calling special meetings of the board with reasonable notice to the members: PROVIDED, That the notice of any special meeting may be

waived by a waiver thereof by each member of the board.

AMENDATORY SECTION (Amending Marketing Order Article III, filed 7/1/64)

WAC 16-532-030 MARKETING ORDER PURPOSES. The order is to promote the general welfare of the state, to enable producers of hops to help themselves establish orderly, fair, sound, efficient, unhampered marketing and standardization of hops and regulate unfair trade practices within the industry.

(1) To carry out the purposes of the order the board may provide for a program in one or more of the following areas:

(a) Establish plans and conduct programs for advertising, sales, promotion and/or other programs for maintaining present markets and/or creating new or larger markets for hops. Such programs shall be directed toward increasing the sale of hops without reference to any particular brand or trade name and shall neither make use of false or unwarranted claims in behalf of hops nor disparage the quality, value, sale or use of any other agricultural commodity.

(b) Provide for research in the production, processing and/or distribution of hops and expend the necessary funds for such purposes. Insofar as practicable, such research shall be carried on by experiment stations of Washington State University, but if in the judgment of the board said experiment stations do not have the facilities for a particular project or if some other research agency has better facilities therefor, the project may be carried out by other research agencies selected by the board.

(c) Provide by rules and regulations for:

(i) Establishing uniform labels and labeling requirements for hops or any products thereof, requiring producers, handlers and other persons to conform to standards for the placing of labels, trademarks, insignia or brands on bales or packages, provided, that all licensed hop dealers or brokers are entitled to use on the face of their product any particular trademark, insignia, brand or label that they may now have or will have. That established brands, labels, trademarks or insignias may be properly used in selling or commercially disposing of hops and hop products or in offering the same for sale, advertising and/or delivering said hops or hop products;

(ii) Providing for inspection and enforcement to ascertain and effectuate compliance;

(iii) Establishing rules and regulations respecting the foregoing.

(d) Prohibit and/or otherwise regulate any one or more or all of the practices listed to the extent that such practices affect, directly or indirectly, hops or any product thereof, but only with respect to persons who engage in such practices with the intent of or with the reasonably foreseeable effect of inducing any purchaser to become his customer or his supplier or of otherwise dealing or trading with him or of diverting trade from a competitor, to wit:

(i) Paying rebates, commissions or unearned discounts;

(ii) Unfairly extending privileges or benefits (pertaining to price, to credit, to the loan, lease or giving away of facilities, equipment or other property or to any other matter or thing) to any customer, supplier or other person;

(iii) Discriminating between customers, or suppliers of a like class;

(iv) Making or publishing false or misleading advertising. Such regulation may authorize uniform trade practices applicable to all similarly situated handlers and/or other persons.

(e) The board may authorize use of any money received and of any persons employed thereunder for legal proceedings, of any type and in the name of any person, directed to enforcement of this or any other law in force in the state of Washington relating to the prevention of unfair trade practices.

(f) Provide for marketing information and services to affected producers for the verification of grades, standards, weights, tests and sampling of quality and quantity of hops purchased by handlers from affected producers.

(g) Participate in federal or state hearings or other proceedings concerning regulation of the manufacture, distribution, sale, or use of any pesticide as defined by RCW 15.58.030(29) or any agricultural chemical which is of use or potential use in producing hops.

NEW SECTION

WAC 16-532-065 RULES FOR IMPLEMENTATION OF PROMOTIONAL HOSTING BY THE WASHINGTON HOP COMMISSION. The laws of section 1, chapter 26, Laws of 1985 (RCW 15.04.200) provide that agricultural commodity commissions shall adopt rules governing promotional hosting expenditures by agricultural commodity commission employees, agents, or commissioners. The rules governing promotional hosting expenditures for the Washington hop commission shall be as follows:

(1) Budget approval. Commission expenditures for agricultural development or trade promotion and promotional hosting shall be pursuant to specific budget items as approved by the commission at annual public hearings on the commission budget.

(2) Officials and agents authorized to make expenditures. The following officials and agents are authorized to make expenditures for agricultural development or trade promotion and promotional hosting in accordance with the provisions of these rules:

(a) Commissioners;

(b) Administrators.

Individual commissioners shall make promotional hosting expenditures, or seek reimbursements for those expenditures, only in those instances where the expenditures have been approved by the commission.

(3) Payment and reimbursement. All payments and reimbursements shall be identified and supported by vouchers to which receipts are attached. Voucher forms will be supplied by the commission, and shall require the following information:

(a) Name and position of each person hosted, provided that in case of a group of twenty-five or more persons, then only the name of the group hosted shall be required;

(b) General purpose of the hosting;

(c) Date of hosting;

(d) Location of the hosting;

(e) To whom payment was or will be made;

(f) Signature of person seeking payment or reimbursement.

(4) The chairman of the commission and administrator are authorized to approve direct payment or reimbursements submitted in accordance with these rules.

(5) The following persons may be hosted when it is reasonably believed such hosting will cultivate trade relations and promote sales of Washington-grown hops, provided that such hosting shall not violate federal or state conflict of interest laws:

(a) Individuals from private business;

(b) Foreign government officials;

(c) Federal and state officials, provided lodging, meals, and transportation will not be provided when such officials may obtain reimbursement for these expenses from their government employer;

(d) The general public, at meetings and gatherings open to the general public;

(e) Commissioners and employees of the commission when their attendance at meetings, meals, and gatherings at which the persons described in (a) through (d) of this subsection are being hosted will cultivate and promote sales of Washington-grown hops.

AMENDATORY SECTION (Amending Regulation 1, filed 10/16/64)

WAC 16-532-110 REQUIREMENTS FOR COLLECTION OF ASSESSMENTS. (1) Assessments on all hops marketed shall be paid at the rate ~~((of twenty cents per bale (two hundred pounds)))~~ specified in WAC 16-532-040 to the hop commodity board (commission) by the first handler receiving or handling such hops for or from a producer. Such assessments shall be deducted from the payment to be made by such handler to the producer.

(2) Payment of such assessment shall be due and payable on the tenth day of the second calendar month following the receiving or delivery to said first handler or the assumption of control of a producer's hops, by said first handler.

(3) Any handler failing to pay on or before the due date set forth for payment in this regulation, shall add ten percent to the total amount due as a cost for collection as prescribed in RCW 15.65.440.

WSR 92-09-069
PERMANENT RULES
DEPARTMENT OF HEALTH
(Dental Disciplinary Board)

[Order 263B—Filed April 14, 1992, 2:55 p.m.]

Date of Adoption: April 10, 1992.

Purpose: To establish requirements for infection control in dental offices to protect the health and well-being of the people of the state of Washington.

Statutory Authority for Adoption: RCW 18.32.640.

Pursuant to notice filed as WSR 92-06-064 on March 3, 1992.

Changes Other than Editing from Proposed to Adopted Version: WAC 246-816-720, in subsection (1)(b) in the second sentence following Masks shall delete "always" and after the word procedures add "except in those specific instances in which the dentist determines that the use of a mask would prevent the delivery of health care services or would increase the hazard and risk to his or her patient. In those circumstances where a dentist determines not to wear a mask during a surgical procedure, such determination and the basis of such determination shall be documented in the patient record." After considering the testimony at the rules hearing, the board determined to clarify subsection (1)(b). In subsection (2)(a) in the second sentence following tested by biological delete "indicator" and replace with "spore," delete "or its equivalent" and "monthly" and replace with "weekly." In the third sentence following a positive biological delete "indicator" and replace with "spore." After considering the testimony at the rules hearing, the board determined that the frequency of biological testing should be on at least a weekly basis.

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

April 10, 1992

Sheryl J. Willert, J.D.

Chair

NEW SECTION

WAC 246-816-701 PURPOSE. The purpose of WAC 246-816-701 through 246-816-730 is to establish requirements for infection control in dental offices to protect the health and well-being of the people of the state of Washington. For purposes of infection control, all dental staff members and all patients shall be considered potential carriers of communicable diseases. Infection control procedures are required to prevent disease transmission from patient to doctor and staff, doctor and staff to patient, and from patient to patient. Every dentist is required to comply with the applicable standard of care in effect at the time of treatment. At a minimum, the dentist must comply with the requirements defined in WAC 246-816-720, WAC 246-816-730 and WAC 246-816-740.

NEW SECTION

WAC 246-816-710 DEFINITIONS. (1) "Direct care staff" are the dental staff who directly provide dental care to patients.

(2) "Communicable diseases" means an illness caused by an infectious agent which can be transmitted from one person, animal, or object to another person by direct or indirect means including transmission via an intermediate host or vector, food, water or air.

(3) "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.

(4) "Sterilize" means the use of a physical or chemical procedure to destroy all microbial life including highly resistant bacterial endospores.

NEW SECTION

WAC 246-816-720 USE OF BARRIERS AND STERILIZATION TECHNIQUES. The use of barriers and sterilization techniques is the primary means of assuring that there is the least possible chance of the transmission of communicable diseases from doctor and staff to patients, from patient to patient and from patient to doctor and staff. To prevent patient to patient cross contamination, instruments and supplies contaminated or likely to be contaminated with blood or saliva and touched during treatment must be sterilized between patients or discarded except as otherwise set forth below. Surfaces and equipment which are likely to be contaminated with blood or saliva and touched during treatment must be decontaminated or covered with a barrier which is discarded and replaced between patients except as otherwise set forth below:

(1) Dentists shall comply with the following barrier techniques:

(a) Gloves shall be used by the dentist and direct care staff during treatment which involves intraoral procedures or contact with items potentially contaminated with the patient's bodily fluids. Fresh gloves shall be used for every intraoral patient contact. Gloves shall not be washed or reused for any purpose. The same pair of gloves shall not be used, removed, and reused for the same patient at the same visit or for any other purpose. Gloves that have been used for dental treatment shall not be reused for any non-dental purpose.

(b) Masks shall be worn by the dentist and direct care staff when splatter or aerosol is likely. Masks shall be worn during surgical procedures except in those specific instances in which the dentist determines that the use of a mask would prevent the delivery of health care services or would increase the hazard and risk to his or her patient. In those circumstances where a dentist determines not to wear a mask during a surgical procedure, such determination shall be documented in the patient record.

(c) Unless effective surface decontamination methods are used, protective barriers shall be placed over areas of the dental operatory which are likely to be touched during treatment, not removable to be sterilized, and likely to be contaminated by blood or saliva. These procedures must be followed between each patient. These include but are not limited to:

- i. delivery unit
- ii. chair controls (not including foot controls)
- iii. light handles
- iv. high volume evacuator and air-water syringe controls
- v. x-ray heads and controls
- vi. head rest
- vii. instrument trays
- viii. low speed handpiece motors

(d) Protective eyewear shall be worn by the dentist and direct care staff and offered to all patients during times when splatter or aerosol is expected.

(2) Dentists shall comply with the following sterilization requirements:

(a) Every dental office shall have the capability to ultrasonically clean and sterilize contaminated items by autoclave, dry heat, unsaturated formaldehyde/alcohol vapor (such as MDT Chemiclave[®]) or ethylene oxide. Sterilizers shall be tested by biological spore test on at least a weekly basis. In the event of a positive biological spore test, the dentist will take immediate remedial action to ensure the objectives of 2(a) are accomplished. Documentation shall be maintained either in the form of a log reflecting dates and person(s) conducting the testing or copies of reports from an independent testing entity. The documentation shall be maintained for a period of at least five years.

(b) The following items shall be sterilized by an appropriate autoclave, dry heat, unsaturated formaldehyde/alcohol vapor (such as MDT Chemiclave[®]) or ethylene oxide sterilization method between patients:

- i. low speed handpiece contra angles, prophyl angles and nose cone sleeves
- ii. high speed handpieces
- iii. hand instruments
- iv. burs
- v. endodontic instruments
- vi. air-water syringe tips
- vii. high volume evacuator tips
- viii. surgical instruments
- ix. sonic or ultrasonic periodontal scalers and tips
- x. surgical handpieces

(c) Gross debris shall be removed from items prior to sterilization. Ultrasonic cleaning shall be used whenever possible.

(d) Non-disposable items used in patient care which cannot be autoclaved, dry heat, unsaturated formaldehyde/alcohol vapor (such as MDT Chemiclave[®]) or ethylene oxide sterilized shall be immersed in a chemical sterilant. If such a technique is used, the solution shall be approved by the Environmental Protection Agency and used in accordance with the manufacturer's directions for sterilization.

(e) Items such as impressions contaminated with blood or saliva shall be thoroughly rinsed, placed in and transported to the dental laboratory in an appropriate case containment device that is properly sealed and labeled.

NEW SECTION

WAC 246-816-730 MANAGEMENT OF SINGLE USE ITEMS. (1) Sterile disposable needles shall be used. The same needle may be recapped with a single-handed recapping technique or recapping device and subsequently reused for the same patient during the same visit.

(2) Single use items used in patient treatment which have been contaminated by saliva or blood shall be discarded and not reused. These include, but are not limited to, disposable needles, local anesthetic carpules, saliva ejectors, polishing discs, bonding agent brushes, prophyl

cups, prophyl brushes, fluoride trays and interproximal wedges.

NEW SECTION

WAC 246-816-740 EFFECTIVE DATE. This chapter shall become effective on May 15, 1992.

WSR 92-09-070
PERMANENT RULES
DEPARTMENT OF HEALTH
(Board of Pharmacy)

[Order 264B—Filed April 14, 1992, 3:01 p.m.]

Date of Adoption: March 19, 1992.

Purpose: Rule identifies those drugs which require a prescription and should also be classified as legend drugs.

Citation of Existing Rules Affected by this Order: Amending WAC 246-883-020.

Statutory Authority for Adoption: RCW 18.64.005.

Pursuant to notice filed as WSR 92-03-096 on January 16, 1992.

Changes Other than Editing from Proposed to Adopted Version: The proposed changes to WAC 246-883-030 have been withdrawn at this time.

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

April 14, 1992

Donald Hobbs

Board Chairman

AMENDATORY SECTION (Amending Order 191B, filed 8/30/91, effective 9/30/91)

WAC 246-883-020 IDENTIFICATION OF LEGEND DRUGS FOR PURPOSES OF CHAPTER 69.41 RCW. (1) In accordance with chapter 69.41 RCW, the board of pharmacy hereby finds that those drugs which have been determined by the food and drug administration, pursuant to the Federal Food, Drug and Cosmetic Act, to require a prescription under federal law should also be classified as legend drugs under state law for the reasons that their toxicity or other potentiality for harmful effect, the methods of their use and the collateral safeguards necessary to their use, indicate that they are not safe for use except under the supervision of a practitioner.

(2) The board of pharmacy hereby specifically identifies as legend drugs, for purposes of chapter 69.41 RCW, those drugs which have been designated as legend drugs under federal law and are listed as such in the ((1985-86)) 1991-92 edition of the American Druggist Blue Book. Copies of the list of legend drugs as contained in the American Druggist Blue Book shall be available for public inspection at the headquarters office of the State Board of Pharmacy, ((319 East 7th Avenue)) 1300 Quince Street S.E., P.O. BOX 47863, Olympia, Washington 98504-7863. Copies of this list shall be available from the board of pharmacy at the above address upon request made and upon payment of a fee in the amount of ((\$20)) fifty-five dollars per copy.

(3) There may be changes in the marketing status of drugs after the publication of the above reference. Upon application of a manufacturer or distributor, the board may grant authority for the over the counter distribution of certain drugs which had been designated as legend drugs in this reference. Such determinations will be made after public hearing and will be published as an amendment to this chapter.

NEW SECTION

WAC 246-883-050 THEOPHYLLINE PRESCRIPTION RESTRICTIONS. The board of pharmacy, pursuant to RCW 69.41.075, hereby identifies theophylline, or any of its salts in a solid or liquid form normally intended for oral administration in any quantity, as a legend drug subject to the restrictions of RCW 69.41.030. Provided, products containing 130 mg or less of theophylline per solid dosage unit or 130 mg or less per 5 ml of liquid forms, shall not be considered a legend drug and where the product contains other recognized therapeutic ingredients, may be sold or distributed without a prescription. Products with theophylline as the only active ingredient are identified as legend drugs.

WSR 92-09-071
PERMANENT RULES
DEPARTMENT OF HEALTH
(Board of Pharmacy)

[Order 265B—Filed April 14, 1992, 3:04 p.m.]

Date of Adoption: March 19, 1992.

Purpose: To set format standards for the reporting of controlled substance sample distribution.

Statutory Authority for Adoption: RCW 18.64.005.

Pursuant to notice filed as WSR 92-04-042 on January 30, 1992.

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

April 14, 1992

Donald Hobbs

Board Chairman

NEW SECTION

WAC 246-887-210 STANDARDS FOR TRANSMISSION OF CONTROLLED SUBSTANCES SAMPLE DISTRIBUTION REPORTS. These standards describe the format for transmission of data regarding distribution of controlled substance samples by manufacturers or distributors to licensed practitioners in the state of Washington.

(1) Each report shall contain the following information regarding the firm distributing controlled substance samples:

- (a) Name of firm.
- (b) DEA number of firm.
- (c) Complete address of firm including zip code.
- (d) Name and phone number of contact person.

(2) Each report shall contain the following information regarding the licensed practitioner to whom samples are distributed:

- (a) First and last name of practitioner.

- (b) DEA number of practitioner.
 - (c) Professional designation of practitioner. (E.g., MD, DO, DDS.)
 - (d) Complete address of practitioner including zip code.
- (3) Each report shall contain the following information regarding the controlled substance(s) distributed:
- (a) Name of controlled substance(s) distributed.
 - (b) Dosage units of controlled substance(s) distributed.
 - (c) Quantity distributed.
 - (d) Date distributed.
- (4) Each report shall be submitted in alphabetical order by practitioner's last name.
- (5) Each report shall be submitted quarterly.

WSR 92-09-072
PERMANENT RULES
DEPARTMENT OF HEALTH
(Board of Pharmacy)

[Order 266B—Filed April 14, 1992, 3:06 p.m.]

Date of Adoption: March 19, 1992.

Purpose: To allow for the distribution of introductory trade or stock packages from drug manufacturers to licensed pharmacies under certain conditions.

Statutory Authority for Adoption: RCW 18.64.005.

Pursuant to notice filed as WSR 92-04-041 on January 30, 1992.

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

April 14, 1992
 Donald Hobbs
 Board Chairman

NEW SECTION

WAC 246-883-025 INTRODUCTORY TRADE OR STOCK PACKAGES. Introductory trade or stock packages may be distributed by registered drug manufacturers to licensed pharmacies under the following conditions:

- (1) The package shall be invoiced by the drug manufacturer as a no charge sale.
- (2) The product shall be distributed by the manufacturer to the pharmacy by mail or common carrier.
- (3) The drug's package shall not be marked as a sample or with any other labeling that is inconsistent with the claim that the manufacturer intended the package for sale.
- (4) The manufacturer shall be limited to distributing one introductory package of each dosage strength of a product on a one-time basis to a pharmacy in order to familiarize and assure that a company's new product will be available in pharmacies. The quantity shall not be larger than one hundred solid dosage units or sixteen liquid ounces.

WSR 92-09-073

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 92-17—Filed April 14, 1992, 4:37 p.m., effective April 15, 1992, 12:01 a.m.]

Date of Adoption: April 10, 1992.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
 Amending WAC 220-48-005.

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: Stock abundance will not allow the commercial lingcod season to open as scheduled.

Effective Date of Rule: 12:01 a.m., April 15, 1992.

April 14, 1992
 Nancy L. Nelson
 for Joseph R. Blum
 Director

NEW SECTION

WAC 220-48-00500A PUGET SOUND BOTTOMFISH—GENERAL PROVISIONS. *Notwithstanding the provisions of WAC 220-48-005, effective immediately it is unlawful to take, fish for or possess lingcod for commercial purposes from any Puget Sound Marine Fish-Shellfish Catch Reporting Areas except as provided for in this section:*

(1) *Open to harvest 12:01 a.m. April 15 1992 until further notice in Puget Sound Marine Fish-Shellfish Catch Reporting Area 29. Minimum size 22 inches in length.*

(2) *Open to harvest 12:01 a.m. May 1, 1992 through June 15, 1992 in Puget Sound Marine Fish-Shellfish Catch Reporting Areas 20A, 20B, 21A, 21B, 22A, 22B, 23A, 23B, 23C, 25A, and 25E. Minimum size 26 inches in length, maximum size 40 inches in length.*

WSR 92-09-074

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed April 15, 1992, 8:55 a.m.]

Original Notice.

Title of Rule: Chapter 16-469 WAC, Rules relating to azalea flower spot quarantine.

Purpose: To repeal the azalea flower spot quarantine.

Statutory Authority for Adoption: Chapter 17.24 RCW.

Statute Being Implemented: Chapter 17.24 RCW.

Summary: The proposal repeals the azalea flower spot quarantine.

Reasons Supporting Proposal: Survey results show azalea flower spot disease to be widely distributed in Washington. The quarantine is no longer an appropriate regulatory tool.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: William E. Brookreson, 6120 Capitol Boulevard, Tumwater, 586-5306.

Name of Proponent: Department of Agriculture, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Based on survey results, distribution of azalea flower spot disease within Washington state makes a quarantine for the disease no longer necessary. The proposal repeals the existing quarantine, releasing shippers from irrelevant restrictions and requirements.

Proposal Changes the Following Existing Rules: The proposal repeals the existing quarantine.

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

Hearing Location: Commodity Inspection Conference Room, 2728 Westmoor Court, Suite B, Olympia, WA 98502, on May 28, 1992, at 10:00 a.m.

Submit Written Comments to: William E. Brookreson, P.O. Box 42560, Olympia, WA 98504-2560, by May 28, 1992.

Date of Intended Adoption: June 11, 1992.

April 15, 1992
William E. Brookreson
Assistant Director

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 16-469-010 INFESTED TERRITORY—CARRIERS OF DISEASE.
- WAC 16-469-020 ESTABLISHING QUARANTINE—PROMULGATION.
- WAC 16-469-030 ADVANCE NOTICE OF NURSERY SHIPMENTS.
- WAC 16-469-040 MARKINGS ON SHIPMENTS.
- WAC 16-469-050 ENTRANCE INTO STATE UPON CERTIFICATION.
- WAC 16-469-060 DISPOSITIONS AND PENALTIES.

**WSR 92-09-075
PROPOSED RULES
DEPARTMENT OF AGRICULTURE**

[Filed April 15, 1992, 8:58 a.m.]

Original Notice.

Title of Rule: Bean seed certification standards, chapter 16-316 WAC; and bean seed quarantine and seed-borne viral disease quarantine, chapter 16-494 WAC.

Purpose: To avoid conflicting language and to establish bean seed quarantine sections dealing specifically with seedborne viral diseases.

Statutory Authority for Adoption: Chapter 15.49 RCW.

Statute Being Implemented: Chapter 15.49 RCW.

Summary: Revisions would address specific quarantine and testing measures targeting seedborne viral diseases as well as eliminating conflicting language in the bean seed certification rules.

Reasons Supporting Proposal: Revision of the bean seed certification and quarantine rules will help maintain adequate supplies of disease tested seedstock needed by the industry.

Name of Agency Personnel Responsible for Drafting: Doug Boze, 2015 South First Street, Yakima, WA, (509) 575-2750; Implementation and Enforcement: Max Long, 2015 South First Street, Yakima, WA, (509) 575-2750.

Name of Proponent: Department of Agriculture, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Revised rule would clearly define disease testing procedures, varietal exemptions, and quarantine compliance relating to bean seed. It would also remove any conflicting language between bean seed certification and bean seed quarantine rules.

Proposal Changes the Following Existing Rules: Adds specific language relating to seedborne viral diseases of beans in both rules. Removes conflicting language in the bean seed certification rules.

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

Hearing Location: Agriculture Service Center Conference Room, 2015 South First Street, Yakima, WA 98903, on May 26, 1992, at 10:00 a.m.

Submit Written Comments to: William E. Brookreson, P.O. Box 42560, Olympia, WA 98504-2560, by May 26, 1992.

Date of Intended Adoption: May 27, 1992.

April 15, 1992
William E. Brookreson
Assistant Director

NEW SECTION

WAC 16-316-266 DEFINITIONS. The following definitions apply to the entire chapter.

- (1) "Person" means a natural person, individual, firm, partnership, corporation, company, society, and association, and every officer, agent, or employee thereof.
- (2) "Department" means the Washington state department of agriculture.
- (3) "Director" means the director of the department of agriculture or the director's duly authorized representative.
- (4) "Common bean" means *Phaseolus vulgaris* L.
- (5) "Adzuki bean" means *Vigna angularis*.
- (6) "Bean" means common beans and adzuki beans.
- (7) "Origin" means the county within the state of Washington, or the state, territory, or country where a specific seed lot was grown.
- (8) "Approved trial grounds" means a specific parcel of land approved by the director for experimental or limited production or increase of bean seed.
- (9) "University" means the Washington State University, college of agriculture and home economics.
- (10) "Dominant I-gene cultivar" means a cultivar which has resistance to all known strains of bean common mosaic virus (B.C.M.V.) due to the presence of the dominant I-gene. Dominant I-gene cultivars will not show mosaic mottle symptoms or transmit the virus through seed when inoculated with any strain of B.C.M.V.

(11) "Recessive I-gene cultivar" means a cultivar which may be susceptible to some strains of bean common mosaic virus and may show mosaic mottle symptoms.

(12) "Diseases" means those viral, fungal, and bacterial diseases of beans enumerated in WAC 16-494-013 and any new variations or strains of these identified in the future.

(13) "Serology" means precipitation, agglutination, immunodiffusion, or labeled antibody test methods (such as ELISA) that use the specificity of antigen-antibody reactions to detect and identify antigenic substances and the organisms such as viruses and bacteria that carry them.

(14) "Official certificate" means a document issued by an official testing agency including but not limited to seed certification tags, bulk seed certification certificates, phytosanitary certificates, laboratory sanitary certificates, and other letters, tags, stamps, or similar documents certifying seed quality or condition.

(15) "Seedborne viral diseases" includes bean common mosaic virus, adzuki common mosaic virus, and other similar viral diseases causing mosaic mottle and other symptoms similar to those of bean common mosaic virus.

AMENDATORY SECTION (Amending Order 2005, filed 5/22/89)

WAC 16-316-270 BEAN SEED CERTIFICATION FEES.

(1) Applications: Due July 1, however, may be accepted after due date at the discretion of the certifying agency.

(a) Application fee:

Per variety, per grower \$15.00

(b) Acreage fee:

(i) One inspection: (per acre) \$ 1.75

One inspection is required for certification of Great Northern, Red Mexican, pinto, pink, and small white beans.

(ii) Two inspections: (per acre) \$ 3.50

Includes windrow inspection which is required for: Certification of snap beans, kidney beans, and eligibility for shipment into Idaho. For phytosanitary certification see WAC 16-316-327.

(iii) Acreage fee is refundable if acreage is withdrawn before inspection.

(c) Late application penalty fee: \$30.00

This additional fee shall be charged per grower for applications received after July 1.

(2) Reinspection: (each field) \$40.00

If a field is rejected for reasons other than ((bacterial)) seedborne diseases at the first inspection, the grower may apply for reinspection after the cause for rejection has been corrected. Only two reinspections are permitted for each field each year.

(3) Production fee includes sampling and tagging per cwt.: . \$ 0.40

The production fees shall be billed at the completion of tests.

(4) Purity and germination tests: Fees as established by the director of agriculture.

(5) Fees for retagging or services not listed in this rule shall be the most applicable fee established by the director of agriculture.

(6) Bean seed entered into the certification program shall comply with bean seed quarantine rules. See WAC 16-494-001 through ((16-494-062)) 16-494-170.

AMENDATORY SECTION (Amending Order 2078, filed 3/27/91, effective 4/27/91)

WAC 16-316-280 FIELD TOLERANCES. Field tolerances shall be as follows:

(1)

	Field Producing		
	Found- ation	Regis- tered	Certi- fied
Other varieties or off-type plants	none found	0.1%	0.2%
Other crops	none found	0.1%	0.1%
Total seed-borne diseases	none found	((0.5% found	1.5%)) none found
((Bacterial bean blights and wilt	none	none	none

	Field Producing		
	Found- ation	Regis- tered	Certi- fied
Anthracnose	none	none	none
Mosaic seed-borne	none	0.5%	0.5%))
<u>Except as noted in subsection (6) of this section</u>			

(2) Snap beans and kidney beans grown under sprinkler irrigation will not be eligible for certification. Further snap and kidney beans shall be isolated by 1320 feet from known bacterial blight.

(3) Fields must be rogued of weeds, off-type plants, volunteer plants, and plants showing symptoms of seed-borne diseases. Excessive night-shade shall be a cause for rejection.

(4) A field to be eligible for certification must have clean, cultivated boundaries at least ten feet wide.

(5) Excessive weeds, poor stands, lack of vigor, or any other condition which is apt to make inspection inaccurate may be cause for rejection of the field.

(6) Bean fields, including those planted with a dominant I-gene cultivar, showing virus-like mosaic symptoms will not be accepted as free of ((bean common mosaic virus)) seedborne virus diseases until ((plant)) seed samples are tested serologically, or with serology and a grow out test and found to be free of ((bean common mosaic virus)) seedborne virus diseases.

AMENDATORY SECTION (Amending Order 2078, filed 3/27/91, effective 4/27/91)

WAC 16-316-285 INSPECTION REQUIREMENTS. Inspection requirements shall be as follows:

(1) When factors affecting certification are most evident. The 2nd inspection, when required, shall be a windrow inspection.

(2) A ((greenhouse)) grow out test to verify presence of seedborne diseases may be required if the certifying agency deems it necessary.

(3) A serology (ELISA) test or serology plus a grow out test for ((bean common mosaic virus or adzuki mosaic virus disease)) seedborne diseases is required to certify seed.

(4) The combined results of field inspections, laboratory test, and ((greenhouse)) grow out test, when required, will determine final certification.

AMENDATORY SECTION (Amending Order 2078, filed 3/27/91, effective 4/27/91)

WAC 16-316-290 SEED STANDARDS. Seed standards shall be as follows:

(1)

		Found- ation	Regis- tered	Blue Tag Certi- fied
Purity				
Pure seed	(Min.)	98%	98%	98%
Other crops & varieties	(Max.)	none found	none found	2/100 lbs.
Badly damaged seed	(Max.)		2%	2%
Inert matter	(Max.)		2%	2%
Splits & cracks	(Max.)		2%	2%
Weed seed	(Max.)		none found	none found
((Bean common mosaic virus disease or adzuki mosaic virus disease)) Seedborne virus diseases (based on an ELISA or ELISA and a grow out test)	(Max.)	none found	none found	((0.0%)) none found
Germination (minimum)			85%	85%

(2) Total inert matter, splits and cracks, and badly damaged seed shall not exceed 2% except for foundation class.

(3) Test reports will show percent of discolored beans for information only.

(4) Rough handling of bean seed in the combine or cleaning plant reduces germination materially. Precautions must be taken against such treatment and the seed safeguarded against high drops.

AMENDATORY SECTION (Amending Order 2078, filed 3/27/91, effective 4/27/91)

WAC 16-494-010 DEFINITIONS. The following definitions apply to the entire chapter.

(1) "Person" means a natural person, individual, firm, partnership, corporation, company, society, and association, and every officer, agent or employee thereof.

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

(3) "Director" means the director of the department of agriculture or the director's duly authorized representative.

(4) "Common bean" means *Phaseolus vulgaris* L.

(5) "Adzuki bean" means *Vigna angularis*.

(6) "Bean" means common beans and adzuki beans.

(7) "Origin" means the county within the state of Washington, or the state, territory or country where a specific seed lot was grown.

(8) "Approved trial grounds" means a specific parcel of land approved by the director for experimental or limited production or increase of bean seed.

(9) "University" means the Washington State University, college of agriculture and home economics.

(10) "Dominant I-gene cultivar" means a cultivar which has resistance to all known strains of bean common mosaic virus (B.C.M.V.) due to the presence of the dominant I-gene. Dominant I-gene cultivars will not show mosaic mottle symptoms or transmit the virus through seed when inoculated with any strain of B.C.M.V.

(11) "Recessive I-gene cultivar" means a cultivar which may be susceptible to some strains of bean common mosaic virus and may show mosaic mottle symptoms.

(12) "Diseases" means those viral, fungal and bacterial diseases of beans enumerated in WAC 16-494-013 and any new variations or strains of these identified in the future.

(13) "Serology" means precipitation, agglutination, immunodiffusion, or labeled antibody test methods (such as ELISA) that use the specificity of antigen-antibody reactions to detect and identify antigenic substances and the organisms such as viruses and bacteria that carry them.

(14) "Official certificate" means a document issued by an official testing agency including but not limited to seed certification tags, bulk seed certification certificates, phyto-sanitary certificates, laboratory sanitary certificates, and other letters, tags, stamps or similar documents certifying seed quality or condition.

(15) "Quarantine Area I" means all areas west of the Continental Divide except those counties within the state of Washington subject to internal quarantine and the states of Alaska and Hawaii.

(16) "Quarantine Area II" means areas east of the Continental Divide, the counties in the state of Washington subject to internal quarantine, the states of Alaska and Hawaii and foreign countries.

(17) "Seedborne viral diseases" includes bean common mosaic virus, adzuki mosaic virus, and other similar viral diseases causing mosaic mottle and other symptoms similar to those of bean common mosaic virus.

AMENDATORY SECTION (Amending Order 2078, filed 3/27/91, effective 4/27/91)

WAC 16-494-013 REGULATED DISEASES. The following viral, bacterial and fungal diseases of beans, and any new strains or variations of these identified in the future, of beans are regulated under the provisions of this chapter:

~~((Bean common mosaic virus
Adzuki mosaic virus))~~

Halo blight (*Pseudomonas Syringae* pv. *phaseolicola* (Young et. al.))

Common bean blight (*Xanthomonas Campestris* pv. *phaseoli* (Smith) Dye)

Fuscous blight (*Xanthomonas phaseoli* var. *fuscans* (Burk.)

Bean anthracnose disease (*Colletotrichum lindemuthianum* (Sacc. & Magn.) Scrib.)

Brown spot disease (*Pseudomonas syringae* pv. *syringae* (Van Hall)) strains virulently pathogenic to *Phaseolus*

Bean bacterial wilt (*Corynebacterium flaccumfaciens* ssp. *flaccumfaciens* (Hedges) Dows.)

AMENDATORY SECTION (Amending Order 2078, filed 3/27/91, effective 4/27/91)

WAC 16-494-046 QUARANTINE—EXCEPTIONS AND EXEMPTIONS. (1) Bean seed planted for harvest as green beans for cannery or freezing, otherwise in compliance with this quarantine, is not required to be entered into an inspection program: PROVIDED, That the department reserves the right to request complete listing and location of all the plantings and other information the department may deem necessary. Further, if at any time prior to harvest, the grower decides that the plantings are not to be harvested as green beans, the department shall be notified and the plantings placed under an inspection program.

(2) ~~((Bean varieties (cultivars) from a quarantine area that are known to be uniform for the dominant I-gene are exempt from the serology testing requirement for bean common mosaic virus. Documentation or evidence of uniformity must accompany the seed shipment.~~

~~Undocumented cultivars are subject to a serology test to determine freedom from seedborne bean common mosaic virus based on a one-pound, untreated bean seed sample for each fifty thousand pounds of bean seed or fraction thereof.~~

~~((3)) This quarantine shall not apply to the shipment, movement, or transportation of beans prepackaged in packages of eight ounces or less for home garden use in the regulated area if the beans are free of diseases.~~

AMENDATORY SECTION (Amending Order 2078, filed 3/27/91, effective 4/27/91)

WAC 16-494-064 PENALTIES. In addition to actions specified in WAC 16-494-062, any grower violating the terms of this ~~((quarantine))~~ chapter, shall be subject to civil and/or criminal penalties provided in law.

BEAN SEEDBORNE VIRAL DISEASE QUARANTINE

NEW SECTION

WAC 16-494-100 BEAN SEEDBORNE VIRAL DISEASE QUARANTINE—ESTABLISHING THE QUARANTINE. The production of dry edible beans and bean seed is an important industry in the state of Washington. The economic well being of that industry is threatened by the introduction of bean seed infected with bean seedborne viral diseases. The director has determined that a quarantine is needed to protect the Washington dry bean industry and to provide the bean growers of this state a source of bean seed for planting purposes that is tested for the presence of these diseases and that bean seedborne viral diseases cannot be effectively regulated under the terms of the existing bean seed quarantine.

NEW SECTION

WAC 16-494-110 BEAN SEEDBORNE VIRAL DISEASE QUARANTINE—REGULATED ARTICLES. Seeds of common beans intended for planting purposes, bean plants and parts of plants, and crop residue from the harvest of beans are regulated under the terms of the bean seedborne viral disease quarantine.

NEW SECTION

WAC 16-494-120 BEAN SEEDBORNE VIRAL DISEASE QUARANTINE—REGULATED DISEASE. Seedborne viral diseases of beans, such as but not limited to bean common mosaic virus, and adzuki mosaic virus are regulated under the terms of the bean seedborne viral disease quarantine.

NEW SECTION

WAC 16-494-130 BEAN SEEDBORNE VIRAL DISEASE QUARANTINE—QUARANTINED AREA. The entire counties of Clallam, Clark, Cowlitz, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pacific, Pierce, San Juan, Skagit, Skamania, Snohomish, Thurston, Wahkiakum, and Whatcom in the state of Washington and all areas outside the state of Washington are established as a quarantine area for the bean seedborne viral disease.

NEW SECTION

WAC 16-494-140 BEAN SEEDBORNE VIRAL DISEASE QUARANTINE—REGULATED AREA. The entire counties of Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Spokane, Walla Walla, Whitman, and Yakima are established as a protected area for bean seedborne viral diseases in Washington.

NEW SECTION

WAC 16-494-150 BEAN SEEDBORNE VIRAL DISEASE QUARANTINE—REQUIREMENTS FOR PLANTING BEAN SEED IN THE REGULATED AREA. No bean seed shall be planted, or sold, shipped, or transported for seed purposes, or knowingly received, into the regulated area which are known to be contaminated with bean seedborne viral diseases and which do not comply with the requirements of the bean seed quarantine in WAC 16-494-001 through 16-494-064.

Bean seed, that otherwise qualifies, may be received for planting purposes, planted, sold, shipped, or transported if that seed meets one of the following criteria:

(1) The bean variety (cultivar) is known to be uniform for the dominant I-gene. Documentation of evidence of uniformity must accompany the seed shipment. Undocumented cultivars are subject to serology and/or grow out testing to determine freedom from bean seedborne viral diseases.

(2) The bean seed has been tested by the serology method (ELISA) and has been found to be free from bean seedborne viral diseases.

(3) The bean seed has been tested by the serology method and has been found to be positive for seedborne viral diseases and on a subsequent grow out test, the sample is found free from bean seedborne viral diseases.

(4) All serology tests shall be based on an official one pound sample of untreated bean seed for each fifty thousand pounds of bean seed or fraction thereof.

(5) All bean seed from outside the regulated area shall be accompanied by an official certificate documenting compliance with this section.

NEW SECTION

WAC 16-494-160 BEAN SEEDBORNE VIRAL DISEASE QUARANTINE—IDENTIFICATION AND DISPOSITION OF DISEASED BEAN SEED. All bean seed that is determined to be contaminated by bean seedborne viral diseases and which does not meet the requirements of WAC 16-494-150 shall be destroyed or diverted to dry edible or other nonseed purposes. For seed that is diverted to dry edible or other nonseed purposes, documentation of disposition of the seed shall be provided to the department of agriculture upon request.

(1) Seed fields entered in the Washington state bean seed phytosanitary certificate inspection program or the Washington state seed certification inspection program as provided in WAC 16-316-270 and 16-316-327 that display symptoms of bean seedborne viral diseases during the growing season shall be subject to testing provided in WAC 16-494-150 (3) and (4) to determine final disposition.

(2) When the director determines that it is probable, based on visual symptoms and serological analysis, that a seed field may be infected with bean seedborne viral diseases and determines that a threat of infection of other fields exists, the director may prescribe aphid control or other requirements, through a notice of destruction as provided in WAC 16-494-063, deemed necessary to prevent infection of adjacent properties.

(3) The true identity of bean seedborne viral diseases shall be based on testing methods recommended by the university results of which, when positive, will be evidence to identify the disease as being subject to the department's requirements. The owner of the seed, at owner's expense, may request verification of pathogenicity. Such verification shall be made using accepted scientific and professional techniques.

NEW SECTION

WAC 16-494-170 BEAN SEEDBORNE VIRAL DISEASE QUARANTINE—PENALTIES. (1) Any bean field planted with seed in violation of the requirements of this quarantine shall be subject to destruction, in full or in part, or quarantined, as determined necessary by the director, to prevent the spread of bean seedborne viral diseases, at the option and the expense of the grower or their responsible agent.

(2) Any grower violating the terms of this quarantine, shall be subject to the criminal and/or civil penalties provided in chapter 17.24 RCW.

WSR 92-09-076**PERMANENT RULES
DEPARTMENT OF****GENERAL ADMINISTRATION**

[Filed April 15, 1992, 10:35 a.m.]

Date of Adoption: April 14, 1992.

Purpose: To control skateboarding activity on state Capitol grounds since such activity threatens and endangers the health, safety and general welfare of pedestrians, motorists and skateboarders. Skateboarding activity also has a destructive impact on physical structures, roadways and pathways on the state capitol grounds.

Statutory Authority for Adoption: RCW 46.08.150.

Pursuant to notice filed as WSR 91-22-091 on November 6, 1991; and WSR 92-01-144 on December 19, 1991.

Changes Other than Editing from Proposed to Adopted Version: Proposed amendatory section, WAC 236-12-011, deleted, since no action to be taken at this time; repeal of section to be done separately. WAC 236-12-180 amended to make clear fine applies to violation of skateboard regulations.

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

April 14, 1992

Ronald J. McQueen
Assistant Director

SKATEBOARDING REGULATIONSNEW SECTION

WAC 236-12-160 INTENT OF THE DIRECTOR. It is the intent of the director in adopting these skateboard regulations to acknowledge the dangerous impact that skateboarding on the capitol campus has to the health and safety of state employees, visitors, skateboarders, and the general public and the destructive impact it has on physical structures, roadways, and pathways on the capitol campus.

The following are some of the reasons why skateboarding on the capitol campus must be controlled:

(1) During recent years, the use of skateboards has increased dramatically. As a result, the department has been contacted by numerous employees and citizens complaining about the dangerous and destructive practices of skateboarders on the capitol campus grounds.

(2) Many skateboarders ride their boards in high volume areas and thus threaten the safety of pedestrians, motorists, and the skateboarders themselves.

(3) The director finds that skateboarding in such high volume or crowded areas, even if done in a nonnegligent manner, is incompatible with pedestrian use of these areas, due mainly to the speed and maneuverability of skateboards.

(4) Skateboard riders have ridden their boards down entrance and exit ramps of state underground parking facilities, sometimes against traffic, placing the skateboarders in serious danger and placing the motorists in a position of liability and possible harm. Skateboarders also have ridden their boards near doorways, nearly hitting pedestrians. In addition, skateboarders have ridden into state buildings jeopardizing occupants, and have ridden on walls, curbs, partitions, ramps, or other vertical and irregular physical surfaces, causing damage to state facilities and surfaces.

(5) The director finds that skateboarding in roadways and parking facilities and parking ramps creates a danger to the skateboard rider and to the motorist and is incompatible with motor vehicle use in such areas.

(6) The director finds that these skateboard regulations are necessary in order to avoid property loss, personal injury, and liability exposure associated with the use of skateboards on state property and within state facilities.

NEW SECTION

WAC 236-12-170 "SKATEBOARD" DEFINED. "Skateboard" as used herein shall mean an oblong board with roller skate wheels or other similar wheels mounted under it at each end.

NEW SECTION

WAC 236-12-171 "SKATEBOARDING" DEFINED. "Skateboarding" as used herein shall mean any person who stands with one or both feet touching a skateboard and/or who does handstands with one or both hands touching a skateboard and/or who crouches, sits, or lies upon a skateboard while it is in motion. "Skateboarding" also shall mean skateboard riding.

NEW SECTION

WAC 236-12-175 SKATEBOARDING PROHIBITED. Skateboarding is prohibited on the state capitol grounds, as defined in WAC 236-12-015(7), including but not limited to the streets, sidewalks, walkways, walls, raised structural elevations, east capitol campus plaza, parking structures, lots and ramps, other paved surfaces of the state capitol grounds and any other structure or part thereof.

NEW SECTION

WAC 236-12-180 VIOLATION—PENALTY. Violation of any of the provisions contained in WAC 236-12-160, 236-12-170, 236-12-171, or 236-12-175 shall constitute a traffic infraction which is subject to the jurisdiction of the Thurston County district court. Violators shall be ticketed by the Washington state patrol. The fine for violating any of these skateboarding regulations shall be twenty-five dollars.

WSR 92-09-077
NOTICE OF PUBLIC MEETINGS
COUNCIL ON
VOCATIONAL EDUCATION
 [Memorandum—April 15, 1992]

May 6, 1992
 Board Room - #300
 Washington State Grange
 924 Capitol Way
 Olympia, WA
 9:00 a.m.

WSR 92-09-078
PERMANENT RULES
UTILITIES AND TRANSPORTATION
COMMISSION

[Order R-373, Docket No. UW-920118—Filed April 15, 1992, 3:00 p.m.]

In the matter of adopting WAC 480-110-018 relating to the definition of control of water companies.

This action is taken pursuant to Notice No. WSR 92-05-091 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 chapter 101, Laws of 1991, and is intended administratively to implement these statutes.

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 92-05-091 the above matter was scheduled for consideration at 9:00 a.m., Wednesday, April 1, 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 23, 1992, and orally at 9:00 a.m., Wednesday, April 1, 1992, in the commission's hearing room above noted.

At the April 1, 1992, meeting the commission considered the rule change proposal. No written or oral comments have been received.

The rule change affects no economic values.

In reviewing the entire record herein, it has been determined that WAC 480-110-018 should be adopted to read as set forth in Appendix A shown below and by this reference made a part hereof. By chapter 101, Laws of 1991, the legislature extended commission jurisdiction to water companies which are under common control. WAC 480-110-018 as adopted will define "control."

ORDER

WHEREFORE, IT IS ORDERED That WAC 480-110-018 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 9th day of April, 1992.

Washington Utilities and Transportation Commission
Sharon L. Nelson, Chairman
Richard D. Casad, Commissioner
A. J. Pardini, Commissioner

APPENDIX "A"

NEW SECTION

WAC 480-110-018 DEFINITION OF CONTROL. (1) For purposes of determining commission jurisdiction over a water company as defined in RCW 80.04.010 "control" means the water system operator or manager has discretion over the property or finances or operations of a water company which is normally exercised by an owner. Factors indicating control include, but are not limited to, whether the operator or manager:

- (a) May authorize the purchase or sale of all or part of the water system or its water rights;
- (b) May authorize capital additions or improvements to the system;
- (c) May accept contributed plant;
- (d) May authorize the expenditure or acquisition of funds which encumber any asset of the company;
- (e) May authorize the expenditure of funds for non-water company purposes;
- (f) Receives compensation of a type or amount having no reasonable relationship to the work performed or to be performed.

(2) Control shall not include management by a satellite agency as defined in chapter 70.116 RCW if the satellite agency is not an owner of the water company.

WSR 92-09-079

PERMANENT RULES

OLYMPIC AIR

POLLUTION CONTROL AUTHORITY

[Filed April 15, 1992, 3:37 p.m.]

Date of Adoption: April 8, 1992.

Purpose: Change OAPCA Regulation 1 to be in agreement with RCW 70.94.431 and 70.94.211.

Pursuant to notice filed as WSR 92-05-048 on February 13, 1992.

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

April 14, 1992

James A. Wilson

Air Quality

Control Specialist

AMENDED SECTION

SECTION 3.27 PENALTY

(a) In addition to, or as an alternate to, any other penalty provided by law, any person who violates any of the provisions of Chapter 70.94 RCW or any of the rules or regulations of the Department of Ecology or the Board, including but not limited to Regulation 1 of the Olympic Air Pollution Control Authority, shall incur a penalty in the form of a fine in the amount not to exceed ~~((one thousand))~~ ten thousand dollars per day for each violation. Each such violation shall be a separate and distinct offense, and, in case of a continuing violation, each day's continuance shall be a separate and distinct violation. For the purposes of this paragraph, the maximum daily fine imposed by the Board for violations of standards by specific emissions unit is ~~((one thousand))~~ ten thousand dollars.

~~(b) ((Further, the person is subject to a fine of up to five thousand dollars to be levied by the Director of the Department of Ecology if requested by the Board or if the Director determines that the penalty is needed for effective enforcement of Chapter 70.94 RCW. The Board shall not make such a request until notice of violation and compliance order procedures have been exhausted, if such procedures are applicable. For the product of this paragraph, the maximum daily fine imposed by the Department of Ecology for violations of standards by a specific emission unit is five thousand dollars.))~~ REPEALED April 8, 1992.

(c) Each act of commission or omission which procures, aids or abets in the violation shall be considered a violation under the provisions of this section and subject to the same penalty, ~~((except as provided in paragraph (d) of this section.))~~ the penalty shall become due and payable when the person incurring the same receives a notice in writing from the Control Officer of the Authority, or his designee describing the violation with reasonable particularity and advising such person that the penalty is due unless a request is made for a hearing to the hearings board as provided for in Chapter 43.21(b) RCW and Section 3.17 of this Regulation 1. When a request is made for a hearing, the penalty shall become due and payable only upon completion of all review proceedings and the issuance of a final order affirming the penalty in whole or part. If the amount of such penalty is not paid to the Board within thirty (30) days after it becomes due and payable, and a request for a hearing has not been made, the Attorney for the Authority, upon request of the Board or Control Officer, shall bring action to recover such penalty in the Superior Court of the county in which the violation occurred. Of all penalties recovered by the Authority, ~~((fifty (50%)))~~ one hundred (100%) percent shall be paid into the treasury of the Authority and credited to its funds. ~~((and fifty (50%) percent shall be distributed to the cities, towns, and~~

~~counties within the Authority, on a pro rata basis, as each contributes to support the Authority pursuant to RCW 70.94.093. If a prior penalty for the same violation has been paid to the Authority, the penalty imposed under paragraph (b) of this section shall be reduced by the amount of the payment. Notwithstanding any other provisions of Regulation 1, no penalty may be levied for the violation of any opacity standard in an amount exceeding four hundred dollars per day.)~~

~~(d) ((If a penalty is levied under paragraph (b) of this section, the Director or the Director's authorized delegate may, upon written application therefore received within fifteen (15) days after the notice imposing any penalty is received by the person incurring the penalty, and when deemed in the best interest to carry out the purpose of Chapter 70.94 RCW, remit or mitigate any penalty provided in this section upon such terms as the Director in the Director's discretion deems proper, and may ascertain the facts upon all such application in such manner and under such regulations as the Director deems proper. The mitigation shall not affect or reduce the penalty imposed by the Board. The appeal procedures shall be as set forth in subsection (4) of RCW 70.94.431.)) REPEALED April 8, 1992~~

(e) To secure the penalty incurred under this section, the Authority shall have a lien on any vessel used or operated in violation of this Regulation which shall be enforced as provided in RCW 60.36.050.

(f) In all actions brought in the Superior Court for the recovery of penalties hereunder, the procedure and rules of evidence shall be the same as in ordinary civil action.

(g) At least thirty days prior to the commencement of any formal enforcement action under RCW 70.94.430 or 70.94.431 written notice will be served upon the alleged violator or violators. The notice shall specify the provision of RCW 70.94 or the rule or regulation alleged to be violated, and the facts alleged to constitute a violation thereof, and may include an order directing that necessary corrective action be taken within a reasonable time. In lieu of an order, the board or the control officer may require that the alleged violator or violators appear before the board for a hearing. Every notice of violation shall offer to the alleged violator an opportunity to meet with the local air authority prior to the commencement of enforcement action.

Reviser's note: The typographical error in the above material occurred in the copy filed by the Olympic Air Pollution Control Authority and appears in the Register pursuant to the requirements of RCW 34.08.040.

WSR 92-09-080
EMERGENCY RULES
DEPARTMENT OF HEALTH
(Chiropractic Disciplinary Board)
 [Order 267B—Filed April 15, 1992, 3:40 p.m.]

Date of Adoption: April 10, 1992.

Purpose: To clarify ESB 6054 and add to existing WAC 246-807-300(2).

Citation of Existing Rules Affected by this Order:
 Amending WAC 246-807-300.

Statutory Authority for Adoption: RCW 18.26.110.

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:

April 3, 1992

To the Honorable, the Senate
 of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 5, Engrossed Senate Bill No. 6054 entitled:

"AN ACT Relating to Chiropractic."

Section 5 of Engrossed Senate Bill No. 6054 implements this bill immediately. The language in the bill is ambiguous concerning the ability of chiropractors to treat problems originating in the extremities. The proponents of the bill assure me that the expansion in the scope of practice does not include disorders that originate in the extremities. I have asked the Chiropractic Disciplinary Board to clarify this issue in rule.

For these reasons, I have vetoed section 5 of Engrossed Senate Bill No. 6054.

With the exception of section 5, Engrossed Senate Bill No. 6054 is approved.

Respectfully submitted,

Booth Gardner
 Governor

Effective Date of Rule: Immediately.

April 10, 1992
 John W. Day, D.C.
 Chairman

AMENDATORY SECTION (Amending Order 110B, recodified as 246-807-300, filed 2/20/91, effective 3/23/92 [3/23/91])

WAC 246-807-300 SCOPE OF PRACTICE—REVOCATION OR SUSPENSION OF LICENSE AUTHORIZED FOR PRACTICE OUTSIDE SCOPE.
 (1) *The chiropractic disciplinary board finds that over the past few years there has been an increasing number of persons licensed as chiropractors who have been practicing other healing arts while holding themselves out to the public as chiropractors to the detriment of the public health and welfare of the state of Washington and contrary to the legislative directive contained in RCW 18.26.010(5). The board further finds and deems it necessary to carry out the provisions of chapter 18.26 RCW that this rule be adopted to give guidance to members of*

the profession, and the public, in interpreting for purposes of application by the disciplinary board of RCW 18.26.030, the scope of health which comes within the definition of chiropractic in RCW 18.25.005 and which is authorized under a license to practice chiropractic in the state of Washington.

(2) RCW 18.25.005 defines the term "chiropractic" for purposes of chapters 18.25 and 18.26 RCW, as that practice of health care which deals with the detection of subluxations, which shall be defined as any alteration of the biomechanical and physiological dynamics of contiguous spinal structures which can cause neuronal disturbances, the chiropractic procedure preparatory to, and complementary to the correction thereof, by adjustment or manipulation of the articulations of the vertebral column and its immediate articulations for the restoration and maintenance of health; it includes the normal regimen and rehabilitation of the patient, physical examination to determine the necessity for chiropractic care, the use of x-ray and other analytical instruments generally used in the practice of chiropractic: PROVIDED, That no chiropractor shall prescribe or dispense any medicine or drug nor practice obstetrics or surgery nor use x-rays for therapeutic purposes nor treat disorders originating in the extremities: PROVIDED, HOWEVER, That the term "chiropractor" as defined in this act shall not prohibit a practitioner licensed under chapter 18.71 RCW from performing accepted medical procedures, except such procedures shall not include the adjustment by hand of any articulation of the spine: AND PROVIDED FURTHER, That nothing herein shall be construed to prohibit the rendering of dietary advice.

(3) The board finds that the following diagnostic techniques and procedures, by whatever name known, are not within the definition of "chiropractic" as specified in subsection (2) of this section and in RCW 18.25.005, and, consequently, a license to practice chiropractic does not authorize their use:

(a) The use of x-rays or other forms of radiation for any other reason than to x-ray the human skeleton.

(b) The use of any form of electrocardiogram.

(c) The testing and reduction to mathematical formulae of sputum and/or urine (commonly known as "Reams" testing).

(d) Hair analysis.

(e) The use of a vasculizer or plethysonograph (commonly known as plethysmography) except for research purposes.

(f) The use of iridology.

(g) The taking of blood samples.

(h) Female breast examination.

(i) The use of any form of electromyography except for research purposes, and provided no fee is charged until proper protocol is established and approved by the chiropractic disciplinary board.

The above list is not to be considered exhaustive or to limit the board in any way from finding under the statutory definition in RCW 18.25.005 that any other diagnostic technique or procedure is outside the scope of chiropractic practice.

(4) The board finds that the following treatment modalities, by whatever name known, are not within the

definition of "chiropractic" as specified in subsection (2) of this section and in RCW 18.25.005 and, consequently, a license to practice chiropractic does not authorize their use:

(a) Ultrasound, diathermy, high voltage galvanic therapy and x-rays or other radiation.

(b) Colonic irrigation.

(c) Extremity adjusting.

(d) Electrotherapy.

(e) The use of a transcutaneous electrical nerve stimulator (TENS).

(f) The use of the endonasal technique.

(g) The use of any type of casting other than light body casting.

(h) The use of meridian therapy, whether known as "acupressure," or the same type of therapy under any other names.

(i) The use of hypnosis for any other than relaxation purposes.

(j) The use of clinical herbology.

The above list is not to be considered exhaustive or to limit the board in any way from finding under the statutory definition in RCW 18.25.005 that any other treatment modalities are outside the scope of chiropractic practice.

(5) The use by a chiropractor of diagnostic techniques or procedures or treatment modalities which are outside the definition of chiropractic in RCW 18.25.005, whether or not listed in this rule, or the use by a chiropractor of any of the diagnostic techniques and procedures listed in subsection (3) of this section or the use by a chiropractor of any of the treatment modalities listed in subsection (4) of this section shall constitute unprofessional conduct under RCW 18.130.180(12) which shall be good and sufficient cause for revocation or suspension of that chiropractor's license to practice chiropractic in Washington.

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 92-09-081
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)**

[Filed April 16, 1992, 2:13 p.m.]

Original Notice.

Title of Rule: WAC 388-47-115 Funding approval of education and JOBS components.

Purpose: This amendment enables the targeting of JOBS education and components funding in order to ensure enhanced federal funding.

Statutory Authority for Adoption: RCW 74.04.050.

Statute Being Implemented: RCW 74.04.050.

Summary: Enables the contractor, Employment Security Department to establish separate funding for each priority group. Provides for local waiting lists when funds for a priority have been exhausted. Expands the

third priority to include participants volunteering for basic education.

Reasons Supporting Proposal: Provides a tool for managing JOBS education and components funds. Funds will be targeted on priority groups which will assure meeting the federal requirements for enhanced funding.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Linda Marvel, Division of Income Assistance, 438-8279.

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 27, 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 27, 1992.

Date of Intended Adoption: May 29, 1992.

April 16, 1992

Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 3129, filed 12/31/90, effective 1/31/91)

WAC 388-47-115 FUNDING APPROVAL OF EDUCATION AND JOBS COMPONENTS. (1) For the purpose of plan approval initial approving authority begins with the employment security department. The department of social and health services shall:

(a) Review approved plans within 30 calendar days of initial approval.

(b) Review disapproved plans within ten calendar days of denial.

(c) Review if the plan clearly violates department policy or whether the department has information which clearly indicates a concern with the plan.

(d) Joint agency administrative review will be conducted at the local level of any initial approval with which the department does not concur.

(2) The contractor shall fund approvable JOBS plan components in accordance with the following priorities:

(a) First priority shall be given to participants in an approved educational, training or employment plan whose JOBS or FIP plan is in process and is being re-authorized;

(b) Second priority shall be given to volunteers included in the target groups specified under WAC 388-47-070(1);

(c) Third priority shall be given to participants volunteering for basic education and job ready participants volunteering for intensive job search, on-the-job training or the work supplementation program;

(d) Fourth priority shall be given to all other recipients.

(3) Separate allocation may be established for each priority group.

(4) The contractor shall limit plan approval subject to the availability of funds and to a specific component.

((+)) (5) Funding approval for child care participants in a tribal JOBS program shall be subject to the provisions of this section.

((+)) The contractor shall fund approvable JOBS plan components in accordance with the following priorities:

(a) First priority shall be given to participants in an approved educational, training or employment plan whose OPPORTUNITIES or JOBS plan is in process and is being reauthorized;

(b) Second priority shall be given to volunteers included in the target groups specified under WAC 388-47-070(1);

(c) Third priority shall be given to job ready participants volunteering for intensive job search, on-the-job training or the work supplementation program, if such participation will provide a direct path to employment;

(d) Fourth priority shall be given to all other recipients.

((+)) (6) The contractor shall create a local obligational register ~~(and)~~. When funds have been exhausted for a priority group, a local waiting list ~~((for the JOBS program. The waiting list shall be ranked by priority))~~ shall be established. Ranking within each priority shall be on a first come first served basis using the date of request for participation in JOBS.

((+)) (7) If the funds appropriated for JOBS are available, the contractor shall approve the plan for the highest ranked person on the waiting list and obligate sufficient funds from the obligational register to cover the cost of:

(a) Training or education, component costs, child care, and support services necessary to complete the approved plan; or

(b) For participants in a tribal JOBS program, the cost of child care necessary to complete the approved plan.

((+)) (8) The contractor shall limit plan approval through the end of the state biennium. In obligating funds, the contractor shall obligate funds through the completion of the plan or the end of the biennium, whichever is earlier. Priority for subsequent years is established in subsection ~~((+)) (2)~~ of this section.

((+)) (9) The contractor's approval of a plan shall be by specific components. Requests to change to another component shall be subject to the availability of funds and other applicable criteria for component approval. If the contractor does not approve a change in components because of lack of funds, the contractor shall place the person on a waiting list.

((+)) (10) For self-initiated training that is approvable, the contractor will place the person on ~~((the))~~ a local waiting list and if funds are available provide necessary child care and support services as provided in the approved plan. The contractor shall not pay for tuition, books, or other fees.

((+)) (11) A participant may choose to participate in training without child care and support services. For such persons, the contractor shall:

(a) Place the person on ~~((the))~~ a local waiting list;

(b) Approve the plan subject to review of child care and support service needs when partial funds are available; and

(c) At such time as funds are available to fund the remainder of the plan ~~(;) offer support services ((will be offered)).~~

((+)) (12) Participants shall utilize other funding sources such as Pell grants before JOBS funds are used. Plan approval shall be pending until grant or aid resources have been determined.

((+)) (13) Total JOBS costs shall not exceed the maximum of four thousand five hundred dollars per participant excluding child care.

WSR 92-09-082

**NOTICE OF PUBLIC MEETINGS
HUMAN RIGHTS COMMISSION**

[Memorandum—April 15, 1992]

The Washington State Human Rights Commission will hold its May regular commission meeting in Ellensburg on May 27 and 28, 1992. The meeting on May 27, will be held at the Kittitas County Courthouse, Commissioner's Auditorium, First Floor, Room 109, 5th and Main, Ellensburg, and will be a planning and training session beginning at 7:00 p.m. The regular business meeting on May 28, will be held at the Kittitas County Courthouse, Extension Assembly Room, Second Floor, Room 215, 5th and Main, Ellensburg, beginning at 9:30 a.m.

WSR 92-09-083
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 92-18—Filed April 16, 1992, 4:01 p.m.]

Date of Adoption: April 15, 1992.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-56-156, 220-56-235, 220-56-240, 220-56-250, 220-56-285, 220-56-310, 220-56-315, 220-56-320, 220-56-335, 220-56-350, 220-56-380, 220-56-400, 220-57-160, and 220-57-175.

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: These rules are the same as the proposed rules under WSR 92-03-151, and adopted on March 6, 1992. Technical corrections delayed filing the permanent rules, and necessitate filing these as emergency rules until the permanent rules take effect. The new sport regulations take effect on April 16, 1992.

Effective Date of Rule: Immediately.

April 15, 1992
 Nancy L. Nelson
 for Joseph R. Blum
 Director

NEW SECTION

WAC 220-56-15600E **LANDING CANADIAN ORIGIN SALMON.** Notwithstanding the provisions of WAC 220-56-256, effective April 16, 1992 until further notice salmon taken for personal use from Canadian waters and landed at a Washington port must meet the current salmon regulations for that port.

NEW SECTION

WAC 220-56-23500G **BOTTOMFISH POSSESSION LIMITS.** Notwithstanding the provisions of WAC 220-56-235, effective April 16, 1992 until further notice:

(1) The daily bag limit for rockfish taken from Coastal Catch Record Card Areas 1 through 4 is 12 rockfish, except 15 fish if taken from Catch Record Card Area 1.

(2) The daily bag limit for lingcod taken from Catch Record Card Areas 5 through 13 is one lingcod, and if taken by angling the minimum size is 26 inches and the maximum size is 40 inches. There is no minimum or maximum size if the one lingcod is taken by spearfishing.

(3) It is unlawful to use a gaff to land lingcod taken in Catch Record Card Areas 5 through 13.

NEW SECTION

WAC 220-56-24000G **STURGEON BAG LIMITS.** Notwithstanding the provisions of WAC 220-56-240, effective April 16, 1992 until further notice the

maximum size limit for sturgeon taken for personal use is 60 inches. No person may possess in the state of Washington any sturgeon taken for personal use that exceeds 60 inches in length, regardless of the origin of the sturgeon.

NEW SECTION

WAC 220-56-25000E **LINGCOD—AREAS AND SEASONS.** Notwithstanding the provisions of WAC 220-56-250, effective April 16, 1992 until further notice it is unlawful to fish for or possess lingcod taken for personal use from Catch Record Card Areas 5 through 13 except from May 1 through June 15.

NEW SECTION

WAC 220-56-28500F **STURGEON—SEASONS.** Notwithstanding the provisions of WAC 220-56-285, effective April 16 through June 15, 1992, it is unlawful to fish for sturgeon in those waters of the Columbia River between the upstream line of Bonneville Dam and fishing markers 4 miles below the dam.

NEW SECTION

WAC 220-56-31000K **SHELLFISH—DAILY BAG LIMITS.** Notwithstanding the provisions of WAC 220-56-310, effective April 16, 1992 until further notice the daily bag limit for abalone is 3 pinto abalone, minimum size 4 inches measured in a horizontal line across the longest portion of the shell.

NEW SECTION

WAC 220-56-31500A **SHELLFISH—UNLAWFUL ACTS.** Notwithstanding the provisions of WAC 220-56-315, effective April 16, 1992 until further notice it is unlawful to fish for crabs within 25 yards of the Burlington Northern Railroad trestle connecting March Point and Anacortes.

NEW SECTION

WAC 220-56-32000C **SHELLFISH GEAR—UNLAWFUL ACTS.** Notwithstanding the provisions of WAC 220-56-320, effective April 16, 1992 until further notice it is unlawful to fish for or possess shellfish taken for personal use unless the gear allows for escapement by:

(a) Attachment of pot lid hooks or tie down straps with a single strand of twine so that the pot lid will open freely if the twine is broken; or

(b) An opening in the pot mesh no less than 3 by 5 inches, located in the top half of the pot and unimpeded by entry tunnels, bait boxes, or other structures, which opening is sewn closed with twine; or

(c) Attachment of the pot lid or one pot side serving as the pot lid with no more than three single strands of twine, so that the pot lid or side will open freely if the strands break.

The twine used in this section must be untreated, 100 percent cotton or other natural fiber no larger than thread size 120.

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

NEW SECTION

WAC 220-56-33500G CRAB—UNLAWFUL ACTS. Notwithstanding the provisions of WAC 220-56-335, effective April 16, 1992 until further notice it is unlawful to possess female Dungeness crab and unlawful to possess male Dungeness crab that measure less than the following sizes when taken from the waters listed:

(1) In all Puget Sound waters except Hood Canal south of the floating bridge - minimum size 6 1/4 inches.

(2) In Hood Canal south of the floating bridge, coastal waters west of the Bonilla-Tatoosh line, Pacific Ocean waters, Grays Harbor, Willapa Bay and the Columbia River - minimum size 6 inches.

NEW SECTION

WAC 220-56-35000P CLAM AREA CLOSURES. Notwithstanding the provisions of WAC 220-56-350, the following areas are closed to clam harvest during the periods indicated:

- (1) Twanoh State Park - closed until further notice.
- (2) Point Whitney - closed May 16, 1992 until further notice.
- (3) Point Whitney Lagoon - closed April 16, 1992 until further notice.
- (4) Camano Island State Park - closed April 16 through May 31, 1992, and July 1, 1992 until further notice.
- (5) Port Townsend Ship Canal - state tidelands on the east shore are closed April 16 through May 31, 1992.

(6) Sequim Bay State Park - closed May 16, 1992 until further notice.

(7) Hoodspport Hatchery - Department of Fisheries tidelands at Hoodspport Salmon Hatchery are closed until further notice.

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

NEW SECTION

WAC 220-56-38000J OYSTER AREA CLOSURES. Notwithstanding the provisions of WAC 220-56-380, effective April 16, 1992 until further notice it is lawful to take oysters from public tidelands the entire year, except it is unlawful to take oysters from the following areas during the period indicated:

(1) Brown Point - closed April 16 through May 15, 1992 and July 1, 1992 until further notice.

(2) Bywater Bay state tidelands - closed April 16 through May 31, 1992 and July 16, 1992 until further notice.

(3) Point Whitney Lagoon - closed April 16 through July 15, 1992.

(4) Kitsap Memorial State Park - closed April 16 through May 15, 1992 and June 16, 1992 until further notice.

(5) Scenic Beach State Park - closed May 16, 1992 until further notice.

(6) Hoodspport Hatchery - Department of Fisheries tidelands at Hoodspport Salmon Hatchery are closed until further notice.

(7) Triton Cove State Park - closed April 16 through May 15, 1992 and June 16, 1992 until further notice.

NEW SECTION

WAC 220-56-40000B ABALONE Notwithstanding the provisions of WAC 220-56-400, effective April 16, 1992 it is unlawful to remove undersize abalone from an attachment. Persons taking abalone must possess a 4-inch caliper and use it to determine if the abalone is of legal size before removing the abalone from its attachment.

NEW SECTION

WAC 220-57-16000N COLUMBIA RIVER. Notwithstanding the provisions of WAC 220-57-160, effective April 16, 1992 until further notice it is unlawful to take or possess sockeye salmon taken downstream of the Highway 395 Bridge.

NEW SECTION

WAC 220-57-17500W COWLITZ RIVER. Notwithstanding the provisions of WAC 220-57-175, effective April 16, 1992 until further notice the minimum size for salmon in those waters of the Cowlitz River from the confluence of the Muddy Fork and Ohanapecoh Rivers downstream to Riffe Lake is 8 inches.

WSR 92-09-084

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 92-20—Filed April 16, 1992, 4:04 p.m., effective April 17, 1992, 12:01 a.m.]

Date of Adoption: April 16, 1992.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-44-05000T.

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., April 17, 1992.

April 16, 1992

Nancy L. Nelson
for Joseph R. Blum
Director

NEW SECTION

WAC 220-44-05000U COASTAL BOTTOM-FISH CATCH LIMITS. Notwithstanding the provisions of WAC 220-44-050, effective 12:01 a.m. April 17, 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 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 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 April 17 until further notice, 250 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 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. April 17, 1992:

WAC 220-44-05000T COASTAL BOTTOMFISH CATCH LIMITS. (92-12)

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 92-09-085
NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE LIBRARY
(Library Commission)
[Memorandum—April 16, 1992]

Thursday, May 7, 1992, the Washington State Library Commission will meet for a special executive session at the Wyndham Garden Hotel, Boardroom A, SeaTac, beginning at 3:00 p.m.

WSR 92-09-086
PROPOSED RULES
DEPARTMENT OF HEALTH
[Filed April 17, 1992, 11:41 a.m.]

Original Notice.

Title of Rule: Open heart surgery concurrent review schedule for certificate of need applications.

Purpose: To change the certificate of need concurrent review schedule for new open heart surgery services.

Statutory Authority for Adoption: RCW 70.38.135.

Statute Being Implemented: Chapter 70.38 RCW.

Summary: The beginning of the concurrent review schedule for certificate of need applications for new open heart surgery services is postponed for three months. The final review period is extended from 45 to 60 days, the maximum period allowed by law.

Reasons Supporting Proposal: The Department of Health needs additional time to adopt certificate of need review criteria for open heart surgery services. The criteria must be effective before certificate of need applications are submitted for review, and the existing schedule does not allow sufficient time to complete the WAC adoption process.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Frank Chestnut, EY-29-7854, (206) 753-5854.

Name of Proponent: Department of Health, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The concurrent review schedule establishes a uniform time frame for review and decision-making on certificate of need proposals for new open heart surgery services. The purpose of concurrent review described in law is ". . . comparative analysis and evaluation of competing or similar projects in order to determine which of the projects may best meet identified needs." (RCW 70.38.115(7)).

Proposal Changes the Following Existing Rules: The schedule is postponed for three months.

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

Hearing Location: General Administration Auditorium, 11th and Columbia, Olympia, Washington 98504, on May 26, 1992, at 1:00 p.m.

Submit Written Comments to: Leslie Baldwin, Rules Coordinator, 1300 S.E. Quince Street, P.O. Box 47902, Olympia, WA 98504-7902, by May 21, 1992.

Date of Intended Adoption: June 2, 1992.

April 14, 1992
Kristine M. Gebbie
Secretary

AMENDATORY SECTION (Amending Order 188, filed 8/12/91, effective 4/15/92 [8/28/91])

WAC 246-310-132 OPEN HEART SURGERY CONCURRENT REVIEW CYCLE. (1) The department shall review new open heart surgery services using the concurrent review cycle in this section.

(2) Certificate of need applications shall be submitted and reviewed according to the following schedule and procedures.

(a) Letters of intent shall be submitted between the first working day and last working day of ~~((April))~~ July of each year, beginning in 1992. ((and each year thereafter.))

(b) Initial applications shall be submitted between the first working day and last working day of ~~((May))~~ August of each year, beginning in 1992. ((and each year thereafter.))

(c) The department shall screen initial applications for completeness by the last working day of ~~((June))~~ September of each year beginning in 1992. ((and each year thereafter.))

(d) Responses to screening questions shall be submitted by the last working day of ~~((July))~~ October of each year beginning in 1992.

(e) The public review and comment period for applications shall begin on ~~((August 14))~~ November 16, of each year beginning in 1992. ((or the first working day thereafter each year thereafter.)) In the event that November 16 is not a working day in any year, then the public review and comment period shall begin on the first working day after November 16.

(f) The public review and comment period shall be limited to ninety days, unless extended according to the provisions of WAC 246-310-120 (2)(d).

(g) The final review period shall be limited to ~~((forty-five))~~ sixty days, unless extended according to the provisions of WAC 246-310-120 (2)(d).

(3) Any letter of intent or certificate of need application submitted for review in advance of this schedule, or certificate of need application under review as of the effective date of this section, shall be held by the department for review according to the schedule in this section.

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

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

WSR 92-09-087
EMERGENCY RULES
DEPARTMENT OF HEALTH

[Order 262—Filed April 17, 1992, 11:44 a.m.]

Date of Adoption: April 14, 1992.

Purpose: To change the certificate of need concurrent review schedule for new open heart surgery services.

Citation of Existing Rules Affected by this Order: Amending WAC 246-310-132.

Statutory Authority for Adoption: RCW 70.38.135.

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 Department of Health needs additional time to adopt certificate of need review criteria for open heart surgery services. The criteria must be effective before certificate of need applications are submitted for review, and the existing schedule does allow sufficient time to complete the WAC adoption process. Criteria to be adopted will improve planning policy for open heart surgery services and public health and safety cannot be preserved if the new criteria cannot be applied to pending applications.

Effective Date of Rule: Immediately.

April 14, 1992
Kristine M. Gebbie
Secretary

AMENDATORY SECTION (Amending Order 188, filed 8/12/91, effective 4/15/92 [8/28/91])

WAC 246-310-132 OPEN HEART SURGERY CONCURRENT REVIEW CYCLE. (1) *The department shall review new open heart surgery services using the concurrent review cycle in this section.*

(2) *Certificate of need applications shall be submitted and reviewed according to the following schedule and procedures.*

(a) *Letters of intent shall be submitted between the first working day and last working day of ~~((April))~~ July of each year, beginning in 1992. ~~((and each year thereafter.))~~*

(b) *Initial applications shall be submitted between the first working day and last working day of ~~((May))~~ August of each year, beginning in 1992. ~~((and each year thereafter.))~~*

(c) *The department shall screen initial applications for completeness by the last working day of ~~((June))~~ September of each year beginning in 1992. ~~((and each year thereafter.))~~*

(d) *Responses to screening questions shall be submitted by the last working day of ~~((July))~~ October of each year beginning in 1992.*

(e) *The public review and comment period for applications shall begin on ~~((August 14))~~ November 16, of each year beginning in 1992. ~~((or the first working day~~*

~~thereafter each year thereafter.))~~ In the event that November 16 is not a working day in any year, then the public review and comment period shall begin on the first working day after November 16.

(f) *The public review and comment period shall be limited to ninety days, unless extended according to the provisions of WAC 246-310-120 (2)(d).*

(g) *The final review period shall be limited to ~~((forty=~~ sixty ~~five))~~ sixty days, unless extended according to the provisions of WAC 246-310-120 (2)(d).*

(3) *Any letter of intent or certificate of need application submitted for review in advance of this schedule, or certificate of need application under review as of the effective date of this section, shall be held by the department for review according to the schedule in this section.*

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

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

WSR 92-09-088
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF HEALTH
[Memorandum—April 16, 1992]

The following is a revision to the 1992 meeting dates for the Examining Board of Psychology:

May 8 and 9, 1992	Private Residence 6186 S.E. Nelson Road Olalla, WA 98359 Board Meeting
June 12 and 13, 1992	Silverdale on the Bay Hotel 3073 N.W. Bucklin Hill Road Silverdale, WA 98383 Board Meeting
July 10 and 11, 1992	Seattle Airport Hilton 17620 Pacific Highway South Seattle, WA 98188 Oral Examinations
September 11 and 12, 1992	Private Residence 4931 Oyster Bay Road N.W. Olympia, WA 98504 Board Meeting
October 9 and 10, 1992	WestCoast Roosevelt 1531 7th Avenue Seattle, WA 98121 Board Meeting
November 13 and 14, 1992	Wyndham Gardens 8118 Pacific Highway South Seattle, WA 98188 Board Meeting
December 11 and 12, 1992	Courtyard by Marriott 14615 N.E. 29th Place Bellevue, WA 98007 Board Meeting

WSR 92-09-089
PERMANENT RULES
BOARD OF REGISTRATION
FOR PROFESSIONAL ENGINEERS
AND LAND SURVEYORS

[Filed April 17, 1992, 12:15 p.m.]

Date of Adoption: March 13, 1992.

Purpose: Regulation of the engineering and land surveying professions. Amend rule pertaining to examinations administered by the board.

Citation of Existing Rules Affected by this Order: Amending WAC 196-24-050 Examinations.

Statutory Authority for Adoption: RCW 18.43.035.

Pursuant to notice filed as WSR 92-04-008 on January 23, 1992.

Changes Other than Editing from Proposed to Adopted Version: Addition of a parenthetical phrase to further clarify amended language.

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

March 16, 1992

Alan E. Rathbun, PE
Executive Director

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

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

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

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

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

(2) Applicants for registration by ~~((reciprocity from states, territories, districts, or countries))~~ comity who have been issued certificates of registration without examination ~~((or in instances where such governmental~~

~~body does not grant certificates of registration to regularly qualified registrants of the state of Washington will)) or by examination not equivalent to exams given in Washington, or do not have a certificate of registration shall be required to sit for an examination ((to test the skill, knowledge, and other professional attributes of the applicant)).~~

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

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

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

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

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

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

WSR 92-09-090
PERMANENT RULES
DEPARTMENT OF
SERVICES FOR THE BLIND

[Filed April 17, 1992, 1:30 p.m.]

Date of Adoption: April 17, 1992.

Purpose: Housekeeping on amendments; and establishing new sections WAC 67-75-042 and 67-75-044.

Citation of Existing Rules Affected by this Order: Amending WAC 67-75-070, 67-75-075, 67-75-040, and 67-25-446.

Statutory Authority for Adoption: Chapter 74.18 RCW.

Pursuant to notice filed as WSR 92-06-036 on February 27, 1992.

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

April 17, 1992

Bonnie Jindra

Assistant Director

Administration

AMENDATORY SECTION (Amending Order 83-11, filed 12/15/83)

WAC 67-75-040 ELIGIBILITY FOR SERVICES—CRITERIA. ~~((1) Eligibility for independent living services shall be dependent on documentation of a visual impairment including one or more of the following conditions:~~

~~(a) Legal blindness or visually handicapped as they are customarily defined either in terms of a qualifying reduction in visual acuity and/or a qualifying reduction in visual field.~~

~~(b) A visual impairment which is progressive in nature and can be expected to lead to blindness within a reasonable period of time.~~

~~(c) Reduction in both visual acuity and visual fields is such that the effect is substantially that of legal blindness, or visual efficiency is reduced so as to have substantially the same effect as legal blindness.~~

~~(d) A visual impairment which makes it impossible for the individual to perform successfully in one or more of life's functions.~~

~~(2) In order to be eligible for the independent living program the department must show documented proof that the individual is not eligible for vocational rehabilitation services because of~~

~~(a) A condition related to advanced age;~~

~~(b) A progressive medical condition; or~~

~~(c) A multiple handicap.~~

~~(3) In order to be eligible, individuals must have a potential to benefit from services provided by independent living in terms of increased life options, greater participation in the community, or increased self-reliance.)~~ (1) Eligibility requirements are applied without regard to sex, race, creed, color, marital status, sexual orientation, religion, or natural origin of the individual applying for service. No group of individuals is excluded from service solely on the basis of the type of disability or on the basis of age.

(2) No residence requirement is imposed which excludes from services any individual who is present in the state.

(3) Eligibility is based only upon:

(a) The presence of a severe physical or mental disability, which shall include a visual disability defined as follows:

(i) Legal blindness or visually handicapped as they are customarily defined either in terms of a qualifying reduction in visual acuity and/or a qualifying reduction in visual field.

(ii) A visual impairment which is progressive in nature and can be expected to lead to blindness within a reasonable period of time.

(iii) Reduction in both visual acuity and visual fields is such that the effect is substantially that of legal blindness, or visual efficiency is reduced so as to have substantially the same effect as legal blindness.

(iv) A visual impairment which makes it impossible for the individual to perform successfully in one or more of life's functions;

(b) The presence of a severe limitation in ability to function independently in family or community or to engage or continue in employment; and

(c) A reasonable expectation that independent living rehabilitation services will significantly assist the individual to improve his or her ability to function independently in family or community or to engage or continue employment.

For purposes of determining an individual's eligibility for independent living services, improvement in ability to function independently in family or community refers to a demonstration in functional and behavioral terms of an individual's greater independence or maintenance of independence in such areas as self-care, activities of daily living, driving, using public transportation, shopping, housekeeping, communicating, or living more independently.

NEW SECTION

WAC 67-75-042 CERTIFICATION FOR DECISION OF ELIGIBILITY OR INELIGIBILITY. (1) There will be a certification that the individual has met the basic eligibility criteria. The statement of eligibility will be dated and signed by the vocational rehabilitation counselor or rehabilitation teacher.

(2) Whenever it has been determined on the basis of clear evidence that an individual is ineligible for independent living services, there shall be a certification, dated and signed by the vocational rehabilitation counselor or rehabilitation teacher. Certifications of ineligibility shall indicate the reasons for the ineligibility determination and shall be made only after full consultation with the individual or, as appropriate, his or her parent, guardian, or other representative, or after giving a clear opportunity for this consultation.

NEW SECTION

WAC 67-75-044 NOTICE TO APPLICANT. (1) The individual shall be notified in writing of the action taken on eligibility or ineligibility.

(2) The individual shall be informed of the department's procedure for administrative review and fair hearings and the services available through the client assistance program if he or she is dissatisfied with the department's decision.

(3) If the applicant was determined to be ineligible for independent living services, the certification shall clearly specify how he or she failed to meet the criteria of eligibility. The individual shall be notified in writing of the determination of ineligibility and of his or her rights and the means by which he or she may express and seek remedy for any dissatisfactions, including the department's procedures for administrative review and fair hearings and the services available through the client assistance program.

(4) If the applicant was determined to be eligible for independent living services, the notice shall clearly specify the date of certification of eligibility.

(5) If an applicant was determined ineligible, he or she shall be given a full opportunity to participate in the review and reconsideration of eligibility no later than

twelve months after the determination was made. The review need not be conducted in situations where the individual refuses the review, the individual is no longer present in the state, or the individual's whereabouts is unknown.

AMENDATORY SECTION (Amending Order 83-11, filed 12/15/83)

WAC 67-75-070 ADMINISTRATIVE REVIEW.

(1) Any client who feels aggrieved by, or is otherwise dissatisfied with, any decision or action by the department or its agents with regard to ~~((the))~~ his or her independent living case may file a request with the department for, and shall thereupon receive, an administrative review ~~((and redetermination of that decision or action))~~ by the director or his/her designee, or a fair hearing by an administrative law judge.

(2) ~~((A request for an administrative review may be made either verbally or in writing and may be filed in any office of the department. A verbal request shall promptly be reduced to writing:~~

(3) All requests for administrative review shall:

(a) Specify the date of the decision or action being appealed.

(b) Specify as precisely as possible the issue to be resolved by the administrative review.

(c) Set forth the address of the client or of his representative.

(d) Be signed by the client or by his representative.

(4) A request for an administrative review must be made within sixty days after receiving notice from the department of the decision or action by the department which is the basis for the request for review.

(5) An administrative review and redetermination shall be provided by the director's designee, and shall be provided within thirty days after the submission of the request for review.

(6) Within fifteen days after the conclusion of the administrative review the designee shall certify his findings to the client in writing specifying in reasonable detail the reasons for his findings and informing the client of his right to request and receive a fair hearing if dissatisfied with those findings.) Clients of the department's independent living program will utilize the administrative review policies and time frames of the department's vocational rehabilitation program, covered in VR WAC 67-25-560.

AMENDATORY SECTION (Amending Order 83-11, filed 12/15/83)

WAC 67-75-075 FAIR HEARING. ~~((+))~~ Any client dissatisfied with the finding of an administrative review may request from the department, and shall thereupon be granted, a fair hearing. A client who desires a fair hearing shall request such hearing within thirty days after receiving notice from the department of the finding of the administrative review.

(2) A request for fair hearing shall be sent to the Department of Services for the Blind at 921 Lakeridge Drive, Olympia, WA 98504, who will forward it to the office of administrative hearings:

~~(3) The administrative law judge will make a proposed decision to the director of the department of services for the blind who will make a final determination.~~

~~(4) The client will be notified in writing by the director within fifteen days of receipt of the administrative law judge's proposed decision.)~~ (1) Any client who feels aggrieved by or is otherwise dissatisfied with any decision or action by the department or its agents with regard to his or her independent living plan or is dissatisfied with the results of an administrative review may request from the department, and shall thereupon be granted, a fair hearing.

(2) Clients of the department's independent living program will utilize the administrative review policies and time frames of the department's vocational rehabilitation program, covered in VR WAC 67-25-560.

AMENDATORY SECTION (Amending Order 83-08, filed 12/15/83)

WAC 67-25-446 VOCATIONAL REHABILITATION—SERVICES TO GROUPS. ~~((+))~~ Services to groups of handicapped persons may be provided when such services will result in a benefit to the individual members' vocational rehabilitation:

(2) Members of such groups must be eligible for vocational rehabilitation services.

(3) Special services to groups may include but are not limited to the production of brailled and recorded materials:

(4) These services may include removal of architectural barriers.) The department may provide for facilities and services that may be expected to contribute substantially to the rehabilitation of a group of individuals with handicaps but that are not related to the individualized written rehabilitation program of any one individual with handicaps.

WSR 92-09-091

PERMANENT RULES

POLLUTION LIABILITY
INSURANCE AGENCY

[Order 92-02—Filed April 17, 1992, 1:33 p.m.]

Date of Adoption: April 17, 1992.

Purpose: Provides for the program to cover the costs incurred in determining applicants' eligibility for pollution liability insurance.

Statutory Authority for Adoption: RCW 70.148.040.

Pursuant to notice filed as WSR 92-06-060 on March 3, 1992.

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

April 17, 1992

James M. Sims

Director

Chapter 374-50 WAC
INSURANCE ELIGIBILITY ASSESSMENT REIM-
BURSEMENT

NEW SECTION

WAC 374-50-010 AUTHORITY AND PURPOSE. This chapter is promulgated under the authority of RCW 70.148.040. Its purpose is to implement those provisions of RCW 70.148.035 relating to covering insurers' costs of determining the eligibility of applicants for pollution liability insurance under the pollution liability program.

NEW SECTION

WAC 374-50-020 DEFINITIONS. Unless the context requires otherwise, the following definitions shall apply:

(1) "Agency" means the pollution liability insurance agency created by chapter 70.148 RCW.

(2) "Director" means the director of the pollution liability insurance agency.

(3) "Insurer" means a commercial property and casualty insurance company or risk retention group with whom the agency has a contract to provide reinsurance.

(4) "Insurance eligibility assessment" means those actions required to determine the eligibility of an owner or operator for pollution liability insurance coverage by an insurer including, but not limited to, evaluation of inventory control records, tightness testing of tanks and connected piping, soil sampling, and other physical or chemical tests.

(5) "Operator" means a person in control of, or having responsibility for, the daily operation of a petroleum underground storage tank.

(6) "Owner" means a person who owns a petroleum underground storage tank.

(7) "Person" means an individual, trust, firm, joint stock company, corporation (including government corporations), partnership, association, consortium, joint venture, commercial entity, state, municipality, commission, political subdivision of a state, interstate body, the federal government or any department or agency of the federal government, or an Indian tribe or agency or entity of an Indian tribe.

(8) "Substantial economic impact" means elimination or substantial reduction of the availability of petroleum products or other goods or services in which petroleum products are a necessary part of the production or distribution process within a community or an area resulting from closure of one or more petroleum underground storage tanks.

NEW SECTION

WAC 374-50-030 ELIGIBILITY FOR REIMBURSEMENT PROGRAM—WHO MAY APPLY.

Any person who is required to demonstrate financial responsibility for one or more petroleum underground storage tanks under 40 C.F.R. Parts 280.90, 280.91, and 280.92 (the federal underground storage tank regulations), chapter 90.76 RCW, or other applicable laws, ordinances, or rules and who satisfies the criteria set forth in WAC 374-50-040 may apply for assistance in covering an insurer's costs of an insurance eligibility assessment under the program established by this chapter, except for:

(1) Persons whose compliance dates under 40 C.F.R. Part 280.91 as now or hereafter amended, chapter 90.76 RCW or other laws, ordinances, or rules precede the effective date of this chapter;

(2) The federal government or entities of the state of Washington;

(3) The state of Washington or entities of the state of Washington;

(4) Indian tribes or entities of Indian tribes;

(5) Counties, cities, towns, or special purpose districts including, but not limited to, fire districts, hospital districts, library districts, metropolitan park districts, park and recreation districts, school districts, or entities of such governmental units; and

(6) Owners or operators of farm or residential tanks of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes.

NEW SECTION

WAC 374-50-040 ELIGIBILITY CRITERIA. (1) Persons eligible to apply for participation in the program established by this chapter must satisfy the following criteria:

(a) The applicant is eligible under WAC 374-50-030;

(b) The applicant is the owner or operator of one or more petroleum underground storage tanks located in the state of Washington;

(c) The applicant's tank or tanks are registered with the department of ecology and all required fees due under chapter 90.76 RCW, local ordinances if applicable, and any other applicable laws, ordinances, or fees have been paid;

(d) The applicant is in compliance with all applicable technical and operating requirements of 40 C.F.R. Part 280, Subparts B, C, and D, applicable requirements of chapter 90.76 RCW, and rules adopted thereunder, and other applicable laws, ordinances, or rules effective on the date of application;

(e) The applicant is responsible for demonstrating financial responsibility for the tank or tanks under 40 C.F.R. Parts 280.90, 280.91, and 280.92, chapter 90.76 RCW or other laws, ordinances, or rules;

(f) The applicant has applied for pollution liability insurance from an insurer with whom the agency has a contract to provide reinsurance;

(g) The applicant affirms that he or she intends to purchase such insurance coverage if the tank, tanks, site, or sites to be insured satisfy the underwriting requirements of the insurer; and

(h) The applicant's net worth is five hundred thousand dollars or less, except as provided for in subsection (2) of this section.

(2) Additional consideration may be given to applications for reimbursement of insurance eligibility assessment costs when:

(a) The applicant fails to satisfy the net worth criterion in subsection (1)(h) of this section, but can demonstrate through income tax returns or other acceptable means that such costs would result in unfair economic hardship; or

(b) The applicant demonstrates that closure of the petroleum underground storage tank or tanks would impose a substantial economic impact upon the community or area in which it is located.

NEW SECTION

WAC 374-50-050 REIMBURSEMENT LIMITS.

(1) Insurers will be reimbursed for insurance eligibility assessment costs incurred on behalf of persons whose applications for participation in the program established by this chapter are approved according to the following schedule:

(a) For costs incurred on behalf of persons with net worth of two hundred fifty thousand dollars or less — seventy-five percent of the first three thousand five hundred dollars of eligible costs up to a reimbursement limit of two thousand six hundred twenty-five dollars;

(b) For costs incurred on behalf of persons with net worth greater than two hundred fifty thousand dollars, but less than or equal to five hundred thousand dollars — fifty percent of the first three thousand five hundred dollars of eligible costs up to a reimbursement limit of one thousand seven hundred fifty dollars;

(c) For costs incurred on behalf of persons with net worth greater than five hundred thousand dollars whose applications for participation in this program have been accepted on the basis of WAC 374-50-040(2) — twenty-five percent of the first three thousand five hundred dollars of eligible costs up to a reimbursement limit of eight hundred seventy-five dollars.

(2) Within the limits of subsection (1) of this section, reimbursement for the following specific insurance eligibility assessment costs will be made at the indicated percentages of the following maximum amounts:

(a) Inventory control records evaluation — one hundred fifty dollars per site;

(b) Tank tightness testing — five hundred dollars per tank;

(c) Line tightness testing — one hundred fifty dollars per product line; and

(d) Soil or ground water sampling — two hundred fifty dollars per sample.

(3) It is the intent of the program established by this chapter to assist as many owners or operators of petroleum underground storage tanks with limited economic resources as possible. Therefore, not more than one application for participation in the program established by this chapter will be approved for each such natural person or entity, regardless of the number of underground storage tanks owned or operated, whether directly or indirectly.

NEW SECTION

WAC 374-50-060 PROGRAM SCHEDULE. (1)

The program established by this chapter will proceed according to the following schedule: Applications will be accepted for those owners and operators with twelve or fewer tanks beginning on the effective date of chapter 374-50 WAC until the official financial responsibility

compliance date established by the United States Environmental Protection Agency or the Washington department of ecology, whichever date is first.

(2) Approval of applications and payments are contingent upon the availability of revenue. The director reserves the right to order termination of the program at any time that reimbursement commitments or payments exhaust the revenue available for the reimbursement program.

NEW SECTION

WAC 374-50-070 APPLICATION PROCEDURE. (1)

Information concerning the insurance eligibility assessment cost reimbursement program and forms or materials necessary for application may be obtained from:

Pollution Liability Insurance Agency
PO BOX 40930
1015-10th Avenue S.E.
Olympia, WA 98504-0930

(2) Application for participation in the program established by this chapter requires preparation and submission of the following: A completed asset and liability statement on a form provided by the agency.

(3) The agency will act upon applications as expeditiously as feasible unless additional information is required. If this is the case, the applicant will be notified and the application will be acted upon as expeditiously as feasible after receipt of the required additional information by the agency.

(4) Applicants will be notified of agency approval or disapproval by return mail. Persons whose applications are disapproved will be informed of the reason for such action.

(5) An applicant who disagrees with the disapproval of his or her application may request review of the agency decision by the director. The applicant will be notified by mail of the director's decision as expeditiously as feasible after receipt by the agency of the request for review unless additional time is required. If additional time is required in order for the review to be completed, the applicant will be notified by mail.

NEW SECTION

WAC 374-50-080 PAYMENT OF REIMBURSEMENT. (1)

Reimbursement of insurers for approved insurance eligibility assessment costs incurred on behalf of applicants accepted under the program established by this chapter will be made as expeditiously as feasible after receipt by the agency of the following information:

(a) A copy of the notification of agency approval of the applicant's application for the program established by this chapter;

(b) A copy of the invoice(s) from the person or firm performing the insurance eligibility assessment services with a breakdown showing the cost of each test or service performed separately and an indication thereon, or by separate receipt, that payment in full has been made by the insurer;

(c) A copy of the face sheet of an issued pollution liability insurance policy if the applicant's tank, tanks, site, or sites have satisfied the insurer's underwriting requirements.

(2) Persons on whose behalf reimbursement under the program created by this chapter has been made are required to maintain their insurance coverage in force for at least one year. If insurance coverage is not maintained for this period, the person is required to return a pro rata share of the reimbursement to the agency, with the share being that fraction of one year for which insurance coverage was not maintained in force.

(3) Persons who have applied for insurance in good faith, but whose tank, tanks, site, or sites fail to satisfy the insurer's underwriting requirements will not be required to return reimbursement payments.

NEW SECTION

WAC 374-50-090 OTHER RESTRICTIONS. (1) Persons whose applications for the program established by this chapter are accepted will be responsible for the cost of all fuels or products required for tank or connected piping tightness testing.

(2) All testing and sampling must be performed by persons who are registered with the Washington department of ecology.

WSR 92-09-092
PERMANENT RULES
LOWER COLUMBIA COLLEGE
[Filed April 17, 1992, 1:37 p.m.]

Date of Adoption: March 18, 1992.

Purpose: To define sexual harassment and describe procedures to be followed in addressing concerns of students and employees (including applicants) who are affected by discriminatory conduct and to describe in more detail, including time lines for the decisions and process, the college's grievance procedure.

Citation of Existing Rules Affected by this Order: Repealing WAC 132M-112-010 and 132M-112-011.

Statutory Authority for Adoption: RCW 28B.50.140.

Other Authority: 29 USC ss 794, 20 USC ss 1681 et seq, and 42 USC ss 200 et al.

Pursuant to notice filed as WSR 92-04-064 on February 4, 1992.

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

March 18, 1992

Vernon R. Pickett
President

Chapter 132M-300 WAC
GRIEVANCE PROCEDURE—DISCRIMINATION

NEW SECTION

WAC 132M-300-001 STATEMENT OF POLICY. Lower Columbia College is covered by Title IX of the Education Amendments of 1972 prohibiting sex discrimination in education and Section 504 of the Rehabilitation Act of 1973 prohibiting discrimination on the

basis of handicap. It is the policy of Lower Columbia College to provide equal opportunity in all areas of admission, education, application for employment, and employment regardless of sex or handicap status.

It is also the policy of Lower Columbia College to provide an environment in which members of the college community can work or study free from sexual harassment or sexual intimidation. Sexual harassment is a form of sex discrimination. As such, it is a violation of Title VII of the 1964 Civil Rights Act and Title IX of the 1972 Education Amendments.

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:

(1) Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment or academic advancement or standing; and/or

(2) Submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individual; and/or

(3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive working or academic environment.

NEW SECTION

WAC 132M-300-010 GRIEVANCE PROCEDURE. (1) Any applicant for admission, enrolled student, applicant for employment, or employee of Lower Columbia College who believes he/she has been discriminated against on the basis of sex or on the basis of a handicap may lodge a formal institutional grievance according to the following procedure:

(a) Step 1: Informal meeting. In an attempt to informally resolve the concern, the complainant may request a meeting with the individual believed to have committed the discriminatory act or with the appropriate supervisor as determined by the affirmative action officer. The time period in which attempts to informally resolve the concern are made shall not exceed thirty days from the time the complaint is lodged.

(b) Step 2: Official hearing. If not satisfied by the results of the informal meeting or if the informal meeting has been waived, the complainant may request a meeting with the college affirmative action officer.

(i) The request for an official hearing must be made in writing and must set forth the specific grievance(s) raised by the complainant.

(ii) Within thirty calendar days of receiving the written request, the college affirmative action officer shall arrange a meeting to hear the complaint. It shall be at the discretion of the complainant to determine whether the affirmative action officer will meet with the complainant and the person to whom the complaint has been directed separately or in a single meeting. If the complainant requests a single meeting, the meeting shall be attended by the complainant, the person to whom the complaint is directed, and the affirmative action officer, who shall chair the meeting.

(iii) Following the hearing and within thirty calendar days of receiving the written request, the affirmative action officer will report his/her findings in writing to both the complainant and the person to whom the complaint has been directed.

(c) Step 3: Presidential appeal. If the complaint is not resolved as a result of the hearing conducted by the affirmative action officer, either the complainant or the person to whom the complaint has been directed may request an appeal to the college president.

(i) The request must be made in writing within ten days after receipt of the written results of the official hearing.

(ii) Within fifteen days after receiving the request, the college president or the president's designee will conduct the presidential appeal hearing and report the findings in writing to both the complainant and the person to whom the complaint is directed.

(iii) Attendance at the presidential appeal hearing shall be limited to the college president or his/her designee, the affirmative action officer, the complainant, and the person to whom the complaint is directed unless otherwise mutually agreed by the parties. The college president or his/her designee shall preside.

(iv) Either the complainant or the person to whom the complaint is directed may call witnesses at the discretion of the person presiding.

(v) The written findings of the presidential appeal will be considered final. No further intrainstitutional appeal exists.

(2) If desired, inquiries or appeals beyond the institutional level may be directed to:

(a) Regional Director, Office of Civil Rights, Department of Education, 915 Second Avenue, Room 3310, Seattle, Washington 98174-1099, (206) 553-1636.

(b) Equal Employment Opportunity Commission, 2815 Second Avenue, Suite 500, Seattle, Washington 98121, (206) 442-0968.

(c) Human Rights Commission, 402 Evergreen Plaza Building, M.S. FJ-41, 711 S. Capitol Way, Olympia, Washington 98504.

WSR 92-09-093
PERMANENT RULES
LOWER COLUMBIA COLLEGE

[Filed April 17, 1992, 1:39 p.m.]

Date of Adoption: March 18, 1992.

Purpose: To amend rules governing education records.

Citation of Existing Rules Affected by this Order:
Repealing WAC 132M-113-035 and 132M-113-045;
and amending WAC 132M-113-010, 132M-113-015,
132M-113-020, 132M-113-025, and 132M-113-030.

Statutory Authority for Adoption: RCW 28B.50.140.

Other Authority: 20 USC ss 1232g and chapter 34.05 RCW.

Pursuant to notice filed as WSR 92-04-065 on February 4, 1992.

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

March 18, 1992
Vernon R. Pickett
President

AMENDATORY SECTION (Amending Order 81-1, Resolution No. 81-1, filed 11/4/81)

WAC 132M-113-010 STUDENT'S ACCESS TO RECORDS. (1) When a student enrolls at the college and submits the required data for academic and personal records, there is an assumption of trust placed in the college as custodian of this data. The college policy is that ~~((all information gathered through educational and counseling processes including academic performance, activities, personal interviews, and disciplinary proceedings))~~ "education records," as defined at 20 U.S.C. § 1232g(a)(4), shall remain confidential, except as otherwise specified in this ~~((section))~~ chapter. The college fully subscribes to ~~((Federal Law P.L. 93-380 § 513 and abides by the rules and regulations according to the department of education))~~ the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g.

(2) Students may inspect and review the contents of their ~~((personal records with the professional staff. The review must be conducted within 45 days of request. The student has access to all records except professional, i.e. counseling records or confidential letters or statements to which these were specifically waived as provided. Counseling files are closed except to the originator.~~

All materials in a student's placement office files are open to the student's review ~~except confidential letters or statements which were placed in this file prior to January 1, 1975, or to which the student has specifically waived access as provided in the following sections))~~ education records upon request to the appropriate record custodian. Students should submit a written request to the college individual or office having custody of the particular record which identifies as precisely as possible the record(s) the student wishes to inspect. The review must be conducted within forty-five days of the request. A college individual or office which is unable to comply with a student's request within the time period stated above shall inform the student of that fact and the reasons in writing.

(3) Where requested records or data include information about more than one student, the student shall be entitled to inspect and review only that part of the record or data that pertains to the student.

(4) Recommendations, evaluations, or comments concerning a student, which are provided in expressed or implied confidence as between the author and the recipient, shall be made available to the student except as provided in WAC 132M-113-015.

AMENDATORY SECTION (Amending Order 81-1, Resolution No. 81-1, filed 11/4/81)

WAC 132M-113-015 WAIVER OF STUDENT ACCESS RIGHT. (1) Students may waive their access rights to confidential recommendations ~~((for))~~ related to the student's admission, application for employment, and receipt of honors.

(2) A student's waiver of his/her right of access to confidential statements shall apply only if:

(a) The student is, upon request, notified of the names of all persons making confidential statements concerning him/her; and

(b) Such confidential statements are used solely for the purpose for which they were originally intended; and

(c) Such waivers are not required as a condition for admission to, receipt of financial aid from, or receipt of any other services or benefits from the college.

(3) Confidential letters and recommendations to which a student has waived his/her right of access, or which were placed in the student's file prior to January 1, 1975, may not be used for any purpose other than that specifically intended and shall not be subject to release under WAC 132M-113-010(2). Such records shall remain confidential and shall be released only with consent of the author.

~~((Waivers of access right may be requested, but may not be required, of a student under any circumstances.))~~

AMENDATORY SECTION (Amending Order 81-1, Resolution No. 81-1, filed 11/4/81)

WAC 132M-113-020 RELEASE OF INFORMATION—GENERAL POLICY AND PROCEDURE.

(1) The college respects the right of its students to determine employers or prospective employers to whom they wish the college to furnish personal information. At the written request((s)) of the student concerned, the college will respond to inquiries originating from employers or prospective employers—public or private.

(2) The college shall send individually identified written reports to other educational institutions only with written consent of the student involved(~~—The student shall receive a copy of the transfer on request and has an opportunity to challenge the content of the record.~~

(3) Request for release of information must be initiated by the student and be specific as to date of request, records to be released, reason for request, names of parties to whom released. This includes information required for establishment of athletic eligibility), according to the requirements of WAC 132M-113-030.

~~((4))~~ (3) All students, including those who have not reached the age of 18, enrolled at the college must give written consent pursuant to WAC 132M-113-030 before any parties other than those authorized under ((the following sections)) WAC 132M-113-030 can review their records.

~~((5) No party to whom confidential information or student records is entrusted, transferred, or released will permit any other party to have access to such information except as provided in this section.~~

~~(6) Political membership or information is not recorded in student records unless the student expressly requests the inclusion of such information. This is released only if the student so requests.))~~

(4) No records shall be kept that reflect a student's political or ideological beliefs or associations. Information relative to an identifiable individual's race or creed will not be provided at any time, except when specifically authorized by federal law.

~~((7))~~ (5) Information contained in counseling and disciplinary files will not be released except as provided ((under the following sections:

~~(8) Information may be released upon request to law enforcement agencies, following issuance of a judicial order or lawfully issued subpoena)) in WAC 132M-113-030.~~

(6) Student education records may be destroyed in accordance with a department's routine retention schedule. In no case will any record which is requested by a student for review be removed or destroyed prior to providing the student access.

AMENDATORY SECTION (Amending Order 81-1, Resolution No. 81-1, filed 11/4/81)

WAC 132M-113-025 RELEASE OF INFORMATION TO OR ABOUT PARENTS AND SPOUSES. Parents and spouses of students enrolled at the college may have access to the student's records only with the written ((permission)) consent of the student(~~—except if the student is under 18 years of age~~). Students shall not be given access to their parents' financial records.

AMENDATORY SECTION (Amending Order 81-1, Resolution No. 81-1, filed 11/4/81)

WAC 132M-113-030 RELEASE OF ((INFORMATION TO SCHOOL OFFICIALS)) PERSONALLY IDENTIFIABLE RECORDS. ((Records of personally identifiable information may be released to the following without the specific permission of the student.))

(1) The college shall not permit access to or the release of education records or personally identifiable information contained therein without the written consent of the student to any party other than the following:

(a) College staff ((and)), faculty, and students when officially appointed to a faculty council or administrative committee, when the information is required for a legitimate educational interest within the performance of their responsibilities to the college with the understanding that the information will be used only in connection with that interest.

~~((2) Appropriate persons reviewing a student's application for, or receipt of, financial aid.~~

~~(3) Researchers conducting special academic studies, administrators of student aid, accrediting organizations, and the SBCCE for the management information system. Information will be given in an unidentified manner if possible and must be destroyed when no longer needed.~~

~~(4) Officers of courts in compliance with judicial order or subpoena. Students must be notified of these proceedings.))~~

(b) Federal and state officials requiring access to education records in connection with the audit and evaluation of a federally or state-supported education program or in connection with the enforcement of the federal or state legal requirements which relate to such programs. In such cases the information required shall be protected by the federal or state official in a manner which will not permit the personal identification of students and their parents to other than those officials and such personally identifiable data shall be destroyed when

no longer needed for such audit, evaluation, or enforcement of legal requirements.

(c) Agencies or individuals requesting information in connection with a student's application for, or receipt of, federal or state financial aid.

(d) Researchers conducting studies for or on behalf of the college for purposes of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction if such studies are conducted in such a manner as will not permit the personal identification of students by persons other than representatives of such researchers, and such information will be destroyed when no longer needed for the purposes for which it was provided.

(e) Accrediting organizations in order to carry out their accrediting functions.

(f) Any person or entity designated by judicial order or lawfully issued subpoena, upon condition that the student is notified of all such orders or subpoenas in advance of the compliance therewith. Any college individual(s) or office(s) receiving a subpoena or judicial order for education records should immediately notify the assistant attorney general.

(2) Where the consent of a student is obtained for the release of education records, it shall be in writing, signed and dated by the person giving such consent, and shall include:

(a) A specification of the records to be released;

(b) The reasons for such release; and

(c) The names of the parties to whom such records will be released.

(3) In such cases where records are made available without student release as permitted by subsection (1)(b), (c), (d), (e), and (f) of this section, the college shall maintain a record kept with the education record release which will indicate the parties which have requested or obtained access to a student's records maintained by the college and which will indicate the legitimate interest of an investigating party. Releases in accordance with subsection (1)(a) of this section need not be recorded.

(4) Personally identifiable education records released to third parties, with or without student consent, shall be accompanied by a written statement indicating that the information cannot be subsequently released in a personally identifiable form to any other parties without obtaining consent of the student.

NEW SECTION

WAC 132M-113-050 COLLEGE RECORDS. (1) A list of the types of education records maintained by the college and the record locations may be obtained by the student at the registrar's office. All college staff or offices having custody of education records will develop procedures in accordance with WAC 132M-113-010 through 132M-113-055. Any supplementary regulations found necessary by departments will be filed with the

registrar's office, which will be responsible for periodic review of policy and procedures.

(2) Disciplinary records shall be kept separate from academic records, and transcripts of a student's academic record shall contain no notation of any disciplinary action. Special precautions shall be exercised to insure that information from disciplinary or counseling files is not revealed to unauthorized persons except as allowed under 20 U.S.C. § 1232g(b)(6). Provision shall be made for periodic review and routine destruction of inactive disciplinary records by offices maintaining such records.

NEW SECTION

WAC 132M-113-055 REVIEW OF RECORDS REQUESTS AND REQUESTS TO AMEND. (1) The registrar shall be responsible for reviewing unusual requests for information and for assisting in the interpretation of these rules.

(2)(a) A student who believes that information contained in his/her educational records is inaccurate or misleading or violates his/her privacy may request that the college amend these records. The student should identify the part of the record they seek to amend and specify why he/she believes it is inaccurate, misleading, or in violation of his/her privacy rights.

(b) The college shall decide within ten working days of a student's request to amend records whether or not it will amend those records.

(c) If the college decides not to amend the record as requested, it shall inform the student of the decision and advise the student of the right to a brief adjudicative proceeding.

(d) The student aggrieved by a denial of his/her request to amend records may file an official grievance in accordance with the provisions of WAC 132M-108-020. However, any matter regarding the appropriateness of official academic grades shall not be reviewed beyond that provided for in WAC 132M-120-310.

(e) If, at the conclusion of the hearing process, the college still declines to amend the student's educational records, the student may place a statement in his/her educational records explaining that he/she disagrees with the decision of the college and setting out the reasons why. This statement shall be retained as long as the disputed information is on file and shall be forwarded with this information any time it is disclosed to an outside agency.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 132M-113-035 RELEASE OF INFORMATION TO THE PUBLIC.

WAC 132M-113-045 NOTIFICATION AND RECORD OF ACCESS.

WSR 92-09-094
PERMANENT RULES
LOWER COLUMBIA COLLEGE

[Filed April 17, 1992, 1:44 p.m.]

Date of Adoption: March 18, 1992.

Purpose: To amend rules governing student conduct and disciplinary action, and to adopt rules on grievance procedures.

Citation of Existing Rules Affected by this Order: Repealing WAC 132M-120-050, 132M-120-070 and 132M-120-080; and amending WAC 132M-120-010, 132M-120-020, 132M-120-030, and 132M-120-040.

Statutory Authority for Adoption: RCW 28B.50.140.

Pursuant to notice filed as WSR 92-04-059 on February 4, 1992.

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

March 18, 1992

Vernon R. Pickett

President

Chapter 132M-120 WAC
STUDENT (~~CONDUCT CODE~~) RIGHTS AND RESPONSIBILITIES

STUDENT CONDUCT CODE

AMENDATORY SECTION (Amending Order 15, filed 12/20/72)

WAC 132M-120-010 GENERAL POLICY. (1) The college is dedicated not only to learning and the advancement of knowledge but also to the development of ethically sensitive and responsible persons. It seeks to achieve these goals through a sound educational program and policies concerning conduct (~~that~~) which encourage independence and maturity while strengthening the spirit of mutual cooperation and responsibility shared by all members of the college community.

(2) In keeping with these objectives the college, to the extent appropriate and feasible, shall pursue the same policies with regard to maintaining standards of behavior for students.

(3) The college distinguishes its responsibility for student conduct from the control functions of the wider community. When a student has been apprehended for the violation of a law of the local community, the state, or the nation, the college will not request or agree to special consideration for the student because of his/her status as a student. Where the violation occurred on college facilities or at a college-sponsored event, the student apprehended shall be held accountable to the provisions of this (~~section~~) chapter and the proceedings of the appropriate law enforcement agencies shall have no bearing on the outcome of the college proceedings. The college will cooperate fully, however, with law enforcement agencies, and with other agencies on any program for the rehabilitation of the student.

(4) The college may apply sanctions or take other appropriate action (~~only~~) when student conduct materially and substantially interferes with (~~the college's primary educational responsibility of ensuring the opportunity of all students of the college community to attain~~

their educational objectives, or subsidiary responsibilities of protecting the health and safety of persons in the college community, maintaining and protecting property, keeping records, other services, and sponsoring nonclassroom activities such as lectures, concerts, athletic events, and social functions)) teaching, freedom of movement, or other lawful activities of the college campus.

(5) (~~Procedure fairness~~) Procedural due process is basic to the proper enforcement of all college rules.

(6) In particular, no disciplinary sanction (~~as serious as dismissal, or entry of an adverse notation on any permanent record available to persons outside the college~~) shall be imposed (~~unless the student~~

(a) Has been notified in writing of the charges against him, and

(b) Has had an opportunity to appear alone or with any other person to advise and assist him before an appropriate committee, court, or official, to know the nature and source of the evidence against him and to present evidence in his own behalf, and

(c) Has his case reviewed by the president) without notice to the accused of the nature of the charges. A student accused of violating this code of student rights and responsibilities is entitled, upon request, to procedural due process as set forth in this chapter.

(7) Students shall have an opportunity to participate (~~fully~~) in the formulation of all policies and rules pertaining to student conduct and in the enforcement of all such rules.

(8) Rules and sanctions affecting the conduct of men and women shall be based on general principles of equal treatment, including like penalties for like violations.

(9) All rules adopted herein concerning student conduct and discipline shall apply to every student whenever said student is engaged in or present at any college-sponsored activity whether occurring on or outside of college facilities.

(10) Faculty members, other college employees, and members of the public who breach or aid or abet another in the breach of any provision of this chapter shall be subject to:

(a) Possible prosecution under the state criminal law;

(b) Any other civil or criminal remedies available to the public; or

(c) Appropriate disciplinary action pursuant to the state of Washington higher education personnel board rules, the district's tenure rules and policies, or other applicable district policies.

AMENDATORY SECTION (Amending Order 15, filed 12/20/72)

WAC 132M-120-020 DEFINITIONS. (~~(+)~~ The following definitions shall apply:

(a)) As used in this chapter, the words and phrases listed below shall be defined as follows:

(1) "Board" shall mean the board of trustees of Community College District No. 13, state of Washington.

(~~(b)~~) (2) "College" shall mean Lower Columbia College and any other community college which may be created by the board of trustees of Community College District No. 13, state of Washington.

~~((c))~~ (3) "College facilities" shall mean and include any or all real and personal property operated by the board of trustees of Community College District No. 13, state of Washington, and shall include all building appurtenances affixed thereon or attached thereto.

~~((d))~~ (4) "College personnel" refers to any person employed on a full-time or part-time basis, except those who are faculty members, by any community college administered by the board of trustees of Community College District No. 13, state of Washington.

~~((e))~~ (5) "Disciplinary action" shall mean and include warning, reprimand, probation, suspension, dismissal, or any lesser sanction of any student by ~~((the dean of students))~~ college officials, the student hearing and grievance committee, or the president ~~((or the board))~~ for the violation of any of the provisions of ~~((this section))~~ any law, this chapter, or the student conduct code for which ~~((such))~~ sanctions may be imposed.

~~((f))~~ (6) "District" shall mean Community College District No. 13, state of Washington.

~~((g))~~ (7) "Faculty members" shall mean any employee of a community college administered by the board of trustees of Community College District No. 13, state of Washington, who is employed on a full-time or part-time basis as a teacher, counselor, media specialist, or other position for which the training, experience, and responsibilities are comparable as determined by the board, except administrative appointments.

~~((h))~~ (8) "President," unless otherwise designated, shall mean the duly appointed president of Lower Columbia College and Community College District No. 13, state of Washington.

~~((i))~~ (9) As used in this chapter, "dean" shall mean the individual designated by the president to be responsible for handling student discipline and student appeals and grievances.

(10) A "sponsored event or activity" shall mean any activity ~~((that))~~ which is scheduled by the college and supervised and controlled by the college's faculty members or college personnel. Such "sponsorship" shall continue only as long as the event is supervised and controlled by the college faculty member or college personnel. When the sponsored event or activity is of a prolonged nature, and a free-time period~~((s are))~~ is permitted to the students participating in the event, any activity taking place during such a free-time period ~~((is permitted to the students participating in the event. Any activity taking place during such a free-time period))~~ outside of the supervision and control of the ~~((college's faculty member or college personnel responsible for the))~~ event or activity shall be deemed to be ~~((off-campus))~~ a nonsponsored activity.

~~((j))~~ (11) "Student" shall mean and include any person who is enrolled in any community college administered by the board of trustees of Community College District No. 13, state of Washington.

NEW SECTION

WAC 132M-120-025 STUDENT RIGHTS. The following enumerated rights are guaranteed to each student within the limits of the law and college policy:

(1) Academic freedom.

(a) The right of free inquiry, expression, and assembly upon and within college facilities which are generally open and available to the public.

(b) The right to pursue appropriate educational objectives, subject to applicable statutory limits, from among the college's curricula, programs, and services.

(c) The right to be protected from academic evaluation which is arbitrary, capricious, or prejudiced. However, students are individually responsible for meeting the standards of academic performance established by each of their instructors.

(d) The right to a learning environment which is free from unlawful discrimination, inappropriate and disrespectful conduct, and racial and/or sexual harassment.

(e) The right to freedom of responsible expression in student publications and other media.

(f) The right to freedom to organize and join associations and to promote any legal purpose.

(2) Due process.

(a) The right to be secure in their persons, quarters, papers, and effects against unreasonable searches and seizures.

(b) The right to notice of the nature of any charges against the student prior to the imposition of any disciplinary sanctions.

(c) The right to procedural due process as set forth in this chapter whenever a student is accused of violating any law, rule, or policy of the college.

(3) Distribution and posting. The right to distribute or post printed or published material subject to official procedures printed and available in the office of student programs.

(4) Off-campus speakers. The right for recognized student organizations to invite outside speakers to speak on campus subject to availability of campus facilities, funding, and compliance with the college procedures available in the office for student programs.

AMENDATORY SECTION (Amending Order 15, filed 12/20/72)

WAC 132M-120-030 ~~((DEMONSTRATION POLICY))~~ ACCESS TO COLLEGE FACILITIES. (1) Fundamental to the democratic process are the rights of free speech and peaceful assembly. Students and other members of the college community shall ~~((always be free))~~ have the right to express their views or support causes by orderly means which do not disrupt the regular and essential operations of the college.

(2) Concomitantly, while supporting the rights of students and other members of the college community, Lower Columbia College recognizes the responsibility to maintain an atmosphere on campus conducive to the educational process.

(3) ~~((To insure the reconciliation of such rights and responsibilities, while respecting the private rights of all individuals, campus demonstrations may be conducted only in areas which are generally available to the public, provided such demonstrations~~

~~((a) Are conducted in an orderly manner;~~

~~((b) Do not interfere with vehicular or pedestrian traffic;~~

(c) Do not interfere with classes, scheduled meetings and ceremonies, or with other educational processes of the college, and

(d) Are not held in or on facilities where college functions are in progress.

(4) Students found in violation of this policy will be subject to disciplinary action by the college; nonstudents violating college policy will be referred to the proper authorities for prosecution:)) The president of the college or his/her designee shall have the authority and power to invoke the provisions described in this chapter to halt any event which is deemed to be unreasonably disruptive of order or impedes the movement of persons or vehicles or which disrupts or threatens to disrupt the ingress and/or egress of persons from facilities owned and/or operated by the college. The president or his/her designee may:

(a) Prohibit the entry of a person or persons or withdraw the license or privilege of a person or persons to enter or remain upon any portion of a college facility; or

(b) Order any person, persons, or groups of persons to leave or vacate all or any portion of a college facility.

(4) Any individual who disobeys a lawful order given by the president or his/her designee shall be subject to disciplinary action and/or charges of criminal trespass.

AMENDATORY SECTION (Amending Order 15, filed 12/20/72)

WAC 132M-120-040 ((OFFENSES WHICH MAY RESULT IN DISMISSAL)) STUDENT RESPONSIBILITIES. ((1) Dismissal from the college or any lesser sanction may result from the commission by a student of any of the following offenses

(a) Academic cheating or plagiarism

(b) Furnishing false information to the college with intent to deceive

(c) Forgery, alteration, or misuse of college documents, records, or identification cards

(d) Physical abuse of another person

(e) Destruction, damage, or misuse of college real or personal property, including learning resources materials, or of private property on the campus

(f) Theft or conversion of another's property

(g) Participation in hazing

(h) Lewd or indecent conduct

(i) Conduct which materially and substantially interferes with the requirements of appropriate discipline in the operation of the college or invades the rights of others

(j) The sale or provision to others of narcotics, drugs, marijuana, or any drug, the unregulated distribution of which is prohibited by law, except when specifically prescribed as medication by an authorized medical agent, on college facilities or at college sponsored events

(k) Intentionally filing a false statement reporting a violation or violations of this section

(l) Interfering with the proceedings of the disciplinary meeting with the dean of students or the formal hearing or any subsequent hearings

(m) Failing to appear at the meeting with the dean of students or the formal hearing or any subsequent hearings

(n) Entering or remaining in, or both, any administrative office or otherwise closed college facility or entering after the closing time of such facilities in any manner, at any time, without permission of the college employee or agent in charge thereof

(o) Two or more or a repetition of offenses listed in WAC 132M-120-050:)) Any student shall be subject to disciplinary action as provided for in this chapter who, either as a principal actor, aider, abettor, or accomplice as defined in RCW 9A.08.020 as now law or hereafter amended, interferes with the personal rights or privileges of others or the educational process of the college; violates any provision of this chapter; or commits any of the following offenses which are hereby prohibited:

(1) Forgery, alteration, or misuse of college documents, records, or identification cards. Forging or tendering any forged records or instruments, as defined in RCW 9A.60.010 through 9A.60.020 as now law or hereafter amended, of any college record or instrument to any college employee or agent acting in his/her official capacity.

(2) Assault, reckless endangerment, intimidation, or interference upon another person in the manner set forth in RCW 9A.36.011 through 9A.36.050, 9A.36.070, and 9A.36.080 or 28B.10.570 through 28B.10.572 as now law or hereafter amended.

(3) Theft and robbery. Theft of the property of the college or of another as defined in RCW 9A.56.010 through 9A.56.050 and 9A.56.100 as now law or hereafter amended.

(4) Malicious mischief. Intentional or negligent damage to or destruction of any college facility or other public or private real or personal property.

(5) Unauthorized use of college equipment and supplies. Converting of college equipment or supplies for personal gain or use without proper authority.

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

(7) Disorderly or abusive conduct. Conduct which materially and substantially interferes, obstructs, or disrupts academic, adjudicative, or administrative functions, or which interferes with the rights and privileges of others.

(8) Controlled substances. Using, possessing, being demonstrably under the influence of, or selling any narcotic or controlled substance as defined in chapter 69.50 RCW as now law or hereafter amended, except when the use or possession of a drug is specifically prescribed as medication by an authorized medical doctor or dentist. For the purpose of this rule, "sale" shall include the statutory meaning defined in RCW 69.50.410 as now law or hereafter amended.

(9) Alcoholic beverages. Being demonstrably under the influence of any form of alcoholic beverage. Possessing or consuming any form of alcoholic beverage on college property, with the exception of sanctioned events, approved by the dean or his/her designee and in compliance with state law and college policy.

(10) False complaint. Filing a formal complaint falsely accusing another student or college employee with violating a provision of this chapter.

(11) Illegal entry. Entering or remaining in any administrative or other employee office or any locked or otherwise closed college facility or entering after the closing time of such facilities in any manner, at any time, without permission of the college employee or agent in charge thereof.

(12) Weapons, explosives, and dangerous chemicals. Illegal or unauthorized use or possession of any device or substance which can be used to inflict bodily harm or to damage real or personal property.

(13) Smoking. Smoking in any classroom or laboratory, the library, or in any college facility or office posted "no smoking" or any other smoking not complying with chapter 70.160 RCW.

NEW SECTION

WAC 132M-120-065 DISCIPLINARY SANCTIONS. The following disciplinary sanctions are hereby established and shall be imposed upon violators of the rules of conduct enumerated in this chapter and pursuant to the right of appeal as outlined in this chapter.

(1) Disciplinary warning. Written notice to a student by the dean that he/she has violated the rules of conduct as outlined in this chapter or has otherwise failed to meet the college's standards of conduct. Such warnings shall indicate that continuation or repetition of the specific conduct involved or engaging in other misconduct will normally result in one or more of the serious disciplinary actions described below.

(2) Reprimand. Formal action censuring a student for violating the rules of conduct as outlined in WAC 132M-120-040. Reprimands shall be made in writing to the student by the dean. A reprimand shall indicate to the student that continuation or repetition of the specific violation involved will result in one of the more serious disciplinary actions described below.

(3) Restitution. Reimbursement for damage, misappropriation of or loss to college or other property, and for injury to persons. Failure to make restitution within thirty days shall result in dismissal for an indefinite period of time as set forth below: PROVIDED, That the student may be reinstated upon payment.

(4) Disciplinary probation. Formal action by the dean placing conditions upon the student's continued attendance for violating the rules of conduct as outlined in WAC 132M-120-040. Notice shall be made in writing and shall specify the period of probation and the conditions, such as limiting the student's participation in extracurricular activities. Disciplinary probation may extend to graduation or other termination of the student's enrollment in the college.

(5) Suspension. Temporary dismissal from the college and termination of student status for a given period of time. Notice shall be made in writing and specify the duration and any special conditions which must be met before readmission.

(6) Dismissal. Indefinite or permanent dismissal from the college and termination of student status. Notice shall be made in writing. There shall be no refund of

fees for the quarter in which the action is taken, but fees paid in advance for a subsequent quarter will be refunded.

NEW SECTION

WAC 132M-120-095 DELEGATION OF DISCIPLINARY AUTHORITY. The dean or his/her designee shall have authority to administer the disciplinary action prescribed in this chapter. The president shall be informed of all student dismissals, suspensions, or probatory proceedings initiated by the dean.

NEW SECTION

WAC 132M-120-100 APPEALS. (1) Appeals contesting any disciplinary actions may be made by the student(s) involved, in the following order:

(a) Appeals from disciplinary action taken by the dean or his/her designee may be appealed within five academic calendar days to the student hearing and grievance committee, which may, at the request of the student(s), hear the case de novo.

(b) Disciplinary recommendations made by the student hearing and grievance committee may be appealed to the president of the college within ten academic calendar days following notification of the action taken by the student hearing and grievance committee. In the consideration of such an appeal, the president shall base his/her decision only on the official written record of the case and on any reports or recommendations of the dean and the student hearing and grievance committee. The president may, at his/her discretion, suspend any disciplinary action pending determination of the merits of the findings, conclusions, and disciplinary actions imposed. The president may either attach written concurrence to the recommendation of the student hearing and grievance committee; impose a lesser sanction than that recommended by the student hearing and grievance committee; terminate the proceeding and exonerate the student or students; or dismiss the case after whatever counseling and advice may be appropriate. The decision of the president shall be final; no further appeal within the college is provided.

(2) Appeals must be in writing, filed within ten working days from the date on which the student was notified that disciplinary action was being taken, and must clearly state errors in fact or matters in extenuation or mitigation which justify the appeal.

(3) All appellate decisions shall be sent from the office of the dean. Written decisions shall include the signatures of the student hearing and grievance committee or college president.

NEW SECTION

WAC 132M-120-110 HEARING PROCEDURES BEFORE THE STUDENT HEARING AND GRIEVANCE COMMITTEE. (1) The student hearing and grievance committee shall hear all disciplinary cases where a student appeals a decision of the dean in accordance with the grievance procedure.

(2) The student has a right to a fair and impartial brief adjudicative proceeding before the student hearing

and grievance committee on any charge of violating the rules of conduct. The student's failure to cooperate with the proceedings, however, shall not preclude the committee from making its findings of fact, conclusions, and recommendations. Failure by the student to cooperate may be taken into consideration by the committee.

(3) The presiding officer shall be selected from the committee members and shall exercise the powers and duties usually granted to the presiding officer of a judicial body including but not limited to the power to make rulings on all evidentiary and procedural matters heard in the course of the disciplinary hearing.

(4) If any member of the student hearing and grievance committee is unable to consider a particular disciplinary proceeding for any reason (including but not limited to conflict of interest, matters of conscience, or related reasons), such members shall abstain from considering the issues. The presiding officer shall make temporary appointments where members abstain.

(5) A quorum shall be required for all proceedings and shall consist of the presiding officer and at least two committee members.

(6) Written notice of the time and place of the proceedings before the student hearing and grievance committee shall be given to the student by personal service or certified mail. Such notice shall be afforded not less than ten calendar days in advance and shall be issued by the office of the dean. The notice shall include:

(a) A statement of the time, place, and nature of the disciplinary proceeding;

(b) A statement of the charges, including reference to the particular sections of the rules of conduct involved; and

(c) To the extent known, a list of witnesses who will appear and a summary description of any documentary or other physical evidence which will be presented by the college at the proceeding.

(7) The student shall be entitled to:

(a) Hear and examine the evidence brought forward and be informed of the identity of its source;

(b) Present evidence in the student's own behalf and to cross-examine witnesses testifying against the student as to factual matters; and

(c) Obtain information, provided that the requests for such information are specifically described in writing and tendered to the dean no later than three days prior to the proceeding, or to request the presence of witnesses or the production of other evidence relevant to the issues of the proceeding.

(8) The student may be represented by counsel of choice at the disciplinary proceeding. If the student elects to choose a duly licensed attorney admitted to practice in the state of Washington as counsel, notice thereof must be tendered by the student to the dean at least five working days prior to the proceeding.

(9) In all disciplinary proceedings, the college may be represented by a designee appointed by the dean. That designee may then present the college's case against the student accused of violating the rules of conduct: PROVIDED, That in those cases in which the student elects to be represented by a licensed attorney, the dean may

elect to have the college represented by an assistant attorney general.

(10) An adequate summary of all the evidence and facts presented to the committee during the course of the proceedings shall be taken. A copy shall be available at the office of the dean.

(11) Proceedings conducted by the student hearing and grievance committee shall be held in closed session except when a student requests that the proceedings be held in open session. If at any time during the conduct of a proceeding visitors disrupt the proceeding, the presiding officer of the committee may exclude such persons from the proceeding room.

NEW SECTION

WAC 132M-120-120 EVIDENCE ADMISSIBLE IN PROCEEDINGS. (1) Only those matters presented at the proceeding, in the presence of the accused student, except where the student fails to attend after receipt of proper notice, will be considered by the student hearing and grievance committee in determining whether there is sufficient cause to believe that the accused student violated the rules as charged. Hearsay evidence is admissible.

(2) The members of the committee shall give probative effect to evidence which possesses probative value commonly accepted by reasonable, prudent persons in the conduct of their affairs.

(3) The presiding officer of the committee shall, in the course of the proceeding, give effect to the rules of privilege recognized by law and exclude incompetent, irrelevant, immaterial, and unduly repetitious evidence.

NEW SECTION

WAC 132M-120-130 DECISION BY THE STUDENT HEARING AND GRIEVANCE COMMITTEE. (1) Upon conclusion of the disciplinary proceeding, the committee shall consider all the evidence therein presented and decide by majority vote whether to uphold the decision of the dean, overrule the decision of the dean, or to recommend any other sanction deemed appropriate under the circumstances to the president: PROVIDED, That no additional sanction may be recommended if the decision of the dean is upheld.

(2) Within thirty days following the conclusion of the proceeding, the student will be provided with a copy of the committee's findings of fact and conclusions regarding what occurred and whether the student violated any rule or rules of the code of conduct. The committee shall also advise the student of his/her right to present, within ten working days, a written statement to the president of the college appealing the decision of the student hearing and grievance committee.

SUMMARY SUSPENSION

NEW SECTION

WAC 132M-120-200 SUMMARY SUSPENSION PROCEDURES. (1) As a general rule, disciplinary sanctions will be imposed only after appropriate proceedings have taken place and after the student has,

if he/she so chooses, exercised the right to appeal. However, if the dean or his/her designee has cause to believe that the student:

- (a) Has committed a felony; or
- (b) Has violated any provision of the student conduct code; and
- (c) Presents an imminent danger either to himself or herself, other persons on the campus, or to the educational process, that student may be summarily suspended pending investigation, action, or prosecution on charges of alleged student conduct code violation.

(2) Any student summarily suspended shall be notified by certified and regular mail at the student's last known address or shall be personally served. The notice shall be entitled "notice of summary suspension" and shall state:

(a) The charges against the student including reference to the provisions of WAC 132M-120-040 or statutory law involved; and

(b) That the student charged must appear before the dean or his/her designee at a time specified in the notice for a summary suspension proceeding.

(3) The summary suspension proceeding shall be held as soon as possible after the summary suspension. The dean shall determine whether there is probable cause to believe that continued suspension is necessary and/or whether some other disciplinary sanction is appropriate.

(4) If the dean, following the summary suspension proceeding, finds that there is probable cause to believe that:

(a) The student against whom specific violations are alleged has committed one or more such violations;

(b) Summary suspension of that student is necessary for the safety of the student, other students or persons on college facilities, the educational process of the institution, or to restore order to the campus; and

(c) Such violation or violations constitute grounds for disciplinary action as provided for in WAC 132M-120-040, then the dean may continue to enforce the suspension of the student from college and may impose any other disciplinary sanction deemed appropriate.

(5) If the student has been served pursuant to the notice required in WAC 132M-120-200 and fails to appear at the time designated for the summary suspension proceeding, the dean may, with the written concurrence of the president, suspend the student for a maximum of ten academic calendar days.

NEW SECTION

WAC 132M-120-210 NOTICE OF SUMMARY SUSPENSION. (1) If a student's summary suspension is upheld or if the student is otherwise disciplined, the student will be provided written notice of the decision, as expressly concurred in by the president, including the dean's findings of fact and conclusions which lead the dean to believe that summary suspension should continue.

(2) The student suspended pursuant to the authority of this rule shall be served a copy of the notice of suspension by personal service or by certified and regular mail at the student's last known address within three working days following conclusion of the proceeding before the dean.

(3) The notice of suspension shall specify the duration of the suspension or the nature of the disciplinary action and the conditions under which the suspension may be terminated.

(4) During the period of summary suspension, the suspended student shall not enter the campus other than to meet with the dean or to attend the summary suspension proceeding. However, the dean may grant the student special permission to enter for the express purpose of meeting with faculty, college personnel, or students in preparation for the proceeding.

NEW SECTION

WAC 132M-120-220 APPEALS FROM SUMMARY SUSPENSION. (1) Any student aggrieved by an order issued at the summary suspension proceeding may appeal to the student hearing and grievance committee. No such appeal shall be heard, however, unless:

(a) The student has first appeared before the dean at the proceeding set forth in WAC 132M-120-200;

(b) The student has been officially notified of the outcome of that proceeding;

(c) Summary suspension or another disciplinary sanction has been upheld; and

(d) The appeal conforms to the requirements set forth in WAC 132M-120-100(2).

(2) The student hearing and grievance committee shall, within five working days, conduct a brief adjudicative proceeding according to the provisions of WAC 132M-120-110. Appeals from summary suspension shall take precedence over other matters before the committee.

(3) The president or his/her designee shall review the findings and conclusions of the dean in conjunction with the recommendations of the student hearing and grievance committee and will issue a final decision within three days.

ACADEMIC GRIEVANCES

NEW SECTION

WAC 132M-120-300 STUDENT GRIEVANCES. (1) The purpose of WAC 132M-120-300 through 132M-120-320 is to protect each student's freedom of expression in the classroom and to protect each student from improper, arbitrary, or capricious academic evaluation as evidenced by the student's final course grade.

(2) A student may not invoke the provisions of these sections as the basis for filing a grievance based on the outcome of summary or other disciplinary proceedings described in previous sections of this student conduct code.

(3) Federal and state laws, rules, and regulations, in addition to policies, regulations, and procedures adopted by the state board for community and technical colleges, shall not be grievable matters.

(4) Students shall use chapter 132M-300 WAC for grievances pertaining to sexual discrimination or discrimination based upon handicap.

NEW SECTION

WAC 132M-120-310 GRIEVANCE PROCEDURES. (1) Initiating the grievance process. If a student believes he/she has been unfairly treated by an officer of the college, faculty member, or a member of the college staff, the student shall first discuss the matter with the individual toward whom the grievance is directed. The purpose of this discussion should be to clarify the perceived problem and request specific action designed to resolve the problem.

(2) Proceeding with a formal grievance.

(a) If, within ten academic calendar days following the student's attempt to resolve the grievance in the manner described above, the student feels a satisfactory resolution has not been achieved, the student may file a formal grievance with the appropriate dean. If the grievance is lodged against the office of the dean, the president shall designate another operational dean as the grievance officer.

(b) The grievant shall present his/her grievance in writing and shall include a statement specifying the nature of the grievance, a summary of actions taken by the student to resolve the grievance up to that point, and any proposed solution to the problem the grievant may wish to offer. In cases of academic grievances, the student shall present his/her grievance in writing to the dean and, where appropriate, indicate the grade received in the course in question, together with the reason for the grade complaint, specifying as accurately as possible all necessary performance scores and attendance data.

(c) The appropriate dean will attempt to resolve the problem within ten working days by arranging a meeting with the student and the faculty or staff member to bring about a resolution that is satisfactory to all concerned parties. In the case of an academic grievance, the dean will arrange such a meeting with the student and/or the appropriate instructional administrator.

(d) If the proceeding with the dean does not resolve the grievance to the student's satisfaction, the dean may request, in the case of academic grievances, that the academic standards committee hear the grievance; or, in all other grievances heard under this section, the student may appeal to the student hearing and grievance committee by submitting a written petition to the chairperson of that committee within ten academic calendar days of receiving the decision of the dean.

(3) Procedures of the committee.

(a) The proceeding before the academic standards committee shall not be considered a formal hearing. Any witnesses may be called and testimony heard as needed to reach a prompt, fair resolution of the grievance.

(b) All proceedings arising from student-initiated grievances, including appeals to the president shall remain closed unless all parties to the grievance agree on an open proceeding.

(4) Decisions.

(a) The academic standards committee shall make a recommendation in writing to the president within thirty days of receiving the appeal.

(b) The recommendation shall be reviewed by the president, who may dismiss the case after whatever

counseling and advice may be appropriate or may amend, modify, refuse, or accept the recommendation. However, the president may not impose a greater sanction than that recommended by the academic standards committee. The decision of the president shall be final, and no further appeal within the college is provided.

NEW SECTION

WAC 132M-120-320 WITHDRAWAL OF GRIEVANCE. (1) At any time during the grievance procedure, the grievant may officially withdraw the grievance in writing. Further, any appeal of the dean's decision forwarded to the president may be officially withdrawn in writing at any time by the appellant.

(2) In the event the grievant or appellant fails to appear for any scheduled proceeding without prior notification or evidence of extenuating circumstances, this shall be considered to constitute withdrawal of the grievance or appeal.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 132M-120-050 OFFENSES WHICH MAY RESULT IN PROBATION.

WAC 132M-120-070 NONACADEMIC CONDUCT.

WAC 132M-120-080 DISCIPLINARY PROCEDURES.

WSR 92-09-095**COLUMBIA RIVER
GORGE COMMISSION**

[Filed April 17, 1992, 1:48 p.m.]

Reviser's note: The following material has not been adopted under the Administrative Procedure Act, chapter 34.05 RCW, but has been filed in the office of the code reviser and is published in the Register exactly as filed.

**CERTIFICATE AND ORDER
FOR FILING
TEMPORARY
ADMINISTRATIVE RULES WITH THE OFFICE
OF THE CODE REVISER**

I hereby certify that the copy shown below is a true, full and correct copy of temporary rule(s) adopted on April 14, 1992, by the Columbia River Gorge Commission to become effective upon filing through July 31, 1992.

The within matter having come before the Columbia River Gorge Commission after all procedures having been in the required form and conducted in accordance with applicable statutes and rules and being fully advised in the premises.

NOW THEREFORE, IT IS HEREBY ORDERED that the following action be taken: Adopting 350-50 as administrative rules of the Columbia River Gorge Commission.

Dated this 14th day of April, 1992.

Allen Bell
Acting Executive Director

Statutory Authority: RCW 43.97.015, chapter 499, Laws of 1987.

For Further Information Contact: Jan Brending, Rules Coordinator, (509) 493-3323.

Summary: The rule sets out the procedures that must be followed in order for the commission to consider a plan amendment.

Statement of Need: The process for submitting a plan amendment is not described in the National Scenic Act; the commission, local government and public at large needs guidance as soon as possible on how to submit plan amendments; a delay in adoption of the rule will hold up the process of the commission considering plan amendments and will delay implementation of the management plan; and an emergency rule will allow the process to begin and at the same time allow for modification when the permanent rule is adopted.

Authority: 16 USC § 544 et seq., ORS 196.150 to ORS 196.165, and RCW 43.97.015 to 49.97.035 [43.97.035].

Documents Relied Upon: The Columbia River gorge national scenic area final management plan and the National Scenic Area Act.

Fiscal Impact: The rule should expedite the plan amendment process and therefore, reduce costs.

Emergency Findings: The plan amendment process rule should be adopted on an emergency basis because the Gorge Commission has good cause based on the following findings: Immediate adoption is necessary for the preservation of the general welfare; observing the traditional time requirements of notice and opportunity to comment on adoption of a permanent rule would be contrary to the public interest; the opportunity to comment on adoption of a permanent rule will still come up at a later date; the emergency rule is necessary to immediately begin a plan amendment process so that the commission can address concerns identified by the Secretary of Agriculture; the emergency rule should reduce costs by promoting clarity, defining terms and offering guidance on legally mandated standards contained in the National Scenic Act; and failure to act promptly is contrary to the public interest and the needs of each county in the national scenic area.

**COLUMBIA RIVER GORGE COMMISSION
EMERGENCY RULE**

Chapter 350
Division 50
Plan Amendment Process

350-50-010. Purpose.

The division specifies the process that will be used by the Columbia River Gorge Commission (Commission) when it considers amendments to the Management Plan.

350-50-020. Authority.

Amendments to the Management Plan must comply with the requirements of the Scenic Area Act. These requirements are included in Section 6(h) of the Scenic Area Act:

(1) If the Commission determines at any time that conditions within the Scenic Area have significantly changed, it may amend the Management Plan.

(2) The Commission shall submit amendments to the Management Plan to the Secretary of Agriculture for review, in accordance with the provisions of the Scenic Area Act for adoption of the Management Plan.

(3) The Commission shall adopt an amendment to the Management Plan by a majority vote of the members appointed, including at least three members from each state.

(4) An amendment to the Management Plan must be consistent with the standards established in Section 6 and the purposes of the Scenic Area Act.

350-50-030. Criteria for Plan Amendment Approval.

The Commission must find that the following three criteria are satisfied before it approves an amendment of the Management Plan:

(1) Conditions in the Scenic Area have significantly changed. This means:

(a) physical changes that have widespread or major impacts to the landforms, resources, or land use patterns in the Scenic Area;

(b) new information or inventory data regarding land uses or resources that could result in a change of a plan designation, classification, or other plan provision; or

(c) changes in legal, social, or economic conditions, including those that affect public health, safety, or welfare, not anticipated in the Management Plan;

(2) No practicable alternative to the proposed amendment exists; and

(3) The proposed amendment would be consistent with the standards and purposes of the Scenic Area Act.

350-50-040. Origin of Applications.

Applications to amend the Management Plan may originate from the Commission or interested persons, including state and local governments, Indian tribal governments, public interest groups, or affected landowners.

350-50-050. Application for Plan Amendment.

Applications to amend the plan shall contain a statement from the sponsor that explains why the proposed plan amendment is needed. The statement shall demonstrate that the proposed amendment complies with the purposes and standards of the Scenic Area Act and the criterion in Section 6(h) of the Scenic Area Act.

350-50-060. Processing of Application.

Each application for a plan amendment will be reviewed according to the provisions in the Management Plan [Part IV, Chapter 1, section Amendment of the Management Plan, Policy 2].

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

350-50-070. Submittal and Acceptance of Application.

(1) Applications for plan amendments shall be submitted to the Commission office by a sponsor. An original and fifteen copies of each application are required.

(2) With ten (10) working days of receiving an application, the Executive Director shall review the application for completeness and adequacy. No application shall be accepted as complete until all omissions and deficiencies noted by the Executive Director have been corrected by the applicant.

(3) The Executive Director shall recommend to the Commission whether to commence the process for review of the proposed amendment to the plan. A decision to commence the process must be based on a majority vote of the Commission at a regularly scheduled meeting.

350-50-080. Notice of Application.

(1) Public notice of the completed application will be sent to U.S. Forest Service - National Scenic Area Office, States of Oregon and Washington, Indian tribal governments, and the six Gorge county planning offices.

(2) Copies of the complete application will be available for inspection at the Commission office during normal office hours.

(3) Interested persons shall have twenty (20) working days from the date the notice is posted to submit written comments to the Executive Director. Written comments should address whether the proposed amendment would be consistent with the purposes and standards of the Scenic Area Act and the criterion in Section 6(h) of the Scenic Area Act.

350-50-090. Report of the Executive Director.

The Executive Director will prepare a report, which may include recommendations, within thirty (30) working days of the date an application has been accepted as complete. Upon application of the Executive Director, the commission may extend the time for submission of the report. The report will analyze the proposed amendment based on the purposes and standards of the Scenic Area Act and the criterion in Section 6(h) of the Scenic Area Act.

350-50-100. Hearings.

(1) The Commission will conduct a hearing on every application that the Commission has decided to review pursuant to 350-50-070(3).

(2) A hearing will be conducted on the merits of each application. This hearing will be quasi-judicial in nature and will allow the parties, including intervenors, to present the plan amendment in a format that follows the contested case rules of the Commission [see Chapter 350, Division 16]. Any person who submitted comments on a plan amendment application pursuant to 350-50-080(3) may participate in the hearing by filing a Notice of Intervention with the Director within twenty (20) working days of the date the Executive Director's report is prepared, pursuant to 350-50-090. The Notice of Intervention shall also be served by mail upon the applicable sponsor. The Notice of Intervention shall show that

the person filing the Notice has submitted comments on the proposed plan amendment. The sponsor shall be afforded an opportunity for rebuttal argument.

(3) The Commission may seek additional information from any applicant before and during the hearing.

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

350-50-110. Consultation.

In considering an amendment to the Management Plan, the Gorge Commission shall consult with the Forest Services, both states, the six Gorge counties, all four Indian tribal governments and agencies or organizations that have a specific interest.

350-50-120. Review by the Secretary of Agriculture.

According to Sections 6(f) and 6(h) of the Scenic Area Act, an amendment to the Management Plan adopted by the Commission will be submitted to the Secretary of Agriculture. The Secretary of Agriculture will review the amendment and determine if it is consistent with the purposes and standards of the Scenic Area Act. The Secretary has 90 days from the day the Commission submits an amendment to complete his/her review and make a determination of concurrence or non-concurrence.

WSR 92-09-096**EMERGENCY RULES****WASHINGTON STATE EMPLOYEE
COMBINED FUND DRIVE COMMITTEE**

[Filed April 20, 1992, 9:03 a.m.]

Date of Adoption: April 15, 1992.

Purpose: To allow public nonprofit charities into the 1993 combined fund drive.

Citation of Existing Rules Affected by this Order:
Amending WAC 240-10-040.

Statutory Authority for Adoption: WAC 240-10-010(7).

Other Authority: Executive Order 84-13.

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: For the good of the public of Washington state, the committee wishes to include public nonprofit charities in the combined fund drive, and the meeting for this acceptance is April 15, 1992. The committee feels that the time requirements of notice and opportunity to comment upon adoption of a permanent rule would not allow these public nonprofit charities to be admitted into the combined fund drive next year.

Effective Date of Rule: Immediately.

April 15, 1992
Donald Ott
Chairman

AMENDATORY SECTION (Amending Order 87-1, filed 8/20/87)**WAC 240-10-040 BASIC STANDARDS AND CRITERIA FOR AGENCY MEMBERSHIP APPLICABLE TO ALL AGENCIES. (1) Basic standards.**

(a) **Federal exemption.** Each charitable organization must submit a copy of the Internal Revenue Service determination letter indicating that it is an exempt organization under Internal Revenue Code Section 501 (c)(3), or is a governmental entity receiving charitable contributions which are entitled to a deduction under Internal Revenue Code Section 170 (c)(1). An advance ruling on its exempt status shall meet this requirement.

(b) **Registration and reporting.** Each charitable organization shall have registered as a charitable organization with the secretary of state under the provisions of chapter 19.09 RCW (charitable solicitations) and with the attorney general under the provisions of chapter 11.110 RCW (charitable trusts) unless specifically exempt from registration by state law, and shall have filed all required reports within any established time limits.

(c) **Integrity of operations.** Each charitable organization must have at least a minimal history of service and demonstrate a real capability to serve. Funds contributed to charitable organizations by state employees must be used for their announced purposes. There shall be no payment of commissions for fund-raising, no mailing of commercial merchandise, and no paid general telephone solicitors.

(d) **Finances.** The charitable organization must use standards of accounting and a financial system based on generally accepted accounting principles which includes accounting procedures that would be acceptable to the American Institute of Certified Public Accountants. The committee may require an independent audit by a certified public accountant. The charitable organization must conduct its fiscal operations in accordance with a detailed annual program budget which is prepared and approved at the beginning of each fiscal year by the board of directors. Prior authorizations by the board of directors shall be required for any significant variation from the approved budget. The committee may require that the charitable organization prepare and make available to the general public an annual financial report.

(e) **Nondiscrimination.** The charitable organization shall have a policy and procedure of nondiscrimination in regard to race, color, religion, national origin, handicap, age, or sex applicable to persons served by the charitable organization.

(f) **Annual reports.** The charitable organization shall prepare an annual report available to the general public which includes a full description of the charitable organization's activities including types of solicitation for contributions, the names of its chief administrative personnel, and a full disclosure of the source and use of contributions.

(g) **Agency organization.** The charitable organization must maintain an active local volunteer board of directors, serving without compensation through regular

meetings and exercising satisfactory administrative controls in accordance with the agency's articles of incorporation, bylaws, and, preferably, standards adopted by its national or state affiliate: **PROVIDED**, That the "local volunteer board" is exempted for those voluntary charitable health and welfare agencies whose services are rendered exclusively or in substantial preponderance overseas, and which meet all the criteria set forth except for the requirement of direct and substantial presence in the local campaign community.

(h) **Fund-raising costs.** Each organization shall disclose to the committee the estimated percentages of the money collected which will be applied to the cost of solicitation and to the charitable purpose. The information thus provided will be disclosed to state employees during the campaign.

(i) **Application deadline.** Completed applications must be received before the closing date established annually by the committee.

(2) Criteria.

(a) **Service programs.** Each charitable agency must have a substantial local presence in a Washington state community with a history of providing programs aimed toward direct services, research, and education in an effort to meet human health, welfare, or social service needs within a Washington state community: **PROVIDED**, That voluntary charitable health and welfare agencies whose services are rendered exclusively or in substantial preponderance overseas, and that meet all the criteria set forth except for the requirement of direct and substantial presence in the local campaign community, shall be eligible for agency membership; and each must be able to comply with integrity and other applicable standards that such services are indeed provided.

(b) Participation in eligible federations.

(i) No charitable organization may participate in more than one eligible federation (umbrella organization) in a county.

(ii) No charitable organization may participate both individually and as a member of an eligible federation (umbrella organization) within a county.

(iii) Applications submitted on behalf of eligible federations (umbrella organizations) shall include a certification that all participating constituent agencies meet the basic standards and criteria, and agree to comply with rules and regulations as set forth by the committee.

WSR 92-09-097

PROPOSED RULES

DEPARTMENT OF LICENSING

[Filed April 20, 1992, 9:31 a.m.]

Original Notice.

Title of Rule: WAC 308-11-100 Records kept by auctioneers; and WAC 308-11-130 Suit or complaint notification and notification requirements.

Purpose: To establish detailed trust account requirements and notification requirements. To ensure protection of the consumers money.

Statutory Authority for Adoption: RCW 18.11.200.

Summary: Trust account requirements and legal notification.

Reasons Supporting Proposal: During auctioneer audits, it was found that trust account bookkeeping procedures were generally inadequate and incomplete.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jim Hudson, 2424 Bristol Court, 586-4575.

Name of Proponent: Department of Licensing, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The added trust account procedures will establish a comprehensive and accurate method of tracking consumer monies held for disbursement by the auctioneer; and the notification requirement will give the agency notice of possible problems that may affect the auctioneer or auction company.

Proposal does not change existing rules.

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

Hearing Location: 2420 Bristol Court, 2nd Floor, Olympia, WA, on May 29, at 9:30 a.m.

Submit Written Comments to: Jim Hudson, by May 28, 1992.

Date of Intended Adoption: June 5, 1992.

April 14, 1992
Marsha Tadano Long
Assistant Director

AMENDATORY SECTION (Amending Order PM 686, filed 10/9/87)

WAC 308-11-100 RECORDS. The following requirements and prohibitions apply to all records and documents required to be maintained by chapter 18.11 RCW, or in these rules:

(1) They shall be maintained in accordance with generally accepted accounting practices.

(2) No person shall make any false or misleading statement, or make any false or misleading entry, or wilfully fail to make any entry required to be maintained or made, in any such record or document.

(3) No person shall wilfully fail to produce any such record or document for inspection by the department.

(4) The minimum required records are as follows:

(a) Bank trust account records;

(b) Duplicate receipt book or receipt journal;

(c) Prenumbered checks;

(d) Check register or cash disbursement journal;

(e) Validated bank deposit slips;

(f) Reconciled bank monthly statement (client liability vs bank statement);

(g) All cancelled checks;

(h) All voided checks;

(i) Client's ledger card which indicates client's name, dates of transactions, amount received, amount disbursed, current balance, check number, receipt number, and item(s) covered;

(j) A transaction folder or file containing a copy of all agreements and related correspondence for each transaction;

(k) The above minimum records shall be maintained for a minimum period of three years.

NEW SECTION

WAC 308-11-130 SUIT OR COMPLAINT NOTIFICATION. Every licensee shall, within thirty days after service or knowledge thereof, notify the department of any suit or complaint served or filed in any court of competent jurisdiction, civil or criminal, in which the subject matter thereof, involves any auction or business activity of the defendant; and in which the subject matter thereof, involves any auction or business activity of the defendants therein named.

WSR 92-09-098

PERMANENT RULES

PUGET SOUND AIR

POLLUTION CONTROL AGENCY

[Filed April 20, 1992, 1:29 p.m., effective June 1, 1992]

Date of Adoption: April 9, 1992.

Purpose: To reduce air pollution caused by open burning.

Citation of Existing Rules Affected by this Order: Repealing PSAPCA Regulation I - Section 8.05; and amending PSAPCA Regulation I - Section 8.01, 8.02, 8.03, and 8.04.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Pursuant to notice filed as WSR 92-04-056 on February 3, 1992.

Changes Other than Editing from Proposed to Adopted Version: The new ban on outdoor fires in carbon monoxide nonattainment areas, previously scheduled for May 15, will not be implemented until September 1, 1992; the existing ban on land clearing fires will remain in effect until September 1, 1992, in Snohomish, King, and Pierce counties and indefinitely in Kitsap County; and the proposed ban on burning in the urban growth areas as soon as they are adopted by the counties was restricted to Snohomish, King, and Pierce counties and will be implemented no earlier than September 1, 1992.

Effective Date of Rule: June 1, 1992.

April 17, 1992
Gerald S. Pade
Air Pollution Engineer

AMENDATORY SECTION

SECTION 8.01 POLICY

It is the policy of the Puget Sound Air Pollution Control Agency to achieve and maintain high levels of air quality and to this end minimize to the greatest extent reasonably possible the burning of outdoor fires. Consistent with this policy, the Board of Directors does hereby declare that such fires should be allowed only on a limited basis under strict regulation and close control, such program to be implemented by a one-permit system. It is the further policy of the Board to encourage the fostering and development of an alternate technology or method of disposing of wastes which is reasonably economical and less harmful to the environment. ~~((It is also the policy of the Puget Sound Air Pollution Control Agency that the best available burning practices be employed for land clearing burning to minimize air contaminant emissions so as to prevent injury to human health, plant or animal life, or property, or to prevent unreasonable interference with enjoyment of life and property.))~~

AMENDATORY SECTION

SECTION 8.02 ((PROHIBITED)) OUTDOOR FIRES-PROHIBITED TYPES

~~((a))~~ It shall be unlawful for any person to cause or allow any outdoor fire:

~~((1))~~ (a) During any stage of an air pollution episode or ~~((during any))~~ period of impaired air quality; or

~~((2))~~ (b) Containing garbage, dead animals, asphalt, petroleum products, paints, rubber products, plastics or any substance other than natural vegetation which normally emits dense smoke or obnoxious odors; or

(c) Other than the following types:

(1) Fires for instruction in the method of fighting fires (except forest fires), provided prior written approval has been issued by the Control Officer;

(2) Fires associated with agricultural activities for controlling diseases, insects, weed abatement or development of physiological conditions conducive to increased crop yield, provided written confirmation has been furnished by a designated county extension agent or agricultural specialist designated by the Cooperative Extension Service that burning is the best management practice, and prior written approval has been issued by the Control Officer;

(3) Fires for abating a forest fire hazard, to prevent a hazard, for instruction of public officials in methods of forest fire fighting, any silvicultural operation to improve forest lands, and silvicultural burning used to improve or maintain fire dependent ecosystems for rare plants or animals within state, federal, and private natural area preserves, natural resource conservation areas, parks, and other wildlife areas, provided prior written approval has been issued by the Washington Department of Natural Resources;

(4) Fires no larger than four feet in diameter and three feet in height consisting of leaves, clippings, prunings, and other yard and gardening refuse originating on lands immediately adjacent and in close proximity to a human dwelling and burned on such lands by the property owner or his or her designee, provided a permit has been issued by a fire protection agency, county, or conservation district;

(5) Fires consisting of residue of a natural character such as trees, stumps, shrubbery or other natural vegetation arising from land clearing projects, provided a permit has been issued by a fire protection agency, county, or conservation district;

(6) Fires consisting solely of charcoal, propane, natural gas, or wood used solely for the preparation of food;

(7) Fires no larger than four feet in diameter and three feet in height for campfires at designated federal, state, county or city parks and recreation areas;

(8) Fires for Indian ceremonies or for the sending of smoke signals if part of a religious ritual.

~~((3))~~ For the purpose of demolition, salvage or reclamation of materials; or

(4) Other than land clearing burning or residential burning.

(b) It shall be unlawful for any person to cause or allow any outdoor fire for land clearing burning in any area where the Board has prohibited burning in the delineated No-Burn Zone as set forth in addenda to Regulation I in Article 8.

(c) It shall be unlawful for any person to cause or allow any outdoor fire for residential burning in any area where the Board has prohibited residential burning.

~~(d) It shall be unlawful for any person to cause or allow any outdoor fire for residential burning in a non-prohibited area except under the following conditions:~~

~~(1) Fires are conducted only during daylight hours; and~~

~~(2) Fires are no larger than four feet in diameter and three feet in height; and~~

~~(3) Fires are burned one at a time and each fire is extinguished before another is lighted.~~

~~(e) It shall be unlawful for any person to cause or allow any outdoor fire for land clearing burning in a non-prohibited area without using best available burning practices, which include, but are not limited to:~~

~~(1) That any land clearing fire in a non-prohibited area is no larger than fifty (50) feet in diameter and is located either one hundred fifty (150) feet from any occupied building or four times the diameter of the fire, whichever is greater.~~

~~(2) That no land clearing fire be conducted during the period of 12:01 a.m., November 1 through 11:59 p.m., February 15.~~

~~(3) That no land clearing fire be commenced on a Saturday, Sunday or holiday during the period 12:01 a.m., July 1 - 11:59 p.m., February 15.~~

~~(4) That no material shall be added to any land clearing fire after 4:00 p.m. and that no land clearing fire be commenced before 6:00 a.m. each day, except that, during the period of July 1 - November 1, material may be added to a land clearing fire up until 7:00 p.m. each day.~~

~~(5) That at least one fan rated and operable at 6,000 cubic feet per minute must be on site for each twenty-five (25) feet of fire diameter and must be used to facilitate ignition and burning unless comparable winds make a fan unnecessary. Fire igniters approved by local fire districts and the Puget Sound Air Pollution Control Agency, and fans, shall be used for all fires in excess of ten (10) feet in diameter.~~

~~(6) That material for a fire with a diameter of ten (10) feet or less must be free of excess dirt prior to stacking which may be done by hand. The ratio of stack height to burn pile diameter shall be no less than 1:2.~~

~~(7) That material for a fire over 10 feet in diameter must be free of excess dirt and machine stacked by an excavator or equivalent machine which must be on site and employed until all visible emissions cease. The ratio of stack height to burn pile diameter shall be as high as possible but no less than 1:2.~~

~~(8) That a person, at least 18 years of age, who is qualified to operate stacking or equivalent machinery, as required under (c)(7) above, must be present at the immediate fire site during burning. Such person must remain at the burn site until all visible emissions cease.~~

~~(9) That the number of fires per parcel, defined as a single, integrated, land area that is being cleared by a party, shall be:~~

~~(a) No more than one fire per acre; and~~

~~(b) No more than three fires per parcel, which must be set in sequence, with each fire fully engaged prior to setting another; and~~

~~Provided that in all cases, fires must, nonetheless, meet set-back requirements as indicated in (c)(1) above.~~

(10) That fires may not be ignited during heavy rain-fall that would substantially interfere with efficient combustion and, therefore, create air contamination which otherwise would be avoided by not burning.

(11) That stumps and tree trunks must be split so that no material exceeding three feet in diameter is burned.

(12) That any outdoor fire for land clearing burning in a non-prohibited area shall comply with Sections 9.04, 9.11(a), and 9.15 of Regulation I.

The above best burning practices are examples of the obligations placed on land clearers to minimize air contamination and to avoid interference with enjoyment of property adjacent to land clearing fires and to reduce injury to human health. In all cases, land clearers must take any and all steps which may include refraining from burning so as to avoid adverse effects on human health or the enjoyment of life and personal property. To this end, land developers should remain cognizant of local weather and meteorological conditions and air impairments which may be declared by the Agency.)

AMENDATORY SECTION

SECTION 8.03 ((EXEMPTIONS)) OUTDOOR BURNING - PROHIBITED AREAS

((The following outdoor fires are exempt from Section 8.02 (a)(4):

(a) Fires no larger than four feet in diameter and three feet in height for pleasure, religious, ceremonial, cooking, or like social purposes;))

(a) Until September 1, 1992 it shall be unlawful for any person to cause or allow any outdoor fire described in Section 8.02 (c)(4) or (5) in any area where the Board has prohibited burning as set forth in the addenda to Regulation I in Article 8.

((((b) Fires from torches, incense burners, insect pots, flares and smokeless waste gas burners;))

(b) Beginning September 1, 1992 it shall be unlawful for any person to cause or allow any outdoor fire described in Section 8.02 (c)(4) or (5):

(1) Within Snohomish County Fire District #11 or King County Fire Districts #25, 34, or 37;

(2) In any area where federal or state ambient air quality standards are exceeded for pollutants emitted by outdoor burning, including but not limited to carbon monoxide and particulates (PM10);

(3) In any area in which the applicable fire district, fire protection agency, city, town, county, or conservation district has determined not to issue burning permits for outdoor burning pursuant to RCW 70.94.745, RCW 70.94.750, RCW 70.94.775, and/or RCW 70.94.780;

(4) In any area in which the applicable fire district, fire protection agency, city, town, county, or conservation district has determined that selected types of outdoor burning fires are prohibited under a valid burning permit program established pursuant to the RCW 70.94.745, RCW 70.94.750, RCW 70.94.775, and/or RCW 70.94.780.

((((c) Fires for abating a forest fire hazard, to prevent a hazard, for instruction of public officials in methods of

forest fire fighting, and any silvicultural operation to improve forest lands where and when permitted by the State Department of Natural Resources;))

(c) It shall be unlawful for any person to cause or allow any outdoor fire described in Section 8.02 (c)(4) or (5) within the Urban Growth Area of Snohomish, King, and Pierce Counties after September 1, 1992 or such time as an Urban Growth Area is adopted by the county, whichever is later.

((((d) Agricultural burning for disease control, pest control and weed abatement provided written confirmation has been furnished by a designated county extension agent or agricultural specialist designated by the Cooperative Extension Service that burning is a recommended practice for the control or prevention of the disease, pest or weed;))

(d) It shall be unlawful for any person to cause or allow any outdoor fire described in Section 8.02 (c)(5) in Township 24N, Range 1E, Sections 1, 2, 10-15, and 22-24.

((((e) Fires for instruction in the method of fighting fires provided:

(1) Prior written approval has been issued by the Control Officer; and

(2) Such fires are conducted at such times and under such conditions as may be established by the Control Officer.))

Reviser's note: The typographical error in the above material occurred in the copy filed by the Puget Sound Air Pollution Control Agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION

SECTION 8.04 GENERAL CONDITIONS

(a) It shall be prima facie evidence that the person who owns or controls property on which an outdoor fire occurs has caused or allowed said outdoor fire.

(b) Nothing contained in Article 8 shall be construed to allow outdoor fires in those areas in which open burning is prohibited by laws, ordinances or regulations of the state or any city, county or fire district.

(c) Nothing contained in Article 8 shall relieve the applicant from obtaining permits required by any state or local fire protection agency or from compliance with Section 11.101 of the Uniform Fire Code.

ADDENDA TO REGULATION I

I. DELINEATION OF NO-BURN ZONES PER SECTION ((8.02(b))) 8.03(a)

((Land clearing burning is)) Fires described in Section 8.02 (c)(5) are prohibited ((within)) in the following sections:

A. King County	Township	Range	Sections
	21N	3E	1, 10-15, 23-25
	21N	4E	1-30, 32-36
	21N	5E	5-8, 17-19, 30
	22N	4E	ALL
	22N	5E	1-12, 15-22, 27-33
	23N	3E	1, 2, 11-13, 24-26, 36
	23N	4E	ALL

23N	5E	3-10, 14-23, 26-35
24N	3E	ALL
24N	4E	ALL
24N	5E	1-23, 28-33
24N	6E	4-10, 15-17, 20-22, 27-29, 33, 34
25N	3E	ALL
25N	4E	ALL
25N	5E	ALL
25N	6E	6, 7, 18-21, 28-33
26N	3E	ALL
26N	4E	ALL
26N	5E	3-10, 15-22, 27-36
26N	6E	31

B. Pierce County

Township	Range	Sections
19N	1E	1
19N	2E	1-6, 9-12
19N	3E	3, 7, 10, 15, 18-22, 27-30
19N	4E	1-3
20N	2E	1-4, 9-17, 20-29, 31-36
20N	3E	1-22, 27-34
20N	4E	4-9, 16-36
21N	2E	10, 14, 15, 22-27, 34-36
21N	3E	ALL
21N	4E	31

C. Snohomish County

Township	Range	Sections
27N	3E	ALL
27N	4E	1-36
27N	5E	5-8, 17-20, 29-32
28N	4E	1-4, 9-17, 20-29, 32-36
28N	5E	4-9, 16-21, 27-34
29N	4E	25, 33-36
29N	5E	3-5, 7-10, 15-22, 27-34
30N	5E	4, 9, 15, 16, 21, 22, 27, 28, 33, 34

~~((D. Kitsap County~~

Township	Range	Sections
24N	1E	1, 2, 10-15, 22-24)

II. DELINEATION OF NO-BURN ZONES PER SECTION ((8-02(c))) 8.03

~~((Residential burning is))~~ Fires described in Section 8.02 (c)(4) are prohibited in the following areas:

A. Seattle-Duwamish Valley

The area of King County within the bounds beginning: at the intersection of Fairmount Avenue Southwest (3600 Southwest block) and Elliott Bay extending southerly along Fairmount Avenue Southwest to the 100 foot height contour, thence southerly along the meandering 100 foot height contour to South 104th Street (10400 South block), thence easterly along South 104th Street (10400 South block) to the 100 foot height contour, thence northerly along the meandering 100 foot contour to the 9700 South block, thence westerly along the 9700 South block (South Perry Street) to the 100 foot height contour, thence northerly along the meandering 100 foot height contour to South Dearborn

Street, thence westerly along South Dearborn Street (800 South block) to Elliott Bay, thence westerly to point of beginning.

B. Tacoma Tideflats

The area of Pierce County within the bounds beginning: at the intersection of the North 100 block and Commencement Bay (near Stadium High School) extending southwestwardly along the North 100 block to the 100 foot height contour, thence southerly along the meandering 100 foot height contour to Interstate 5, thence easterly along I-5 to the 6800 East block, thence northerly along the 6800 East block (68th Avenue East) to the 100 foot height contour, thence northwesterly along the meandering 100 foot height contour to the Tacoma city limits (near Brown's Point), thence along the Tacoma City limits to Commencement Bay, thence southerly to the point of beginning.

C. Kent/Green River Valley

The area of King County within the bounds beginning: at the intersection of the 100 foot height contour and the 21200 South block extending southerly along the meandering 100 foot height contour to Highway 516, thence easterly along Highway 516 (Willis Street) to the 100 foot height contour, thence northerly along the meandering 100 foot height contour to South 212th Street (21200 South block), thence westerly along South 212th Street (21200 South block) to the 100 foot height contour (point of beginning).

REPEALER

SECTION 8.05 EMISSION STANDARD EXEMPTIONS

WSR 92-09-099

PERMANENT RULES

EASTERN WASHINGTON UNIVERSITY

[Filed April 20, 1992, 1:33 p.m.]

Date of Adoption: April 3, 1992.

Purpose: To comply with the Administrative Procedure Act in adopting a rule describing the agency's organization, general course and method of operations and instruction to public directing inquiries.

Statutory Authority for Adoption: RCW 28B.35.120(12).

Pursuant to notice filed as WSR 92-04-083 on February 5, 1992.

Effective Date of Rule: Thirty days after filing.

April 7, 1992

Leonard H. Klatt
Rules Coordinator

New Chapter:

Chapter 172-06
ORGANIZATION AND OPERATION

WAC

172-06-010 Organization and Operation

NEW SECTION

WAC 172-06-010 ORGANIZATION AND OPERATION. (1) Organization. Eastern Washington University is established in Title 28B RCW as a public institution of higher education. The institution is governed by a board of trustees, appointed by the governor. The board employs a president, who acts as the chief executive officer of the institution. The president establishes the structure of the administration.

(2) Operation. The administrative office is located at 214 Showalter Hall, Mail Stop 130; Cheney, WA 99004-2496. The office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays. Educational operations are also located at the EWU Spokane Center; West 705 First, MS-1; Spokane, WA 99204.

(3) Information. Additional and detailed information concerning the educational offerings may be obtained from the general or graduate catalogues, copies of which are available for in-house viewing in the EWU Admissions Office; Cheney, WA; or from the EWU Bookstore; Cheney, WA 99004-2496.

WSR 92-09-100**PERMANENT RULES****EASTERN WASHINGTON UNIVERSITY**

[Filed April 20, 1992, 1:36 p.m.]

Date of Adoption: April 3, 1992.

Purpose: To comply with the Administrative Procedure Act in identifying matters subject to brief adjudication and to adopt appropriate model rules of procedure as developed by the chief administrative law judge.

Statutory Authority for Adoption: RCW 28B.35.120(12).

Pursuant to notice filed as WSR 92-04-084 on February 5, 1992.

Effective Date of Rule: Thirty days after filing.

April 7, 1992

Leonard H. Klatt
Rules Coordinator

New Chapter:

Chapter 172-108 WAC
PROCEDURAL RULES

WAC

172-108-010	Matters subject to brief adjudication.
172-108-020	Appointment of presiding officer.
172-108-030	Method of recording.
172-108-040	Application for adjudicative proceeding.
172-108-050	Discovery.
172-108-060	Procedure for closing parts of the hearings.
172-108-070	Recording devices.
172-108-080	Petitions for stay of effectiveness.
172-108-090	Adoption of model rules of procedure.

NEW SECTION

WAC 172-108-010 MATTERS SUBJECT TO BRIEF ADJUDICATION. This rule is adopted in accordance with RCW 34.05.482-494, the provisions of which are hereby adopted. When required by law or constitutional right, brief adjudicative proceedings shall be used in all matters of appeal related to: (1) Residency determinations made pursuant to RCW 28B.15.013, conducted by the admissions office; (2) Challenges to contents of education records, review of the denial to obtain such records, or challenges to the transferability of such records. The procedural rules of chapter 172-190 WAC apply to these proceedings; (3) Student conduct proceedings. The procedural rules in chapter 172-120 WAC apply to these proceedings; (4) Outstanding debts owed by employees, or outstanding debts owed by students pursuant to chapters 172-124 and 172-144 WAC; and (5) Traffic and parking violations and revocations of any parking permit pursuant to WAC 172-116-315 or 172-116-175.

NEW SECTION

WAC 172-108-020 APPOINTMENT OF PRESIDING OFFICER. The president of Eastern Washington University or an authorized designee shall have the power to appoint presiding officer for formal and brief adjudicative proceedings. The term, presiding officer, shall mean one or more presiding officers as appointed by the president or authorized designee. The presiding officer shall be either an administrative law judge; a member in good standing of the Washington State Bar Association; committees or members of the faculty, staff or student body; a panel of individuals; the president or authorized designee; or any combination of the above. Where more than one individual is designated to be the presiding officer, one person may be designated by the president or president's designee to make decisions concerning discovery, closure, means of recording adjudicative proceedings, and similar matters.

NEW SECTION

WAC 172-108-030 METHOD OF RECORDING. Proceedings shall be recorded by a method determined by the presiding officer, among those available pursuant to the model rules of procedure in WAC 10-08-170.

NEW SECTION

WAC 172-108-040 APPLICATION FOR ADJUDICATIVE PROCEEDING. An application for adjudicative proceeding shall be in writing. Application forms are available from: Office of the Rules Coordinator; Eastern Washington University; Cheney, WA 99004-2496. Written application for an adjudicative proceeding in response to the institution's action should be submitted to the above address within 20 days of the action, unless otherwise provided by statute or rule.

NEW SECTION

WAC 172-108-050 DISCOVERY. Discovery in adjudicative proceedings may be permitted at the discretion of the presiding officer. In permitting discovery the presiding officer shall make reference to the civil rules of procedure. The presiding officer has the power to control the frequency and nature of discovery permitted, and to order discovery conferences to discuss discovery issues.

NEW SECTION

WAC 172-108-060 PROCEDURE FOR CLOSING PARTS OF THE HEARINGS. A party may apply for a protective order to close part of a hearing. The party making the request should state the reasons for making the application to the presiding officer. If the other party opposes the request, a written response to the request shall be made within 10 days of the request to the presiding officer. The presiding officer shall determine which, if any, parts of the proceeding shall be closed, and state the reasons therefor in writing within 20 days of receiving the request.

NEW SECTION

WAC 172-108-070 RECORDING DEVICES. No cameras or recording devices are allowed in those parts of proceedings which the presiding officer has determined closed pursuant to WAC 172-108-060, except for the method of official recording selected by the institution.

NEW SECTION

WAC 172-108-080 PETITIONS FOR STAY OF EFFECTIVENESS. Disposition of a petition for stay of effectiveness of a final order shall be made by the official, officer or body of officers, who entered the final order.

NEW SECTION

WAC 172-108-090 ADOPTION OF MODEL RULES OF PROCEDURE. The model rules of procedure adopted by the chief administrative law judge pursuant to RCW 34.05.250, as now or hereafter amended, are found in chapter 10-08 WAC. Procedural rules adopted by this institution shall govern in the event that a conflict exists. Rules adopted at this institution prior to July 1, 1989, remain in full force and effect unless specifically repealed or amended.

WSR 92-09-101
PERMANENT RULES
EASTERN WASHINGTON UNIVERSITY
 [Filed April 20, 1992, 1:38 p.m.]

Date of Adoption: April 3, 1992.

Purpose: To announce that regular meetings of the board are published in State Register in January of each year.

Statutory Authority for Adoption: RCW 28B.35.120(12).

Pursuant to notice filed as WSR 92-04-085 on February 5, 1992.

Effective Date of Rule: Thirty days after filing.

April 7, 1992
 Leonard H. Klatt
 Rules Coordinator

New Chapter:

Chapter 172-04 WAC
 BOARD OF TRUSTEES

WAC

172-04-010 Regular meetings.

NEW SECTION

WAC 172-04-010 REGULAR MEETINGS. Times, dates and locations of regular meetings of the board of trustees of Eastern Washington University shall be published in the Washington State Register in January of each year, consistent with chapters 34.08 and 42.30 RCW.

WSR 92-09-102
PERMANENT RULES
EASTERN WASHINGTON UNIVERSITY
 [Filed April 20, 1992, 1:43 p.m.]

Date of Adoption: April 3, 1992.

Purpose: Purpose of amendments is to allow more appropriate time line for appealing assessed financial obligations of employees of EWU, to offer brief adjudicative proceedings, and to prevent any unlawful deductions from an employee's paycheck.

Citation of Existing Rules Affected by this Order: Repealing WAC 172-144-030 and 172-144-050; and amending chapter 172-144 WAC.

Statutory Authority for Adoption: RCW 28B.35.120(12).

Pursuant to notice filed as WSR 92-05-053 on February 14, 1992.

Effective Date of Rule: Thirty days after filing.

April 14, 1992
 Leonard H. Klatt
 Rules Coordinator

AMENDATORY SECTION (Amending Order 85-01, filed 12/13/85)

WAC 172-144-010 PURPOSE. (~~Commensurate with the privileges afforded individual students in the employ of Eastern Washington University, an employee has~~) Employees have a financial responsibility to the university for legitimate financial obligations owed to the university. Employees whose employee status is contingent on the fact that he or she is a student are exempt from this chapter and covered under chapter 172-124 WAC.

AMENDATORY SECTION (Amending Order 85-01, filed 12/13/85)

WAC 172-144-020 AUTHORITY OF THE UNIVERSITY TO MAKE DEDUCTIONS. (1) ~~((Except as provided in WAC 172-144-030, following fifteen calendar days' notice to the employee, the university))~~ Employees will be given notice that a deduction is forthcoming from their paycheck subject to subsection (2) of this section. Employees who wish to appeal the alleged debt shall be given twenty days from receipt of notice to request a brief adjudicative proceeding. Requests must be in writing and submitted to the university governance office. If no proceeding is requested, the university assumes that there is no dispute over the debt and may deduct from the net remuneration owed to the employee by the university for that particular pay period, the amount of any or all fees, charges, debts, fines, or other financial obligations owed to the university((, which shall include but are not limited to the following:

- (a) Enrollment fees;
- (b) Housing charges;
- (c) Short-term and long-term loans;
- (d) Personal telephone tolls charged to a university number;

- (e) Bookstore debts;
- (f) Parking fines;
- (g) Damages to university property;
- (h) Library fines)) as expressed in the notice.

(2) ~~((The fifteen-day))~~ Notice as provided for in ((WAC 172-144-020)) subsection (1) of this section shall contain a statement setting forth the manner in which the alleged financial obligations were incurred by the employee and the amount assessed.

(3) The university may deduct from the paycheck of the employee the amount determined owing after the brief adjudicative proceeding is waived or as a result of the outcome of the proceeding. This amount may be deducted immediately.

AMENDATORY SECTION (Amending Order 85-01, filed 12/13/85)

WAC 172-144-040 PERIODIC DEDUCTIONS. Should ~~((such))~~ deductions for any pay period produce a material and substantial hardship on the assessed employee, the university may enter into an agreement with the employee for a method of periodic deductions from the employee's paycheck until ~~((such))~~ the financial obligations owed to the university have been satisfied. The university's chief financial officer will designate a member of his or her staff to negotiate such agreements.

NEW SECTION

WAC 172-144-045 FINANCIAL OBLIGATIONS RELATING TO TRAVEL. Financial obligations which result from travel advances or travel-related expenditures shall be addressed consistent with office of financial management regulations.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 172-144-030 DEDUCTIONS WITH TEN DAY NOTICE.

WAC 172-144-050 RIGHT TO APPEAL ASSESSED FINANCIAL OBLIGATIONS.

WSR 92-09-103PERMANENT RULESEASTERN WASHINGTON UNIVERSITY

[Filed April 20, 1992, 1:47 p.m.]

Date of Adoption: April 3, 1992.

Purpose: The primary purpose of this proposal is to modify outdated references and to generalize references of use of alcoholic beverages to pertain to any student housing facility.

Citation of Existing Rules Affected by this Order: Amending chapter 172-65 WAC.

Statutory Authority for Adoption: RCW 28B.35.120(12).

Pursuant to notice filed as WSR 92-05-054 on February 14, 1992.

Changes Other than Editing from Proposed to Adopted Version: Original draft stated, "The university does not condone the use . . ." A modification was made, "The university does not ENCOURAGE the use . . ." REF: WAC 172-65-090. This modification was adopted by the rule-making body.

Effective Date of Rule: Thirty days after filing.

April 14, 1992

Leonard H. Klatt
Rules Coordinator

Chapter 172-65 WAC

USE OF ALCOHOLIC BEVERAGES BY STUDENTS TWENTY-ONE YEARS AND OLDER IN RESIDENCE HALLS AND ((RESIDENT APARTMENTS)) OTHER STUDENT HOUSING AT EASTERN WASHINGTON ((STATE COLLEGE)) UNIVERSITY

AMENDATORY SECTION (Amending Order 71-1, filed 11/26/71)

WAC 172-65-010 INTRODUCTION AND PURPOSE. ~~((In accordance with))~~ Washington state law ~~((that))~~ permits persons who are the age of twenty-one years and older to possess and consume alcoholic beverages as defined by Washington state law, the trustees at Eastern Washington ~~((State College hereby))~~ University adopt the following regulations for the purpose of establishing rules governing the consumption and possession of alcoholic beverages by ~~((such))~~ the persons within the privacy of Eastern Washington ~~((State College))~~ University student residence halls and ~~((married))~~ other student ((apartments)) housing. ~~((Such))~~ The regulations are subject to all the limitations imposed by state

law, and if any part of these regulations are declared inconsistent ~~((therewith))~~ with state law by legislative amendment or a judgment by a court of competent jurisdiction, ~~((such))~~ the regulations shall be deemed amended to the extent of ~~((such))~~ the inconsistency, but the remainder of these regulations shall remain in full force and effect.

AMENDATORY SECTION (Amending Order 71-1, filed 11/26/71)

WAC 172-65-020 JURISDICTION. The scope of these rules applies to the residence halls and ~~((married))~~ other student ~~((apartments))~~ housing located ~~((upon))~~ on and properties owned or controlled by Eastern Washington ~~((State-College))~~ University.

AMENDATORY SECTION (Amending Order 74-9, filed 11/25/74)

WAC 172-65-030 GENERAL PROHIBITION AGAINST DRINKING IN PUBLIC PLACES. (1) Drinking of alcoholic beverages is prohibited in public places by Washington state law. This prohibition applies to ~~((any and))~~ all functions open to the public, such as entertainment, dances, and athletic events, and also applies to all entrances, hallways, corridors, lounges, and reception areas of the residence living units and to all academic buildings.

(2) The ~~((college))~~ university shall not deem the general prohibition of this section applicable to the consumption of liquor ~~((upon))~~ on public places designated in any special banquet permit issued to ~~((a banquet))~~ an event sponsor by the state liquor control board: **PROVIDED, ((HOWEVER,))** That prior written approval of the ~~((banquet))~~ event sponsor's application for ~~((such))~~ the permit has been ~~((accorded))~~ given by the ~~((college))~~ university.

AMENDATORY SECTION (Amending Order 71-1, filed 11/26/71)

WAC 172-65-040 LIMITED RIGHTS TO CONSUME AND POSSESS ALCOHOLIC BEVERAGES ACCORDED. (1) For purposes of these regulations, the ~~((college))~~ university recognizes that the students' individual residence hall rooms and ~~((married students'))~~ other individual student ~~((apartments))~~ housing constitute private places to which the general public does not have an unrestricted right of access, and are therefore not public places within the meaning of RCW ~~((66.44.010(24) [66.04.010(24)]))~~ 66.04.010(23) (which ~~((law))~~ defines what is a public place ~~((insofar))~~ as far as the law prohibiting consumption of liquor in a public place is concerned), if ~~((such))~~ the rooms are not actually utilized as public places.

(2) Students ~~((of the age of))~~ who are twenty-one years and older are permitted to possess and consume alcoholic beverages on an individual basis in the privacy of the residence hall rooms or ~~((married student apartments))~~ other places of residence.

(3) Due to the physical conditions in residence halls and ~~((married))~~ other student ~~((s'))~~ housing, the possession and consumption of alcohol in the privacy of the

room and ~~((apartment))~~ other housing shall not infringe ~~((upon))~~ on the privacy and peace of other individuals. Any infringement ~~((upon such))~~ on the privacy and peace of an individual inhabitant of the residence hall or ~~((apartment))~~ other student housing shall, regardless of the age of the offending individual, be considered a violation of ~~((college))~~ university regulations and therefore subject to disciplinary action under the Eastern Washington ~~((State-College))~~ University student conduct code. ~~((Disruptive and unruly behavior, whether it be associated with the use of alcoholic beverages or not, is a serious breach of expectations of the Eastern Washington State College community and will not be tolerated.))~~

(4) ~~((The intent of this policy, as indicated in section 3, is not to provide opportunities for large gatherings involving the consumption of alcohol.))~~ Keggers, cocktail parties, or similar functions are not permitted and any student or students who host such a function will be subject to disciplinary action under the ~~((EWSC))~~ Eastern Washington University student conduct code. Any student who infringes ~~((upon))~~ on the privacy and peace of other individuals while attending such a function will also be subject to disciplinary action.

AMENDATORY SECTION (Amending Order 71-1, filed 11/26/71)

WAC 172-65-050 SALES OF ALCOHOLIC BEVERAGES PROHIBITED. Alcoholic beverages in any form may not be sold in ~~((college-owned))~~ student housing nor may residence hall or housing funds be used for the purchase of any alcoholic beverages.

AMENDATORY SECTION (Amending Order 71-1, filed 11/26/71)

WAC 172-65-060 ROOMMATE PREFERENCE ALLOWED. A student planning to live in a residence hall will be allowed to state a preference for a roommate who does or does not drink alcohol. If possible, this request will be honored by housing officials making room assignments.

AMENDATORY SECTION (Amending Order 71-1, filed 11/26/71)

WAC 172-65-070 INFORMATION RELATIVE TO RULES MUST BE PROVIDED. (1) Each residence hall director will hold an orientation session for residents of the hall each quarter for the express purpose of discussing the policy and regulations regarding possession and consumption of alcohol.

(2) The ~~((college))~~ university shall print, post and distribute the policy about alcohol, and the relevant portions of the laws of the state of Washington.

(3) The policy (with laws) will be posted in each ~~((unit of each hall-floor, corridor, etc))~~ residence hall.

AMENDATORY SECTION (Amending Order 71-1, filed 11/26/71)

WAC 172-65-080 REPORTS OF VIOLATIONS REQUIRED. (1) Behavioral problems resulting from

drinking will be referred to the appropriate student court or to the ~~((college disciplinary officer))~~ appropriate university official.

(2) Unlawful drinking will be reported to ~~((the office of campus safety))~~ university police.

~~((3) Washington state law provides severe penalties for the illegal possession and/or consumption of alcoholic beverages; i.e., by persons under the legal drinking age, for persons who furnish alcoholic beverages to persons under the legal drinking age, and for consumption in public areas.))~~

AMENDATORY SECTION (Amending Order 71-1, filed 11/26/71)

WAC 172-65-090 ORGANIZATIONS RESPONSIBLE FOR CONDUCT. The ~~((college))~~ university does not ~~((condone))~~ encourage the consumption of alcoholic beverages at functions sponsored by Eastern Washington ~~((State College))~~ University or by recognized organizations affiliated with Eastern Washington ~~((State College))~~ University. Organizations are held responsible for the conduct of their members at functions sponsored by that organization and for their failure to comply with Washington state law.

WSR 92-09-104

PERMANENT RULES

EASTERN WASHINGTON UNIVERSITY

[Filed April 20, 1992, 1:51 p.m.]

Date of Adoption: April 3, 1992.

Purpose: To emphasize university's commitment to environmental concerns.

Citation of Existing Rules Affected by this Order: Amending WAC 172-325-010.

Statutory Authority for Adoption: RCW 28B.35.120(12).

Pursuant to notice filed as WSR 92-05-055 on February 14, 1992.

Changes Other than Editing from Proposed to Adopted Version: Original proposal gave vice-president for business and finance the responsibility for carrying out policy. This position was eliminated and the responsibilities assumed by the vice-president for administration. The change is reflected in this submission.

Effective Date of Rule: Thirty days after filing.

April 14, 1992
Leonard H. Klatt
Rules Coordinator

AMENDATORY SECTION (Amending Order 83-02, filed 11/23/83)

WAC 172-325-010 STATE ENVIRONMENTAL POLICY ACT (SEPA). It is the policy of Eastern Washington University that any project shall be accomplished in compliance with chapter 43.21C RCW, the State Environmental Policy Act (SEPA) and in accordance with chapter ~~((197-10))~~ 197-11 WAC, guidelines for the State Environmental Policy Act implementation.

Further, it is the policy of the university to provide leadership in resource conservation and environmental protection. Environmental issues will be considered in the decision-making and planning process. To this end, Eastern Washington University ~~((hereby))~~ adopts by reference chapter ~~((197-10))~~ 197-11 of the WAC SEPA guidelines and all subsequent amendments thereto.

In compliance with chapter ~~((197-10))~~ 197-11 WAC, the vice-president for ~~((business and finance, or his/her designee shall be))~~ administration is the responsible official for carrying out this policy.

WSR 92-09-105

PERMANENT RULES

EASTERN WASHINGTON UNIVERSITY

[Filed April 20, 1992, 1:55 p.m.]

Date of Adoption: April 3, 1992.

Purpose: Proposed modifications allow for an appeal proceeding to be heard as a brief adjudicative proceeding.

Citation of Existing Rules Affected by this Order: Repealing WAC 172-124-100, 172-124-200, 172-124-210, and 172-124-220; and amending chapter 172-124 WAC.

Statutory Authority for Adoption: RCW 28B.35.12(12) [28B.35.120(12)].

Pursuant to notice filed as WSR 92-05-056 on February 14, 1992.

Effective Date of Rule: Thirty days after filing.

April 14, 1992
Leonard H. Klatt
Rules Coordinator

**Chapter 172-124 WAC
DISPOSITION OF OBLIGATIONS OWED TO
~~((COLLEGE))~~ UNIVERSITY BY STUDENTS**

AMENDATORY SECTION (Amending Order 72-11, filed 9/20/72)

WAC 172-124-010 FINANCIAL OBLIGATIONS OF STUDENTS. The university may withhold admission or registration privileges, conferring of degrees, and issuance of academic transcripts ~~((may be withheld by Eastern Washington State College))~~ for failure ~~((of a student))~~ to meet ~~((his or her))~~ financial obligations ~~((owed to the college))~~, even if the financial obligations have been assigned to another agency, entity, or department. ~~((Such fees, charges, debts, fines, or other financial obligations shall include but are not limited to the following:~~

- ~~(1) Bookstore debts;~~
- ~~(2) Housing and food service debts;~~
- ~~(3) Parking fines;~~
- ~~(4) Library fines;~~
- ~~(5) "Not sufficient funds" checks;~~
- ~~(6) Damages to college property;~~
- ~~(7) Failure to return borrowed, leased, or rented college property;~~

- (8) Unreturned keys;
- (9) ~~Personal telephone tolls charged to a college number.))~~

AMENDATORY SECTION (Amending Order 72-11, filed 9/20/72)

~~WAC 172-124-020 APPEAL PROCEDURE. ((1) Every student has the right to appeal a decision of any college department or division to assess a fee, fine, charge, debt, or other financial obligation for a determination of the validity and legitimacy of that charge. The appeal must be in writing and directed to the division or department head assessing the financial obligation. Notice of the appeal shall be given within ten days after notice of right to appeal is received. Following such notice, the student shall be allowed an informal hearing with the head or appointed representative of the department or division assessing the obligation. The decision of such hearing shall be final. PROVIDED, That in the event such financial obligation shall prove to be of a magnitude requiring the assessed student to terminate his relationship with Eastern Washington State College, the student shall have a right to a formal hearing as provided in RCW 28B.19.120.~~

~~(2) If the student has not satisfied his financial obligations to the college within ten days after his right to a hearing has expired, the college may take the action provided in WAC 172-124-010 after providing the financially obligated student with notice of the intended action, whenever such notice is possible.)) Students shall be given notice of any alleged financial obligation prior to the university taking action as described in WAC 172-124-010. Students who wish to appeal the alleged financial obligation may request a brief adjudicative proceeding. This request must be in writing and received by the university governance office within twenty days of notice of the alleged financial obligation. Any student who fails to respond to such notice waives the right to a brief adjudicative proceeding and the university may take action as described in WAC 172-124-010. Action may also be taken immediately after and consistent with the determination of the proceeding.~~

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 172-124-100 SMOKING REGULATIONS.
- WAC 172-124-200 DEFINITION—PETS.
- WAC 172-124-210 PET CONTROL.
- WAC 172-124-220 PENALTIES FOR VIOLATIONS OF PET CONTROL REGULATIONS.

WSR 92-09-106
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 92-21—Filed April 20, 1992, 3:26 p.m.]

Date of Adoption: April 17, 1992.
 Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
 Repealing WAC 220-32-05500A.

Statutory Authority for Adoption: RCW 75.08.080.

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

Reasons for this Finding: Harvestable numbers of salmon are available for a subsistence fishery. This conforms state regulations with Yakima Tribe regulations.

Effective Date of Rule: Immediately.

April 17, 1992
 Judith Merchant
 Deputy
 for Joseph R. Blum
 Director

NEW SECTION

WAC 220-32-05500B COLUMBIA RIVER AND TRIBUTARIES—SUBSISTENCE. Notwithstanding the provisions of WAC 220-32-055 and WAC 220-32-059, effective immediately until further notice it is unlawful for any persons to take, fish for or possess salmon taken for commercial or subsistence purposes from the waters of the Yakima, Klickitat, Icicle or Wind Rivers, except that treaty Indian fishers possessing treaty rights under the Yakima Treaty may fish for foodfish as provided for in this section:

(1) Yakima River – From Horn Rapids Dam to Wapato Dam fishing is allowed 12:00 noon Wednesday to 6:00 p.m. Saturday of each week, April 8 through June 27, 1992. It is unlawful to place fishing platforms or to fish within 30 feet of any fish ladder, fishway or fish bypass pipe. It is unlawful to fish from any floating device.

(2) Klickitat River – From the Swinging Bridge (mile 1.5) to Fishway #5 (mile 2.2) fishing is allowed from 12:00 noon Wednesday to 6:00 p.m. Saturday of each week, April 8 through May 30, 1992. It is unlawful to place fishing platforms or to fish within 30 feet of any fish ladder, fishway or fish bypass pipe. It is unlawful to leave any net unattended if such net is in a fishing position.

(3) Icicle Creek – In waters bordering the property of the U.S. Fish and Wildlife National Fish Hatchery at Leavenworth fishing is allowed 9:00 p.m. Wednesday to 12:00 noon Saturday of each week, May 13 through June 27, 1992. It is unlawful to place fishing platforms or to fish within 30 feet of any fish ladder, fishway or fish bypass pipe. It is unlawful to fish from any floating device.

(4) Wind River –

(a) From the mouth to a marker 400 feet below Shipperd Falls, fishing is allowed 6:00 a.m. Monday to 6:00 p.m. Saturday of each week, April 1 through June 13, 1992.

(b) From a marker 200 feet above Shipperd Falls to the outlet stream of Carson National Fish Hatchery

fishing is allowed 6:00 a.m. Monday to 6:00 p.m. Saturday of each week from June 1 to June 27, 1992.

(5) Ringold Ponds - From a marker approximately 1/2 mile upstream of Spring Creek (hatchery rearing pond outlet) to a marker approximately 1/2 mile downstream of the Ringold wasteway outlet fishing is allowed 6:00 a.m. Monday through 6:00 p.m. Saturday of each week immediately through July 31, 1992. Fishing is allowed from the riverbank on the hatchery side of the Columbia River only. It is unlawful to fish from any floating device.

(6) During the fishing periods provided for in this section, fishing gear is limited to dipnets, set bag nets or rod and reel with bait or lures. It is unlawful to snag fish.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-32-05500A COLUMBIA RIVER AND TRIBUTARIES—SUBSISTENCE.

WSR 92-09-107

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed April 20, 1992, 4:40 p.m.]

Date of Adoption: April 13, 1992.

Purpose: To ensure compliance with RCW 42.17.250 - [42.17.]320, dealing with the Public Disclosure Act.

Citation of Existing Rules Affected by this Order: Amending WAC 308-10-005 Purpose, 308-10-010 Definitions, 308-10-015 Description of central and field organization of Department of Motor Vehicles, 308-10-020 Operations and procedures, 308-10-025 Public records available, 308-10-030 Public records officer(s), 308-10-040 Requests for public records, 308-10-045 Copying, 308-10-050 Exemptions, 308-10-055 Review of denials of public records requests, 308-10-060 Protection of public records, and 308-10-070 Communications with department.

Statutory Authority for Adoption: RCW 42.17.250.

Pursuant to notice filed as WSR 92-05-088 on February 19, 1992.

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

April 17, 1992

Ken Mark

Assistant Director

AMENDATORY SECTION (Amending Order MV 348, filed 12/24/75)

WAC 308-10-005 PURPOSE. The purpose of this chapter shall be to ensure compliance by the department of ~~((motor vehicles))~~ licensing with the provisions of ~~((sections 25-32, chapter 1, Laws of 1973 (Initiative 276);))~~ RCW 42.17.250-42.17.320, dealing with public records.

AMENDATORY SECTION (Amending Order MV 348, filed 12/24/75)

WAC 308-10-010 DEFINITIONS. (1) The definitions set forth in RCW 42.17.020 shall apply to this chapter.

(2) The "department of ~~((motor vehicles))~~ licensing" is the agency created pursuant to chapter 46.01 RCW. The department of ~~((motor vehicles))~~ licensing shall hereinafter be referred to as the department. Where appropriate, the term department also refers to the staff and employees of the department of ~~((motor vehicles))~~ licensing.

(3) "Director" means the director of the department of ~~((motor vehicles))~~ licensing as appointed by the governor pursuant to RCW 46.01.090.

(4) "Raw data" means facts, symbols, or observations which have all of the following characteristics:

(a) They have not been processed, edited or interpreted.

(b) They are unevaluated and unorganized.

(c) The fact, symbol, or observation does not, of itself, impart meaning to a potential user or fulfill a recognized need.

(d) To be useable the fact, symbol, or observation must go through some transformation process.

(5) "Information" means raw data that are organized, evaluative and interpreted to impart meaning to potential users and fulfill a recognized need.

(6) "Listing (list)" means a series of items of any kind including names, words or numbers no matter what the arrangement or purpose. When applied to the release of department record information it means the names of two or more individuals contained in:

- Data processing magnetic tapes
- Data processing print-outs 1, 2, 3, or 4 part utility paper or copies of such print-outs
- Data processing print-outs in the form of labels
- Computer data bases
- Any form of writing.

(7) "Tabulation" means the systematic arrangement of facts, statistics, and similar information, except the names of individuals, in column or table format.

(8) "Individual" means a natural person.

(9) "Commercial purpose" means ~~((the))~~ using ~~((of information obtained;))~~ or intending to use ~~((the))~~ information obtained, to contact or ~~((in some way))~~ personally affect an individual identified on ~~((the))~~ a list ~~((when the purpose of the contact would be))~~ to facilitate ~~((that person's (the requestor's)))~~ profit expecting business activity.

(10) "Profession," when applied to department records, or the release of department record information, means any state regulated business, profession or occupation administered by the assistant director, ~~((business and professions administration))~~ professional licensing services.

AMENDATORY SECTION (Amending Order MV 348, filed 12/24/75)

WAC 308-10-015 (~~DESCRIPTION OF CENTRAL AND FIELD ORGANIZATION OF THE DEPARTMENT OF MOTOR VEHICLES~~) LOCATION OF ADMINISTRATIVE OFFICE. The administrative office of the department and its staff are located in the Highways-Licenses Building, 1125 Washington Street Southeast, Olympia 98504. (~~The director of gambling activities and administrative staff are located in the Thurston County Courthouse Annex, Olympia 98504.~~ Department offices located in other cities are as follows:

CITY	SERVICES
Aberdeen 98520 2700 Simpson Ave.	Driver licensing examination
Anacortes 98221 402 Commercial	Driver licensing examination
Auburn 98002 909 "D" Street S.E.	Driver licensing examination
Bellevue 98007 513 - 156th Avenue S.E.	Driver licensing examination
Bellingham 98225 822 Alabama Street	Driver licensing examination
Bremerton 98310 4970 Auto Center Way	Driver licensing examination
Burien 98166 14635 - 9th Avenue S.E. Seattle	Driver licensing examination
Centralia 98531 112 Harrison	Driver licensing examination
Chelan 98816 313 Woodin Avenue P.O. Box 1298	Driver licensing examination
Clarkston 99403 733 - 5th Street	Driver licensing examination
Colfax 99111 No. 300 Mill Street	Driver licensing examination
Colville 99114 151 So. Oak Street	Driver licensing examination
Coulee Dam 99116 300 Lincoln - Room 101	Driver licensing examination
Ehensburg 98926 801 Ruby Street	Driver licensing examination
Ephrata 98823 3 Crest Drive	Driver licensing examination
Everett 98201 3531 Rucker Avenue	(a) Driver licensing examination (b) Driver improvement (analysts) (c) Gambling commission-law enforcement
Forks 98331 Almar Building	Driver licensing examination

CITY	SERVICES
Goldendale 98620 116 W. Main	Driver licensing examination
Greenwood 98103 320 No. 85th Seattle	(a) Driver licensing examination (b) Driver improvement (c) Dealer salesman license investigation (d) Fuel tax and prorate audit (e) Real estate division (f) Gambling commission-law enforcement
Kennewick 99336 2500 W. Kennewick	(a) Driver licensing examination (b) Dealer salesman license investigation
Longview 98632 773 - 3rd Avenue	(a) Driver licensing examination (b) Dealer salesman license investigation
Morton 98356 P.O. Box 774	Driver licensing examination
Moses Lake 98837 E. 500 Third Avenue	Driver licensing examination
Mount Vernon 98273 1413 E. College Way	Driver licensing examination
Okanogan 98840 121 Second Avenue N.W.	Driver licensing examination
Olympia 98504 715 E. 8th Street	Driver licensing examination
Port Angeles 98362 717 Peabody	Driver licensing examination
Port Townsend 98368 835 Washington Street	Driver licensing examination
Pullman 99163 980 So. Grand	Driver licensing examination
Puyallup 98371 1100 Meridian No.	Driver licensing examination
Raymond 98577 218 Commercial Street	Driver licensing examination
Renton 98055 800 Edmonds Avenue N.E.	Driver licensing examination
Republic 99166 Clark Avenue P.O. Box 637	Driver licensing examination
Ritzville 99169 102 East Main	Driver licensing examination
Seattle 98125 12535 - 15th Avenue N.E.	Driver licensing examination
Seattle 98104 Public Safety Building Third & James Streets	Research (S.A.F.E. project)

CITY	SERVICES
Shelton 98584 122 So. Third Street	Driver licensing examination
Spokane 99202 25 So. Ferrall	(a) Driver licensing examination (b) Gambling commission law enforcement
Spokane 99205 W. 528 Indiana Avenue	(a) Driver licensing examination (b) Driver improvement (c) Dealer salesman license investigation (d) Fuel tax and prorate audit
Sunnyside 98944 528 So. Seventh	Driver licensing examination
Tacoma 98408 6442 So. Yakima Avenue	(a) Driver licensing examination (b) Driver improvement (c) Dealer salesman license investigation (d) Gambling commission law enforcement
Tacoma 98407 2727 No. Pearl	Driver licensing examination
Vancouver 98661 915 MacArthur Blvd.	(a) Driver licensing examination (b) Driver improvement (c) Fuel tax and prorate audit
Walla Walla 99362 145 Jade Street	Driver licensing examination
Wenatchee 98801 1139 No. Princeton	Driver licensing examination
White Salmon 99672 P.O. Box 1136	Driver licensing examination
Yakima 98901 7 No. Ninth Street	(a) Driver licensing examination (b) Driver improvement (c) Dealer salesman license investigation (d) Fuel tax and prorate audit (e) Gambling commission law enforcement

All records of the department are maintained in the administrative office in Olympia.)

AMENDATORY SECTION (Amending Order MV 348, filed 12/24/75)

WAC 308-10-020 OPERATIONS AND PROCEDURES. (1) ~~((Basic organizational structure:))~~ The department is organized under a director, deputy director, and ~~((five))~~ six assistant directors. ~~((Through the director's policies and procedures,))~~ Each assistant director is delegated authority to act in a specific functional area.

The ~~((five))~~ six major functional components are: Vehicle services, driver services, ~~((business and professions administration, management operations))~~ professional licensing services, administrative services, business license services, and information ~~((systems))~~ services. ~~((All major functional areas main offices are located at the department's main administrative office. Field office locations are as noted in WAC 308-10-015.~~

(a) Office of the director:

~~((i))~~ (2) The director of the department is appointed by the governor, with consent of the senate, and holds office at the pleasure of the governor.

~~((ii))~~ (a) Subject to statutory limitations the director has complete charge of the department. ~~((He))~~ The director may delegate any power or duty vested in the office to any assistant or subordinate, but ~~((he))~~ remains responsible for the official acts of the officers and employees.

~~((iii))~~ (b) By the specific powers of legislation and delegation the director is charged with the responsibility and authority to act and direct in the following areas:

~~((A))~~ (i) Efficiently administer the laws pertaining to licensing and regulation of ~~((motor))~~ vehicles, vehicle operators, professions, occupations, real estate ~~((and))~~, securities, vessels, and businesses.

~~((B))~~ (ii) Adopt and enforce rules and regulations consistent with, and necessary to carry out, the provisions of existing laws.

~~((iv))~~ The director has delegated to the deputy director the responsibility for the management and control of internal operations of the department: (c) Each assistant director reports directly to the deputy director, unless ~~((prescribed))~~ otherwise ~~((on a specific condition or activity by the director. Resolution of issues, problems, and conditions will normally be handled at the deputy director level. When regulation is not apparent, such issues, problems, or conditions will be referred to the director for resolution.))~~ prescribed.

(d) Unless specifically delegated the director shall establish and maintain relationships with the state's executive offices, legislature, and other state agencies, other states and other states' agencies, agencies of the federal government, state and national associations, local and municipal governments, the real estate commission, and the press ~~((, will, unless specifically delegated, be led by the director)).~~

~~((v))~~ The director of the department employs a full time employee subject to approval of the gambling commission as director for gambling activities. The director for gambling activities is the administrator for the commission in carrying out its powers and duties. The gambling director, with the advice and approval of the commission, issues rules and regulations governing authorized activities and supervises assigned departmental employees. The director of the department also furnishes the administrative services and staff that are necessary to carry out the purposes and provisions of the law.

~~((vi))~~ (e) The director shall have direct authority over matters pertaining to public ~~((relations))~~ information, research, ~~((gambling,))~~ and legal ~~((problems are directly under the director's cognizance))~~ issues.

~~((b))~~ (3) The assistant director, vehicle services, has authority to act in the following areas ~~((subject to defined policies and procedures))~~:

- ~~((f))~~ (a) Administer laws pertaining to:
- ~~((A))~~ (i) Vehicle and vessel licensing and excise tax programs ~~((, including aircraft and pilot programs))~~;
- ~~((B))~~ (ii) Fuel tax programs ~~((:))~~;
- ~~((C))~~ (iii) Proration and reciprocity programs ~~((:))~~;
- ~~((D))~~ (iv) Vehicle and vessel dealer, ~~((salesman and))~~ manufacturer licensing and inspection programs ~~((:))~~; and

~~((E))~~ (v) Miscellaneous vehicle programs ~~((to include))~~ including: Transporters, wreckers, hulk haulers, abandoned vehicles, tow truck operators, scrap processors, snowmobile and ~~((ATV))~~ ORV vehicle dealers.

~~((ii))~~ (b) Adopt and enforce rules, regulations, and standards to carry out the provisions of existing law.

~~((iii))~~ (c) Administer the licensing functions of county auditors, licensing agents, and subagents, who have been appointed to act ~~((in the))~~ on behalf of the department.

~~((c))~~ (4) The assistant director, driver services, has authority to act in the following areas ~~((subject to defined policies and procedures))~~:

~~((f))~~ (a) Administer the laws pertaining to driver licensing, financial responsibility, driver improvement, and examining ~~((:))~~;

~~((ii))~~ (b) Adopt and enforce rules, regulations, and standards to carry out the provisions of existing law ~~((:))~~; and

~~((iii))~~ (c) Determine field office locations ~~((:))~~ and initiate property acquisition.

~~((d))~~ (5) The assistant director, ~~((business and professions administration))~~ professional licensing services, has authority to act in the following areas ~~((subject to defined policies and procedures))~~:

~~((f))~~ (a) Administer the laws pertaining to ~~((real estate, securities, and))~~ the following professions, occupations, and businesses:

- ~~((Animal technicians))~~
- Appraisers
- Architects
- Athlete agents
- Auctioneers
- Barbers
- ~~((Basic science~~
- ~~Charitable organizations~~
- ~~Chiropractors))~~
- Camping resorts
- Collection agencies
- Cosmetologists
- Debt adjusters
- ~~((Dentists~~
- ~~Dental hygienists~~
- ~~Drugless healers))~~
- Embalmers
- Employment agencies
- Engineers
- ~~((Land surveyors))~~
- Escrow
- Estheticians

- Firearm dealers
- Funeral directors
- ~~((Embalmers~~
- ~~Hearing aid dispensers))~~
- Land development
- Land surveyors
- Landscape architects
- ~~((Massage operators~~
- ~~Midwives))~~
- Manicurists
- Notaries public
- ~~((Nursing home administrators~~
- ~~Opticians~~
- ~~Optometrists~~
- ~~Osteopathic physicians~~
- ~~Osteopathic assistants~~
- ~~Physical therapists~~
- ~~Physician's assistants~~
- ~~Physicians and surgeons~~
- ~~Podiatrists~~
- ~~Practical nurses~~
- ~~Proprietary schools~~
- ~~Psychologists~~
- ~~Registered nurses~~
- ~~Sanitarians~~
- ~~Veterinarians))~~
- Real estate brokers and salespersons
- Private investigators
- Security guards
- Shorthand court reporters
- Timeshares

~~((ii))~~ In certain areas of professions and occupations, (i) The assistant director of ~~((business and professions administration))~~ professional licensing services helps administer the laws in conjunction with ~~((certain))~~ appointed boards, who exercise administrative functions. Those boards are as follows:

- Appraiser advisory committee
- Architects registration board
- ~~((Barber examining committee~~
- ~~Barber hearing board~~
- ~~Basic science committee~~
- ~~Chiropractic disciplinary board~~
- ~~Chiropractic examining board))~~
- Cemetery board
- Collection agency board
- Cosmetology ~~((examining))~~ advisory committee
- ~~((Cosmetology hearing board~~
- ~~Dental examining board~~
- ~~Dispensing opticians examining committee~~
- ~~Drugless therapeutics examining board))~~
- Employment agency advisory board
- Engineers & land surveyors registration board
- Escrow commission
- Funeral director/embalmer examining committee
- ~~((Hearing aid council))~~
- Landscape architects examining board
- ~~((Massage examining board~~
- ~~Medical disciplinary board~~
- ~~Medical examining board~~
- Nursing home administrators examining board

Optometry board
 Osteopathic examining committee
 Physical therapist examining committee
 Podiatry examining committee
 Practical nurse examining board
 Professional nurse registration board
 Proprietary school advisory committee
 Psychology examining board
 Registered sanitarian board
 Veterinary board of governors))
 Real estate commission
Shorthand court reporters advisory committee

(ii) Correspondence to these boards should be directed to the assistant director of ~~((business and professions administration. In addition, when a profession has no permanently appointed disciplinary board, one may be appointed pursuant to RCW 43.24.110))~~ professional licensing services.

~~((iii))~~ (b) Adopt and enforce the rules ((and)), regulations ((pertaining to professions, occupations, real estate, and securities)) and standards to carry out the provisions of existing laws.

~~((iv))~~ (c) Establish and maintain relationships with commissions, boards, societies, associations, and agencies both external and internal to this state in order to enhance the department's capability for recommending improvements in legislation, rules, or regulations relative to professions, occupations, or real estate((, or securities)).

~~((v))~~ (6) The assistant director, ((management operations)) administrative services, has authority to act in the following areas ((subject to defined policies and procedures)):

~~((i))~~ (a) Develop, promote, and direct department activities and programs which relate to:

~~((A))~~ (i) Budget and management systems((-));

~~((B))~~ (ii) Personnel and resource allocation;

~~((C))~~ (ii) Supply and equipment ((procedures:)) procurement;

~~((D))~~ (iii) Forms and record management((-));

~~((E) Fund allocation:))~~ (iv) Fiscal and revenue accounting;

~~((F))~~ (v) Contracts ((services:));

~~((G) Public relations.~~

(ii) (vi) Safety and risk management;

(vii) Facilities;

(viii) Mail operations;

(b) Organize, provide, and manage integrated staff services to best serve the overall interests of the department.

~~((f))~~ (7) The assistant director, information ((systems)) services, has the authority to act in the following areas ((subject to defined policies and procedures)):

~~((i))~~ (a) Develop, promote, coordinate, and direct department activities which relate to the automated processing of data.

~~((ii))~~ (b) Consult and work with other state agencies ((and the state data processing coordinating center)) in structuring and phase-in of inter-agency related programs.

~~((iii))~~ (c) Develop and implement a formal problem reporting system.

~~((2) Formal and informal proceedings:))~~ (8) The assistant director, business license services, has the authority to act in the following areas:

(a) Administer the laws pertaining to securities, uniform commercial code, business licensing and registration; and

(b) Adopt and enforce rules and regulations and standards to carry out the provisions of existing law;

(9) The department conducts informal and formal proceedings in areas of its statutory authority as related in WAC 308-10-020. These proceedings are governed by chapters ~~((34.04))~~ 34.05, 42.30 and 43.24 RCW, except that the denial, suspension, or revocation of drivers' licenses are not subject to provisions of chapter ~~((34.04))~~ 34.05 RCW, the Administrative Procedure Act, other than those actions taken pursuant to chapter 46.29 RCW. The department has adopted ~~((certain))~~ rules ~~((of procedure))~~ in Titles 308 and 460 WAC ~~((308-08-005 through 308-08-660. In addition, substantive rules relating to the department are contained in Title 308 WAC)).~~

AMENDATORY SECTION (Amending Order MV 348, filed 12/24/75)

WAC 308-10-025 PUBLIC RECORDS AVAILABLE. All public records of the department are deemed to be available for public inspection and copying during customary office hours pursuant to these rules, except as otherwise provided by ~~((section 31,))~~ chapter ~~((1, Laws of 1973,))~~ 42.17 RCW and WAC 308-10-050.

AMENDATORY SECTION (Amending Order MV 348, filed 12/24/75)

WAC 308-10-030 PUBLIC ~~((RECORDS))~~ DISCLOSURE OFFICER((S)). The department's public ~~((records))~~ disclosure officer shall be ~~((in the charge of the public records officers as))~~ designated by the director. The person~~((s))~~ so designated shall be located in the main administrative offices of the department. The public ~~((records))~~ disclosure officer((s)) shall be responsible for the following: The implementation of the department's rules and regulations regarding release of public records, coordinating the staff of the department in this regard, maintaining, keeping current, and publishing an index of all agency records ~~((as required by RCW 42-17.260 and WAC 308-10-065,))~~ and ~~((generally insuring))~~ ensuring compliance ((by the staff)) with the public records disclosure act requirements ~~((of chapter 1, Laws of 1973)).~~

AMENDATORY SECTION (Amending Order MV 348, filed 12/24/75)

WAC 308-10-040 REQUESTS FOR PUBLIC RECORDS. In accordance with requirements of chapter ~~((1, Laws of 1973))~~ 42.17 RCW, 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 may be inspected or copied or copies of such

records may be obtained, by members of the public, upon compliance with the following procedures:

(1) A request shall be made in writing upon a form prescribed by the department which shall be available at its administrative office. The form shall be presented to any member of the department staff designated by the responsible ~~((public records officer))~~ assistant director to receive requests, at the administrative office of the department 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) A reference to the requested record as it is described in the current department record index.

Note: If the material is not identifiable by reference to the department's current index, an accurate description of the record is requested.

(e) The signature and other identifying information of the ~~((requestor))~~ requester.

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the staff member to whom the request is made to assist the member of the public in appropriately identifying the public record requested.

(3) Persons authorized by law to obtain lists of names of individuals from public records will be required to complete a statement agreeing not to release or use the information for commercial purposes.

AMENDATORY SECTION (Amending Order MV 348, filed 12/24/75)

WAC 308-10-045 COPYING. No fee shall be charged for the inspection of public records. The department shall charge a fee in the amount necessary to reimburse the department for its actual costs incident to providing copies of public records. The schedule of charges is:

ITEM	FEE
Abstract of driving record	((\$1.50)) <u>\$4.50</u>
Application for license for hulk hauler, scrap processor, snowmobile dealer, ((ATV)) <u>ORV</u> dealer, <u>vessel dealer</u> or transporter	\$2.00
Bond copies (dealer and manufacturer)	\$2.00
Copies produced on copying and duplicating equipment	((25)) <u>10</u> cents per page
Evidence of ability to respond to damages (financial responsibility)	((\$1.50)) <u>\$4.50</u>
((Letter of certification to accompany copy of record or document	\$2.00))

ITEM	FEE
<u>Computer generated listing, magnetic tapes, or labels</u>	Cost of services ((plus 40% for overhead))
<u>Microfilm copies</u>	<u>75 cents per page</u>
((Motor)) <u>Vehicles record lookups - requests for lookup on one vehicle</u>	\$2.00 per lookup
((Motor)) <u>Vehicle record lookups - listings</u>	\$2.00 per lookup up to 10. \$.20 per lookup for each lookup over 10 in any single request
((Motor)) <u>Vehicle certificate of title, photo enlargement of microfilm record, and microfiche</u>	\$1.50 per photograph
Postal charges	((With)) <u>May</u> be added to any copy of a public record if applicable
<u>UCC certificate of information</u>	<u>\$7.00 each</u>
<u>UCC certificate of information and financing statement</u>	<u>\$12.00 each</u>
Vehicle disposer fee schedule	\$2.00 each
Vehicle disposer insurance policy	\$2.00 each
Wrecker and disposer licensee bond application	\$2.00 each

AMENDATORY SECTION (Amending Order MV 348, filed 12/24/75)

WAC 308-10-050 EXEMPTIONS. (1) The department reserves the right to determine that a public record ~~((in accordance with the procedures outlined in WAC 308-10-040))~~ requested is exempt under the provisions of ~~((section 31, chapter 1, Laws of 1973,))~~ RCW 42.17.310 or other law.

(2) In addition, pursuant to ~~((section 26, chapter 1, Laws of 1973,))~~ RCW 42.17.260, the department reserves the right to delete identifying details when it makes available or publishes any public record, in any cases when there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter ~~((1, Laws of 1973. The public records officer will fully justify such deletion in writing))~~ 42.17 RCW. The department shall identify and explain in writing any deletion of information from any public record.

(3) All denials of requests for public records must be accompanied by a written statement specifying the reason for the 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.

AMENDATORY SECTION (Amending Order MV 348, filed 12/24/75)

WAC 308-10-055 REVIEW OF DENIALS OF PUBLIC RECORDS REQUESTS. (1) Upon any denial of a request for a public record, the public ((records)) disclosure officer or staff member who denied the record shall initiate a prompt review of the decision by referring the request and denial to the director of the department or ((his)) designee. The director or ((his)) designee shall immediately consider the matter and either affirm or reverse such denial or call a specific meeting of the department as soon as legally possible to review the denial. In any case, the request shall be returned with a final decision within two business days following the original denial.

(2) Administrative remedies shall not be considered exhausted until the department has returned the review of a denial with a decision or until the close of the second business day following denial of inspection, whichever occurs first.

AMENDATORY SECTION (Amending Order MV 348, filed 12/24/75)

WAC 308-10-060 PROTECTION OF PUBLIC RECORDS. The department is primarily a licensing agency. The records consist mainly of operational files that are subject to high usage. In order to ((insure)) ensure that essential functions of the agency are continually carried out, and the public records are not damaged, altered, disorganized, or lost, access to the record storage areas is restricted. Public records will be inspected in the ((administrative)) offices in which they are filed and maintained. Inspection shall be in the presence of ((the)) an authorized department staff employee. Inspection shall be denied and the records will be withdrawn if the individual inspecting the records is doing so in a manner to damage, alter, or substantially disorganize them. Inspection shall be denied and records withdrawn if the individual inspecting the records attempts to remove them from the prescribed location or is excessively interfering or will unduly interfere with other essential functions of the department.

AMENDATORY SECTION (Amending Order MV 348, filed 12/24/75)

WAC 308-10-070 COMMUNICATIONS WITH DEPARTMENT. All written communications with the department pertaining to the administration or enforcement of ((chapter 1, Laws of 1973,)) chapter 42.17 RCW and these rules shall be addressed as follows: Department of ((Motor Vehicles)) Licensing, c/o Public ((Records)) Disclosure Officer, Office of Budget and Program Support Highways-Licenses Building, ((Olympia 98504)) 1125 Washington Street S.E., Olympia, WA 98504-8001.

WSR 92-09-108**WITHDRAWAL OF PROPOSED RULES
STATE BOARD OF EDUCATION****(By the Code Reviser's Office)**

[Filed April 21, 1992, 8:37 a.m.]

WAC 180-78-200, proposed by the State Board of Education in WSR 91-20-152, appearing in issue 91-20 of the State Register, which was distributed on October 16, 1991, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
Washington State Register

WSR 92-09-109**WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF HEALTH****(By the Code Reviser's Office)**

[Filed April 21, 1992, 8:38 a.m.]

WAC 246-828-005, proposed by the Department of Health in WSR 91-20-167, appearing in issue 91-20 of the State Register, which was distributed on October 16, 1991, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
Washington State Register

WSR 92-09-110**WITHDRAWAL OF PROPOSED RULES
BUILDING CODE COUNCIL****(By the Code Reviser's Office)**

[Filed April 21, 1992, 8:39 a.m.]

WAC 51-20-0419, 51-20-0504, 51-20-0516, 51-20-0554, 51-20-0555, 51-20-0610, 51-20-1216, 51-20-1251, 51-20-3200, 51-20-3207, 51-20-3305, 51-20-91200, 51-20-91223, 51-20-91224, 51-20-91225, 51-20-91226, 51-20-91227, 51-20-91228, 51-20-91229, 51-20-91230, 51-20-91231, 51-20-91232, 51-20-91233 and 51-20-91234, proposed by the Building Code Council in WSR 91-20-175, appearing in issue 91-20 of the State Register, which was distributed on October 16, 1991, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
Washington State Register

WSR 92-09-111
NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE UNIVERSITY
[Memorandum—April 16, 1992]

Washington State University hereby gives notice that it has cancelled its regular meeting of the board of regents currently scheduled for Friday, August 14, 1992, at Vancouver.

WSR 92-09-112
PROPOSED RULES
SECRETARY OF STATE
[Filed April 21, 1992, 10:28 a.m.]

Supplemental Notice to WSR 91-23-097.

Title of Rule: Elections procedure changes.

Purpose: Implement the provisions of chapter 59, Laws of 1990, providing for the unification and simplification of election laws.

Statutory Authority for Adoption: Chapter 59, Laws of 1990.

Summary: These rules are intended to facilitate the conduct of elections. The rules describe functions and procedures required by and surrounding the election process.

Name of Agency Personnel Responsible for Drafting: David M. Elliott and John J. Pearson, Olympia, 753-2336; Implementation and Enforcement: Ralph Munro, Olympia, 753-7121.

Name of Proponent: Office of the Secretary of State.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These rules will facilitate the conduct of elections. These rules will clarify and describe the process and procedures used in elections.

Proposal Changes the Following Existing Rules: Some existing rules are amended to conform with statutory changes.

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

Hearing Location: Office of the Secretary of State, on June 1, 1992, at 10:00 a.m.

Submit Written Comments to: Ralph Munro, Secretary of State, P.O. Box 40229, Olympia, WA, by May 15.

Date of Intended Adoption: June 2, 1992.

April 20, 1992
Donald F. Whiting
Assistant Secretary of State

AMENDATORY SECTION (Amending Order 84-2, filed 7/16/84)

WAC 434-28-012 DECLARATION ((AND AFFIDAVIT)) OF CANDIDACY—OFFICES SUBJECT TO A PRIMARY. Declarations ((and affidavits)) of candidacy for all partisan and nonpartisan offices shall be filed in substantially the following form:

((DECLARATION AND AFFIDAVIT OF CANDIDACY

I, _____
(print name as you are registered to vote)
am a registered voter residing at:

2. _____ (street address or rural route) _____ (telephone no.)
_____, Washington _____
(city) _____ (county) _____ (zip code)
and at the time of filing this declaration I am legally qualified to assume office if elected.

3. I declare myself as a candidate for nomination to the office of: _____
(name of office)

_____ (congressional or legislative district, county, city, or other jurisdiction)

_____ (position number if applicable) _____ (director or commissioner district, if any)

4. For the following term of office:
 a full term or a full term and a short term, or
 an unexpired term

5. At the primary in September, 19____

6. This office is:
 Nonpartisan, or
 Partisan, and I am:
 a candidate of the _____ party, or
 an independent candidate nominated pursuant to chapter 29-24 RCW

7. Filing Fee (Check one):
 There is no filing fee because the office has no fixed annual salary, or
 I am submitting a filing fee of \$_____, an amount equal to 1% of the annual salary, or
 I am without sufficient assets or income to pay the filing fee required by law and I have attached a nominating petition in lieu of this fee, pursuant to RCW 29.18.050

8. Please print my name on the ballot exactly as follows: _____
(please print)

I swear, or affirm, that this information is, to the best of my knowledge, true. I also swear, or affirm, that I will support the Constitution and laws of the United States and the Constitution and laws of the State of Washington.

9. Sign Here _____
(signature of candidate as registered to vote)

*Note: Your signature must be personally witnessed by either a notary public or by the officer with whom the declaration is filed.
Subscribed and sworn before me this _____ day of _____, 19____

_____,
(signature of acknowledging official)
_____,
(title of acknowledging official))

FILING DATA . . . FOR OFFICE USE ONLY			
Date _____	Fee Paid \$ _____	File No. _____	
	Paid By (Check one)		
<input type="checkbox"/> AM	<input type="checkbox"/> Check	<input type="checkbox"/> Other	
<input type="checkbox"/> PM	<input type="checkbox"/> Cash	<input type="checkbox"/> Nom. Petition	Clark/Cashier initials _____

DECLARATION OF CANDIDACY

1. I, _____ am a registered voter residing at:

(PRINT NAME AS YOU ARE REGISTERED TO VOTE)

2. _____

(STREET ADDRESS OR RURAL ROUTE)

(TELEPHONE NUMBER)

(MAILING ADDRESS--IF DIFFERENT)

_____, Washington _____

(CITY)

(COUNTY)

(ZIP CODE)

and at the time of filing this declaration I am legally qualified to assume office if elected.

3. I declare myself as a candidate for nomination to the office of:

(NAME OF OFFICE)

(CONGRESSIONAL OR LEGISLATIVE DISTRICT, COUNTY, CITY, OR OTHER JURISDICTION)

(POSITION NUMBER IF APPLICABLE)

(DIRECTOR OR COMMISSIONER DISTRICT, IF ANY)

4. For the following term of office:

- a full term or a full term and a short term, or
- an unexpired term

5. This office is:

- Nonpartisan, or
- Partisan, and I am: a candidate of the _____ party, or
- an independent candidate nominated pursuant to chapter 29.24 RCW

6. Filing Fee (Check one):

- There is no filing fee because the office has no fixed annual salary, or
- I am submitting a filing fee of \$10 because the fixed annual salary of the office being sought is \$1,000 or less, or
- I am submitting a filing fee of \$ _____, an amount equal to 1% of the annual salary, or
- I am without sufficient assets or income to pay the filing fee required by law and I have attached a nominating petition in lieu of this fee, pursuant to RCW 29.18.050.

7. Please print my name on the ballot exactly as follows: _____

(PLEASE PRINT)

I declare that this information is, to the best of my knowledge, true. I also swear, or affirm, that I will support the Constitution and laws of the United States and the Constitution and laws of the State of Washington.

Note: Your signature must be personally attested to by either a notary public or by the officer with whom the declaration is filed.

8. Sign Here **X** _____

(SIGNATURE OF CANDIDATE AS REGISTERED TO VOTE)

(SIGNATURE OF ACKNOWLEDGING OFFICIAL)

(TITLE OF ACKNOWLEDGING OFFICIAL)

Candidate: Return all copies of this declaration to your Elections Dept.
Distribution by Elections Dept: White--County; Yellow--PDC; Pink--Candidate

Candidate: Return all copies of this declaration to ((your Elections Dept)) the filing officer. Distribution by ((Elections Dept:)) the filing officer: White-County; Yellow-PDC; Pink-Candidate

The forms shall measure eight and one-half inches by eleven inches and ((may)) be printed on paper stock of good quality. The form shall also contain space for recording the date and time of filing and a sequential filing and receipt number. One copy of each properly executed and filed declaration and affidavit of candidacy shall be forwarded to the public disclosure commission as required by RCW ((29.18.040:)) 29.15.030, and one copy of each properly executed and filed declaration and affidavit of candidacy ((containing such information on the requirements of chapter 42.17 RCW as may be provided by resolution of the public disclosure commission;)) shall be returned to the candidate.

AMENDATORY SECTION (Amending Order 84-2, filed 7/16/84)

WAC 434-28-020 DECLARATION OF CANDIDACY-PRECINCT ((COMMITTEEMAN)) COMMITTEE OFFICER. Declarations ((and affidavits)) of candidacy for the office of precinct ((committeeman)) committee officer, shall be filed in ((the form hereinafter set forth)) substantially the following form:

DECLARATION ((AND AFFIDAVIT)) OF CANDIDACY

State of Washington }
County of } ss.

I, (Name as it will appear on ballot), declare that I am a registered voter residing at (Street and Number or Rural Route), (City or Town), County of, state of Washington; that, at the time of filing this declaration, I am a registered voter in precinct and that I am legally qualified to assume office if elected; that I hereby declare myself a candidate for the office of precinct ((committeeman)) committee officer to be elected at the general election to be held on the day of November, 19.., and hereby request that my name be printed upon the official general election ballots as a candidate of the party, and:

I accompany herewith the sum of dollars, the fee required by law of me for becoming a candidate((-or))

AFFIDAVIT

FURTHER, I ((do solemnly swear, or affirm)) declare, under penalty of perjury, that I will support the Constitution and laws of the United States and the Constitution and laws of the state of Washington.

(Signature of candidate)

((Subscribed and sworn to before me this day of, 19..))

(Signature of acknowledging official)

(SEAL)

(Title of acknowledging official))

The forms shall measure eight and one-half inches by eleven inches and be printed on paper stock of ((twenty pound bond or a comparable substitute)) good quality. The form may also contain space for recording the date and time of filing, a receipt number, if applicable, and a sequential filing number. County auditors may design and use a declaration of candidacy different in form and style from that specified by this rule as long as it contains all of the information required by this rule.

NEW SECTION

WAC 434-28-050 USE OF TITLE OR RANK PROHIBITED. No person when filing for office shall be permitted to use any title instead of, or in conjunction with, his or her name, except as may be provided by law or administrative rule.

NEW SECTION

WAC 434-28-060 DUPLICATION OF NAMES. Whenever, in the judgment of the filing officer, two or more candidates have filed for the same office whose names are so similar as to be confusing to voters,

he or she shall differentiate between the candidates by the inclusion of additional information in connection with the name as it appears on the ballot. Such differentiation may be made by the inclusion of the candidate's occupation, status as incumbent or challenger, or by any other means which, in the judgment of the filing officer, fairly and impartially distinguishes the candidates. The filing officer may solicit suggestions and input from the candidates involved in order to resolve the situation.

Chapter 434-34 WAC
ELECTRONIC VOTING REQUIREMENTS

NEW SECTION

WAC 434-34-010 CERTIFICATION OF VOTE TALLYING EQUIPMENT. All voting systems, voting devices, and vote tallying systems must be certified and approved by the secretary of state before they can be used or sold in Washington state. In order for a system to be certified in Washington state it must meet the Federal Elections Commission Standards, must comply with Washington state law, and must be certified and in use in at least one other state.

NEW SECTION

WAC 434-34-015 APPLICATION FOR CERTIFICATION. A vendor may apply to the secretary of state at any time during the year. However, certification examinations and hearings will only be performed in the period between the end of the legislative session and August 15th of each year. The application shall include at least the following information:

- (1) Information about the vendor, location, customer lists, and product lists.
(2) Information about the product that is being reviewed, version numbers, release numbers, operating and maintenance manuals, training materials, technical and operational specifications, installed customer lists, etc.
(3) The vendor shall include certification documents for all other states that have certified the equipment.
(4) The vendor shall provide reports for all tests conducted, on the product being reviewed for certification, by any independent testing authority or laboratory. The independent authority must meet the criteria established by the Federal Elections Commission for such agents.
(5) The vendor shall provide documentation proving that the product meets the Federal Elections Commission Voting Equipment guidelines.
(6) The vendor shall identify what portion of the software remains proprietary.
(7) A monetary deposit as described in WAC 434-34-025.

NEW SECTION

WAC 434-34-020 ADDITIONAL INFORMATION AND EQUIPMENT REQUIRED. The vendor shall provide a working model of the equipment that is being reviewed to the secretary of state for the duration of the review. The secretary of state may, at the expense of the vendor, contract with independent testing authorities or laboratories, experts in mechanical engineering, electrical engineering, or data processing while examining the equipment.

NEW SECTION

WAC 434-34-025 VENDOR DEPOSIT FOR EXAMINATION EXPENSES. The vendor shall pay the secretary of state a deposit to reimburse the cost of any contract for consultation or any other unrecoverable costs associated with the examination of a voting system or component.

NEW SECTION

WAC 434-34-030 EXAMINATION OF EQUIPMENT. Only after the secretary of state has received a completed application from the vendor may an examination begin. The examination consists of a series of functional application tests designed to insure that the system or equipment meets all guidelines and laws. The examination may include an additional independent testing authority test if the secretary of state is not satisfied with the documentation made available by the vendor. The examination shall include the set-up and conduct of two mock elections. The vendor shall provide ballot materials and programming to create these elections.

(1) The first election shall replicate an even year primary, to test the use of rotation.

(2) The second election shall replicate an odd year general election, to test the use of split precincts.

Both elections shall feature at least ten precincts with at least ten ballots in each precinct.

NEW SECTION

WAC 434-34-035 PUBLIC HEARING. Only after the secretary of state is satisfied that the equipment being examined meets all of the guidelines for certification shall a public hearing be scheduled. The public hearing will be scheduled at the convenience of the secretary of state. At the hearing the vendor will be expected to demonstrate the equipment and explain its function. The vendor will be expected to answer questions from the secretary of state staff as well as any other persons in attendance. The vendor may be asked to submit answers in writing if the secretary of state is not satisfied with the completeness of answers given at the hearing.

NEW SECTION

WAC 434-34-040 ISSUANCE OF CERTIFICATION. After the secretary of state is satisfied that the system meets all requirements, a report or certification will be issued. If the system fails to meet any of the requirements, the vendor will be notified and given thirty days to submit an improved version of the system. The improved version will be tested as if it had not been seen by the office of the secretary of state before.

NEW SECTION

WAC 434-34-045 MODIFICATION OF CERTIFIED EQUIPMENT, GUIDELINES FOR RE-EXAMINATION. Any modification, change, or improvement to a voting system or component that impairs its accuracy, efficiency, or capacity or extends its function may require examination or certification before it may be used or sold in Washington state.

NEW SECTION

WAC 434-34-050 APPLICATION FOR CERTIFICATION OR EXAMINATION OF MODIFIED VOTING SYSTEMS OR DEVICES. A vendor may apply to the secretary of state for the review of a modification of an existing certified system at any time during the year. Evaluation of the need for recertification or examination will occur at the convenience of the secretary of state. If possible the secretary of state will focus review and examination on the modified component of the equipment or system. If the system, or its component, is found to be sufficiently modified that it requires examination or recertification, the process for original certification shall be followed. Certification examinations and hearings will only be performed in the period between the end of the legislative session and August 15th of each year. The application for examination of a modification shall include at least the following information:

(1) Information about the vendor, location, customer lists, and product lists.

(2) Information about the product that is being reviewed, version numbers, release numbers, operating and maintenance manuals, training materials, technical and operational specifications, installed customer lists, etc.

(3) The vendor shall include certification documents for all other states that have certified the equipment.

(4) The vendor shall provide reports for all tests conducted, on the product being reviewed for certification, by any independent testing authority or laboratory. The independent authority must meet the criteria established by the Federal Elections Commission for such agents.

(5) The vendor shall provide documentation proving that the product meets the Federal Elections Commission Voting Equipment guidelines.

(6) A document prepared by the vendor that describes in complete operational and technical detail all differences between the originally certified equipment or system and the modified equipment or system.

(7) The vendor shall identify what portion of the software remains proprietary.

(8) A monetary deposit as described in WAC 434-34-025.

NEW SECTION

WAC 434-34-055 ACCEPTANCE TESTING OF VOTING SYSTEMS AND EQUIPMENT. Whenever a county acquires a new system or an upgrade to an existing system that has been certified by the secretary of state, the county must perform acceptance tests of the equipment before it may be used to count votes at any election. The equipment must be operating correctly, pass all tests and must be identical to the equipment certified by the secretary of state. The minimum testing standards are described as follows:

(1) The model number, version number, release number, and any other number, name or description that identifies the product must be the same as the identifying numbers for the product that has been certified by the secretary of state.

(2) The county must receive all manuals, and training necessary for the proper operation of the system.

(3) The county shall perform a series of functional and programming tests that will test all functions of the ballot counting system. This must include processing a substantial number of test ballots of various prepunch or ballot codes, including split precincts, rotated races, multiple candidates, precinct committee officer local races, cumulative reports, precinct reports, canvass reports, and any other tests the county elections authority finds necessary.

NEW SECTION

WAC 434-34-060 INCLUSION OF THE FEDERAL ELECTION COMMISSION STANDARDS FOR VOTING EQUIPMENT. The Federal Election Commission standards concerning voting systems and software escrow are hereby included by reference except where otherwise modified by these rules and the Revised Code of Washington.

NEW SECTION

WAC 434-34-065 LOGIC AND ACCURACY TEST CONDUCT. The county shall provide adequate personnel to properly operate the ballot counting equipment. Whenever possible, the equipment should be operated by the same persons who will be conducting the actual ballot count on election day. At the scheduled time the test decks shall be run through the ballot counting system and ballot results produced. The results shall then be compared with the preaudit expected results. If any error is detected, the cause shall be determined and corrected, and an errorless total produced before the primary or election.

NEW SECTION

WAC 434-34-070 LOGIC AND ACCURACY TEST OBSERVERS. The logic and accuracy test shall be observed by at least one representative of each major political party, if representatives have been appointed by the parties and are present at the test. The observers shall be instructed as election observers, by the county auditor, prior to observing an election. The logic and accuracy test shall be open to candidates, the press, and the public. If a party observer hinders or disturbs the L & A process, the county election authority may remove that observer from the test area. The observer may also be barred from future tests.

NEW SECTION

WAC 434-34-075 LOGIC AND ACCURACY TESTING OF VOTING SYSTEMS AND EQUIPMENT—STATE PRIMARY AND GENERAL ELECTION. At least three days before each state primary or general election the programming for each vote tallying system to be used at that primary or election shall be tested by the office of the secretary of state. The test should verify that the system will correctly count the votes cast for all candidates and all measures appearing on the ballot. The test shall be conducted by processing a preaudited group of ballots, marked with a predetermined number of votes, for each candidate and for or against each measure. For each office where there are two or more candidates and for each measure there will be an undervote and overvote.

NEW SECTION

WAC 434-34-080 LOGIC AND ACCURACY TEST DECK PREPARATION—STATE PRIMARY AND GENERAL ELECTION. The test deck or decks used for the official logic and accuracy

test may be prepared by either the office of the secretary of state, the county, or the vendor. Information describing the candidates, offices, ballot formats, ballot positions, pages applicable or planning matrix, accurate list of prepunches, list of the number of appearances of each office and each rotation, and all other information required to create the test decks must be available to the office of the secretary of state at the very latest by the 30th day prior to the primary or election. If a county is delayed due to complications related to lawsuits or late filing periods, the county should advise the office of the secretary of state before the 30th day prior to the primary or election.

NEW SECTION

WAC 434-34-085 LOGIC AND ACCURACY TEST SCHEDULING AND PREPARATION—STATE PRIMARY AND GENERAL ELECTION. Prior to each state primary and general election the office of the secretary of state will prepare a schedule of logic and accuracy tests. The office of the secretary of state will notify each county of the date and time of their test at least two weeks before the test. The county is responsible for preparing the counting system and testing it before the actual logic and accuracy test. The ballot counting system shall be one hundred percent programmed, tested and functional before the official logic and accuracy test. The county shall notify the parties, the press, the public, and candidates of the date and time of the test.

NEW SECTION

WAC 434-34-090 LOGIC AND ACCURACY TEST CERTIFICATION—STATE PRIMARY AND GENERAL ELECTION. The secretary of state, the county auditor, and any political party observers shall certify that the test has been conducted in accordance with RCW 29.34.163. Copies of this certification shall be retained by the secretary of state and the county auditor. All programming materials, test results, and test ballots shall be securely sealed until the day of the primary or election.

NEW SECTION

WAC 434-34-095 LOGIC AND ACCURACY TESTING OF VOTING SYSTEMS AND EQUIPMENT—SPECIAL ELECTIONS. At least three days before each special election the programming for each vote tallying system to be used at that election shall be tested for logic and accuracy. The test should verify that the system will correctly count the votes cast for all candidates and all measures appearing on the ballot. The test shall be conducted by processing a preaudited group of ballots, marked with a predetermined number of votes, for each candidate and for or against each measure. For each office where there are two or more candidates and for each measure there will be an undervote and overvote.

NEW SECTION

WAC 434-34-100 LOGIC AND ACCURACY TEST DECK PREPARATION—SPECIAL ELECTIONS. The test deck or decks used for the official logic and accuracy test will be prepared by the county elections office.

NEW SECTION

WAC 434-34-105 LOGIC AND ACCURACY TEST SCHEDULING AND PREPARATION—SPECIAL ELECTION. The county is responsible for preparing the counting system and testing it before the actual logic and accuracy test. The ballot counting system shall be one hundred percent programmed, tested, and functional before the official logic and accuracy test. The county shall notify the parties, the press, the public, and candidates of the date and time of the test.

NEW SECTION

WAC 434-34-110 LOGIC AND ACCURACY TEST CERTIFICATION—SPECIAL ELECTION. The county auditor, and any political party observers shall certify that the test has been conducted in accordance with RCW 29.34.163. Copies of this certification shall be retained by the county auditor. All programming materials, test results, and test ballots shall be securely sealed until the day of the primary of election.

NEW SECTION

WAC 434-34-115 LOGIC AND ACCURACY TESTS FOR DIRECT RECORDING ELECTRONIC EQUIPMENT. Direct recording electronic (DRE) voting equipment shall be tested for logic and accuracy. Counties using DRE equipment must fully test each voting device to see that it is fully functional including tests of all mechanical and electronic circuits. This testing must be documented as part of the logic and accuracy test procedure. For the state primary and general election, the office of the secretary of state will perform a test of the vote tallying capabilities of the DRE system. For special elections the county will perform a test of the vote tallying capabilities of the DRE system. Observers may attend the logic and accuracy test in accordance with WAC 434-34-090. Following the test the DRE machines shall be sealed and the seals shall remain unbroken until election day.

Chapter 434-53 WAC THE POLLING PLACE—BEFORE, DURING, AND AFTER THE ELECTION

NEW SECTION

WAC 434-53-010 ACTIVITIES PROHIBITED WITHIN THE POLLING PLACE. The county auditor shall ensure that all precinct election officers receive instruction regarding activities that are not permitted within the polling place, including electioneering, circulation of campaign material, soliciting petition signatures, or impeding the voting process. Whenever it is necessary to maintain order within the polling place and the surrounding environs, the inspector may, if circumstances warrant and if the means to do so are available, contact the county auditor, who shall determine the corrective action required. Such corrective action may include contacting a law enforcement agency for their assistance.

NEW SECTION

WAC 434-53-020 ELECTION SUPPLIES—POLLING PLACE. Polling places shall be provided, at a minimum, with the following supplies at every election:

- (1) Precinct list of registered voters or a poll book, which shall include suitable means to record the signature and address of the voter;
- (2) Inspector's poll book;
- (3) Required oaths/certificates for inspectors and judges;
- (4) Sufficient number of ballots as determined by election officer;
- (5) Ballot containers;
- (6) United States flag;
- (7) Instruction signs for voters;
- (8) Challenge/questioned ballot envelopes;
- (9) Cancellation cards due to death;
- (10) Voting equipment instructions;
- (11) Procedure guidelines for inspectors and judges and/or precinct election officer guidebooks;
- (12) Keys and/or extra seals;
- (13) Pay voucher;
- (14) Ballots stub envelope (purpose of audit trail).

NEW SECTION

WAC 434-53-030 SECURING THE BALLOT BOX. After the ballot box is determined to be empty it shall be locked or sealed with a numbered seal as directed by the county auditor. If a lock is used, the key shall be retained by the inspector or the numbered seal shall remain on the ballot box until it is opened following the closing of the polls or to permit the early tabulation of paper ballots or the early pickup and transfer of ballots to the counting center.

NEW SECTION

WAC 434-53-040 VERIFICATION OF VOTER'S NAME. All voters must provide their names to the precinct election officers so that verification can be made that the voter's name appears in the poll book or precinct list of registered voters. Upon verifying that the voter's name is in the poll book or precinct list of registered voters (hereafter referred to as list) any precinct election officer may challenge that voter's right to vote, as provided by law. If no challenge is made, the voter shall be issued a ballot and the sequence number of the ballot issued recorded next to the voter's name.

NEW SECTION

WAC 434-53-050 VOTER UNABLE TO SIGN NAME—AUTHORITY TO VOTE. Whenever a registered voter's name appears in the poll book or list but the voter is unable to sign his/her name, the voter shall be provided a questioned ballot. The questioned ballot shall be processed in the same manner as other questioned ballots.

NEW SECTION

WAC 434-53-060 CREDIT FOR VOTING. All voters who are issued a ballot shall be credited for participating in that primary or election by an appropriate notation in the poll books. The county auditor shall ensure that each person for whom a notation appears in the precinct list of registered voters receives credit for voting on his or her permanent registration record.

NEW SECTION

WAC 434-53-070 ACCOUNTING FOR BALLOT STUB. Before any ballot is placed in the ballot box the numbered ballot stub must be recorded, and then removed and kept by the precinct election officer. All stubs shall be returned to the county auditor's office with all other election material. The stubs shall be retained with other election material.

NEW SECTION

WAC 434-53-080 VOTER LEAVING POLLING PLACE WITHOUT VOTING. Whenever it is noted by a precinct election officer that a voter has been issued a ballot and leaves a polling place without returning the ballot, a notation shall be made in the poll book or list along with the ballot stub number of the ballot issued.

NEW SECTION

WAC 434-53-090 DESIGNATION OF POLL WATCHERS. All persons designated as poll watchers by any political party or committee shall be so designated in writing by the party or committee. Such designation shall be signed by an appropriate officer of the party or committee. The auditor may require that a copy of this designation be filed with his or her office not later than the day prior to the primary or election and shall, whenever possible, ensure that a copy of the designation is provided to each affected polling place inspector. The inspector shall ensure that poll watchers have access to a record of who has voted but shall also ensure that absolutely no interference with voting takes place.

NEW SECTION

WAC 434-53-100 ELECTRONIC VOTING DEVICES—IDENTIFIED FOR SPECIFIC CANDIDATES OR MEASURES. In those counties using electronic voting devices and a separate ballot, and where not all voters within a precinct or polling place are entitled to vote on all candidates or measures appearing on the ballot in that precinct or polling place, the voter shall be directed to a voting device where the ballot contains only the appropriate offices and measures. Unless otherwise provided by law or these rules, if the ballots are segregated by the use of a pre-punch or other machine-readable code, the voter may be directed to any voting device provided, the pre-punch or code is designed to permit the tabulation of only those responses for which the voter was entitled to vote. Instructions shall be provided to the voter by identifying in each device which ballot pages or sections of ballot pages are applicable to the various ballot codes assigned to the voting device.

NEW SECTION

WAC 434-53-110 EXAMINATION OF VOTING DEVICES. Precinct election officers charged with periodically examining the voting devices to ensure that they have not been tampered with shall do so at least once every hour while the polls are open.

NEW SECTION

WAC 434-53-120 SPOILED BALLOT PROCEDURES. If the voter spoils his or her ballot by mis-marking it or otherwise damaging the ballot in such a way that it cannot be accurately tabulated to reflect the voter's intent, the voter shall return the spoiled ballot to the precinct election officer. The precinct election officer shall then render

the spoiled ballot unusable, make the appropriate notation on the poll book or list, and issue the voter a new ballot or ballot card. Spoiled ballots shall be clearly identified as such, and returned to the county auditor in a manner which permits the segregation of such ballots from other ballots. Precinct election officers shall ensure that an adequate audit trail exists for all spoiled ballots.

NEW SECTION

WAC 434-53-130 ASSISTANCE TO VOTERS. Where it appears in the judgment of the inspector that a particular voter is having difficulty casting his/her vote, and as a result, is impeding other voters from voting, the inspector may provide assistance to that voter in the same manner as provided by law for those voters who request assistance.

NEW SECTION

WAC 434-53-140 VOTER INTENTIONALLY CAUSING DELAY. Where it is the judgment of the inspector that a voter is impeding other voters from voting to simply cause delay, the inspector shall ask the voter to expedite the voting process. In the event the voter refuses to cooperate, the inspector shall, whenever practical, contact the county auditor, who may request assistance from the appropriate law enforcement agencies if he or she deems such action necessary.

NEW SECTION

WAC 434-53-150 CLOSING THE POLLS. At the prescribed closing time, the inspector shall announce aloud that the polls are closing, the doors to the polling place shall be shut, and no further persons shall be allowed to enter to vote. All persons within the polling place at the time the closing is announced shall be permitted to complete the process of voting. The doors to the polling place shall remain unlocked until the election officials depart at the completion of their work so that work of accounting for the ballots and other voting material may be observed by interested parties.

NEW SECTION

WAC 434-53-160 BALLOT ACCOUNTABILITY—FORM FOR RECORDING. Precinct election officials shall maintain accountability for all ballots issued for each precinct. The county auditor shall provide a ballot accountability sheet with each poll book or list for each precinct or combination of precincts, upon which shall be recorded, at a minimum, the following information:

- (1) Identification of the precinct or combination of precincts;
- (2) The number of ballots issued;
- (3) The number of used ballots which are questioned or challenged;
- (4) The number of issued ballots that are spoiled.

At the closing of the polls, the ballots of each category enumerated in subsections (1) through (4) of this section shall be counted and recorded on the ballot accountability sheet as required by these rules. The accountability sheet shall be maintained with the poll book or list. The election officials shall attest to the ballot accountability sheet by each signing in the spaces provided. The ballot accountability sheet, along with the poll book or list, shall be placed in the appropriate container for return to the counting center or auditor's office. The inspector shall remove and retain a copy of the list of participating voters as the "inspector's copy" for the statutorily required retention period.

In addition, whenever anything occurs at a polling place that the precinct election officers feel may assist the auditor in explaining any discrepancies that may be discovered when the auditor's office reconciles the various election totals prior to certification, the election officers shall note such events. The auditor may direct that such comments be included with the ballot accountability form or may be included on a separate comments sheet. If a separate sheet is used, it shall be signed by the precinct election officers.

NEW SECTION

WAC 434-53-170 AUDIT TRAIL FOR UNUSED BALLOTS. After the polls have closed and before the container holding the voted ballots is opened, the unused ballots shall be rendered unusable. The unusable ballots shall then be placed in a special envelope or container marked "unused ballots," the envelope or container sealed, and placed into the pouch or container provided for the return of voting materials to the counting center or auditor's office. The unused ballots must not be placed in the same container as the regular voted ballots.

NEW SECTION

WAC 434-53-180 RECORDING OF SPOILED BALLOTS. After the polls close, the number of spoiled ballots, if any, shall be recorded on the ballot accountability sheet. The spoiled ballots shall then be placed in an envelope or container identified for that purpose.

NEW SECTION

WAC 434-53-190 DISPOSITION OF IRREGULARLY VOTED BALLOTS. All irregularly voted ballots, including questioned, challenged, and absentee ballots, if any, shall be sorted from the regular voted ballots. The questioned and challenged ballots, if any, shall be counted and the number recorded on the ballot accountability sheet. The irregularly voted ballots in their own individual sealed and marked envelopes shall then be placed in a transfer case or other secure container and sealed therein. The number of irregularly voted ballots shall be recorded on the outside of the container. The sealed container shall then be returned to the counting center or auditor's office.

NEW SECTION

WAC 434-53-200 COUNT OF VOTED BALLOTS. After the irregularly voted ballots have been sorted, counted and secured, the other voted ballots shall be removed from the ballot box and counted, and the number recorded on the ballot accountability sheet. County auditors may require additional procedures to permit the segregation of various types of voted ballots.

NEW SECTION

WAC 434-53-210 PREPARING VOTED BALLOTS FOR TRANSFER. After the ballot accountability sheet is signed, in those counties where ballots are not tabulated at the polling place, the voted ballots shall be placed in a transfer container for transfer to the counting center, either directly or via a ballot collection station. There shall be placed either inside the container or attached to the outside of the container, a transmittal sheet which as a minimum shall identify the precinct or precincts represented by the ballots, the number of ballots in the container, and, if a seal is used, the seal number of the seal to be used on the container. The inspector and one judge from each political party shall sign the transmittal sheet attesting to the number of ballots and the serial number of the seal. The transfer container shall then be locked and the seal fastened.

NEW SECTION

WAC 434-53-220 TRANSFER OF BALLOTS PRIOR TO CLOSING OF THE POLLS. The county auditor may authorize an early pick up of ballots from designated polling places prior to the closing of the polls. Where so authorized, the precinct election officers at the designated polling places shall remove the voted ballots from the ballot box or pouch at the specified time and count them. The count shall be entered on the ballot accountability sheet, a transmittal sheet completed and signed, and the ballots sealed in a transfer container in the same manner as for the closing of the polls. The transmittal sheet may be sealed with the ballots or it may be attached to the outside of the transfer container. The election officials shall not leave the polling place. A ballot pickup team or teams, consisting of representatives of each major political party and appointed by the county auditor for that purpose, shall be assigned to pick up the transfer containers for return to the counting center.

NEW SECTION

WAC 434-53-230 SEALING THE BALLOT PAGES APPEARING IN VOTING DEVICES. In polling places where voting devices are used, the county auditor shall ensure that adequate procedures are in place to permit the ballot pages within the voting device to be sealed following the election. This shall be done in such a way so that the ballot pages cannot be altered or otherwise tampered with, and in a manner that will provide an audit trail from ballot to precinct. This may be accomplished by securing the entire device by means of an external seal, or by securing and sealing the ballot itself.

If a unique numbered wire seal is used, a certificate shall be placed inside the device signed by the precinct election officials witnessing the serial number of the seal. If some other means of sealing is used, a certificate, signed by the election officials, shall be provided to identify

the seal by some appropriate means. The certificate, if not secured inside, will be returned to and retained by the county auditor.

NEW SECTION

WAC 434-53-240 RETURN OF ELECTION SUPPLIES AND MATERIALS. Supplies and voting materials, including spoiled ballots and ballot stubs, irregularly voted ballots, and unused ballots shall be secured and returned to the counting center, the county auditor's office, or any other location designated by the auditor.

NEW SECTION

WAC 434-53-250 PAPER BALLOT PRECINCTS—GENERAL APPLICABILITY OF RULES. The rules governing the closing of polls and the accountability of ballots shall apply to precincts and polling places using paper ballots except as provided in the following sections.

NEW SECTION

WAC 434-53-260 COUNTING AND TABULATION PRIOR TO CLOSING OF THE POLLS—SECRECY OF THE RETURNS. In those precincts designated by the auditor for an early return of the votes, the opening of the ballot box and the counting and tabulation of the votes shall be conducted in private except for accredited political party witnesses. The witnesses shall sign an oath which shall state substantially, "I understand that the divulgence of the ballot count that I have witnessed before the polls officially close is a violation of state law and punishable as a misdemeanor under chapter 9A.20 RCW."

NEW SECTION

WAC 434-53-270 COUNTING OF BALLOTS AFTER POLLS CLOSE. The counting and tabulation of ballots after the polls close for voting shall be public and may be witnessed by any citizen.

NEW SECTION

WAC 434-53-280 PAPER BALLOTS—COUNTING AND TABULATION—PROCEDURE. The procedure for the counting and tabulation of paper ballots at polling places shall be as follows:

- (1) The inspector shall carefully examine each ballot and shall read aloud the name of each person receiving a vote and the office for which the vote for that person is cast, and the vote for and against each proposition on the ballot;
- (2) The judge, representing the opposite political party of the inspector, shall observe the reading of the votes;
- (3) The second judge shall tally the votes as read in the vote tally books provided by and to be returned to the county auditor at the election center;
- (4) The clerk, if one is assigned, representing the opposite political party of the second judge shall, at the same time, tally the votes as read in the tally book provided by the auditor but retained by the inspector;
- (5) The inspector and the judge observing the reading of the votes may rotate their duties from time to time upon agreement.

NEW SECTION

WAC 434-53-290 COUNTING AND TABULATION OF PAPER BALLOTS WHERE MORE THAN ONE SET OF PRECINCT ELECTION OFFICERS ARE APPOINTED—PROCEDURE. In paper ballot precincts, when two or more teams of precinct election officers have been appointed as provided in RCW 29.45.050 the following procedure shall apply:

- (1) The teams or teams designated as the counting board or boards shall commence the tabulation of the primary or election ballots at a time set by the county auditor;
- (2) A second ballot container for receiving ballots shall be used, and the first ballot container shall be closed and delivered to the counting board or boards: PROVIDED, That there have been at least ten ballots cast. The counting board or boards shall at a time set by the auditor proceed to the place provided for them and at once count the votes. When counted they shall return the emptied ballot container to the inspector and judges conducting the election and the latter shall then deliver to the counting board or boards the second ballot container, if there have been at least ten ballots cast, who shall then proceed as before. The counting of ballots and exchange of ballot containers shall

continue until the polls are closed after which the election board conducting the election shall conclude their duties and the counting board or boards shall continue until all ballots are counted;

(3) The receiving board conducting the election shall perform all of the duties as now provided by law except for the counting of the ballots, the posting and certification of the unofficial returns and the delivery of the official returns, together with the election supplies, to the county auditor;

(4) The oaths of office for all precinct election officials when two or more sets of officials are employed shall be as required by law.

NEW SECTION

WAC 434-53-300 PAPER BALLOTS—COUNT CONTINUOUS—WHEN DUTIES COMPLETED. In a paper ballot precinct, the ballot container shall not be removed from the polls nor shall the counting of the votes be discontinued until all are counted except as provided in WAC 434-xx-xxx. The duties of the precinct election officers counting ballots in such precincts shall not be complete until it is determined that:

(1) A recheck of the tally marks accurately reflect the total vote credited to each candidate and the total vote credited for and against each proposition;

(2) The total number of votes cast for all candidates for a single position to be filled does not exceed the number of voters who have signed the poll book;

(3) The records of the votes in each tally book are the same.

NEW SECTION

WAC 434-53-310 PAPER BALLOTS—UNOFFICIAL RESULTS—COPIES—POSTING—TRANSMITTAL. Before adjourning from the polling place, following a primary or an election in any precinct where votes are cast on paper ballots, the precinct election official shall enter the unofficial results in duplicate upon sample ballots or suitable forms furnished for that purpose by the county auditor or other election officer. One copy shall be posted conspicuously on the outside of the polling place and the other transmitted to the county auditor.

NEW SECTION

WAC 434-53-320 REJECTION OF BALLOTS OR PARTS OF BALLOTS—QUESTIONS ON THE LEGALITY OF BALLOTS. Rules governing the rejection of all or part of a ballot, or the process for handling a question regarding the validity of a ballot in a precinct using paper ballots where the tabulation of votes is conducted at the polling place shall be the same as the rules applicable to the counting of ballots at a counting center.

NEW SECTION

WAC 434-62-150 REJECTION OF BALLOTS OR PARTS OF BALLOTS. Ballots or parts of ballots shall be rejected by the canvassing board in the following instances:

(1) Where two ballots are found folded together, or where a voter has voted more than one ballot;

(2) Where a ballot or parts of a ballot are marked in such a way that it is not possible to determine voter's intent;

(3) Where the voter has voted for candidates or issues for whom he or she is not entitled to vote;

(4) Where the voter has voted for more candidates for an office than are permissible;

Additionally, the canvassing board shall reject any ballot cast by a voter not qualified to vote, and shall reject absentee ballots where such rejection is required by law or administrative rule.

NEW SECTION

WAC 434-62-160 WRITE-IN-VOTING—VOTER INTENT. In all cases of write-in votes the canvassing board shall exercise all reasonable efforts to determine the voter's intent. Write-in votes are to be counted where abbreviations are used for office, position, or political party. Write-in votes are not to be counted for any person who filed for the same office as either a regular or write-in candidate at the preceding primary. If a write-in declaration of candidacy has been filed, the voter need only write in that candidate's name in order for the vote

to be counted. If no declaration of write-in candidacy has been filed, the voter must write in the name of the candidate, the political party, if applicable, and if the office and/or position number cannot be determined by the location of the write-in on the ballot, the office and position number, in order for the write-in vote to be counted.

NEW SECTION

WAC 434-62-170 REFERRAL OF BALLOTS TO CANVASSING BOARD. Whenever a precinct election officer in a precinct where ballots are being tabulated, or counting center personnel in a county where ballots are being centrally tabulated, have a question about the validity of a ballot or the votes contained on the ballot that they are unable to resolve, the ballot shall be placed in a special envelope marked "for canvassing board." On the outside of the envelope, they shall record as a minimum the following information:

(1) Identification of the precinct from which the ballot originated;

(2) The facts giving rise to the question of validity including, if applicable, the office or issue on the ballot which is affected by the question;

(3) An identification number by which the envelope containing the ballot may be tracked.

If the question arises at a precinct or polling place, the precinct inspector shall annotate the ballot accountability sheet in a manner similar to recording other irregularly voted ballots, shall seal the envelope and transfer it to the elections office in the special envelope for irregularly voted ballots.

If the question arises in the counting center, the counting center supervisor shall record the ballot on an irregularly voted ballot log sheet and shall record the precinct, the identification number of the envelope, and shall indicate "canvassing board" for disposition activity.

Ballots being held for determination of validity or voter's intent shall be provided the same security as regular voted ballots and shall be kept in a secure area when not being processed. As long as they are in the sealed envelope it is not necessary to seal them in other containers within the counting center provided they are otherwise safeguarded. Once the issue of validity has been determined, the ballots will be tabulated if applicable, stored, and retained the same as regular voted ballots.

When the determination of validity is made, the disposition of the ballot shall be entered on the envelope and, if applicable, the irregularly voted ballot log sheet.

NEW SECTION

WAC 434-62-180 TABULATION OF BALLOTS TO BE CONTINUOUS—EXCEPTION. The tabulation of ballots on the day of a primary or election at a polling place or counting center shall proceed without interruption or adjournment until all the ballots cast at the polls at that primary or election have been tabulated except as follows:

(1) In the case of a vote tallying system, ballots that have been found defective and not capable of being processed by the automated system, may at the discretion of the county auditor, be held over until the working day following the election or primary, duplicated, and the duplicates then tallied no later than the day before the certification of the primary or election;

(2) In the case of a vote tallying system, if the system should become inoperative, the tally may be interrupted until the system is repaired, and if necessary, resumed the day following the election using the repaired system or an alternative method if necessary. If the election or primary includes offices or issues which the secretary of state is required by law to canvass, the auditor shall notify the secretary of state at the time of interruption, its cause and best estimate for resumption, along with the status of the tally, at the first practical opportunity. The public shall be informed of the situation as soon as possible after the interruption if it is evident the tally will not be resumed the same day.

NEW SECTION

WAC 434-62-190 CANVASSING BOARD—OPENING BALLOT CONTAINER. Whenever it is determined there is a need to open all containers to conduct a mandatory or requested recount, or when such action is directed by court order, the containers shall be opened and the security of the ballots verified only by those persons designated to do so, in writing, by the canvassing board.

NEW SECTION

WAC 434-62-200 RETENTION OF RECORDS. All records and materials are to be maintained for a period of sixty days after certification of each election. Where the election involves federal offices the records and material must be kept for the appropriate time frame as set forth in federal statutes.

**WSR 92-09-113
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Institutions)**

[Filed April 21, 1992, 11:28 a.m.]

Original Notice.

Title of Rule: WAC 275-27-219 Continuity of family support services.

Purpose: This new Washington Administrative Code prevents up to 500 families from being denied or reduced family support services. The WAC will ensure a continuity of family support services to families currently receiving such services.

Statutory Authority for Adoption: RCW 71A.12.040.

Statute Being Implemented: RCW 71A.12.040.

Summary: The WAC will establish department policy for prioritizing families currently receiving family support services.

Reasons Supporting Proposal: To ensure a continuity of family support services to families currently receiving such services.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: John Stern, Division of Developmental Disabilities, 753-2773.

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 27, 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 27, 1992.

Date of Intended Adoption: June 9, 1992.

April 21, 1992
Leslie F. James, Director
Administrative Services
by Rosemary Carr

NEW SECTION

WAC 275-27-219 CONTINUITY OF FAMILY SUPPORT SERVICES. (1) It is the policy of the department to recognize the dependence of individuals currently receiving family support services at a given level of services, and to avoid disruption of those services at that given level when possible.

(2) In order for the department to maximize the continuity of service while remaining within appropriated funds for family support services, when appropriated funds for family support services do not permit serving new applicants or increasing services to current recipients without reducing services to existing clients, the department may deny requests for new or increased services based on the lack of funds pursuant to WAC 275-27-230.

(3) These requests may be denied even if the service need levels, as described in WAC 275-27-223, of new applicants or current recipients are of a higher priority than those currently receiving services.

(4) If there are insufficient appropriated funds available for new applicants or for increasing services to current recipients, a service need level assessment, as described in WAC 275-27-223, need not be completed.

**WSR 92-09-114
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Institutions)**

[Order 3372—Filed April 21, 1992, 11:32 a.m.]

Date of Adoption: April 21, 1992.

Purpose: This amendment allows the department to make family support authorizations to families for periods greater than monthly. This amendment redefines the department's service need levels ensuring that those individuals/families with greatest needs will be the first to receive services.

Citation of Existing Rules Affected by this Order: Amending WAC 275-27-220 Family support services; and 275-27-223 Service need levels.

Statutory Authority for Adoption: RCW 71A.12.040.

Pursuant to notice filed as WSR 92-05-076 on February 18, 1992.

Changes Other than Editing from Proposed to Adopted Version: WAC 275-27-223 (2)(b)(ii)(C) changed to read "Has serious mental health or substance abuse problems . . ."

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

April 21, 1992
Leslie F. James, Director
Administrative Services
by Rosemary Carr

AMENDATORY SECTION (Amending Order 2596, filed 2/5/88)

WAC 275-27-220 FAMILY SUPPORT SERVICES. (1) The department's intent of family support services ((is)) shall be to:

- (a) Reduce or eliminate the need for out-of-home residential placement((s)) of a client((s)) wherein the in-home placement is in the client's best interest((,to));
- (b) Allow a client((s)) to live in the most independent setting possible(;) and ((to))
- (c) Have access to services best suited to ((clients')) a client's needs.

(2) The department's family support services shall include, but ((are)) not be limited to, the following services:

- (a) Emergency or planned respite care;
- (b) Attendant care;
- (c) Therapeutic services, including:

- (i) Physical therapy(;;);
 - (ii) Occupational therapy(;;);
 - (iii) Behavior management therapy(;;); and
 - (iv) Communication therapy(;;).
- (d) The purchase, rental, loan, or refurbishment of specialized equipment, environmental modifications, and other adaptations;

(e) Other service pursuant to subsection (1) of this section approved by the director or designee.

(3) ~~((Family support services are time-limited.))~~ The department shall authorize services ~~((are authorized))~~ for a specified ~~time-limited~~ period.

(a) A departmental service authorization shall state the type ~~((of))~~, amount, and period (duration) of service. Each department authorization shall constitute(s) a new service for a new period.

(b) If requested family support services are not authorized, such actions ~~((are))~~ shall be deemed a denial of services.

(c) Family support services may be authorized below the ~~((level))~~ amount requested by the family for the period. ~~((If))~~ When, during the authorized service period, family support services are reduced or terminated below the ~~((levels))~~ amount specified in service authorizations, the department shall deem such actions ~~((are deemed))~~ as a reduction or termination of services.

(4) The department shall authorize family support services in accordance with policies established by the ~~((director))~~ department. The department shall base ~~((monthly))~~ periodic service authorizations on:

(a) ~~((Service))~~ Requests for family support services described in subsection (2) of this section;

(b) Service need levels as described in ~~((WAC 275-27-223))~~ section 223 of this chapter;

(c) Availability of ~~((requested))~~ family support ~~((services))~~ funding; and

(d) ~~((Monthly regional family support services funding allocations, except for emergencies as defined in WAC 275-27-020(11), and~~

~~((e)))~~ Authorization by a review committee, in each regional office, which reviews each request for service.

AMENDATORY SECTION (Amending Order 2596, filed 2/5/88)

WAC 275-27-223 SERVICE NEED LEVELS. (1) The department shall use service need levels to determine ~~((monthly))~~ periodic family support service authorizations.

(2) The department shall determine service need levels in order of priority for funding ~~((are))~~ as follows:

(a) Service need level 1: ~~((The client is an active recipient of children's protective services or adult protective services.))~~ Client is at immediate risk of out-of-home placement without the provision of family support services. The client needs intensive residential support to assist the client's family to care for the family's child or adult requiring nursing services, attendant care, or support due to difficult behaviors. The client must receive the majority of family support services in such client's home. An existing or new eligible client must have received, over the most recent three months, at least ten days or eighty hours per month of such service;

(b) Service need level 2: ~~((Out-of-home placement will be needed within two months without provision of family support services))~~ Client is at high risk of out-of-home placement without the provision of family support services and has one or more of the following documented in writing:

(i) The client:

(A) Currently receives adult protective services or division of children and family services as an active:

(I) Child protective service client;

(II) Child welfare service client; or

(III) Family reconciliation service client.

(B) Has returned home from foster care or group care placement within the last six months;

(C) Has a serious medical problem requiring close and ongoing monitoring and/or specialized treatment, such as:

(I) Apnea monitor;

(II) Tracheotomy;

(III) Heart monitor;

(IV) Ventilator;

(V) Constant monitoring due to continuous seizures;

(VI) Immediate life-saving intervention due to life threatening seizures;

(VII) Short bowel syndrome; or

(VIII) Brittle bone syndrome.

(D) Has a dual diagnosis based on current mental health DSM Axis I diagnosis;

(E) Has an extreme behavioral challenge resulting in health and safety issues for self and/or others which:

(I) Resulted in serious physical injury to self or others within the last year;

(II) For a client who is two years of age or older, requires constant monitoring when awake for personal safety reasons; or

(III) Is of imminent danger to self or others as determined by a psychiatrist, psychologist, or other qualified professional.

(F) Is ten years of age or older or weighs forty pounds or more, requires lifting, and needs direct physical assistance in three or more of the following areas:

(I) Bathing;

(II) Toileting;

(III) Feeding;

(IV) Mobility; or

(V) Dressing.

(ii) The caregiver:

(A) Is a division of developmental disabilities client;

(B) Has a physical or medical problem that interferes with providing care; or

(C) Has serious mental health or substance abuse problems and:

(I) Is receiving counseling for these problems; or

(II) Has received or applied for counseling within the past six months.

(c) Service need level 3: ~~((Client))~~ The family is at risk of significant deterioration which could result in an out-of-home placement of the client without provision of family support services due to the following:

(i) ~~((Caregiver/family is:~~

(A) Experiencing acute and/or chronic stresses; or

(B) Has acute or chronic physical limitations; or

~~(C) Has acute or chronic mental/emotional impairments; and~~

~~(ii)) The client requires ((total)) direct physical assistance, above what is typical for such client's age, in ((at least)) three or more of the following areas:~~

- ~~(A) Bathing((:));~~
- ~~(B) Toileting((:));~~
- ~~(C) Feeding((:));~~
- ~~(D) Mobility((:)); or~~
- ~~(E) Dressing((: or~~

~~(iii) The client has special medical support requirements:~~

- ~~(A) Apnea monitor;~~
- ~~(B) Tracheotomy;~~
- ~~(C) Heart monitor;~~
- ~~(D) Ventilator;~~
- ~~(E) Constant monitoring due to continuous seizures;~~

~~or~~

~~(F) Immediate life-saving intervention due to life-threatening seizures).~~

~~((iv)) (ii) The client has current behavioral episodes ((which have resulted)) resulting in:~~

- ~~(A) Physical injury to the client or others; ((and/or))~~
- ~~(B) Substantial damage to property; and/or~~
- ~~(C) Chronic sleep pattern disturbances or chronic continuous screaming behavior.~~

~~(iii) The client has medical problems requiring substantial extra care; and/or~~

~~(iv) The family is:~~

- ~~(A) Experiencing acute and/or chronic stress;~~
- ~~(B) Has acute or chronic physical limitations; or~~
- ~~(C) Has acute or chronic mental or emotional limitations.~~

~~(d) Service need level 4: ((Caregiver may lose the ability to provide care without family support assistance due to caregiver conditions described in subsection (2)(c)(i) of this section.~~

~~(c) Service need level 5: Client condition as described in subsection (2)(c)(ii), (iii), and (iv) of this section is present. Family support is needed to maintain current functioning and prevent deterioration of client or family.~~

~~(f) Service level level 6:)) Family needs temporary or ongoing services in order to:~~

- ~~(i) ((Get a break in care)) Receive support to relieve and/or prevent stress of caregiver/family; or~~
- ~~(ii) Enhance the current functioning of the family.~~

~~(3) The department shall determine service need level of the client's service request by reviewing information received from the client, family, and other sources about:~~

~~(a) Whether client is an active recipient of ((children's protective)) services from the division of children and family services or adult protective services;~~

~~(b) Whether indicators of risk of out-of-home placement exist, and ((indicators of)) the imminence of such an event. Assessment of such risk may include:~~

- ~~(i) Review of family's requests for placement;~~
- ~~(ii) History of family's involvement with children's protective services or adult protective services;~~
- ~~(iii) Client's current adjustment;~~
- ~~(iv) Parental history of psychiatric hospitalization;~~
- ~~(v) Clinical assessment of family's condition; and~~
- ~~(vi) Statements from other professionals.~~

(c) Caregiver conditions, such as:

(i) Acute and/or chronic stress((:));

(ii) Acute and/or chronic physical limitations((:)); and

(iii) Acute and/or chronic mental and/or emotional impairments.

(d) Client's need for intense medical ((or)), physical, or behavioral support;

(e) Family's ability to use typical community resources;

(f) Availability of private, local, state, or federal resources to help meet the need for family support;

(g) Severity and chronicity of family or client problems; and

(h) Degree to which family support services will:

(i) Ameliorate or alleviate such problems; and

(ii) Reduce the risk of out-of-home placement.

(4) Beginning May 1, 1992, the department's revised service need level definitions shall be in effect. The department's service need levels currently defined under section 223 of this chapter shall remain in effect through April 1992.

WSR 92-09-115
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Institutions)

[Order 3373—Filed April 21, 1992, 11:34 a.m.]

Date of Adoption: April 21, 1992.

Purpose: WAC 275-25-020 amended to improve rule clarity and reflect current practice; and WAC 275-27-020 amended to ensure its compliance with Title 71A RCW.

Citation of Existing Rules Affected by this Order: Amending WAC 275-25-020 Plan development and submission; and 275-27-020 Definitions.

Statutory Authority for Adoption: RCW 71A.14.030 and 71A.16.020.

Pursuant to notice filed as WSR 92-06-059 on March 3, 1992.

Changes Other than Editing from Proposed to Adopted Version: WAC 275-27-020 (1)(a) added as new and (f) was rewritten to define "client-centered benefits." "Residential program" term of "ICF/MR" added to update program terminology, and "residential" was added to clarify the types of services being referenced in subsection (13).

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

April 21, 1992

Leslie F. James, Director
 Administrative Services
 by Rosemary Carr

AMENDATORY SECTION (Amending Order 1936, filed 1/12/83)

WAC 275-25-020 PLAN DEVELOPMENT AND SUBMISSION. (1) All dates in this section refer to the

~~((twelve))~~ twenty-four-month period prior to the start of the state fiscal biennium.

~~(2) ((The requirements of this section shall apply to the following program areas:~~

~~(a) Drug abuse;~~

~~(b) Developmental disabilities; and~~

~~(c) Alcoholism)) Before July 1, in the odd year of each biennium, the department shall negotiate with and submit to counties the biennial plan guidelines.~~

~~(3) ((The secretary shall announce the amount of funds included in the department's biennial budget request to each county for each program area no later than December 15. The secretary shall announce the actual amount of funds appropriated and available to each county as soon as possible after final passage of the Biennial Appropriations Act)) Before July 1, the department shall submit to counties needs assessment data, and before December 31, updated needs assessment data in the odd year of each biennium.~~

~~(4) ((Each county shall submit a plan for each program area for the subsequent state fiscal biennium to the secretary no later than March 1, in the form and manner prescribed by the secretary in written guidelines issued no later than November 1. The plan shall include the following:~~

~~(a) A statement of priorities;~~

~~(b) A work statement, including a listing of program components, anticipated service volume, and other activities to be undertaken during the period covered by the plan;~~

~~(c) The relationship between the work statement and the priority statement;~~

~~(d) The method(s) for administering the various program components and services;~~

~~(e) A proposed budget;~~

~~(f) An evaluation of progress in meeting the work statement in the current contract; and~~

~~(g) Such other information as the secretary may require in the written guidelines)) Before April 1, of the~~

~~even year of each biennium, each county shall submit to the department a written plan for developmental disabilities services for the subsequent state fiscal biennium.~~

~~The county's written plan shall be in the form and manner prescribed by the department in the written guidelines.~~

~~(5) ((The secretary shall send a written review of the plan to each county within thirty days after receipt of the plan. The review shall set forth the secretary's findings and conditions for final approval of the plan)) Within sixty days of receipt of the county's written plan, the department shall acknowledge receipt, review the plan, and notify the county of errors and omissions in meeting minimum plan requirements.~~

~~(6) ((Each county shall submit a response to the written review for each program area by May 15, or thirty days after receipt of the secretary's written review, whichever is later. The response to the written review shall include:~~

~~(a) Responses to all conditions set forth in the secretary's review of the plan;~~

~~(b) Any amendments to the plan desired by the county; and~~

~~(c) A letter by the county governing body or county executive indicating adoption of the plan as modified by the county's response to the written review)) Within thirty days after receipt, each county shall submit a response to the department's review when errors and omissions have been identified within the review.~~

~~(7) ((The secretary shall review the response submitted by the county pursuant to subsection (6) of this section and approve the plan if the response meets the conditions set forth in the written review. The secretary shall advise the county of approval or denial of approval within fifteen days after receipt of the response. The county may submit amendments or additional responses and ask for reconsideration at any time)) Before December 15 of the even year of each biennium, the department shall announce the amount of funds included in the department's biennial budget request to each county. The department shall announce the actual amount of funds appropriated and available to each county as soon as possible after final passage of the Biennial Appropriations Act.~~

~~(8) Each county shall submit to the department a contract proposal ((for each program area)) within ((forty-five)) sixty days of the announcement by the ((secretary)) department of the actual amount of funds appropriated and available((, pursuant to subsection (3) of this section. The contract proposal shall include:~~

~~(a) A work statement, as described in subsection (4)(b) of this section;~~

~~(b) A list of the intended subcontractors, if any, and the services to be provided by each;~~

~~(c) A budget for the contract period; and~~

~~(d) A letter from the county governing body or county executive indicating approval of the contract proposal)).~~

~~(9) The ((secretary)) department may modify deadlines for submission of county plans(;) and responses to ((written)) reviews or contract proposals when, in the ((secretary's)) department's judgment, the modification ((would)) enables the county to improve the program or planning process.~~

~~(10) The ((secretary)) department may authorize the county to continue providing services in accordance with the previous plan and contract, and reimburse at the average level of the previous contract, in order to continue services until the new contract is executed.~~

AMENDATORY SECTION (Amending Order 3230, filed 8/9/91, effective 9/9/91)

WAC 275-27-020 DEFINITIONS. (1) "Best interest" includes, but is not limited to, individual client-centered benefits designed to:

(a) Prevent regression or loss of skills already acquired;

(b) Achieve or maintain economic self-support;

~~((b))~~ (c) Achieve or maintain self-sufficiency;

~~((c))~~ (d) Prevent or remedy neglect, abuse, or exploitation of individuals unable to protect their own interest;

~~((d))~~ (e) Preserve or reunite families; and

~~((e))~~ (f) Prevent or reduce inappropriate institutional care by providing the least-restrictive setting that will meet the individual's medical and personal needs, such

as community-based services, home-based services, or other forms of less-intensive service ~~((to meet the individual's medical and personal needs))~~.

(2) "Client or person" means a person the division determines under RCW 71A.16.040 and WAC 275-27-026 eligible for division-funded services.

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

(4) "Director" means the director of the division of developmental disabilities.

(5) "Division" means the division of developmental disabilities of the department of social and health services.

(6) "Emergency" means a sudden, unexpected occurrence demanding immediate action.

(7) "Exemption" means the department's approval of a written request for an exception to a rule in this chapter.

(8) "ICF/MR" means a facility certified as an intermediate care facility for the mentally retarded by Title XIX to provide services to the mentally retarded or persons with related conditions.

(9) "Individual" means the person for whom division services are requested.

(10) "Informed consent" means an agreement obtained from a person or the person's authorized representative, for such person's participation in an activity other than health care. Informed consent for health care shall be provided ~~((pursuant to))~~ under RCW 7.70.065. The following information is necessary to informed consent:

(a) An explanation of the procedures to be followed including an identification of experimental procedures;

(b) A description of the attendant discomforts and risks;

(c) A description of the expected benefits;

(d) A disclosure of appropriate alternative procedures;

(e) An offer to answer inquiries concerning the procedures; and

(f) Instruction that consent may be withdrawn and participation discontinued at any time.

(11) "Intelligence quotient score" means a full scale score on the Wechsler, or the intelligence quotient score on the Stanford-Binet or the Leiter International Performance Scale.

(12) "Nonresidential programs" means programs including, but not limited to, county-funded habilitation services.

(13) "Residential programs" means those programs providing domiciliary care ~~((and))~~ or other residential services, including, but not limited to, state residential facilities, group homes, ~~((skilled))~~ nursing ~~((facilities))~~ homes, ~~((intermediate care facilities))~~ ICF/MRs, tenant support services, congregate care facilities, boarding homes, children's foster homes, adult family homes, and group training homes.

(14) "Respite care" means temporary services provided to a developmentally disabled person and the person's family on either an emergency or planned basis without which the individual may need an alternative living environment.

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

WSR 92-09-116
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3374—Filed April 21, 1992, 11:36 a.m., effective June 1, 1992]

Date of Adoption: April 21, 1992.

Purpose: This proposed rule amendment brings the WAC into compliance with CFR. This amendment provides categorical eligibility for clients who receive state-funded general assistance.

Citation of Existing Rules Affected by this Order: Amending WAC 388-49-180 Categorical eligibility for general assistance clients.

Statutory Authority for Adoption: RCW 74.04.510.

Pursuant to notice filed as WSR 92-07-047 on March 12, 1992.

Effective Date of Rule: June 1, 1992.

April 21, 1992
Leslie F. James, Director
Administrative Services
by Rosemary Carr

AMENDATORY SECTION (Amending Order 3016, filed 5/31/90, effective 7/1/90)

WAC 388-49-180 CATEGORICAL ELIGIBILITY. (1) The department shall determine households categorically eligible for food stamps when all household members are authorized to receive AFDC ~~((and/or))~~, SSI and/or continuing state-funded general assistance benefits, except when:

(a) The entire household is:

(i) Institutionalized;

(ii) Disqualified for any reason from receiving food stamps; or

(iii) Terminated due to failure to comply with monthly reporting requirements under WAC 388-49-590.

(b) Any member is disqualified for an intentional program violation; ~~((or))~~

(c) Any member is an ineligible alien;

(d) Any member is an ineligible student; or

(e) The head of the household is disqualified for failure to comply with work registration requirements.

(2) The department shall exempt a categorically eligible household from the following food stamp eligibility requirements:

(a) Resources~~((;))~~;

(b) Gross and net income standards~~((;))~~;

(c) Social Security number requirement~~((;))~~;

(d) Sponsored alien requirement~~((;))~~; and

(e) Residency requirement.

WSR 92-09-117
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3375—Filed April 21, 1992, 11:38 a.m.]

Date of Adoption: April 21, 1992.

Purpose: Subsection (3) is revised to delete the provisions requiring application of specific SSI and AFDC resource exemption rules and comparison of the person's income to the gross income standard before exempting the resources of an SSI or AFDC household member.

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

Statutory Authority for Adoption: RCW 74.04.510.

Pursuant to notice filed as WSR 92-06-042 on February 28, 1992.

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

April 21, 1992

Leslie F. James, Director
Administrative Services
by Rosemary Carr

AMENDATORY SECTION (Amending Order 3289, filed 11/19/91, effective 12/20/91)

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

(a) An occupied home and surrounding property not separated by intervening property owned by others;

(b) An unoccupied home and surrounding property if the household:

(i) Is making a good faith effort to sell; or

(ii) Intends to return to the home and the house is unoccupied due to:

(A) Employment;

(B) Training for future employment;

(C) Illness; or

(D) Uninhabitability due to casualty or natural disaster.

(c) A piece of land where the household is building or intends to build a permanent home, if the household does not own another home. The land must not be separated by intervening property owned by others;

(d) Personal effects;

(e) Household goods;

(f) One burial plot per household member;

(g) Cash value of:

(i) Life insurance policies; and

(ii) Pension funds.

(h) Vehicles as provided under WAC 388-49-430;

(i) That portion of real or personal property directly related to the maintenance or use of a vehicle excluded under WAC 388-49-430 (1)(a), (b), and (f);

(j) Property annually producing income consistent with its fair market value, even if only used on a seasonal basis;

(k) Rental homes used by household for vacation purposes during the year if the property annually produces income consistent with its fair market value;

(l) Property essential to the employment or self-employment of a household member. Property excluded

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

(m) Resources held separately by a nonhousehold member or an ineligible student;

(n) Indian lands:

(i) Held jointly with the tribe; or

(ii) Sold only with the approval of the Bureau of Indian Affairs.

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

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

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

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

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

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

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

(v) Real or personal property when:

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

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

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

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

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

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

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

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

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

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

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

(2) The department shall continue to exempt a household's funds commingled in an account with nonexempt funds for up to six months from the date the funds are commingled.

(3) The department shall exempt a resource of a household member who receives a supplemental security

income (SSI) or aid to families with dependent children (AFDC) grant ((when:

(a) ~~The resource is exempt by SSI or AFDC rules; and~~

(b) ~~Such household member's income does not exceed the one-person gross monthly income standard in WAC 388-49-510).~~

WSR 92-09-118
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Institutions)

[Order 3376—Filed April 21, 1992, 11:40 a.m.]

Date of Adoption: April 21, 1992.

Purpose: This amendment revises the schedule of charges for the state-operated mental health facilities. Charges are based on the cost of operations. Costs rise due to staff compensation increases authorized by the legislature and due to inflation. Increased rates result in additional revenue to the state to cover the rise in operation costs.

Citation of Existing Rules Affected by this Order: Amending WAC 275-16-030 Schedule of charges.

Statutory Authority for Adoption: RCW 43.20B.325.

Pursuant to notice filed as WSR 92-06-043 on February 28, 1992.

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

April 21, 1992
 Leslie F. James, Director
 Administrative Services
 by Rosemary Carr

AMENDATORY SECTION (Amending Order 3267, filed 10/23/91, effective 11/23/91)

WAC 275-16-030 SCHEDULE OF CHARGES. Under RCW 43.20B.325, the department shall base hospitalization charges for patients in state hospitals on the actual operating costs of such hospitals. The department shall require patient's hospitalization charges due and payable on or before the tenth day of each calendar month for services rendered to department patients during the preceding month, based upon the following schedule:

(1) COSTING AND BILLING RATES

	Western State Hospital	Child Study and Treatment Center	Eastern State Hospital
(a) INPATIENT SERVICES -			
Hospital Costs Per Day	\$((243.84))	320.00	((251.17))
	<u>272.50</u>		<u>265.75</u>
Physician Costs	*	15.56	*

*The department shall bill the client for physician costs on a fee-for-service basis.

	Western State Hospital	Child Study and Treatment Center	Eastern State Hospital
(b) OUTPATIENT SERVICES -			
Per diem			
Outpatient	—	—	—
Day Care Per Day	—	80.48	—
Per Hour	—	11.50	—
(c) ANCILLARY SERVICES -			
Per relative value unit ¹ / ₁			
Radiology	4.91	4.91	7.70
Pathology	.42	.42	.31
Medical Clinics	1.89	1.89	8.66
Electroencephalogram	.93	.93	.93
Electrocardiogram	.18	.18	.52
Physical Therapy	5.74	5.74	12.91
Occupational Therapy	—	—	28.01
Speech Therapy	—	—	23.51
Dental	36.25	36.25	42.98
Podiatry	1.28	1.28	1.00
(d) RESIDENTIAL SERVICES -			
Costs Per Day		Pals 133.22	Portal 83.70

(2) The department shall purchase services required by the patient, not provided by hospital staff, from private sources and the patient shall be charged actual cost of services.

¹/California Medical Association. Relative Value Studies. Fifth edition. San Francisco: 693 Sutter Publication, Inc., 1969, 135 pp.

WSR 92-09-119
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Institutions)

[Order 3371—Filed April 21, 1992, 11:42 a.m., effective April 22, 1992, 12:01 a.m.]

Date of Adoption: April 21, 1992.

Purpose: The purpose of a new WAC 275-27-219 is to prevent up to 500 families from being denied or reduced family support services. The WAC will ensure a continuity of family support services to families currently receiving such services.

Statutory Authority for Adoption: RCW 71A.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: To ensure a continuity of family support services to families currently receiving such services.

Effective Date of Rule: April 22, 1992, 12:01 a.m.

April 21, 1992

Leslie F. James, Director
Administrative Services
by Rosemary Carr

NEW SECTION

WAC 275-27-219 CONTINUITY OF FAMILY SUPPORT SERVICES. (1) *It is the policy of the department to recognize the dependence of individuals currently receiving family support services at a given level of services, and to avoid disruption of those services at that given level when possible.*

(2) *In order for the department to maximize the continuity of service while remaining within appropriated funds for family support services, when appropriated funds for family support services do not permit serving new applicants or increasing services to current recipients without reducing services to existing clients, the department may deny requests for new or increased services based on the lack of funds pursuant to WAC 275-27-230.*

(3) *These requests may be denied even if the service need levels, as described in WAC 275-27-223, of new applicants or current recipients are of a higher priority than those currently receiving services.*

(4) *If there are insufficient appropriated funds available for new applicants or for increasing services to current recipients, a service need level assessment, as described in WAC 275-27-223, need not be completed.*

WSR 92-09-120
PROPOSED RULES
HIGHER EDUCATION
PERSONNEL BOARD
[Filed April 21, 1992, 2:45 p.m.]

Original Notice.

Title of Rule: WAC 251-01-075 Competitive service, 251-01-120 Eligible, 251-01-147 Examination process, and 251-01-350 Rating guide.

Purpose: Rules define terms related to recruitment and examination rules in chapter 251-17 WAC.

Statutory Authority for Adoption: RCW 28B.16.100.

Statute Being Implemented: Chapter 28B.16 RCW.

Summary: Modifications clarify terms used in examination rules and add a definition of the examination process.

Reasons Supporting Proposal: Modifications distinguish between the examination process which can be appealed and the final decision of the hiring official which is not appealable.

Name of Agency Personnel Responsible for Drafting: Kris Brophy, 1202 Black Lake boulevard, Olympia, WA, 753-3819; Implementation and Enforcement: John Spitz, Director, 1202 Black Lake Boulevard, Olympia, 753-3730.

Name of Proponent: Higher Education Personnel Board staff, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Modifications distinguish between the examination process which can be appealed, and the final decision of the hiring official which is not appealable. Modifications will help reduce inappropriate appeals.

Proposal Changes the Following Existing Rules: Modifications clarify the definitions related to recruitment and examination rules in chapter 251-17 WAC, and formally define the examination process.

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

Hearing Location: University of Washington, Seattle, Washington, on June 4, 1992, at 10:00 a.m.

Submit Written Comments to: 1202 Black Lake Boulevard, P.O. Box 40918, Olympia, WA 98504-0918, by June 3, 1992.

Date of Intended Adoption: June 4, 1992.

April 20, 1992
John A. Spitz
Director

AMENDATORY SECTION (Amending Order 147, filed 4/22/86)

WAC 251-01-075 COMPETITIVE SERVICE. All positions in the classified service for which a competitive examination is required ~~((as a condition precedent to))~~ before appointment.

AMENDATORY SECTION (Amending Order 147, filed 4/22/86)

WAC 251-01-120 ELIGIBLE. An applicant for a position in the competitive service who has met the minimum qualifications for the class involved, has been admitted to and passed the examination ~~((s))~~, and has met all requirements for eligibility as stated ~~((on))~~ in the ~~((bulletin board posting))~~ recruitment notice; or an applicant for a position in the noncompetitive service who has met all requirements for eligibility as stated ~~((on))~~ in the ~~((bulletin board posting))~~ recruitment notice.

NEW SECTION

WAC 251-01-147 EXAMINATION PROCESS. The process used to administer and score examinations. It ends when applicants are notified of their examination results and does not include certification for positions or the actions of employing officials regarding certified candidates.

AMENDATORY SECTION (Amending Order 147, filed 4/22/86)

WAC 251-01-350 RATING GUIDE. A written document which ~~((outlines the way in which))~~ states how ratings are assigned to applicants' experience, training, or other qualifications on each ((job element in an)) examination element. ~~((It specifies the range of ratings to be given for each job element and gives examples of the experience, training, or other qualifications that will be used to assign ratings.))~~

WSR 92-09-121
PROPOSED RULES
HIGHER EDUCATION
PERSONNEL BOARD
[Filed April 21, 1992, 2:47 p.m.]

Original Notice.

Title of Rule: WAC 251-10-030 Layoff.

Purpose: Rule specifies options available to employees scheduled for layoff.

Statutory Authority for Adoption: RCW 28B.16.100.

Statute Being Implemented: Chapter 28B.16 RCW.

Summary: Rule specifies layoff options to employees scheduled for layoff.

Reasons Supporting Proposal: Modifications to rule clarify the layoff options must be ones for which the employee meets any specific position requirements.

Name of Agency Personnel Responsible for Drafting: Kris Brophy, 1202 Black Lake Boulevard, Olympia, WA, 753-3819; Implementation and Enforcement: John Spitz, Director, 1202 Black Lake Boulevard, Olympia, WA, 753-3730.

Name of Proponent: Higher Education Personnel Board staff, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Modifications to rule clearly specify that the layoff options made available to an employee must be ones for which he/she meets any specific position requirements.

Proposal Changes the Following Existing Rules: Proposal clarifies the layoff options available to employees scheduled for layoff.

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

Hearing Location: University of Washington, Seattle, Washington, on June 4, 1992, at 10:00 a.m.

Submit Written Comments to: 1202 Black Lake Boulevard, P.O. Box 40918, Olympia, WA 98504-0918, by June 3, 1992.

Date of Intended Adoption: June 4, 1992.

April 20, 1992
John A. Spitz
Director

AMENDATORY SECTION (Amending Order 174, filed 11/1/88)

WAC 251-10-030 LAYOFF. (1) An appointing authority may layoff or reduce the number of working hours or the work year of an employee without prejudice because of lack of funds or lack of work.

(2) Each institution shall develop for approval by the director a layoff procedure based upon layoff seniority as defined in WAC 251-01-245, to include as a minimum:

(a) Clearly defined layoff unit(s), in order to minimize the disruption of an institution's total operation, and

(b) Provision for veterans preference for eligible veterans and their unmarried widows/widowers as defined in WAC 251-10-045.

(3) A permanent status employee scheduled for layoff shall receive written notice of any available options in lieu of layoff as provided in subsections (5) and (6) of this section. The employee shall be given no less than three working days to select an option, if available, or to elect to be laid off and/or be placed on the appropriate institution-wide layoff list(s).

(4) Written notice of at least fifteen calendar days must be given to the employee after he/she has selected one of the options or upon completion of the option period.

(5) Within the layoff unit, a permanent status employee scheduled for layoff shall be offered employment options to ~~((comparable))~~ position(s) ~~((, as determined by the personnel officer, in))~~:

(a) For which he/she meets any specific position requirements;

(b) Which are comparable, as determined by the personnel officer; and

(c) Which are in:

(i) Class(es) in which the employee has held permanent status which have the same or lower salary range maximum as the current class;

~~((b))~~ (ii) Lower class(es) in those same class series for which the employee is qualified.

The employee may exercise either option subsection (5) ~~((a))~~ (c) (i) or ~~((b))~~ (ii) of this section provided that the employee being replaced is the least senior in a comparable position in the class and has less

layoff seniority than the employee replacing him/her. A vacant position, if available, should be considered to be the position in the class held by the least senior person. The employee may elect to have access to less-than-comparable positions by so notifying the personnel officer in writing.

(6) Except as provided in WAC 251-10-035, a permanent employee scheduled for layoff who has no options available under subsection (5) of this section shall be offered position(s) as follows:

(a) The personnel officer will offer in writing not less than three positions from among the highest available classes (unless the total available is less than three); provided that any position(s) offered must be:

(i) At the same level or lower than the class from which the employee is being laid off; and

(ii) Vacant or held by a provisional, temporary, or probationary employee; and

(iii) In a class for which the employee being laid off meets the minimum qualifications and can pass the appropriate qualifying examination.

(b) The employee will be required to indicate within three working days his/her interest in a specific class(es) so that the personnel officer may schedule the appropriate examination(s).

(c) Upon satisfactory completion of the examination(s) the employee will be offered option(s) to specific position(s), including salary information.

(d) Employees appointed to positions through provisions of this subsection will be required to serve a trial service period.

(7) In order to be offered a layoff option or return from layoff to a position for which specific position requirements have been documented in accordance with WAC 251-18-255(1), the employee must demonstrate a satisfactory level of knowledge, skill, or ability on the specific position requirements.

(8) In a layoff action involving a position for which a particular sex is a bona fide occupational requirement, as approved by the Washington state human rights commission, the most senior employee meeting the occupational requirements may be retained in the position over more senior employees in such class who do not meet the occupational requirement.

(9) When it is determined that layoffs will occur within a unit, the personnel officer will:

(a) Provide a copy of the institution's reduction in force procedure to all employees subject to layoff;

(b) Advise each employee in writing of available options in lieu of layoff;

(c) Advise each employee in writing of the specific layoff list(s) upon which he/she may be placed as required per WAC 251-10-055 and 251-10-035;

(d) Provide information about the process by which the employee may make application for state-wide layoff lists, as required per WAC 251-10-060(7);

(e) Advise each employee in writing of the right to appeal his/her layoff to the board per WAC 251-12-080.

(10) Layoff actions for employees of special employment programs as identified in WAC 251-19-150 shall be administered as provided in WAC 251-10-035.

WSR 92-09-122

PROPOSED RULES

HIGHER EDUCATION PERSONNEL BOARD

[Filed April 21, 1992, 2:50 p.m.]

Original Notice.

Title of Rule: Chapter 251-17 WAC, Recruitment—Examination.

Purpose: Establish the basis and procedures to be followed for recruitment and examination at institutions under the jurisdiction of the Higher Education Personnel Board.

Statutory Authority for Adoption: RCW 28B.16.100.

Statute Being Implemented: Chapter 28B.16 RCW.

Summary: Modifications clarify and simplify the examination appeal process.

Reasons Supporting Proposal: Proposal clarifies and simplifies the examination appeal process.

Name of Agency Personnel Responsible for Drafting: Kris Brophy, 1202 Black Lake Boulevard, Olympia, WA, 753-3819; **Implementation and Enforcement:** John Spitz, Director, 1202 Black Lake Boulevard, Olympia, WA, 753-3730.

Name of Proponent: Higher Education Personnel Board staff, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Rule proposal simplifies the examination appeal process. The modifications will also clarify the appeals process and result in less appeals relating to the final decision which is not appealable.

Proposal Changes the Following Existing Rules: Proposal changes the examination appeal process.

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

Hearing Location: University of Washington, Seattle, Washington, on June 4, 1992, at 10:00 a.m.

Submit Written Comments to: 1202 Black Lake Boulevard, P.O. Box 40918, Olympia, WA 98504-0918, by June 3, 1992.

Date of Intended Adoption: June 4, 1992.

April 20, 1992

John A. Spitz

Director

AMENDATORY SECTION (Amending Order 165, filed 12/30/87, effective 2/1/88)

WAC 251-17-040 NONCOMPETITIVE SERVICE. ((+)) All classes at an institution shall be considered to be in the competitive service unless a class has been specifically approved by the director to be in the noncompetitive service at that institution.

((2) For a class to be considered for approval for the noncompetitive service, the personnel officer must comply with the procedures established by the director and approved by the board for granting such approval.))

AMENDATORY SECTION (Amending Order 165, filed 12/30/87, effective 2/1/88)

WAC 251-17-060 RECRUITMENT NOTICES—REQUIRED CONTENT. Official institutional recruitment notices (not to include media or other supplemental publicity) shall contain the following information:

(1) For promotional examinations, a statement that the examination is open only to organizational unit and/or institution-wide promotional applicants.

(2) The title of the HEPB classification for which the list is open.

(3) The salary range for the class.

(4) Any conditions of employment for the class or position(s).

(5) The closing date of the recruitment notice, i.e., the specific date and time by which applications must be received by the personnel officer.

(6) ((When the recruitment notice is to be widely distributed.)) A statement of the specific locations at which corrected or extended recruitment notices will be displayed.

(7) A brief description of the duties of the class and, if applicable, the duties of the specific position(s).

(8) The minimum qualifications of the classification, if any.

(9) When applicable, a statement regarding the use of a combined list per WAC 251-18-180(10).

(10) When applicable, a statement that supplemental certification may be utilized in accordance with an approved affirmative action program, as provided in WAC 251-23-060.

(11) When applicable, a statement that certification for specific position requirements per WAC 251-18-255 may be utilized.

(12) When applicable per WAC 251-17-090(3), the minimum number of most highly qualified applicants who will be admitted to each phase of the examination other than the screening or other initial phase, provided that at least this number of applicants pass the initial phase((+)) of the examination.

~~((13) For classes in the approved noncompetitive service of the institution:~~

~~(a) That applicants will be placed on the list(s) in the order in which they complete making proper application for the class.~~

~~(b) The number of applicants who will be placed on the eligible list(s).))~~

AMENDATORY SECTION (Amending Order 165, filed 12/30/87, effective 2/1/88)

WAC 251-17-070 APPLICATION MATERIALS—DISTRIBUTION TO APPLICANTS. The following materials shall be provided to job applicants when they apply for a specific recruitment:

(1) The institution's application form as prescribed in WAC 251-17-100(1).

(2) The institution's examination information for job applicants document which explains ((the HEPB job element examination system and)) the examination process at that institution.

(3)(a) The supplemental application for the class or position when it is the screening phase of the examination or (b) a brief statement of the examination elements for the class or position if the screening phase of the examination is not a supplemental application.

AMENDATORY SECTION (Amending Order 165, filed 12/30/87, effective 2/1/88)

WAC 251-17-160 EXAMINATION RESULTS—NOTIFICATION((=INSTITUTIONAL REVIEW)). ((+)) The personnel officer shall:

((a) Provide)) (1) Give each applicant ((with)) written notice of his/her ((final status in the)) examination ((process)) results, normally within fifteen calendar days after the eligible list is established; and

((b)) (2) Inform each applicant that within fifteen calendar days of service of his/her notice, he/she may request a review of the action by the personnel officer(;) and of his/her subsequent and appropriate appeal rights.

((c) Inform each applicant of his/her appeal rights per WAC 251-17-170 (1)(c).))

(2) Applicants' final status in the examination process shall consist of one of the following:

(a) Application was rejected for good and sufficient reason in accordance with WAC 251-17-130.

(b) Applicant failed the screening or intermediate phase(s) of the examination.

(c) Applicant was not among the most highly qualified applicants to be admitted to subsequent phase(s) of the examination.

(d) Applicant failed the final phase of the examination.

(e) Applicant was placed on the appropriate eligible list in accordance with WAC 251-18-180.

(3) Within thirty calendar days after receiving a request for review as provided in subsection (1)(b) of this section, the personnel officer will provide the applicant with written notice of the results of the review and of appeal rights as provided in WAC 251-17-170 (1)(b).))

NEW SECTION

WAC 251-17-165 INSTITUTIONAL REVIEW. Within thirty calendar days after receiving a request for review as provided in WAC 251-17-160, the personnel officer will give the applicant written notice of the results of the institutional review and of appeal rights as provided in WAC 251-17-170.

AMENDATORY SECTION (Amending Order 165, filed 12/30/87, effective 2/1/88)

WAC 251-17-170 EXAMINATION—ELIGIBILITY—RIGHT OF APPEAL. (1) A person shall have the right to appeal the following to the ((higher education personnel board as provided in subsection (2) of this section)) director:

- (a) Rejection of his/her application; or
 (b) The results of the institutional (~~examination~~) review (~~process per WAC 251-17-160 (1)(b))~~); or
 (c) The conduct of the (~~selection~~) examination process and/or his/her examination results; or
 (d) Failure to restore his/her name to an eligible list following the institutional review process per WAC 251-18-200(4); or
 (e) Removal of his/her name from an eligible list for reasons other than those specified in WAC 251-18-200(2).

(2) (~~Any employee or employee representative may appeal an alleged failure to follow the provisions of WAC 251-17-010 (1) through (8) in accordance with WAC 251-12-075.~~) A person shall not have the right to appeal the decisions of employing officials regarding consideration and/or hiring of correctly certified candidates.

(3) Such appeal must be in writing and filed in the office of the director within thirty calendar days after either service of the results of the institutional review or the effective date of the action appealed. (~~The director shall forward the written notice of appeal to the board which shall determine that one of the following actions be taken:~~

(a) ~~The case may be handled in the same manner as appeals from demotion, suspension, layoff, reduction, or dismissal, as provided in WAC 251-12-080 through 251-12-260, except for WAC 251-12-110; or~~

(b) ~~The director (may) shall investigate the case and issue a determination.~~

(~~(4)~~) (4) When the appellant is a classified employee, within thirty calendar days of the date of service of the determination to the appellant and the institution, either party may file written exceptions with the board detailing the specific items of the determination to which exception is taken. A hearing on the exceptions will be scheduled before the board which may limit argument to the exceptions or may rehear the case in its entirety;

(~~(5)~~) (5) When the appellant is not a classified employee, the director's determination shall be final and binding(~~or~~).

(~~Both parties to the appeal may be requested to submit evidence upon which the board may take action without a hearing.~~) (6) Any employee or employee representative may appeal an alleged failure to follow the provisions of WAC 251-17-010 (1) through (6) in accordance with WAC 251-12-075.

AMENDATORY SECTION (Amending Order 165, filed 12/30/87, effective 2/1/88)

WAC 251-17-200 MODIFICATION OF MINIMUM QUALIFICATIONS. (~~(4)~~) When a vacancy exists and active and reasonable recruiting efforts fail to establish an eligible list for the class, the personnel officer may request that the director modify the minimum qualifications. If satisfied that reasonable effort has been made to recruit at the established minimum qualifications the director may modify the minimum qualifications for that recruiting cycle on a one-time basis. On approval, the personnel officer shall initiate recruiting at the reduced minimum qualifications.

(~~(2)~~) In order to make a reasonable accommodation for a person of disability as defined in WAC 251-01-285, the personnel officer may request that the director waive the minimum qualifications for the purpose of admitting the employee or applicant to the examination.

(3) Action of the director pursuant to this section will be reported to the board at the next regular meeting.)

WSR 92-09-123

PROPOSED RULES

HIGHER EDUCATION PERSONNEL BOARD

[Filed April 21, 1992, 2:54 p.m.]

Original Notice.

Title of Rule: Amending WAC 251-04-060 Director.

Purpose: The rule specifies the Higher Education Personnel Board director's responsibilities.

Statutory Authority for Adoption: RCW 28B.16.100.

Statute Being Implemented: Chapter 28B.16 RCW.

Summary: Rule proposal redefines the director's responsibilities for institutional audits.

Reasons Supporting Proposal: Proposed modifications reconciles audit responsibilities with available resources.

Name of Agency Personnel Responsible for Drafting: William Gunther, 1202 Black Lake Boulevard, Olympia, 753-0380; Implementation and Enforcement: John Spitz, Director, 1202 Black Lake Boulevard, Olympia, 753-3730.

Name of Proponent: Higher Education Personnel Board staff, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Modification of rule balances responsibility for institutional audits with available resources of the Higher Education Personnel Board.

Proposal Changes the Following Existing Rules: Rule modifications establish a less stringent time requirement and written report to the Higher Education Personnel Board for auditing institution personnel practices. In addition, proposal deletes detail relating to the audit of positions.

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

Hearing Location: University of Washington, Seattle, Washington, on June 4, 1992, at 10:00 a.m.

Submit Written Comments to: 1202 Black Lake Boulevard, P.O. Box 40918, Olympia, WA 98504-0918, by June 3, 1992.

Date of Intended Adoption: June 4, 1992.

April 20, 1992

John A. Spitz

Director

AMENDATORY SECTION (Amending Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-04-060 DIRECTOR. (1) The board shall appoint a personnel director who shall be the chief staff officer for the board. In preparing matters for consideration by the board and in coordinating the implementation of the board's rules and regulations, the director shall work in conjunction with the campus personnel officers and their staffs at each institution of higher education, and in the case of community colleges, with the state board for community and technical colleges (~~education~~). When necessary, the director may request the creation of task forces drawn from the four-year institutions of higher education, and representatives of the various state community colleges through the state board for community and technical colleges (~~education~~), for the accomplishment of any projects undertaken by the board. The director may employ necessary personnel for the board, and the board may appoint and compensate hearing officers to hear and conduct appeals. The board shall establish an office for the conduct of its business.

(2) The director shall periodically (~~at least once each year~~) and at such other times as may be necessary, audit and review the personnel administration and management at each institution and related board (~~and file a written report with the higher education personnel board. Such audits and/or reviews may include audit of positions which are required or authorized by chapter 28B.16 RCW and Title 251-WAC~~).

(~~Position audits may include on-site position analysis and/or review of a position description form describing work which is performed.~~) All relevant files and records of appointing authorities and personnel officers shall be made available to the director at any time.

(3) The director shall take any action necessary to ensure and enforce compliance with the higher education personnel law and these rules.

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 92-09-124
PROPOSED RULES
HIGHER EDUCATION
PERSONNEL BOARD
 [Filed April 21, 1992, 2:57 p.m.]

Original Notice.

Title of Rule: Repealing WAC 251-12-090 Appeals receipt—Procedure.

Purpose: The rule specifies procedure for notifying the Higher Education Personnel Board or hearing examiner about appeals received as well as arranging an appeal hearing.

Statutory Authority for Adoption: RCW 28B.16.100.

Statute Being Implemented: Chapter 28B.16 RCW.

Summary: Proposal repeals WAC 251-12-090 which conflicts with the appeal receipt procedure specified in WAC 251-12-075.

Reasons Supporting Proposal: The rule proposal is appropriate because WAC 251-12-090 does not reflect the proper procedure for receipt of appeals.

Name of Agency Personnel Responsible for Drafting: William Gunther, 1202 Black Lake Boulevard, Olympia, 753-0380; **Implementation and Enforcement:** John Spitz, Director, 1202 Black Lake Boulevard, Olympia, 753-3730.

Name of Proponent: Higher Education Personnel Board staff, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Proposal repeals WAC 251-12-090 which specifies procedure for notifying the Higher Education Personnel Board or hearing examiner about appeals received as well as arranging an appeal hearing. The repeal of the rule would eliminate conflict between the appeal receipt procedure in WAC 251-12-090 and that specified in WAC 251-12-075.

Proposal Changes the Following Existing Rules: The proposal repeals WAC 251-12-090.

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

Hearing Location: University of Washington, Seattle, Washington, on June 4, 1992, at 10:00 a.m.

Submit Written Comments to: 1202 Black Lake Boulevard, P.O. Box 40918, Olympia, WA 98504-0918, by June 3, 1992.

Date of Intended Adoption: June 4, 1992.

April 20, 1992
 John A. Spitz
 Director

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 251-12-090 APPEALS RECEIPT—PROCEDURE.

WSR 92-09-125
PROPOSED RULES
HIGHER EDUCATION
PERSONNEL BOARD
 [Filed April 21, 1992, 2:59 p.m.]

Original Notice.

Title of Rule: WAC 251-12-290 Superior court appeals—Preparation of record—Time limitations—Cost.

Purpose: The rule stipulates the Higher Education Personnel Board's responsibility in transmitting certified records to superior court.

Statutory Authority for Adoption: RCW 28B.16.100.

Statute Being Implemented: Chapter 28B.16 RCW.

Summary: The proposal clarifies the Higher Education Personnel Board's responsibility for certifying appeal records to superior court.

Reasons Supporting Proposal: The proposal clarifies the intent of RCW 28B.16.150(3) within the Higher Education Personnel Board rules.

Name of Agency Personnel Responsible for Drafting: Holly Galloway, 1202 Black Lake Boulevard, Olympia, 586-8642; **Implementation and Enforcement:** John Spitz, 1202 Black Lake Boulevard, Olympia, 753-3730.

Name of Proponent: Higher Education Personnel Board staff, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed revisions clarify the Higher Education Personnel Board's responsibility for certifying appeal records to superior court. The revisions parallel the intent of the HEPB law by clarifying that the board shall transmit a certified record to court for suspension, reduction, dismissal, or demotion appeals.

Proposal Changes the Following Existing Rules: The revisions formally establish under what circumstances the Higher Education Personnel Board will transmit a certified record to superior court.

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

Hearing Location: University of Washington, Seattle, Washington, on June 4, 1992, at 10:00 a.m.

Submit Written Comments to: 1202 Black Lake Boulevard, P.O. Box 40918, Olympia, WA 98504-0918, by June 3, 1992.

Date of Intended Adoption: June 4, 1992.

April 20, 1992
 John A. Spitz
 Director

AMENDATORY SECTION (Amending Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-12-290 SUPERIOR COURT APPEALS—PREPARATION OF RECORD—TIME LIMITATIONS—COST. Within thirty calendar days after service of the notice of appeal to the superior court in cases of suspensions, reductions, dismissals, or demotions, or within such further time as the superior court may allow, the board shall transmit to the court a certified record, with exhibits, of the hearing; but by stipulation between the employing institution and the employee the record may be shortened, and either party unreasonably refusing to stipulate to such limitation may be ordered by the court to pay the additional cost involved. The superior court may require or permit subsequent corrections or additions to the record.

WSR 92-09-126
PROPOSED RULES
HIGHER EDUCATION
PERSONNEL BOARD
[Filed April 21, 1992, 3:02 p.m.]

Original Notice.
Title of Rule: WAC 251-12-072 Appeal from eligibility determinations.
Purpose: Rule outlines appeal rights available to applicants.

Statutory Authority for Adoption: RCW 28B.16.100.
Statute Being Implemented: Chapter 28B.16 RCW.
Summary: Rule specifies appeal rights of applicants.
Reasons Supporting Proposal: Modification to rule creates consistency with proposed modifications to chapter 251-17 WAC, specifically the appeal process.

Name of Agency Personnel Responsible for Drafting: Kris Brophy, 1202 Black Lake Boulevard, Olympia, WA, 753-3819; Implementation and Enforcement: John Spitz, Director, 1202 Black Lake Boulevard, Olympia, WA, 753-3730.

Name of Proponent: Higher Education Personnel Board staff, governmental.
Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Rule proposal states the appeal rights of applicants that are detailed in WAC 251-17-170. Proposal clarifies that applicants have initial appeal rights to the Higher Education Personnel Board director, proposal will reduce recordkeeping related to examination appeals.

Proposal Changes the Following Existing Rules: Eliminates the requirement for the Higher Education Personnel Board to assign examination appeals to the director.

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

Hearing Location: University of Washington, Seattle, Washington, on June 4, 1992, at 10:00 a.m.

Submit Written Comments to: 1202 Black Lake Boulevard, P.O. Box 40918, Olympia, WA 98504-0918, by June 3, 1992.

Date of Intended Adoption: June 4, 1992.

April 20, 1992
John A. Spitz
Director

AMENDATORY SECTION (Amending Order 164, filed 12/30/87, effective 2/1/88)

WAC 251-12-072 APPEALS FROM ELIGIBILITY DETERMINATIONS. An applicant may appeal the following ((actions)) to the director in ((accord)) accordance with the provisions of WAC 251-17-170:

- (1) Rejection of his/her application; or
- (2) The results of the institutional examination review process; or
- (3) The conduct of the ((selection)) examination process and/or his/her examination results; or
- (4) Failure to restore his/her name to an eligible list following the institutional review process; or
- (5) Removal of his/her name from an eligible list for reasons other than those specified in WAC 251-18-200(2).

WSR 92-09-127
PROPOSED RULES
DEPARTMENT OF ECOLOGY
[Order 92-02—Filed April 21, 1992, 4:17 p.m.]

Continuance of WSR 92-03-129.
Title of Rule: WAC 173-19-2602 City of Port Orchard.

Purpose: Continue adoption date from April 21, 1992, to June 1, 1992.

Date of Intended Adoption: June 1, 1992.

April 21, 1992
Fred Olson
Deputy Director

WSR 92-09-128
PROPOSED RULES
DEPARTMENT OF ECOLOGY
[Order 92-15—Filed April 21, 1992, 4:19 p.m.]

Continuance of WSR 92-07-088.
Title of Rule: WAC 173-19-2521 Seattle, City of.
Purpose: Continue public comment period from April 29, 1992, to May 7, 1992.

Submit Written Comments to: Master Program Coordinator, Department of Ecology Shorelands and Coastal Zone Management Program, P.O. Box 47600, Olympia, WA 98504-7600, by May 7, 1992.

Date of Intended Adoption: June 16, 1992.

April 21, 1992
Fred Olson
Deputy Director

WSR 92-09-129
PROPOSED RULES
DEPARTMENT OF FISHERIES
[Filed April 21, 1992, 4:20 p.m.]

Original Notice.
Title of Rule: Commercial fishing rules.
Purpose: Establish emerging commercial fisheries rules.

Statutory Authority for Adoption: RCW 75.08.080.
Statute Being Implemented: RCW 75.08.080.

Summary: Establishes emerging commercial fishery rules, experimental fishery permit and distinguishes trial commercial fishery.

Reasons Supporting Proposal: Emerging commercial fishery legislation was enacted in 1990.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, Mailstop AX-11, Olympia, 586-2429; Implementation: Judith Freeman, Mailstop AX-11, Olympia, 753-6749; and Enforcement: Dayna Matthews, Mailstop 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: WAC 220-88-010, defines when experimental fishery permit is used; distinguishes emerging fishery from expanding fishery and defines trial commercial fishery permit, and gives condition for issuance; WAC 220-88-020, clarifies that both the fishery must be established and the number of participants known before any permits issued, clarifies that the permit is in addition to a license, provides for change from trial fishery to emerging fishery, clarifies all 75.30 species and Secretary of Commerce-regulated fisheries exempt from classification as an emerging fishery and emergency closure provision; WAC 220-88-030, clarifies knowledge of commercial fishing required; statutory "representative of affected fishery industry" is meaningless if the fishery is truly an emerging fishery for which there is not affected fishery industry (example: brook lamprey) and new proposal disallowing board members to establish self-serving qualifications; WAC 220-88-040, new proposal disallows persons under any license suspension to participate in an emerging commercial fishery and new proposal gives consideration to prior participants in a trial commercial fishery; and WAC 220-88-050, clarifies who may apply for a trial commercial fishery permit, establishes review period, clarifies that the permit is in addition to a license, creates time limitation for trial commercial fisheries for newly classified species and emergency closure provision.

Proposal does not change existing rules.

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

This proposal does not affect ten percent of the businesses in any one three-digit industrial classification nor twenty percent of all businesses.

Hearing Location: Large Conference Room, General Administration Building, 11th and Columbia, Olympia, on May 28, 1992, at 1:00 p.m.

Submit Written Comments to: Fisheries Hearings Officer, Washington State Department of Fisheries, 115 General Administration Building, Olympia, 98502, by May 27, 1992.

Date of Intended Adoption: June 4, 1992.

April 21, 1992
Judith Merchant
Deputy
for Joseph R. Blum
Director

CHAPTER 220-88 - EMERGING COMMERCIAL FISHERIES

NEW SECTION

WAC 220-88-010 EMERGING COMMERCIAL FISHERIES—DEFINITIONS. The following definitions apply to this chapter:

(1) "Experimental fishery permit" means a permit issued by the director for either:

(a) an "emerging commercial fishery" defined as a fishery for a newly classified species for which the department has determined that there is a need to limit participation; or

(b) an "expanding commercial fishery" defined as a fishery for a previously classified species in a new area, by a new method, or to a degree for which the department has determined that there is a need to limit participation.

(2) "Trial commercial fishery permit" means a permit issued by the director for trial harvest of a newly classified species, or harvest of a previously classified species in a new area or by a new means. A trial commercial fishery permit will only be issued when the department has determined there is no need to limit participation.

NEW SECTION

WAC 220-88-020 EXPERIMENTAL FISHERY PERMITS.

(1) An experimental fishery permit will be issued by the department to a commercial fishery license holder after the effective date of designation, by rule, of a fishery as either an emerging commercial fishery or an expanding commercial fishery, and after establishing the number and qualifications of permit holders.

(2) An experimental fishery permit is supplemental to a commercial fishing license, and may not be used unless the fisher is currently licensed.

(3) A fishery for which a trial commercial fishery permit has been previously issued may, upon a finding of need to limit participation, be designated an emerging or expanding commercial fishery, for which an experimental fishery permit will be issued.

(4) An experimental fishery permit will not be issued for any species for which a license, endorsement, or validation limitation has been established pursuant to Chapter 75.30 RCW, or for any fishery under the jurisdiction of the Secretary of Commerce.

(5) The director may close an emerging or expanding commercial fishery for conservation reasons. Upon determination that such action is required, summary suspension of all experimental fishery permits issued for that fishery will take immediate effect, pending proceedings under RCW 34.05.422(4).

NEW SECTION

WAC 220-88-030 EXPERIMENTAL FISHERY PERMIT ADVISORY BOARD. (1) The five-person advisory board that will review and make recommendations regarding number and qualifications of persons who will receive experimental fishery permits shall have knowledge of the commercial fishing industry.

(2) No board member may be an applicant for or receive an experimental fishery permit.

NEW SECTION

WAC 220-88-040 EXPERIMENTAL FISHERY PERMITS—ISSUANCE. (1) No person ineligible to hold a commercial fishery license will be issued an experimental fishery permit.

(2) In the event of a trial commercial fishery becoming an emerging or expanding commercial fishery, consideration shall be given to whether a fisher making application for an experimental fishery permit had previously held a trial commercial fishery permit for that fishery.

NEW SECTION

WAC 220-88-050 TRIAL COMMERCIAL FISHERY PERMITS. (1) Trial commercial fishery permits will be issued upon application by an individual or group. Such application must specify the species, fishing area and fishing method to be used.

(2) The department will respond to any request for a trial commercial fishery permit within 60 days of the application.

(3) A trial commercial fishery permit is supplemental to a commercial fishing license, and may not be used unless the fisher is currently licensed.

(4) A trial commercial fishery permit for a newly classified species will only be issued after the director has by rule classified the species as a food fish or shellfish in Chapter 220-12 WAC. If emergency classification is requested, the trial commercial fishery permit will be issued only for the period of emergency classification, and will not be renewed unless a request for permanent classification has been received by the department at least two weeks before the end of the permit period.

(5) A fishery for which a trial commercial fishery permit has been previously issued may, upon a finding of need to limit participation, be designated an emerging or expanding commercial fishery. In such case, any trial commercial fishery permit issued for that fishery will be summarily suspended, pending proceedings under RCW 34.05.422(4).

WSR 92-09-130
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 92-22—Filed April 21, 1992, 4:21 p.m.]

Date of Adoption: April 17, 1992.
 Purpose: Commercial fishing regulations.
 Citation of Existing Rules Affected by this Order:
 Amending WAC 220-24-020.
 Statutory Authority for Adoption: RCW 75.08.080.
 Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: A harvestable quota of chinook salmon is available for troll fishermen. This regulation is adopted at the recommendation of the Pacific Fisheries Management Council, and is consistent with federal law.

Effective Date of Rule: Immediately.

April 17, 1992
 Judith Merchant
 Deputy
 for Joseph R. Blum
 Director

NEW SECTION

WAC 220-24-02000L COMMERCIAL SALMON TROLL. *Notwithstanding the provisions of WAC 220-24-010, WAC 220-24-020 and WAC 220-32-030, effective immediately until further notice it is unlawful to fish for or possess salmon taken for commercial purposes with troll gear from those waters west of the Bonilla-Tatoosh Line, the Pacific Ocean and waters west of the Buoy 10 Line at the mouth of the Columbia River except as provided for in this section:*

(1) *Effective 12:01 a.m., May 1, 1992 it is lawful to fish for and possess salmon except coho salmon taken from these waters, except for Washington waters in a closed conservation zone at the mouth of the Columbia River described as waters inside and shoreward of a line projected six miles due west from North Head along 461800 N to 1241318W, then southerly along a line 167 true to 461106N, 1241100W (the Columbia River Buoy) thence along the red buoy line to the tip of the south jetty.*

(2) *This season will close when a chinook guideline of 42,100 is taken or June 15, 1992, whichever is earlier.*

(3) *Lawful terminal gear is restricted to single point, single shank barbless hooks.*

(4) *No chinook salmon less than 28 inches in total length may be retained.*

(5) *It is unlawful to fish for or possess salmon taken for commercial purposes with gear other than troll gear.*

(6) *It is unlawful to land salmon taken south of Cape Falcon in any port north of Cape Falcon, except when the waters north of Cape Falcon are closed. It is unlawful to land chinook salmon taken south of Cape Falcon that are less than 26 inches in length.*

WSR 92-09-131
PROPOSED RULES
DEPARTMENT OF ECOLOGY
 [Order 92-01—Filed April 21, 1992, 4:25 p.m.]

Continuance of WSR 92-03-128.
 Title of Rule: WAC 173-19-2515 City of Mercer Island.
 Purpose: Continue adoption date from April 21, 1992, to May 18, 1992.
 Date of Intended Adoption: May 18, 1992.
 April 21, 1992
 Fred Olson
 Deputy Director

WSR 92-09-132
PROPOSED RULES
DEPARTMENT OF ECOLOGY
 [Filed April 21, 1992, 4:27 p.m.]

Original Notice.
 Title of Rule: WAC 173-19-2523 City of Snoqualmie shoreline master program.

Purpose: Adoption of revised shoreline master program into state master program, chapter 173-19 WAC.
 Statutory Authority for Adoption: RCW 90.58.200.
 Statute Being Implemented: Chapter 90.58 RCW, Shoreline Management Act of 1971.

Summary: The amendment revises the shoreline master program for the city of Snoqualmie.

Reasons Supporting Proposal: Shoreline master programs and revisions thereto are developed by local governments and submitted to the department for approval. The programs do not become effective until adopted by the department in accordance with the Shoreline Management Act and the Administrative Procedure Act.

Name of Agency Personnel Responsible for Drafting: Barry Wenger, Department of Ecology, P.O. Box 46700, Olympia, WA 98504-6700, (206) 459-6767; Implementation and Enforcement: D. Rodney Mack, Department of Ecology, P.O. Box 46700, Olympia, WA 98504-6700, (206) 459-6777.

Name of Proponent: Department of Ecology, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The amendment will incorporate 33 acres newly annexed by the city into its shoreline master program. The parcel is located in the NE quarter of Section 30, Township 24, Range 8 East, W.M. The portion lying within 200 feet of the Snoqualmie River will be designated conservancy environment, and the portion lying outside of this area, but within the 100 year flood plain will be designated urban floodplain.

Proposal Changes the Following Existing Rules: Amends chapter 173-19 WAC, Shoreline Management Act of 1971, state master program.

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

Chapter 6, Laws of 1982, the Regulatory Fairness Act, states that regulations which have an economic impact on more than 20 percent of all industries, or more than 10 percent of any one industry shall have a small business economic impact statement prepared and filed with the code reviser.

The amendment proposed by jurisdiction does not meet the criteria which determines that a small business economic impact statement is necessary.

Hearing Location: Chamber of Commerce, SRA Building, 108 Railroad Avenue South, SR 102, Snoqualmie, WA, on Thursday, May 28, 1992, at 7:00 p.m.

Submit Written Comments to: Master Program Coordinator, Washington State Department of Ecology, Shorelands and Coastal Zone Management Program, P.O. Box 46700, Olympia, WA 98504, by June 4, 1992.

Date of Intended Adoption: August 18, 1992.

April 21, 1992

Fred Olson

Deputy Director

AMENDATORY SECTION (Amending Order 86-35, filed 12/16/86)

WAC 173-19-2523 SNOQUALMIE, CITY OF. City of Snoqualmie master program approved August 16, 1974. Revision approved December 16, 1986. Revision approved August 18, 1982.

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 92-09-133

PROPOSED RULES

DEPARTMENT OF ECOLOGY

[Order 91-46—Filed April 21, 1992, 4:32 p.m.]

Original Notice.

Title of Rule: Chapter 173-422 WAC, Motor vehicle emission inspection.

Purpose: To reduce the impact on air quality from gasoline and diesel motor vehicles in urban areas.

Statutory Authority for Adoption: Chapter 70.120 RCW.

Statute Being Implemented: Chapter 70.120 RCW.

Summary: Expands the King, Snohomish, and Spokane counties' inspection areas and establishes Pierce and Clark counties' inspection areas. Sets diesel inspection procedures and revises inspection procedures for gasoline vehicles.

Reasons Supporting Proposal: Needed to comply with new federal and state law requirements.

Name of Agency Personnel Responsible for Drafting: John Raymond, Lacey, (206) 459-6261; Implementation and Enforcement: Joe Williams, Lacey, (206) 459-6255.

Name of Proponent: Department of Ecology, Air Quality Program, governmental.

Rule is necessary because of federal law, 42 U.S.C. 7401 et seq, as amended by Public Law 101-549, November 15, 1990.

Explanation of Rule, its Purpose, and Anticipated Effects: The purpose of this rule is to improve air quality

in areas that exceed federal air quality standards due to the operation of motor vehicles.

Proposal Changes the Following Existing Rules: Expands the King, Snohomish, and Spokane counties' inspection areas and establishes Pierce and Clark counties' inspection areas. Adds emission control equipment checks to the inspection procedure for gasoline vehicles. Establishes diesel vehicle exhaust opacity testing methods and standards. Revises the gasoline vehicle exhaust testing methods.

Small Business Economic Impact Statement

Rule Summary: Chapter 173-422 WAC specifies which vehicles need to be tested for emissions and the procedures to be followed by vehicle operators and emission testers. The revisions listed below include changing the requirements for vehicles and vehicle owners which would affect all businesses which own vehicles in the existing test area. These revisions also include broadening the test area. Since many businesses operate one or more motor vehicles the rule would affect all businesses which own vehicles in the new area.

Regulatory Fairness Act Requirements: The Regulatory Fairness Act, chapter 19.85 RCW, requires that rules which have an economic impact on more than 20 percent of the businesses of all industries or more than 10 percent of the businesses in any one industry (as defined by any three digit SIC code) be reviewed, and amended if necessary, to minimize their impact on small businesses. Revisions to chapter 173-422 WAC meet these criteria and require a small business economic impact statement (SBEIS).

Summary of Findings and Mitigation Efforts: Amendments to chapter 173-422 WAC affect all businesses which own vehicles in the existing and amended test areas. Moreover, the amendments considered here have a disproportionate economic impact on small businesses.

Businesses which are likely to experience beneficial impacts are following SIC codes: 501 Motor Vehicles, Parts and Supplies; 551 Motor Vehicle Dealers; 552 Motor Vehicles (Used); 553 Auto and Home Supply Stores; 554 Gasoline Service Stations; and 559 Automotive Dealers.

Some amendments mitigate the affects on small businesses by changing the definition of a fleet from 25 to 15 vehicles. This allows businesses the flexibility to choose between fleet testing and testing at public inspection stations. The amendment also allows 6 months rather than 90 days for the free retest for nonfleet vehicles. Fleets will still have one year to retest. Diesel vehicles will now be able to use fleet testing.

Description of Compliance Requirements: Chapter 173-422 WAC implements the motor vehicle emission control law codified as chapter 70.120 RCW. Amendments to chapter 70.120 RCW as outlined in HB 1128, which became law on May 15, 1991, include the following: A smoke opacity test for diesel vehicles; a vehicle inspection before change of registered owner (dealer exemption retained); and emission control equipment checks as part of the inspection.

Proposed amendments chapter 173-422 WAC to meet the state law would: Establish diesel opacity resting [testing] methods and standards; reduce the number of vehicles in a fleet to 15 from 25, for purposes of establishing approved self-testing; allow an owner of any number of diesel trucks to self test; require an inspection before a change of registered owner; increase the time for which inspection certificates are valid from ninety days to six months; and exempt vehicles fueled by propane, compressed natural gas, or liquid petroleum gas.

Proposed amendments to meet federal requirements would: Expand King, Snohomish, and Spokane county inspection areas and establish Pierce and Clark county inspection areas; and include emission control equipment checks in each inspection (includes on-board diagnostic systems).

Proposed amendments to improve the program would: Revise the test procedure for gasoline vehicles to include preconditioning of failed vehicles so that false failures due to engine or catalytic converter not being at normal operating temperature is greatly reduced.

Cost of Compliance: Some businesses, such as automobile dealers, automotive repair shops and auto parts stores may see a net profit from the revisions due to the additional repairs encouraged by inspection of vehicles for removed or inoperative emission control systems. The consumer costs will depend on the cause of the emission test failure. Currently the maximum expenditure required to bring emissions into compliance for 1980 or earlier model year is \$50. The legislation has raised this to \$100. The maximum expenditure required for newer vehicles will remain at \$150. An average of 17% of vehicles fail the emission test. The failure rate varies from 42% for the 1968 model year to 1.5% for brand new vehicles. It is likely that businesses tend to own newer vehicles with lower failure rates than the population as a whole.

In 1990 vehicle emission tests resulted in over \$1,965,391 in payments to the general fund. Expansion of the test area and improvements to the test procedure will approximately double these costs. (Costs for emission test for diesel vehicles are not included in these figures.)

In 1991 approximately 10 percent of the total payments for fleet service were from small businesses. Ecology recognizes that many small businesses operate vehicles, but do not have enough vehicles to be considered a fleet. These businesses will be required to pay the same rate for an emission test as the general public. The current rate is \$16, with a maximum level of \$18. The fee should not exceed the cost of performing and monitoring the test, but exact cost figures are not available. \$16 is used as an approximate value.

Identification of Affected Industries: Businesses which may be affected by these revisions include SIC Codes 501, 551, 552, 553, 554, and 559. Many businesses in these SIC codes are small businesses. Clark and Pierce counties include approximately 14% of the businesses registered in SIC 55. With this addition approximately 50% of all businesses in the SIC Code 55 will now be in the combined area affected by the rule. This regulation does meet the requirements for a SBEIS.

The following table shows the total number of businesses in these industries, and gives the number of small businesses in each classification. (Data are from 1989.)

SIC Code	Description	All Businesses		Small Businesses	
		Units	Emps.	Units	Employees
501	Automobiles and Parts	575	6,082	352	4,379
551	New and Used Car Dealers	455	11,856	294	7,442
552	Used Car Dealers	222	643	232	482
553	Auto and Home Supply Stores	706	5,843	626	4,500
554	Gasoline Service Stations and				
559	Auto Dealers (not classified elsewhere)	1,778	9,150	1,764	8,327

Source: Employment Security Department
Small Businesses defined as businesses with 50 or fewer employees.

Cost Comparison: Larger businesses that regularly service and maintain fleets are allowed to incorporate emission tests into their service programs. Vehicle emission tests are required within twelve months of the license renewal date, with exact scheduling left to the business. This flexibility reduces the incremental cost of emission tests. In addition, the average cost for passing emission tests may be quite low for large fleets. Vehicle test forms have a set cost, but facilities for large fleets may make any maintenance adjustments necessary for passing emission test relatively inexpensive.

Small businesses that do not meet the fleet requirements are required to have emission inspections at public inspection stations. The inspection fee cost must be adjusted to include the time required to take vehicles to the inspection station and the additional time the vehicle is unavailable for use by staff. Assuming a minimum wage for the employee taking the car to the test facility the minimum additional cost would be approximately \$5 to \$10 per vehicle tested. Some small businesses can not be without a vehicle for even a short period of time. An example of this would be companies that have only one vehicle and provide immediate delivery or pick-up. In addition the value of the car to the business could be equal to the cost of a replacement vehicle for the day. Costs start at \$17.32 and go up depending on the size and condition of the vehicle required. The minimum cost then is approximately \$25. Due to the lack of information on the number of vehicles operated by various small businesses, and the range in possible estimates for the value of time required to take vehicles to test facilities, or the time required for maintenance a direct comparison of cost per vehicle is not possible.

	Time and Vehicle Loss	Fee
Minimum Small Business Costs	\$25	\$16

Fleet testing utilizes the time of maintenance staff and requires equipment purchases. Since fleets pay \$16 for a test fee per vehicle, the difference in fees does not explain the decision to test vehicles as a fleet. The value of the time and vehicle use must be greater than the cost of additional mechanics time and the additional equipment. Economies of scale must be great enough to cover these costs. Therefore costs must be lower on a per vehicle basis for large companies with fleets. If they were not, those with fleets would choose to test at a public inspection station.

Small businesses that meet fleet requirements pay the same amount per vehicle test form as large businesses. In this case the incremental cost (of testing an additional vehicle) is the same for large and small businesses. Given the limited data ratios can not be constructed. Ecology recognizes, however, that most small businesses do pay higher average costs for emission tests.

Mitigation: Current law permits fleet vehicles to be inspected within twelve months of their scheduled license renewal. This approach allows fleet emission tests to be scheduled along with other maintenance, lowering the incremental cost of testing. To help small businesses take advantage of this flexibility, the definition of a fleet is reduced from 25 vehicles to 15. In addition, one diesel vehicle may be defined as a fleet. Ecology can not legally exempt small businesses or postpone deadlines.

Hearing Location: June 9, City of SeaTac Fire Hall, 2929 South 200th, SeaTac, at 7:30 p.m.; on June 10, Snohomish County Administration Building, 3000 Rockefeller Avenue, Everett, at 7:30 p.m.; on June 11, Pierce County Health Department Auditorium, 3629 South D Street, Tacoma, at 7:30 p.m.; on June 18, Clark College, Foster Auditorium, 1800 East McLoughlin Boulevard, Vancouver, at 7:30 p.m.; and on June 23, Spokane County Public Health District Auditorium, West 1101 College Street, Spokane, at 7:30 p.m.

Submit Written Comments to: John Raymond, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, by July 1, 1992.

Date of Intended Adoption: September 1, 1992.

April 21, 1992

Fred Olson

Deputy Director

AMENDATORY SECTION (Amending Order DE 83-31, filed 11/23/83, effective 1/2/84)

WAC 173-422-010 PURPOSE. This chapter implements the Washington Clean Air Act, chapter 70.94 RCW, as supplemented by the motor vehicle emission inspection provisions codified as chapter 70.120 RCW.

Gasoline motor vehicles are the primary emitters of carbon monoxide and emit significant quantities of hydrocarbons and oxides of nitrogen. Diesel motor vehicles are emitters primarily of particulates, hydrocarbons, and oxides of nitrogen. Emission controls required by the federal government are designed to reduce motor vehicle related air pollution. However, the effectiveness of these controls is substantially reduced through deterioration, maladjustment and tampering. Motor vehicle emission inspection serves to identify high polluting vehicles and vehicles with tampered or missing emission controls and to reduce their emissions, when such reduction can be accomplished at reasonable cost. These rules establish the emission standards, testing procedures, and associated activities necessary to implement a program of air pollution prevention and control (involving) resulting from motor vehicle emission inspections.

AMENDATORY SECTION (Amending WSR 90-06-062, filed 3/6/90, effective 4/6/90)

WAC 173-422-020 DEFINITIONS. Unless a different meaning is clearly indicated by context, the following definitions will apply:

(1) "Accuracy" means the degree of correctness by which the true value of a measured sample is determined.

(2) "Calibration gases" mean a blend of hydrocarbon (propane), carbon monoxide (CO), and carbon dioxide using nitrogen as carrier gas. The concentrations are to be traceable to within two percent of NBS standards.

(3) "Certificate of acceptance" means an official form, issued by someone authorized by the department, which certifies that all of the

following conditions have been met: The recipient's vehicle initially failed (~~to comply with applicable~~) the emission (standards) inspection, the recipient has provided original receipts proving that more than (~~forty~~) one hundred dollars or one hundred fifty dollars on a 1981 or later model motor vehicle were spent after the first (~~test~~) inspection and before the final (~~test~~) inspection on repairs performed by a "certified emission specialist" solely to (~~meet~~) reduce emissions (standards), the vehicle on final reinspection again failed to meet such standards, and the repair information section of the test report has been completed and the vehicle has been in use for more than five years or fifty thousand miles, and any component of the vehicle installed by the manufacturer for the purpose of reducing emissions, or its appropriate replacement, is installed and operative.

(4) "Certificate of compliance" means an official form, issued by someone authorized by the department, which certifies that the recipient's vehicle on inspection complied with applicable emission inspection standards.

(5) "Certified emission specialist" means an individual who has been issued a certificate of instruction by the department as authorized in RCW 70.120.020 (2)(a) and has maintained the certification by meeting requirements of WAC 173-422-190(2).

(6) "Dealer" means a motor vehicle dealer, as defined in RCW 46.70.011, that is licensed pursuant to chapter 46.70 RCW.

(7) "Department" means the department of ecology.

(8) "Drift" means the change in the reading of the analyzer to a given sample over a period of time with no adjustment to the analyzer having been made between the initial and final measurements.

(9) "Emission contributing area" means a land area within whose boundaries are registered motor vehicles that contribute significantly to the violation of motor vehicle related air quality standards in a non-compliance area. (The inspection program implemented by this chapter applies only to vehicles registered in emission contributing areas.)

(10) "Farm vehicle" means any vehicle other than a farm tractor or farm implement which is designed and/or used primarily in agricultural pursuits on farms for the purpose of transporting machinery, equipment, implements, farm products, supplies, and/or farm labor thereon and is only incidentally operated on or moved along public highways for the purpose of going from one farm to another.

(11) "Fleet" means a group of (~~twenty-five~~) fifteen or more motor vehicles owned or leased concurrently by one (~~person~~).

(12) "Gaseous fuel" means liquefied petroleum gases and natural gases in liquefied or gaseous forms) owner assigned a fleet identifier code by the department of licensing.

(~~(+3)~~) (12) "Gross vehicle weight ((GVW)) rating (GVWR)" means the manufacturer stated gross vehicle weight rating.

(~~(+4)~~) (13) "HC and CO emissions" means the concentration of hydrocarbons (measured as n-hexane) and carbon monoxide in the engine exhaust.

(~~(+5)~~) (14) "Motor vehicle" means any self-propelled vehicle required to be licensed pursuant to chapter 46.16 RCW.

(~~(+6)~~) (15) "Motorcycle" means every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a farm tractor.

(~~(+7)~~) (16) "NBS" means National Bureau of Standards.

(~~(+8)~~) (17) "Noncompliance area" means a land area within whose boundaries any air quality standard for any air contaminant from the emissions of motor vehicles will probably be exceeded.

(~~(+9)~~) (18) "PPM" means parts per million by volume.

(19) "Primary emission control components" means the components of the vehicle installed by the manufacturer for the purpose of reducing emissions or its replacement which is acceptable to the United States Environmental Protection Agency. These components are the catalytic converter or thermal reactor, the air injection system components, the thermostatic air cleaner, the exhaust gas recirculation system components, the evaporative emission system components including the gas cap, the positive crankcase ventilation system components, and the components that control the air/fuel mixture or ignition timing.

(20) "Repeatability" means the ability of an analyzer to report the same value for successive measurements of the same sample.

(21) "Response" means how quickly there is a change in reading following a change in concentration at the sample probe inlet.

(22) "Sensitivity" means the smallest change in the value of a measured sample that can be detected by the analyzer.

(23) "Zero calibration gases" means air or nitrogen in which total impurities do not exceed 0.01 percent.

AMENDATORY SECTION (Amending Order DE 83-31, filed 11/23/83, effective 1/2/84)

WAC 173-422-030 VEHICLE EMISSION INSPECTION REQUIREMENT. All motor vehicles, not specifically exempted by WAC 173-422-170, which are registered or reregistered within the boundaries of an emission contributing area, as specified in WAC 173-422-050, are subject to the vehicle emission inspection requirements of this chapter. Neither the department of licensing nor its agents may change the registered owner or may issue or renew a motor vehicle license for any vehicle registered in an emission contributing area, as that area is established under RCW 70.120.040, unless the application for issuance or renewal is: (1) Accompanied by a valid certificate of compliance issued pursuant to RCW 70.120.060, 70.120.080, or 70.120.090 or a valid certificate of acceptance issued pursuant to RCW 70.120.070; or (2) exempted from this requirement pursuant to RCW 46.16.015(2). The certificates must have a date of validation which is within ((~~ninety~~ six months)) six months of the date of application for the vehicle license ((~~or~~), license renewal or registered owner change. Certificates for fleet or owner tested vehicles may have a date of validation which is within twelve months of the assigned license renewal date.

AMENDATORY SECTION (Amending WSR 90-06-062, filed 3/6/90, effective 4/6/90)

WAC 173-422-035 REGISTRATION REQUIREMENTS. (1) Persons residing in emission contributing areas as defined under WAC 173-422-050 shall register their motor vehicles within that area (~~unless business reasons require registration outside of the area~~).

(2) Any person who violates this section is subject to a civil penalty not to exceed ((~~one~~) two hundred fifty) dollars for each violation.

(3) Any civil penalty imposed by the department hereunder shall be appealable to the pollution control hearings board as provided for in chapter 43.21B RCW.

AMENDATORY SECTION (Amending Order DE 83-31 [WSR 90-06-062], filed 11/23/83 [3/6/90], effective 1/2/84 [4/6/90])

WAC 173-422-040 NONCOMPLIANCE AREAS. The following areas are designated noncompliance areas for the air contaminants specified: Carbon monoxide

- (1) The city of Seattle.
- (2) The city of Bellevue.
- (3) The city of Spokane.
- (4) The city of Tacoma.
- (5) The city of Vancouver.
- (6) ((~~The city of Yakima~~ The city of Everett).
- (7))

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

AMENDATORY SECTION (Amending Order DE 84-7 filed 4/18/84)

WAC 173-422-050 EMISSION CONTRIBUTING AREAS. Emission contributing areas within which the motor vehicle emission inspection program applies are designated by the following United States Postal Service ZIP codes as of ((~~the effective dates~~) January 1, 1992, set forth below:

- (1) Puget Sound Region ((~~effective January 1, 1982~~)

98004	98039
98005	98040
98006	98041
98007	98043
98008	98046
98009	98052
98011	98053
98012	98055
98020	98056
98021	98057
98027	98062
98028	98063
98033	98072
98034	98073
98036	98083
98037	98101 thru 98199; inclusive except 98110))

98001	98035	98072
98002	98036	98073
98003	98037	98083
98004	98038	98101 thru 98199, inclusive except 98110
98005	98039	98201 thru 98208
98006	98040	98258
98007	98041	98270
98008	98042	98271
98009	98043	98275
98011	98046	98290
98012	98047	98327
98020	98052	98332
98021	98053	98335
98023	98054	98338
98025	98055	98344
98026	98056	98352
98027	98057	98354
98028	98058	98371 thru 98374
98031	98059	98387
98032	98062	98388
98033	98063	98390
98034	98064	98401 thru 98499
	98071	

- (2) Spokane Region ((~~effective July 1, 1985~~))

99001	99202
99005	99203
99014	99204
99016	99205
99019	99206
99021	99207
99025	99208
99027	99212
99037	99216
99201	99218

- (3) Vancouver Region

98607
98660 thru 98668
98671
98682-86

AMENDATORY SECTION (Amending WSR 90-06-062, filed 3/6/90, effective 4/6/90)

WAC 173-422-060 GASOLINE VEHICLE EMISSION STANDARDS. Gasoline motor vehicles subject to this chapter shall:

- (1) With the exception of vehicles whose model year is 1980 or earlier, have the "primary emission control components" installed and operative, and have an engine that is or was available from the vehicle manufacturer for use with that vehicle or a vehicle of the same or newer model year with the same chassis; and
- (2) Meet the following exhaust emission standards prior to receiving a certificate of compliance.

EXHAUST EMISSION STANDARDS

<u>Model Year</u>	<u>CO(%)</u>	<u>HC (ppm)</u>	<u>Opacity (%)</u>
68-74	6.0	((1000) <u>900</u>) <u>30</u>	
((75 and later) <u>75-80</u>)	3.0	600	<u>30</u>
<u>81-93 (0-8500 GVWR)</u>	1.2	<u>220</u>	<u>30</u>
<u>81-93 (Greater than 8500 GVWR)</u>	3.0	<u>400</u>	<u>30</u>
<u>94-99</u>	0.5	<u>100</u>	<u>30</u>

((Except 1981 and later model vehicles manufactured with a catalytic converter the standards are:

1.2	220))
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NEW SECTION

WAC 173-422-065 DIESEL VEHICLE EXHAUST EMISSION STANDARDS. Diesel motor vehicles subject to this chapter

shall meet the following opacity standards using the test procedures specified in WAC 173-422-075.

Model Year	Opacity (%)
1968 - 1973	70
1974 - 1991	60
1992 and later	40

Vehicles tested at locations above 1000 feet altitude will be allowed an additional 10% opacity.

AMENDATORY SECTION (Amending WSR 90-06-062, filed 3/6/90, effective 4/6/90)

WAC 173-422-070 ((~~TEST~~)) **GASOLINE VEHICLE INSPECTION PROCEDURES**. All persons certified by, or under contract to, the department to conduct motor vehicle emission inspections shall use the following ((~~test~~)) procedures. Variations to the procedures specified may be ((~~used if approved~~)) established by the department ((~~after receipt of evidence that such changes will not interfere with the validity of the test~~)) for all or certain vehicles.

(1) The vehicle exhaust emissions of carbon monoxide, hydrocarbons, and carbon dioxide shall be measured using either a two-speed (idle and 2500 rpm) test with the transmission in neutral or park ((shall be used to measure vehicle exhaust emissions for carbon monoxide, hydrocarbons, and carbon dioxide)) or a loaded test with the transmission in drive or in third gear unless the engine speed does not equal or exceed 2500 rpm then second gear shall be used for the loaded mode and in park or neutral for the idle mode. A vehicle with an automatic transmission may be tested in drive for the idle ((test)) mode if the idle rpm in neutral or park exceeds ((+200)) 1100 rpm. However, the idle rpm as tested cannot exceed ((+200)) 1100 rpm unless allowed to do so by the vehicle manufacturer's specifications.

(2) The engine shall be at normal operating temperature during the emission test with all accessories off.

(3) Any vehicle causing an unsafe condition, such as the continuous leaking of any fluid onto the floor, may be rejected from the inspection site.

(4) Vehicles shall be approximately level during the test.

(5) Vehicles with more than one exhaust pipe shall be tested by sampling ((~~each tail~~)) one exhaust pipe ((and averaging the results, unless)) if the exhaust pipes originate from a common point in the exhaust system((~~Simultaneous~~)) or simultaneously sampling ((from multiple)) each exhaust pipe((s may also be used)).

(6) The following steps shall be taken to prevent excessive dilution. The exhaust sample probe must be inserted at least ten inches into the tail pipe. If this is not possible, an extension boot shall be used. The exhaust emission test results shall not be recorded if the sum of the carbon monoxide and the carbon dioxide concentration does not ((meet)) equal or exceed ((five)) six percent.

(7) If the engine stalls during the test, the exhaust sample probe shall be removed, the engine ((shall be)) restarted, and one additional attempt ((will be)) made to complete the test after reinserting the exhaust sample probe.

(8) ((If a vehicle is capable of being operated with either gasoline or gaseous fuels, the vehicle shall be tested using the fuel it is operating on when it enters the testing facility.

(9) If a multiple range analyzer is used, the exhaust analyzer range shall be selected so that the standard for the vehicles being tested is between twenty-five percent and seventy-five percent of full scale, if possible.)) Two speed test sequence.

(a) Insert the exhaust sample probe.

(b) The pass/fail analysis shall begin after an elapsed time of ten seconds. A pass determination shall be made for the vehicle and the idle mode terminated if:

(i) The vehicle shall pass the idle mode test and this mode terminated if, prior to an elapsed time of thirty seconds, exhaust gas concentrations are less than or equal to 100 ppm HC and 0.5 percent CO.

(ii) The vehicle shall pass the idle mode test and this mode terminated if, at any time between an elapsed time of thirty seconds and ninety seconds, the exhaust gas concentrations are less than or equal to the applicable emission standards.

(c) Increase the engine speed to 2500 ± 300 rpm.

(d) The pass/fail analysis shall begin after an elapsed time of ten seconds. A pass or fail determination shall be made for the vehicle and the 2500 rpm mode terminated for vehicles that passed the idle mode test as follows:

(i) The vehicle shall pass the 2500 rpm mode test and this mode terminated if, prior to an elapsed time of thirty seconds, exhaust gas concentrations are less than or equal to 100 ppm HC and 0.5 percent CO.

(ii) The vehicle shall pass the 2500 rpm mode test and this mode terminated if, at any time between an elapsed time of thirty seconds and one hundred eighty seconds, the exhaust gas concentrations are less than or equal to the applicable emission standards.

(e) A pass or fail determination shall be made for vehicles that failed the idle mode test and the 2500 rpm mode test terminated at the end of an elapsed time of one hundred eighty seconds.

(f) If the vehicle fails the initial idle mode test and passed the high-speed mode test, a second idle test will be conducted.

(9) Loaded test sequence.

(a) Insert the exhaust sample probe.

(b) The test shall start when the dynamometer speed is within the following limits:

engine cylinders	speed (mph)	brake horsepower
4 or less	22-25	2.8-4.1
5-6	29-32	6.8-8.4
7 or more	32-35	8.4-10.8

If the dynamometer speed falls outside the limits for more than five seconds in one excursion, or fifteen seconds over all excursions, the test shall be restarted.

(c) The pass/fail analysis shall begin after an elapsed time of ten seconds. A pass determination shall be made for the loaded mode and this mode terminated if at any point between an elapsed time of thirty seconds and ninety seconds, the exhaust gas concentrations are less than or equal to the applicable emission standards.

(d) The idle mode shall start when the dynamometer speed is zero and the vehicle engine speed is less than 1100 rpm. If engine speed exceeds 1100 rpm the idle mode test shall be restarted.

(e) The pass/fail analysis shall begin after an elapsed time of ten seconds. A pass determination shall be made for the vehicle and the idle mode terminated if:

(i) Prior to an elapsed time of thirty seconds, exhaust gas concentrations are less than or equal to 100 ppm HC and 0.5 percent CO.

(ii) At any time between an elapsed time of thirty seconds and ninety seconds, exhaust gas concentrations are less than or equal to the applicable emission standards.

(10) Before ((testing a 1981 and later)) failing a 1981-1986 model year Ford Motor Company vehicle with a gross vehicle weight of 8500 pounds or less, or a 1984-85 model year Honda Prelude, the engine shall be ((turned)) shut off for ten seconds and then restarted and the failing mode repeated.

((+1)) Increase the engine speed to 2500 ± 300 rpm.

((+2)) Insert the probe into the tailpipe. After at least thirty seconds record the exhaust emissions averaged over the last five seconds.

((+3)) Slowly reduce the engine speed to idle (less than 1200 rpm). After at least thirty seconds or when the readings have stabilized at a level meeting the emission standards record the exhaust emissions averaged over the last five seconds.

((+4)) When readings from multiple exhaust pipes are averaged, steps +0, +1, +2, and +3 shall be repeated for all exhaust pipes.))

NEW SECTION

WAC 173-422-075 **DIESEL VEHICLE INSPECTION PROCEDURE**. Diesel vehicles shall be tested using the following procedure:

(1) With the transmission in neutral move the accelerator pedal from normal idle as rapidly as possible to the full power position, and held in this position for three seconds unless the engine reaches the maximum speed allowed by the vehicle manufacturer as indicated by the vehicle's tachometer then the accelerator pedal shall be immediately released.

(2) Fully release the accelerator pedal so that the engine decelerates to normal idle.

(3) Measure the smoke opacity with an opacity meter continuously during the test.

(4) Repeat the above steps ten times or until three successive maximum opacity measurements meet the standard established in WAC 173-422-065.

AMENDATORY SECTION (Amending WSR 90-06-062, filed 3/6/90, effective 4/6/90)

WAC 173-422-090 EXHAUST GAS ANALYZER SPECIFICATIONS. Only exhaust gas analyzers meeting the following specifications at the time of certification testing may be used for certification testing. Any person authorized by the department to certify vehicles is solely responsible for insuring that the testing equipment is operating within the following specifications at the time of certification testing.

(1) Accuracy: The readings or the printed test results of the exhaust analyzers compared to the true value of a measured sample shall have the following accuracy tolerances.

<u>((HC - Measured as n - hexane</u>		
200 to 220 ppm		±15 ppm
0 to 1000 ppm		±30 ppm
1000 to 2000 ppm		±100 ppm
<u>CO</u>		
1.0 to 1.2%		±0.1%
0 to 5%		±0.2%
5 to 10%		±0.5%
<u>CO₂</u>		
4 to 6%		±1%
<u>HC - Measured as n - hexane</u>		
0 to 400 ppm		±12 ppm
401 to 1000 ppm		±30 ppm
1001 to 2000 ppm		±80 ppm
<u>CO</u>		
0 - 2.00		±0.06
2.01 - 5.00		±0.15
5.01 - 9.99		±0.40
<u>CO₂</u>		
0 - 4.0		±0.6
4.1 - 14.0		±0.5

(2) Calibration: The analyzer shall have the capability of being calibrated electronically and by gas.

(3) Drift: The drift of the zero reading or any calibration reading of each analyzer shall not exceed 15 ppm HC, 0.1% CO or 0.5% CO₂ in one hour.

(4) Flow restriction indicator: The analyzer shall be operated within manufacturer's specifications for sample flow. The sampling system shall be equipped with a visual and/or audible warning that sample flow is not within operating requirements.

(5) Interference effects: Sampling the following concentrations of noninterest gases shall not cause the HC reading to change ±10 ppm: 15% CO₂ in N₂, 10% CO in N₂, 3000 ppm NO in N₂, 10% O₂ in N₂, and 3% H₂O vapor in air.

Sampling the following concentrations of noninterest gases shall not cause the CO reading to change ±0.05%: 15% CO₂ in N₂, 1600 ppm HC in N₂, 3000 ppm NO in N₂, 10% O₂ in N₂, and 3% H₂O vapor in air.

Sampling the following concentrations of noninterest gases shall not cause the CO₂ reading to change ((±0.5%)) ±0.20%: 1600 ppm HC in N₂, 10% CO in N₂, 3000 ppm NO in N₂, 10% O₂ in N₂, and 3% H₂O vapor in air.

(6) Repeatability: The repeatability of the exhaust analyzers used shall be within ((10 ppm HC, 0.05% CO and 0.2% CO₂)) the following tolerances during five successive measurements of the same sample((-):

<u>HC, ppm</u> <u>as hexane</u>	0-400	8
	401-1000	15
	1001-2000	30
<u>CO, %</u>	0-2.00	0.03
	2.01-5.00	0.08
	5.01-9.99	0.15
<u>CO₂, %</u>	0-14.0	0.3

(7) Response: The response of the exhaust analyzers shall be at least ((ninety-five)) ninety percent of the final value within ((fifteen)) eight seconds.

(8) Sensitivity: The sensitivity of each analyzer shall be equal to or less than 10 ppm HC, 0.05% CO and 0.2% CO₂.

(9) Range of measurement: The analyzer shall have a range equal to or greater than 0-2000 ppm HC (n-Hexane), 0 to 10% CO, and 0 to 6% CO₂.

NEW SECTION

WAC 173-422-095 EXHAUST OPACITY TESTING EQUIPMENT. The exhaust opacity measurement shall be conducted using an opacity meter approved by the department.

The opacity meter shall:

- (1) Be a light extinction type opacity meter, contain both an optical detection unit and a control/indicator unit.
- (2) Provide for full flow, end-of-line, and continuous measurement of exhaust opacity.
- (3) Have an accuracy of plus or minus one opacity percent digit.
- (4) Have a reading linearity of one opacity percent digit from 0-100 percent opacity.
- (5) Have a drift of less than plus or minus one percent per use.
- (6) Have a response time of less than 0.140 seconds for a change from 0-95 percent of full scale.
- (7) Have a warm-up time of less than one minute.
- (8) Have an operating temperature range from 32°-120°F.

AMENDATORY SECTION (Amending WSR 90-06-062, filed 3/6/90, effective 4/6/90)

WAC 173-422-100 TESTING EQUIPMENT MAINTENANCE AND CALIBRATION. (1) Unless alternative procedures have been approved or required by the department all equipment used in the inspection shall be calibrated and maintained according to the manufacturer's specifications and recommendations. Complete logs as approved by the department shall be kept for maintenance, repair, and calibration.

(2) The following procedures shall be followed by all testing facilities unless equivalent procedures have been approved by the department. Exhaust analyzers and all electronic components that could affect the gas concentration results shall be warmed up for at least thirty minutes prior to performing any test on equipment, calibration, span, or zero checks:

(a) Each test. Before each test can start, the zero and span setting must be checked on the opacity meter and the exhaust gas analyzer readings must be less than 10 ppm HC, 0.1% CO and 0.5% CO₂. If during a test the sampling system flow restriction indicator becomes activated, the test shall be stopped and restarted after the necessary repairs to the analyzer have been completed.

(b) Hourly check. The exhaust analyzer shall not be used to test vehicles unless within an hour prior to the test it was spanned with a calibration gas. The following procedure shall be used:

- (i) Adjust the exhaust analyzer to zero using ambient air or zero calibration gas.
- (ii) Adjust the exhaust analyzer using the electronic span.
- (iii) Check the calibration of the exhaust analyzer using a calibration gas of approximately twenty to forty percent of each range.

(iv) Adjust and repair as necessary to insure the accuracy specified in WAC 173-422-090.

(c) Weekly check. The exhaust analyzer shall not be used to test vehicles unless a multipoint calibration has been performed within the last seven days. The following procedure shall be used:

- (i) Adjust the exhaust analyzer to zero using ambient air or zero calibration gas.
- (ii) Adjust the exhaust analyzer using the electronic span.
- (iii) Check the calibration of the exhaust analyzer using calibration gases of approximately twenty, forty, sixty, and eighty percent for each range. (CO₂ must be present at concentrations of at least 2.0%.)
- (iv) Adjust and repair as necessary to insure the accuracy specified in WAC 173-422-090 at each calibration point.

(v) Check the calibration of the exhaust analyzer using a calibration gas with a CO concentration of 1.2 to 2.4%, a HC concentration of 150 to 300 ppm measured as n-hexane, and a CO₂ concentration of 4.0 to 6.0%.

(vi) Adjust and repair as necessary to insure the accuracy of the exhaust analyzer is within .05% CO and 6 ppm HC.

(d) Repair check. A multipoint calibration as specified in (c) of this subsection shall be performed before the analyzer is used for certification testing following the replacement of an optical or electronic component that can cause a variation in the analyzer reading.

The manufacturer's recommended procedures to determine any change in the correction factor from the propane calibration gas to n-hexane readings shall be followed.

(e) Leak check. The exhaust analyzer shall not be used to test vehicles unless within one week prior to the testing, CO readings have been taken while introducing calibration gas through the calibration port

and through the probe. Discrepancies of over 3% in the readings shall require repair of leaks. No analyzer adjustments shall be permitted during this check. Other leak check procedures may be used if it can be shown to the department's satisfaction that the method identifies leaks as well as the method in this subsection.

AMENDATORY SECTION (Amending Order DE 83-31, filed 11/23/83, effective 1/2/84)

WAC 173-422-120 QUALITY ASSURANCE. The department, or its designee, ~~((will))~~ may monitor the operation of each authorized emission ~~((testing))~~ inspection facility with unidentified or unannounced(;) and unscheduled inspections to check the calibration and maintenance of the exhaust analyzers, test procedures, and records.

~~((Vehicle inspection reports and fiscal reports submitted by inspection station operators will be checked for completeness and accuracy. The department or its designee shall have the right to audit contractor's and subcontractor's records.~~

~~The department (or its designee) may conduct unidentified surveillance.))~~

The department (or its designee) may immediately require ~~((that the use of an exhaust analyzer be suspended due to a malfunction or incorrect calibration of the analyzer))~~ the suspension of vehicle inspections in all or part by the inspection facility if violations of this chapter are found during an inspection of the inspection facility.

AMENDATORY SECTION (Amending WSR 90-06-062, filed 3/6/90, effective 4/6/90)

WAC 173-422-130 INSPECTION FEES. At an inspection facility operated under contract to the state, the fee for the first emission ((test)) inspection on each vehicle applicable to a vehicle license year shall be sixteen dollars. If the vehicle fails, one ((retest)) reinspection will be provided free of charge at any inspection station operated under contract to the state, provided that the ((retest)) reinspection is applicable to the same vehicle license year. Any additional ((retests)) reinspection of a failed vehicle applicable to the same vehicle license year will require the payment of sixteen dollars.

Inspection station operators shall forward to the state treasurer within ten working days, the amount of fees due to the state for inspections conducted during the previous month.

The department or its designee shall have the right to audit any inspection station operator's or contractor's records and procedures to substantiate that the operator or contractor is properly collecting and accounting for such fees.

AMENDATORY SECTION (Amending WSR 90-06-062, filed 3/6/90, effective 4/6/90)

WAC 173-422-140 INSPECTION FORMS AND CERTIFICATES. All inspection ~~((stations))~~ facilities shall use inspection forms and certificates provided or approved by the department. ~~((Additional information or materials may be provided to the vehicle operator only if approved by the department.))~~

(1) Vehicle inspection report: The driver of each vehicle ~~((tested))~~ inspected shall be given a vehicle inspection report on a form to be provided or approved by the department. The inspection station operator shall record the following information.

- (a) Station number (lane number).
- (b) Date and time of test.
- (c) Who conducted the test (name or identification number).
- (d) Vehicle identification number (VIN).
- (e) Odometer reading in thousands of miles.
- (f) Vehicle license number.
- (g) Vehicle model year.
- (h) Make of the vehicle.
- (i) ~~((Whether or not the vehicle was manufactured with a catalytic converter. (1981 and later model vehicles only))~~

~~((j))~~ Manufacturer's gross vehicle weight ((class)) rating (GVWR).

~~((k))~~ (j) Emission test results.

~~((l))~~ (k) Applicable standards.

~~((m))~~ (l) Whether the vehicle has passed or failed the appropriate emission standards.

~~((n))~~ (m) What component of the vehicle installed by the manufacturer for the purpose of reducing emissions, or its appropriate replacement is missing or inoperative. (Gasoline vehicles only.)

(n) The engine speed while the emission readings were taken. (Gasoline vehicles only.)

(o) Carbon dioxide reading. (Gasoline vehicles only.)

(p) First ~~((test))~~ inspection or ~~((retest))~~ reinspection.

(q) If available at ~~((a retest))~~ reinspection the identification number of an ecology ~~((authorized))~~ "certified emission specialist" who repaired the vehicle following the first ~~((test))~~ inspection.

(2) Certificate of compliance: The driver of a vehicle meeting the appropriate ~~((emission))~~ inspection standards shall be issued a certificate of compliance.

(3) Certificate of acceptance: If a vehicle has failed to pass the emission ~~((test applicable to any vehicle license year))~~ inspection, the vehicle owner may request a certificate of acceptance, if the vehicle has been in use for more than five years or fifty thousand miles, and any component of the vehicle installed by the manufacturer for the purpose of reducing emissions, or its appropriate replacement, is installed and operative. To receive the certificate of acceptance the vehicle owner must provide original receipts totalling at least ~~((fifty))~~ one hundred dollars, for 1980 and earlier model year vehicles or at least one hundred fifty dollars for 1981 and later model year vehicles, dated on or between the date of the first test and the final retest, for costs of repairs performed by a "certified emission specialist" solely devoted to meeting the emission standards.

(4) Form storage: Copies of each certificate of compliance/acceptance, and all vehicle inspection reports shall be kept on file by the contractor and be available for the department's review for ~~((one))~~ two years after they are issued. This requirement includes forms that are voided for any reason.

(5) Reporting: The inspection station operator shall forward to the department within ten working days after the end of each month (a) an approved storage device containing all data collected from each inspection conducted that month, and (b) a copy of all certificates of acceptance issued that month along with the related vehicle inspection reports and repair and/or parts receipts.

Before the storage device is forwarded to the department, a backup bulk storage device shall be in the possession of the contractor. The backup bulk storage device shall be retained for ~~((one))~~ two years and be available to the department upon request.

AMENDATORY SECTION (Amending WSR 90-06-062, filed 3/6/90, effective 4/6/90)

WAC 173-422-160 FLEET AND ~~((GOVERNMENT))~~ DIESEL OWNER VEHICLE TESTING REQUIREMENTS. ~~((Self-inspection of vehicles by a fleet or government agency operator may be authorized by the department.))~~ The department may ~~((also))~~ authorize emission inspections ~~((of))~~ by fleet ~~((vehicles))~~ operators including government agencies and the owners of diesel motor vehicles with a gross vehicle weight rating in excess of 8500 pounds or by an automotive service or testing facility engaged by the vehicle owner for such activity. Authorizations to conduct emission tests and issue certificates of compliance under this section are limited to authorized fleet vehicles ((within the fleet or fleets requesting such authorization. Any person or facility conducting fleet tests under authorization of this section must meet all requirements of this section)) or diesel vehicles with a gross vehicle weight rating in excess of 8500 pounds.

(1) The exhaust analyzers used for certification testing of gasoline fleet vehicles shall meet the specifications in WAC 173-422-090 ~~((except for those that pertain to CO₂. (CO₂ does not need to be measured.))~~.

(2) All persons engaged in testing of gasoline fleet or diesel vehicles must comply with all applicable provisions of this chapter except WAC ~~((173-422-080;))~~ 173-422-100 (2)(b)(iii) and (iv) and (c)(iii) and (iv) ~~((; 173-422-110, 173-422-130, 173-422-140, and 173-422-150)).~~ The checks specified in WAC 173-422-100 (2)(c) except (c)(iii) and (iv), in addition to being required weekly, shall be performed after each relocation of the analyzer.

(3) All persons conducting tests for the purpose of issuing certificates for fleet ~~((s))~~ or diesel vehicles shall be ecology certified emission specialists.

(4) ~~((The department will provide test forms upon request.))~~ Legibly completed forms ~~((with appropriate signature(s)))~~ will constitute certificates of compliance for licensing purposes. Any person conducting testing under this section shall forward to the department within ten working days after the end of each month, a copy of each certificate of compliance issued during that month. Copies of each certificate of compliance shall be retained by the person issuing the certificate for at least two years from date of issuance. Alternative arrangements for

providing and/or storing this information using automated data storage devices may be approved or required by the department ((after one years' notice)).

Forms must be purchased from the department in advance of issuance through payment of sixteen dollars to the department for each certificate requested. Refunds or credit may be given for unused certificates returned to the department.

Payment for fleet forms is waived for government fleets.

Test forms provided under this section are official documents. Persons receiving the forms from the department are accountable for each form provided.

Voided forms must be handled the same as certificates of compliance. One copy shall be sent to the department within ten days after the end of the month in which the form was voided and one copy shall be retained by the person accountable for the forms for at least two years after date of voiding. Refunds will not be made for voided forms.

(5) All persons authorized to conduct fleet or government vehicle inspections under this section shall be subject to performance audits and compliance inspections by the department, during normal business hours.

(6) Fleet vehicles may be inspected any time between their scheduled license renewals.

(7) Certificates of acceptance may not be issued under this section.

AMENDATORY SECTION (Amending WSR 90-06-062, filed 3/6/90, effective 4/6/90)

WAC 173-422-170 EXEMPTIONS. The following motor vehicles are exempt from the inspection requirement:

(1) Vehicles proportionally registered pursuant to chapter 46.85 RCW.

(2) Vehicles whose model year is 1967 or earlier.

(3) New motor vehicles whose equitable or legal title has never been transferred to a person who in good faith purchases the vehicle for purposes other than resale; this does not exempt motor vehicles that are or have been leased.

(4) Motor vehicles that use propulsion units powered exclusively by electricity.

(5) Motor-driven cycles as defined by RCW 46.04.332.

(6) ~~((Motor vehicles powered by diesel engines or two-cycle engines.~~

~~(7))~~ Farm vehicles as defined by RCW 46.04.181.

~~((8))~~ (7) Vehicles exempted from licensing pursuant to RCW 46.16.010.

~~((9))~~ (8) Mopeds as defined by RCW 46.04.304.

~~((10))~~ (9) Vehicles garaged and operated out of the emission contributing area.

~~((11))~~ (10) Vehicles registered with the state but not for highway use.

~~((12))~~ (11) Used vehicles whose licenses have expired or will expire within thirty days when sold by a Washington licensed motor vehicle dealer.

~~((13))~~ (12) Motor vehicles fueled ~~((exclusively))~~ by propane, compressed natural gas, or liquid petroleum gas and so recognized by the department of licensing.

(13) Motor vehicles whose manufacturer or engine manufacturer provides information that the vehicle cannot meet emission standards because of its design. In lieu of exempting these vehicles alternative standards and/or inspection procedures may be established.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 173-422-080 VEHICLE INSPECTION DATA HANDLING PROCEDURES.

WAC 173-422-110 DATA SYSTEM REQUIREMENTS.

WAC 173-422-150 INSPECTION PERSONNEL REQUIREMENTS.

WAC 173-422-180 AIR QUALITY STANDARDS.

WSR 92-09-134

PERMANENT RULES

DEPARTMENT OF ECOLOGY

[Order 92-03—Filed April 21, 1992, 4:35 p.m.]

Date of Adoption: April 21, 1992.

Purpose: Adoption of a revised shoreline master program into the state master program, chapter 173-19 WAC.

Citation of Existing Rules Affected by this Order: Amending WAC 173-19-4205 City of Tumwater.

Statutory Authority for Adoption: RCW 90.58.200.

Pursuant to notice filed as WSR 92-03-130 on January 21, 1992.

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

April 21, 1992

Fred Olson

Deputy Director

AMENDATORY SECTION (Amending Order 91-10, filed 4/16/91, effective 5/15/91 [5/17/91])

WAC 173-19-4205 TUMWATER, CITY OF. City of Tumwater master program approved May 21, 1976. Revision approved August 30, 1984. Revision approved September 29, 1987. Revision approved May 15, 1990. Revision approved October 2, 1990. Revision approved April 17, 1991. Revision approved April 21, 1991.

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

WSR 92-09-135

PERMANENT RULES

DEPARTMENT OF ECOLOGY

[Order 92-10—Filed April 21, 1992, 4:39 p.m.]

Date of Adoption: April 21, 1992.

Purpose: Adoption of a revised shoreline master program into the state master program, chapter 173-19 WAC.

Citation of Existing Rules Affected by this Order: Amending WAC 173-19-230 Island County.

Statutory Authority for Adoption: RCW 90.58.200.

Pursuant to notice filed as WSR 92-04-080 on February 5, 1992.

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

April 21, 1992

Fred Olson

Deputy Director

AMENDATORY SECTION (Amending Order 90-43, filed 1/23/91, effective 2/23/91)

WAC 173-19-230 ISLAND COUNTY. Island County master program approved June 25, 1976. Revision approved June 4, 1985. Revision approved January 23, 1991. Revision approved April 21, 1992.

WSR 92-09-136
PROPOSED RULES
DEPARTMENT OF WILDLIFE
 [Filed April 21, 1992, 4:40 p.m.]

Original Notice.

Title of Rule: Adopting WAC 232-28-61909 1992-94 Washington game fish seasons and catch limits—Deep Creek.

Purpose: To close Deep Creek to fishing for gamefish.
 Statutory Authority for Adoption: RCW 77.12.040.
 Statute Being Implemented: RCW 77.12.040.

Summary: A large landslide and logjam have occurred in Deep Creek, an independent drainage into the Strait of Juan de Fuca. The spawning and rearing habitat downstream have been negatively impacted. It will be very important to allow as many wild gamefish to spawn in the creek as possible to have the greatest chance of maintaining these wild populations.

Reasons Supporting Proposal: Low survival of eggs and fry from wild gamefish spawned in Deep Creek is anticipated because of habitat degradation. Closure to harvest of the wild game fish is needed to assure as high a number of these fish to spawn. It should remain closed until the habitat has improved.

Name of Agency Personnel Responsible for Drafting and Implementation: Bruce Crawford, AD, Fisheries Management Division, Olympia, (206) 753-5713; and Enforcement: Tony de la Torre, AD, Wildlife Enforcement Division, Olympia, (206) 753-5740.

Name of Proponent: Washington Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule would close Deep Creek to fishing for gamefish for an indefinite time period. It will protect the wild gamefish.

Proposal Changes the Following Existing Rules: Closes Deep Creek to fishing for game fish.

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

Hearing Location: Department of Wildlife, Land Resources Division, 516 North Washington Street, Olympia, WA, on May 26, 1992, at 9:00 a.m.

Submit Written Comments to: Pam Madson, 600 Capitol Way North, Olympia, WA 98501-1091, by May 12, 1992.

Date of Intended Adoption: May 26, 1992.

April 21, 1992

Dan Wyckoff

for Pamela K. Madson

Administrative Regulations Officer

WSR 92-09-137
PROPOSED RULES
DEPARTMENT OF FISHERIES
 [Filed April 22, 1992, 8:40 a.m.]

Original Notice.

Title of Rule: Commercial fishing rules.

Purpose: Amend harvest rules for 1992 Puget Sound salmon net fisheries.

Statutory Authority for Adoption: RCW 75.08.080.

Statute Being Implemented: RCW 75.08.080.

Summary: Defines skiff gill net; changes gear requirements; adds closed areas; sets new seasonal fishery periods; and adds management objectives for establishing limited participation fisheries.

Reasons Supporting Proposal: Certain salmon stocks, particularly wild coho salmon, will not meet escapement goals, and selective harvest is essential.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, Mailstop AX-11, Olympia, 586-2429; Implementation: Gene DiDonato, Mailstop AX-11, Olympia, 753-5012; and Enforcement: Dayna Matthews, Mailstop 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: WAC 220-16-040, change name from "gill net" to "drift gill net" to distinguish skiff gill net; WAC 220-16-046, define skiff gill net. It is anticipated that areas will be opened to this gear type; WAC 220-47-301, reduce net length and establish net depth. This will reduce vessel congestion and conflicts, reduce catch of nontarget species and reduce potential for contact with seabed; WAC 220-47-302, reduce drift gill net length and establish net depth. Establish skiff gill net length and depth. This will reduce vessel congestion and conflicts, reduce catch of nontarget species and reduce potential for contact with seabed; WAC 220-47-304, adjust salmon management periods for 1992. This is a calendar adjustment; WAC 220-47-307, establish area closures: Area 10 - Reduce recreational-commercial conflicts and promote an orderly fishery in northern Area 10; reduce conflict at Edmonds-Kingston ferry lane; reduce impact on juvenile chinook at Apple Cove Point. Areas 12, 12B, 12C and 12D - Reduce contact with seabed, reduce snagging and reduce damage to benthic zone. Areas 12B and 12C - Protect salmon milling at river and creek mouth to be consistent with other Hood Canal river mouth rules; WAC 220-47-311, purse seine proposed fisheries are based on preseason estimates of harvest potential; WAC 220-47-319, require the 5-inch strip for all department fisheries. This is a protective measure for immature chinook salmon; WAC 220-47-401, no reef net fishery in 1992. An insufficient number of salmon are available for reef net harvest. Opening this fishery would not be in the economic well-being of the reef net industry. This closure will be combined with administrative suspension of all reef net licenses for 1992, in order that reef net fishers meet the suspension exemption from the landing requirement in RCW 75.30.120 (1)(b); WAC

NEW SECTION

WAC 232-28-61909 1992-94 WASHINGTON GAMEFISH SEASONS AND CATCH LIMITS - DEEP CREEK: Notwithstanding the provisions of WAC 232-28-619, the gamefish seasons for Deep Creek are as follows:

DEEP CREEK: CLOSED to fishing for gamefish.

220-47-411, gill net proposed fisheries are based on pre-season estimates of harvest potential; WAC 220-47-412, add skiff gill net to gill net minimum mesh sizes for consistency; and WAC 220-47-500, allow only one listing in the limited participation register per license to ensure that all commercial fishing vessels are equally represented. Add specific management objectives for limited participation fisheries beyond unacceptable risk of over-fishing to provide flexibility.

Proposal Changes the Following Existing Rules: See Explanation of Rule above.

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

This proposal does not affect ten percent of the businesses in any one three-digit industrial classification nor twenty percent of all businesses.

Hearing Location: Harbor Center Conference Room, Port of Bellingham, Bellingham, Washington, on May 27, 1992, at 12:00 noon.

Submit Written Comments to: Fisheries Hearings Officer, 115 General Administration Building, Olympia, 98504, by May 26, 1992.

Date of Intended Adoption: June 10, 1992.

April 22, 1992
Nancy L. Nelson
for Joseph R. Blum
Director

AMENDATORY SECTION (Amending Order 88-86, filed 9/2/88)

WAC 220-16-040 DEFINITIONS—DRIFT GILL NET—DRIFT NET. "Drift gill net" or "drift net" gear shall be defined as a gill net of single web construction, not anchored, tied, staked, placed, or weighted in such a manner that it cannot drift.

NEW SECTION

WAC 220-16-046 DEFINITIONS—SKIFF GILL NET—SKIFF NET. "Skiff gill net" or "skiff net" is defined as a gill net of single web construction with floats along the corkline sufficient to float the net. A skiff gill net may be laid in part on shore, but may not be anchored, tied, or staked, nor have a lead line so heavily weighted that the net cannot drift.

AMENDATORY SECTION (Amending Order 87-72, filed 7/14/87)

WAC 220-47-301 PUGET SOUND—LAWFUL GEAR—PURSE SEINE. (1) Lawful purse seine salmon nets in Puget Sound shall not exceed ((1,800)) 1,560 feet in length along the ((cork line)) corkline while wet and purse seine and lead combined shall not exceed ((2,200)) 1,960 feet in length nor exceed 450 meshes in depth. Neither shall contain meshes of a size less than 4 inches, nor shall the meshes of the seine and lead be lashed together to form one continuous piece of webbed gear. It shall be lawful as part of the purse seine to have a bunt 10 fathoms long and 200 meshes deep which may contain mesh of a size not less than 3-1/2 inches.

(2) It shall be unlawful to take or fish for salmon with purse seine gear in Puget Sound which contains mesh webbing constructed of a twine size smaller than 210/30d nylon, 12 thread cotton or the equivalent diameter in any other material.

(3) It shall be unlawful for any purse seine vessel to carry an extra lead or portion thereof unless stowed below decks during the fishing operation, nor may an extra lead or portion thereof be carried aboard its skiff.

(4) Purse seine mesh size shall be defined as the distance between the inside of one knot to the outside of the opposite vertical knot of one mesh. Minimum mesh size is met if a wedge of legal size can be passed without undue force through the mesh while wet.

(5) A purse seine will not be considered to be fishing once both ends of the seine are attached to the primary vessel.

AMENDATORY SECTION (Amending Order 988, filed 4/28/72)

WAC 220-47-302 PUGET SOUND—LAWFUL GEAR—GILL NET. (1) Lawful drift gill net salmon ((nets)) gear in Puget Sound shall not exceed ((1,800)) 1,200 feet in length nor contain meshes of a size less than 5 inches. ((The nets)) The net shall not exceed 60 or 100 or 180 meshes in depth during chinook fisheries, nor exceed 60 or 90 meshes in depth during other salmon species fisheries as provided for in WAC 220-47-304. Drift gill nets shall have floats or corks of a fluorescent color in 30-foot intervals along the corkline.

(2) Lawful skiff gill net salmon nets in Puget Sound shall not exceed 300 feet in length and 90 meshes in depth nor contain meshes of a size less than 5 inches. Nets must be retrieved by hand (no hydraulics may be used). The skiff from which the net is deployed shall not exceed 20 feet in length. Nets must be attended by the fisher at all times.

(3) Drift gill nets and skiff gill nets shall be operated substantially in a straight line. Circle setting ((with a gill net)) or setting ((a gill net)) other than substantially in a straight line shall be unlawful.

AMENDATORY SECTION (Amending Order 91-72, filed 8/27/91, effective 9/27/91)

WAC 220-47-304 PUGET SOUND—ALL CITIZEN SALMON SPECIES SEASONS. The following are Puget Sound all citizens salmon species seasons listed by area and species:

AREA	SPECIES	DATE	RANGE
6D:	COHO	9/22	10/26
7,7A:	COHO	9/1	10/12
	CHUM	10/13	11/30
7B:	CHINOOK	7/28	9/7
	COHO	9/8	10/26
	CHUM	10/27	11/30
7C:	CHINOOK	7/28	8/24
7E:	CHINOOK	7/28	9/7
8:	PINK	8/18	9/14
	CHUM	10/27	11/23
8A:	CHINOOK	7/28	9/7
	COHO	9/8	10/19
	CHUM	10/20	11/30
8B:	CHINOOK	7/28	9/21
	COHO	9/22	11/9
	CHUM	11/10	11/30
10,11:	PINK	8/25	9/7
	COHO	9/8	10/19
	CHUM	10/20	11/30
12:	COHO	9/8	10/19
	CHUM	10/20	11/16
12A:	COHO	9/8	10/19
	CHUM	10/20	11/16
12B:	CHINOOK	7/28	9/7
	COHO	9/8	10/19
	CHUM	10/20	11/16
12C:	CHINOOK	7/28	9/7
	CHUM	10/27	11/30

AREA	SPECIES	DATE - RANGE
6D:	COHO	9/20 - 10/31
7,7A:	COHO	8/30 - 10/3
	CHUM	10/4 - 11/28
7B:	CHINOOK	7/12 - 9/5
	COHO	9/6 - 10/24
	CHUM	10/25 - 12/12
7C:	CHINOOK	7/12 - 10/10
7E:	CHINOOK	7/26 - 9/5
8:	CHUM	10/25 - 11/28
8A:	CHINOOK	7/19 - 9/5
	COHO	9/6 - 10/24
	CHUM	10/25 - 11/28
8B:	CHINOOK	7/19 - 9/19
	COHO	9/20 - 11/7
	CHUM	11/8 - 12/12

AREA	SPECIES	DATE - RANGE
10,11:	COHO	9/6 - 10/17
	CHUM	10/18 - 11/28
12:	COHO	9/6 - 10/17
	CHUM	10/18 - 11/21
12B:	CHINOOK	7/12 - 9/5
	COHO	9/6 - 10/17
	CHUM	10/18 - 11/21
12C:	CHINOOK	7/19 - 9/5
	CHUM	11/1 - 11/28

AMENDATORY SECTION (Amending Order 91-72, filed 8/27/91, effective 9/27/91)

WAC 220-47-307 **CLOSED AREAS—PUGET SOUND SALMON.** It is unlawful at any time, unless otherwise provided, to take, fish for, or possess salmon taken for commercial purposes with any type of gear from the following portions of Puget Sound Salmon Management and Catch Reporting Areas:

Areas 4B, 5, 6, 6B, and 6C - The Strait of Juan de Fuca Preserve as defined in WAC 220-47-266.

Area 6D - That portion within 1,000 feet of each mouth of the Dungeness River.

Area 7 - The San Juan Island Preserve as defined in WAC 220-47-262.

Area 7A - The Drayton Harbor Preserve as defined in WAC 220-47-252.

Area 7B - That portion south and east of a line from William Point on Samish Island to Saddlebag Island to the southeastern tip of Guemes Island, and that portion northerly of the railroad trestle in Chuckanut Bay.

Area 7C - That portion southeasterly of a line projected from the mouth of Oyster Creek 237° true to a fishing boundary marker on Samish Island.

Area 8 - That portion of Skagit Bay easterly of a line projected from Brown Point on Camano Island to a white monument on the easterly point of Ika Island, thence across the Skagit River to the terminus of the jetty with McGlenn Island.

Area 8A - Those waters easterly of a line projected from Mission Point to Buoy C1, excluding the waters of Area 8D, thence through the green light at the entrance jetty of the Snohomish River and across the mouth of the Snohomish River to landfall on the eastern shore, and those waters northerly of a line from Camano Head to the northern boundary of Area 8D.

Area 9 - Those waters lying inside and westerly of a line projected from the Point No Point light to Sierra Echo buoy thence to Forbes Landing wharf, east of Hansville.

Area 10 - ((That portion)) (1) Those waters easterly of a line projected from Meadow Point to West Point ((and that portion)).

(2) Those waters of Port Madison northwest of a line from the Agate Pass entrance light to the light on the end of the Indianola dock.

(3) Those waters northerly of a line projected from Point Wells to "SF" Buoy then west to President's Point.

(4) Additional coho seasonal closure: Those waters of Elliott Bay east of a line from Alki Point to the light at Fourmile Rock.

Area 10E - Those waters of Liberty Bay north of a line projected due east from the southernmost Keyport dock, those waters of Dyes Inlet north of the Manette Bridge, and those waters of Sinclair Inlet southwest of a line projected true east from the Bremerton ferry terminal.

Area 11 - Those waters northerly of a line projected true west from the light at the mouth of Gig Harbor and those waters south of a line from Browns Point to the northernmost point of land on Point Defiance.

Area 12 - Those waters inside and easterly of a line projected from Lone Rock to the navigation light off Big Beef Creek, thence southerly to the tip of the outermost northern headland of Little Beef Creek.

Area 12A - Those waters north of a line projected from Fisherman's Point on the Bolton Peninsula to the boat haven at Quilcene and those waters north of a line projected due east from Broad Spit.

Area 12B - Those waters within 1/4 mile of the mouths of the Dosewallips, Duckabush, and Hamma Hamma rivers and Anderson Creek.

Areas 12, 12A, and 12B - Additional chinook seasonal closure: Those waters north and east of a line projected from Tekiu Point to Triton Head.

Area 12C - (1) Those waters within 1,000 feet of the western shore between the dock at Glen Ayr R.V. Park and the Hoodspout marina dock ((and)).

(2) Those waters south of a line projected from the Cushman Pow-erhouse to the public boat ramp at Union.

(3) Those waters within 1/4 mile of the mouth of the Dewatto River.

Areas 12, 12B, 12C, and 12D - Closed within 150 feet of the shore-line. Additional coho and chum seasonal closure: Those waters of Area 12 south and west of a line projected 94 degrees true from Hazel Point to the light on the opposite shore, bounded on the west by the Area 12/12B boundary line, and those waters of Areas 12B, 12C, and 12D south of a line projected from Tekiu Point to Triton Head.

Area 13A - Those waters of Burley Lagoon north of State Route 302, those waters within 1,000 feet of the outer oyster stakes off Minter Creek Bay including all waters of Minter Creek Bay, those waters westerly of a line drawn due north from Thompson Spit at the mouth of Glen Cove, and those waters within 1/4 mile of Green Point.

AMENDATORY SECTION (Amending Order 91-72, filed 8/27/91, effective 9/27/91)

WAC 220-47-311 **PURSE SEINE—OPEN PERIODS.** During ((1991)) 1992, it is unlawful to take, fish for or possess salmon taken with purse seine gear for commercial purposes from Puget Sound except in the following designated Puget Sound Salmon Management and Catch Reporting Areas during the periods provided for hereinafter in each respective Management and Catch Reporting Area:

(AREA	TIME	DATE	TIME	DATE
6D:	5AM	9/22	4PM	10/25
7,7A:	5AM	-	8PM	10/28
	5AM	-	8PM	10/29
	5AM	-	8PM	11/5
	5AM	-	8PM	11/6
	5AM	-	8PM	11/11
7B:	5AM	9/9	4PM	10/25
	5AM	10/28	4PM	11/1
	5AM	11/4	4PM	11/8
8:	5AM	-	9PM	8/27
	5AM	-	9PM	8/28
	5AM	-	9PM	8/29
	5AM	-	9PM	9/3
	5AM	-	9PM	9/4
	5AM	-	9PM	9/5
	5AM	-	9PM	9/5
9A:	5AM	9/16	4PM	9/20
	5AM	9/23	4PM	9/27
	5AM	9/30	4PM	10/4
	5AM	10/7	4PM	10/11
	5AM	10/14	4PM	10/18
	5AM	10/21	4PM	10/25
	5AM	10/28	4PM	11/1
10,11:	5AM	-	9PM	9/16
	5AM	-	9PM	9/24
	5AM	-	9PM	10/22
	5AM	-	8PM	10/28
12,12B:	5AM	-	8PM	11/5
	5AM	-	8PM	11/6
	5AM	-	8PM	11/11
12A:	5AM	9/3	4PM	9/6
	5AM	9/9	4PM	9/13
	5AM	9/16	4PM	9/20
	5AM	9/23	4PM	9/27
	5AM	9/30	4PM	10/4
	5AM	10/7	4PM	10/11
AREA	TIME	DATE	TIME	DATE
6D:	6AM	9/21	4PM	10/30
7,7A:	6AM	-	5PM	10/27, 11/2, 11/10
	6AM	9/14	4PM	10/23
7B:	6AM	10/26	4PM	11/6
	6AM	-	5PM	11/2, 11/3, 11/10, 11/16, 11/17
8:	7AM	-	5PM	11/17

AREA	TIME	DATE	TIME	DATE
8A:	6AM	-	5PM	11/2, 11/3, 11/4
	6AM	-	5PM	11/10, 11/11, 11/12
	7AM	-	5PM	11/16, 11/17
	7AM	-	5PM	11/24, 11/25
8D:	6AM	-	8PM	9/21, 9/22, 9/23, 9/24
	6AM	-	8PM	9/29, 9/30, 10/1, 10/2
	7AM	-	7PM	10/5, 10/6, 10/7, 10/8
	7AM	-	7PM	10/13, 10/14, 10/15, 10/16
	7AM	-	7PM	10/19, 10/20, 10/21, 10/22
	6AM	-	5PM	10/27, 10/28, 10/29, 10/30
	6AM	-	5PM	11/2, 11/3, 11/4, 11/5
10,11:	6AM	-	8PM	9/21, 9/29, 9/30
	7AM	-	7PM	10/5, 10/6, 10/19
	6AM	-	5PM	10/27, 11/2, 11/10
12,12B:	6AM	-	5PM	11/2, 11/3, 11/10, 11/11
	7AM	-	5PM	11/16

All other saltwater and freshwater areas - closed.

AMENDATORY SECTION (Amending Order 91-72, filed 8/27/91, effective 9/27/91)

WAC 220-47-319 SPECIAL PURSE SEINE MESH SIZE. It shall be unlawful to take, fish for or possess salmon taken with purse seine gear in any Puget Sound Salmon Management and Catch Reporting Area((s 6B, 6D, 8, 8A, 8D, 9, 9A, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12, 12A, 12B, 12C, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J and 13K)) during fisheries authorized by department rule unless said purse seine gear is constructed so that the first 100 meshes below the corkline that are within 75 fathoms of the bunt, excluding the bunt, are of a size not less than 5 inches stretch measure.

AMENDATORY SECTION (Amending Order 91-72, filed 8/27/91, effective 9/27/91)

WAC 220-47-401 REEF NET OPEN PERIODS. During ((1994)) 1992, it is unlawful to take, fish for or possess salmon taken with reef net gear for commercial purposes in Puget Sound ((except in the following designated Puget Sound Salmon Management and Catch Reporting Areas, during the periods provided for hereinafter in each respective area:

AREA	TIME	DATE
7:	5AM - 9PM	10/6
	5AM - 9PM	10/7
7,7A:	5AM - 9PM	10/15
	5AM - 9PM	10/16
	5AM - 9PM	10/17

All other saltwater and freshwater areas = closed)).

AMENDATORY SECTION (Amending Order 91-72, filed 8/27/91, effective 9/27/91)

WAC 220-47-411 GILL NET-OPEN PERIODS. During ((1994)) 1992, it is unlawful to take, fish for or possess salmon taken with gill net gear for commercial purposes from Puget Sound except in the following designated Puget Sound Salmon Management and Catch Reporting Areas during the seasons provided for hereinafter in each respective fishing area:

AREA	TIME	DATE(S)
6D:	5AM 9/22	4PM 10/25
7,7A:	5PM - 9AM	NIGHTLY 10/28, 10/29
	4PM - 8AM	NIGHTLY 11/4, 11/5, 11/11
7B:	7PM - 9:30AM	NIGHTLY 7/29, 7/30
	7PM - 9:30AM	NIGHTLY 8/5, 8/6, 8/7
	6PM - 9AM	NIGHTLY 8/12, 8/13, 8/14
	6PM - 9AM	NIGHTLY 8/19, 8/20
	6PM 9/8	4PM 10/25
	5AM 10/28	4PM 11/1
	5AM 11/4	4PM 11/8
7C:	7PM - 9:30AM	NIGHTLY 7/29, 7/30
	7PM - 9:30AM	NIGHTLY 8/5, 8/6, 8/7
	6PM - 9AM	NIGHTLY 8/12, 8/13, 8/14
	6PM - 9AM	NIGHTLY 8/19, 8/20
8:	6PM - 9AM	NIGHTLY 8/20, 8/21, 8/26, 8/27, 8/28, 9/3, 9/4, 9/5, and 9/9
9A:	5AM 9/16	4PM 9/20
	5AM 9/23	4PM 9/27
	5AM 9/30	4PM 10/4
	5AM 10/7	4PM 10/11
	5AM 10/14	4PM 10/18
	5AM 10/21	4PM 10/25
	5AM 10/28	4PM 11/1
10,11:	5PM - 9AM	NIGHTLY 9/16, 9/23, 10/21
	4PM - 8AM	NIGHTLY 10/28
12,12B:	4PM - 8AM	11/4, 11/5, 11/11
12A:	5AM 9/3	4PM 9/6
12A:	5AM 9/9	4PM 9/13
12A:	5AM 9/16	4PM 9/20
12A:	5AM 9/23	4PM 9/27
12A:	5AM 9/30	4PM 10/4
12A:	5AM 10/7	4PM 10/11

AREA	TIME	DATE(S)
6D:	6AM 9/21	4PM 10/30
7,7A:	4PM - 7AM	NIGHTLY 10/26, 11/2, 11/9
7B:	8PM - 6AM	NIGHTLY 7/27, 7/28, 8/3, 8/4, 8/5, 8/10, 8/11, 8/12
	7PM - 7AM	NIGHTLY 8/17, 8/18
	7PM 9/8	4PM 10/23
	4PM 10/26	4PM 11/6
8:	4PM - 7AM	NIGHTLY 11/2, 11/3
	4PM - 8AM	NIGHTLY 11/9, 11/16, 11/17
8A:	4PM - 7AM	NIGHTLY 11/2, 11/3, 11/4
	4PM - 8AM	NIGHTLY 11/9, 11/10, 11/11, 11/16, 11/17, 11/23, 11/24
8D:	6PM - 8AM	NIGHTLY 9/21, 9/22, 9/23, 9/24, 9/28, 9/29, 9/30, 10/1, 10/5, 10/6, 10/7, 10/8, 10/12, 10/13, 10/14, 10/15, 10/19, 10/20, 10/21, 10/22
	4PM - 7AM	NIGHTLY 10/26, 10/27, 10/28, 10/29, 11/2, 11/3, 11/4, 11/5
10,11:	6PM - 8AM	NIGHTLY 9/21, 9/25, 9/29, 10/5, 10/6, 10/19
	4PM - 7AM	NIGHTLY 10/26, 11/2
	4PM - 8AM	NIGHTLY 11/9
12,12B:	4PM - 7AM	NIGHTLY 11/2, 11/3
	4PM - 8AM	NIGHTLY 11/9, 11/10, 11/16

All other saltwater and freshwater areas - closed. Nightly openings refer to the start date.

AMENDATORY SECTION (Amending Order 90-49, filed 6/11/90, effective 7/12/90)

WAC 220-47-412 DRIFT GILL NET AND SKIFF GILL NET-MINIMUM MESH SIZES. It is unlawful to take, fish for or possess salmon taken with ((gill)) net gear using mesh less than the size hereinafter designated for each species season:

CHINOOK SEASON	7' MINIMUM MESH
COHO SEASON	5' MINIMUM MESH
PINK SEASON	5' MINIMUM MESH
CHUM SEASON	6' MINIMUM MESH

AMENDATORY SECTION (Amending Order 90-49, filed 6/11/90, effective 7/12/90)

WAC 220-47-500 LIMITED PARTICIPATION SALMON NET FISHERIES. (1) When the director determines that a harvestable amount of salmon appears to be available, but that full-fleet fishing effort has an unacceptable risk of exceeding the available harvest or compromises other specific management objectives, the director may authorize a limited participation fishery. Such a fishery may be authorized for experimental or developmental fisheries, fisheries necessary to refine run size data, fisheries necessary to provide biological information, or in cases where:

(a) Other specific management objectives have been stated for the species and area in question; or

(b) There is a reasonable expectation that foregone opportunity will be claimed and the harvestable surplus cannot be carried forward to the next year of harvest; and

~~((b))~~ (c) Full-fleet participation with time, space, or gear restrictions cannot achieve the harvest goal.

(2) Only licensed commercial salmon fishers may participate in a limited participation fishery. Only one listing is allowed per license. Fishers who wish to have their name placed on a limited participation register must mark the appropriate box on their license renewal application, or so notify the department, in writing, by July 31st. Interested fishers must provide a message phone number at which they may be contacted.

(3) Each year the department will, from the list of interested fishers, use random selection to create a priority list for gillnet fishers and a priority list for purse seine fishers. Priority registers will be available for inspection at the department's Olympia office, or upon written request to the department. Once the priority lists have been created, sale or transfer of the license shall invalidate the receiver from participation in that year's limited participation fishery.

(4) The number of units of each gear type selected to participate in a limited participation fishery will reflect the most recent ratio of gear types in the full-fleet fishery directed at the species in question, except when conservation concerns ~~((or))~~, biological data collection needs, or specific management objectives dictate alternative ratios or use of a single gear type.

(5) When a limited participation fishery is authorized, the department will contact fishers from the priority register at least twenty-four hours prior to the opening of the fishery. When a fisher cannot be contacted after reasonable effort, the department will select the next name, until the maximum number of allowable units of gear is reached. If not reached, the fisher's name will remain at the priority position, but the fisher may not participate in that limited participation fishery. Agreement to participate, or declining to participate, will remove the fisher from the priority position, and place the name at the bottom of the priority list.

(6) Examples of specific management objectives include but are not limited to:

- (a) Reducing levels of incidental catch of wild salmon stocks;
- (b) Reducing incidental catch of nontarget salmon species originating from regions other than the fishing area; or
- (c) Specific recreational emphasis action.

WSR 92-09-138**PROPOSED RULES****STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

[Order 136—Filed April 22, 1992, 8:51 a.m.]

Original Notice.

Title of Rule: Practice and procedure of the State Board for Community and Technical Colleges.

Purpose: Provides a general description of the state board's organization and operations and establishes guidelines for making presentations to the board and for holding special meetings.

Statutory Authority for Adoption: RCW 28B.50.070 and chapter 42.30 RCW.

Statute Being Implemented: Chapter 42.30 RCW.

Summary: The rule is amended to incorporate a 1991 statute renaming the agency, and to introduce gender-neutral language.

Reasons Supporting Proposal: The Community and Technical College Act of 1991 renamed the agency. Gender neutral language has been introduced through-out state statutes.

Name of Agency Personnel Responsible for Drafting: Robert G. Wark, Rules Coordinator, 319 Seventh Avenue, Olympia, 753-3656; Implementation and Enforcement: Earl Hale, Executive Director, 319 Seventh Avenue, Olympia, 753-7412.

Name of Proponent: State Board for Community and Technical Colleges, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The purpose of the rule is to describe the state board organization and operations in general and to establish procedures for presentations to the board and for special meetings of the board. The amendments are essentially housekeeping in nature and will not change the anticipated effects of the rule.

Proposal Changes the Following Existing Rules: Merely changes the name of the State Board for Community College Education to the State Board for Community and Technical Colleges and the community college system to the community and technical college system. References to the director are changed to gender-neutral form.

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

Hearing Location: Yakima Valley Community College, 16th Avenue and Nob Hill Boulevard, Yakima, Washington, on May 28, 1992, at 10:00 a.m.

Submit Written Comments to: Director, State Board for Community and Technical Colleges, P.O. Box 42495, Olympia, WA 98504, by May 26, 1992.

Date of Intended Adoption: May 28, 1992.

April 21, 1992

Robert G. Wark
Rules Coordinator

AMENDATORY SECTION (Amending Order 84, Resolution No. 80-61, filed 12/17/80)

WAC 131-08-005 GENERAL DESCRIPTION OF STATE BOARD ORGANIZATION AND OPERATIONS. (1) The state board for community and technical colleges ~~((education))~~ consists of ~~((seven))~~ nine members appointed by the governor. Successors of the members initially appointed serve for terms of four years.

(2) The executive officer and secretary of the board is the executive director of the state system of community and technical colleges. ~~((He))~~ The executive director is in charge of the offices of the board and responsible to the board for the preparation of reports and the collection and dissemination of data and other public information relating to the state system of community and technical colleges. ~~((He))~~ The executive director exercises, in the name of the board, all powers and duties delegated ~~((to him))~~ by the board and at the direction of the board executes, together with the ~~((chairman))~~ chair of the board, all contracts entered into by the board.

(3) It is the board's duty to exercise general supervision and control over the state system of community and technical colleges consistent with the specific powers and duties set forth in the Community and Technical College Act of ~~((1967))~~ 1991, chapter 28B.50 RCW.

(4) The board's office is located in Olympia, Washington, 319 Seventh Avenue, 98504.

(5) Information about specific meeting places and times may be obtained at the board office. Formal submission or requests to the state board should be addressed to the director at the Olympia office.

AMENDATORY SECTION (Amending Order 60, filed 11/1/76)

WAC 131-08-007 PRESENTATIONS TO STATE BOARD. Any interested individual or organization, upon written request to and receipt by the state board office at least two weeks in advance of the next scheduled board meeting, may request that any relevant matter concerning the state community and technical college system be placed on the board meeting agenda. The ((chairman)) chair or the director of the state board may, however, waive this two week notification procedure, if in the judgment of either, sufficient emergency exists.

The following format shall be used by individuals or organizations in making their request for additions to the board meeting agenda:

- (1) Title of the item to be considered;
- (2) A brief descriptive background which includes relevant facts and documentary evidence, including written materials, personal interviews, expert testimony or matters of record;
- (3) Identification of the requesting party, including relevant organizational affiliations and job titles.

It shall be the prerogative of the board not to take any action on matters that come before the board pursuant to this rule.

In the case of presentations to the board on behalf of organizations, special interest groups, and other multitember bodies, testimony shall normally be limited to one individual representative.

In the case of all presentations, the board reserves the right, without notice, to limit the length of any particular presentation or to reschedule presentations when, in its judgment, the demands of public business before the board necessitate making such limitations.

It is the intent of the state board that procedures set forth in this regulation shall be liberally interpreted to the end that all interested citizens and organized groups shall be able to address the board on any matter relevant to its responsibilities and duties in the operations of Washington's community and technical college system. Notwithstanding any of the provisions of this section, impromptu comments or questions by members of the public or organization representative may be presented at any meeting of the board consistent with the provisions of chapter 42.30 RCW, the Open Public Meetings Act.

In the case of adoption, amendment or repeal of rules, which are subject to the provisions of the Administrative Procedure Act, chapter ((34.04)) 34.05 RCW, the provisions of that chapter regarding the presentation of data, views or arguments to shall govern.

AMENDATORY SECTION (Amending Order 41, filed 6/27/75)

WAC 131-08-008 SPECIAL MEETINGS OF THE STATE BOARD. Special meetings of the state board may be called by the ((chairman)) chair or by a majority of the members of the state board by delivery personally or by mail written notice to each member at least twenty-four hours before the time of such meeting. Such notice shall specify the time and place of the special meeting and the business to be transacted. Final disposition shall not be taken on any other matter at such meetings. Notice of such special meetings also shall be provided twenty-four hours prior to such meetings to each local newspaper of general circulation and to each local radio and television station which has on file with the state board a written request to be notified of such special meetings or of all meetings of the state board.

WSR 92-09-139

PROPOSED RULES

STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

[Order 137—Filed April 22, 1992, 8:53 a.m.]

Original Notice.

Title of Rule: Benefit options after termination of employment.

Purpose: To specify retirement plan options for members of the TIAA/CREF retirement plan who terminate employment.

Statutory Authority for Adoption: RCW 28B.50.090.

Statute Being Implemented: RCW 28B.10.400.

Summary: The proposed amendment provides that employees retiring for disability will have the same benefit options as those retiring because of age or length of service.

Reasons Supporting Proposal: It is necessary to establish that retirement for disability will not be treated differently than retirement for age or longevity.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry E. Lael, 319 Seventh Avenue, Olympia, 753-3661.

Name of Proponent: State Board for Community and Technical Colleges, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule sets forth conditions governing benefit options for TIAA/CREF members after their termination from employment. The anticipated effect is that employees retiring for disability will have the same retirement benefit options as those who retire because of age or length of service.

Proposal Changes the Following Existing Rules: The existing rule does not specify that benefit options are available to employees who retire due to disability. The amendment specifies that they have the same options as those who retire due to age or length of service.

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

Hearing Location: Yakima Valley Community College, 16th Avenue and Nob Hill Boulevard, Yakima, on May 28, 1992, at 10:05 a.m.

Submit Written Comments to: Larry Lael, State Board for Community and Technical Colleges, 319 Seventh Avenue, Olympia, by May 26, 1992.

Date of Intended Adoption: May 28, 1992.

April 21, 1992

Robert G. Wark
Rules Coordinator

AMENDATORY SECTION (Amending Resolution No. 91-20, Order 129, filed 6/14/91, effective 7/15/91)

WAC 131-16-060 REPURCHASE OF ANNUITY CONTRACT UNDER CERTAIN CONDITIONS. In the event a participant leaves the employ of any Washington college district or the state board for reasons other than retirement or disability and the participant requests repurchase of his or her TIAA ((or)) CREF accumulation, ~~((the state board approves such repurchases as are recommended by the appropriate district board of trustees. PROVIDED, That TIAA/CREF agrees to such repurchase. AND PROVIDED FURTHER, That the portion of the repurchase attributable to contributions made by employing college district shall be returned to that district by TIAA/CREF.~~

The state board will agree to the repurchase of contracts only if) such repurchase is authorized: PROVIDED, That all of the following conditions are met:

- (a) Payments to the ((annuitant)) participant have not begun;
- (b) ((The annuity has been in force for five years or less;
- (c)) The ((annuitant)) participant requests repurchase of all TIAA/CREF annuities he or she owns;
- ((((c)) (c) The ((annuitant)) participant is neither employed at nor ((is)) transferring to an institution having a TIAA/CREF retirement plan;
- (d) TIAA/CREF agrees to the repurchase; and
- (e) All ((educational)) institutions that have contributed any part of the premiums consent to the repurchase((;

(f) If the annuitant has more than one annuity, the total value of all TIAA/CREF annuities and the longest duration of any of them shall govern in determining whether a repurchase will be made under this rule).

AMENDATORY SECTION (Amending Resolution No. 91-20, Order 129, filed 6/14/91, effective 7/15/91)

WAC 131-16-062 **BENEFIT OPTIONS AFTER TERMINATION OF EMPLOYMENT.** (1) After termination of employment, participants (~~having~~) who have attained age fifty-five, or (~~having~~) who have completed thirty years of full-time service in this plan or any combination of Washington state sponsored retirement plans, or who have retired due to disability in accordance with WAC 131-16-040 may exercise any settlement option for receipt of retirement benefits being made available by TIAA/CREF at that time.

(2) The federal income tax consequences resulting from the exercise of any options of elections provided by this section shall be the sole responsibility of the individual participant, and all federal tax regulations related to the receipt of retirement income benefits shall apply.

(3) The provisions of this section shall apply only to TIAA and CREF account accumulations attributable to contributions made as a result of employment in institutions or agencies subject to the provisions of WAC 131-16-005 through 131-16-066.

WSR 92-09-140
PROPOSED RULES
STATE BOARD FOR COMMUNITY
AND TECHNICAL COLLEGES

[Filed April 22, 1992, 8:56 a.m.]

Original Notice.

Title of Rule: Dissemination of course and enrollment information.

Purpose: Regulates provision of course and enrollment information to potential community and technical college students, to avoid inter-college competition for enrollment.

Statutory Authority for Adoption: RCW 28B.50.060, [28B.50.]090, [28B.50.]140(11), and [28B.50.]215.

Statute Being Implemented: RCW 28B.50.090 and [28B.50.]140(11).

Summary: Adds technical colleges to the state board rule regulating provision of course and enrollment information to potential students and provides a means for implementing the rule in overlapping districts.

Reasons Supporting Proposal: Technical colleges were added to the community college system by the 1992 legislature and technical college districts were created in a way to overlap community college districts.

Name of Agency Personnel Responsible for Drafting and Implementation: Robert G. Wark, 319 Seventh Avenue, Olympia, 753-3656; and Enforcement: Earl Hale, Executive Director, 319 Seventh Avenue, Olympia, 753-7412.

Name of Proponent: State Board for Community and Technical Colleges, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule establishes guidelines for the provision of unsolicited course and enrollment information to potential community and technical college students and generally limits such dissemination to the district in which the college is located. The effect of the amendment will

be to make it applicable to technical colleges and to provide a means to implement the rule where community and technical college districts overlap.

Proposal Changes the Following Existing Rules: Makes the rule applicable to technical colleges and adds a provision dealing with implementation of the rule in overlapping community and technical college districts.

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

Hearing Location: Yakima Valley Community College, 16th Avenue and Nob Hill Boulevard, Yakima, on May 28, 1992, at 10:15 a.m.

Submit Written Comments to: Robert Wark, State Board for Community and Technical Colleges, 319 Seventh Avenue, Olympia, by May 26, 1992.

Date of Intended Adoption: May 28, 1992.

April 21, 1992
Robert G. Wark
Rules Coordinator

AMENDATORY SECTION (Amending Order 112, Resolution No. 86-45, filed 10/30/86)

WAC 131-32-040 **DISSEMINATION OF COURSE AND ENROLLMENT INFORMATION.** (1) For the purposes of this section, "recruitment" is defined as information and activities which attempt to persuade potential students to attend a certain college—information used to compete for enrollment. "Information" is defined as the factual description of course availabilities, enrollment requirements, and college characteristics. However, excessive dissemination of what would otherwise be construed as legitimate course and enrollment information is viewed as competition or recruitment.

(2) In general, it is not the policy of the community and technical colleges to compete with each other or with other institutions of higher education for enrollment. It is the general policy of the community and technical colleges to inform the citizens of their districts of the programs and services (~~it makes~~) available to them.

(3) The Community and Technical College Act (RCW 28B.50.020) requires the (~~community~~) college system to offer (~~a comprehensive program of~~) educational service "to every citizen." Traditional methods of informing potential students—i.e., communication with high school counselors and students—reach only a small proportion of the potential (~~community college~~) enrollment, less than fifteen percent a year. In order to reach the rest of (~~its~~) ~~their~~ potential student body—which is essentially the adult population at large—(~~the~~) community and technical colleges utilize(~~s~~) mass media dissemination, principally of quarterly course announcements.

(4) Mass dissemination of unsolicited course and enrollment information shall be held within district boundaries except where postal and media distribution patterns prohibit. Exceptions include regional activities such as fairs, high school-college days, and public exhibits in which the college is invited to participate. It is appropriate for a community or technical college to make known to the citizens of its district courses and programs offered exclusively by neighboring districts.

(5) It is appropriate to provide each adult citizen in the district with course and enrollment information once during each quarter on an unsolicited basis. In heavily populated areas, budgetary considerations may rule out such total distribution. Quarterly course announcements should be prepared and distributed in a way that provides the best balance between minimum cost and maximum dissemination of course information to district citizens. However, dissemination of such announcements at college expense to persons other than those requesting them shall be limited to one of the following methods:

- Mailing to district boxholders (direct mail)
- Newspaper advertisement
- Newspaper insert
- Other method of mass distribution

It may be appropriate for one district to disseminate quarterly course announcements to boxholders or recipients of newspaper inserts residing in other districts. Such arrangements shall not take place until both districts have agreed to the arrangement in writing.

(6) News releases and free public service announcements are an appropriate method of calling attention to new programs or to space availability in existing courses and programs. Public service announcements and news releases shall not be sent to media outside the college district except in those areas where more than one institution is served by the same primary media.

(7) Publications which provide factual information on specific instructional programs, on special programs or on special services provide an efficient method of responding to inquiries from potential students. Their unsolicited dissemination shall be limited to the district of origin.

(8) Districts may purchase advertising to provide supplementary course and registration announcements when it can be demonstrated that paid advertising is more cost-effective than other methods. In areas where media serve more than one ((community)) college district, ((community)) colleges should give preference to pooled advertisements rather than individual college advertisements to attract enrollment. Paid advertising shall not be placed with media outside the college district except in areas where more than one institution is served by the same primary news media.

(9) Where community and technical college districts overlap, the colleges shall plan and implement the dissemination of course and enrollment information cooperatively so as to avoid unnecessary competition with each other and with adjacent districts for potential students. Issues arising from the process will be adjudicated under the provisions of the regional planning agreement specified by RCW 28B.50.215.

(10) In the event that state-funded enrollments are generated through interdistrict recruiting efforts that are contrary to the provisions of this section, the operating budget allocation of the intruding district may be adjusted by action of the state board. Budget allocation adjustments shall be determined by deducting funding attributable to enrollments generated by activities contrary to this section. The state board shall take into consideration the number of interdistrict enrollments that reasonably could have been expected to occur regardless of the interdistrict recruiting effort. At the request of either district that is party to an interdistrict recruiting dispute, the state board shall hold a hearing on the issues at dispute. The hearing will be held under the provisions of WAC 131-08-007. The board as a result of such hearings may approve a settlement that contains alternatives to the provisions of this section.

WSR 92-09-141
PROPOSED RULES
HIGHER EDUCATION
COORDINATING BOARD

[Filed April 22, 1992, 9:13 a.m.]

Continuance of WSR 92-08-076.

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.

Hearing Location: SeaTac Radisson Hotel, 17001 Pacific Highway South, SeaTac, WA, on May 6, 1992, at 9:00 a.m.

Date of Intended Adoption: May 6, 1992.

April 22, 1992
Ann Daley
Executive Director

WSR 92-09-142
PROPOSED RULES
LIQUOR CONTROL BOARD
[Filed April 22, 1992, 9:24 a.m.]

Original Notice.

Title of Rule: WAC 314-60-040 Operations and procedure, the basic organizational structure of the board's meeting schedule and location of records is outlined in this rule.

Purpose: To modify the times and dates the board may meet to more closely coordinate and oversee the day-to-day operation of the board in order to more accurately apply to the hands-on management style of the board.

Statutory Authority for Adoption: RCW 66.08.030.

Statute Being Implemented: RCW 66.08.050 and 42.30.070.

Summary: The existing rule would undergo some housekeeping to correct clerical errors from a previous filing and change the start times and add Thursday to the dates available for public meetings.

Reasons Supporting Proposal: In order to more effectively and efficiently manage the agency, it is necessary for the board to meet at earlier times and for an additional day rather than call special meetings.

Name of Agency Personnel Responsible for Drafting: Mary Tennyson, Highways-Licenses Building, Olympia, 586-2451; Implementation and Enforcement: The Board, 1025 East Union, Olympia, 753-6262.

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: When the rule was last revised, there were several clerical errors made resulting in notation by the code reviser. Action will be taken to correct the errors and to comply with the requirements. In addition, the time the board may commence meetings would change from 9:30 a.m. to 8:00 a.m. and Thursdays would be added as regular meeting date. These changes will further enhance the board's day-to-day management of the agency and better facilitate the hands-on style of management the board has adopted.

Proposal Changes the Following Existing Rules: Changes meeting start time to 8:00 a.m. rather than 9:30 a.m. and adds Thursdays as an additional regular meeting date. Wednesdays will remain as the day for petitions, public testimony and adoption of resolutions.

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

Hearing Location: Liquor Control Board, 5th Floor Conference Room, 1025 East Union, Olympia, on June 17, 1992, at 9:30 a.m.

Submit Written Comments to: M. Carter Mitchell, Information Officer, Liquor Control Board, 1025 East Union, Olympia, WA 98504, by June 15, 1992.

Date of Intended Adoption: June 17, 1992.

April 21, 1992
Paula O'Connor
Chairman

AMENDATORY SECTION (Amending WSR 90-02-109, filed 1/3/90, effective 2/3/90)

WAC 314-60-040 OPERATIONS AND PROCEDURE. The general course and method by which the operations of the board are channeled and determined are illustrated by the following:

(1) An organizational chart is available from the board's public records office which illustrates the general structure and composition of the board's operations.

(2) Board procedures relating to hearings involving alleged violations of the liquor act and/or revised rules and regulations of the board are covered in chapter 314-04 WAC and in chapter 314-08 WAC Practice and procedure.

(a) General information pertaining to formal hearings is available from the board's public records office.

(b) Forms of notice of ~~((proposed order of summary license suspension))~~ board action proposing to suspend a liquor license are available from the board's public records office.

(3) Pursuant to the requirements of the Open Public Meetings Act (chapter 42.30 RCW) all determinations and business of the board, except matters which are exempt from the act under RCW 42.30.140, or properly conducted in executive session, pursuant to RCW 42.30.110, ~~((are made and conducted at its regular and/or special meetings))~~ ~~((will be made and conducted in meetings open to the public))~~ will be made and conducted in meetings open to the public. Regular meetings of the board are held on Tuesday ~~((and)),~~ Wednesday, and Thursday of each week, except on holidays, beginning at ~~((9:30))~~ 8:00 a.m. or as soon thereafter as a quorum is assembled at its offices on the Fifth Floor, Capital Plaza Building, 1025 East Union Avenue, Olympia, Washington. ~~((For scheduling purposes, it is the board's intent to conduct staff meetings and work sessions at its Tuesday meetings, and to schedule petitions, public testimony, and adoption of resolutions at its Wednesday meetings.))~~ For scheduling purposes, it is the board's intent to conduct staff meetings and work sessions at its Tuesday and Thursday meetings, and to schedule petitions, public testimony, and adoption of resolutions at its Wednesday meetings.

WSR 92-09-143**PROPOSED RULES****LIQUOR CONTROL BOARD**

[Filed April 22, 1992, 9:26 a.m.]

Original Notice.

Title of Rule: WAC 314-20-070 Bad order claims—Replacement of overaged beer—Procedures.

Purpose: To remove the requirement that return of beer for a cash refund have written consent of the board.

Other Identifying Information: The WAC permits a government agency or a retail licensee, going out of the business of selling beer at retail, to return beer to the wholesaler for a cash refund, provided written consent from the board is obtained.

Statutory Authority for Adoption: RCW 66.08.030.

Summary: The requirement for written consent of the board would be removed.

Reasons Supporting Proposal: Requiring written consent is an unnecessary requirement that increases the burden on the liquor control agents and industry alike.

Name of Agency Personnel Responsible for Drafting: Janice Lee Britt, 1025 East Union, Olympia, 98504-3094, 586-6701; Implementation and Enforcement: Gary W. Gilbert, 1025 East Union, Olympia, 98504-3094, 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 change will remove the requirement for written consent to refund cash for returned beer in the event a retail licensee goes out-of-the-business of selling beer. There is no need for written consent. Records are kept on all transactions and this is an unnecessary document.

Proposal Changes the Following Existing Rules: Removes the word "written" from the WAC and allows verbal consent to be given.

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

Hearing Location: Washington State Liquor Control Board, 1025 East Union, 5th Floor, Olympia, WA 98504-3075, on June 17, 1992, at 9:30 a.m.

Submit Written Comments to: M. Carter Mitchell, Public Information Officer, by June 15, 1992.

Date of Intended Adoption: June 17, 1992.

April 21, 1992
Paula O'Connor
Chairman

AMENDATORY SECTION (Amending Order 109, Resolution No. 118, filed 8/9/82)

WAC 314-20-070 BAD ORDER CLAIMS—REPLACEMENT OF OVERAGED BEER—PROCEDURES. Bad order claims shall be made, adjusted and record thereof preserved as follows:

(1) No bad order claim shall be allowed except by a brewer or beer importer;

(2) No bad order claim shall be accepted unless the same shall be made by the retailer within ten days after the defect in the beer or container has been discovered;

(3) No bad order claim shall be accepted unless the same is made by the retailer in quadruplicate upon forms furnished by the board;

(4) After the claim has been made out in quadruplicate, one copy (blue) shall be torn from the book and retained by the retailer; one copy (yellow) shall be torn from the book and retained by the wholesaler in those cases where the wholesaler acts as agent of the brewer in accepting the claim; the original and one copy (pink) shall be torn from the book and forwarded to, or retained by, the brewer or beer importer for action upon the claim;

(5) At the time of making the final adjustment of the claim, the brewer or beer importer shall mail to the board the pink copy, endorsing thereon the action taken by the brewer or beer importer, together with a certification that in his opinion the claim was valid to the amount allowed;

(6) All adjustments of bad order claims shall be made by check issued by the brewer or beer importer and payable to the retailer, bearing the bad order claim number or numbers for which adjustment is made;

(7) All documentary evidence relating to the claim shall be preserved by the retailer and brewer or beer importer for two years after the date of submission of the claim;

(8) No brewer or beer importer shall allow, or shall any retailer make claim for, a bad order claim unless the container or the beer is in fact defective;

(9) In the case of package beer, other than beer in barrels, beer which is not in a salable condition or overaged may be returned by a retail licensee to the beer wholesaler from whom the beer was purchased, provided it is immediately replaced by the beer wholesaler with an identical quantity, type and brand of beer: PROVIDED FURTHER, That if the brand of beer is not presently in the beer wholesaler's stock and is not available to the wholesaler in the immediate future, a cash refund may be made to the retail licensee upon the approval of the board first being obtained;

(10) Beer different from that ordered which has been delivered in error to a retail licensee may be returned to a beer wholesaler and either replaced with that beer which was ordered or a cash refund may be made upon the approval of the board first being obtained: PROVIDED, That the error in delivery shall be discovered and corrected within eight days of the date the delivery was made;

(11) Wholesalers who replace unsalable or overaged packaged beer as provided in subsection (9) of this section, shall maintain complete

records of all such transactions, with such records to be readily available for inspection by authorized employees of the board;

(12) Salable or unsalable beer may be returned by a retail licensee or by a governmental agency who has seized the same to the beer wholesaler selling such beer in the event the retailer goes out of the business of selling beer at retail, and in such case a cash refund may be made upon return of the beer, provided that ((written)) consent of the board is first had and obtained;

(13) Except as provided herein, no other adjustment, by way of cash refund or otherwise, shall be made by the beer wholesaler, brewer or beer importer.

WSR 92-09-144
PROPOSED RULES
DEPARTMENT OF HEALTH
(State Board of Health)
[Filed April 22, 1992, 9:38 a.m.]

Original Notice.

Title of Rule: Food worker permits, WAC 246-217-030 Form of permits—Fees.

Purpose: Increase permit fee from five dollars to eight dollars.

Other Identifying Information: WAC 246-217-030(2).

Statutory Authority for Adoption: RCW 43.20.050 and chapter 69.03 RCW.

Statute Being Implemented: RCW 69.06.020.

Summary: The revision changes one word in the regulations. The fee for application or renewal of a food worker permit is proposed to be changed from "five" to "eight" dollars.

Reasons Supporting Proposal: The increase is needed to defray the expenses of jurisdictional health departments to train food workers and issue permits.

Name of Agency Personnel Responsible for Drafting: Ned C. Therien, Building 3 Airdustrial Center, 234-5128 scan; Implementation: Karen VanDusen, Building 3 Airdustrial Center, 321-5797 scan; and Enforcement: Charles A. Bartleson, Building 3 Airdustrial Center, 234-2555 scan.

Name of Proponent: Department of Health, Office of Community Environmental Health Programs, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The revision is needed by jurisdictional health departments to carry out statutorily mandated food worker permit activities.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Pursuant to RCW 69.06.02 [69.06.020], the State Board of Health sets a uniform cost for food worker permits throughout the state. The cost of the permit shall reflect actual costs of food worker training and education, administration of the program, and testing of applicants. The State Board of Health shall periodically review the costs associated with the permit program and adjust the fee accordingly.

Proposal Changes the Following Existing Rules: The proposal changes the fee for a food worker permit from five to eight dollars. The current five dollar fee was set in

1987. Jurisdictional health departments need the fee increased to eight dollars to defray costs of providing training to food workers as part of the program to issue permits.

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

Hearing Location: Walla Walla County—City Health Department, 310 West Poplar, Walla Walla, WA, on June 10, 1992, at 9:30 a.m.

Submit Written Comments to: Leslie Baldwin, Rules Coordinator, 1300 S.E. Quince Street, P.O. Box 47902, Olympia, WA 98504-7902, by May 29, 1992.

Date of Intended Adoption: June 10, 1992.

April 21, 1992

Sylvia I. Beck

Executive Director

State Board of Health

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-217-030 FORM OF PERMITS—FEES. (1) All permits required by this act shall be issued by the jurisdictional health department and signed by the local health officer or his authorized representative.

(2) All applicants for a permit or renewal of a permit shall pay to the jurisdictional health department a fee in the amount of ((five)) eight dollars. Such fee shall be used by the jurisdictional health department to defray the expenses arising out of the administration of this act.

(3) The permit shall conform to the following specifications:

(a) The permit shall be six inches by five inches in size and shall consist of two sections titled as follows:

- (i) Food and beverage service worker's permit, and
- (ii) Food and beverage service worker's health record.

(b) The permit is given to the worker and the health record is kept on file in the health department.

(4) The permit shall contain the following information:

- (a) Number of the permit;
- (b) Signature of the worker;
- (c) Occupation;
- (d) Home address;

(e) The statement, "THIS CERTIFIES THAT has satisfied the requirements of chapter 197, Laws of 1957, and the state board of health for issuance of permit";

(f) Manual chapters covered in test shall be noted;

(g) Permit expiration date; and

(h) Signature of health officer.

(5) On the reverse side of the permit there shall be noted the following:

"Please note: This card is valid only to the employee whose signature appears on the reverse side. It must be filed at place of employment and shown upon request to sanitarian, health officer, or deputy.

INSTRUCTIONS GOVERNING PERSONAL HYGIENE AND SANITATION

1. Do not work if you are ill with a "catching" sickness, such as sore throat, common cold, diarrhea, or other contagious disease.
2. Notify the health department if you, any person in your home, or your place of business has a contagious disease or a disease suspected of being contagious.
3. Keep your hands and fingernails clean. Wash your hands frequently, particularly every time after going to the toilet, blowing the nose, or handling soiled objects.
4. Use disposal tissue for blowing the nose or spitting. Spitting can be a dangerous habit.
5. Do not pick pimples, boils, or your nose. This is a dangerous source of infection. If you have sores of this kind, keep them covered with a dressing.

- 6. Handle foods with your fingers as little as possible. Use utensils whenever you can, as in picking up butter, etc.
- 7. Avoid handling rims of glasses, cups, soup bowls, and eating surfaces of silver.
- 8. Protect food by keeping it covered from flies, keeping perishable foods and cream-filled pastries properly refrigerated."

(6) The food and beverage service worker's health record shall contain the following information:

- (a) Date issued;
- (b) Number;
- (c) Name;
- (d) Age;
- (e) Sex;
- (f) Home address;
- (g) Occupation;
- (h) Where employed;
- (i) City;
- (j) Typhoid fever No () Yes () Date
- (k) Amoebic dysentery No () Yes () Date
- (l) Laboratory examinations, x-rays, or skin tests:
- (i) Test Result Date
- (ii) Test Result Date
- (iii) Test Result Date
- (m) Manual chapters covered in test shall be noted.

(7) The reverse side of the health record shall contain: "Follow-up remarks."

WSR 92-09-145
PROPOSED RULES
DEPARTMENT OF LICENSING
 [Filed April 22, 1992, 9:45 a.m.]

Original Notice.

Title of Rule: Transportation of passengers in for hire vehicles, chapter 308-89 WAC.

Purpose: To make technical corrections reflecting current procedures and to add a fee schedule for issuing permits and certificates.

Other Identifying Information: WAC 308-89-020, 308-89-040, 308-89-050, and 308-89-060.

Statutory Authority for Adoption: ESSB 6460 and RCW 46.72.120.

Statute Being Implemented: RCW 46.72.010, [46.72.]020, [46.72.]030, [46.72.]070, [46.72.]080, and [46.72.]130.

Summary: WAC 308-89-020, 308-89-040, 308-89-050, minor technical amendments; and WAC 308-89-060, adds a fee schedule.

Reasons Supporting Proposal: 1992 legislation deletes the fee amounts previously set in statute and authorizes the Department of Licensing to set fees by rule.

Name of Agency Personnel Responsible for Drafting: Margaret Schott, 405 Black Lake Boulevard, Olympia, 586-1900; Implementation: T. W. Washington, Jr., 405 Black Lake Boulevard, Olympia, 753-1749; and Enforcement: Nell Benzschawel, 405 Black Lake Boulevard, Olympia, 586-5372.

Name of Proponent: Department of Licensing, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The technical corrections are needed to reflect current procedures and to update 1991 legislative

changes. Adding a fee schedule is mandated by 1992 legislation. The result is an increase in fee amounts from those previously set in statute.

Proposal Changes the Following Existing Rules: See Summary, Reasons Supporting Proposal, and Explanation of Rule above.

Small Business Economic Impact Statement: There will be no change in current reporting or other administrative costs. Proposed WAC 308-89-060 does economically impact small business, but not disproportionately as 99.9% of the industry is made up of small businesses. The economic impact to the majority is \$20.00 per year. The economic impact to the one large business in the industry will be approximately \$460.00 per year of \$9.00 per employee. Since the industry is virtually one of sole proprietors, no special accommodations are warranted. Data for comparisons based on sales is unavailable.

Hearing Location: Department of Licensing, 405 Black Lake Boulevard, First Floor, Olympia, WA, on May 26, 1992, at 10:00 a.m.

Submit Written Comments to: P.O. Box 9034, Olympia, WA 98507-9034, FAX (206) 586-1596, by May 22, 1992.

Date of Intended Adoption: May 29, 1992.

April 22, 1992
 Tobias W. Washington, Jr.
 Assistant Director

AMENDATORY SECTION (Amending Order TL-RG-18, filed 10/11/85)

WAC 308-89-020 DEFINITIONS—FOR HIRE VEHICLE. "For hire vehicle" as defined in RCW 46.72.010(1) shall include but not be limited to:

~~((a))~~ (1) Cabulance: Cabulance transportation is appropriate for persons confined to wheelchairs or persons otherwise physically restricted such that they cannot be safely transported by public mass transportation vehicles, taxicabs, or automobiles. Persons transported by cabulance must be stable, must not be incapacitated from medications, nor in need of oxygen or medical attention enroute;

~~((b) limousine; a vehicle with a driver hired for an event or period of time; (c))~~ (2) Taxicab: As defined by RCW 46.90.178;

~~((d))~~ (3) Such other vehicles used for the purpose of transporting passengers for compensation and not excluded by RCW, WAC or departmental policy.

AMENDATORY SECTION (Amending Order TL-RG-15, filed 8/6/85)

WAC 308-89-040 FOR HIRE VEHICLE REGISTRATION. A for hire operator shall file an application for vehicle license for each vehicle intended to be operated as a for hire vehicle. In addition to the licensing requirements of motor vehicles, the following shall apply on for hire vehicles:

~~((a))~~ (1) The name of the owner of the vehicle shall be displayed on the vehicle registration in the same name as recorded on the bond or insurance policy, the for hire permit, and the for hire certificates;

~~((b))~~ (2) The purpose for which the vehicle is to be used shall be recorded as either "CAB" or "F/H" ~~((c) an annual license expiration of June 30).~~

AMENDATORY SECTION (Amending Order TL-RG-15, filed 8/6/85)

WAC 308-89-050 PERMITS. ~~((Each for hire owner/operator may operate under only one dba (doing business as) name per each permit issued. No company may have numerous dba's or operating names under one permit.))~~

Each permit will be issued in the operating name of the for hire company(ies) as recorded on the bond or insurance policy.

NEW SECTION

WAC 308-89-060 FEES. (1) The department shall charge and collect:

(a) Twenty dollars for each initial operator permit as required by RCW 46.72.020;

(b) Twenty dollars for each certificate as required by RCW 46.72.070;

(c) Twenty dollars for each nonresident permit as required by RCW 46.72.130.

(2) All fees remitted to the department under this chapter shall be deposited with the state treasurer to the highway safety fund.

(3) No refund of less than five dollars shall be made except upon written request by the registrant.

WSR 92-09-146
PROPOSED RULES
DEPARTMENT OF
COMMUNITY DEVELOPMENT

[Filed April 22, 1992, 9:46 a.m.]

Original Notice.

Title of Rule: Fire protection contracts for state facilities in cities and towns.

Purpose: To amend chapter 365-80 WAC, by repealing WAC 365-80-010 through 365-80-090; and adding new sections WAC 365-80-100 through 365-80-200.

Statutory Authority for Adoption: Chapter 35.21 RCW.

Statute Being Implemented: SHB 2937.

Summary: The proposed WAC establishes guidelines and procedures for state agencies and institutions contracting with cities and towns for the costs of providing fire protection services to state-owned facilities and personnel.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Daniel Aarthun, Mailstop 8300, Olympia, (206) 586-1237.

Name of Proponent: Washington State Department of Community Development, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule stipulates that cities and towns which have state-owned facilities within their city limits may negotiate a fire protection contract with the appropriate state agency or agencies. However, in any city or town in which the estimated value of state-owned facilities constitutes ten percent of the jurisdiction's total assessed valuation, the state is obligated to enter into a fire protection contract. The proposed rule establishes the procedures by which the Department of Community Development will administer the program. The anticipated effect is to provide funding for fire protection of state facilities in those cities and towns which demonstrate the greatest need.

Proposal Changes the Following Existing Rules: Under the existing rule, any city or town which has a state-owned facility within its city limits is eligible to receive an annual payment to offset the cost of providing fire protection to the facility or facilities. The funds available under the existing rule are distributed on a per-square-

foot basis, without regard to the percentage of state-owned facilities within a jurisdiction.

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

Hearing Location: Department of Community Development, Conference Room 3-A, 906 Columbia, Olympia, WA 98504, on May 28, 1992, at 1:00 p.m. - 5:00 p.m.

Submit Written Comments to: Daniel Aarthun, c/o Department of Community Development, Mailstop 8300, Olympia, WA 98504, by May 26, 1992.

Date of Intended Adoption: May 29, 1992.

April 16, 1992
Barbara Gooding
Director

NEW SECTION

WAC 365-80-100 **AUTHORITY.** This chapter is promulgated pursuant to the authority granted in chapter 35.21 RCW.

NEW SECTION

WAC 365-80-110 **PURPOSE.** The purpose of these rules is to implement the provisions of Substitute House Bill No. 2937 (chapter 117, Laws of 1992) which provides that state agencies and municipalities may negotiate fire protection contracts at their discretion, and also provides that certain municipalities are eligible to enter into compulsory fire protection contracts with state agencies. These rules set forth the guidelines that the department will use in determining which municipalities are eligible to enter into compulsory fire protection contracts with state agencies, and a process for resolving disputes between the parties negotiating any such contracts.

NEW SECTION

WAC 365-80-120 **DEFINITIONS.** (1) "Department" means the department of community development.

(2) "Director" means the director of the department of community development.

(3) "Fire protection services" mean those fire services normally provided by a city or town for the protection of persons and property, except equipment operated and facilities owned by a city or town.

(4) "State facilities" mean buildings or facilities owned by the state or an agency or institution of the state, except those leased to a non-tax-exempt person or organization, located within a city's or town's territorial limits.

(5) "State agency" means any agency or institution of the state of Washington.

(6) "Compulsory fire protection contract" means a fire protection contract as described in WAC 365-80-130.

(7) "Municipality" means city or town.

NEW SECTION

WAC 365-80-130 **ELIGIBILITY MUNICIPALITIES.** Section 4, chapter 117, Laws of 1992, provides that when a municipality has one or more state agencies located within its city limits, the municipality and the agency or agencies may enter into fire protection contracts. Section 6, chapter 117, Laws of 1992, provides that in cities or towns where the estimated value of state facilities equals ten percent or more of the municipality's total assessed valuation, as determined by the department, the state agency shall enter into a compulsory fire protection contract to provide the municipality with an equitable share of its fire protection services costs. An exception is provided where fire protection services are performed by state staff and equipment or by a fire protection district pursuant to RCW 52.30.020.

NEW SECTION

WAC 365-80-140 **NOTIFICATION OF INTENT TO CONTRACT.** Cities and towns shall notify the department and the appropriate state agency in writing, not later than July 1 of the fiscal year for which payment shall be made, of their intent to enter into compulsory fire protection contract negotiations. When more than one state

agency is located in a city or town, that municipality may notify only the department of its intent to enter into compulsory fire contract negotiations, and the department shall thereupon notify the appropriate state agencies of the municipality's intent. Municipalities making such notification shall include the name of the state agency or agencies which have state-owned facilities located therein. The department shall verify whether the state agency facilities in the municipality meet the estimated value threshold.

NEW SECTION

WAC 365-80-150 METHOD FOR DETERMINING STATE AGENCY SQUARE FOOTAGE. After a municipality notifies the department of its intent to enter into compulsory fire protection contract negotiations (WAC 365-80-140), the department shall request a written report from each state agency in that municipality identifying the agency's state-owned facilities located therein. The report shall provide the square footage for each agency, and shall be submitted to the department within twenty days after receiving the request. The square footage shall be calculated as of July 1 of the fiscal year for which payment shall be made. No adjustments will be made until the following year for new facilities built or acquired after the determinations have been made.

NEW SECTION

WAC 365-80-160 METHOD FOR DETERMINING ESTIMATED VALUES. The department shall estimate the value of a state facility by formula, using the facility's total square footage and an estimated value per square foot, as developed by the department in consultation with the department of general administration and the association of Washington cities. The estimated state facility value per square foot shall be reviewed annually and revised accordingly.

NEW SECTION

WAC 365-80-170 NOTIFICATION TO MUNICIPALITIES. Not later than July 31 of each year the department shall inform in writing each municipality making notification under WAC 365-80-140, and the appropriate state agency or agencies, whether or not the municipality meets the estimated value threshold.

NEW SECTION

WAC 365-80-180 GOOD FAITH NEGOTIATIONS. Negotiations for compulsory fire protection contracts shall be conducted in good faith. Good faith negotiations may include consideration of the unique benefits and burdens associated with the presence of the state facility or facilities in the city or town.

NEW SECTION

WAC 365-80-190 DISPUTE RESOLUTION. If disputes arise when negotiating compulsory fire protection contracts, they shall be disposed of as follows:

(1) When notified by one of the parties of a disagreement, the director shall mediate a resolution.

(2) If the impasse continues, the director shall recommend a resolution. Mediation efforts shall be completed within thirty days after the director is notified.

(3) If the recommended resolution is not accepted, the director shall direct the parties to arbitration. Arbitration shall be conducted by a neutral arbiter acceptable to each party to the negotiations, and shall be completed within sixty days after being initiated. The arbiter shall select the final offer of either of the contracting parties, or the director's recommended resolution. Expenses associated with the arbitration shall be borne by the contracting parties, and the arbiter's decision shall be final, binding, and nonappealable.

NEW SECTION

WAC 365-80-200 ANNUAL PAYMENTS. Payment for compulsory fire protection contracts shall be made directly to the municipalities not later than November 30 of each year. In cases involving arbitration, payment shall be made to the municipalities within thirty days of the arbiter's decision.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 365-80-010 GENERAL PURPOSE.
 WAC 365-80-020 ELIGIBLE AGENCIES.
 WAC 365-80-030 STATE FACILITIES.
 WAC 365-80-040 FIRE PROTECTION SERVICES.
 WAC 365-80-050 BASIC FIRE PROTECTION PAYMENT.
 WAC 365-80-060 METHOD OF DETERMINING SQUARE FOOTAGE OF STATE FACILITIES.
 WAC 365-80-070 PAYMENTS.
 WAC 365-80-080 DECISIONS OF THE PLANNING AND COMMUNITY AFFAIRS AGENCY FINAL.
 WAC 365-80-090 UNEXPENDED FUNDS.

WSR 92-09-147
EMERGENCY RULES
DEPARTMENT OF
COMMUNITY DEVELOPMENT
 [Order 92-03—Filed April 22, 1992, 9:47 a.m.]

Date of Adoption: April 22, 1992.

Purpose: To establish guidelines and procedures for state agencies and institutions to contract with cities and towns for the costs of providing fire protection services to state facilities and personnel.

Citation of Existing Rules Affected by this Order: Repealing WAC 365-80-010 through 365-80-090; and adding new sections WAC 365-80-100 through 365-80-200.

Statutory Authority for Adoption: Chapter 35.21 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: The enabling legislation (SHB 2937) directs the Department of Community Development to adopt rules on or before May 1, 1992.

Effective Date of Rule: Immediately.

April 16, 1992
 Barbara Gooding
 Director

NEW SECTION

WAC 365-80-100 AUTHORITY. *This chapter is promulgated pursuant to the authority granted in chapter 35.21 RCW.*

NEW SECTION

WAC 365-80-110 PURPOSE. *The purpose of these rules is to implement the provisions of Substitute House Bill No. 2937 (chapter 117, Laws of 1992) which provides that state agencies and municipalities may negotiate fire protection contracts at their discretion, and also provides that certain municipalities are eligible to enter into compulsory fire protection contracts with state agencies. These rules set forth the guidelines that the*

department will use in determining which municipalities are eligible to enter into compulsory fire protection contracts with state agencies, and a process for resolving disputes between the parties negotiating any such contracts.

NEW SECTION

WAC 365-80-120 **DEFINITIONS.** (1) "Department" means the department of community development.

(2) "Director" means the director of the department of community development.

(3) "Fire protection services" mean those fire services normally provided by a city or town for the protection of persons and property, except equipment operated and facilities owned by a city or town.

(4) "State facilities" mean buildings or facilities owned by the state or an agency or institution of the state, except those leased to a nontax-exempt person or organization, located within a city's or town's territorial limits.

(5) "State agency" means any agency or institution of the state of Washington.

(6) "Compulsory fire protection contract" means a fire protection contract as described in WAC 365-80-130.

(7) "Municipality" means city or town.

NEW SECTION

WAC 365-80-130 **ELIGIBILITY MUNICIPALITIES.** Section 4, chapter 117, Laws of 1992, provides that when a municipality has one or more state agencies located within its city limits, the municipality and the agency or agencies may enter into fire protection contracts. Section 6, chapter 117, Laws of 1992, provides that in cities or towns where the estimated value of state facilities equals ten percent or more of the municipality's total assessed valuation, as determined by the department, the state agency shall enter into a compulsory fire protection contract to provide the municipality with an equitable share of its fire protection services costs. An exception is provided where fire protection services are performed by state staff and equipment or by a fire protection district pursuant to RCW 52.30.020.

NEW SECTION

WAC 365-80-140 **NOTIFICATION OF INTENT TO CONTRACT.** Cities and towns shall notify the department and the appropriate state agency in writing, not later than July 1 of the fiscal year for which payment shall be made, of their intent to enter into compulsory fire protection contract negotiations. When more than one state agency is located in a city or town, that municipality may notify only the department of its intent to enter into compulsory fire contract negotiations, and the department shall thereupon notify the appropriate state agencies of the municipality's intent. Municipalities making such notification shall include the name of the state agency or agencies which have state-owned facilities located therein. The department shall verify whether the state agency facilities in the municipality meet the estimated value threshold.

NEW SECTION

WAC 365-80-150 **METHOD FOR DETERMINING STATE AGENCY SQUARE FOOTAGE.** After a municipality notifies the department of its intent to enter into compulsory fire protection contract negotiations (WAC 365-80-140), the department shall request a written report from each state agency in that municipality identifying the agency's state-owned facilities located therein. The report shall provide the square footage for each agency, and shall be submitted to the department within twenty days after receiving the request. The square footage shall be calculated as of July 1 of the fiscal year for which payment shall be made. No adjustments will be made until the following year for new facilities built or acquired after the determinations have been made.

NEW SECTION

WAC 365-80-160 **METHOD FOR DETERMINING ESTIMATED VALUES.** The department shall estimate the value of a state facility by formula, using the facility's total square footage and an estimated value per square foot, as developed by the department in consultation with the department of general administration and the association of Washington cities. The estimated state facility value per square foot shall be reviewed annually and revised accordingly.

NEW SECTION

WAC 365-80-170 **NOTIFICATION TO MUNICIPALITIES.** Not later than July 31 of each year the department shall inform in writing each municipality making notification under WAC 365-80-140, and the appropriate state agency or agencies, whether or not the municipality meets the estimated value threshold.

NEW SECTION

WAC 365-80-180 **GOOD FAITH NEGOTIATIONS.** Negotiations for compulsory fire protection contracts shall be conducted in good faith. Good faith negotiations may include consideration of the unique benefits and burdens associated with the presence of the state facility or facilities in the city or town.

NEW SECTION

WAC 365-80-190 **DISPUTE RESOLUTION.** If disputes arise when negotiating compulsory fire protection contracts, they shall be disposed of as follows:

(1) When notified by one of the parties of a disagreement, the director shall mediate a resolution.

(2) If the impasse continues, the director shall recommend a resolution. Mediation efforts shall be completed within thirty days after the director is notified.

(3) If the recommended resolution is not accepted, the director shall direct the parties to arbitration. Arbitration shall be conducted by a neutral arbiter acceptable to each party to the negotiations, and shall be completed within sixty days after being initiated. The arbiter shall select the final offer of either of the contracting parties,

or the director's recommended resolution. Expenses associated with the arbitration shall be borne by the contracting parties, and the arbiter's decision shall be final, binding, and nonappealable.

NEW SECTION

WAC 365-80-200 ANNUAL PAYMENTS. Payment for compulsory fire protection contracts shall be made directly to the municipalities not later than November 30 of each year. In cases involving arbitration, payment shall be made to the municipalities within thirty days of the arbiter's decision.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 365-80-010 GENERAL PURPOSE.**
- WAC 365-80-020 ELIGIBLE AGENCIES.**
- WAC 365-80-030 STATE FACILITIES.**
- WAC 365-80-040 FIRE PROTECTION SERVICES.**
- WAC 365-80-050 BASIC FIRE PROTECTION PAYMENT.**
- WAC 365-80-060 METHOD OF DETERMINING SQUARE FOOTAGE OF STATE FACILITIES.**
- WAC 365-80-070 PAYMENTS.**
- WAC 365-80-080 DECISIONS OF THE PLANNING AND COMMUNITY AFFAIRS AGENCY FINAL.**
- WAC 365-80-090 UNEXPENDED FUNDS.**

**WSR 92-09-148
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Order 92-01—Filed April 22, 1992, 9:55 a.m., effective May 25, 1992]

Date of Adoption: April 22, 1992.

Purpose: Chapter 296-155 WAC, Safety standards for construction work, WAC 296-155-110 Accident prevention program, state-initiated amendment for this section deletes the reference to WAC 296-24-045, Safety and health committee plan and requires 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.

Citation of Existing Rules Affected by this Order: Amending WAC 296-155-110.

Statutory Authority for Adoption: Chapter 49.17 RCW.

Pursuant to notice filed as WSR 92-03-137 on January 22, 1992 and WSR 92-08-099 on April 1, 1992.

Changes Other than Editing from Proposed to Adopted Version: WAC 296-155-110 Accident prevention program, as a result of the oral and written comments received at the public hearing, this section new subsection (1) is added as follows:

"(1) Exemptions. Workers of employers whose primary business is other than construction, who are engaged solely in maintenance and repair work, including painting and decorating, are exempt from the requirements of this section provided:

(a) The maintenance and repair work, including painting and decorating, is being performed on the employer's premises, or facility.

(b) The length of the project does not exceed one week.

(c) The employer is in compliance with the requirements of WAC 296-24-040 Accident prevention programs, and WAC 296-24-045, Safety and health committee plan."

These exemptions are to mitigate compliance requirements for those employers whose primary business is not construction provided they meet the requirements of subdivisions (a), (b), and (c).

Effective Date of Rule: May 25, 1992.

April 22, 1992
Joseph A. Dear
Director

AMENDATORY SECTION (Amending Order 86-14, filed 1/21/86)

WAC 296-155-110 ACCIDENT PREVENTION PROGRAM. ~~((1) Every employer shall develop a written accident prevention program, as required by WAC 296-24-040, and a safety and health committee plan, as required by WAC 296-24-045. Every employer, regardless of the number of employees, is required to implement the requirements of WAC 296-24-045, except that the provisions of WAC 296-24-045 and 296-24-040 (1)(b) may be accomplished by:~~

~~(a) Foreman-crew safety meetings held at least weekly.~~

~~(b) Foreman-crew meetings tailored to the particular operation.~~

~~(c) At least weekly, a walk-around safety inspection conducted jointly by one member of management and one employee, elected by the employees as their authorized representative.~~

~~(2) Minutes of each foreman-crew meeting shall be prepared and a copy shall be maintained at the location where the majority of the employees of each construction site report for work each day. Minutes of meetings shall be retained by the employer for at least one year and shall be made available for review by personnel of the division of industrial safety and health, upon request.~~

~~(3) Foreman-crew meetings shall address the following:~~

~~(a) A review of any walk-around safety inspection conducted since the last safety meeting.~~

~~(b) A review of any citation to assist in correction of hazards.~~

~~(c) An evaluation of any accident investigations conducted since the last meeting to determine if the cause of~~

~~the unsafe acts or unsafe conditions involved were properly identified and corrected.~~

~~(d) Attendance shall be documented.~~

~~(e) Subjects discussed shall be documented.~~

~~Note: Subcontractors and their employees may attend the prime contractor's meeting provided that the prime contractor agrees and that all other requirements of this section are met.))~~

(1) Exemptions. Workers of employers whose primary business is other than construction, who are engaged solely in maintenance and repair work, including painting and decorating, are exempt from the requirement of this section provided:

(a) The maintenance and repair work, including painting and decorating, is being performed on the employer's premises, or facility.

(b) The length of the project does not exceed one week.

(c) The employer is in compliance with the requirements of WAC 296-24-040 Accident prevention programs, and WAC 296-24-045, Safety and health committee plan.

(2) Each employer shall develop a formal accident-prevention program, tailored to the needs of the particular plant or operation and to the type of hazard involved. The division may be contacted for assistance in developing appropriate programs.

(3) The following are the minimal program elements for all employers:

A safety orientation program describing the employer's safety program and including:

(a) How, where, and when to report injuries, including instruction as to the location of first-aid facilities.

(b) How to report unsafe conditions and practices.

(c) The use and care of required personal protective equipment.

(d) The proper actions to take in event of emergencies including the routes of exiting from areas during emergencies.

(e) Identification of the hazardous gases, chemicals, or materials involved along with the instructions on the safe use and emergency action following accidental exposure.

(f) A description of the employer's total safety program.

(g) An on-the-job review of the practices necessary to perform job assignments in a safe manner.

(4) Each accident-prevention program shall be outlined in written format.

(5) Every employer shall conduct foreman-crew safety meetings as follows:

(a) Foreman-crew safety meetings shall be held at the beginning of each job, and at least weekly thereafter.

(b) Foreman-crew meetings shall be tailored to the particular operation.

(6) Foreman-crew safety meetings shall address the following:

(a) A review of any walk-around safety inspection conducted since the last safety meeting.

(b) A review of any citation to assist in correction of hazards.

(c) An evaluation of any accident investigations conducted since the last meeting to determine if the cause of

the unsafe acts or unsafe conditions involved were properly identified and corrected.

(d) Attendance shall be documented.

(e) Subjects discussed shall be documented.

Note: Subcontractors and their employees may, with the permission of the general contractor, elect to fulfill the requirements of subsection (5)(a) and (b) of this section by attending the prime contractors foreman-crew safety meeting. Any of the requirements of subsections (6)(a), (b), (c), and (7) of this section not satisfied by the prime contractors safety meetings shall be the responsibility of the individual employers.

(7) Minutes of each foreman-crew meeting shall be prepared and a copy shall be maintained at the location where the majority of the employees of each construction site report for work each day.

(8) Minutes of foreman-crew safety meetings shall be retained by the employer for at least one year and shall be made available for review by personnel of the division of industrial safety and health, upon request.

(9) Every employer shall conduct walk-around safety inspections as follows:

(a) At the beginning of each job, and at least weekly thereafter, a walk-around safety inspection shall be conducted jointly by one member of management and one employee, elected by the employees, as their authorized representative.

(b) The employer shall document walk-around safety inspections and such documentation shall be available for inspection by personnel of the division of industrial safety and health.

(c) Records of walk-around inspections shall be maintained by the employer until the completion of the job.

WSR 92-09-149

EMERGENCY RULES

DEPARTMENT OF

LABOR AND INDUSTRIES

[Filed April 22, 1992, 9:58 a.m., effective May 1, 1992]

Date of Adoption: April 22, 1992.

Purpose: To allow Labor and Industries to pay, under the Crime Victims Act, the same percentage of allowed charges to hospitals and hospital-based residential care facilities that the Department of Social and Health Services pays under Medicaid.

Citation of Existing Rules Affected by this Order: Amending WAC 296-30-081.

Statutory Authority for Adoption: Chapter 7.68 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: Emergency adoption will meet an immediate need to stretch dollars while having the least adverse effect on crime victims.

Effective Date of Rule: May 1, 1992.

April 22, 1992
Joseph A. Dear
Director

AMENDATORY SECTION (Amending Order 85-37, filed 12/11/85)

WAC 296-30-081 ACCEPTANCE OF RULES AND FEES. *Providing medical or counseling services to an injured crime victim whose claim for crime victims compensation benefits has been accepted by the department constitutes acceptance of the department's medical aid rules and compliance with its rules and fees. Maximum allowable fees shall be those fees contained in WAC 296-21-010 through ((296-23-9408)) 296-23A-425 and in WAC 296-30-080 less any available benefits of public or private collateral resources, except that the percentage of allowed charges authorized by WAC 296-23A-105: Payment for hospital inpatient and outpatient services, WAC 296-23A-155: New hospitals, WAC 296-23A-160(3): Excluded and included services, and WAC 296-23A-165: Out-of-state hospitals shall be equal to the percentage of allowed charges established by the department of social and health services under Title 74 RCW and WAC 388-87-070(6): Payment Hospital inpatient services.*

An injured victim shall not be billed for his or her accepted injury. The department shall be billed only after available benefits of public or private insurance have been determined.

If the ((medical)) service provider has billed the injured victim and is later notified that the department has accepted the victim's claim, the provider shall refund to the injured victim any amounts paid that are in excess of the amounts that the victim is entitled to from public or private insurers, and bill the department for services rendered at fee schedule rates if such rates are in excess of the public or private insurance entitlements.

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 92-09-150

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed April 22, 1992, 10:40 a.m.]

Original Notice.

Title of Rule: Chapter 16-495 WAC, Annual bluegrass quarantine; chapter 16-304 WAC, Seed assessment fees; and chapter 16-316 WAC, Seed, sod and sudangrass standards and fees; phyto-sanitary certificates; and varieties eligible for seed certification.

Purpose: The purpose of the rules is to set fees for services performed for the seed industry and set standards and requirements for the certification of seed.

Statutory Authority for Adoption: Chapter 15.49 RCW.

Statute Being Implemented: Chapter 15.49 RCW.

Summary: The proposed rule amendments are to update seed standards, varieties eligible and adjust fees to more accurately reflect costs.

Reasons Supporting Proposal: These proposed changes are in response to industry requests.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Max G. Long, 2015 South 1st Street, Yakima, WA, (509) 575-2750.

Name of Proponent: Department of Agriculture, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Alfalfa certification, modify land history requirements to include language regarding planting varieties with dissimilar areas of adaptation; Seed assessment, renew seed assessment fee period; Grass certification, modify grass isolation standards: Add seed standards for bentgrass and redtop. Modify seed standards to express contaminants as seeds per pound; Phytosanitary certification, for all crops except wheat, increase inspection fee from \$4.00 per acre to \$5.00 per acre and omit .50 cents per acre charge for diseases in excess of two. Increase wheat inspection fee from \$1.75 per acre to \$2.00 per acre; Annual bluegrass quarantine, add tall fescue to definition of "seedstock." Correct error in listed required sample weights; Sod quality standards, add "weedy bromus" to prohibited weed list; Sudangrass certification, decrease certification fee from .50 cents per cwt. to .40 cents per cwt.; Varieties eligible for certification, update varieties eligible list; and Certification rules (WSCIA), add "chick pea" to fee schedule. Add special field inspection fee, \$2.00 per acre. Increase final certification fee from .17 cents per cwt. to .19 cents per cwt. Update varieties eligible list. Change lentil, pea, and chick pea isolation from 3 feet to 100 feet for foundation and registered and from 3 feet to 25 feet for certified class.

Proposal Changes the Following Existing Rules: See Explanation of Rule above.

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

Hearing Location: Agricultural Service Center-Conference Room, 2015 South 1st Street, Yakima, WA, on May 26, 1992, at 11:00 a.m.

Submit Written Comments to: Max G. Long, 2015 South 1st Street, MS-3, Yakima, WA, by May 26, 1992.

Date of Intended Adoption: June 9, 1992.

April 22, 1992

William E. Brookreson
Assistant Director

AMENDATORY SECTION (Amending Order 2041, filed 6/5/90, effective 7/6/90)

WAC 16-304-110 ANNUAL SEED INSPECTION CHARGE. Each person required to obtain a seed labeling permit, pursuant to RCW 15.49.400, of the Washington State Seed Act, shall also, pursuant to RCW 15.49.310 and 15.49.370, pay a general seed inspection charge annually to the department in the amount of ten cents per one hundred dollars gross annual dollar sales in excess of ten thousand dollars of agricultural and/or vegetable seed distributed in this state during the preceding fiscal year: PROVIDED, That no assessment

shall be collected on (1) seed for which the assessment has been previously collected, except when such seed has been relabeled; (2) agricultural or vegetable seed distributed out of state; (3) seed distributed in containers of four ounces or less; (4) stock seed; and (5) seed distributed by governmental agencies, such as but not limited to the United States Department of Agriculture national foundation seed project: PROVIDED FURTHER, That erroneous and overpayments shall be refunded on request. Requests for refund shall be filed by June 30 of the year following the due date. Agricultural and/or vegetable seeds distributed under bailment contract shall be valued at the producer-conditioner agreement rate in lieu of sale.

The assessment fees for the period beginning July 1, ~~((1989))~~ 1991, through June 30, ~~((1990))~~ 1992, shall be payable by February 1, ~~((1991))~~ 1993. The assessment fees for the period beginning July 1, ~~((1990))~~ 1992, through June 30, ~~((1991))~~ 1993, shall be payable by February 1, ~~((1992))~~ 1994.

The assessment may accompany the annual application for the seed labeling permit. A penalty of ten percent of the assessment fee or minimum of ten dollars, whichever is greater, shall be added to all assessments not paid by February 1. These funds shall only be used for seed control activities. The annual seed labeling permit may not be issued until all assessments and penalties have been satisfied.

AMENDATORY SECTION (Amending Order 2041, filed 6/5/90, effective 7/6/90)

WAC 16-304-130 SEED INSPECTION ASSESSMENT—EFFECTIVE DATES. This rule is effective through June 30, ~~((1992))~~ 1994. Between January 1, ~~((1992))~~ 1994, and March 1, ~~((1992))~~ 1994, the assessment program shall be reviewed by the seed branch advisory committee, who will recommend whether to continue the seed assessment program. Such recommendations shall be considered at a public hearing under the authority of chapter 42.30 RCW, the Open Public Meetings Act, and chapter 34.05 RCW, the Administrative Procedure Act. The advisory committee shall also recommend the objectives of the seed quality control activities and shall review expenditures of assessment funds to verify such funds are being used only for seed quality control activities.

AMENDATORY SECTION (Amending Order 1690, filed 5/30/80)

WAC 16-316-235 LAND REQUIREMENTS. (1) ~~((A field to be planted with breeder seed for the production of foundation seed, or with foundation seed for the production of registered seed, must not have been grown or seeded to alfalfa during the preceding four years.~~

~~((2) A field to be planted with foundation or registered seed for the production of certified seed must not have been grown or seeded to alfalfa during the preceding two years. Except the time interval may be reduced to one year if the new planting is of the same variety and class.~~

~~((3)) A crop of the same kind must not have been grown or planted on the land for four, four, and one year prior to stand establishment for producing the foundation, registered and certified classes, respectively; except two years are required for the production of certified class seed of varieties adapted to the northern and central regions following varieties adapted to the southern region.~~

(2) Reseeding of a field due to failure or partial failure of the first seeding may be done with permission of the certifying agency.

~~((4))~~ (3) Ditchbanks, roadways, etc. adjacent to a certified field must be free of volunteer alfalfa and prohibited noxious weeds.

~~((5))~~ (4) Volunteer alfalfa plants in the field may be cause for rejection or reclassification of a seed field.

~~((6))~~ (5) No manure or other contaminating materials shall be applied during the establishment and production period of the stand.

AMENDATORY SECTION (Amending Order 2005, filed 5/22/89)

WAC 16-316-315 PHYTO-SANITARY CERTIFICATION—FEE AND CHARGES. (1) Fee for area and field inspection:

- (a) Field inspection (payable with application):
 - (i) All seed except wheat seed. For each required inspection (per acre or fraction thereof) \$ ~~((4.00))~~ 5.00 (with minimum fee of \$20.00 per field per inspection)
 - (ii) Wheat seed only. For each required inspection (per acre or fraction thereof) \$ ~~((1.75))~~ 2.00 ~~((An additional charge of fifty cents per acre shall be charged for each disease requested in excess of two:))~~

- (b) Area inspection (per one hundred pounds) \$ 0.05 Billed at time certificate is issued with a minimum of twenty dollars and a maximum of one hundred fifty dollars per certificate.

(2) Late application penalty fee \$30.00 This additional fee shall be charged for each application received after due date.

- (3) Sampling fee when sampling is required:
 - (a) Beans, peas, lentils, cereal grains (per one hundred pounds) \$ 0.05
 - (b) Other crops (per one hundred pounds) \$ 0.15
- (4) Serology test: Fee to be established by the state of Idaho.

An official five pound sample is required from each ten thousand pounds or portion thereof. Officially drawn samples will be submitted to: State Plant Pathologist, Idaho Department of Agriculture, P.O. Box 410, Twin Falls, Idaho 83301.

(5) Fees for services not listed in this rule shall be set on the basis of the actual cost to the department of agriculture or the most appropriate fee established shall be used.

(6) Laboratory analysis of plant material: An additional fee of ~~((eighteen dollars per field))~~ actual cost shall be charged when necessary to examine plant material and/or seed in the laboratory to verify disease.

AMENDATORY SECTION (Amending Order 1560, filed 3/1/78, effective 4/1/78)

WAC 16-316-340 GRASS SEED CERTIFICATION STANDARDS. The general seed certification standards are basic and together with the list of varieties eligible and the following specific regulations, constitute the standards for grass seed certification. ~~((See specific regulations for bentgrass standards.))~~ In addition to these standards, each lot of seed stock subject to annual bluegrass quarantine must be in compliance with said quarantine to be eligible for certification.

AMENDATORY SECTION (Amending Order 1655, filed 8/31/79)

WAC 16-316-240 ISOLATION REQUIREMENTS. (1) Alfalfa for certification shall be isolated from all other alfalfa varieties or fields of the same alfalfa variety not meeting varietal purity requirements for certification as follows:

Class Being Produced	Fields less than five acres	Fields five acres or more
Foundation	900 feet	600 feet
Registered	450 feet	300 feet
Certified	165 feet	165 feet

(2) Isolation between different classes (generations) of the same variety shall be as follows:

Class Being Produced	Distance Required from Fields Planted with:	Fields less than 5 acres	Fields 5 acres or more
Foundation	Foundation or Registered	225 feet	150 feet
Registered	Registered or Certified	115 feet	75 feet
Certified	Certified	75 feet	45 feet

(3) In cases where an adjoining field is planted with a different variety of alfalfa, or alfalfa of a lower class, isolation may be obtained by measuring off the required strip in the certified field. This isolation strip may be mowed for hay or it may be harvested for uncertified seed under the following conditions:

(a) The grower must apply for certification of the entire field and clearly stake off the isolation strip. The entire field must pass all certification requirements, except for isolation at time of inspection. The field report will show rejection due to lack of isolation.

(b) The grower may harvest either the certified portion of the field, or the uncertified isolation strip first and deliver this portion to the processing plant. After this seed is weighed and lotted in, the grower

will request a reinspection of the uncut portion. After reinspection, if everything is in order, the field will be passed and the remainder of the field can then be harvested.

(4) Isolation is not required in a field producing certified class seed when the isolation zone is less than ten percent of the entire field being certified: PROVIDED, That there is a clear ~~((3m))~~ **ten-foot** line of demarcation between adjacent varieties. The isolation zone is the area calculated by the length of the common border with other varieties by average width of the certified field falling within the ~~((50m))~~ **one hundred sixty-five-foot** isolation distance requirement.

AMENDATORY SECTION (Amending Order 1499, filed 3/31/77)

WAC 16-316-245 **FIELD TOLERANCES.** Field tolerances shall be as follows:

	Field Producing*		
	Founda-tion	Regis-tered	Certi-fied
Other varieties	0.10%	0.5%	1.0%
Sweet clover	<u>none found</u>	5 plants/acre	20 plants/acre
Red clover	<u>none found</u>	4 plants/acre	20 plants/acre

* Prohibited noxious weeds must be controlled to prevent seed formation.

AMENDATORY SECTION (Amending Order 1609, filed 4/30/79)

WAC 16-316-250 **SEED STANDARDS.** (1) Seed standards shall be as follows:

Purity		Founda-tion	Regis-tered	Blue Tag Certi-fied
Pure seed	(Min.)	99.00%	99.00%	99.00%
Other crops	(Max.)	.10%	.10%	.25%
Sweet clover	(Max.)	<u>none found</u>	<u>none found</u>	90 per lb.
Inert matter	(Max.)	1.00%	1.00%	1.00%
Weed seed	(Max.)	.10%	.20%	.25%
Objectionable weed seeds:				
Maximum total		<u>none found</u>	<u>none found</u>	18 per lb.
Germination (Min. total germination and hard seed)		80.00%	85.00%	85.00%
or Tetrazolium (Min. total of Tetrazolium and hard seed)		82.00%	87.00%	87.00%

(2) Alfalfa seed must be free of prohibited noxious weed seeds. Further, the foundation class must also be free of Brassica spp.

(3) Foundation or registered seed that has been rejected in the laboratory for prohibited noxious weed seeds may be reclassified to the certified blue tag class and may not be eligible for seed stock even though it is re-cleaned and meets certification standards.

AMENDATORY SECTION (Amending Order 1851, filed 5/2/85)

WAC 16-316-327 **PHYTO-SANITARY CERTIFICATE FOR BEANS.** (1) Specific bacterial diseases of beans for which phyto-sanitary certificates may be issued are:

- (a) Halo Blight - *Pseudomonas phaseolicola* (Burk.) Dows.
 - (b) Common Bean Blight - *Xanthomonas phaseoli* (E.F. Sm.) Dows.
 - (c) Fuscous Blight - *Xanthomonas phaseoli* var. *fuscans* (Burk.)
 - (d) Bean Bacterial Wilt - *Corynebacterium flaccumfaciens* (Hedg-es) Dows.
 - (e) Or any varieties or new strains of these diseases.
 - (f) Brown Spot Disease - *Pseudomonas syringae*.
 - (g) Bean Anthracnose - *Colletotrichum lindemuthianum*.
 - (h) Seedborne viral diseases.
- (2) Common bean seed to be eligible for a phyto-sanitary certificate covering the bacterial diseases listed above, shall be free of the diseases in question as determined by field inspection during the growing season

and by a windrow inspection. (Serology test and greenhouse test may be accepted in lieu of windrow inspection at the discretion of the department of agriculture.)

(3) Snap beans and kidney beans grown under sprinkler irrigation shall not be eligible for phyto-sanitary certificates covering bacterial diseases.

(4) To be eligible for phyto-sanitary certificate, field planted shall be free of halo blight the previous two years.

(5) To be eligible for phyto-sanitary certificate, fields shall be 1320 feet from an incident of diseases listed in ~~((paragraph))~~ **subsection (1)** of this section. It is recommended that equipment be disinfected between fields.

(6) Field inspection requirements:

At least two field inspections are required for beans being inspected for the bacterial diseases listed above:

(a) The first inspection is required when factors effecting diseases are most evident.

(b) The second inspection is required when the plants are in the windrow.

(7) All bean seed entered into the phyto-sanitary inspection program shall comply with the bean seed quarantine rules. See WAC 16-494-001 through 16-494-062.

AMENDATORY SECTION (Amending Order 1744, filed 7/10/81)

WAC 16-316-470 **CHICK PEA, FIELD PEA, LENTIL, SOY-BEAN, SORGHUM AND SMALL GRAINS SEED CERTIFICA-TION STANDARDS.** The general seed certification standards are basic and together with the following specific standards constitute the standards for seed certification of field pea, lentil, soybean, sorghum, and small grains.

AMENDATORY SECTION (Amending Order 2041, filed 6/5/90, effective 7/6/90)

WAC 16-316-474 **CHICK PEA—FIELD PEA—LENTIL—SOYBEAN—SORGHUM—SMALL GRAIN—APPLICATION AND FEES.** (1) An application for seed certification with application fee, field inspection fee, and late application fee (if due) for each field shall be filed by or for each grower with Washington State Crop Improvement Association, Inc., the certifying agency for seeds of field pea, lentil, soybean, sorghum and small grains.

(2) Due dates:

- (a) Field pea - June 1
- (b) Lentil - June 1
- (c) Soybean - July 1
- (d) Sorghum - July 15
- (e) Small grains - June 1 for both winter varieties and spring varieties.

(f) After due date, an application with late application fee may be accepted for service.

(3) Fees:

- (a) Application fee per variety per grower \$15.00
 - (b) Field inspection fee per acre \$ 2.10
 - (c) **Special field inspection fee per acre** \$ 2.00
 - (d) Late application fee \$15.00
 - ~~((d))~~ (e) Reinspection fee \$30.00
- minimum for each field which did not pass field inspection plus \$ 0.40 for each acre over twenty-five. The reinspection fee for isolation requirements only for a field of any size is \$30.00.
- ~~((e))~~ (f) Final certification fee ~~((\$ 0.17))~~ \$ 0.19

per cwt. of clean seed sampled, which shall be charged to conditioning plant, or production fee \$ 0.10

per cwt. of production from fields inspected which is utilized for seed, which shall be charged to the grower or the final seller prior to brokerage, retail sale, sale to plant not approved for conditioning certified seed, or transshipment out-of-state.

~~((f))~~ (g) Sampling fee \$ 0.10

per cwt. of clean seed sampled, with minimum charge of ten dollars per sample, which shall be charged to conditioning plant in lieu of mechanical sampling.

(4) A field may be withdrawn upon notification by the applicant to the certifying agency's office before field inspection. In such case, the field inspection fee shall be refunded upon request until June 30 of the year following harvest.

(5) Harvest before field inspection causes forfeitures of both the application and field inspection fees, and completion of certification.

AMENDATORY SECTION (Amending Order 2005, filed 5/22/89)

WAC 16-316-350 GRASS SEED CERTIFICATION FEES—SEEDLING APPLICATIONS. (1) All applications and fees for seedlings shall be due within sixty days of planting: **PROVIDED**, That such applications may be accepted after due date at the discretion of the certifying agency upon payment of the late seedling penalty fee.

- (a) Seedling application fee:
Per variety, per field \$15.00
 - (b) Late seedling penalty fee: (per kind) \$30.00
- This additional fee shall be charged for seedling applications received after due date.

(c) Seedling producing application fee:
Per field, per grower \$15.00

Required of seedling fields to be harvested for certification the year of planting. Notification of seedling field to be harvested for certification and required fees shall be due July 31: **PROVIDED**, That such application may be accepted after due date with thirty dollars late penalty fee at the discretion of the certifying agency.

(2) Renewal applications: Due May 1: **PROVIDED**, That such applications may be accepted after due date at the discretion of the certifying agency upon payment of the late renewal penalty fee.

- (a) Renewal application fee:
Per variety, per grower \$15.00
 - (b) Late renewal penalty fee: (per variety) \$30.00
- This additional fee shall be charged for renewal applications received after May 1.

(c) Inspection fee per field \$30.00

(3) Annual grasses inspection fee: (per acre) \$ 1.75

Applications are due within sixty days after planting.

(4) Reinspection: Other than isolation (each field) \$40.00

If a field is rejected for certification, the grower may apply for reinspection after the cause for rejection is corrected. Only two reinspections are permitted for each field each year.

(5) Inspection and final certification fees: Inspection and final certification fees shall be based on pounds sampled and billed upon completion of required tests (Option A). Those dealers requesting sampling and tagging privileges and/or participation in Option B shall sign a memorandum of agreement that shall expire on June 30 of each year. The memorandum may be terminated by the director if the conditioner violates certification standards or requirements of memorandum.

(a) Option A: When based on pounds sampled, and billed at completion of required laboratory tests, the fees shall be:

- (i) Final certification fee \$ 0.80
per one hundred pounds. (If no seed is tagged, twenty cents of the final certification fee is refundable upon request.)
- (ii) Service fee for out-of-state origin \$ 0.30
per one hundred pounds.
- (iii) Blend fee shall be as established by blend rule, and in addition to above fees. However, blend fee not applicable to salvage blends.

(iv) Payment of fees shall be the responsibility of the person signing the application. However, conditioner may assume this responsibility.

(b) Option B: When based on pounds tagged after required laboratory tests are completed, the fees shall be:

- (i) Final certification fee \$ 1.10
per one hundred pounds. (Minimum fee per tagging) \$10.00
- (ii) Service fee for out-of-state origin \$ 0.65
per one hundred pounds.
- (iii) Blend fee (in addition to fee established by blend rule) shall be payable upon completion of blend on total weight of blend, and shall be as follows:

(A) Washington origin certified seed used in blend \$ 1.00
per one hundred pounds.

(B) Out-of-state origin certified seed used in blend \$ 0.60
per one hundred pounds: **PROVIDED**, That those fees listed in (a) and (b) above are not applicable to certified seed that is tagged and sealed, and on which final fees have been paid.

(C) A refund or credit shall be issued for the percent of the blend lot not tagged. (For example, if forty percent of the blend is not tagged, forty percent of the fees charged under

Option B above is refundable.) Requests for refunds shall be made by June 30 following final disposition of the blend.

(6) Payment of fees shall be the responsibility of the conditioner. A conditioner choosing this program shall handle all certified grasses in his warehouse under this program for the entire crop year. Upon termination or nonrenewal of Option B memorandum of agreement, conditioner shall be responsible for Option A fees on all certified seed not tagged at termination date.

(7) Fees for services such as O.E.C.D. and sod quality, etc., shall be in addition to the fees listed in these standards.

(8) Purity and germination test fees shall be as established by the director of agriculture.

(9) Fees for retagging, or services not listed in this rule shall be the most applicable fee established by the director of agriculture.

(10) Fees for reissue of tags shall be ten cents per tag with a minimum fee of ten dollars.

AMENDATORY SECTION (Amending Order 1889, filed 6/9/86)

WAC 16-316-355 GRASS SEED—LAND REQUIREMENTS.

(1) A field to be planted with breeder seed for the production of foundation seed shall not have grown or have been seeded to the same species, sub-species, variety, or strain of grass during the preceding five years. The field shall be planted in spaced rows. The five year eligibility may be waived to three years with the use of fumigants and other short-term soil sterilization chemicals subject to approval of the certifying agency.

(2) A field to be planted with foundation seed for the production of registered seed shall not have grown or have been seeded to the same species, sub-species, variety, or strain of grass during the preceding three years.

(3) A field to be planted with foundation, registered, or certified seed for the production of certified seed shall not have grown or have been seeded to the same species, sub-species, variety or strain of grass during the preceding year unless the previous planting was of the same ((species, sub-species,)) variety((,-or-strain)) and eligible to produce foundation, registered or certified seed.

(4) Reseeding of a field because of failure or partial failure of the first seeding may be done with permission of the ((seed-branch)) department.

(5) Grasses of the same kind growing in fence rows and other areas adjacent to the field shall be controlled to prevent blooming.

AMENDATORY SECTION (Amending Order 2005, filed 5/22/89)

WAC 16-316-360 GRASS SEED—ISOLATION REQUIREMENTS.

(1) A seed field to be eligible for the production of foundation, registered or certified seed shall be isolated from any other variety or strain of the same species in accordance with the requirements in the following table:

Symbol for Type of Reproduction	Minimum Isolation Distance Required for Fields Producing:		
	Founda-tion	Regis-tered	Certi-fied
Strains at least 80% Apomictic —A	60 feet	30 feet	15 feet clean fallow
Highly Self-Fertile Species —S	60 feet	30 feet	15 feet clean fallow
All Cross-Pollinated Species —C	900 feet	300 feet	165 feet

(2) Isolation required between different classes of the same variety of cross-pollinated (C) species:

Class Seed Planted	Class Seed Produced	Distance Required From Nearest Field Producing:
Breeder	Foundation	Registered _____ 150 feet
Foundation	Registered	Certified _____ 225 feet
		Certified _____ 75 feet

(3) Isolation is not required in fields producing certified class seed when the isolation zone is less than ten percent of the entire field being certified: PROVIDED, That there is a clear (ten feet) line of demarcation between adjacent varieties. The isolation zone is the area calculated by the length of the common border with other varieties by average width of the certified field falling within the one hundred sixty-five feet isolation distance requirement.

(4) Isolation requirements between classes of the same variety of apomictic (A) and self-fertile (S) species is as follows:

(a) Field producing foundation or registered shall be a minimum of fifteen feet from field planted with different class of same variety.

(b) Field producing certified seed shall be a minimum of five feet from field planted with different class of the same variety.

((4)) (5) Border removal for grass isolation: If it is not possible to provide minimum isolation distances for fields exceeding five acres in area, border removal is permitted. Border removal requires removal of the portion of the field being certified that is adjacent to the contamination source. Minimum distances required for border removal are as follows:

Border to be removed from the field being certified	Minimum Isolation Distance Required for Fields Producing:		
	Foundation	Registered	Certified
0 feet	900 ft.	300 ft.	165 ft.
15 feet	450 ft.	150 ft.	75 ft.

(a) The grower shall apply for certification of the entire field and before inspection clearly stake off the border removal portion.

(b) A reinspection shall be required after harvest of the certified portion of the field.

(c) The border removal portion of the field may be harvested for uncertified seed under the following conditions:

(i) The entire field shall pass all certification requirements except for isolation at time of inspection. The field report will show rejection due to lack of isolation.

(ii) The grower shall harvest the certified portion of the field first and deliver this seed to the ((processing)) conditioning plant. After seed is weighed and lotted in, the grower shall request a reinspection; if everything is in order, the field shall be passed and the border strip can be harvested as uncertified seed.

AMENDATORY SECTION (Amending Order 2041, filed 6/5/90, effective 7/6/90)

WAC 16-316-370 GRASS SEED STANDARDS. Seed standards for grass shall be as follows:

((PART ONE OF TABLE

Crop & type of Reproduction	Symbol (as defined in WAC 16-316-360)	Min. % Germ Fndt.		Min. % Pure Fndt.		Max. % Inert Fndt.	
		Reg.	Cert.	Reg.	Cert.	Reg.	Cert.
Bluegrass							
- Sherman	(A)	70	70	90	90	10	10
- Canby	(A)	70	70	90	90	10	10
- Kentucky	(A)	80(c)	80(c)	97	97(d)	3	3
- Merion Kentucky	(A)	80(c)	80(c)	92	92(d)	8	8
- Canada and Upland	(A)	80	80	96	92(d)	4	8
Bromegrass							
- Smooth Brome	(C)	80	85	95	95	5	5
- Meadow Brome	(C)	80	85	95	95	5	5
- Mountain Brome	(S)	85	85	95	95	5	5

Crop & type of Reproduction	Symbol (as defined in WAC 16-316-360)	Min. % Germ Fndt.		Min. % Pure Fndt.		Max. % Inert Fndt.	
		Reg.	Cert.	Reg.	Cert.	Reg.	Cert.
Deertongue	(C)	50	50	97	95	3	5
Fescue							
- Tall and meadow	(C)	80	85	95	97	5	3
- Hard and sheep, Idaho, Red Fescue	(C)	80	85	95	95	5	5
- Other Fescue (Chewings)	(C)	80	90	95	95	5	5
Orchardgrass	(C)	80	85	85	90	15	10
				80 for Pennlate & Latar			
Ryegrass	(C)	85	90	96	97	4	3
- Pennfine	(C)	85	85	96	97	4	3
Timothy	(C)	80	85	97	97	3	3
Wheatgrass							
- Beardless	(C)	80	85	90	90	10	10
- Bluebunch	(C)	80	85	90	90	10	10
- Intermediate	(C)	80	85	95	95	5	5
- Pubescent	(C)	80	85	95	95	5	5
- Western; Streambank; Thickspike	(C)	80	85	90	90	10	10
- Crested, and Siberian	(C)	80	85	90	95	10	5
- Slender	(S)	80	85	90	95	10	5
- Tall	(C)	80	85	95	95	5	5
Indian Ricegrass	(C)	80*	80*	95	90	5	10
Puccinellia							
- distans	(C)	80	80	95	95	5	5
Basin Wildrye and Russian Wildrye	(C)	80	80	90	90	10	10
Bentgrass	(C)	85	85	98	98	2	2
Redtop	(C)	80	80	92	92	8	8
Ann. Canarygrass	(C)	85	85	99	99	1	1

PART TWO OF TABLE

Crop & type of Reproduction	Symbol	Max. % Weeds (b) Fndt.		Max. % Other Crop Fndt. (a)		Max. No. seeds of other grass spp. (h)	
		Reg.	Cert.	Reg.	Cert.	Fndt.	Reg.
Bluegrass							
- Sherman		.05	.3	.1	.5	1/10	1/t
						grams	gram
- Canby		.05	.3	.1	.5(d)	1/10	1/t
						grams	gram
- Kentucky		.05	.3	.1	.5(d)	1/10	1/t
						grams	gram
- Merion Kentucky		.05	.3	.1	.5(d)	1/10	2/t
						grams	gram
- Canada, Upland		.05	.3	.1	.5(d)	1/10	1/t
						grams	gram
Bromegrass							
- Smooth Brome		.05	.3(c)	.1	.5	1/50	10/50
						grams	grams
- Meadow Brome		.05	.3(c)	.1	.5	1/50	10/50
						grams	grams
- Mountain Brome		.3	.5	.5	1.0	1/50	10/50
						grams	grams
Deertongue		.50	.5(c)	1.0	1.0	1%	
Fescue							
- Tall and Meadow		.03	.3(c)	.1	.5	2/50	10/50
						grams	grams

Crop & type of Reproduction	Max. % Weeds (b)		Max. % Other Crop		Max. No. seeds of other grass spp. (h)	
	Fndt.		Fndt. (a)		Fndt. Reg.	
	Reg.	Cert.	Reg.	Cert.	Fndt.	Reg.
Hard and sheep, Idaho, Red, Fescue	.03	.3(c)	.1	.5	1/50 grams	5/50 grams
Other Fescue (Chewings)	.03	.3(c)	.1	.5	1/50 grams	5/50 grams
Orchardgrass	.03	.3(c)	.1	.5	3/50 grams	10/50 grams
Ryegrass	.1	.3(c)	.1	.5	1/50 grams	5/50 grams
Pennfine	.1	.3(c)	.1	.5	1/50 grams	5/50 grams
Timothy	.1	.3	.1	.5	1/50 grams	5/50 grams
Wheatgrass						
Beardless	.1	.3(c)	.1(f)	.5	1/50 grams	5/50 grams
Blue Bunch	.1	.3(c)	.1(f)	.5	1/50 grams	5/50 grams
Intermediate	.1	.3(c)	.1(f)	.5	1/50 grams	5/50 grams
Pubescent	.1	.3(c)	.1(f)	.5	1/50 grams	5/50 grams
Western, Streambank	.1	.3(c)	.1(f)	.5	1/50 grams	5/50 grams
Crested, and Siberian	.1	.3(c)	.1(f)	.5	1/50 grams	5/50 grams
Slender	.1	.3(c)	.1(f)	.5	1/50 grams	5/50 grams
Tall	.1	.3(c)	.1(f)	.5	1/50 grams	5/50 grams
Indian Ricegrass	.3	.5	.5	1.0	1/50 grams	5/50 grams
Puccinellia distans	.3	.5	.5	1.0	1/10 grams	1/1 grams
Basin Wildrye and Russian Wildrye	.1	.3(c)	.1	.5	1/50 grams	5/50 grams
Bentgrass	.3(g)	.4(g)	.2	.6		
Redtop	.3(g)	.5(g)	.5	2		
Ann. Canarygrass	.1	.3	1/lb.	3/lb.		

WAC 16-316-370 SEED STANDARDS

CROP AND TYPE OF REPRODUCTION AS PER WAC 16-316-360	MINIMUM % GERM (e)		MINIMUM % PURE		MAXIMUM % INERT		MAXIMUM % WEEDS (b)		MAXIMUM % OTHER CROPS		MAXIMUM SEEDS OF OTHER GRASS SPECIES		
	FNDT. REG.	CERT.	FNDT. REG.	CERT.	FNDT. REG.	CERT.	FNDT. REG.	CERT.	FNDT. (j) REG. (j)	CERT. (a)	FNDT. Seeds / Lb.	REG. Seeds / Lb.	CERT. %
BLUEGRASS													
Sherman (A)	70	70	90	90	10	10	.05	.3	.1	.5	45 /Lb.	454 /Lb.	.25
Canby (A)	70	70	90	90	10	10	.05	.3	.1	.5	45 /Lb.	454 /Lb.	.25
Kentucky (A)	80	80	97	97 (d)	3	3	.05	.3	.1	.5 (d)	45 /Lb.	454 /Lb.	.25
Merion Kentucky (A)	80	80	92	92 (d)	8	8	.05	.3	.1	.5 (d)	45 /Lb.	907 /Lb.	.25
Canada, Upland (A)	80	80	96	92 (d)	4	8	.05	.3	.1	.5 (d)	45 /Lb.	454 /Lb.	.25
BROMEGRASS													
Smooth Brome (C)	80	85	95	95	5	5	.05	.3 (c)	.1	.5	9 /Lb.	91 /Lb.	.25
Meadow Brome (C)	80	85	95	95	5	5	.05	.3 (c)	.1	.5	9 /Lb.	91 /Lb.	.25
Mountain Brome (S)	85	85	95	95	5	5	.3	.3 (c)	.5	1.0	9 /Lb.	91 /Lb.	.25
DEERTONGUE (C)	50	50	97	95	3	5	.50	.5 (c)	1.0	1.0	1%		
FESCUE													
Tall & Meadow (C)	80	85	95	97	5	3	.03	.3 (c)	.1	.5	18 /Lb.	19 /Lb.	.25
Hard & Sheep Fescue, (C)	80	85	95	95	5	5	.03	.3 (c)	.1	.5	9 /Lb.	45 /Lb.	.25
Other Fescue, (C)	80	90	95	95	5	5	.03	.3 (c)	.1	.5	9 /Lb.	45 /Lb.	.25
Chewings, Red, Idaho													
ORCHARDGRASS (C)	80	85 80 FOR	85 PENLATE	90 & LATAR	15	10	.03	.3 (c)	.1	.5	27 /Lb.	91/Lb.	.25
RYEGRASS													
Pennfine (C)	85	90	96 (l)	97 (l)	4	3	.1	.3 (c)	.1	.5	9 /Lb.	45 /Lb.	.25
	80	85	96 (l)	97 (l)	4	3	.1	.3 (c)	.1	.5	9 /Lb.	45 /Lb.	.25
TIMOTHY	80	85	97	97	3	3	.1	.3	.1	.5	9 /Lb.	45 /Lb.	.25
WHEATGRASS													
Beardless (C)	80	85	90	90	10	10	.1	.3 (c)	.1 (f)	.5 (f)	9 /Lb.	45 /Lb.	.25
Blueburich (C)	80	85	90	90	10	10	.1	.3 (c)	.1 (f)	.5 (f)	9 /Lb.	45 /Lb.	.25
Intermediate (C)	80	85	95	95	5	5	.1	.3 (c)	.1 (f)	.5 (f)	9 /Lb.	45 /Lb.	.25
Pubescent (C)	80	85	95	95	5	5	.1	.3 (c)	.1 (f)	.5 (f)	9 /Lb.	45 /Lb.	.25
Western, Streambank, Thickspike (C)	80	85	90	90	10	10	.1	.3 (c)	.1 (f)	.5 (f)	9 /Lb.	45 /Lb.	.25
Crested & Siberian (C)	80	85	90	95	10	5	.1	.3 (c)	.1 (f)	.5 (f)	9 /Lb.	45 /Lb.	.25
Slender (S)	80	85	90	95	10	5	.1	.3 (c)	.1 (f)	.5 (f)	9 /Lb.	45 /Lb.	.25
Tall (C)	80	85	95	95	5	5	.1	.3 (c)	.1 (f)	.5 (f)	9 /Lb.	45 /Lb.	.25
INDIAN RICEGRASS (C)	80 (k)	80 (k)	95	90	5	10	.3	.5	.5	1.0	9 /Lb.	45 /Lb.	.25
PUCCINELLIA distans (C)	80	80	95	95	5	5	.3	.5	.5	1.0	45 /Lb.	454 /Lb.	.25
BASIN, & RUSSIAN WILDRYE (C)	80	80	90	90	10	10	.1	.3 (c)	.1	.5	9 /Lb.	45 /Lb.	.25
BENTGRASS (C)	85	85	98	98	2	2	.3	.4 (g) (h)	.2	.6 (i)			
REDTOP (C)	80	80	92	92	8	8	.3	.5 (g)	.5	.2			
Ann. CANARYGRASS (C)	85	85	99	99	1	1	.1	.3	1/Lb.	3/Lb.			

TABLE NOTES -

(a) Not to exceed 0.25% other grass species for blue tag seed.

(b) Grass seed shall not contain more than 45 per pound for registered seed, 91 per pound for blue tag seed, singly or collectively, of objectionable weed seeds. (See current general rules.) (See (g) below for blue tag Bentgrass and Redtop exception). Grass seed shall be free of the seed of prohibited noxious weeds.

(c) A tolerance of 0.5% may be allowed for samples containing weedy bromus spp.: PROVIDED, That the total of all other weed seeds does not exceed 0.3%.

(d) Common Kentucky Bluegrass limited to 3% in blue tag Merion and all varieties of Canada Bluegrass, and 2% in all other varieties of Kentucky Bluegrass.

(e) A standard tetrazolium (two hundred seed) test may be used in lieu of germination test.

(f) A tolerance of 0.8% may be allowed in registered and blue tag wheatgrass containing small grain seed: PROVIDED, That the total of all other crop seed does not exceed 0.1% for registered class and 0.5% for blue tag class.

(g) Blue tag seed shall not contain over 907 seeds per pound, singly or collectively, of the following weeds: Plantago spp., Big Mouse-ear Chickweed, Yarrow, Spotted Cat's Ear, and Dandelion.

(h) A maximum of 0.5% weed seed may be allowed in blue tag bentgrass containing silver hairgrass: PROVIDED, That the total of all other weed seed does not exceed 0.4%.

(i) 1.5% other fine bentgrasses and 0.5% redtop may be allowed in blue tag bentgrass containing a minimum of 98% total bentgrass.

(j) A crop exam is required for all registered and foundation class grass seeds.

(k) Or 70% by TZ test.

(l) Maximum other ryegrass allowed as determined by fluorescence test: foundation= 0.1%, registered= 1%, blue tag= 2% for annual and 3% for perennial. Acceptable fluorescence levels for specific varieties available upon request.

The following (a)-(k) are notes to the above table.

(a) Not to exceed twenty-five hundredths of one percent other grass species for (certified) blue tag seed.

(b) Grass seed shall not contain more than forty-five per pound for registered seed, ninety-one per pound for blue tag seed, singly or collectively, of objectionable weed seeds. (See current general rules.) (See (g) of this subsection for blue tag bentgrass and redbtop exemption.) Grass seed shall be free of the seed of prohibited noxious weeds.

(c) A tolerance of five-tenths of one percent may be allowed for samples containing weedy bromus spp.: PROVIDED, That the total of all other weed seeds does not exceed three-tenths of one percent.

(d) ~~(A three percent tolerance of other Kentucky Bluegrass varieties may be allowed in Merion. (Note: Containing minimum ninety-two percent Merion.) In Canada Bluegrass, three percent Kentucky Bluegrass may be permitted.)~~ Common Kentucky bluegrass limited to three percent in blue tag Merion and all varieties of Canada bluegrass, and two percent in all other varieties of Kentucky bluegrass.

(e) A standard tetrazolium (two hundred seed) test may be used in lieu of germination test.

(f) A tolerance of eight-tenths of one percent may be allowed in registered and (certified) blue tag wheatgrass containing small grain seed: PROVIDED, That the total of all other crop seed does not exceed one-tenth of one percent for registered class and five-tenths of one percent for (certified) blue tag class.

(g) Blue tag seed shall not contain over nine hundred seven seeds per pound, singly or collectively, of the following weeds: (Plantain) Plantago spp., Big Mouse-ear Chickweed, Yarrow, Spotted Cat's Ear, and Dandelion.

~~((f))~~ (h) A maximum of .50 percent weed seed may be allowed in blue tag bentgrass containing silver hairgrass: PROVIDED, That the total of all other weed seed does not exceed .40 percent.

~~((f))~~ (i) 1.50 percent other fine bentgrasses and .50 percent redbtop may be allowed in (certified) blue tag bentgrass containing a minimum of 98.00 percent total bentgrass.

~~((f))~~ (j) A crop exam is required for all registered and foundation class grass seeds.

~~((*)~~ (k) Or seventy percent by Tz test.

(l) Maximum other ryegrass allowed as determined by fluorescence test: Foundation = one-tenth of one percent, registered = one percent, blue tag = two percent for annual and three percent for perennial. Acceptable fluorescence levels for specific varieties available upon request.

AMENDATORY SECTION (Amending Order 2041, filed 6/5/90, effective 7/6/90)

WAC 16-316-525 FIELD PEA—LENTIL—SOYBEAN—SORGHUM—SMALL GRAIN—ELIGIBLE VARIETY AND STOCK SEED.

Kind	Variety
Barley, spring	((Advance)) Belford, ((Andre)) Camelot (P), Columbia (P), Coughbar, Crystal, ((Flynn, Gus (P)) Exel, Gallatin, Harrington, Klages, ((Kombar (P), Lindy (P)) Horsford, Menuet (P), ((Morex, Nova (P), Odyssey (P), Onda (P), Poco (P)) Russell, ((Seven (P)) Step-toe, WestBred Gustoe (P), WestBred Medalion (P), WestBred Sprinter (P), Whitford (P)
Barley, winter	Boyer, ((Hesk)) Hundred, Kamiak, ((Mat, Scior)) Showin
Oat, spring	((Appaloosa, Border, Cayuse)) Monida, Otana, Park,
Rye, winter	Puma, Rymin
Wheat, spring	((Bliss, Bronze Chief (P), Copper, Czar (P)) Centennial, Dirkwin, Edwall, Fielder, ((Landmark (P), McKay)) Nomad (P), Owens, Penawawa, Spillman, ((Fammy (P)) Treasure, Wadual, Wakanz, Wampum, ((Wared, Waverly, WestBred 881 (P)) WestBred 906R (P), WestBred 911 (P), WestBred 926 (P), WestBred Sprite, ((WS-1 (P)) Yecora Rojo

Kind	Variety
Wheat, winter	Andrews, Basin (P), Batum, Buchanan, Cashup (P), ((Crew)) Daws, Dusty, Hatton, Hill-81, Hyak, John, Lewjain, Madsen, Malcolm, ((McCatt)) Moro, Nugaines, Sprague, Stephens, Syringa, Tres, Tyce, ((Wanser)) Weston
Triticale, spring	Juan, ((Whitman)) Victoria, Grace
Triticale, winter	Flora, XR066A (P), Stan I (P)

(P) means proprietary

The eligibility of other varieties may be approved by the certifying agency.

Foundation seed is eligible to produce registered seed or certified seed.

Registered seed is eligible to produce certified seed.

Certified seed is not eligible for recertification.

AMENDATORY SECTION (Amending Order 2089, filed 6/20/91, effective 7/21/91)

WAC 16-316-715 MISCELLANEOUS FIELD AND SEED INSPECTION STANDARDS. (1) The field inspection will be made:

(a) For field pea and chick pea - when seedcrop is in full bloom and at maturity;

(b) For lentil - when seedcrop is in full bloom and at maturity;

(c) For soybean - when seedcrop is in full bloom and/or of mature color;

(d) For sorghum - when seedcrop is in full bloom, and optionally again when seedcrop begins to show mature color;

(e) For small grains - when seedcrop is fully headed and of mature color.

(2) Any condition or practice which permits or causes contamination of the seedcrop, such as failure to prevent seed formation in bindweeds, Canada thistle or jointed goatgrass, or excess weeds, or mechanical field mixing, shall be cause for rejection upon inspection for field standards. Fields rejected for jointed goatgrass at first inspection are not eligible for reinspection and shall remain ineligible for any production of certified classes of small grain seed until a reclamation procedure, as specified in subsection (3) of this section has been completed. Fields rejected for other causes will remain eligible for reinspection.

(3) The jointed goatgrass reclamation procedure shall include the following:

(a) Each grower shall develop a reclamation plan for his/her affected fields. Such a plan shall be based on the most current recommendations of Pacific Northwest scientists and Washington State University cooperative extension as well as good management practices. Such plan may include use of certified seed, spring cropping practices, and late tilling and planting. No particular program is specified or endorsed and compliance with such program does not assure eligibility for the production of certified classes of small grain seed. Such eligibility shall be based solely upon results of field inspections as provided in (b) through (e) of this subsection.

(b) The rehabilitation and inspection program duration shall be three years for irrigated land and five years for dryland without production of certified small grain seed and the first year of certified seed production thereafter.

(c) Annual inspections of the affected fields shall be conducted by the Washington State Crop Improvement Association (WSCIA) during the prescribed rehabilitation period at such time that the jointed goatgrass would be most visible.

(d) Following the prescribed period of rehabilitation and during the first certified seed production year, a minimum of three field inspections shall be conducted by WSCIA.

(e) Should jointed goatgrass be found during any inspection as provided in (c) and (d) of this subsection, the rehabilitation program shall be determined to be unsuccessful or the field shall be declared ineligible and the rehabilitation and inspection program for that field shall begin again at year one of the procedure.

(4) No prohibited noxious weed seeds are permitted upon inspection for seed standards.

(5) Germination minimum refers to germination when sampled.

(6) If chemically controllable seed-borne diseases are noted upon inspection for field standards and seed standards for small grains, treatment of seed is required.

AMENDATORY SECTION (Amending Order 1744, filed 7/10/81)

WAC 16-316-717 FIELD PEA STANDARDS. (1) Field pea - land, isolation, and field standards:

CLASS	LAND	ISOLATION	FIELD	OTHER CROP
	MINIMUM YEARS	MINIMUM FEET	OFF-TYPE MAXIMUM PLANTS/ACRE	MAXIMUM PLANTS/ACRE
Foundation	5*	((3)) 100**	None	None***
Registered	3*	((3)) 100**	10	None***
Certified	2*	((3)) 25**	20	((5**)) None***

* Also required is minimum number of years the following crop kinds were out of production((-):

** Reduce to three feet from fields producing a certified class of the same variety. In addition, each field pea field for certification must be isolated from small grain fields by three feet. To prevent mechanical field mixing of swathed field pea seedcrop, the planting of small grain between field pea fields, except for three feet of isolation, is recommended.

	NUMBER OF YEARS	
	MINIMUM	Austrian pea
Foundation	((Lentil)) ((5))	10
Registered	((3))	10
Certified	((2))	10

*** ((Refers to vetch, except that)) No Austrian pea or rye is permitted.

(2) Field pea - seed standards:

CLASS	OFF-TYPE	PURE SEED	INERT	OTHER CROP	WEED	GERMINATION
	MAXIMUM SEEDS/LB	MINIMUM %	MAXIMUM %	MAXIMUM SEEDS/LB	MAXIMUM %	MINIMUM %
Foundation	None	99.00	1.00	None	None	((90.00)) 85
Registered	None	99.00	1.00	None	0.25**	((90.00)) 85
Certified	1	99.00	1.00	3*	0.25**	((90.00)) 85

* No Austrian pea or rye is permitted.

** Other tolerance for weed seed:

	OBJECTIONABLE WEED SEED
	MAXIMUM
Registered	1/lb
Certified	2/lb

AMENDATORY SECTION (Amending Order 1744, filed 7/10/81)

WAC 16-316-719 LENTIL STANDARDS. (1) Lentil - land, isolation, and field standards.

CLASS	LAND	ISOLATION	FIELD	OTHER CROP
	MINIMUM YEARS	MINIMUM FEET	OFF-TYPE MAXIMUM PLANTS/ACRE	MAXIMUM PLANTS/ACRE
Foundation	5	((300)) 100*	None	None
Registered	4	((20)) 100*	10	10**
Certified	3	((20)) 100*	((30)) 20	((30)) 20**

* Reduce to three feet from fields producing a certified class of the same variety. In addition, each lentil field for certification must be isolated from small grain fields by three feet. To prevent mechanical field mixing of swathed lentil seedcrop, the planting of small grain between lentil fields, except for three feet of isolation, is recommended.

** Refers to barley and vetch, each.

(2) Lentil - seed standards:

CLASS	OFF-TYPE	PURE SEED	INERT	OTHER CROP	WEED	GERMINATION
	MAXIMUM SEEDS/LB	MINIMUM %	MAXIMUM %	MAXIMUM %	MAXIMUM %	MINIMUM %
Foundation	None	99.00*	1.00*	None	None	85.00
Registered	1	99.00*	1.00*	0.05**	0.05***	85.00
Certified	4	99.00*	1.00*	0.10**	0.05**	85.00

* A total of three percent inert matter will be allowed in samples containing decorticated seed provided total of all other inert matter does not exceed one percent.

** No vetch is permitted.
 *** Other tolerance for weed seed:

OBJECTIONABLE WEED SEED
 MAXIMUM

Registered	1/lb
Certified	2/lb

AMENDATORY SECTION (Amending Order 2089, filed 6/20/91, effective 7/21/91)

WAC 16-316-622 RYEGRASS STANDARDS. Seed standards for sod quality ryegrass seed are as follows:

Variety	Min-imum Purity	Min-imum Germin-ation	Maxi-imum Other Crop*	Maxi-imum*** Weed
Ryegrass**	98%	90%	0.10%	.02%

*Must be free of orchardgrass, timothy, bentgrass, big bluegrass, Poa trivialis, brome, rattail fescue, reed canarygrass, tall fescue, clover and meadow foxtail. Maximum allowable Canada bluegrass 0.02%.

**Maximum fluorescence levels as determined by breeder or variety owner.
 ***Must be free of dock, chickweed, crabgrass, plantain, black medic, annual bluegrass, velvetgrass, short-awn foxtail, and prohibited noxious weed seeds. An additional 0.07% of weedy bromus spp. will be allowed.

AMENDATORY SECTION (Amending Order 1758, filed 3/31/82, effective 5/1/82)

WAC 16-316-727 CHICK PEA STANDARDS. (1) Chick pea – land, isolation, and field standards:

CLASS	LAND	ISOLATION	OFF-TYPE	OTHER CROP	ASCOCHYTA BLIGHT
	MINIMUM YEARS	MINIMUM FEET	MAXIMUM PLANTS/ACRE	MAXIMUM PLANTS/ACRE	
Foundation	3	((3)) 100*	None	None**	None
Registered	2	((3)) 100*	10	10**	None
Certified	1	((3)) 100*	20	20**	None

**Refers to vetch except that no Austrian pea or rye is permitted

(2) Chick pea – seed standards:

CLASS	OFF-TYPE MAXIMUM SEEDS/LB	PURE SEED MINIMUM %	INERT MAXIMUM %	OTHER CROP MAXIMUM SEEDS/LB	WEED MAXIMUM %	GERMINATION MINIMUM %
Foundation	None	99.00	1.00	None	None	85.00
Registered	None	99.00	1.00	None	0.25**	85.00
Certified	1	99.00	1.00	3*	0.25**	85.00

* No vetch, Austrian pea or rye is permitted.
 ** Other tolerance for weed seed:

OBJECTIONABLE WEED SEED
 MAXIMUM

Registered	1/lb
Certified	2/lb

AMENDATORY SECTION (Amending Order 2089, filed 6/20/91, effective 7/21/91)

WAC 16-316-800 GRASS VARIETIES ELIGIBLE. (1) Following are the grass varieties eligible and the certifying scheme for each:

Bentgrass: (subject to poa annua quarantine)	Seaside Creeping*** Putter Creeping* Emerald Creeping** Carmen Creeping* Cobra Creeping** Tracenta Colonial*
Big Bluegrass:	Sherman**
Canada Bluegrass: (subject to poa annua quarantine)	Reubens**
Canby Bluegrass:	Canbar**

Kentucky Bluegrass:
(subject to poa annua quarantine)

- A-34 (Bensun)**
- Abbey**
- Able 1**
- Adelphi**
- Alene*
- Alpine*
- Amason* (Amazon*)
- America*
- Ampellia*
- Argyle**
- Aspen*
- Asset**
- Banff**
- Barblue*pvvV
- Baron**
- Birka*
- Bono (Birdie)*
- Bronco*
- Chateau**
- Cheri (Golf)*
- Classic**
- Cocktail**
- Coventry**

Cynthia*		Chesapeake Tall*	
Destiny*		Manade Tall*	
Dawn*		Mesa(=)Tall	
Eclipse*		MX-86 Sheep*	
Enmundi*pvvV		Rebel Tall*	
Estate*		5 DM Tall*	
Freedom*		88001 Red**	
Fylking**		Safe Tall*	
Georgetown**		Southern Cross Tall*	
Geronimo*		Covar Sheep**	
Glade**		Fawn Tall*	
Greenley*		Beaumont Meadow*	
Haga*		First Meadow**	
Harmony*		Forager Tall*	
Holiday*		Wrangler(=)Tall*	
Huntsville*		Biljart Hard*	
Ikone**		Montauk Tall**	
Julia*		Silvana Hard*pvvV	
Kelly*		Adventure Tall**	
Kenblue*			
Kyosti*	Orchardgrass:	Hay King*	
Leikra*		((Hay King-H*))	
Liberty**		Latar**	
Limosine*		Natsumidori ((summer-green**))	
Majestic**		Paiute**	
Merion**		Pennlate*	
Minstrel**		Potomac*	
Monopoly*	Redtop:	Streaker*	
Mystic*			
Nassau**	Indian Ricegrass:	Nezpar**	
Newport**			
Nugget*	Perennial Ryegrass:	Advent*	
Nustar*	(subject to poa annual	All*Star**	
Nutop*	quarantine)	Dandy*	
Parade*		Delray*	
Park**		Friend**pvvV	
Paso*		Goalie*	
Pennstar*		NK 200**	
Plush*		Pennfine*	
Princeton 104*		Ranger**	
Ram 1*pvvV		Target*	
Ronde*		89001*	
Rugby*	Puccinellia distans:	Fults*	
Scenic*			
Suffolk*	Timothy:	Clair*	
Summit*		Climax*	
Sving*		Hokuo*	
Sydsport*		Hokusen*	
S-21**		Kempus*	
Tendos*		Kunpu*	
Touchdown**		Nosappu*	
Trenton*		Promesse*	
Troy**		Senpoku*	
Wabash*	Wheatgrass:	Whitmar Beardless**	
Washington*		Secar Bluebunch**	
Welcome*		Fairway Crested*	
1757*		Ruff Crested*	
		Nordan Crested**	
Rough Bluegrass:	Colt*	Ephraim Crested**	
		Greenar	
Meadow Brome:	Regar**	Intermediate**	
		Oahe Intermediate*	
Mountain Brome:	Bromar**	Tegmar Intermediate*	
		Greenleaf Pubescent*	
Smooth Brome:	Baylor*	Luna Pubescent**	
	Beacon*	Topar Pubescent**	
	Bravo*	P-27 Siberian**	
	Cottonwood*	Sodar Streambank**	
	Jubilee*	Critana Thickspike**	
	Manchar**	Alkar Tall**	
	Rebound*		
	Saratoga*	Basin Wild Rye:	Magnar**
	York*		
Fescue:	Countess Chewings**pvvV	Russian Wild Rye:	Bozoisky Select**
(subject to poa annua	Amigo Tall*		
quarantine - except tall	Arid Tall*	(2) Variety restrictions.	
and meadow	Atlanta Chewings*		
fescue)	Avanti Tall**		
	Barcel Tall**pvvV		
	Barfalla Chewings**		
	((Barfalla Chewings**))		
	Baruba Chewings*	(a) Kentucky Bluegrass:	
	Dover Chewings*	Asset	5
	Durar Hard**	Baron	5
	Finelawn 1((-)Tall**	Birka	2 + 3 Cert.
	Joseph Idaho**	Cocktail	5
	Mary Chewings*	Enmundi	4
	Nezpurs Idaho*pvvV	Georgetown	5
	Logro Red**pvvV	Geronimo	6
		Kenblue	5
			7

NO. OF SEED HARVESTS
FOUNDATION REGISTERED CERTIFIED

	NO. OF SEED HARVESTS	
	FOUNDATION REGISTERED	CERTIFIED
Majestic	3 + 5 Cert.	5
Minstrel	5	5
Parade	5	5
Ram-I	2	6
Rugby	3 + 2 Cert.	5
Sydsport		5
Touchdown	2 + 5 Cert.	5
(b) Orchardgrass:		
Pennlate	3	6

AMENDATORY SECTION (Amending Order 2005, filed 5/22/89)

WAC 16-316-810 RED CLOVER VARIETIES ELIGIBLE. (1) Following are the red clover varieties eligible and the certification scheme for each:

- Arlington*
- Atlas*
- Chesapeake*
- Flare*
- Florex*
- Florie*
- Hamidori*
- Hamidori 4N*
- Hayakita*
- Kenland*
- Kenstar*pvvV
- Lakeland*
- Marathon*
- Persist*
- Prosper I*
- Redland*pvvV
- Redland II*
- Redman*
- Reddy*
- Ruby**
- Sapporo*
- Tristan*

(2) Variety restrictions. Kenstar: No seed production permitted year of seeding.

AMENDATORY SECTION (Amending Order 2041, filed 6/5/90, effective 7/6/90)

WAC 16-316-815 OTHER CLOVER VARIETIES. Following are the other clover varieties eligible and the certification scheme for each:

- | | |
|-----------------|------------|
| White Clover: | Star* |
| | Aran**pvvV |
| | Barbian* |
| Crimsom Clover: | Chief** |
| Ladino Clover: | Merit** |

AMENDATORY SECTION (Amending Order 2089, filed 6/20/91, effective 7/21/91)

WAC 16-316-820 ALFALFA VARIETIES ELIGIBLE. (1) Following are the alfalfa varieties eligible and the certification scheme for each:

- Agate*
- Anchor*
- Anstar*
- Answer*
- Aquarius*
- Apollo II*
- Armor*
- Armona*
- Arrow*
- Atlas*
- Atra-55*
- Baker*pvvV
- Big Ten*
- Blazer*
- Break-Thru**
- Centurion*
- Challenger*

- Chief**
- Cimarron*
- Cimarron VR*
- Classic*
- ((Commandor*))
- Commandor*
- Crown*
- Crown II*
- Crusader**
- DK-125*
- DK-135*
- Drummor*
- ((Eagle*))
- Elevation*
- Empress**
- Endure*
- Excalibur*
- Gladiator*
- G-2815*
- G-7730*
- GH-737**
- Hi-Phy*
- Honeoye*pvvV
- Iroquois*
- Julus*
- Legend*
- Madera
- Magnum III*
- ((Maxim*))
- Maricopa*
- Mecca*
- Mesilla**
- Mohawk*
- Oneida*pvvV
- Oneida VR*
- Peak*
- Perry*
- Phytor*
- Polar II*
- Preserve*
- Primal*
- Promise**
- Quest**
- Ranger**
- Resistar*
- Riley*
- Royalty**
- Saranac*
- Saranac AR*pvvV
- Shenandoah*
- Shield*
- Sparta*
- Spredor 2*
- Summit*
- Sure*
- Sutter*
- Sverre*
- SX-217*
- SX-418*
- Thrive**
- Trumpetor*
- Turbo*
- Ultra*
- Vernal*
- Vancor*
- Vernema*
- Vista*
- ((WL-220*))
- WAMPR*
- Weevlchek*
- ((WL-221*))
- WL-225*pvvV
- WL-312*
- WL-313*
- WL-315*pvvV
- WL-316*pvvV
- WL-318**

WL-317**
 WL-320**pvpV
 WL-322 HQ**
 WL Southern Special*
 Wrangler*
 Yolo*
 88*
 120*
 123*
 130*
 521*
 520*
 526*
 530*
 531*
 532*
 581*
 5262*
 5432*
 5373*
 5444*
 624*
 629*
 5311*
 5331*
 5333*
 5364*
 5472*
 98*
 G-2841*
 Verta*
 G-2852*
 GH 747*
 G-2833*
 DK-122*
 Bronco*
 2890*
 Precedent*
 Zenith*
 VS-775*
 Express*
 Kitawakaba*
 Tachiwakaba*
 Vertus*

(2) Variety restrictions.

	NO. OF SEED HARVESTS			
	Breeder	Foundation	Registered	Certified
Answer		2		5
Apollo II				3
Baker	2	3		6
Blazer		3		3
Break-Thru			3	5
Challenger	2	3		5
Chief		3	3	5
Crusader		3	3	5
Drummor	2	3		5
Empress		3	3	5
G-7730		3		5
GH 737		3	3	5
Honeoye		3		6
Iroquois		3		6
Oneida		3		6
Peak		3		3
Perry	2	3		6
Preserve	2	3		5
Promise		3	3	5
Polar II	2	3		5
Quest		3	3	5
Resistar	2	3		6
Royalty		3	3	5
Saranac		3		6
Saranac AR		3		6
Spredor 2	2	3		5
Thrive		3	3	5
Trumpetor	2	3		5
Vancor	2	3		5
Vernema		4		6
((WL-221		3		

	NO. OF SEED HARVESTS			
	Breeder	Foundation	Registered	Certified
WL-225		3	3	5
WL-313		3		
WL-315		3		5))
WAMPR	2	3		6
WL-317		3	3	5
WL-322HQ		3	3	5
WL Southern Special				1
WL-320		3	3	5
((WL-316		3		5))
Wrangler				6
120		3		
123		2		4
130		3		5
526		3		5

AMENDATORY SECTION (Amending Order 1976, filed 5/13/88)

WAC 16-316-830 BEAN VARIETIES ELIGIBLE. Following are the bean varieties eligible and the certification scheme for each:

Red Mexican:	NW-59** NW-63** Rufus** U of I 42**
Pinto:	Holberg** Fiesta*pvpV NW-410** NW-590** Nodak** Olathe**pvpV Pindak** U of I 114** Othello**
Pink:	Gloria** Harold** Roza** Victor** Viva**
Small White:	Chief** Bonus** Aurora**
Kidney:	Royal Red**, Montcalm-Dark Red** Isabella-Light Red*((*)), Kardinal**, Kamikenn**
Snap Bean:	Epoch**pvpV
Navy:	Bunsi**, C-20**, Hyden**, Laker**, Norstar**, NW 395**, Seafarer*((*) Duty (Pulsar)**
Great Northern:	Emerson**, Harris**
Black Turtle:	Black Turtle Soup** #39** Black Beauty** Ebony**pvpV, U of I 906**

AMENDATORY SECTION (Amending Order 1976, filed 5/13/88)

WAC 16-316-832 RAPESEED VARIETIES ELIGIBLE FOR CERTIFICATION. Following are the rapeseed varieties eligible and certification scheme for each:

Bridger*	Lindora-oo*
Cascade*	Rubin*
Ceres*	WW-988*
Aspen*	Bolko*
Eclipse*	Excalibur*
Norseman*	Rebel*
Stonewall*	Moneta*
Tapidor*	

AMENDATORY SECTION (Amending Order 1833, filed 6/15/84)

WAC 16-316-833 MISCELLANEOUS CROP VARIETIES ELIGIBLE. Following are the miscellaneous crop varieties eligible and the certification scheme for each:

Burnett	Delar Small Burnett**
Flax	Appar Lewis Flax**
Sudangrass	Piper**
Vetch	Cahaba White**

AMENDATORY SECTION (Amending Order 2088, filed 6/19/91, effective 7/20/91)

WAC 16-316-980 SUDANGRASS CERTIFICATION STANDARDS--((SEEDLING)) APPLICATIONS AND FEES. (1) All applications and fees ((for seedlings)) shall be due within sixty days of planting: PROVIDED, That such applications may be accepted after the due date at the discretion of the director upon payment of the late ((seedling)) penalty fee.

- (2) Fees for certification services shall be as follows:
- (a) ((Seedling)) Application fee, per field \$ 15.00
 - (b) Late ((seedling)) penalty fee, per field \$ 30.00
 - (c) Inspection fee, per acre \$ 1.75
 - (d) Certification fee, per 100 pounds \$ ((0.50)) 0.40

AMENDATORY SECTION (Amending Order 2088, filed 6/19/91, effective 7/20/91)

WAC 16-316-995 SUDANGRASS CERTIFICATION STANDARDS—FIELD TOLERANCES. ~~((+))~~ Maximum other varieties permitted in field inspection for certification shall be as follows:

- (a) Foundation seed field 1 plant/ 50,000 plants
- (b) Registered seed field 1 plant/ 35,000 plants
- (c) Certified seed field 1 plant/ 20,000 plants

~~((2)) Roguing to meet certification tolerances shall be allowed. PROVIDED, That the following tolerances for maximum other varieties have not been exceeded:~~

- ~~(a) Foundation seed field 1 plant/ 20,000 plants~~
- ~~(b) Registered seed field 1 plant/ 10,000 plants~~
- ~~(c) Certified seed field 1 plant/ 1,000 plants~~

~~((3)) Fields that have been rogued as provided in subsection (2) of this section shall be subject to reinspection.))~~

AMENDATORY SECTION (Amending Order 2088, filed 6/19/91, effective 7/20/91)

WAC 16-316-997 SUDANGRASS CERTIFICATION STANDARDS—SEED STANDARDS. ~~((+))~~ Seed inspection standards shall be as follows:

Purity	Class		
	Foundation	Registered	Certified
Pure seed (min)	98.0%	98.0%	98.0%
Inert material (max)	2.0%	2.0%	2.0%
Other crop (max)	0.01%	0.03%	0.08%
Other varieties* (max)	0.005%	0.01%	0.05%
Weed seed (max)	0.10%	0.10%	0.10%
Prohibited or restricted noxious weed seeds	none found	none found	none found
Germination (min)	85.0%	85.0%	85.0%

* Other varieties shall not exceed two seeds per pound in the certified ~~((class))~~ class.

AMENDATORY SECTION (Amending Order 2088, filed 6/19/91, effective 7/20/91)

WAC 16-495-004 ANNUAL BLUEGRASS QUARANTINE—ESTABLISHING QUARANTINE. The seeds of the weed known as annual bluegrass, *Poa annua* and its known strains, hereinafter referred to as annual bluegrass, are objectionable in grass seed; therefore, an annual blue grass quarantine is established to prevent the introduction of annual bluegrass into grass seed production areas, to control seed stocks to be planted for further seed increase, and to assure grass seed growers of a source of seed stock for planting purposes which is tested for presence of annual bluegrass ~~((free))~~.

AMENDATORY SECTION (Amending Order 2088, filed 6/19/91, effective 7/20/91)

WAC 16-495-010 ANNUAL BLUEGRASS QUARANTINE—DEFINITIONS. (1) "Person" means a natural person, individual, firm, partnership, corporation, company, society, and association, and every officer, agent, or employee thereof. This term shall import either the singular or the plural as the case may be.

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

(3) "Director" means the director of the department of agriculture or his duly authorized representative.

(4) "Annual bluegrass" means *Poa annua* and all related subspecies.

(5) ~~((("Seed stock" means those seeds which are planted for seed increase or with intent of seed increase.~~

~~((6)) "Nursery" means an area of two acres or less in which grass for seed production is seeded in rows with twenty-four inch minimum spacings to facilitate roguing.~~

~~((7)) "Annual bluegrass" means *Poa annua* and all related subspecies.~~

~~((8))~~ (6) "Seed stock" means those seeds of grasses which are to be planted for seed increase or with intent of seed increase; except this definition does not include: Big bluegrass, upland bluegrass, brome, meadow fescue, tall fescue, oatgrass, orchardgrass, timothy, or wheatgrass.

~~((9))~~ (7) "Official seed laboratory" means a seed testing laboratory approved by the director, such as, but not limited to, Washington State Seed Laboratory, 2015 South First Street, Yakima, Washington; and Oregon State Seed Laboratory, Oregon State University, Corvallis, Oregon.

~~((10))~~ (8) "Representative sample" means a sample drawn in accordance with sampling procedures adopted by the director.

~~((11))~~ (9) "Annual bluegrass analysis certificate" means a test report from an official seed laboratory showing freedom from annual bluegrass ~~((of))~~ based on a 10 gram sample for bentgrass or redtop; and a 25 gram sample for ~~((bluegrass, 25 gram sample for))~~ other grasses.

~~((12))~~ (10) "Quarantine tag" means a tag issued by Washington state department of agriculture to be sealed to each bag showing said seed has met quarantine requirements.

AMENDATORY SECTION (Amending Order 2088, filed 6/19/91, effective 7/20/91)

WAC 16-495-110 ANNUAL BLUEGRASS QUARANTINE—VIOLATION PROCEDURES. (1) A person who allegedly violates the annual bluegrass quarantine shall meet with a representative of the ~~((seed branch))~~ department to determine:

- (a) If a violation actually occurred;
- (b) How it did occur, and what corrective measures can be taken to avoid recurrence;
- (c) How much acreage is involved and location of all plantings.

(2) Corrective procedures shall be agreed upon, such as roguing, chemical treatment, etc., and the time frame for such work, or agreement for voluntary destruction of all acreage involved.

(3) Treated and rogued acreage shall be inspected by department of agriculture three times during the seedling stages to assure freedom from annual bluegrass. The violator will be assessed an hourly inspection fee and a mileage fee where additional mileage is involved.

(4) Failure to mutually agree, or failure to comply with these procedures, or if it is determined the violation was willful, will be referred to the attorney general for criminal and/or civil penalty action.

AMENDATORY SECTION (Amending Order 2088, filed 6/19/91, effective 7/20/91)

WAC 16-495-050 ANNUAL BLUEGRASS QUARANTINE—CONDITIONS GOVERNING MOVEMENT OF REGULATED ARTICLES. (1) No seed stock shall be shipped, transported, ~~((or))~~ moved in, or into the annual bluegrass quarantine regulated area unless such seed stock is accompanied by a test report from an official laboratory showing said seed stock is free of annual bluegrass on the basis of a minimum ~~((25))~~ 10 gram analysis for ~~((bluegrasses and bentgrasses))~~ bentgrass and a minimum of 25 gram analysis for other grasses: PROVIDED, That seed stock found to contain annual bluegrass may be planted in the regulated area if planted in a nursery under an inspection program as established by the state department of agriculture.

(2) This quarantine shall not apply to seed sown for forage or turf.

(3) This quarantine shall not apply: To experiments or trial grounds of the United States Department of Agriculture; to experiments or trial grounds of Washington State University experiment station; or to trial grounds of any person, firm, or corporation; provided said trial ground plantings are approved by the director and under supervision of technically trained personnel familiar with annual bluegrass control.

(4) Any person shipping, moving or transporting any seed stock for planting purposes in or into the regulated area that is not tagged with official "annual bluegrass quarantine" tags shall:

- (a) State where and when seed stock can be sampled for the required annual bluegrass test; or
- (b) Have attached a copy of the official laboratory analysis showing freedom from annual bluegrass; or
- (c) Have representative sample submitted for testing.

WSR 92-09-151

PROPOSED RULES

OFFICE OF MINORITY AND
WOMEN'S BUSINESS ENTERPRISES

[Filed April 22, 1992, 11:05 a.m.]

Original Notice.

Title of Rule: Chapters 326-30 and 326-40 WAC.

Purpose: To implement RCW 39.19.030.

Statutory Authority for Adoption: RCW 39.19.030(7).

Statute Being Implemented: RCW 39.19.030.

Summary: The proposed changes to these chapters will result in more efficient administration of the state's program for maximizing opportunities for minority and women owned and controlled businesses in public works and state procurement.

Reasons Supporting Proposal: State agencies and educational institutions need clear guidance on their authority and responsibilities for the implementation of the provisions in chapter 39.19 RCW.

Name of Agency Personnel Responsible for Drafting: Kent M. Nakamura, AAG, 900 4th Avenue, #2000, Seattle, WA, 464-6390; Implementation and Enforcement: James A. Medina, 406 South Water, Olympia, WA, 753-9679.

Name of Proponent: Office of Minority and Women's Business Enterprises, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These rules provide guidance to state agencies and educational institutions on the appropriate procedures for contracting and procurement in accordance with the provisions of chapter 39.19 RCW. Their purpose is to increase opportunities for minority and women owned and controlled businesses and to provide a systematic and universal process for collecting data on the participation of such businesses in state contracting and procurement. The new process will yield accurate statistical data on the actual benefits derived from the state's program by minority and women owned and controlled businesses.

Proposal Changes the Following Existing Rules: Redefines exclusions permitted from the reporting base; establishes new procedure for data collection; revises instructions for contents of agency MWBE plans; revises policy on counting participation; and deletes repetitive or obsolete provisions.

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

Hearing Location: OB-2 Auditorium, Department of Social and Health Services, 12th and Franklin, Olympia, Washington 98504, on June 2, 1992, at 1:30 p.m.

Submit Written Comments to: Office of Minority and Women's Business Enterprises, 406 South Water, Olympia, WA 98504, by May 26, 1992.

Date of Intended Adoption: June 17, 1992.

April 22, 1992
James A. Medina
Director

Chapter 326-30 WAC
GOALS AND GOAL SETTING ((RULES))AMENDATORY SECTION (Amending Order 83-7, filed 1/5/84)

WAC 326-30-010 PURPOSE. The purpose of chapter 120, Laws of 1983 and of this chapter is to provide the maximum practicable opportunity for increased participation by minority and women-owned businesses in public works contracts and in contracts for the procurement of goods and services from the private sector for state agencies and educational institutions.

These rules set forth the procedures by which individual contract goals and the overall annual goals for participation ((~~by minority and women-owned~~) of certified business enterprises are set and reviewed; ((~~the procedures each state agency and educational institution is to follow in attempting to achieve the goals and to report their performance;~~)) and the procedures to be used by the office ((~~of minority and women's business enterprises~~)) in monitoring compliance.

AMENDATORY SECTION (Amending Order 83-7, filed 1/5/84)

WAC 326-30-020 SCOPE. This chapter applies to all public works, personal service contracts, and procurement from the private sector of goods and services by state agencies and educational institutions not expressly exempted or excluded by this chapter.

These rules do not pertain to agency/educational institution expenditures ((~~other than contracts for public works, personal service contracts, and for the procurement of goods and services for the agency/educational institution~~)) such as: Amortization; debt service; depreciation; employee benefits including but not limited to mileage, per diem, relocation expenses, and salaries; per diem for prospective state employees, members of institutions' boards and agencies' commissions; postage; relocation expenses for prospective employees; and transfers of charges.

AMENDATORY SECTION (Amending WSR 90-06-040, filed 3/1/90, effective 4/1/90)

WAC 326-30-030 PROCEDURE FOR SETTING OVERALL ANNUAL GOALS. The director of the office of minority and women's business enterprises will establish overall annual goals for participation in state contracts by qualified MBEs and WBEs for all state agencies and educational institutions. The annual period shall be the state fiscal year. The goals will be a percentage of the reporting base(;) which includes all contracts awarded each year for public works, personal services, and for the procurement of goods and services by state agencies and educational institutions ((~~that are not specifically excluded or generally excluded from the reporting base~~)).

(1) Time for establishment of goals. The overall annual goals will be adopted each year by June 15.

(2) Distribution. The overall annual goals will be distributed to the head of each agency and educational institution on or before June 30 each year.

(3) Process used to establish goals. The director will review the overall annual goals each year and establish goals for the upcoming year. In establishing the new goals, the director shall consider the following categories of information, to the extent that such data is reasonably obtainable: ((~~(+) (a) The number of certified ((minority and women's)) businesses available to perform work in each class of contract; ((+) (b) the state's success in attaining goals over the last year; ((+) (c) information regarding the percentage of available MBEs and WBEs as compared to the percentage of dollars awarded to MBEs and WBEs, per class of contract; ((+) (d) information indicating discrimination against ((MBEs and WBEs)) minority and women-owned businesses in each class of contract; ((+)) (e) and such other relevant information as may be available.~~

NEW SECTION

WAC 326-30-041 ANNUAL GOALS. The annual overall goals for participation by certified firms in the public works, other contracting, and procurement of each state agency and educational institution, subject to this chapter, shall be as follows:

July 1, 1991, through June 30, 1992,

Construction/Public Works	10% MBE	6% WBE
Architect/Engineering	10% MBE	6% WBE
Purchased Goods and Services	8% MBE	4% WBE
Other Consultants	10% MBE	4% WBE

NEW SECTION

WAC 326-30-046 PROCEDURES FOR SETTING GOALS ON INDIVIDUAL TRANSACTIONS. Each agency and educational institution shall establish goals for the participation of MBEs and WBEs on individual purchases and contracts. Factors to be considered include, but are not limited to:

- (1) The number of MBEs and WBEs available to perform work in the contract;
- (2) The agency/educational institution's success in attaining goals during the current year;
- (3) Whether there is an opportunity to facilitate the entry of certified businesses into industries in which such firms are underrepresented.

NEW SECTION

WAC 326-30-051 COUNTING PARTICIPATION TOWARD AGENCY AND EDUCATIONAL INSTITUTION GOALS. The office will count an agency's or educational institution's expenditures to certified businesses toward goal attainment only when the work performed by the business on a contract is within the scope of work included in the standard industrial classification (SIC) codes under which the business is listed in the directory of certified businesses published by, or in the records of, the office.

- (1) Prime contractors and consultants.
 - (a) Where a contract is awarded to a certified business that performs a commercially useful function in the work of the contract, the dollar value of expenditures to the business for such work will be counted toward the agency or educational institution's goal attainment according to the certification status of the business.
 - (b) Where a contract is awarded to a certified business that is a partner in a joint venture, and the business performs a commercially useful function in the work of the contract, only the dollar value of expenditures to the certified business which is commensurate with its interest in the joint venture will be counted toward the agency or educational institution's goal attainment according to the certification status of the business.
- (2) Subcontractors and subconsultants. Where a subcontract is awarded to a certified business that performs a commercially useful function in the work of a contract, and the business does not further subcontract more than twenty-five percent of the total amount of its own subcontract to a noncertified business, the dollar value of expenditures to the business for such work will be counted toward the agency or educational institution's goal attainment according to the certification status of the business.

(3) Suppliers.

- (a) Where a certified business is the manufacturer of goods or materials required under a contract, one hundred percent of the dollar value of expenditures to the business for such materials or supplies will be counted toward the agency or educational institution's goal attainment according to the certification status of the business.

(b) Where a certified business is a regular dealer for goods or materials required under a contract, sixty percent of the dollar value of expenditures to the business for such materials or supplies will be counted toward the agency or educational institution's goal attainment according to the certification status of the business.

(c) Where a certified business is a broker or a packager of goods or materials required under a contract, twenty percent of the dollar value of expenditures to the business will be counted toward the agency or educational institution's goal attainment according to the certification status of the business.

(d) Where a certified business is a hauler, trucker, or delivery service, but is not also a regular dealer or the manufacturer of the goods or materials required on the job site, the dollar value of expenditures to the business for fees charged to deliver the goods or materials required will be counted toward the agency or educational institution's goal attainment according to the certification status of the business.

(4) Where a certified business provides bonds or insurance specifically required for the performance of a contract, the dollar value of expenditures to the business for the fee or commission charged for

providing the bonds or insurance will be counted toward the agency or educational institution's goal attainment according to the certification status of the business.

(5) Where a certified business is a travel agency, shipping or transportation broker, or other business performing similar functions, twenty percent of the dollar value of expenditures to the business to provide a bona fide service in the procurement of transportation will be counted toward the agency or educational institution's goal attainment according to the certification status of the business.

AMENDATORY SECTION (Amending Order 83-7, filed 1/5/84)

WAC 326-30-110 ((~~OMWBE~~)) MONITORING OF COMPLIANCE WITH CHAPTER 39.19 RCW. ((~~OMWBE~~)) The office will ((independently)) monitor the ((participation of MWBEs in the contracts let by)) performance of each state agency and educational institution and generate periodic status reports for their internal use from data developed pursuant to WAC 326-40-050.

The office will issue a report annually on the ((MWBE participation achieved)) total expenditures of the state and the dollars expended with certified businesses by each agency and educational institution. The report will include the percentage of the dollar value of the contracts awarded in the reporting year that was paid to ((MBEs and WBEs)) certified businesses. The report will be provided to the governor and the legislature as ((a part of the annual progress and economic impact report)) required by RCW 39.19.030(8).

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 326-30-035 GOALS FOR 1983-84.
- WAC 326-30-036 GOALS FOR 1984-85.
- WAC 326-30-037 GOALS FOR 1985-86.
- WAC 326-30-038 GOALS FOR 1986-87.
- WAC 326-30-039 GOALS FOR 1987-88.
- WAC 326-30-03901 GOALS FOR 1988-1989.
- WAC 326-30-03902 GOALS FOR 1989-90.
- WAC 326-30-03903 GOALS FOR 1990-91.
- WAC 326-30-040 AGENCY/EDUCATIONAL INSTITUTION RESPONSIBILITIES.
- WAC 326-30-050 CONTENTS OF AGENCY/EDUCATIONAL INSTITUTION PLAN.
- WAC 326-30-060 GENERAL EXCLUSIONS FROM THE CONTRACTING BASE.
- WAC 326-30-070 EXTRAORDINARY EXCLUSIONS FROM THE CONTRACTING BASE.
- WAC 326-30-080 SUBSTITUTIONS IN CONTRACTS REQUIRING MWBE PARTICIPATION.
- WAC 326-30-090 TIMELY CERTIFICATION.
- WAC 326-30-100 AGENCY/EDUCATIONAL INSTITUTION REPORTING OF MWBE PARTICIPATION.

AMENDATORY SECTION (Amending Order 84-3, filed 2/22/84)

WAC 326-40-010 CRITERIA FOR BID SPECIFICATIONS—MONETARY VALUE. Where a contract for the ((purpose)) procurement of goods or services is to be awarded on the basis of competitive bidding and includes goals for MBE and WBE participation, the award shall ((not)) be made on the basis of the ((vendor's)) level of ((MWBE)) MBE and WBE participation ((unless)) when the contract price is within ((the lower of)) 5% ((or \$5,000.00)) of the lowest otherwise responsive bid (determined without regard to ((MWBE)) participation).

AMENDATORY SECTION (Amending Order 85-2, filed 3/8/85)

WAC 326-40-020 CRITERIA FOR BID SPECIFICATIONS—AVERAGING ((MWBE)) PARTICIPATION. (1) Where a contract for the ((purpose)) purchase of goods and services is to be awarded on the basis of competitive bidding, and includes goals for MBE and WBE participation, and no bidder whose bid is within the range established under WAC 326-40-010 meets the goals established for such contract, the agency or educational institution shall treat as responsive any bid which:

- (a) Is in all other respects responsive ((and));
- (b) Is within the range established under WAC 326-40-010((-)); and

(c) Includes MBE and WBE participation equal to or greater than the average participation of such businesses included in all competitive bids.

(2) Competitive bids shall include all otherwise responsive bids which are within 25% of the lowest otherwise responsive bid.

(3) Where no bid meets the criteria established above, an award may be made to the lowest otherwise responsive bidder who does not meet the ((MBE and/or WBE)) participation requirements.

NEW SECTION

WAC 326-40-030 AGENCY AND EDUCATIONAL INSTITUTION RESPONSIBILITIES. Each agency and educational institution shall:

(1) Formulate a plan for achieving the annual overall goals. The initial plan shall be filed with and approved by the office to be effective July 1, 1992.

(2) Monitor its contractors and vendors at time of bid, proposal, or quote submittal, and after award, and take the appropriate action(s) as needed to enforce compliance with requirements set pursuant to chapter 39.19 RCW and the provisions of Title 326 WAC.

(3) Cooperate with the office and provide timely access to records and information as needed for the conduct of investigations or the preparation of reports.

(4) Each agency and educational institution shall make available to the office expenditure data in such form and frequency as required in WAC 326-40-050.

NEW SECTION

WAC 326-40-040 CONTENTS OF AGENCY AND EDUCATIONAL INSTITUTION'S PLAN. The plan shall include the following:

(1) A statement of policy that commits the agency or educational institution to achieving the annual goals and increasing opportunities for certified businesses to contract for public works and to provide goods, equipment, and services to the agency or educational institution in compliance with chapter 39.19 RCW;

(2) Identification of the position and other duties of the staffperson given the responsibility and authority to ensure implementation of the plan;

(3) Detailed procedures for:

(a) Communicating the policy and appropriate procedures to all staff;

(b) Training of staff involved in implementation;

(c) Annual forecasting of contracting, procurement, other expenditure activity, and goalsetting by class of contract;

(d) Setting individual contract goals;

(e) Monitoring and ensuring compliance of contractors and vendors;

(f) Maintenance of records regarding contract awards, purchase orders, and other expenditures as required in this chapter;

(g) Regular provision of data to the office on all expenditures as required in WAC 326-40-050;

(h) Resolving disputes and investigating complaints; and

(i) Review and revision of contracting and procurement documents, policies, and practices which hinder or create barriers to successful implementation of the plan.

NEW SECTION

WAC 326-40-050 AGENCY AND EDUCATIONAL INSTITUTION REPORTING. (1) Each agency and educational institution is required to provide data to the office on all expenditures not specifically exempted or excluded by this chapter. The data shall be provided monthly on a schedule that corresponds to the schedule established by the office of financial management (OFM) for the transmission of data related to the state's financial statement.

(2) The format of the data shall be as follows:

(a) Expenditure type identifier (1, 2, or 3).

(b) Agency/educational institution number.

(c) Contractor/vendor name.

(d) Contractor/vendor federal tax number.

(e) OFM-defined subobject code.

(f) Dollar amount to contractor/vendor.

(g) Contract number (when applicable).

(h) Date.

(i) Biennium.

(3) Statutory exemptions. In accordance with RCW 39.19.060, agencies and educational institutions will not be required to provide data on expenditures in the following object codes:

A - SALARIES AND WAGES

B - EMPLOYEE BENEFITS

P - DEBT SERVICE

S - INTERAGENCY REIMBURSEMENTS

T - INTRA-AGENCY REIMBURSEMENTS

W - DEPRECIATION, AMORTIZATION, AND BAD DEBTS

(Proprietary Funds Only)

X - OFM ADJUSTMENTS TO AGENCY DATA

(4) General exclusions. Agencies and educational institutions shall provide data on expenditures in certain subobjects for goods and services which are generally not obtained from the private, for-profit sector. Expenditures of this type will be excluded from the participation base in the calculation of goal attainment.

(5) Exceptions. Certain additional subobjects contain expenditures that legitimately should not be included in the formula for calculating goal attainment. The office shall provide specific guidance annually on the affected subobjects and the procedure to be followed by agencies and educational institutions for crediting such expenditures.

(6) The OFM-defined chart of accounts will be the source of definitions for objects and subobjects. The office shall provide specific guidance annually on the subobjects of expenditures required to be included in the data provided to the office.

NEW SECTION

WAC 326-40-060 DETERMINING COMPLIANCE AT TIME OF AWARD. (1) Bidders and others proposing to contract with state agencies and educational institutions shall ensure that the businesses included in their bids or proposals to meet participation requirements are certified. State agencies and educational institutions shall ensure that each business to be counted toward contract goals is certified.

(2) The participation of a certified business at any level of a contract or procurement may be counted when the work to be performed is a commercially useful function within the context of the contract or procurement. If, at the time of award, the business is projected to perform work classified in SIC codes different from those listed for the business in the records of the office, the business may be given the opportunity to update its listing, with the office's approval, prior to the agency or educational institution's reporting of expenditures made to the business.

(3) Prime contractors and consultants.

(a) Award to certified businesses. When a contract is awarded, which is to be performed solely by a certified business, one hundred percent of the total contract value can be counted toward the contract goal according to the certification status of the business.

(b) Award to certified prime contractors and consultants with non-certified subcontractor and subconsultant. When a contract is awarded to a certified prime contractor with a noncertified subcontractor, one hundred percent of the total contract value can be counted toward the contract goal according to the certification status of the prime contractor; provided, the certified prime contractor performs a commercially useful function in the work of the contract.

(c) Award to noncertified prime contractor or consultant with a certified subcontractor or subconsultant. When a part of the contract is performed by a certified subcontractor or subconsultant, the dollar value of only that percentage of the total contract performed by the certified business can be counted toward the contract goal according to the certification status of the firm; provided, the certified business performs a commercially useful function in the work of the contract.

(d) Award to a certified prime contractor or consultant with a certified subcontractor or subconsultant. When a contract is awarded to a certified prime contractor with a certified subcontractor, one hundred percent of the total contract value may be counted toward the contract goal according to the certification status of the certified prime contractor or consultant; provided, the certified prime contractor or consultant performs a commercially useful function in the work of the contract.

(e) Award to a joint venture. When a contract is awarded to a joint venture that is approved pursuant to WAC 326-40-100, the dollar value, on a percentage basis, of the portion of the work performed by the certified business may be counted toward the contract goal according to the certification status of the business; provided, the certified business performs a commercially useful function in the work of the contract.

(f) Award to a certified combination or a minority woman. When a contract is awarded which is to be performed totally or in part by a

certified combination or a certified minority woman, the dollar value of the work performed by the business may be counted toward either contract goal, but not both; provided, that the business performs a commercially useful function in the work of the contract.

(4) Subcontractors and subconsultants. Where a subcontract is awarded to a certified business that performs a commercially useful function in the work of a contract, one hundred percent of the dollar value of the work performed by the certified business may be counted toward the contract goal according to the certification status of the business; provided, the business does not further subcontract more than twenty-five percent of the total amount of its own subcontract to a noncertified business.

(5) Suppliers.

(a) Where a certified business is the manufacturer of materials or supplies required under a contract, one hundred percent of the dollar value of the materials or supplies to be provided may be counted toward the contract goal according to the certification status of the business.

(b) Where a certified business is a regular dealer for materials or supplies required under a contract, sixty percent of the dollar value of the materials or supplies to be provided may be counted toward the contract goal according to the certification status of the business.

(c) Where a certified business is a broker or a packager of materials or supplies required under a contract, twenty percent of the dollar value charged for a bona fide service it performs in the procurement of essential personnel, facilities, equipment, materials or supplies required for performance of the contract may be counted toward the contract goal according to the certification status of the business.

(6) Where a certified business is a hauler, trucker, or delivery service, but not also a regular dealer or the manufacturer of the materials or supplies required on the job site, only the dollar value of the fees charged to deliver the materials or supplies required may be counted toward the contract goal according to the certification status of the business.

(7) Where a certified business is a travel agency, shipping or transportation broker, or other business performing similar functions, twenty percent of the dollar value charged for providing a bona fide service in the procurement of transportation may be counted toward the contract goal according to the certification status of the business.

(8) Where a certified business provides bonds or insurance specifically required for the performance of a contract, the dollar value charged for providing the bonds or insurance may be counted toward the contract goal according to the certification status of the business.

NEW SECTION

WAC 326-40-070 DETERMINATION OF COMMERCIAL-
LY USEFUL FUNCTION. Whether the work to be performed by a certified business listed in a bid or proposal to a state agency or educational institution is a commercially useful function, as defined in WAC 326-02-030(5), shall be determined by the state agency or educational institution making the award.

NEW SECTION

WAC 326-40-075 EFFECT OF DECERTIFICATION ON
COUNTING PARTICIPATION AFTER COMMENCEMENT OF
WORK. (1) Where a certified business is decertified after it has begun work on a contract, for reasons other than having exceeded the size standard, only the dollar value of expenditures to the business made prior to the date of decertification will be counted toward the agency's or educational institution's overall annual goal attainment.

(2) Where a certified business is decertified because it was found to exceed the size standard after it has begun work on a contract, the dollar value of all expenditures to the business for work which constitutes a commercially useful function on that contract will be counted toward the agency's or educational institution's overall annual goal attainment.

(3) Where a certified business is decertified pursuant to WAC 326-20-173, i.e., because of the owner's death or disability, the dollar value of all expenditures to the business for work which constitutes a commercially useful function on any contract awarded prior to the decertification will be counted toward the agency's or educational institution's overall annual goal attainment.

NEW SECTION

WAC 326-40-080 SUBSTITUTIONS IN CONTRACTS RE-
QUIRING PARTICIPATION OF CERTIFIED BUSINESSES. (1)
PRIME CONTRACTOR, VENDOR, OR CONSULTANT SUBSTITUTION.

(a) Prior to award of the contract: Where a certified business that is the apparent low bidder is decertified or indicates it is unable or unwilling to perform the contract prior to the award of the contract, the state agency or educational institution may follow its usual procedures for awarding to the next apparent low bidder, require the contractor to meet goals by obtaining other certified businesses, or rebid.

(b) After award of the contract to a certified prime contractor, vendor, or consultant, but prior to the start of the work: Where the business is decertified or indicates that it is unable or unwilling to perform the work after award of the contract, the agency or educational institution may follow its usual procedures for awarding to the next apparent low bidder, require the contractor to meet goals by obtaining other certified businesses, or rebid. The agency or educational institution, may, in its discretion, determine whether an increase in the amount of the contract will be allowed based on the substitution.

(c) After start of work by a certified prime contractor, vendor, or consultant, but prior to completion:

(i) Where the business is decertified after commencing the work and the agency or educational institution determines that substitution is impractical, the decertified contractor may continue to perform the work.

(ii) Where a certified prime contractor is unable or unwilling to complete the work, the agency or educational institution shall follow its usual procedures to seek performance of the contract, including the imposition of penalties or sanctions authorized by the contract and may pursue all other remedies allowed by law.

(2) SUBCONTRACTOR OR SUBCONSULTANT SUBSTITUTION.

(a) Prior to award of the contract: Where a certified business, selected as a subcontractor or subconsultant to meet the bid specifications, is decertified or indicates it is unable or unwilling to perform the work, the agency or educational institution shall require the contractor or consultant to substitute another certified business in the appropriate category, to meet the contract specifications. The replacement firm may perform the same work or a different part of the work.

(b) After award of the contract but prior to start of work by the prime contractor or consultant: Where a certified business, selected as a subcontractor or subconsultant to meet the bid specifications, is decertified or indicates it is unable or unwilling to perform the work, the agency or educational institution may require the contractor or consultant to substitute another certified business in the appropriate category to meet the contract specifications as stated in the original bid. The replacement firm may perform the same work or a different part of the work. The agency or educational institution, may, in its discretion, determine whether an increase in the amount of the contract will be allowed based on the substitution.

(c) After start of the work but prior to completion by the prime contractor or consultant: Where a certified business, selected as a subcontractor or subconsultant to meet the bid specifications, is decertified or indicates it is unable or unwilling to complete the work after the work has been started by the prime contractor or consultant, and the agency or educational institution determines it to be impractical to substitute another certified business to perform that work or any other portion of the work at that point, then the contractor or consultant shall not be required to substitute.

(3) REMEDIES. In the event of default by a bidder or contractor, the educational institutions and agencies retain the right to pursue appropriate legal remedies. Nothing herein shall be construed to give any business the right to unilaterally withdraw its bid or terminate the contract.

NEW SECTION

WAC 326-40-090 TIMELY CERTIFICATION. Where competitive bidding is utilized, only businesses certified at the time of the submission of bids or proposals may be counted toward individual contract goals. Where competitive bidding is not utilized, only businesses certified at the time of award may be counted: PROVIDED, That businesses participating under the provisions in WAC 326-40-080 may also be counted.

AMENDATORY SECTION (Amending Order 84-5, filed 4/5/84)

WAC 326-40-100 JOINT VENTURE APPROVAL. (~~Money spent on contracts awarded to joint ventures can be counted toward goal attainment by agencies and educational institutions when the procedure outlined in this rule is followed.~~)

~~(a))~~ (1) Contents of joint venture agreement.

(a) The joint venture agreement must be in writing and signed under (~~penalty of perjury~~) oath by ~~(all)~~ each of the joint venturers. Each joint venture agreement shall specify the capital contribution made by each joint venturer(~~;~~), the control each will exercise(~~;~~), and the distribution of profit and loss. Each of these elements must be allocated in proportion to their contribution.

(b) The joint venture agreement must also identify the (~~commercially useful function the joint venture will perform and the~~) part of the work each joint venturer will do (~~The agreement must also specify~~), which participant(s) are (~~MBEs and which are WBEs~~) certified businesses, and (~~give documentations of MWBE~~) their certification status. The work to be performed by the certified participant must be a commercially useful function.

~~((b))~~ (2) Requests for approval. Any joint venture may request approval (~~by~~) from any state agency or educational institution. The request must:

(a) Be in writing (~~must include~~);

(b) Be accompanied by a written joint venture agreement (~~and must~~) that conforms to the requirements of subsection (1) of this section; and

(c) Contain a statement that gives the approving agency/educational institution authority to audit the joint venture. (~~The agreement shall conform to the requirements of subsection (a) of this section.~~)

An agency/educational institution shall approve a joint venture which submits an agreement that contains each of these specified elements.

~~((c))~~ (3) Time of request. A request for approval of a joint venture must be submitted and approved before the time fixed for bid opening for all contracts (~~that are both~~) without regard to whether they are competitively (~~and~~) or noncompetitively awarded (~~contracts~~). If the joint venture is not approved, the agency shall award to the lowest responsive bidder or rebid.

~~((d))~~ (4) Effect of approval. An approved joint venture is approved only for one specific contract. Disbursement of funds to a certified business that is participating in an approved joint venture shall be counted toward (~~goal attainment as described in WAC 326-30-100~~) contract goals in accordance with the provisions of WAC 326-40-060 (1)(e).

~~((e))~~ (5) Investigation. The agency or educational institution may request additional information from an enterprise seeking approval as a joint venture. Failure to provide the requested information shall result in the denial of the requested approval.

~~((f))~~ (6) Complaints. Complaints regarding the composition or validity of an approved joint venture shall be written and shall be made to the approving agency or educational institution and to (~~OMWBE~~) the office. The agency or educational institution shall fully investigate each complaint and issue a written report of its findings. The report will be provided to the complainant and to (~~OMWBE~~) the office. Concurrently, the office may investigate complaints pursuant to its rules and chapter 39.19 RCW.

WSR 92-09-152

PROPOSED RULES

HIGHLINE COMMUNITY COLLEGE

[Filed April 22, 1992, 11:17 a.m.]

Original Notice.

Title of Rule: Title 1321 WAC, specifically chapters 1321-104, 1321-108, 1321-112, 1321-116, 1321-120, 1321-122, 1321-128, 1321-130, 1321-131, 1321-132, 1321-133, 1321-134, 1321-136, 1321-140, 1321-160, 1321-168, 1321-168A, 1321-276, 1321-280, 1321-300, 1321-325, 1321-400, and 1321-500 WAC.

Purpose: Implement rules and regulations controlling agency facilities, operations, and clients.

Statutory Authority for Adoption: Chapter 34.05 RCW et. seq, RCW 28B.50.100 and [28B.50].140.

Statute Being Implemented: Chapter 34.05 RCW et. seq, RCW 28B.50.100 and [28B.50].140.

Summary: Changes are being made to bring the agency's Washington Administrative Code into compliance with the Administrative Procedure Act, chapter 34.05 RCW; correct grammatical and other errors; and streamline and clarify the agency's administrative code.

Reasons Supporting Proposal: Finding by agency of a need to improve the efficiency of agency operations and to bring its administrative code into compliance with applicable law.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: John Hurley, Highline Community College, Des Moines, Washington, (206) 878-3710.

Name of Proponent: Highline Community College, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Agency is an institution of higher education. RCW 28B.10.016(4). The following rules govern the operation of the agency, its facilities, and students.

Proposal Changes the Following Existing Rules: The proposals remove all provisions relating to the agency's employees as allowed by RCW 34.05.010(15). Minor changes are made of the rules governing the operation of the agency, its facilities, and students. Main purpose of changes are to clarify and streamline the rules of the agency and the rights of its students. Changes have also been made to bring the code into harmony with actual agency practices.

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

Hearing Location: Highline Community College, Wayhut Room, Building 9, Des Moines, Washington, on June 15, 1992, at 9:00 a.m.

Submit Written Comments to: John Hurley, Personnel Director, Highline Community College, P.O. Box 98000, Des Moines, WA 98198-9800, by June 14, 1992.

Date of Intended Adoption: July 9, 1992.

April 15, 1992

John Hurley

Personnel Director

AMENDATORY SECTION (Amending Order 005, filed 2/27/74)

WAC 1321-104-030 OFFICERS OF THE BOARD. At the first regular meeting of the board each fiscal year, the board shall elect, from its membership, a (~~chairman~~) chair and vice (~~chairman~~) chair to serve for the ensuing year. In addition, the president of Community College District 9 shall serve as secretary to the board of trustees as specified by state law. The secretary may, at his discretion, appoint an appropriate college staff member to act as recording secretary for all regular and special meetings of the board.

(1) The (~~chairman~~) chair, in addition to any duties imposed by rules and regulations of the state board for community college education, shall preside at each regular or special meeting of the board, sign all legal and official documents recording actions of the board, and review the agenda prepared for each meeting of the board. The (~~chairman~~) chair shall, while presiding at official meetings, have full right of discussion and vote.

(2) The vice ((chairman)) chair, in addition to any duties imposed by rules and regulations of the state board for community college education shall act as ((chairman)) chair of the board in the absence of the ((chairman)) chair.

(3) The secretary of the board shall be the president of Community College District 9 and shall serve as ((chairman)) chair, without privilege of vote, in any official meeting of the board conducted in the absence of the ((chairman)) chair and vice ((chairman)) chair. In addition to any duties imposed by rules and regulations of the state board for community college education, he shall keep the official seal of the board and maintain all records of meetings and other official actions of the board. The secretary shall also be responsible for board correspondence, compiling the agenda for meetings, and distributing the minutes of the meetings and related reports. The secretary, or his designee, must attend all regular and special meetings of the board, and official minutes must be kept of all such meetings excepting study and executive sessions.

AMENDATORY SECTION (Amending Order 005, filed 2/27/74)

WAC 1321-104-040 RESTRICTIONS OF INDIVIDUAL AUTHORITY. Legal authority is vested in the board of trustees and may be exercised only by formal action of the board, taken in regular or special meetings. No individual member of the board may act on behalf of the board unless specifically instructed by action of the board. Three members shall constitute a quorum and no action may be taken with less than a quorum present.

NEW SECTION

WAC 1321-104-065 MEETINGS OF THE BOARD OF TRUSTEES. The board customarily holds monthly meetings on the second Thursday of each month at such place as it may designate. Notices of the time and place of all regular and special meetings shall be governed by the requirements of chapter 42.30 RCW, Open Public Meetings Act, as now or hereafter amended.

AMENDATORY SECTION (Amending Order 005, filed 2/27/74)

WAC 1321-104-080 INFORMATION FOR BOARD MEMBERS. Any matters of correspondence must be received by the secretary of the board by 12:00 noon ten days before the meeting in order to be included on the agenda. The ((chairman)) chair or secretary may, however, present a matter of business received too late for inclusion on the agenda if in his judgment the expedient consideration of the matter would be beneficial to the college.

AMENDATORY SECTION (Amending Order 010, filed 10/31/75)

WAC 1321-104-090 ORDER OF BUSINESS. (1) The order of business governing all regular meetings of the board of trustees shall be as follows:

- (a) Roll call
- (b) Approval of previous minutes
- (c) Correspondence
- (d) Standing reports
- (e) Recommendations for action
- (f) Reports
- (g) Discussion
- (h) Unscheduled business
- (i) New business
- (j) Adjournment

(2) The order of business may be changed by the ((chairman)) chair with the consent of the board members present. The ((chairman)) chair may announce at the beginning of each meeting that members of the audience may speak to any item on the agenda at the time of its presentation to the board. The ((chairman)) chair shall have the right to limit the length of time used by a speaker for the discussion of a subject.

(3) Proposed new policies and/or changes in policy will be presented first to the board of trustees as a report. Board action will be taken normally at a subsequent meeting. If expedient action on the matter would be clearly beneficial to the college, the board may consider, by casting not less than four affirmative votes, taking action at the time the policy is first presented to the board.

AMENDATORY SECTION (Amending Order 005, filed 2/27/74)

WAC 1321-104-110 CHANGES TO BYLAWS OF THE BOARD OF TRUSTEES. The board of trustees may adopt bylaws to govern its operations. A record of these bylaws shall be maintained in the office of the president.

Bylaws of the board may ((by)) be revised by majority vote of the board provided such changes are proposed at least one regular meeting prior to the meeting at which the vote is taken. Bylaws may be revised by unanimous vote of the board at the same meeting at which the revision is originally proposed.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 1321-104-010 PURPOSE.
- WAC 1321-104-050 OFFICES OF THE BOARD OF TRUSTEES.
- WAC 1321-104-060 MEETINGS OF THE BOARD OF TRUSTEES.
- WAC 1321-104-070 PARLIAMENTARY PROCEDURE.

Chapter 1321-108 WAC MODEL RULES OF PROCEDURE

NEW SECTION

WAC 1321-108-010 ADOPTION OF MODEL RULES OF PROCEDURE. The model rules of procedure adopted by the chief administrative law judge pursuant to RCW 34.05.250, as now or hereafter amended, are hereby adopted for use at this institution. Those rules may be found at chapter 10-08 WAC. Other procedural rules adopted in this title are supplementary to the model rules of procedure. In the case of a conflict between the model rules of procedure and procedural rules adopted in this title, the procedural rules adopted by this institution shall govern. Rules adopted at this institution prior to July 1, 1989, remain in full force and effect unless specifically repealed or amended.

NEW SECTION

WAC 1321-108-020 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, or a member in good standing of the Washington State Bar Association, or a panel of individuals, the president or his or her designee, or any combination of the above. When more than one individual is designated to be the presiding officer, one person shall be designated by the president or president's designee to make decisions concerning discovery, closure, means of recording adjudicative proceedings, and similar matters.

NEW SECTION

WAC 1321-108-030 METHOD OF RECORDING. Proceedings shall be recorded by a method determined by the presiding officer, among those available pursuant to the model rules of procedure in WAC 10-08-170.

NEW SECTION

WAC 1321-108-040 APPLICATION FOR ADJUDICATIVE PROCEEDING. An application for an adjudicative proceeding shall be in writing. Application forms are available at the following address:

Highline Community College
Office of Personnel Services
PO Box 98000
Des Moines, WA 98198-9800

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 1321-108-050 BRIEF ADJUDICATIVE PROCEDURES. (1) This rule is adopted in accordance with RCW 34.05.482 through

34.05.494, the provisions of which are hereby adopted. Brief adjudicative procedures shall be used in all matters related to:

(a) Parking violations. The procedural rules in chapter 1321-116 WAC apply to these proceedings;

(b) Student conduct proceedings. The procedural rules in chapter 1321-120 WAC apply to these proceedings;

(c) Outstanding debts owed by students or employees. The procedural rules in chapter 1321-122 WAC apply to these proceedings;

(d) Use of college facilities. The procedural rules in chapter 1321-140 WAC apply to these proceedings;

(e) Residency determinations made pursuant to RCW 28B.15.013. The procedural rules in chapter 1321-160 WAC apply to these proceedings;

(f) Use of library—fines. The procedural rules in chapter 1321-168A WAC apply to this section;

(g) Challenges to contents of education records. The procedural rules in chapter 1321-280 WAC apply to these proceedings;

(h) Loss of eligibility for participation in institution sponsored athletic events, pursuant to chapter 69.41 RCW. The procedural rules in chapter 1321-400 WAC apply to these proceedings.

(2) Brief adjudicative proceedings are informal hearings and shall be conducted in a manner which will bring about a prompt fair resolution of the matter.

NEW SECTION

WAC 1321-108-060 DISCOVERY. Discovery in adjudicative proceedings may be permitted at the discretion of the presiding officer. In permitting discovery, the presiding officer shall make reference to the civil rules of procedure. The presiding officer shall have the power to control the frequency and nature of discovery permitted, and to order discovery conferences to discuss discovery issues.

NEW SECTION

WAC 1321-108-070 ADJUDICATIVE PROCEEDINGS OPEN. Adjudicative proceedings shall be open to the public, except for student disciplinary matters, in compliance with 20 U.S.C. Sec. 1232g, the Family Educational Rights and Privacy Act, unless the student chooses to have the hearing open to the public; and faculty and administrative exempt disciplinary proceedings, unless the person subject of the proceedings chooses to have the hearing open to the public.

NEW SECTION

WAC 1321-108-080 PROCEDURE FOR CLOSING PARTS OF THE HEARINGS. A party may apply for a protective order to close part of a hearing. The party making the request should state the reasons for making the application to the presiding officer. If the other party opposes the request, a written response to the request shall be made within ten days of the request to the presiding officer. The presiding officer shall determine which, if any, parts of the proceeding shall be closed, and state the reasons therefor in writing within twenty days of receiving the request.

NEW SECTION

WAC 1321-108-090 RECORDING DEVICES. No cameras or recording devices shall be allowed in those parts of proceedings which the presiding officer has determined shall be closed pursuant to WAC 1321-108-070, except for the method of official recording selected by the presiding officer.

NEW SECTION

WAC 1321-108-100 PETITIONS FOR STAY OF EFFECTIVENESS. Disposition of a petition for stay of effectiveness of a final order shall be made by the official, officer, or body of officers, who entered the final order.

NEW SECTION

WAC 1321-108-110 RECONSIDERATION. (1) A student may file a petition for reconsideration of a final order. Such petition must be filed upon the office of the president within ten days of the service of a final order and must state the specific grounds upon which relief is requested.

(2) No petition for reconsideration may stay the effectiveness of an order.

(3) The petition shall be disposed of by the presiding officer who issued the final order.

NEW SECTION

WAC 1321-108-120 ABSENCE OF PRESIDENT. The president may designate another employee of the college to act in his place on a temporary basis during his absence. An employee appointed under this provision shall only have the authority to act upon matters which require a decision by the president within a limited period of time and the president, due to his absence, would be unable to decide such matter.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 1321-112-010 PURPOSE—ELECTIONS AND RECOGNITION.

WAC 1321-112-020 DEFINITIONS.

WAC 1321-112-030 REQUEST FOR ELECTION—CANVASS OF FACULTY EMPLOYEES BY INDEPENDENT AND NEUTRAL PERSON OR ASSOCIATION.

WAC 1321-112-040 NOTICE OF ELECTION—ORGANIZATION TO BE INCLUDED ON BALLOT—TIME FOR FILING.

WAC 1321-112-050 CONTENTS OF NOTICE OF ELECTION—DESIGNATION OF CHIEF ELECTION OFFICER—DUTIES.

WAC 1321-112-060 LISTS OF FACULTY EMPLOYEES—POSTING OF LISTS.

WAC 1321-112-070 ELECTION INSPECTORS—DUTIES—RIGHT TO CHALLENGE VOTER—IMPROPER CONDUCT.

WAC 1321-112-080 BALLOTS.

WAC 1321-112-090 RECORD OF VOTE—SIGNATURE—CHALLENGE.

WAC 1321-112-100 INCORRECTLY MARKED BALLOT.

WAC 1321-112-110 PRIVACY FOR VOTER—EQUIPMENT.

WAC 1321-112-120 FOLDING BALLOT—BALLOT BOX.

WAC 1321-112-130 CHALLENGED BALLOT—PROCEDURE.

WAC 1321-112-140 EMPLOYEES PRESENT ENTITLED TO VOTE—SEALING BALLOT BOX—UNUSED BALLOTS.

WAC 1321-112-150 ELECTION INSPECTORS DUTIES AFTER VOTING HAS TERMINATED.

WAC 1321-112-160 DISPOSITION OF CHALLENGED BALLOTS—TALLY SHEETS—INVESTIGATION BY CHIEF ELECTION OFFICER.

WAC 1321-112-170 COUNTING OF BALLOTS—PROCEDURE—CERTIFICATION OF RESULTS OF ELECTION—RETENTION OF BALLOTS—SIGNED VOTING LISTS.

WAC 1321-112-180 ELECTIONEERING WITHIN THE POLLS FORBIDDEN.

WAC 1321-112-190 CONTEST OF ELECTION—TIME FOR FILING OBJECTIONS—INVESTIGATION OF OBJECTIONS.

WAC 1321-112-200 PERSONS ELIGIBLE TO VOTE.

WAC 1321-112-210 ELECTION DETERMINED BY MAJORITY OF VALID VOTES CAST CALCULATED ON A WEIGHTED BASIS—RUN-OFF ELECTION.

WAC 1321-112-220 INCLUSION OF THOSE HOLDING ADMINISTRATIVE APPOINTMENTS EXCEPT CHIEF EXECUTIVE OFFICER.

WAC 1321-112-230 TIME LAPSE FOR NEW ELECTION.

WAC 1321-112-240 CERTIFICATION OF ACADEMIC EMPLOYEES' REPRESENTATIVE.

AMENDATORY SECTION (Amending Order 020, filed 6/26/84)

WAC 1321-116-010 PURPOSE. Pursuant to RCW 28B.50.140(10), as now or hereafter amended, the board of trustees of Highline Community College District 9 is granted authority to make rules and regulations for pedestrian and vehicular traffic over property owned, operated, or maintained by the college district. The purposes of parking and traffic rules and regulations are:

- (1) To protect and control pedestrian and vehicular traffic.
- (2) To assure access at all times for emergency equipment.
- (3) To minimize traffic disturbances during class hours.

(4) To facilitate the operation of the community college of the district by assuring access for vehicles and to regulate the use of parking spaces.

AMENDATORY SECTION (Amending Order 020, filed 6/26/84)

WAC 1321-116-090 DISPLAY OF PERMIT. The parking permit issued by the college shall be permanently affixed on the inside of the rear window on the lower left corner directly behind the driver. If the vehicle is a convertible or a truck camper, or has no permanently fixed rear window, the permit shall be displayed on the front windshield. Permits not displayed in accordance with the provisions of this section shall not be valid and vehicles displaying the improper placed permit shall be subject to citation. Permits shall be displayed on the front fender of a motorcycle, scooter, or bicycle.

AMENDATORY SECTION (Amending Order 020, filed 6/26/84)

WAC 1321-116-270 FINES AND PENALTIES. (1) Fines may be levied for all violations of the rules and regulations contained in WAC 1321-116-260.

In addition to a fine imposed under these regulations, illegally parked vehicle(s) may be taken to a place for storage as the campus police chief selects. The expenses of such impoundings and storage shall be the responsibility of the registered owner or driver of the vehicle. The college shall not be liable for loss or damage of any kind resulting from such impounding and storage.

(2) Parking and traffic fines and penalties schedule shall be adopted by the board of trustees. ~~((This schedule shall be published and made available for public review in the campus security office.))~~

(3) An accumulation of traffic violations by a student shall be cause for disciplinary action, and the dean of students may initiate disciplinary proceedings against such students.

(4) An accumulation of traffic violations by faculty or staff members shall be turned over to the controller for the collection of fines not received by the vice president, or his designee.

(5) Parking and traffic violations will be processed by the college. Parking and traffic fines are to be paid to the campus security office.

(6) The schedule of fines shall be reviewed by a parking advisory committee appointed by the student affairs council as requested by the dean of students or the vice president.

(7) Parking and traffic fines shall be charged for offenses as indicated in a separate document.

(8) In the event a student fails or refuses to pay a fine, the following may result:

- (a) Student may not be eligible to register;
- (b) Student may not be able to obtain a transcript or his grades or credits;
- (c) Student may not receive a degree until all fines are paid;
- (d) Student may be denied future parking privileges;
- (e) Vehicle may be impounded.

(9) Parking and traffic fines are due twenty days from the date of citation. Provided that if an appeal is taken, such fine shall be due twenty days from the date of service upon the violator of the result of the appeal.

NEW SECTION

WAC 1321-116-275 SCHEDULE OF FINES AND PENALTIES. Highline Community College parking and traffic fine schedule is as follows:

**Parked in wrong area (student in staff or visitor area)	\$5.00
**Parked in no parking zone	5.00
**Parked in firelane	5.00
**improperly parked - i.e., parked in a manner to obstruct traffic; occupying more than one space or over separator line; backed into stall (must be head-in); space not designated for parking	5.00
**no current hcc parking permit displayed	5.00
* no parking permit displayed - \$5.00.	

(Fine will be reduced to one dollar if the citation is returned to the campus security office within five school days from date of issuance and a current parking

permit is picked up during the five school-day period.)
first violation only:

** all of the above fines are \$5.00 for the first offense, and all subsequent offenses are \$15.00 each.

No current handicap permit	\$25.00
Speeding	10.00
Reckless/negligent driving	10.00
Failure to yield right-of-way	10.00
Failure to stop for stop sign	10.00
Wrong way on one-way road	10.00
Others - i.e., use of permit for vehicle other than to which registered; improper display of permit; use of forged, lost, or stolen permit	5.00

effective winter quarter 1992

AMENDATORY SECTION (Amending Order 020, filed 6/26/84)

WAC 1321-116-280 PARKING FEES. Parking fees shall be adopted by the board of trustees, specifying the charge per year and quarter. ~~((The fee schedule shall be published and made available for public review in the campus security office.))~~

NEW SECTION

WAC 1321-116-285 SCHEDULE OF PARKING FEES. Highline Community College parking fees are as follows:

parking fees:

Students registered for 0-5 credits	\$5.00 per quarter
Students registered for 6 or more credits	\$8.00 per quarter
Part-time faculty and staff	\$5.00 per quarter
Full-time faculty and staff	\$8.00 per quarter
Motorcycles, motorbikes, scooters	\$5.00 per quarter
Additional, replacement/second car	\$3.00 per quarter
Car pool permits (5 or more people)	No charge
Each additional vehicle in car pool (5 or more people)	No charge
Senior citizens registering under tuition waiver	\$3.00 per quarter
Annual permits (4 quarters)	\$29.00
Annual permits (3 quarters)	\$24.00
Special rates (summer quarters)	\$5.00 per quarter

All other registered students, i.e., community service self-supporting programs, GED will pay a \$.25 daily fee, any other exceptions must see the campus police chief in the campus security office. These fees include the state sales tax as required.

AMENDATORY SECTION (Amending Order 020, filed 6/26/84)

WAC 1321-116-300 APPEAL OF FINES AND PENALTIES. Any fines and penalties levied against a violator of the rules and regulations set forth herein, may be appealed. The appeal must be made in writing, within ~~((five college))~~ twenty calendar days from the date of the citation, to the campus police chief, who will:

(1) Review the appeal to determine whether a satisfactory solution, to all parties, can be reached without further administrative action.

(2) If the appellant is not satisfied with the decision of the campus police chief, an appeal may be made, in writing, to the college's vice president within ~~((seven working))~~ twenty-one calendar days of the appellant's receipt of the decision. Within twenty working days from the receipt of any such appeal, the college's vice president shall render a written decision. The dean of administration's decision will be final.

(3) ~~((If the appellant is not satisfied with the decision of the college's vice president, an appeal may be made to the college's president within seven days of the receipt of the vice president's decision.))~~

~~((4))~~ The final legal recourse for an appellant is to the Washington state superior court system.

~~((5))~~ (4) In the event that the appeal involves an impounded vehicle, the owner of such vehicle shall have the right to a hearing within ~~((48 hours of a request for such))~~ forty-eight hours of a request, or the first workday after impoundment if the vehicle is impounded on a Friday or on a Thursday if a three-day weekend, whichever is longer, for such, before the campus police chief. The owner of the vehicle shall

also be entitled to a release of his vehicle upon payment of a bond in the amount of the sum of the impoundment costs and the total of all fines due and owing. If at the hearing it is shown that the vehicle was improperly impounded, the owner of the vehicle shall be entitled to a refund of the costs of impoundment.

((6)) (5) In all appeals under this section, the appellant carries the burden of proof, which shall be a preponderance of the evidence.

AMENDATORY SECTION (Amending Order 022, filed 3/23/88)

WAC 1321-120-020 GENERAL POLICIES. (1) Highline Community College is an agency of the state of Washington and adheres to all local, state, and federal laws. The college is obligated to demonstrate respect for laws by cooperating in their enforcement.

(2) Highline Community College cannot and will not establish regulations which would abridge constitutional rights.

(3) Proper procedures are established to maintain conditions conducive to the effective performance of the function of the college, to protect individual students from unfair imposition of penalties, and to assure due process. Highline Community College is granted the right by law to adopt such rules as are deemed necessary to govern its operations.

(4) If these rules are broken, the college has the right and the obligation to take that action which is in the best interest of the entire college and which is commensurate with the constitutional rights of the individual.

(5) If a student is charged with an off-campus violation of the law, the matter shall be of no disciplinary concern to the college unless the student is incarcerated and unable to comply with academic requirements. If the violation of law occurs on campus and is also a violation of a published college regulation, the college may institute its own proceedings against the offender or may refer the violation to the appropriate civilian authorities for disposition. The college shall not proceed with a disciplinary action that in fact or appearance duplicates punishment for the same offense unless the interests of the college are implicated in some separate way by violation of law.

(6) The Highline College Student Union will have the right to participate in the formulation and ((reviewing)) review of all policies and rules pertaining to student conduct and in the enforcement of all such rules as provided by these rules.

(7) Rules of conduct and procedures of enforcement shall be printed and made available to all students.

(8) All rules herein adopted concerning student conduct shall apply to every student attending the college in any college facility.

AMENDATORY SECTION (Amending Order 022, filed 3/23/88)

WAC 1321-120-100 STUDENT RESPONSIBILITIES. (1) Students who choose to attend Highline Community College also choose to participate actively in the adult learning process offered by the college. As a process, learning is not a product or commodity which is bought and sold, but rather, is a relationship between teachers who are willing and competent to teach and learners who are willing and competent to learn. Therefore, the responsibility for learning is shared equally between students and staff.

(2) The college is responsible for providing its students ((and)) with an educational environment rich in the high quality resources needed by students to attain their individual educational goals. In return, students are responsible for making themselves aware of the full breadth of the resources available, for the timely choosing and appropriate use of those resources, and for the specific behavioral tasks necessary for attaining desired learning outcomes. Examples of specific student responsibilities are:

- (a) To become knowledgeable of and adhere to the college's policies, practices, and procedures;
- (b) To participate actively in the learning process, both in and out of the classroom;
- (c) To seek timely assistance in meeting educational goals;
- (d) To attend all class sessions;
- (e) To adequately prepare to participate fully in class activities;
- (f) To participate actively in the advising system,
- (g) To develop skills required for learning, e.g., basic skills, time management, motivation, study skills, and openness to the educational process;
- (h) To assume final authority for the selection of appropriate educational goals;
- (i) To select courses appropriate for meeting chosen educational goals;

(j) To evaluate the quality and quantity of resources available to students; and

(k) To contribute towards improving the college.

(3) As members of the Highline community, students are expected to obey all college rules and regulations and are prohibited from engaging in any unlawful conduct. Any student shall be subject to disciplinary action as provided for in this chapter (see WAC 1321-120-410) who, either as a principal actor, aider, abettor, or accomplice as defined in RCW 9A.08.020, as now law or hereafter amended, interferes with the personal rights or privileges of others or the educational process of the college; violates any provision of this chapter; or commits any of the following personal, property or status offenses which are hereby prohibited:

(a) Personal offenses.

(i) Assault, reckless endangerment, intimidation, or interference upon another person in the manner set forth in RCW 9A.36.010, 9A.36.020, 9A.36.030, 9A.36.040, 9A.36.050, or 28B.10.570 through 28B.10.572, as now law or hereafter amended.

(ii) Disorderly, abusive, or bothersome conduct. Disorderly or abusive behavior which interferes with the rights of others or which obstructs or disrupts teaching, research, or administrative functions.

(iii) Failure to follow instructions. Inattentiveness, inability, or failure of student to follow instructor's instructions, thereby infringing upon the rights and privileges of other students.

(iv) Illegal assembly, obstruction, or disruption. Any assembly or other act which materially and substantially interferes with vehicular or pedestrian traffic, classes, hearings, meetings, the educational and administrative functions of the college, or the private rights and privileges of others.

(v) False complaint. Filing a formal complaint falsely accusing another student or college employee with violating a provision of this chapter.

(vi) False alarms. Falsely setting off or otherwise tampering with any emergency safety equipment, alarm, or other device established for the safety of individuals and/or college facilities.

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

(b) Property offenses.

(i) Theft or robbery. Theft of the property of the district or of another as defined in the RCW 9A.56.010 through 9A.56.060 and 9A.56.100 as now law or hereafter amended.

(ii) Malicious mischief. Intentional or negligent damage to or destruction of any college facility or other public or private real or personal property.

(iii) Unauthorized use of college equipment and supplies. Converting of college equipment or supplies for personal gain or use without proper authority.

(c) Status offenses.

(i) Cheating and plagiarism. Submitting to a faculty member any work product that the student fraudulently represents to the faculty member as the student's work product for the purpose of fulfilling any assignment or task required by the faculty member as part of the student's program of instruction.

(ii) Forgery or alteration of records. Forging or tendering any forged records or instruments, as defined in RCW 9A.60.010 through 9A.60.020 as now law or hereafter amended, of any district record or instrument to an employee or agent of the district acting in his official capacity as such.

(iii) Refusal to provide identification in appropriate circumstances. Refusal to provide positive identification (e.g., valid driver's license or state identification card) in appropriate circumstances to any college employee in the lawful discharge of said employee's duties.

(iv) Illegal entry. Entering any administrative or other employee office or any locked or otherwise closed college facility in any manner, at any time, without permission of the college employee or agent in charge thereof.

(v) Smoking. Smoking in any classroom or laboratory, the library, or in any college facility or office posted "no smoking" or any other smoking not in compliance with chapter 70.160 RCW as now law or hereafter amended.

(vi) Controlled substances. Using, possessing, being demonstrably under the influence of, or selling any narcotic or controlled substance as defined in chapter 69.50 RCW as now law or hereafter amended, except when the use or possession of a drug is specifically prescribed as medication by an authorized medical doctor or dentist. For the purpose

of this regulation, "sale" shall include the statutory meaning defined in RCW 69.50.410 as now law or hereafter amended.

(vii) Alcoholic beverages. Being demonstrably under the influence of any form of alcoholic beverage. Possessing or consuming any form of alcoholic beverage on college property, with the exception of sanctioned events, approved by the president or his or her designee in compliance with state law.

(d) Failure to comply with the following regulations governing firearms and weapons:

(i) It shall be the policy of the college that carrying, exhibiting, displaying, or drawing any weapon, such as a dagger, sword, knife, or any other cutting or stabbing instrument or club or any other weapons apparently capable of producing bodily harm and/or property damage is prohibited on or in college facilities.

(ii) Explosives, incendiary devices, or any weapon facsimile are prohibited on or in college facilities.

(iii) It shall be the policy of the college that carrying of firearms on college facilities is prohibited except and unless the firearm is registered with the campus security for a specific period of time that the firearm is carried on campus.

(iv) The above regulations shall not apply to equipment or material owned, used, or maintained, by the college; nor will they apply to law enforcement officers.

NEW SECTION

WAC 1321-120-105 STUDENT RIGHTS. The following enumerated rights are guaranteed to each student within the limitations of statutory law and college policy which are deemed necessary to achieve the educational goals of the college:

(1) Academic freedom.

(a) Students are guaranteed the rights of free inquiry, expression, and assembly upon and within college facilities that are generally open and available to the public.

(b) Students are free to pursue appropriate educational objectives from among the college's curricula, programs, and services, subject to the limitations of RCW 28B.50.090 (3)(b).

(c) Students shall be protected from academic evaluation which is arbitrary, prejudiced, or capricious, but are responsible for meeting the standards of academic performance established by each of their instructors.

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

(2) Due process.

(a) The rights of students to be secure in their persons, quarters, papers, and effects against unreasonable searches and seizures is guaranteed.

(b) No disciplinary sanction may be imposed on any student without notice to the accused of the nature of the charges.

(c) A student accused of violating this code of student rights and responsibilities is entitled, upon request, to procedural due process as set forth in this chapter.

(3) Distribution and posting. Students may distribute or post printed or published material subject to official procedures printed and available in the dean of students office. All free publications not in violation of state and/or federal laws such as books, magazines, newspapers, handbills, leaflets, or similar materials may be distributed on campus. The college may restrict the distribution of any publications, where such distribution unreasonably interferes with college operations. Such materials may be distributed from authorized public areas in the student center and at any outdoor area on campus consistent with the maintenance of college property, with the free flow of traffic and persons, and not in a manner which in itself limits the orderly operation of college affairs. Any person desiring to distribute such publications shall first register with the dean of students so that reasonable areas and times can be assured and the activities of the institution will not be unduly interfered with. All handbills, leaflets, newspapers, and similarly related matter must bear identification as to the publishing agency and distributing organization or individual.

(4) Off-campus speakers. Recognized student organizations shall have the right to invite outside speakers to speak on campus subject to the availability of campus facilities, funding, and compliance with the college procedures available in the administrative office.

(5) Incidental sales. Students have the right to engage in incidental sales of personal property in a private transaction provided college facilities are not explicitly used for this purpose.

(6) Commercial activities. The use of college grounds or facilities for commercial or private gain purposes is prohibited except where commercial activity such as sale of books, instructional supplies, or food contribute to the operation of the instructional program or where limited sale is specifically authorized by the dean of students for the benefit of an approved activity.

(7) Fund raising. Students have the right to engage in fund raising activities for nonprofit organizations as recognized by the Internal Revenue Service. All fund raising activities must be approved by the dean of students.

(8) Sale of merchandise. All merchandise offered for commercial sale may be sold only through the college bookstore or college food services except when approved by the dean of students.

AMENDATORY SECTION (Amending Order 023, filed 3/27/89)

WAC 1321-120-400 AUTHORITY AND RESPONSIBILITY FOR DISCIPLINE. (1) The board of trustees acting in accordance with Washington state statutes does by written order delegate to the president of the college authority to administer disciplinary action. All disciplinary action in which there is a recommendation that a student be suspended or expelled from the college shall be acted upon by the president as defined in WAC 1321-120-030 (1)(g).

(2) Administration of the disciplinary procedure is the responsibility of the dean of students.

(3) The instructor is responsible for conduct in the classroom and is authorized to take such steps as are necessary when behavior of the student interrupts the normal classroom procedure. When such behavior may be so serious as to result in expulsion from the class, the instructor must report the infraction in writing to the dean of students at the earliest opportunity.

(4) The student has the right to appeal any disciplinary action of an instructor to the dean of students(:

~~(5) Students bringing children on campus are governed by existing state laws concerning their responsibility for the children)) as in accordance with the procedures set forth in WAC 1321-120-426 through 1321-120-432.~~

AMENDATORY SECTION (Amending Order 023, filed 3/27/89)

WAC 1321-120-410 DEFINITION OF DISCIPLINARY ACTION. The following disciplinary action may be imposed upon students according to the procedure outlined in WAC 1321-120-420.

(1) Admonition: An oral statement to a student that there is a violation and that continued violation may be cause for further disciplinary action.

(2) Warning: Notice in writing that continuation or repetition of conduct deemed wrongful, within a period of time stated in the warning, may be cause for more severe disciplinary action.

(3) Disciplinary probation: Formal action placing specific conditions upon the student's continued attendance and warning the student that further misconduct may subject him/her to dismissal.

(4) Restitution: Reimbursement for damage to or misappropriation of property. This may take the form of appropriate service or other compensation.

~~(5) ((Administrative withdrawal: Exclusion from classes and other privileges or activities in accordance with WAC 1321-120-430;~~

~~(6) Interim emergency withdrawal)) Summary suspension: Exclusion from classes and other privileges or activities in accordance with WAC ((1321-120-425)) 1321-120-426.~~

~~((7))~~ (6) Suspension: Exclusion from classes and other privileges or activities as set forth in the notice for a definite period of time.

~~((8))~~ (7) Dismissal: Termination of student status for an indefinite period of time. Conditions of reinstatement, if any, shall be stated in the order of dismissal.

AMENDATORY SECTION (Amending Order 022, filed 3/23/88)

WAC 1321-120-415 AUTHORITY TO REQUEST IDENTIFICATION. In situations of apparent misconduct or apparent unauthorized presence in a college facility, it may be necessary for properly identified college personnel to ask a person to produce evidence of being a currently enrolled student at the college. Failure to comply with a legitimate request for identification from a properly identified college personnel is a violation of this chapter (see WAC 1321-120-100 (c)(iii)) and may result in a disciplinary action if the person is found to be a student. In emergency situations, cases of serious misconduct or where there is a substantial danger to the college community or college

property, failure to produce identification ((as)) by a student may result in the assumption by college personnel that the person questioned is not a student and may result in direct civil or criminal action.

NEW SECTION

WAC 1321-120-421 INITIAL DISCIPLINARY PROCEEDINGS. (1) All disciplinary proceedings will be initiated by the appropriate dean or his or her designated representative. The student may be placed on suspension pending commencement of disciplinary action, pursuant to the conditions set forth in WAC 1321-120-426.

(2) Any student accused of violating any provision of the rules of conduct shall be called for an initial meeting and receive written notice of such meeting by first class mail with the appropriate dean or his or her designated representative. The student will be informed in writing of what provision or provisions of the rules of conduct he/she is charged with violating, and what appears to be the range of penalties, if any, which might result from initiation of disciplinary proceedings.

(3) After considering the evidence in the case and interviewing the accused student, if the accused student has appeared at the initial meeting, the dean 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 the dean deems appropriate;
- (c) Impose verbal warning to student directly, not subject to the student's right of appeal as provided in this chapter;
- (d) Impose additional sanctions of reprimand, probation, suspension, or dismissal, subject to the student's right of appeal as provided in the following provisions.

NEW SECTION

WAC 1321-120-424 SUMMARY SUSPENSION—PURPOSE. The purpose of WAC 1321-120-426 through 1321-120-432 is to establish rules implementing RCW 34.05.410 (1)(b) and 34.05.479.

NEW SECTION

WAC 1321-120-426 SUMMARY SUSPENSION PROCEEDINGS. (1) If a dean or his or her designee(s) has cause to believe that any student:

- (a) Has committed a felony; or
- (b) Has violated any provision of this chapter; and
- (c) Presents an imminent danger either to himself or herself, other persons on the college campus, or to the educational process; that student shall be summarily suspended and shall be served by certified and regular mail at the student's last known address, or shall be personally served.

Summary suspension is appropriate only where (c) of this subsection can be shown, either alone or in conjunction with (a) or (b) of this subsection. The dean or his or her designee shall enter an order as provided by law if the student is to be suspended.

(2) The notice shall be entitled "notice of summary suspension proceedings" and shall state:

- (a) The charges against the student including reference to the provisions of WAC 1321-120-100 or statutory law involved; and
- (b) That the student charged must appear before the appropriate dean or his or her designee at a time specified in the notice for a hearing. The hearing shall be held as soon as practical after the summary suspension.

NEW SECTION

WAC 1321-120-427 PROCEDURES OF SUMMARY SUSPENSION HEARING. (1) The summary suspension hearing shall be considered an emergency adjudicative proceeding. The proceeding must be conducted as soon as possible and the appropriate dean will preside over the meeting.

(2) The dean shall, at a summary suspension proceeding, determine whether there is probable cause to believe that continued suspension is necessary and/or whether some disciplinary action is appropriate.

NEW SECTION

WAC 1321-120-428 DECISION BY THE DEAN. If the dean, following the conclusion of the summary suspension hearing, finds that there is probable cause to believe that:

- (1) The student against whom specific violations are alleged has actually committed one or more such violations; and

(2) Summary suspension of said student is necessary for the safety of the student, other students or persons on college facilities, the educational process of the institution, or to restore order to the campus; and

(3) Such violation or violations constitute grounds for disciplinary action as provided for in WAC 1321-120-100; then the dean may continue to enforce the suspension of the student from college and may impose any other disciplinary action appropriate.

NEW SECTION

WAC 1321-120-429 NOTICE OF SUSPENSION. (1) If a student's summary suspension is upheld or if the student is otherwise disciplined, the student will be provided with a written notice including the dean's findings of fact and conclusions which lead the dean to believe that the summary suspension of the student should continue.

(2) The student suspended pursuant to the authority of this rule shall be served a copy of the notice of suspension by personal service or by certified and regular mail at the student's last known address within three working days following the conclusion of the hearing with the dean.

(3) The notice of suspension shall state the duration of the suspension or nature of the disciplinary action and conditions under which the suspension may be terminated.

NEW SECTION

WAC 1321-120-431 SUSPENSION FOR FAILURE TO APPEAR. The dean is authorized to enforce the suspension of the summarily suspended student in the event the student has been served pursuant to the notice requirement and fails to appear at the time designated for the summary suspension proceeding.

NEW SECTION

WAC 1321-120-432 APPEALS FROM SUMMARY SUSPENSION HEARING. Any student aggrieved by an order issued at the summary suspension proceeding may appeal to the discipline committee. No such appeal shall be entertained, however, unless:

- (1) The student has first appeared before the appropriate dean at the student hearing in accordance with WAC 1321-120-427;
- (2) The student has been officially notified of the outcome of the hearing;
- (3) Summary suspension or other disciplinary sanction has been upheld; and
- (4) The appeal conforms to the standards set forth in WAC 1321-120-441(2).

The discipline committee shall, within five working days, conduct a formal hearing in the manner described in WAC 1321-120-442.

AMENDATORY SECTION (Amending Order 022, filed 3/23/88)

WAC 1321-120-435 DISCIPLINE COMMITTEE. The college discipline committee will hear and make recommendations on all disciplinary cases referred to it by the dean of students or appealed to it by students who have been disciplined by the dean.

(1) The college discipline committee will be composed of the following members:

(a) A ((chairperson)) chair will be designated by the president of the college for a period of one year. The ((chairperson)) chair will be nonvoting. It is the responsibility of the ((chairperson)) chair to ensure that all procedural guidelines specified in WAC 1321-120-440 are followed, to take whatever steps are necessary during the hearing itself to ensure that the hearing is conducted in a safe and orderly manner, to advise the members of the committee concerning precedents and guidelines affecting the individual case, and to inform the student in writing of the action taken by the college discipline committee following the hearing.

(b) Two faculty members recommended by the faculty senate and appointed by the president. Two alternatives shall be recommended and appointed to serve in the event that appointees are unable to serve or complete their term. The committee members shall serve for one year terms.

(c) Two full-time student representatives shall be chosen by the HCSU in such manner as the members thereof shall determine. For the purposes of these rules a full-time student shall be defined as currently enrolled in twelve or more credit hours. Two alternates shall be appointed to serve in the event that members are unable to serve or complete their term.

(2) The committee shall be formed as early as possible in the fall quarter and shall be convened by the dean of students during the first four weeks of fall quarter to discuss these rules. Other meetings may be held as determined by the chairperson or requested by the committee members.

(3) Faculty or student members may be excused from service for the entire year, for a particular period of time, or after a particular case. Replacement of excused members shall be made from respective panels.

NEW SECTION

WAC 1321-120-441 APPEALS OF DISCIPLINARY ACTION—GENERALLY. (1) Appeals contesting any disciplinary action may be made by the student(s) involved. Such appeals shall be made in the following order:

(a) Disciplinary action taken by the dean or his or her designee(s) may be appealed to the discipline committee, which may, at the request of the dean, hear the case de novo.

(b) Disciplinary recommendations made by the discipline committee may be appealed by the student to the president of the college. The president shall review the record of the proceedings which give rise to the appeal, as well as the recommendations made by the dean and the discipline committee. The president's decision shall be final.

(2) Any appeal by a student receiving a disciplinary sanction must meet the following conditions:

(a) The appeal must be in writing and must clearly state errors in fact or matters in extenuation or mitigation which justify the appeal; and

(b) The appeal must be filed within twenty-one days from the date of service upon the student of notice that disciplinary action was being taken.

(3) All decisions shall be sent from the office of the dean to the president. Written decisions shall include the signature of the discipline committee chair. Copies shall be sent to the president of the college or his or her designee and the student involved in the proceeding.

NEW SECTION

WAC 1321-120-442 HEARING PROCEDURES BEFORE THE DISCIPLINE COMMITTEE. (1) The discipline committee shall conduct a hearing within fourteen working days after disciplinary action has been referred to it.

(2) When a person is charged with an offense punishable by suspension, or dismissal of his or her relationship with the institution, and where the person:

(a) Waives the opportunity for a brief adjudicative proceeding; or
(b) By his conduct in the judgment of the hearing officer makes it impossible to conduct a brief adjudicative proceeding; or

(c) Is dissatisfied with the results of the brief adjudicative proceeding; that person is entitled to an adjudicative proceeding according to the provisions of RCW 34.05.410 and the guidelines of this chapter. Where an adjudicative proceeding is neither required by law nor requested by the student or the college, the matter may be resolved informally. Brief adjudicative proceedings before the discipline committee shall be conducted in any manner which will bring about a prompt, fair resolution of the matter.

(3) The student has a right to a fair and impartial hearing before the discipline committee on any charge of violating the rules of conduct. However, the student's failure to cooperate with the committee's hearing procedures shall not preclude the discipline committee from making its findings of fact, conclusions, and recommendations.

(4) The student may be represented by counsel of his or her choice at the disciplinary hearing. If the student elects to choose a duly licensed attorney admitted to practice in the state of Washington as counsel, the student shall notify the chair at least five working days prior to the hearing.

(5) In all disciplinary proceedings, the college may be represented by a designee appointed by the president. That designee will then present the college's case against the student accused of violating the rules of conduct; provided, that in those cases in which the student elects to be represented by a licensed attorney, the president may elect to have the college represented by an assistant attorney general.

(6) The record in a formal hearing shall consist of all documents as required by law and as specified in RCW 34.05.476 as new law or hereafter amended.

(7) All records of disciplinary proceedings shall be maintained in the administrative office and shall be available only during the course of

the disciplinary proceedings to the discipline committee, the student, and his/her attorney, and any other college official designated by the president.

(8) Following the conclusion of the disciplinary proceeding, access to records of the case and the hearing files will be limited to those designated by the college president.

(9) Following final disposition of the case and any appeals therefrom, the president may direct the destruction of any records of any disciplinary proceedings, provided that such destruction is in conformance with the requirements of chapter 40.14 RCW, as now law or hereafter amended.

(10) The time of the hearing may be advanced by the discipline committee at the request of the student or continued for good cause.

(11) If at any time during the hearing a visitor disrupts the proceedings, the chair of the discipline committee may exclude that person from the hearing room.

(12) Any student of the college attending the disciplinary hearing who continues to disrupt the proceedings after the presiding officer has asked him/her to cease or to leave the hearing room, shall be subject to disciplinary action.

NEW SECTION

WAC 1321-120-443 EVIDENCE ADMISSIBLE IN HEARINGS. (1) Only those matters presented at the hearing, in the presence of the accused student (except where the student fails to attend after receipt of proper notice) will be considered in determining whether the discipline committee has sufficient cause to believe that the accused student is guilty of violating the rules he or she is charged with having violated. Hearsay evidence is admissible in the hearing.

(2) The presiding officer of the discipline committee shall, in the course of presiding at the disciplinary hearing, give effect to the rules of privilege recognized by law and exclude incompetent, irrelevant, immaterial, and unduly repetitious evidence.

(3) Evidence or testimony to be offered by or on behalf of the student in extenuation or mitigation shall not be presented or considered until all substantive evidence or testimony has been presented.

NEW SECTION

WAC 1321-120-444 DECISION BY THE DISCIPLINE COMMITTEE. (1) Upon conclusion of the disciplinary hearing, the discipline committee shall consider all the evidence therein presented and decide by majority vote whether to uphold the initial disciplinary action or to recommend institution of any of the following actions:

(a) That the college terminate the proceedings and exonerate the student; or

(b) That the college impose any of the disciplinary actions as provided in this chapter.

(2) The committee's written decision shall include findings of fact, conclusions of law, and recommendations for the final disposition of the matter at issue.

(3) Within seven working days of the conclusion of the hearing, the student will be provided with a copy of the committee's findings of fact and conclusions. The copy shall be dated and contain a statement advising the student of his or her right, to submit a written statement to the president of the college appealing the recommendation of the discipline committee.

NEW SECTION

WAC 1321-120-450 FINAL APPEAL. Any student who is aggrieved by the findings or conclusions of an appeal to the discipline committee may appeal the same in writing to the president within twenty-one days of service of notice upon the student of the action taken by the committee. The president may, at his or her discretion, suspend any disciplinary action pending determination of the merits of the findings, conclusions and disciplinary actions imposed. In the consideration of such an appeal, the president shall base his findings and decision only on the official written record of the case.

AMENDATORY SECTION (Amending Order 022, filed 3/23/88)

WAC 1321-120-510 MEMBERSHIP OF REVIEW COMMITTEE. (1) The review committee shall be composed of eight members. Four of these members shall be students appointed by the HCSU ((chairperson)) chair. Four members shall be appointed by the dean of students. Each member shall have one vote. The dean of students shall serve as a nonvoting ((chairperson)) chair.

(2) The term of office shall be for one academic year starting at the beginning of fall quarter.

NEW SECTION

WAC 1321-120-530 JURISDICTION. (1) All rules adopted in this chapter shall apply to every student whenever said student is present upon or in any college facility and whenever said student is present at or engaged in any college-sponsored activity which is held on or in noncollege facilities.

(2) Faculty members, other college employees, students, and members of the public who breach or aid or abet another in the breach of any provision of this chapter shall be subject to:

- (a) Possible prosecution under the state criminal law;
- (b) Any other civil or criminal remedies available to the public; or
- (c) Appropriate disciplinary action pursuant to the state of Washington higher education personnel board rules or the district's policies and regulations.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 1321-120-300 RIGHT OF ACADEMIC FREEDOM.
- WAC 1321-120-305 RIGHT OF EQUAL PROTECTION.
- WAC 1321-120-310 RIGHT OF ACCESS TO COLLEGE FACILITIES.
- WAC 1321-120-320 RIGHT TO INVITE OUTSIDE SPEAKERS.
- WAC 1321-120-325 RIGHT OF PUBLICATION.
- WAC 1321-120-335 RIGHT OF SALE AND DISTRIBUTION OF MATERIAL AND RIGHT TO CONDUCT FUND RAISING ACTIVITIES.
- WAC 1321-120-345 RIGHT TO PRIVACY OF RECORDS.
- WAC 1321-120-405 VIOLATIONS.
- WAC 1321-120-420 DISCIPLINARY PROCEDURE.
- WAC 1321-120-425 EMERGENCY WITHDRAWAL.
- WAC 1321-120-430 ADMINISTRATIVE WITHDRAWAL.
- WAC 1321-120-440 PROCEDURE OF THE COLLEGE DISCIPLINE COMMITTEE.

Chapter 1321-122 WAC

WITHHOLDING SERVICES FOR OUTSTANDING DEBTS

NEW SECTION

WAC 1321-122-010 STATEMENT OF POLICY. The college expects that students who receive services for which a financial obligation is incurred will exercise responsibility in meeting these obligations. Appropriate college staff are empowered to act in accordance with regularly adopted procedures to carry out the intent of this policy, and if necessary to initiate legal action to insure that collection matters are brought to a timely and satisfactory conclusion.

Admission to or registration with the college, conferring of degrees and issuance of academic transcripts may be withheld for failure to meet financial obligations to the college.

NEW SECTION

WAC 1321-122-020 WITHHOLDING SERVICES FOR OUTSTANDING DEBTS. Upon receipt of a request for services where there is an outstanding debt due the institution from the requesting person, the institution shall notify the person, in writing by certified mail to the last known address, that the services will not be provided since there is an outstanding debt due the institution, and further that until that debt is satisfied, no such services will be provided to the individual.

Notification that services will be withheld shall also inform the individual that he or she has a right to a hearing before a person designated by the president of the institution if he or she believes that no debt is owed. Notification shall also indicate that the request for the hearing must be made within twenty-one days from the date such notice is received. Upon receipt of a timely request for a hearing, the person designated by the president shall have the records and files of the institution available for review and, at that time, shall hold a brief adjudicative proceeding concerning whether the individual owes or owed any

outstanding debts to the institution. After the brief adjudicative proceeding, an order shall be entered by the president's designee indicating whether the institution is correct in withholding services and/or applying off set for the outstanding debt. If the outstanding debt is found to be owed by the individual involved, no further services shall be provided. The order and notice of discontinued service shall be sent to the individual within ten days after the hearing.

NEW SECTION

WAC 1321-122-030 APPEAL OF INITIAL ORDER UP-HOLDING THE WITHHOLDING OF SERVICES FOR OUTSTANDING DEBTS. Any person aggrieved by an order issued under 1321-122-020 may file an appeal with the president. The appeal must be in writing and must clearly state errors in fact or matters in extenuation or mitigation which justify the appeal. The appeal must be filed within twenty-one days from the date on which the appellant received notification of the order issued under WAC 1321-122-020 upholding the withholding of services for outstanding debts. The president's determination shall be final.

Chapter 1321-124 WAC GENERAL CONDUCT

NEW SECTION

WAC 1321-124-010 SMOKING. It shall be the policy of High-line Community College, consistent with its efforts to promote wellness, fitness, and a campus environment conducive to work, study, and activities for staff, students, and the public to maintain a smoke/tobacco free indoor campus environment. Use of tobacco products is permitted on campus outside of the buildings. Receptacles for smoking materials are provided and all are urged to use them to maintain litter free campus grounds.

The college recognizes the rights of those who choose to use tobacco and as such does not prohibit the use of tobacco products; it does, however, restrict the use of these materials to areas outside college facilities and vehicles.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 1321-128-011 PREAMBLE.
- WAC 1321-128-021 DEFINITIONS.
- WAC 1321-128-031 COMMITTEE COMPOSITION.
- WAC 1321-128-041 TENURE REVIEW COMMITTEE FUNCTIONS—ESTABLISHING CRITERIA.
- WAC 1321-128-051 TENURE REVIEW COMMITTEE FUNCTIONS—ONGOING RESPONSIBILITIES.
- WAC 1321-128-061 TENURE REVIEW COMMITTEE FUNCTIONS—PROBATIONER COMPLAINTS.
- WAC 1321-128-071 WORKING COMMITTEES—FUNCTIONS.
- WAC 1321-128-081 TENURE REVIEW COMMITTEE—TENURE RECOMMENDATION.
- WAC 1321-128-091 CONSIDERATION OF TENURE REVIEW COMMITTEE RECOMMENDATIONS BY THE APPOINTING AUTHORITY.
- WAC 1321-128-101 PROCEDURES FOR GRANTING TENURE—ADDITIONAL PROVISIONS.
- WAC 1321-128-110 APPEALS REVIEW COMMITTEE—COMPOSITION.
- WAC 1321-128-120 APPEALS REVIEW COMMITTEE—FORMATION.
- WAC 1321-128-130 APPEALS REVIEW COMMITTEE—FUNCTIONS.
- WAC 1321-128-140 NOTICE OF DISMISSAL.
- WAC 1321-128-150 APPEALS REVIEW COMMITTEE—FORMAL PROCEEDINGS.
- WAC 1321-128-160 PRESENTATION OF CASE.
- WAC 1321-128-170 CLOSED HEARING.
- WAC 1321-128-180 CONSIDERATION BY BOARD OF TRUSTEES.
- WAC 1321-128-190 PUBLICITY.
- WAC 1321-128-200 APPEAL FROM THE DECISION OF THE APPEALS REVIEW COMMITTEE AND THE APPOINTING AUTHORITY.

WAC 132I-128-310	FACULTY GRIEVANCE PROCEDURE—PURPOSE.
WAC 132I-128-320	DEFINITIONS.
WAC 132I-128-330	PROCEDURES.
WAC 132I-128-340	ADDITIONAL PROVISIONS.
WAC 132I-128-350	JURISDICTION OF THE ARBITRATOR.
WAC 132I-128-360	APPEAL OF ARBITRATION.
WAC 132I-128-800	RETIREMENT PLAN MEMBERSHIP.
WAC 132I-128-810	OASI DEDUCTIONS.
WAC 132I-128-820	RETIREMENT AGE.

Chapter 132I-130 WAC
TUITION AND FEE SCHEDULE

NEW SECTION

WAC 132I-130-010 TUITION AND FEE SCHEDULES. Chapter 28B.15 RCW sets the parameters for tuition and fee levels at state community colleges. The legislature establishes the tuition and fee rates each biennium. The tuition and fee rates charged by Highline are based on this legislation, the specific amounts to be charged are transmitted to Highline Community College by the state board for community college education.

NEW SECTION

WAC 132I-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 class schedule and at the following locations on the Highline campus:

- (1) The office of admissions;
- (2) The registration and records office;
- (3) The controller's office;
- (4) The continuing education office.

Chapter 132I-131 WAC
SCHOLARSHIPS

NEW SECTION

WAC 132I-131-010 SCHOLARSHIPS. Detailed information concerning the criteria, eligibility, procedures for application, and other information regarding scholarships may be obtained at the following address:

Highline Community College
Attn: Scholarships
PO Box 98000
2400 South 240th Street
Des Moines, WA 98198-9800

Chapter 132I-132 WAC
FINANCIAL AID

NEW SECTION

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

Highline Community College
Attn: Office of Financial Aid
PO Box 98000
2400 South 240th Street
Des Moines, WA 98198-9800

Award of federal and state aid will be made in accordance with applicable federal and state laws and regulations.

Chapter 132I-133 WAC
ORGANIZATION

NEW SECTION

WAC 132I-133-010 ORGANIZATION—OPERATION—INFORMATION. (1) Organization. Community College District No. 9 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 is

the chief executive officer of the institution. The president establishes the structure of the administration.

(2) Operation. The administrative office is located at the following address:

Highline Community College
PO Box 98000
2400 South 240th Street
Des Moines, WA 98198-9800

The office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays.

(3) Information. Additional and detailed information concerning the educational operations and course offerings may be obtained from the catalog, copies of which are available at the following address:

Highline Community College
PO Box 98000
2400 South 240th Street
Des Moines, WA 98198-9800

Chapter 132I-134 WAC
DESIGNATION OF RULES COORDINATOR

NEW SECTION

WAC 132I-134-010 RULES COORDINATOR. The rules coordinator for this institution shall have an office located at the office of the director of personnel, with the following mailing address:

Highline Community College
Office of Personnel Services
PO Box 98000
2400 South 240th Street
Des Moines, WA 98198-9800

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 132I-136-100	PURPOSE.
WAC 132I-136-110	RIGHT TO DENY USE OF FACILITIES.
WAC 132I-136-120	BASIS OF FEE ASSESSMENT.
WAC 132I-136-130	APPLICATION PROCEDURES.
WAC 132I-136-140	SUPERVISION DURING ACTIVITY.
WAC 132I-136-150	CARE AND MAINTENANCE OF FACILITIES AND EQUIPMENT.
WAC 132I-136-160	ATHLETIC FACILITIES.
WAC 132I-136-170	LIABILITY FOR DAMAGE.

Chapter 132I-140 WAC
USE OF FACILITIES

NEW SECTION

WAC 132I-140-010 PURPOSE. The trustees of Highline Community College believe that educational and community service opportunities are extended to the community when the college's buildings, grounds, and facilities are made available for use by the students, faculty, administration, staff, and the community. This use shall not interfere with regular college activities and shall be in accordance with the public interest, welfare, laws of the state of Washington, and in the best interest(s) of the college as interpreted by the administration of Highline Community College and/or the board of trustees.

Intended or actual use in conflict with these policies or construed to be in any way detrimental to the college's best interests and/or original intent for that facility are strictly prohibited.

NEW SECTION

WAC 132I-140-015 TRESPASS. (1) Individuals who are not students or members of the faculty or staff and who violate these regulations 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, as not law or hereafter amended.

(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 accord with established college policies.

(3) Persons who violate a district policy may have their license or privilege to be on district property revoked and be ordered to withdraw from and refrain from entering upon any district property. Remaining on or reentering district property after one's license or privilege to be on that property has been revoked shall constitute trespass and such individual shall be subject to arrest for criminal trespass.

NEW SECTION

WAC 132I-140-016 PROHIBITED CONDUCT AT COLLEGE FACILITIES. (1) State law governs the use or possession of intoxicants on campus or at college functions. The use or possession of unlawful drugs or narcotics, not medically prescribed, on college property or at college functions, is prohibited. Students obviously under the influence of intoxicants, unlawful drugs, or narcotics while in college facilities shall be subject to disciplinary action.

(2) The use of tobacco is restricted by law and by regulations of the smoking policy to designated smoking areas.

(3) Destruction of public property is prohibited by state law.

NEW SECTION

WAC 132I-140-110 RIGHT TO DENY USE OF FACILITIES. (1) The trustees reserve the right to deny facility use to individuals or groups of a private nature whose activities, be they secret or otherwise, are inconsistent with the open and public nature of Highline Community College and where such use would conflict with the purpose of state and federal laws against discrimination.

(2) If at any time actual use of college facilities by the individual or group constitutes an unreasonable disruption of the normal operation of the college, such use shall immediately terminate, all persons engaged in such use shall immediately vacate the premises, and leave the college property upon command of the appropriate college official.

(3) Any individual or group granted permission to use college facilities shall agree in advance to abide by all college rules and regulations. The college reserves the right to deny use of college facilities to any individual or group whose past conduct indicates a likelihood that college rules and regulations will not be obeyed.

(4) No single group shall be allowed use of facilities on a regular or continuing basis.

NEW SECTION

WAC 132I-140-120 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 position of the board of trustees is 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 continuing education.

(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 believes a commercial facility can be patronized. At no time shall 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 132I-140-130 APPLICATION PROCEDURES. (1) At least seven college 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 on a "use of facility" form which may be obtained through the college's office of community services. A single application may be sufficient for a series of meetings by an organization unless those meetings vary significantly in some substantive way; then 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 made available to 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 board of trustees reserves the right to cancel any permit and refund any payments for use of college facilities and equipment if the groups use of college facilities and/or equipment would violate any federal, state, local, or school law, regulation, or rule or when the planned use could subject the college to any liability.

(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) The decision to issue permits is based on the assumption that any admission charges are to be specified and approved by the college.

(9) Organizations using Highline Community College's facilities shall conduct all activities in accordance with all applicable local, state, and federal laws including the rules and regulations adopted by Community College District 9 as stated in Title 132I WAC and in the use of facility form.

NEW SECTION

WAC 132I-140-134 REQUEST FOR BRIEF ADJUDICATIVE PROCEEDING OVER DENIAL OF FACILITY USE. Any organization that is denied use of college facilities may challenge said denial by filing an appeal as specified in WAC 132I-140-135(2) with the president's designee.

Upon receipt of such appeal, the president's designee shall hold a brief adjudicative proceeding.

NEW SECTION

WAC 132I-140-135 APPEAL OF DENIAL OF FACILITY USE. (1) Any organization whose application for facility use has been denied may appeal such decision to the president.

(2) The appeal must be in writing and must clearly state errors in fact or matters in extenuation or mitigation which justify the appeal. The appeal must be filed within twenty-one days from the date of service upon appellant of the order denying use of facilities.

(3) The president's determination shall be final.

NEW SECTION

WAC 132I-140-140 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 Highline Community College facilities. Such service shall be paid at the current rate, by the organization requesting use of the facility (see WAC 132I-136-160), 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.

NEW SECTION

WAC 132I-140-150 CARE AND MAINTENANCE OF FACILITIES AND EQUIPMENT. (1) College-owned equipment shall not be removed from college facilities for loan or rental. Organizations wishing to use equipment in connection with a rental should make arrangements through the office of continuing education at the time of application. Further rental and operational restrictions may be outlined when the application is approved.

(2) Appropriate equipment is expected when using facilities when the absence of such special equipment may be detrimental to that facility (e.g., tennis shoes must be worn on gymnasium floors).

(3) Organizations allowed use of facilities are required to leave premises in as good condition as when the organization was admitted to its use. After facility use, organizations are required to arrange for proper disposal of decorations and other refuse when restoring the facility to its original condition for resumption of college use.

(4) Custodial and other services beyond those regularly scheduled to support normal college activities may be required for specific activities by outside groups, based on the size of group, the complexities of the event, or the facilities being used. Needed custodial services beyond that normally scheduled will result in that organization being charged at the established rate. All extra custodial time required as a result of the organization's use of the facility will be charged to the organization, including those receiving complimentary usage.

(5) The security staff should be contacted for problems with facilities. The security staff will monitor any permit violations.

(6) All moving of college equipment for facility use will be under permission and supervision of the college.

(7) Any decoration or use of facility that may result in permanent damage or injury to the facility is strictly prohibited.

NEW SECTION

WAC 1321-140-160 ATHLETIC FACILITIES. (1) Highline Community College playing fields may be used by community members and groups provided such use does not interfere with regular college activities and that proper permits for use of college grounds have been secured for activities other than unorganized casual use.

(2) Highline Community College allows only highly restricted use in scheduling the use of the swimming pool. Permitted users shall comply with all pool regulations, as determined by the college. Such regulations may vary based on the anticipated use. Applications should be made on a use of facility form obtained through the college's office of continuing education. A condition of rental is the college's right to set forth the number of lifeguards and to select and hire these lifeguards on its own criteria. Cost of usage will include these employee's salaries and other personnel expenses.

(3) The pavilion may be used by community organizations subject to the same restrictions and regulations governing the use of other facilities. Because of the size of the facility, most users will be required to have college personnel on site during usage. Cost of usage will include these employee's salaries and other personnel expenses.

NEW SECTION

WAC 1321-140-170 LIABILITY FOR DAMAGE. The lessee of college facilities, including agreement signatories and individual organizations leaders, shall be liable for any damage to college property occurring or having apparently occurred during the time the facility was being used by the organization. The lessee also agrees to hold harmless and indemnify Highline Community College, its agents, employees, officers, trustees, students and/or attorneys for any claim made against the college as a result of the lessee's use of college facilities. The college reserves the right to require using organizations to purchase insurance, naming the college as the insured, and may specify the amount of that insurance.

AMENDATORY SECTION (Amending Order 013, filed 1/6/76)

WAC 1321-160-010 PURPOSE. ((Highline Community College is chartered under the laws of the state of Washington (chapter 28B.50 RCW) to provide "... comprehensive education training and service programs to meet the needs of both the communities and students served by combining, with equal emphasis, high standards of excellence in academic transfer courses; realistic and practical courses in occupational education, both graded and ungraded; and community services of an educational, cultural, and recreational nature; and adult education." As an assurance that the greatest number of citizens benefit from this commitment, the board of trustees of Highline Community College is dedicated to an "open door" policy of admission. Admission and registration materials and information, including specific eligibility requirements, deadlines, and fees are available to all inquirers through the Office of Admissions and/or the Registrar's Office, Highline Community College, South 240th and Pacific Highway South, Midway, Washington 98031 (206-878-3710, extensions 361 and 242:)) The purpose of these policies and procedures is to establish a standard set of admission and registration practices that are necessary and appropriate for the administration of Highline Community College. For admission information contact the Admission Office, Highline

Community College, 2400 South 240th Street, P.O. Box 98000, Des Moines, Washington 98198-9800. For registration information contact the registrar's office at the same address.

AMENDATORY SECTION (Amending Order 013, filed 1/6/76)

WAC 1321-160-020 DEFINITIONS. ((These incorporated definitions reflect the minimum admissions standards outlined by Highline Community College's office of admissions. All definitions, policies and procedures stated herein are in alignment with appropriate sections of the Revised Code of Washington statutes and Highline Community College policies and procedures, as duly adopted by the Community College District No. Nine board of trustees.

(1) Applicant: Any person seeking admission to Highline Community College and who meets the minimum standards for community college admission as stated in WAC 1321-160-030.

(2) Matriculated student: Persons granted admission to Highline Community College, according to the procedures stated herein, are defined as "matriculated students."

(3) Veteran: Matriculated students, as defined by WAC 1321-160-020(2) and who were documented veterans of any branch of the United States Armed Forces are defined as "veterans."

(4) Vietnam veterans: Matriculated students as defined by WAC 1321-160-020(2) and who are also veterans, as defined by WAC 1321-160-020(3), having documented service in Cambodia, Laos, Thailand, or Vietnam during the period of August 5, 1964 to April 11, 1975.

(5) Foreign students: Persons applying or having applied for matriculation to Highline Community College, who are non-United States citizens, having satisfied all United States immigration requirements and completed all forms required by the United States immigration service, having satisfactorily completed the test of English as a foreign language (TOEFL) or Highline Community College English proficiency test, or equivalent, and having met the requirements stated on all Highline Community College foreign student forms (available through the office of admissions and registration) are defined as "foreign students."

(6) Former students: Students who formerly matriculated, as defined by WAC 1321-160-020(2), and who ceased course work at Highline for at least one quarter and are seeking readmission, are defined as "former students."

(7) Continuing students: Matriculated students, as defined by WAC 1321-160-020(2), wishing to register for the next quarter following the one in which they are presently enrolled are defined as "continuing students."

(8) Special students: Persons meeting the admission requirements of the Washington State Community College Act, but have not made formal application for admission to the college or any specific occupational program. These students may register for classes on a space available basis after "matriculated" students have completed the registration schedule.

(9) G.E.D.: The general educational development test is generally for the person 19 years old or older. Successful completion of the G.E.D. test means that a person has learned enough through experience, job training, and other informal educational experiences to have an education equivalent to a high school diploma.

(10) Resident student: A person who can provide documented evidence of being domiciled in the state of Washington, as specified in chapter 28B.15 RCW, for one year prior to the beginning of the term for which he registered, is defined as a resident. Exceptions are briefly described under WAC 1321-160-060.

(11) Nonresident student: Is any person who isn't considered a resident student as defined under WAC 1321-160-020(10).

(12) Student's file: A special file for each applicant and admitted student is maintained by the office of admissions and contains all of the documents pertaining to admission to Highline Community College (WAC 1321-160-030), and all official transcripts as submitted by other colleges and institutions. These materials are also available for later use by the counseling staff.

(13) Cumulative advising folder: A file similar to that maintained by the counseling center will be prepared and presented to each new matriculated student upon admission with the understanding that the student will maintain and update the information within that file as an aid for program planning in subsequent quarters.)) The following terms are defined below:

(1) Applicants: Persons seeking admission to Highline Community College.

(2) Students: Applicants granted admission to Highline Community College.

(3) Veterans: Applicants or students who are eligible to receive Department of Veterans' Affairs Educational Benefits.

(4) Vietnam veterans: Veterans who have documented service in Cambodia, Laos, Thailand, or Vietnam during the period of August 5, 1964, to April 11, 1975.

(5) International students: Applicants or students who are not United States citizens and who need F-1 or J-1 visas to attend Highline Community College.

(6) Newly admitted students: Students who have not previously attended Highline Community College.

(7) Currently enrolled students: Students who are registered in credit courses in the current quarter who wish to register for the following quarter. Students may skip summer quarter and maintain this status.

(8) Former students: Students who were registered in credit courses in a previous quarter but who are not currently enrolled in credit courses.

(9) Resident students: Resident students are applicants who can prove they have lived in Washington state for the entire year before the start of the quarter in which they register. Resident status may also be extended under certain conditions to Washington state higher education employees, federal employees, military personnel, and some veterans. These rules may extend to spouses, minor children, and dependents under most circumstances. More detailed definition is available in RCW 28B.15.012. A copy of the Revised Code of Washington is available in the Highline Community College library.

(10) Nonresident students: Students who meet the definition according to RCW 28B.15.012(3). A copy of the Revised Code of Washington is available in the Highline Community College library.

(11) Not regularly admitted students: Students who are eighteen years old or older and who do not have a high school diploma or GED.

(12) Registration by appointment: The initial period of registration for each quarter. Students and applicants are assigned days and times to register based upon the number of credits earned at Highline Community College. Students and applicants who wish to register for evening, Saturday, or continuing education courses do not require registration appointments. Those students register on a first-come, first-served basis during open enrollment.

(13) Late registration: The period of registration after registration by appointment. It continues through the end of the first week of the quarter. Few courses are available.

(14) Open enrollment: Class registration for which no appointments are necessary. Registration occurs on a first-come first-serve basis. Open enrollment occurs any time during the registration period for applicants or students who wish to register for evening, Saturday, or continuing education courses. It occurs during late registration for applicants or students who wish to register for daytime credit courses.

(15) GED: The General Educational Development test of the American Council on Education.

NEW SECTION

WAC 1321-160-025 ADMISSION POLICY. Highline Community College will admit applicants who:

- (1) Are competent to profit from the college's courses; and
- (2) Would not by their presence or conduct create a disruptive atmosphere within the college; and
- (3) Are at least eighteen years old, or who have an approved high school diploma or GED certificate, or who are juniors or seniors in high school with college level academic skills and who have the written permission of the principal of the high school the applicant attends; provided that such admission is not inconsistent with the best interests of the applicant, other students, or the orderly operation of the community college, public or private secondary schools, or other institutions of higher education.

NEW SECTION

WAC 1321-160-031 ADMISSION POLICY FOR APPLICANTS WHO ARE NOT ABLE TO DEMONSTRATE THEY ARE COMPETENT TO PROFIT FROM THE COLLEGE'S COURSES. Applicants, regardless of age, who have either a high school diploma or a GED credential are assumed to be competent to profit from the college's courses. Applicants who are eighteen years old or older without a high school diploma or GED credential are provisionally admitted in keeping with the open door policy. However, these

students may not necessarily be competent to profit from the college's courses. Therefore, these students are considered not regularly admitted students.

Provisional admission for these not regularly admitted students may be revoked if prior school records or professional testing or evaluation determines that the student is not competent to profit from the college's courses. The college may request such information on an as-needed basis. A review committee consisting of the director of admissions, a professional counselor, and the section 504 compliance officer shall review such documentation and make any determination of revocation.

NEW SECTION

WAC 1321-160-032 ADMISSION POLICY FOR APPLICANTS WHO ARE CURRENTLY ENROLLED IN A COMMON SCHOOL DISTRICT OR PRIVATE HIGH SCHOOL. Highline Community College admits applicants who are concurrently enrolled in a common school district or accredited private school and Highline Community College. These applicants must meet the requirements in WAC 1321-160-045.

NEW SECTION

WAC 1321-160-033 ADMISSION REQUIREMENTS. There are some requirements in addition to the general admission policy (WAC 1321-160-025). These are:

(1) Highline does not require specific test scores for admission to the college. However, assessment for advising, placement, and retention is required for all new students with less than forty-five transferable college-level credits and for entry into selected courses and programs. The college uses the ASSET system for this purpose. It is given at frequent intervals in the Highline Community College testing center.

(2) The following programs have special admission requirements and procedures: Dental Assistant, Diving Technician, Medical Assistant, Registered Nursing, Respiratory Care, GED, and High School. These programs have specific selection procedures due to limited space or special requirements. The requirements and procedures differ for each program. They are updated annually. Contact the Highline Community College office of admissions, for specific information.

NEW SECTION

WAC 1321-160-035 ADMISSION PROCEDURES. Applicants can become newly admitted students in two ways: Formal and informal. Both methods require applicants to meet the policy listed in WAC 1321-160-025 and the requirements listed in WAC 1321-160-033. The formal method is used for applicants who wish to register for daytime credit courses and who want the earliest possible registration appointment. The informal method is used by applicants who wish to register for evening or Saturday credit courses. The informal method is also used by all applicants during late registration. Persons granted admission by either process are newly admitted students.

(1) These are the formal application procedures:

(a) Complete and return either a state of Washington uniform community college application form or a Highline Community College application form to the admission office. These forms are available at any community college and at most high schools. Contact the admission office at Highline Community College to request an application form. There is no admission fee.

(b) Highline does not require transcripts from other colleges or high schools for admission to the college. Admission to some special programs requires transcripts. Students who wish to transfer credit from other accredited institutions to Highline should have official transcripts mailed to the registration office. Students wishing transcript evaluations must also complete a transcript evaluation request form which is available from the registration office. The registration office will notify students in writing of the evaluation. Transcript evaluation is a service and is not required for admission to the college.

(c) Falsification of documents for admission may result in disciplinary, civil, or criminal proceedings.

(2) These are the informal application procedures:

(a) Register for any credit course during open enrollment. No appointment is necessary during open enrollment. No application form is required. There is no admission fee.

(b) Highline does not require transcripts from other colleges or high schools for admission to the college. Admission to some special programs requires transcripts. Students who wish to transfer credit from

other accredited institutions to Highline should have official transcripts mailed to the registration office. Students wishing transcript evaluations must complete a transcript evaluation request form which is available from the registration office. The registration office will notify students in writing of the evaluation. Transcript evaluation is a service and is not required for admission to the college.

(c) Falsification of documents for admission may result in disciplinary, civil, or criminal proceedings.

NEW SECTION

WAC 1321-160-045 **ADMISSION REQUIREMENTS FOR APPLICANTS WHO ARE CURRENTLY ENROLLED IN A COMMON SCHOOL DISTRICT OR PRIVATE HIGH SCHOOL.** Applicants who are currently enrolled in a common school district or accredited private school and Highline Community College must meet the following requirements:

- (1) Applicants must be currently enrolled as juniors or seniors in a common school district or accredited private school. Students enrolled in a home school are not eligible for admission.
- (2) Applicants must take the entire ASSET assessment process and score at college level.
- (3) Applicants must not be on academic or disciplinary warning, probation, suspension, or dismissal status in their high school.
- (4) Applicants must have permission from their high school principal; applicants under the age of eighteen must also have permission of a parent or legal guardian.

NEW SECTION

WAC 1321-160-047 **ADMISSION PROCEDURES FOR APPLICANTS WHO ARE CURRENTLY ENROLLED IN A COMMON SCHOOL DISTRICT OR PRIVATE HIGH SCHOOL.** Applicants who are currently enrolled in a common school district or accredited private school and Highline Community College must perform the following procedures:

- (1) Demonstrate college level skills on the ASSET placement test.
- (2) Submit an official "authorization to register." This form is available from Federal Way, South Central, and Highline high schools and the admission office of Highline Community College.
- (3) The authorization to register form must have the signature of the high school principal, a college curriculum adviser, and, for students under the age of eighteen, a parent or legal guardian.
- (4) Pay for tuition, books, fees, and supplies.
- (5) Enroll only during open enrollment.
- (6) Enroll only in college level courses (numbered 100 or above). The college may limit access to some college level courses for these students.

AMENDATORY SECTION (Amending Order 013, filed 1/6/76)

~~WAC 1321-160-060 **RESIDENCY.** ((Tuition/matriculation fees are determined by Washington state resident/nonresident status as outlined by chapter 28B.15 RCW. A resident is defined as a person who can provide evidence of being domiciled in the state of Washington for one year prior to the beginning of the term for which he registered. Regardless of the above criteria, any person employed not less than 20 hours per week at any institution of higher education within the state of Washington and the children and spouses of such persons, federal employees in the state of Washington and their children and spouses, military personnel and their children and spouses residing or stationed in the state of Washington (unless stationed on a temporary basis for the purpose of reassignment or discharge processing) and all veteran residents whose first permanent duty option was in Washington state and who are receiving federal vocational or educational benefits as a result of military service, are eligible for resident tuition status.~~

~~A minor's domicile is that of his parents. Determination of resident or nonresident status rests with the office of the registrar. Appeals of this determination may be made by submitting a written request of appeal to the office of the registrar. Written notification of receipt of such a request will be mailed to the requesting student and the materials will be reviewed by the registrar with advice from the office of the attorney general of the state of Washington. The results of the decision based upon this review shall be sent to the requesting student.)) Students who meet the definition of resident students according to RCW~~

28B.15.012(2) shall be classified as resident students. Students not eligible for residency classification will be classified as nonresident students. A copy of the Revised Code of Washington is available in the Highline Community College library.

Students who have questions about their classification must complete a residency questionnaire and submit the necessary documentation to the registrar. This questionnaire is available in the registration office. The registrar will review the questionnaire and will notify the student in writing of the decision within one week. Appeals of the decision of the registrar are referred by the registrar to the office of the attorney general. A written response is generally available to the student within thirty days.

Students are responsible for registering under the proper residency classification. Students who are not sure of their residency status should fill out and then submit a completed residency questionnaire to the registrar.

NEW SECTION

WAC 1321-160-065 **REGISTRATION PROCEDURES.** There are two categories of registration procedures. One category applies only to daytime credit courses while the other category applies to evening and Saturday credit courses and all continuing education courses. In both cases, registration is not completed until the student completes and submits all registration material, pays in full for all tuition and fees, and has all these items accepted by the registration office.

(1) Daytime credit courses. The college prints the schedule of dates and times to register in "The Quarterly," which is Highline Community College's quarterly schedule of course offerings. One to two weeks before the start of registration, "The Quarterly" is available on campus in Building 6 and by mail. The registration office schedules currently enrolled, former, and newly admitted students, in that order, into three sets of registration appointments according to these rules:

(a) Currently enrolled students are assigned the first set of registration appointments on the basis of the number of credits earned at Highline Community College. Students with the highest number of earned credits are assigned the first block of appointments. Subsequent blocks of appointments are assigned on the basis of descending number of credits. Appointments are by date and students may register at any time on or after that date. Appointment dates are only found in registration appointment books located in the registration area, faculty buildings, the library, the Federal Way center, and the advising resource center. Appointment dates are listed by name. These appointment books are available two weeks before registration begins.

(b) Former students are assigned a date to register after currently enrolled student appointments. This date is announced in "The Quarterly." Former students may register any time on or after this date.

(c) Newly admitted students who complete the formal application process described in WAC 1321-160-030 are assigned the last set of appointments. The admissions office will notify these students by mail of their specific appointment time and date. Newly admitted students may register at their scheduled date and time, may reschedule with the admissions office for a later appointment, or may register during late registration.

(d) Late registration occurs after the period of appointments. It is a period of open enrollment. Fewer courses are available during this period. Students register without appointments. Any student eligible for admission (WAC 1321-160-030) may register during late registration. Mail-in registration is accepted during this period. Forms for mail-in registration are in "The Quarterly." Telephone registration is accepted during specific time periods only. These time periods are listed in "The Quarterly."

(2) Evening and Saturday credit courses and continuing education courses. Any student and any applicant eligible for admission (WAC 1321-160-030) may register for evening, Saturday, and continuing education courses at any time during the registration period without an appointment. Mail-in registration is accepted during this period. Forms for mail-in registration are in "The Quarterly." Telephone registration is accepted during specific time periods only. These time periods are listed in "The Quarterly."

AMENDATORY SECTION (Amending Order 013, filed 1/6/76)

~~WAC 1321-160-090 **CHANGES IN REGISTRATION.** (1) Changes in schedule: ((Classes or sections may be changed during specific days and times during the first week of the quarter. These dates and times are published in the college calendar, official college~~

schedule, and the daily bulletin. A change is not official until it has been processed through the registrar's office. Approval of an advisor or a counselor or by the instructor, while not required, is recommended.)) Students may change their course schedule after initial registration. Deadlines for changes are announced in "The Quarterly." Submit the change of schedule (add/drop) form to the registration office. Instructors' signatures are required after the first week of the quarter. This form is available in the registration area and educational planning center. Students may wish to talk with an advisor first.

(2) Dropping a ((class: A class may be dropped for a good cause. Any class dropped during the first three weeks of a quarter will not be recorded on a student's official transcript. For classes dropped later in the quarter, the student will be given a "W" for passing work or an "E" for failing work as determined by the instructor, based on his or her status in that class at the time the student drops that class. To drop a class and retain good academic standing at Highline or for transfer to another college at a later date, the student must follow the proper procedure as outlined on the "change of schedule request" form available from an adviser, the counseling center, or the office of registrar, which is as follows: During the first week of the quarter only the student's signature is required; student and instructor's signature required thereafter. The instructor of the class being dropped must be consulted. Consultation with an adviser or counselor is also recommended. No course withdrawals are permitted within the last two weeks of a quarter.)) course: Students may drop courses until the end of the ninth week of the quarter (except during summer). Instructors' signatures are required after the first week of the quarter. Classes dropped during the first three weeks of the quarter will not appear on student transcripts. Instructors have the option of assigning either a withdrawal grade (W) or, if the student is performing failing work at the time of withdrawal, a failing grade (0.0) to students who withdraw from a course after the third week of the quarter. Students may wish to talk with an adviser first. Check "The Quarterly" for the deadline to drop (withdraw) from courses.

(3) Withdrawal from college: ((Regulations about withdrawal from courses apply to withdrawal from the college. A student who wishes to withdraw from college altogether uses the same procedure as for dropping a class. The first step is to report to an adviser to initiate the withdrawal procedure. An official withdrawal from the college is granted only after all the forms are completed and accepted by the registrar's office. For a complete withdrawal from the college the signature of the instructor of each class, the adviser/counselor and student is required on the "change of schedule request" form at all times. No official withdrawals are permitted within the last two weeks of a quarter. Exceptions in these procedures may be made if withdrawal is requested by the college or is [if] there are extenuating circumstances. Determination of such exceptions rests with the registrar's office.

(4) A withdrawal or change in registration is official when it is filed on the proper form (available through the counseling center and/or the office of admissions and/or the office of the registrar), signed by a counselor or adviser (and course instructor if applicable), and accepted in the registrar's office.)) Students who wish to withdraw from Highline Community College use the same procedures as for dropping a course. The signature of the instructor of each course is required on the change of schedule (add/drop) form after the first week of the quarter. Students who do not officially withdraw and simply cease to attend courses may be assumed by the instructor to have not met minimum course requirements and therefore may be graded as having failed (0.0) the course.

AMENDATORY SECTION (Amending Order 013, filed 1/6/76)

WAC 1321-160-100 FEES. ((†) A nonrefundable \$10.00 application fee is payable upon application and is mandatory regardless of student status being sought.

(2) All matriculation fees are based on the residency/nonresidency requirements of these policies (WAC 1321-160-060) and upon chapter 28B.15 RCW and 1972 supplement, Title 28B RCW. Payment of a nonrefundable \$10.00 "registration deposit" is permissible to hold open a space for an applicant in order to allow more time to obtain full tuition fees.

(3) Special quarterly fees:

(a) Parking: Students with on-campus parking must pay a parking fee. On-campus parking rates vary according to the number of credit hours. Specific delineation of on-campus parking fees may be found in chapter 1321-116 WAC Parking and traffic rules and regulations, and are normally displayed at the office of registration.

(b) Some courses may have special additional fees as listed in the official class schedule. These fees are established by the board of trustees and are listed on "special instructional fees" which is available through the office of the registrar.

(c) There are various testing services available at Highline Community College each with a fee structure dependent upon the type of testing involved. A list of available tests and their individual costs may be obtained through the counseling center on campus.

(d) Some laboratory courses may assess a breakage fee which is dependent upon the type of equipment/course.

(4) A nonrefundable graduation fee of \$10.00 (or \$15.00 for concurrent degree awards) is due by March 15 of the graduation year. Such fees are transferable if graduation must be postponed.

(5) Processing fees: No processing fee will be charged for registration changes initiated by the college or for students wishing to add credits. Other changes in registration, resulting either in an equal or reduced course load will result in a \$2.00 process charge as will all other noncollege-initiated changes after the third week of any quarter.

(6) A complete explanation of the basis of these fees may be obtained under "tuition and fees" section of the general catalog.)) (1) Tuition and fees are based on residency requirements (WAC 1321-160-060) and upon chapter 28B.15 RCW, College and university fees. Tuition and fees are set by the Washington state legislature and are subject to change. The current tuition and fee schedule is available in "The Quarterly."

(2) Special quarterly fees:

(a) Parking: Students who park on-campus must pay a parking fee. On-campus parking rates vary according to the number of credit hours. Information about on-campus parking fees, traffic rules and regulations is available at the campus Security Office, Building 6, 878-3710, extension 218.

(b) Some courses may have additional fees as listed in the official quarterly course schedule. These fees are established by the board of trustees and are listed as "special instructional fees." Further information is available through the registration office.

(c) Some testing services charge a fee. A list of these services and fees may be obtained from the testing center.

(d) Some laboratory courses may assess a breakage fee.

(e) Processing fees: No processing fee will be charged for registration changes initiated by the college or for students wishing to add credits. Changes resulting in a reduced number of credits will be charged a two-dollar processing fee. All changes after the end of the third week of the quarter will result in a two-dollar processing fee. There is no charge for a complete withdrawal.

(f) An explanation of fees may be obtained under the "Quarterly Tuition and Fee Schedule" section of the Highline Community College catalog.

AMENDATORY SECTION (Amending Order 013, filed 1/6/76)

WAC 1321-160-110 REFUNDS. ((†) Classifications: Fees are refundable under the following contingencies:

(a) Complete withdrawal from all classes prior to the end of the third class week of the quarter.

(b) Change in registration resulting in a reduction of two or more credits below the total credits on which tuition and fees were determined, but no refund after the third class week.

(2) Exceptions: Only three fees are designated as strictly nonrefundable: Application, registration deposit, and graduation fees. (WAC 1321-160-030, 1321-160-100)

(3) Deductions: Refunds are subject to two types of deduction: If the total of tuition and fees paid at registration is \$30.00 or more, a fee of \$10.00 will be deducted; if the total is less than \$30.00, a fee of \$5.00 will be deducted.

After the \$10.00 or \$5.00 is deducted, the remainder of tuition and fees previously paid by the student will be subject to the following schedule of refunds:

Before the start of the first day of the academic quarter — 100% refund:

Before the end of the first week of the academic quarter — 80% refund:

Before the end of the third week of the academic quarter — 50% refund:

After the end of the third class week — no refund.

(4) Military service: Students who are forced to withdraw from all college work by being involuntarily called into military service or a reserve unit being called to active duty, are eligible for a letter issued by the registrar's office which will credit tuition paid for the current

quarter to a quarter when the student is able to resume his college work with Highline Community College.) Refunds resulting from official withdrawal from courses will be computed as follows for state supported courses:

(1) One hundred percent. The refund will be one hundred percent of the amount paid if an official withdrawal form is received in registration or at the Highline College Federal Way center before the close of business on the fifth calendar day of the quarter. The deadlines vary for summer quarter courses, late-starting courses, or short courses. Deadlines are published in "The Quarterly."

(2) Cancelled courses. When Highline Community College cancels a course, Highline will refund the total amount paid for the course unless the student enrolls in a course to replace the cancelled course. If the new course is for fewer credits, Highline will refund the difference.

(3) Fifty percent. Highline Community College will refund fifty percent of the total amount paid if an official withdrawal form is received in the registration office or at the Highline Community College Federal Way center after the fifth calendar day, but before the close of business on the 30th calendar day of the quarter. The deadlines vary for summer quarter courses, late-starting courses, or short courses. Deadlines are published in "The Quarterly."

(4) Summer quarter, late starting, and short courses. Refunds for these courses will be determined by the registrar.

(5) Continuing education classes. To obtain refunds for self-support courses, withdrawals must be received forty-eight hours before the first scheduled course meeting. Other refunds, except for course cancellation, will be made at the discretion of the director of continuing education.

(6) There is no refund of the twenty-five dollars nonrefundable fall quarter registration deposit to students who did not pay the total amount of their tuition and fees before the deadline. This deadline is published in "The Quarterly."

NEW SECTION

WAC 1321-160-120 APPEALS. Students have the right to appeal admission and registration decisions. Students are entitled to two levels of appeal. All appeals must be in writing. Admission decisions are appealed at the first level to the director of admissions and at the second level to the dean of students. Registration decisions are appealed at the first level to the registrar and at the second level to the dean of administration. The student must initiate an appeal at the first level. If the student is not satisfied with the decision at the first level, the student may appeal at the second level. The results of a second level appeal are final. Students may expect a written response to an appeal within ten working days.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 1321-160-030	BASIC POLICY OF ADMISSIONS.
WAC 1321-160-040	NONMATRICULANT POLICY OF ADMISSIONS.
WAC 1321-160-050	ADDITIONAL ADMISSIONS PROCEDURES FOR SPECIAL PROGRAMS.
WAC 1321-160-070	APPOINTMENTS TO REGISTER.
WAC 1321-160-080	REGISTRATION.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 1321-168-010	ACCESS TO PUBLIC RECORDS.
WAC 1321-168-020	PURPOSE.
WAC 1321-168-030	REQUEST FOR DOCUMENTS—PROCEDURE.
WAC 1321-168-040	APPEAL.
WAC 1321-168-050	EXEMPTIONS.
WAC 1321-168-060	COPYING.
WAC 1321-168-070	PROTEST.
WAC 1321-168-080	OFFICE HOURS.
WAC 1321-168-090	SANCTIONS.
WAC 1321-168-100	PUBLIC RECORDS FORM 1.
WAC 1321-168-110	PUBLIC RECORDS FORM 2.

AMENDATORY SECTION (Amending Order 012, filed 10/31/75)

WAC 1321-168A-030 DEFINITION OF TERMS. (1) Circulating material: Materials designated as available for library patrons to check out.

(2) Circulation period: The length of time materials may be checked out of the library. The time period varies with material's classification.

(3) Holds: A ((library patron wishing to check out circulating material already checked out may)) request that material be held for ((his/her use when returned)) a specific library patron's use when returned to the circulation desk.

(4) Library day: A library day is constituted by each day the library is open to the public.

(5) Library hours: A library hour is constituted by each hour the library is open to the public.

(6) Noncirculating materials: Materials designated ((as)) not available for library patrons to check out. Rare exceptions may be authorized by a librarian.

(7) Recalls: A request for a patron to return circulating materials under conditions prescribed in WAC ((1321-168-070 [codified as WAC 1321-168A-070]), the library may request a patron to return circulating materials)) 1321-276-070.

(8) Reserve material: Materials placed under specially supervised circulation at special request of a Highline instructor.

(9) Search: A patron may request the library to make special efforts to locate a particular piece of library material.

AMENDATORY SECTION (Amending Order 012, filed 10/31/75)

WAC 1321-168A-090 SCHEDULE OF FINES AND CHARGES. (1) Fines. The schedule of fines and charges is posted at the circulation desk and is available through the office of the director of the library. All patrons are subject to uniform application of this schedule. There are no fines levied for overdue materials that are in regular circulation. Fines are charged for overdue reserve, overnight, reference and special collections materials as follows:

(a) For materials under two to twenty-four hour circulation, fines are levied at a rate of \$.25/library hour ((see WAC 1321-168-020) [codified as WAC 1321-168A-020]) up through the first four hours inclusive and \$.10/library hour thereafter.

(b) For materials under three-day loan, fines are levied at a rate of \$.50/library day ((see WAC 1321-168-020) [codified as WAC 1321-168A-020]).

(c) For periodicals, fines are levied at a rate of \$.25/library day per item up to a maximum of \$2.00.

(2) Damage and replacement charges.

(a) Damage charges for all library materials, regardless of classification, will reflect the cost of repair but will not exceed the cost of replacement. Damages to special collection materials will be determined by the director of the library of his delegate. Charges for damaged reprints reflect the current copy-machine rates.

(b) Replacement charges are \$2.00 over the current list price of the lost or missing item. This rate for replacement applies to all library materials except:

(i) Vertical file materials which are assessed at \$2.00 per item;

(ii) Special collection materials which are assessed as determined by the director of the library or his delegate, and;

(iii) Periodical materials which are assessed at \$2.00 above the current list price for each periodical in addition to which bound periodicals will have an additional charge levied to reflect the cost of replacement and the cost of binding in volumes.

(3) Notification of overdue materials ((held against the student's record)) will be by mail to the address listed on the book card, registration roster or in the office of the registrar. Notice of materials placed on reserve may be by telephone and/or by mail. Responsibility for correct address information lies with the patron exclusively.

(4) Anyone owing over a total of \$50.00 in fines, damages and/or replacement charges shall have library privileges withheld as notified, in writing, by the director of the library or his delegate.

(5) Failure to return library materials and/or to settle disputes concerning fines, damages or replacement fees by the end of the quarter during which the material was circulated or the fine or fee was incurred may result in having library privileges suspended until the dispute is satisfactorily settled.

(6) Fines accrue from the first day or hour such materials are overdue.

(7) Failure to accommodate a library hold or recall effort may result in fines or similar appropriate disciplines.

(8) College employees who are terminating their employment at Highline Community College may have outstanding fines and/or charges deducted from final paychecks or may have final paychecks withheld until charges are paid.

AMENDATORY SECTION (Amending Order 012, filed 10/31/75)

WAC 1321-168A-100 APPEALS OF FINES AND CHARGES.

(1) Library patrons wishing to appeal fines and/or charges assessed by the library may do so by completing library forms found at the circulation desk. Completed forms are to be filed with a librarian at the circulation desk. Failure to file this form within ~~((ten))~~ twenty library days of the assessment of the fine or charge in question or within ~~((ten))~~ twenty days of the time the library patron was made aware of the fine or should have been aware of the fine shall be deemed a waiver of the right to appeal.

(2) ~~((Within three library days of filing an appeal form, the director of the library or his designee shall respond, in writing, specifically stating the proposed disposition of the appeal. This response shall be sent to the address listed on the appeal form.))~~ Upon receipt of a properly filed request for a brief adjudicative proceeding, the librarian shall conduct a hearing. Within ten days of such hearing, the librarian shall serve the patron with an initial order either upholding or denying the patron's appeal. Such order shall comply with the requirements of RCW 34.05.485 and WAC 10-08-210.

(3) ~~If the ((proposed disposition)) initial order is ((still)) considered unsatisfactory, the library patron may ((request a meeting)) file an appeal with the ((director of the library)) appropriate dean or his or her designee. Such request shall be made in writing, shall clearly state the grounds for the appeal, and shall be postmarked within ((ten)) twenty-one days of the ((time the patron received the response to the appeal or should have received the response)) date of service of the initial order. Failure to file this request within ((the ten)) twenty-one library days shall be deemed as acceptance of the disposition proposed by the director.~~

(4) ~~The ((director, upon receipt of a request for a meeting, shall establish a meeting time, within the library day, and a meeting place, within the library. The time of this meeting shall be not less than five days nor later than 20 days after the receipt of the request. The director shall send notice of the meeting time and place to the address listed on the appeal form)) dean's decision shall be final.~~

~~((5) If the library patron is not satisfied with the resolution of fine and/or charge after meeting with the director, the patron may request an administrative review of the decision. Such request must be made in writing, sent to the director of the library, and postmarked not later than 10 days after meeting with the director. Failure to file this request within the 10 days shall be deemed a waiver of the right for administrative review or other review as specified in this section.~~

~~(6) Within five days, the college president or vice president shall respond, in writing, to the request for administrative appeal. This response shall specifically state the proposed disposition of the appeal. The response shall be sent to the address listed on the appeal form.~~

~~(7) If the library patron is not satisfied with the proposed disposition of the fines and/or charges, the patron may request a meeting with the college president and vice president. Such request shall be made in writing, shall be sent to the director of the library, and shall be postmarked within 10 days of the time the patron received, or should have received, the response from the administrative review. Failure to file this request within 10 days shall be deemed as acceptance of the proposed response from the administrative appeal.~~

~~(8) The college president and/or vice president, upon receipt of request for a meeting, shall establish a meeting time, within a library day, and a meeting place on campus. The time of this meeting shall be not less than 10 days nor later than 20 days after the receipt of the request.~~

~~(9) If the library patron is not satisfied with the resolution after meeting with the president and/or vice president, the patron may request to be heard by the board of trustees. The procedures for requesting this meeting are set forth in the bylaws of the board of trustees (chapter 1321-104 WAC).)~~

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 1321-168A-020 BASIS OF POLICIES AND PROCEDURES.

Chapter 1321-276 WAC ACCESS TO PUBLIC RECORDS

NEW SECTION

WAC 1321-276-010 ACCESS TO PUBLIC RECORDS. This chapter shall be known as Highline Community College rules on public records.

NEW SECTION

WAC 1321-276-015 RECORDS INDEX. A records index of all documents as required by law shall be maintained by the college.

NEW SECTION

WAC 1321-276-020 PURPOSE. The purpose of this chapter is to ensure compliance by Highline Community College with chapter 42.17 RCW while at the same time preserving the orderly operation of the community college district and the privacy of the students and employees of the college.

NEW SECTION

WAC 1321-276-030 REQUEST FOR DOCUMENTS—PROCEDURE. (1) All documents which are public records as defined by chapter 42.17 RCW are presumptively available for public access, except as restricted by WAC 1321-276-050. Any person wishing to inspect a public record shall submit Form 1, described in WAC 1321-276-100. Each request must be presented to the records officer, or to his secretary during regular office hours of the college, as defined in WAC 1321-276-080.

(2) The records officer shall, by the close of that business day, if the request is presented before noon, or noon the following business day if the request is presented in the afternoon:

- Make the requested document available; or
- State that such a document does not exist; or
- Ask for clarification of the document requested; or
- Deny access because the document is exempt from public inspection under WAC 1321-168-050.

The action taken shall be marked on Form 1 and returned to the person submitting the form.

(3) The registrar is hereby designated as the records officer.

NEW SECTION

WAC 1321-276-045 REVIEW OF DENIALS OF PUBLIC RECORDS REQUEST. (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by filing Form 2 (WAC 1321-276-110), together with Form 1 as returned.

(2) The written request (Forms 1 & 2) by a person demanding prompt review of a decision denying a public record shall be submitted to the president or his designee.

(3) Within two business days after receiving the written request by a person petitioning for prompt review of a decision denying a public record, the president 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 fully comply with the intent of chapter 42.17 RCW insofar which requires providing full public access to official records, but shall also consider both the exemptions provided in RCW 42.17.310 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.

NEW SECTION

WAC 1321-276-050 EXEMPTIONS. (1) Public access to documents exempt under RCW 42.17.310 or exempted from disclosure by other state or federal law shall not be granted, unless the records officer determines that disclosure would not affect any vital governmental interest. If the interest can be protected by deletion of person references, access shall be granted following deletion of such material, and a reasonable time shall be allowed for deleting the material.

(2) Individual files on students of Highline Community College shall be available for inspection only as described by chapter 1321-280

WAC. The only information contained in the individual file of an employee shall be the name, status, salary, and teaching duties of the employee. The employee, however, shall have full access to his/her personnel file.

NEW SECTION

WAC 132I-276-060 COPYING. Persons granted access to public records pursuant to Form 1 shall be allowed to copy such documents on a designated copier of Highline Community College on payment of fifty cents per copy. The registrar will designate the copier and inspect the copies and records after the copying is completed. Payment shall be made to a cashier of the college who will issue a receipt which must be presented to the person in charge of the copying machine. The charge of fifty cents per copy is the reasonable cost of paper and copying charges for Highline Community College.

NEW SECTION

WAC 132I-276-070 PROTEST. Any employee or individual who believes a document has been or is about to be released, and, who believes his or her right to privacy will be infringed by public inspection of the document may file a protest with the president. If after consideration of the request for inspection and the protest, the president believes inspection should be denied, he or she should take appropriate action, including, if appropriate, the filing of a Section 33 request for an injunction.

NEW SECTION

WAC 132I-276-080 OFFICE HOURS. For purposes of this chapter, the regular office hours of Highline Community College shall be considered 9:00 a.m. through 4:00 p.m., Monday through Friday; except for legal holidays for state employees.

NEW SECTION

WAC 132I-276-090 SANCTIONS. In accordance with RCW 42.17.290, if a person granted access to public records pursuant to this chapter destroys, mutilates, or fails to return such documents, or who returns the documents in an unreasonably disorganized fashion, then the president may order that an adjudicative proceeding as defined in chapter 34.05 RCW be conducted to determine if sanctions should be levied against such person.

Any sanctions imposed under this provision shall be strictly limited to protecting public records and in no way shall they be imposed so as to violate the college's duty to comply with chapter 42.17 RCW.

Any sanctions imposed under this section may be appealed to the president. The president shall review the record of the proceedings which give rise to the appeal.

The appeal must be in writing and must clearly state errors in fact or matters in extenuation or mitigation which justify the appeal. The appeal must be filed within twenty-one days from the date of service of the initial order. The president's determination shall be final. If a student or employee of the district willfully destroys or mutilates records of the district, he/she may be subject to disciplinary proceedings pursuant to the student code of rights and responsibilities, or to the relevant rules and regulations of the district pertaining to faculty and classified staff.

NEW SECTION

WAC 132I-276-100 PUBLIC RECORDS FORM 1.

Community College District IX
Public Records Form 1

To:

The applicant requests inspection of the following documents:

- 1.
- 2.
- 3.

The applicant agrees to return the documents unharmed and in an orderly fashion.

Signed
Address

This form must be presented to the records officer or their secretary.

Disposition:

- The requested document is available for inspection.
- The college is not in possession of such a document.
- Please clarify precisely what documents are being requested as it cannot be determined from your application what documents are desired.
- The requested is denied because the document is:
 - (a) Personal information in a file maintained for a student of this institution.
 - (b) Personal information in a file maintained for an employee of the district disclosure of which would violate the employee's right to privacy.
 - (c) A preliminary draft, note, recommendation, or interagency memorandum in which opinions are expressed or policies formulated or recommended, which document has not been publicly cited by this agency in connection with an agency action.
 - (d) A record which is relevant to a controversy to which this agency is a party which record would not be available to another party under the rules of pretrial discovery.
 - (e) The document contains personal information which, when deleted, can be released, and such deletions will be completed by
 - (f) Other.

Signed

Title

A refusal to make a record available for inspection may be appealed to the president.

Received:

Returned:

Demand:

NEW SECTION

WAC 132I-276-110 PUBLIC RECORDS FORM 2.

Community College District IX
Public Records Form 2

To:

The applicant has been denied inspection of a document which is possessed by Community College District IX. The denial was made following submission of Form 1 (attached hereto).

The applicant appeals the disposition made on Form 1 and requests you to review this denial prior to the close of the second business day following the denial of the request.

Signed

Address

This form must be presented to the secretary of the president. The appellant understands the president is not available until, and agrees to an extension of the return until

Signed

Disposition:

- Inspection of the documents is granted.
- Inspection will be granted following deletion of personal material in the requested documents.
- Inspection of the documents is denied because

Signed
Title

Received:

Returned:

Demand:

Chapter 132I-280 WAC
FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF
1974

NEW SECTION

WAC 132I-280-010 CONFIDENTIALITY OF STUDENT RECORDS. The college continually receives requests from outside sources for information about students, both past and present. The staff and faculty of the college are reminded that 20 U.S.C 1232(g) the Family Educational Rights and Privacy Act of 1974 directs the college to adopt a policy on student education records to insure that information contained in such records is treated in a responsible manner with due regard to the personal nature of the information contained in those records. In order to prevent embarrassment or possible legal involvement of the college and its employees because of improper disclosure of information, it is important that college policy be implemented in the release of such information.

NEW SECTION

WAC 132I-280-015 DEFINITION OF A STUDENT. A student is defined as any person who is or has been officially registered at Highline Community College and with respect to whom the college maintains education records or personally identifiable information.

NEW SECTION

WAC 132I-280-020 EDUCATION RECORDS—STUDENT'S RIGHT TO INSPECT. (1) A student has the right to inspect and review his or her education records.

(a) For purposes of this section the term "education records" means those records, files, documents, and other materials which contain information directly related to a student.

(b) The term "education records" does not include:

(i) Records of instructional, supervisory, and administrative personnel which exist solely for the use of the maker and which are not accessible or revealed to any other person except a substitute.

(ii) In the case of persons who are employed by an educational institution but who are not attending that institution, records made and maintained in the normal course of business which relate exclusively to such person in that person's capacity as an employee and are not available for any other use.

(iii) Records on a student which are created or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional capacity, or assisting in that capacity and which are created, maintained, or used only in connection with the treatment of the student, and are not available to anyone other than persons providing such treatment; provided, however, that such records can be personally reviewed by a physician or other appropriate professional of the student's choice.

(2)(a) Recommendations, evaluations, or comments concerning a student that are provided in confidence, either expressed or implied, as between the author and the recipient, shall be made available to the student, except as provided in (b), (c), and (d) of this subsection.

(b) The student may specifically release his right to review where the information consists only of confidential recommendations respecting:

- (i) Admission to any educational institution; or
- (ii) An application for employment; or
- (iii) Receipt of an hour or honorary recognition.

(c) A student's waiver of his or her right of access to confidential statements shall apply only if:

(i) The student is, upon request, notified of the names of all persons making confidential statements concerning him; and

(ii) Such confidential statements are used solely for the purpose for which they were originally intended; and

(iii) Such waivers are not required as a condition for admission to, receipt of financial aid form, or receipt of any other services or benefits from the college.

(d) Recommendations, evaluations, or comments concerning a student that have been provided in confidence, either expressed or implied, as between the author and the recipient, prior to January 1, 1975, shall not be subject to release under (a) of this subsection. Such records shall remain confidential and shall be released only with the consent of the author. Such records shall be used by the institution only for the purpose for which they were originally intended.

(3) Where requested records or data include information on more than one student, the student shall be entitled to receive or be informed of only that part of the record or data that pertains to the student.

(4) Students have the right to obtain copies of their educational records. Charges for the copies shall not exceed the cost normally charged by the college (except in cases where charges have previously been approved by the board of trustees action for certain specified services, such as transcripts and grade sheets).

(5) The college registrar is the official custodian of academic records and therefore is the only official who may issue a transcript of the student's official academic record.

(6) Student education records may be destroyed in accordance with a department's routine retention schedule. In no case will any record which is requested by a student for review in accordance with this section and WAC 132I-280-025 be removed or destroyed prior to providing the student access.

NEW SECTION

WAC 132I-280-025 REQUESTS AND APPEAL PROCEDURES. (1) A request by a student for review of information should be made in writing to the college individual or office having custody of the particular record.

(2) An individual or office must respond to a request for education records within a reasonable period of time, but in no case more than thirty days after the request has been made. A college individual or office which is unable to comply with a student's request within the above-stated time period shall inform the student of that fact and the reasons in writing.

(3)(a) A student who feels that his or her request has not been properly answered by a particular individual or office or who feels that the information contained in those records is incorrect should contact the appropriate dean responsible for the individual or office for mediation.

(b) In cases where a student remains dissatisfied after consulting with the appropriate dean the student may then request a hearing by the president or his or her designee(s). Following the hearing, the hearing officer shall render his or her decision within a reasonable period of time. In all cases the decision of the hearing officer shall be final.

(c) In no case shall any request for review by a student be considered by the college which has not been filed with that body in writing within ninety days from the date of the initial request to the custodian of the record.

(d) The college shall not review any matter regarding the appropriateness of official academic grades beyond that provided for in WAC 132I-120-427, et seq.

NEW SECTION

WAC 132I-280-030 RELEASE OF PERSONALLY IDENTIFIABLE RECORDS. (1) 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 following:

(a) College staff, faculty, and students when officially appointed to a faculty council or administrative committee, when the information is required for a legitimate educational interest within the performance of their responsibilities to the college, with the understanding that its use will be strictly limited to the performance of those responsibilities.

(b) Federal and state officials requiring access to education records in connection with the audit and evaluation or a federally or state-supported education program or in connection with the enforcement of the federal or state legal requirements which relate to such programs. In such cases the information required shall be protected by the federal or state official in a manner which will not permit the personal identification of students and their parents to other than those officials and such personally identifiable data shall be destroyed when no longer needed for such audit, evaluation, or enforcement of legal requirements.

(c) Agencies or individuals requesting information in connection with a student's application for, or receipt of financial aid.

(d) Organizations conducting studies for or on behalf of the college for purposes of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction, if such studies are conducted in such a manner as will not permit the personal identification of students by persons other than representatives of such

organizations, and such information will be destroyed when no longer needed for the purposes for which it was provided.

(e) Accrediting organizations in order to carry out their accrediting functions.

(f) Any person or entity designated by judicial order or lawfully issued subpoena, upon condition that the student is notified of all such orders or subpoenas in advance of the compliance therewith. Any college individual(s) or office(s) receiving a subpoena or judicial order for education records shall immediately notify the assistant attorney general for the college before releasing the documents.

(2) Where the consent of a student is obtained for the release of education records, it shall be in writing, signed and dated by the person giving such consent, and shall include:

(a) A specification of the records to be released;

(b) The reasons for such release; and

(c) The names of the parties to whom such records will be released.

(3) In cases where records are made available without student release as permitted by subsection (1)(b), (c), (d), (e), and (f) of this section, the college shall maintain a record kept with the education record released which will indicate the parties which have requested or obtained access to a student's records maintained by the college and which will indicate the legitimate interest of the investigating party. Releases in accordance with subsection (1)(a) of this section need not be recorded.

(4) Personally identifiable education records released to third parties, with or without student consent, shall be accompanied by a written statement indicating that the information cannot be subsequently released in a personally identifiable form to any other parties without obtaining consent of the student.

(5) The term "directory information" used in subsection (1) of this section is defined as a student's name, address, telephone number, dates of attendance, and degrees and awards received. Students may request that the college withhold directory information through written notice to the registration office.

(6) Information from education records may be released to appropriate persons in connection with an emergency if the knowledge of such information is necessary to protect the health or safety of a student or other person(s).

NEW SECTION

WAC 1321-280-035 COLLEGE RECORDS. All college individuals or offices having custody of education records will develop procedures in accord with WAC 1321-280-010 through 1321-280-040. Any supplementary regulations found necessary by departments will be filed with the college which will be responsible for periodic review of policy and procedures.

No records shall be kept that reflect a student's political or ideological beliefs or associations.

NEW SECTION

WAC 1321-280-040 REVIEW OF RECORDS REQUESTS AND REQUESTS TO AMEND. (1) The registrar shall be responsible for reviewing unusual requests for information and for assisting in the interpretation of these rules.

(2)(a) A student who believes that information contained in his or her educational records is inaccurate or misleading or violates his or her privacy may request that the college amend these records.

(b) The college shall decide within ten working days of a student's request to amend records whether or not it will amend those records.

(c) If the college decides to refuse to amend the educational records of the student according to his or her request, it shall so inform the student of the refusal and advise the student of the right to a hearing.

(d) The student feeling aggrieved by a denial of his or her request to amend educational records may file an appeal requesting a formal adjudicative proceeding before the president or their designee.

(e) If, at the conclusion of the hearing process, the college still declines to amend the student's educational records, the student may place a statement in his or her educational records explaining that he or she feels that the records are erroneous and setting out the reasons for this belief. This statement shall be retained as long as the disputed information is on file and shall be forwarded with this information any time it is disclosed to an outside agency.

Chapter 1321-300 WAC GRIEVANCE PROCEDURES—TITLE IX—HANDICAPPED

NEW SECTION

WAC 1321-300-010 STATEMENT OF POLICY. It is the policy of Highline Community College not to discriminate on the basis of sex, disability, sexual orientation, race, color, national origin, or age in admission and access to, or treatment or employment in its programs or activities as required by Title IX of the Educational Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title VI of the Civil Rights Act of 1964, the Age Discriminating Act and their implementing regulations.

Sexual harassment is a form of sex discrimination. It occurs in a variety of situations which share a common element: The inappropriate introduction of sexual activities or comments into the work or learning situation, the creation of relationships of unequal power and/or elements of coercion, such as requests for sexual favors as a criterion for granting work, study, or grading benefits. Sexual harassment may also involve relationships among peers of repeated sexual advances or demeaning verbal behavior resulting in a harmful effect on a person's ability to study or work in the academic setting.

NEW SECTION

WAC 1321-300-020 DISCRIMINATION AND SEXUAL HARASSMENTS COMPLAINTS—PROCEDURE. (1) Any student or employee who believes that he or she has been the subject of discrimination or sexual harassment, should report the incident or incidents to one of the following college representatives: Title IX Officer, Coordinator of Health Services, Director of the Women's Programs, Director of Continuing Education. The college encourages the timely reporting of any incident(s) of discrimination or sexual harassment.

(2) All reports of incident(s) will be forwarded to the Title IX Officer for coordination and a determination on how to process the complaint.

(3) The Title IX Officer shall be an employee designated as such by the president. The president shall communicate his or her designation of the Title IX Officer to the community college as part of the president's statement as set forth in Section I, Part 1.

(4) The student or employee who files a complaint alleging discrimination or sexual harassment (the complainant) may submit a brief written statement of facts through one of the college representatives to the Title IX Officer. If the complainant does not submit a written statement, the Title IX Officer shall prepare a statement of facts which is approved by the complainant.

(5) The Title IX Officer shall appoint one of the college representatives to investigate the complaint. The Title IX Officer shall inform the complainant of the appointment.

(6) The college representative shall conduct an investigation based upon the written statement submitted by the complainant. If the complainant did not file a written statement, the representative shall conduct an investigation based upon the statement prepared by the Title IX Officer. The Title IX Officer will notify the person who is alleged to have committed the discrimination, or the harassment (respondent) of the complaint.

(7) The college representative shall conduct a thorough investigation. The investigation shall include, but is not limited to, providing the complainant and the respondent the opportunity to state their positions and interviewing witness. The investigation shall be concluded within a reasonable time, normally thirty days.

(8) At the conclusion of the investigation the college representative shall set forth his or her findings and recommendations in writing. The representative shall send a copy of the findings and recommendations to the complainant, the respondent, and the Title IX Officer.

(9) The Title IX Officer shall consider the findings and recommendations of the representative. The Title IX Officer shall determine whether disciplinary action is appropriate. The Title IX Officer shall advise the complainant and respondent of his or her decision.

(10) If the Title IX Officer determines that disciplinary actions should be instituted against an employee the applicable provisions of employee rights and responsibilities shall be followed. These provisions include but are limited to, state and federal constitutional and statutory provisions, rules of the higher education personnel board, collective bargaining agreements, and college policies.

(11) If the Title IX Officer determines that disciplinary action should be instituted against a student, the applicable provisions of the college student code shall be followed.

(12) If the Title IX Officer determines that disciplinary action is not appropriate and the complainant disagrees, the complainant may appeal, in writing, to the president.

(13) The procedures regarding complaints of discrimination shall be published and distributed as determined by the Title IX Officer. Any person who believes he or she has been subjected to sexual harassment will be provided a copy of this policy and procedure.

Chapter 1321-325 WAC
SEPA RULES

NEW SECTION

WAC 1321-325-010 IMPLEMENTATION OF STATE ENVIRONMENTAL POLICY ACT. (1) It shall be the policy of Community College District No. 9 that all actions taken by the district shall comply with the provisions of chapter 43.21C RCW (State Environmental Policy, chapters 197-11 and 131-24 WAC, as presently enacted or hereafter amended).

Chapter 1321-400 WAC
LOSS OF ELIGIBILITY—STUDENT ATHLETIC PARTICIPATION

NEW SECTION

WAC 1321-400-010 GROUNDS FOR INELIGIBILITY. Any student found by the college to have violated chapter 69.41 RCW by virtue of a criminal conviction or otherwise insofar as it prohibits the possession, use, or sale of legend drugs, including anabolic steroids, will be disqualified from participation in any school-sponsored athletic event or activity.

NEW SECTION

WAC 1321-400-020 SUSPENSION PROCEDURE—RIGHT TO HEARING. Any student notified of a claimed violation of WAC 1321-400-010 shall have the right to a brief adjudicative hearing if a written request for such a hearing is received by the dean of students within twenty-one days of receipt of a declaration of further athletic ineligibility. If no written request is received within twenty-one days after receipt of the declaration of athletic ineligibility, the student will be deemed to have waived any right to a brief adjudicative hearing and will be declared ineligible from further participation in school-sponsored athletic events for the remainder of the school year.

NEW SECTION

WAC 1321-400-030 SUSPENSION PROCEDURE—HEARING. If a timely written request for a hearing is made, the dean of students shall designate a hearing officer who shall be a college officer who is not involved with the athletic program to conduct the brief adjudicative hearing. The hearing officer shall promptly conduct the hearing and permit affected parties to explain both the college's view of the matter and the student's view of the matter. The brief adjudicative proceeding shall be conducted in accordance with the Administrative Procedure Act, RCW 34.05.482 through 34.05.494.

NEW SECTION

WAC 1321-400-040 DECISION. (1) The college official who acts as hearing officer shall issue a written decision which shall include a brief statement of the reasons for the decisions and a notice that judicial review may be available. All documents presented, considered, or prepared by the hearing officer shall be maintained as the official record of the brief administrative proceeding. A decision must be promptly rendered after the conclusion of the brief adjudicative hearing and in no event later than twenty days after the request for hearing is received by the dean of students.

(2) The student may appeal the hearing officer's decision to the president, in accordance with the procedures set forth in WAC 1321-120-450. The president's decision shall be final.

Chapter 1321-500 WAC
SEVERABILITY

NEW SECTION

WAC 1321-500-010 SEVERABILITY. If any provision of this title or its application to any person or circumstance is held invalid, the remainder of the title or the application of the provision to other persons or circumstances is not affected.

WSR 92-09-153
PROPOSED RULES
DEPARTMENT OF HEALTH
(Occupational Therapy Board)
[Filed April 22, 1992, 11:19 a.m.]

Original Notice.

Title of Rule: Definitions; initial application for individuals who have not practiced within the past four years; continued competency; reinstatement—expired license; inactive status; examinations; persons exempt from licensure pursuant to RCW 18.59.040(5); temporary practice permits; applicants licensed in other states; and monitored treatment program.

Purpose: Adding reentry requirements for OT/OTAs to assure professional competency; creates temporary practice permit for individuals licensed in other states; creates monitored treatment program for impaired OT/OTAs; and housekeeping changes.

Statutory Authority for Adoption: RCW 18.59.130.

Statute Being Implemented: Chapter 18.59 RCW.

Summary: Adding reentry requirements; monitored treatment program; clarifying renewal requirements; adding temporary practice permits; and housekeeping changes.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Carol Neva, 1300 S.E. Quince Street, Olympia, 753-3132.

Name of Proponent: Washington State Occupational Therapy Practice Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Adding reentry requirements; monitored treatment program; clarifying renewal requirements; adding temporary practice permits; and housekeeping changes.

Proposal Changes the Following Existing Rules: Re-defines "contact hour" under WAC 246-847-010(9); clarifies continued competency requirements for renewals under WAC 246-847-065; removes late fee for inactive status reinstatements under WAC 246-847-070; clarifies persons exempt from licensure under WAC 246-847-110; and makes housekeeping changes under WAC 246-847-080.

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

Hearing Location: WestCoast SeaTac, Tacoma Room, 18220 Pacific Highway South, Seattle, WA 98188, on June 5, 1992, at 1:30 p.m.

Submit Written Comments to: Department of Health, 1300 S.E. Quince Street, Olympia, WA 98504, FAX (206) 586-7774, by June 1, 1992.

Date of Intended Adoption: June 5, 1992.

April 22, 1992
Carol Neva
Program Manager

AMENDATORY SECTION (Amending Order 171B, filed 5/16/91, effective 6/16/91)

WAC 246-847-010 DEFINITIONS. (1) The following terms in RCW 18.59.020(2) shall mean:

(a) "Scientifically based use of purposeful activity" is the treatment of individuals using established methodology based upon the behavioral and biological sciences and includes the analysis, application and adaptation of activities for use with individuals having a variety of physical, emotional, cognitive and social disorders. Use of purposeful activity includes a process of continually modifying treatment to meet the changing needs of an individual. Purposeful activity is goal-oriented and cannot be routinely prescribed.

(b) "Teaching daily living skills" is the instruction in daily living skills based upon the evaluation of all the components of the individual's disability and the adaptation or treatment based on the evaluation. Components of a disability are physical, sensory, social, emotional and cognitive functions.

(c) "Developing prevocational skills and play and avocational capabilities" is not only the development of prevocational skills and play and avocational capabilities but the scientifically based use of purposeful activity.

(d) "Designing, fabricating, or applying selected orthotic and prosthetic devices or selected adaptive equipment" is not specific occupational therapy services if a person designs, fabricates, or applies selected orthotic and prosthetic devices or selected adaptive equipment for an individual if the device or equipment is prescribed or ordered by a health care professional authorized by the laws of the state of Washington to prescribe the device or equipment or direct the design, fabrication, or application of the device or equipment.

(e) "Adapting environments for the handicapped" is the evaluation of all the components of an individual's disability and the adaptation of the environment of the individual based on the evaluation. Components of a disability are physical, sensory, social, emotional and cognitive functions.

(2) "Supervision" and "regular consultation" of an occupational therapy assistant by an occupational therapist in RCW 18.59.020(4) and "direct supervision" of a person holding a limited permit by an occupational therapist in RCW 18.59.040(7) shall mean face to face meetings between the occupational therapist and occupational therapy assistant and between the occupational therapist and holder of a limited permit occurring at intervals as determined necessary by the occupational therapist to establish, review, or revise the client's treatment objectives. The meetings shall be documented and the documentation shall be maintained in each client's treatment record. The failure to meet to establish, review, or revise the client's treatment objectives at sufficient intervals to meet the client's needs shall be grounds for disciplinary action against the occupational therapist's license and/or the occupational therapy assistant's license to practice in the state of Washington and/or the limited permit pursuant to WAC 246-847-160 (4) and (14), 246-847-170 (2) and (3) and RCW 18.59.100 for conduct occurring prior to June 11, 1986 and pursuant to RCW 18.130.180 for conduct occurring on or after June 11, 1986.

(3) "Professional supervision" of an occupational therapy aide in RCW 18.59.020(5) shall mean:

(a) Documented training by the occupational therapist of the occupational therapy aide in each specific occupational therapy technique for each specific client and the training shall be performed on the client;

(b) Face to face meetings between the occupational therapy aide and the supervising occupational therapist or an occupational therapy assistant under the direction of the supervising occupational therapist occurring at intervals as determined by the occupational therapist to meet the client's needs, but shall occur at least once every two weeks; and

(c) The occupational therapist shall observe the occupational therapy aide perform on the client the specific occupational therapy techniques for which the occupational therapy aide was trained at intervals as determined by the occupational therapist to meet the client's needs, but shall occur at least once a month.

The meetings and client contacts shall be documented and the documentation shall be maintained in the client's treatment records. The

failure to meet at sufficient intervals to meet the client's needs shall be grounds for disciplinary action against the occupational therapist's license to practice in the state of Washington pursuant to WAC 246-847-160 (4) and (14), 246-847-170 (2) and (3) and RCW 18.59.100 for conduct occurring prior to June 11, 1986 and pursuant to RCW 18.130.180 for conduct occurring on or after June 11, 1986.

(4) Sections (2) and (3) of this rule shall not be effective until July 1, 1985.

(5) "Clients" include patients, students, and those to whom occupational therapy services are delivered.

(6) "Evaluation" is the process of obtaining and interpreting data necessary for treatment, which includes, but is not limited to, planning for and documenting the evaluation process and results. The evaluation data may be gathered through record review, specific observation, interview, and the administration of data collection procedures, which include, but are not limited to, the use of standardized tests, performance checklists, and activities and tasks designed to evaluate specific performance abilities.

(7) "Work site" in RCW 18.59.080 means the primary work location.

(8) "In association" for RCW 18.59.040(7) shall mean practicing in a setting in which another occupational therapist licensed in the state of Washington is available for consultation and assistance as needed to provide protection for the clients' health, safety and welfare.

(9) One "contact hour" is considered to be ((sixty)) fifty minutes.

(10) "Peer reviewer" shall mean a licensed occupational therapist chosen by the licensee to review the self study plan and verify that the self study activity meets the objectives for peer reviewed self study as defined in WAC 246-847-065.

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 246-847-055 INITIAL APPLICATION FOR INDIVIDUALS WHO HAVE NOT PRACTICED WITHIN THE PAST FOUR YEARS. (1) Any initial applicant who has not been actively engaged in the practice of occupational therapy within the past four years shall provide, in addition to the requirements for licensure as specified in RCW 18.59.050 and WAC 246-847-200:

(a) Evidence of having graduated from an approved occupational therapy or occupational therapy assistant program within the past four years; or

(b) Documentation of 30 hours of continued competency as described in WAC 246-847-065 for the previous two year period; and

(c) Evidence of having retaken and successfully passed the examination as defined in WAC 246-847-080 within the previous two year period.

(2) The applicant may be required to appear before the board for oral interview.

AMENDATORY SECTION (Amending Order 171B, filed 5/16/91, effective 6/16/91)

WAC 246-847-065 CONTINUED COMPETENCY. Beginning January 1, 1993, evidence of continued competency completed after January 1, 1991, for the practice of occupational therapy shall include a minimum of thirty contact hours of continuing education ((per)) for each two year license renewal period. The thirty contact hours may be obtained through two or more of the following methods which have specified goals and objectives relating to the practice of occupational therapy as defined in RCW 18.59.020 and ((WAC 308-171-001)) WAC 246-847-010; inservices, coursework, conferences, workshops, peer reviewed self study, presentations, or publications.

NEW SECTION

WAC 246-847-068 REINSTATEMENT—EXPIRED LICENSE. (1) Any occupational therapist or occupational therapy assistant who has not placed his or her license on inactive status as described in WAC 246-847-070 and who fails to renew the license by the date set by the secretary for renewal shall automatically expire. The licensee may, within four years from the date of expiration, request the license to be revived upon payment of the renewal and late renewal fees determined by the secretary.

(2) If a license has expired for more than four years, the license may be revived under the following conditions:

- (a) Submission of a written application to the board on forms provided by the secretary together with:
 - (b) Renewal and late renewal fees; and
 - (c) Documentation of 30 hours of continued competency as described in WAC 246-847-065 for the previous two year period; and
 - (d) Evidence of having retaken and successfully passed the examination as defined in WAC 246-847-080 within the previous two year period.
- (3) The applicant may be required to appear before the board for oral interview.

AMENDATORY SECTION (Amending Order 112B, filed 2/12/91, effective 3/15/91)

WAC 246-847-070 **INACTIVE STATUS.** An occupational therapist or occupational therapy assistant, in good standing, may place his or her license on inactive status by giving written notice to the secretary, and may within two years thereafter resume active practice upon payment of a ~~((late))~~ renewal fee and by completion of the continued competency requirements as specified in ~~((WAC 308-171-044))~~ WAC 246-847-065. A license may be reinstated after a period of inactive status of up to four years, with proof of completion of continued competency within two years prior to reactivation and payment of a ~~((late))~~ renewal fee. A license may be reinstated after a period of inactive status of more than four years under such circumstances as ~~((the secretary determines with the advice of the board))~~ defined in WAC 246-847-068. A person whose license is on inactive status shall not practice as an occupational therapist or occupational therapy assistant until his or her license is activated.

AMENDATORY SECTION (Amending Order 112B, filed 2/12/91, effective 3/15/91)

WAC 246-847-080 **EXAMINATIONS.** (1) The current series of the American Occupational Therapy ~~((Association certification))~~ Certification Board examination shall be the official examination for licensure as an occupational therapist or as an occupational therapy assistant.

(2) The examination for licensure as an occupational therapist shall be conducted twice a year, in January and July.

(3) The examination for licensure as an occupational therapy assistant shall be conducted twice a year, in January and July.

(4) The ~~((executive secretary))~~ program manager of the board shall negotiate with the American Occupational Therapy ~~((Association, Inc.))~~ Certification Board for use of the certification examination.

(5) The examination shall be conducted in ~~((accord))~~ accordance with the American Occupational Therapy ~~((Association, Inc.'s))~~ Certification Board security measures and contract.

(6) Applicants shall be notified of the examination results in accordance with the procedures developed by the American Occupational Therapy ~~((Association, Inc.))~~ Certification Board.

(7) Examination scores will not be released except as authorized by the applicant in writing.

~~((8))~~ Public notice of the examination dates shall be provided by issuance of press releases by the department at least ninety days prior to the examination dates.

~~((9))~~ (8) To be eligible for a license, applicants must attain a passing score on the examination administered by the American Occupational Therapy ~~((Association, Inc.))~~ Certification Board.

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 171B, filed 5/16/91, effective 6/16/91)

WAC 246-847-110 **PERSONS EXEMPT FROM LICENSURE PURSUANT TO RCW 18.59.040(5).** (1) To qualify for the exemption from licensure pursuant to RCW 18.59.040(5), the individual claiming the exemption shall have been actively engaged in the practice of occupational therapy within the preceding four year period and shall in writing notify the department, at least thirty days before any occupational therapy services are performed in this state, of the following:

(a) In which state(s) the individual is licensed to perform occupational therapy services and the license number(s); ~~((or))~~ and

(b) The name, address and telephone number of at least one facility or employer where the individual has been engaged in the practice of occupational therapy within the preceding four years; or

~~((b))~~ (c) If the exemption is claimed pursuant to RCW 18.59.040(5)(b), the individual shall submit a signed notarized statement attesting to:

(i) ~~((having))~~ Having passed the American Occupational Therapy ~~((Association certification))~~ Certification Board examination ~~((and))~~

(ii) ~~((having))~~ Having engaged in occupational therapy practice within the preceding four years, including the name, address and telephone number of at least one facility or employer during this period;

(iii) ~~((not))~~ Not having engaged in unprofessional conduct or gross incompetency as established in WAC 246-847-160 for conduct occurring prior to June 11, 1986 and as established in RCW 18.130.180 for conduct occurring on or after June 11, 1986; and not having been convicted of a crime involving moral turpitude or a felony relating to the profession of occupational therapy; and

(c) A signed notarized statement describing when the occupational therapy services will be performed, where the occupational therapy services will be performed, and how long the individual will be performing occupational therapy services in this state.

(2) A ninety-day temporary permit must be received by the occupational therapist prior to rendering of occupational therapy services.

(3) "Working days" in RCW 18.59.040(5) shall mean consecutive calendar days.

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

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

NEW SECTION

WAC 246-847-117 **TEMPORARY PRACTICE PERMITS—ISSUANCE AND DURATION PURSUANT TO RCW 18.130.075.**

(1) Unless there is a basis for denial of an occupational therapist or occupational therapy assistant license, an applicant who is currently licensed in another state, the District of Columbia, or a territory of the United States considered by the board to have licensing standards substantially equivalent to Washington's shall be issued a temporary practice permit after receipt of the following documentation by the Department of Health:

(a) Submission of a completed occupational therapist or occupational therapy assistant 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; and

(c) Direct written verification of current licensure from the state whose licensing standards are substantially equivalent to Washington's.

(2) The temporary practice permit shall expire upon the issuance of a license by the board; initiation of an investigation by the board; or 90 days, whichever occurs first.

(3) An applicant who receives a temporary practice permit and who does not complete the licensure application process shall not receive additional temporary practice permits even upon submission of a new application in the future.

NEW SECTION

WAC 246-847-125 **APPLICANTS CURRENTLY LICENSED IN OTHER STATES OR TERRITORIES.** (1) Before licensure may be extended to any individual currently licensed to practice as an occupational therapist or occupational therapy assistant in another state, the District of Columbia, or a territory of the United States as provided in RCW 18.59.070(2), the following conditions must be met:

(a) Evidence of having met the requirements for licensure as provided in RCW 18.59.050; and

(b) Verification of licensure from another state, the District of Columbia, or a territory of the United States on forms provided by the secretary; and

(c) Verification of having successfully completed the American Occupational Therapy Certification Board examination; and

(d) Evidence of having been actively engaged in the practice of occupational therapy within the preceding four year period.

(2) If the applicant has not been actively engaged in the practice of occupational therapy within the preceding four years or longer, the following conditions must be met:

(a) Submission of documentation of 30 hours of continued competency as described in WAC 246-847-065 for the previous two year period; and

(b) Evidence of having retaken and successfully passed the examination as defined in WAC 246-847-080 within the previous two year period.

(3) The applicant may be required to appear before the board for oral interview.

NEW SECTION

WAC 246-847-340 PHILOSOPHY GOVERNING VOLUNTARY SUBSTANCE ABUSE MONITORING PROGRAMS. The board recognizes the need to establish a means of proactively providing early recognition and treatment options for occupational therapists and occupational therapy assistants whose competency may be impaired due to the abuse of drugs or alcohol. The board intends that such occupational therapists or occupational therapy assistants be treated and their treatment monitored so that they can return to or continue to practice their profession in a way which safeguards the public. To accomplish this the board shall approve voluntary substance abuse monitoring programs and shall refer occupational therapists and occupational therapy assistants impaired by substance abuse to approved programs as an alternative to instituting disciplinary proceedings as defined in RCW 18.130.160

NEW SECTION

WAC 246-847-350 TERMS USED IN WAC 246-847-340 THROUGH 246-847-370. (1) "Approved substance abuse monitoring program" or "approved monitoring program" is a program the board has determined meets the requirements of the law and the criteria established by the board in WAC 246-847-350 which enters into a contract with occupational therapists and occupational therapy assistants who have substance abuse problems regarding the required components of the occupational therapist's or occupational therapy assistant's recovery activity and oversees the occupational therapist's or occupational therapy assistant's compliance with these requirements. Substance abuse monitoring programs do not provide evaluation or treatment to participating occupational therapists or occupational therapy assistants.

(2) "Contract" is a comprehensive, structured agreement between the recovering occupational therapist or occupational therapy assistant and the approved monitoring program stipulating the occupational therapist's or occupational therapy assistant's consent to comply with the monitoring program and its required components of the occupational therapist's or occupational therapy assistant's recovery activity.

(3) "Approved treatment facility" is a facility approved by the bureau of alcohol and substance abuse, department of social and health services according to RCW 70.96A.020(2) or 69.54.030 to provide intensive alcoholism or drug treatment if located within Washington state. Drug and alcohol treatment programs located out-of-state must be equivalent to the standards required for approval under RCW 70.96A.020(2) or 69.54.030.

(4) "Substance abuse" means the impairment, as determined by the board, of an occupational therapist's or occupational therapy assistant's professional services by an addiction to, a dependency on, or the use of alcohol, legend drugs, or controlled substances.

(5) "Aftercare" is that period of time after intensive treatment that provides the occupational therapist or occupational therapy assistant and the occupational therapist's or occupational therapy assistant's family with group or individual counseling sessions, discussions with other families, ongoing contact and participation in self-help groups and ongoing continued support of treatment program staff.

(6) "Support group" is a group of health care professionals meeting regularly to support the recovery of its members. The group provides a confidential setting with a trained and experienced health care professional facilitator in which occupational therapists or occupational therapy assistants may safely discuss drug diversion, licensure issues, return to work and other professional issues related to recovery.

(7) "Twelve steps groups" are groups such as alcoholics anonymous, narcotics anonymous, and related organizations based on a philosophy

of anonymity, belief in a power outside of oneself, a peer group association, and self-help.

(8) "Random drug screens" are laboratory tests to detect the presence of drugs of abuse in body fluids which are performed at irregular intervals not known in advance by the person being tested.

(9) "Health care professional" is an individual who is licensed, certified or registered in Washington to engage in the delivery of health care to patients.

NEW SECTION

WAC 246-847-360 APPROVAL OF SUBSTANCE ABUSE MONITORING PROGRAMS. The board will approve the monitoring program(s) which will participate in the board's substance abuse monitoring program. A monitoring program approved by the board may be contracted with an entity outside the department but within the state, out-of-state, or a separate structure within the department.

(1) The approved monitoring program will not provide evaluation or treatment to the participating occupational therapists or occupational therapy assistants.

(2) The approved monitoring program staff must have the qualifications and knowledge of both substance abuse and the practice of occupational therapy as defined in this chapter to be able to evaluate:

(a) Clinical laboratories;

(b) Laboratory results;

(c) Providers of substance abuse treatment, both individuals and facilities;

(d) Support groups;

(e) The occupational therapy work environment; and

(f) The ability of the occupational therapist or occupational therapy assistant to practice with reasonable skill and safety.

(3) The approved monitoring program will enter into a contract with the occupational therapist or occupational therapy assistant and the board to oversee the occupational therapist's or occupational therapy assistant's compliance with the requirements of the program.

(4) The approved monitoring program may make exceptions to individual components of the contract on an individual basis.

(5) The approved monitoring program staff will determine, on an individual basis, whether an occupational therapist or occupational therapy assistant will be prohibited from engaging in the practice of physical therapy for a period of time and restrictions, if any, on the occupational therapist's or occupational therapy assistant's access to controlled substances in the work place.

(6) The approved monitoring program shall maintain records on participants.

(7) The approved monitoring program will be responsible for providing feedback to the occupational therapist or occupational therapy assistant as to whether treatment progress is acceptable.

(8) The approved monitoring program shall report to the board any occupational therapist or occupational therapy assistant who fails to comply with the requirement of the monitoring program.

(9) The approved monitoring program shall receive from the board guidelines on treatment, monitoring, and limitations on the practice of occupational therapy for those participating in the program.

NEW SECTION

WAC 246-847-370 PARTICIPATION IN APPROVED SUBSTANCE ABUSE MONITORING PROGRAM. (1) In lieu of disciplinary action, the occupational therapist or occupational therapy assistant may accept board referral into the approved substance abuse monitoring program.

(a) The occupational therapist or occupational therapy assistant shall undergo a complete physical and psychosocial evaluation before entering the approved monitoring program. This evaluation will be performed by health care professional(s) with expertise in chemical dependency. The person(s) performing the evaluation shall not also be the provider of the recommended treatment.

(b) The occupational therapist or occupational therapy assistant shall enter into a contract with the board and the approved substance abuse monitoring program to comply with the requirements of the program which shall include, but not be limited to:

(i) The occupational therapist or occupational therapy assistant will undergo intensive substance abuse treatment in an approved treatment facility.

(ii) The occupational therapist or occupational therapy assistant will agree to remain free of all mind-altering substances including alcohol

except for medications prescribed by an authorized prescriber, as defined in RCW 69.41.030 and 69.50.101.

(iii) The occupational therapist or occupational therapy assistant must complete the prescribed aftercare program of the intensive treatment facility, which may include individual and/or group psychotherapy.

(iv) The occupational therapist or occupational therapy assistant must cause the treatment counselor(s) to provide reports to the approved monitoring program at specified intervals. Reports shall include treatment, prognosis and goals.

(v) The occupational therapist or occupational therapy assistant will submit to random drug screening as specified by the approved monitoring program.

(vi) The occupational therapist or occupational therapy assistant will attend support groups facilitated by a health care professional and/or twelve step group meetings as specified by the contract.

(vii) The occupational therapist or occupational therapy assistant shall comply with specified employment conditions and restrictions as defined by the contract.

(viii) The occupational therapist or occupational therapy assistant shall sign a waiver allowing the approved monitoring program to release information to the board if the occupational therapist or occupational therapy assistant does not comply with the requirements of this contract.

(c) The occupational therapist or occupational therapy assistant is responsible for paying the costs of the physical and psychosocial evaluation, substance abuse treatment, and random drug screens.

(d) The occupational therapist or occupational therapy assistant may be subject to disciplinary action under RCW 18.130.160 if the occupational therapist or occupational therapy assistant does not consent to be referred to the approved monitoring program, does not comply with specified employment restrictions, or does not successfully complete the program.

(2) An occupational therapist or occupational therapy assistant who is not being investigated by the board or subject to current disciplinary action or currently being monitored by the board for substance abuse may voluntarily participate in the approved substance abuse monitoring program without being referred by the board. Such voluntary participants shall not be subject to disciplinary action under RCW 18.130.160 for their substance abuse, and shall not have their participation made known to the board if they meet the requirements of the approved monitoring program:

(a) The occupational therapist or occupational therapy assistant shall undergo a complete physical and psychosocial evaluation before entering the approved monitoring program. This evaluation will be performed by health care professional(s) with expertise in chemical dependency. The person(s) performing the evaluation shall not also be the provider of the recommended treatment.

(b) The occupational therapist or occupational therapy assistant shall enter into a contract with the approved substance abuse monitoring program to comply with the requirements of the program which shall include, but not be limited to:

(i) The occupational therapist or occupational therapy assistant will undergo intensive substance abuse treatment in an approved treatment facility.

(ii) The occupational therapist or occupational therapy assistant will agree to remain free of all mind-altering substances including alcohol except for medications prescribed by an authorized prescriber, as defined in RCW 69.41.030 and 69.50.101.

(iii) The occupational therapist or occupational therapy assistant must complete the prescribed aftercare program of the intensive treatment facility, which may include individual and/or group psychotherapy.

(iv) The occupational therapist or occupational therapy assistant must cause the treatment counselor(s) to provide reports to the approved monitoring program at specified intervals. Reports shall include treatment, prognosis and goals.

(v) The occupational therapist or occupational therapy assistant will submit to random drug screening as specified by the approved monitoring program.

(vi) The occupational therapist or occupational therapy assistant will attend support groups facilitated by a health care professional and/or twelve step group meetings as specified by the contract.

(vii) The occupational therapist or occupational therapy assistant will comply with employment conditions and restrictions as defined by the contract.

(viii) The occupational therapist or occupational therapy assistant shall sign a waiver allowing the approved monitoring program to release information to the board if the occupational therapist or occupational therapy assistant does not comply with the requirements of this contract.

(c) The occupational therapist or occupational therapy assistant is responsible for paying the costs of the physical and psychosocial evaluation, substance abuse treatment, and random drug screens.

(3) The treatment and pretreatment records of license holders referred to or voluntarily participating in approved monitoring program shall be confidential, shall be exempt from RCW 42.17.250 through RCW 42.17.450 and shall not be subject to discovery by subpoena or admissible as evidence except for monitoring records reported to the disciplinary authority for cause as defined in subsections (1) and (2) of this section. Records held by the board under this section shall be exempt from RCW 42.17.250 through 42.17.450 and shall not be subject to discovery by subpoena except by the license holder.

WSR 92-09-154

PROPOSED RULES

UNIVERSITY OF WASHINGTON

[Filed April 22, 1992, 11:20 a.m.]

Original Notice.

Title of Rule: Use of university stadium boat moorage facilities.

Purpose: To repeal and amend existing sections and to adopt a new section to reflect current university practices.

Other Identifying Information: Chapter 478-138 WAC.

Statutory Authority for Adoption: RCW 28B.20.130.

Summary: Currently under chapter 478-138 WAC, the manager of the parking division has the delegated authority for overseeing the stadium boat moorage operations. Amendments to WAC 478-138-020 through 478-138-040 transfer this responsibility to the director of intercollegiate athletics. The published fee schedule is being repealed and replaced with a new section identifying the publication of the fee schedule in the university's *Operations Manual*.

Reasons Supporting Proposal: Because the Department of Intercollegiate Athletics is responsible for most game-day activities and associated facilities, transferring this responsibility to the director of intercollegiate athletics brings under one unit the coordination of an additional game-related responsibility. Amendments to chapter 478-138 WAC reflect this managerial change. The published fee schedule in WAC 478-138-050 is being repealed to provide the Department of Intercollegiate Athletics more flexibility and responsiveness in setting fees and is consistent with other changes made to fee schedules published in Title 478 WAC.

Name of Agency Personnel Responsible for Drafting and Implementation: Vice-President for University Relations, 400 Administration, 543-2560; and Enforcement: Department of Intercollegiate Athletics, Graves Building, 543-2212.

Name of Proponent: University of Washington, public.

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: Amendments to WAC 478-138-010 gives the executive vice-president the authority to determine specific areas along the university shoreline that may be used for waterfront activities. Amendments to WAC 478-138-020 through 478-138-040 change the delegated authority for the day to day operations of the stadium boat moorage facilities and collection of fees to the director of intercollegiate athletics. Repeal of WAC 478-138-050 is consistent with other changes made to fee schedules published in Title 478 WAC. The addition of a new section, WAC 478-138-060, identifies the new location for the current fee schedule.

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

Hearing Location: 309 Husky Union Building, University of Washington, on May 27, 1992, at 12:00 p.m.

Submit Written Comments to: Rules Coordination Office AI-10, University of Washington, Seattle, Washington 98195, by May 27, 1992.

Date of Intended Adoption: June 12, 1992.

April 22, 1992

Melody Tereski

Administrative Procedures Officer

AMENDATORY SECTION (Amending Order, filed 7/2/73 and 7/27/73)

WAC 478-138-010 USE OF UNIVERSITY STADIUM BOAT MOORAGE FACILITIES—AUTHORITY. Pursuant to the authority granted by RCW 28B.20.130, the board of regents of the University of Washington has established ~~((the following))~~ these regulations to govern use of the stadium boat moorage facilities.

AMENDATORY SECTION (Amending Order, filed 7/2/73 and 7/27/73)

WAC 478-138-020 USE OF UNIVERSITY STADIUM BOAT MOORAGE FACILITIES—OBJECTIVES. The objectives of these regulations are to:

(1) Provide water access for persons attending ~~((those special events at the))~~ University of Washington ~~((, such as))~~ home football games or other special events as determined by the university, for which use of the ~~((facility))~~ stadium boat moorage facilities is designated;

(2) Control the use of the stadium boat moorage ~~((facility))~~ facilities in order to provide reasonable safety for both persons and boats or other craft using the facility;

(3) Provide for the collection of stadium boat moorage fees in support of the cost of maintaining and operating the stadium boat moorage ~~((facility))~~ facilities;

(4) Provide access at all times for emergency equipment.

AMENDATORY SECTION (Amending Order 88-02, filed 9/14/88)

WAC 478-138-030 USE OF UNIVERSITY STADIUM BOAT MOORAGE FACILITIES—STADIUM BOAT MOORAGE FACILITIES—AREA DEFINED. (1)(a) The stadium boat moorage facilities shall consist of those docks and floats located on Lake Washington in Union Bay ~~((, and such other areas as are designated by the manager of the parking division,))~~ which provide water access to the University of Washington shoreline on home football game days, or for other special events as determined by the university.

(b) ~~((The manager of the parking division shall have the authority to determine specific areas along the university shoreline that may be used for waterfront activities which may include but shall not be limited to: Moorage of water related vessels, establishment of load/unload areas for the purpose of loading and unloading passengers to and from water related vessels, and conditions related to facility utilization for individuals who may be engaged in the transporting of passengers for~~

~~the purpose of moorage or shuttling operations:))~~ The stadium boat moorage facilities shall also include such other specified areas along or adjacent to the university shoreline, as designated by the executive vice-president, that provide access to the university shoreline on home football game days, or for other special events as determined by the university. The activities for which these additional stadium boat moorage facilities may be used include, but are not limited to: Moorage of water related vessels; and loading, unloading, or transporting passengers to and from water related vessels. All other uses of the university shoreline shall be under the authority of the executive vice-president.

(c) Use of the university shoreline and moorage facilities for waterfront activities not designated for that area, or otherwise not in compliance with this chapter will subject the violators to arrest under provisions of RCW 9A.52.080 (Criminal trespass in the second degree), City of Seattle 12A.08.040 (Criminal trespass), or other applicable law.

(2) In the event the university permits a non-university vessel use of the stadium boat moorage facilities for moorage, loading and unloading passengers, shuttling passengers to and from anchored vessels, or other related activities, the university does not assume responsibility for nor guarantee the expertise or training of the vessels' pilots or that such vessels are maintained in a safe condition or are adequately equipped with life vests and other safety devices as required by the United States Coast Guard and the Washington state utilities and transportation commission.

The executive vice-president shall have the authority to establish such conditions as are necessary or appropriate to protect the university from liability in connection with the use of the stadium boat moorage facilities.

AMENDATORY SECTION (Amending Order, filed 7/2/73 and 7/27/73)

WAC 478-138-040 USE OF UNIVERSITY STADIUM BOAT MOORAGE FACILITIES—OPERATION OF THE STADIUM BOAT MOORAGE FACILITIES—PERMITS REQUIRED. During ~~((special events))~~ home football games and other special events as determined by the university, operation of the stadium boat moorage is the responsibility of the ~~((manager of the parking division as a part of the university parking system))~~ director of intercollegiate athletics and use of the ~~((facility))~~ stadium boat moorage facilities shall be controlled by the sale of stadium boat moorage permits as follows:

(1) Limits of the numbers and types of crafts that can be moored with reasonable safety at the stadium boat moorage ~~((facility))~~ facilities shall be established by the university after consultation with and approval by the Seattle fire chief and the local representatives of the U.S. Coast Guard;

(2) Only those boats displaying a valid stadium boat moorage permit shall be admitted to the stadium boat moorage area and provided moorage space ~~((for the special event))~~;

(3) Stadium boat moorage permits shall be sold, issued, and collected by the ~~((parking division as a function of the parking system))~~ department of intercollegiate athletics for season and/or individual games or special events;

(4) Season football ticket holders shall be notified of and provided with the opportunity to purchase stadium boat moorage permits for football games in advance of the public offering of stadium boat moorage permits;

(5) Public sale of stadium boat moorage permits shall be on a first-come, first-served basis within the limits established under WAC 478-138-040(1).

NEW SECTION

WAC 478-138-060 SCHEDULE OF FEES. Fees for stadium boat moorage and the effective date thereof shall be established by the director of intercollegiate athletics with approval of the vice-president for university relations. The approved fee schedule shall be published in the University Operations Manual.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 478-138-050 USE OF UNIVERSITY STADIUM BOAT MOORAGE FACILITIES—MOORAGE FEE (FOR EACH EVENT).

WSR 92-09-155
PROPOSED RULES
DEPARTMENT OF
GENERAL ADMINISTRATION
 [Filed April 22, 1992, 11:28 a.m.]

Original Notice.

Title of Rule: Chapter 236-22 WAC, Self-insurance requirements as to local government entities; WAC 236-22-010 Preamble and authority; and WAC 236-22-100 Initial expenses and operating costs assessments.

Purpose: To govern local government self-insurance transactions and to implement regulations regarding safe and sound managerial and operational requirements with individual and joint local government self-insurance programs.

Statutory Authority for Adoption: Chapter 48.62 RCW.

Statute Being Implemented: RCW 48.62.161.

Summary: These rules are the first in a series to be promulgated that will govern the operation and management of local government self-insurance transactions, as directed by chapter 48.62 RCW. The preamble section is intended to be introductory to all subsequent sections, regardless of promulgation date. These rules also establish the administrative process within the division of risk management to collect fees from the affected entities. These assessments shall be fixed by the state risk manager with concurrence of the health and welfare advisory board and the property and liability advisory board. Such assessments will cover initial expenses and operating costs of the boards and state risk manager's office.

Reasons Supporting Proposal: These rules establish the division of risk management's authority to implement the directives of chapter 48.62 RCW and develops guidelines which will regulate local government entity compliance.

Name of Agency Personnel Responsible for Drafting: Graham Wright, 2420 Bristol Court, 2nd Floor, P.O. Box 41027, Olympia, WA, (206) 664-9281; Implementation and Enforcement: Betty Reed, 2420 Bristol Court, 2nd Floor, P.O. Box 41027, Olympia, WA, (206) 586-0645.

Name of Proponent: Department of General Administration, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: ESHB 1907, enacted by the legislature in the summer of 1991, amends chapter 48.62 RCW. This legislation significantly changed the responsibilities of all local government which choose to self-insure as well as changed the responsibilities of administrators and members of joint self-insurance programs. Prior to the enactment of ESHB 1907, chapter 48.62 RCW provided only skeletal directives on joint programs while denying authority to self-insure certain types of coverage to all but a few entities. These proposed rules establish the operational and managerial standards to which all local government programs must adhere. The anticipated effects are to establish and maintain financial secure self-

insurance programs which will protect the finances and interests of local government employees and taxpayers.

Proposal does not change existing rules.

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

Hearing Location: General Administration Building, 1st Floor Auditorium, 11th and Columbia, Olympia, Washington 98504, on May 26, 1992, at 9:00 a.m.

Submit Written Comments to: Betty Reed, Assistant Director, Division of Risk Management, P.O. Box 41027, Olympia, WA 98504-1027, by March 26, 1992, noon.

Date of Intended Adoption: June 1, 1992.

April 22, 1992

Betty Reed

Assistant Director

PROPOSED NEW ADMINISTRATIVE RULES
DEPARTMENT OF GENERAL ADMINISTRATION
CHAPTER 236-22
SELF-INSURANCE REQUIREMENTS AS TO LOCAL
GOVERNMENTS

NEW SECTION

WAC 236-22-010 PREAMBLE AND AUTHORITY. These rules and regulations governing local government self-insurance transactions are adopted by the state risk manager to implement chapter 48.62 RCW relating to individual and joint local government self-insurance programs. The rules set forth in this chapter do not supersede the rules which govern the operation of self-insured employee benefit plans by school districts and educational service districts under chapter 392-130 WAC.

NEW SECTION

WAC 236-22-100 INITIAL EXPENSES AND OPERATING COST ASSESSMENT. (1) The state risk manager, with concurrence from the two (2) advisory boards, shall fix assessments to cover initial expenses and operating costs of the boards and the state risk manager's office in administering chapter 48.62 RCW. Such assessments shall be levied against each joint property and liability self-insurance program and each individual and joint health and welfare benefit program regulated by chapter 48.62 RCW. Such assessments shall be based upon each self-insurance program's share of the initial expenses and operating costs of the property and liability advisory board, the health and welfare advisory board, and the state risk manager's office.

(2) The state risk manager, with concurrence from the advisory boards, shall determine the assessment rate on a fiscal year bases prescribing the self-insurance program's share pursuant to the provisions of subsection (1) until the regulatory program for local government self-insurance programs is fully implemented.

(3) These assessments shall be payable by the assessed program to the state of Washington, division of risk management on July 1 and January 1 of each year until the regulatory program for local government self-insurance programs is fully implemented. Any program failing to remit its assessment when due is subject to denial of permission to operate or to a cease and desist order until the assessment is paid.

(4) A self-insurance program which has voluntarily or involuntarily terminated shall pay an administrative cost assessment. This assessment shall continue until such time as all liabilities and all responsibilities of the self-insurance program have been satisfied.

(5) The state risk manager shall assess each prospective joint self-insurance program and each prospective individual self-insurance program an initial investigation fee at a rate determined annually by the state risk manager, with the concurrence of the advisory boards. Such fee shall be sufficient to cover the costs for the initial review and approval of that self-insurance program.

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 92-09-156
PROPOSED RULES
BUILDING CODE COUNCIL

[Filed April 22, 1992, 11:33 a.m.]

Original Notice.

Title of Rule: Appeal regarding Sections 79.809 and 79.901 of chapter 51-24 WAC, Uniform Fire Code, relating to the use of tank trucks for refueling of motor vehicles.

Purpose: To consider amending Sections 79.809 and 79.901 of the 1991 edition of the Uniform Fire Code based on an appeal filed pursuant to RCW 34.05.340.

Other Identifying Information: Copies of the 1991 Uniform Fire Code are available from the International Conference of Building Officials, 5360 South Workman Road, Whittier, CA 90601.

Statutory Authority for Adoption: RCW 19.27.074.

Statute Being Implemented: Chapter 19.27 RCW.

Summary: Consideration of an appeal of chapter 51-24 WAC, Uniform Fire Code, as filed in WSR 92-01-065 in order to reconsider new requirements in Uniform Fire Code Sections 79.809 and 79.901 that would prohibit the refueling of motor vehicles by tank trucks.

Name of Agency Personnel Responsible for Drafting: Donna Voss, 906 Columbia Street S.W., P.O. Box 48300, Olympia, WA 98504-8300, (206) 586-8999; Implementation: Mari Eichner, 906 Columbia Street S.W., P.O. Box 48300, Olympia, WA 98504-8300, (206) 753-3103; and Enforcement: Enforcement by local governments.

Name of Proponent: State Building Code Council, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: At issue is the refueling of motor vehicles from tank trucks and the affects on small business. Proposed rule provides for four alternative regulations. Option 1 would allow the refueling of motor vehicles from fueling tanks on a case by case basis, when specifically approved by the fire chief. Option 2, together with the proposed exception in Uniform Fire Code Section 79.901 also allows approval of this refueling activity when approved by the fire chief, but includes review provisions as minimum standards. Option 3 provides the existing language currently adopted under the 1991 edition of the Uniform Fire Code. This option allows these activities legally operating under the 1988 edition of the Uniform Fire Code to continue with approval by the fire chief. New applications for refueling of motor vehicles would not be permitted. Option 4 would readopt the language, allowing this activity, when approved by the fire chief, from the 1988 edition of the Uniform Fire Code.

Proposal Changes the Following Existing Rules: See above.

Small Business Economic Impact Statement: The proposed rule would not necessitate additional reporting or record-keeping responsibilities of small businesses, unless required by local fire code administrative authorities.

As proposed, the 1991 Uniform Fire Code (UFC) amends the 1988 UFC to prohibit new refueling facilities from using tank vehicles to refuel diesel fueled motor vehicles. In addition, if an existing facility that utilizes tank vehicles for refueling diesel fueled motor vehicles is found to be a hazardous condition, the requirements of the 1991 UFC may be imposed by the local fire chief.

The only existing data on the cost of compliance with the proposed rule were developed by the Law Offices of Ramey Stroud and are calculated on a cost per gallon and annual cost per customer basis. This cost calculation conforms to the requirements of RCW 19.85.040(4)

Small businesses that may be affected by the rule include small diesel fuel distributors, and their clients.

The small business economic impacts are based on the assumption that on-site mobile fueling is prohibited under the new rule, and that the customer will choose one of the following alternatives: Acquire fueling at a location off-site; or provide fueling from above-ground on-site storage; or provide fueling from under-ground on-site storage.

It is also assumed that the cost per gallon would be incurred by the small diesel fuel distributors in the case of off-site fueling, and that the services for small diesel fuel distributors would be limited to fueling of on-site tanks in the other two alternatives.

Data on additional costs to small diesel fuel distributors for providing refueling only to on-site storage tanks is not available.

Off-Site Fueling: The cost of compliance for fueling at off-site locations is estimated at an additional \$0.68 per gallon of fuel dispensed. This would mean an additional \$79,560 annual cost per customer.

Above Ground On-Site Storage and Fueling: The cost of compliance for fueling on-site using a 6000 gallon above ground storage tank is estimated at an additional \$0.426 per gallon of fuel dispensed. This would mean an additional \$49,842 annual cost per customer.

Underground On-Site Storage and Fueling: The cost of compliance for fueling on-site using a 10,000 gallon underground storage tank is estimated at an additional \$0.446 per gallon of fuel dispensed. This would mean an additional \$52,182 annual cost per customer.

Copies of the Economic Impact Information from Ramey Stroud are available from Mari Eichner at (206) 753-3103.

Hearing Location: City of SeaTac Fire Station, 2929 200th Street, SeaTac, WA 98188, on June 12, 1992, at 9:00 a.m.

Submit Written Comments to: Gene Colin, State Building Code Council, 906 Columbia Street S.W., P.O. Box 48300, Olympia, WA 98504-8300, by June 10, 1992.

Date of Intended Adoption: June 12, 1992.

March 13, 1992
Gene Colin
Chair

NEW SECTION

WAC 51-24-79809 UNLOADING OPERATIONS. Section 79.809. (a) Transfer Apparatus. Transfer apparatus shall be of an approved type.

OPTION 1

(b) Storage Tanks. Class I, II or III liquids shall be transferred from a tank vehicle or tank car only into an approved atmospheric tank or approved portable tank.

EXCEPTIONS: 1. Liquids intended for use as motor fuels are allowed to be transferred from tank vehicles into the fuel tanks of marine craft and special equipment when approved by the chief, and when:

- The tank vehicle's specific function is that of supplying fuel to fuel tanks,
- The operation is not performed where the public has access or where there is unusual exposure to life and property,
- The dispensing line does not exceed 50 feet in length, and
- The dispensing nozzle is approved.

2. Transfer of liquids from tank vehicles to the fuel tanks of aircraft in accordance with Article 24, Division II and motor vehicles in accordance with Article 79, Division X, or as approved by the chief.

3. When a tank vehicle or tank is disabled through accident or mechanical failure and it becomes necessary to remove the cargo at that location, such cargo is allowed to be transferred to another tank vehicle or tank car.

OPTION 2

(b) Storage Tanks. Class I, II or III liquids shall be transferred from a tank vehicle or tank car only into an approved atmospheric tank or approved portable tank.

EXCEPTIONS: 1. Liquids intended for use as motor fuels are allowed to be transferred from tank vehicles into the fuel tanks of marine craft and special equipment when approved by the chief, and when:

- The tank vehicle's specific function is that of supplying fuel to fuel tanks,
- The operation is not performed where the public has access or where there is unusual exposure to life and property,
- The dispensing line does not exceed 50 feet in length, and
- The dispensing nozzle is approved.

2. Transfer of liquids from tank vehicles to the fuel tanks of aircraft in accordance with Article 24, Division II and motor vehicles in accordance with Article 79, Division IX and X.

3. When a tank vehicle or tank is disabled through accident or mechanical failure and it becomes necessary to remove the cargo at that location, such cargo is allowed to be transferred to another tank vehicle or tank car.

OPTION 3

(b) Storage Tanks. Class I, II or III liquids shall be transferred from a tank vehicle or tank car only into an approved atmospheric tank or approved portable tank.

EXCEPTIONS: 1. Liquids intended for use as motor fuels are allowed to be transferred from tank vehicles into the fuel tanks of marine craft and special equipment when approved by the chief, and when:

- The tank vehicle's specific function is that of supplying fuel to fuel tanks,
- The operation is not performed where the public has access or where there is unusual exposure to life and property,
- The dispensing line does not exceed 50 feet in length, and
- The dispensing nozzle is approved.

2. Transfer of liquids from tank vehicles to the fuel tanks of aircraft in accordance with Article 24, Division II and motor vehicles in accordance with Article 79, Division X.

3. When a tank vehicle or tank is disabled through accident or mechanical failure and it becomes necessary to remove the cargo at that location, such cargo is allowed to be transferred to another tank vehicle or tank car.

OPTION 4

(b) Storage Tanks. Class I, II or III liquids shall be transferred from a tank vehicle or tank car only into an approved atmospheric tank or approved portable tank.

EXCEPTIONS: 1. Liquids used as fuels may be transferred from tank vehicles into fuel tanks of aircraft, marine craft, motor vehicles or special equipment when approval is granted by the chief, provided:

- The tank vehicle's specific function is that of supplying fuel to fuel tanks.

- The operation is not performed where the public is invited or where there is unusual exposure to life and property.
- The dispensing line does not exceed 50 feet in length.
- The dispensing nozzle is an approved type.

2. When such tank vehicle or tank is disabled through accident or mechanical failure and it becomes necessary to remove the cargo at that location, such cargo may be transferred to another tank vehicle or tank car.

(c) Time Limit. Tank vehicles and tank cars shall be unloaded as soon as possible after arrival at point of delivery and shall not be used as storage tanks. Tank cars shall be unloaded only on private sidings or railroad siding facilities equipped for transferring the liquid between tank cars and permanent storage tanks. Unless otherwise approved by the chief, a tank car shall not be allowed to remain on a siding at point of delivery for more than 24 hours while connected for transfer operations.

(d) Inside Buildings. Tank vehicles or tank cars shall not be located inside a building while unloading Class I, II or III-A liquids, unless approved by the chief.

EXCEPTION: Tank vehicles are allowed under canopies of automotive motor vehicle fuel-dispensing stations.

(e) Vehicle Motors. Motors of tank vehicles shall be shut off during the making and breaking of hose connections and during the unloading operation.

EXCEPTION: When unloading is performed with a pump deriving its power from the tank vehicle motor.

(f) Attendant. The operator or other competent person shall be in attendance at all times while a tank vehicle or tank car is discharging cargo. When practical, the tank vehicle or tank car shall be positioned such that the operating controls and the discharging end of the hoses are both in view of the operator or other competent person.

(g) Chock Blocks. At least two chock blocks not less than 5 inches by 5 inches by 12 inches in size and dished to fit the contour of tires shall be used during unloading operations of tank vehicles.

NEW SECTION

WAC 51-24-79901 GENERAL. Section 79.901. (a) Applicability. Automotive, marine and aircraft motor vehicle fuel-dispensing stations shall be in accordance with this division.

OPTION

EXCEPTION: Class II or III liquids may be transferred from approved tank vehicles into the fuel tanks of motor vehicles, when approved by the chief, under the following conditions:

- The tank vehicle's specific function is that of supplying fuel to fuel tanks.
- The operation is not performed where the public has access.
- The operation is not performed where there is unusual exposure to life and property, as determined by the chief.
- The dispensing line does not exceed 50 feet in length, and
- Dispensing shall be done by approved equipment.

(b) Bulk Plants. Motor vehicle fuel-dispensing stations are prohibited at bulk plants unless such use is in compliance with the provisions of this division and is completely separated by a fence or similar barrier from the area in which bulk operations are conducted.

(c) Sources of Ignition in Vehicle Repair and Fuel Receiving Areas. Smoking and open flames shall be prohibited in areas used for servicing internal combustion engines and areas where fuel is received.

WSR 92-09-157**PROPOSED RULES****WASHINGTON BASIC HEALTH PLAN**

[Filed April 22, 1992, 11:49 a.m.]

Original Notice.

Title of Rule: Chapter 55-01 WAC, the Washington Basic Health Plan.

Purpose: Rule is designed to carry out the purposes of chapter 70.47 RCW, the Health Care Access Act.

Statutory Authority for Adoption: RCW 70.47.050.

Statute Being Implemented: Chapter 70.47 RCW.

Summary: This notice proposes to revise several sections within chapter 55-01 WAC, the Washington Basic Health Plan. These proposed revisions would provide consistency with recent statutory changes to RCW 70.47.030, 70.47.060(1) and 70.47.110, and would clarify the rules pertaining to payment of subscriber premiums (WAC 55-01-030(1)).

Reasons Supporting Proposal: Proposed changes would provide consistency with statutory changes that have occurred since chapter 55-01 WAC was last revised and would change the administrative procedures to be used in accepting monthly premium payments from plan enrollees.

Name of Agency Personnel Responsible for Drafting: Leslie Thorpe, 1220 Eastside Street S.E., Olympia, WA, 586-5332; **Implementation and Enforcement:** Gary L. Christenson, 1220 Eastside Street S.E., Olympia, WA, 586-5332.

Name of Proponent: The Washington Basic Health Plan, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Proposed change to WAC 55-01-010(23) would remove the reference to "funds appropriated from the basic health plan trust account." A recent change to RCW 70.47.030 makes this reference obsolete. WAC 55-01-020(1) would be made consistent with changes to RCW 70.47.060(1), which requires that, from July 1, 1992, to June 30, 1993, the Basic Health Plan (BHP) not contract for prenatal or postnatal services for enrollees eligible for medical assistance coverage under chapter 74.09 RCW. Proposed changes to WAC 55-01-030(1) would clarify that premiums need only be paid for enrolled family dependents and that a third party may pay an enrollee's premiums with the administrator's approval. It would also remove the requirement that a description of premium amounts due accompany each application for enrollment. Instead, a statement of the monthly amount due would be mailed to each new subscriber after income information is received by the BHP, when the BHP is able to calculate the monthly amount due based on the family's gross income. A new subsection (8) would be added to WAC 55-01-050, and additions would be made to WAC 55-01-060(2), to implement changes to RCW 70.47.110. These changes require that the BHP determine which enrollees are eligible for medical assistance coverage under chapter 74.09 RCW and grant the BHP authority to require enrollees to complete the eligibility determination process under that statute. Proposed changes would allow the BHP to disenroll an enrollee for failure to comply with information requests necessary to determine such eligibility and for failure to apply for medical assistance coverage when required by the BHP.

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: John A. Cherberg Building, Hearing Room #2, Olympia, Washington 98504, on May 26, 1992, at 10:00 a.m.

Submit Written Comments to: Leslie Thorpe, Assistant Director, P.O. Box 42535, Olympia, WA 98504, FAX (206) 586-4356, by 5 p.m., May 26, 1992.

Date of Intended Adoption: June 30, 1992.

April 21, 1992
Gary L. Christenson
Director

Chapter 55-01 WAC
WASHINGTON BASIC HEALTH PLAN

AMENDATORY SECTION (Amending Order 89-002, filed 5/17/89)

WAC 55-01-010 DEFINITIONS. The following definitions apply throughout these rules.

(1) "Administrator" means the Washington basic health plan administrator.

(2) "Certificate of coverage" means a written document issued by the plan to a subscriber which describes the covered services, premiums, grievance procedures and other rights and responsibilities of enrollees. The certificate of coverage issued to a subscriber shall pertain to the subscriber and family dependents.

(3) "Co-payment" means a payment indicated in the schedule of benefits which is made by an enrollee to a managed health care system or health care provider, or to the plan, when specifically instructed to do so by the plan, for covered services provided to the enrollee.

(4) "Covered services" means those services and benefits to which an enrollee is entitled, under the certificate of coverage issued by the plan to the enrollee (or to a subscriber on behalf of the enrollee), in exchange for payment of premium and applicable copayments.

(5) "Dependent child" means an individual's unmarried natural child, stepchild, or legally adopted child, who is either (a) younger than age nineteen, or (b) younger than age twenty-three and (i) is a full-time student at an educational organization which normally maintains a regular faculty and curriculum and normally has a regularly enrolled body of pupils or students in attendance at the place where its educational activities are regularly carried on, or (ii) is pursuing a full-time course of institutional on-farm training under the supervision of an educational organization described in WAC 55-01-010 (5)(b)(i).

(6) "Effective date of enrollment" means the first date, as established by the plan, on which an enrollee is entitled to receive covered services from the enrollee's respective participating managed health care system.

(7) "Enrollee" means a person who meets all eligibility requirements, who is enrolled in the plan, and for whom applicable premium payments have been made.

(8) "Family" means an individual or an individual and the individual's spouse, if not legally separated, and the individual's dependent children. For purposes of eligibility determination and enrollment in the plan, an individual cannot be a member of more than one family.

(9) "Family dependent" means a subscriber's legal spouse, if not legally separated, or the subscriber's dependent child, who meets all eligibility requirements, is enrolled in the plan, and for whom the applicable premium has been paid.

(10) "Grievance procedure" means the formal process for resolution of problems or concerns raised by enrollees which cannot be resolved in an informal manner to the enrollee's satisfaction. "Grievance" means a problem or concern presented for resolution through a grievance procedure.

(11) "Gross family income" means the total income of all members of an enrollee's family, regardless of whether those family members enroll in the plan. (a) For purposes of this definition, for applications for enrollment which are received by the plan on or before March 31, 1989, "income" includes but is not limited to wages and salaries, net income from rentals or self-employment, tips, interest income, dividends, royalties, public or private pensions, and Social Security benefits. (b) For purposes of this definition, for applications for enrollment which are received by the plan on or after April 1, 1989 and for premium payments which are made for coverage on or after June 1, 1989, "income" means total cash receipts before taxes from all sources, with

the exceptions noted below. (i) Income includes money wages and salaries before any deductions; net receipts from nonfarm self-employment (receipts from a person's own unincorporated business, professional enterprise, or partnership, after deductions for business expenses); net receipts from farm self-employment (receipts from a farm which one operates as an owner, renter, or sharecropper, after deductions for farm operating expenses); regular payments from Social Security, railroad retirement, unemployment compensation, strike benefits from union funds, workers' compensation, veterans' payments, public assistance (including military retirement pay), and regular insurance or annuity payments; college or university scholarships, grants, fellowships and assistantships, if received as or convertible by the recipient into cash; and dividend, interest, net rental income, net royalties, periodic receipts from estates or trusts, and net gambling or lottery winnings. (ii) Income does not include the following types of money received: capital gains; any assets drawn down as withdrawals from a bank, the sale of property, a house or a car; tax refunds, gifts, loans, lump-sum inheritances, one-time insurance payments, or compensation for injury (except workers' compensation). Also excluded are noncash benefits, such as the employer-paid or union-paid portion of health insurance or other employee fringe benefits, food or housing received in lieu of wages, the value of food and fuel produced and consumed on farms, the imputed value of rent from owner-occupied non-farm or farm housing, and such Federal noncash benefit programs as Medicare, Medicaid, food stamps, school lunches, and housing assistance. (c) "Income" shall not include income earned by dependent children, nor shall it include income of a family member who resides in another household when such income is not available to those family members seeking enrollment in the plan. (d) In the event that an item of income is received periodically, but less frequently than once per month, the latest amount received will be divided by the number of months in the period (i.e., between payments) in order to calculate an average amount per month. That monthly average will be combined with other monthly items of income to derive a monthly total, which will be used in the calculation of income as a percentage of federal poverty level. (For example, if an applicant receives quarterly interest payments in January, April, July, and October, and applies for coverage by the plan in September, the July payment will be divided by three to obtain a monthly income amount.)

(12) "Managed health care system" (or "MHCS") means any health care organization, including health care providers, insurers, health care service contractors, health maintenance organizations, or any combination thereof, that provides directly or by contract basic health care services, as defined by the administrator and rendered by duly licensed providers, on a prepaid capitated basis to a defined patient population enrolled in the plan and in the managed health care system.

(13) "Medicare" means programs established by Title XVIII of public law 89-97, as amended, "Health Insurance for the Aged and Disabled."

(14) "Open enrollment" means a time period designated by the administrator during which enrollees may apply to transfer their membership from one participating managed health care system to another. There shall be at least one open enrollment period of at least twenty consecutive days, at least once annually, in each site served by the plan.

(15) "Participating," when referring to a managed health care system, means one that has entered into a contract with the plan to provide covered services to enrollees. When referring to a health care provider, "participating" means one who is employed by or has entered into a contract with a participating managed health care system to provide covered services to enrollees.

(16) "Premium" means a periodic payment, based upon gross family income and determined under RCW 70.47.060(2), which a subscriber makes to the plan on behalf of the subscriber and family dependents in consideration for enrollment in the plan.

(17) "Provider" or "health care provider" means a health care professional or institution duly licensed and accredited to provide covered services in the State of Washington.

(18) "Rate" means the per capita amount, negotiated by the administrator with and paid to a participating managed health care system, that is based upon the enrollment of enrollees in the plan and in that MHCS.

(19) "Schedule of benefits" means the basic health care services adopted and from time to time amended by the administrator, which

enrollees shall be entitled to receive from participating managed health care systems.

(20) "Service area" means the geographic area served by a participating managed health care system as defined in its contract with the plan.

(21) "Site" means a geographic area designated by the plan in which one or more participating managed health care systems are offered to enrollees for selection.

(22) "Subscriber" means an enrollee, or the parent or legal guardian of an enrolled dependent child, who has been designated by the plan as the individual to whom the plan and the managed health care system will issue all notices, information requests and premium bills on behalf of all enrolled family members. For purposes of chapter 55-01 WAC, notice to a subscriber shall be considered notice to all enrolled members of the subscriber's family as well.

(23) "Subsidy" means the difference between the rate paid by the administrator (~~from funds appropriated from the basic health plan trust account;~~) to a managed health care system on behalf of an enrollee and the enrollee's premium responsibility.

(24) "Washington Basic Health Plan" or "plan" means the system of enrollment and payment on a prepaid capitated basis for basic health care services, administered by the plan administrator through participating managed health care systems, created by chapter 70.47 RCW.

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 88-001, filed 12/2/88)

WAC 55-01-020 SCHEDULE OF BENEFITS. (1) The administrator shall design and from time to time may revise a schedule of benefits which shall include such physician services, inpatient and outpatient hospital services, proven preventive and primary care services, all services necessary for prenatal, postnatal and well-child care, and other services as determined by the administrator to be necessary for basic health care and which enrollees shall receive in return for premium payments to the plan and payment of required copayments. However, for the period beginning July 1, 1992 and ending June 30, 1993, the schedule of benefits shall not include prenatal or postnatal services for enrollees who are eligible for coverage under the medical assistance program under chapter 74.09 RCW, except to the extent that such services are necessary over not more than a one-month period in order to maintain continuity of care after diagnosis of pregnancy by the managed care provider, or except to provided any such services associated with pregnancies diagnosed by the managed care provider before July 1, 1992. The schedule of benefits may include copayments, limitations and exclusions which the administrator determines are appropriate and consistent with the goals and objectives of the plan.

(2) In designing and revising the schedule of benefits, the administrator will consider the effects of particular benefits, copayments, limitations and exclusions on access to necessary basic health care services, as well as the cost to the enrollees and to the state, and will also consider generally accepted practices of the health insurance and managed health care industries.

(3) Prior to enrolling in the plan, each applicant will be given a complete written description of covered benefits, including all copayments, limitations and exclusions. Enrollees will also be given information on the services, providers, facilities, hours of operation, and other information descriptive of the managed health care system(s) available to enrollees in a given site.

(4) Subscribers will be given written notice by the plan of any planned revisions to the benefit package and the accompanying premiums, such notice to be mailed at least thirty days prior to the due date of the premium payment for the month in which such revisions are to take effect. For purposes of this provision, notice shall be deemed complete upon depositing the written revisions in the United States mail, first class postage paid, directed to the enrollee at the enrollee's last mailing address on file with the plan. The administrator will make available a separate schedule of benefits for children, eighteen years of age and younger, for those who choose to enroll only their dependent children in the plan.

AMENDATORY SECTION (Amending Order 89-001, filed 2/16/89)

WAC 55-01-030 PREMIUMS AND COPAYMENTS. (1) Each subscriber shall be responsible for paying a monthly premium to the plan, on behalf of the subscriber and all enrolled family dependents, according to a premium schedule to be provided by the plan at the time the subscriber is enrolled by the plan. The amount of premium payable by any subscriber will be based upon the subscriber's gross family income and rates payable to participating managed health care systems, and may vary with the number and ages of individuals enrolled from a given family. A third party may, with the approval of the administrator and through a mechanism acceptable to the administrator, pay the premium on behalf of any enrollee. Premium amounts payable shall be a monthly dollar payment or a percentage of the total rate payable by the plan. ~~((A description of the premium schedule and an estimate of amounts due will accompany the benefits description and application for enrollment provided to applicants.))~~ A statement of the monthly amount due will be mailed to the subscriber upon determination of eligibility for the plan.

(2) Based on the information provided by an enrollee on the application for enrollment, and any other information obtained by the plan, the enrollee will be informed of the premium amount due. The plan will notify subscribers in writing of any revisions to the premium schedule or to the premium amounts payable to the plan, such notice to be mailed at least thirty days prior to the due date of the premium payment for the month in which such revisions are to take effect, except that retroactive enrollment of a newborn or newly adopted child (as provided in WAC 55-01-050(6)) may result in a corresponding retroactive increase in premium payable to the plan. For purposes of this provision, notice shall be deemed complete upon depositing the written revisions in the United States mail, first class postage paid, directed to the enrollee at the enrollee's last mailing address on file with the plan.

(3) Once the plan has determined that a subscriber and members of the subscriber's family (if any) are eligible for enrollment, the plan will bill the subscriber for the family's first month's premium. The subscriber and family members will not be eligible to receive covered services on the effective date of enrollment specified by the plan unless the premium bill is paid in full by the due date specified on the bill. Thereafter, the plan will bill each subscriber monthly, and the subscriber shall be responsible for payment of the billed amount in full by the date specified on the bill.

(4) Premium bills must be paid in full by the date specified on the bill. Payment may be made in person at the plan's administrative office in Olympia, Washington, or by mail to the address specified on the bill. If the plan does not receive payment in full of a premium bill by 5:00 p.m. on the date specified on the bill, the plan shall issue a notice of delinquency to the subscriber, at the subscriber's last address on file with the plan, requiring payment in full by a date not less than ten days from the date of the notice. If full payment is not received by the date specified in the delinquency notice, the subscriber and enrolled family members will be disenrolled effective the first day of the month following the last month for which full premium payment was received by the plan. Partial payment of premiums due will be regarded as non-payment. The plan may disenroll a subscriber and enrolled family members in the event that the subscriber receives more than two delinquency notices in a twelve-month period.

(5) Enrollees shall be responsible for paying any required copayment directly to the provider of a covered service, unless the enrollee has been instructed by his or her managed health care system or the plan to make payment to another party. Copayments must be paid in full by the enrollee at the time of service. Failure to pay a required copayment in full at the time of service may result in the denial or rescheduling of that service by the managed health care system. Repeated failure to pay copayments in full on a timely basis may result in disenrollment, as provided in WAC 55-01-060(2).

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 WSR 89-22-014, filed 10/24/89)

WAC 55-01-050 ENROLLMENT IN THE PLAN. (1) Any individual applying for enrollment in the plan must complete and submit

the plan's application for enrollment. Applications for enrollment of children under the age of eighteen must be signed by the child's parent or legal guardian, who shall also be held responsible by the plan for payment of premiums due on behalf of the child.

(2) Each applicant shall complete and sign the application for enrollment, listing family members to be enrolled and supplying such other information as required by the plan. (a) Documentation will be required, showing the amount and sources of applicants' income for the most recent complete calendar month as of the date of application. Applicants will also be required to submit a copy of their most recent federal income tax form. Income documentation shall be required for all income-earning family members, including those not applying for enrollment, except for family members who reside in another household and whose income is not available to the family seeking enrollment, and dependent children. (b) Documentation of residence shall also be required, displaying the applicant's name and address. (c) The plan may request additional information from applicants for purposes of establishing or verifying eligibility, premium responsibility or managed health care system selection. (d) Submission of incomplete or inaccurate information may delay or prevent an applicant's enrollment in the plan. Intentional submission of false information may result in disenrollment of the applicant and all enrolled family members, retroactive to the date upon which coverage began.

(3) Each family applying for enrollment must designate a participating managed health care system from which all enrolled family members will receive covered services. All applicants from the same family must receive covered services from the same managed health care system. No applicant will be enrolled for whom designation of a participating managed health care system has not been made as part of the application for enrollment. The administrator will establish procedures for the selection of managed health care systems, which will include conditions under which an enrollee may change from one managed health care system to another. Such procedures will allow enrollees to change from one managed health care system to another during open enrollment, or otherwise upon showing of good cause for the transfer.

(4) Except as provided in WAC 55-01-040(2), applications for enrollment will be reviewed by the plan within thirty days of receipt and those applicants satisfying the eligibility criteria and who have provided all required information, documentation and premium payments will be notified of their effective date of enrollment.

(5) Eligible applicants will be enrolled in the plan in the order in which their completed applications, including all required documentation, have been received by the plan, provided that the applicant also remits full payment of the first premium bill to the plan by the due date specified by the plan.

(6) Not all family members are required to apply for enrollment in the plan; however, any family member for whom application for enrollment is not made at the same time that other family members apply may not subsequently enroll as a family dependent until the next open enrollment period available to that family member. Eligible newborn and newly adopted children may be enrolled effective from the date of birth or physical placement with the adoptive parents for adoption, provided that application for enrollment is submitted to the plan within sixty days of the date of birth or such placement for adoption. A newly acquired spouse of an enrollee may apply for enrollment within thirty days of the date of marriage and, if found eligible by the plan, will be enrolled on the first of a month following completion of the enrollment process by the plan, provided that the addition of the spouse does not otherwise render the family ineligible for coverage by the plan.

(7) Any enrollee who disenrolls from the plan for reasons other than (a) ineligibility due to an increase in gross family income or (b) coverage by another health care benefits program may not re-enroll in the plan for a period of twelve months from the effective date of disenrollment. An enrollee who disenrolls because of ineligibility due to an increase in gross family income may re-enroll in the event that gross family income subsequently falls to a level which qualifies the enrollee for eligibility. An enrollee who disenrolls because of coverage by another health care benefits program may re-enroll in the event that the enrollee becomes ineligible for such other coverage, provided that the enrollee has been continuously covered since the date of disenrollment from the plan, and provides documentation of such continuous coverage to the plan. Before any person shall be re-enrolled in the plan, that person must complete a new application for enrollment and must be determined by the plan to be otherwise eligible for enrollment as of the date of application.

(8) The plan may require any enrollee or applicant for enrollment in the plan who appears to meet eligibility requirements for medical care under chapter 74.09 RCW to complete the eligibility determination process under chapter 74.09 RCW prior to enrollment or continued participation in the plan.

~~((8))~~ (9) Once every six months, the plan will request verification of information from enrollees ("recertification"), which may include a request to complete a new application form and submit required documentation. At recertification, enrollees will be required to report their gross family income for the preceding most recent complete calendar month as of the recertification date specified by the plan, and to provide the same documentation of such income as required of applicants. The plan may request information more frequently from an enrollee for the purpose of verifying eligibility if the plan has good cause to believe that the enrollee's income, residence, family size or other eligibility criteria may have changed since the date on which information was last received by the plan. Enrollees shall be given at least twenty days from the date of any such information request to respond to the request. Failure to respond within the time designated in any information request shall result in a second request from the plan. Failure to respond within the time designated in any second request for information may result in disenrollment of the enrollee. Each enrollee is responsible for notifying the plan within thirty days of any changes which could affect the enrollee's eligibility or premium responsibility.

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 89-001, filed 2/16/89)

WAC 55-01-060 **DISENROLLMENT FROM THE PLAN.** (1) An enrollee may disenroll effective the first day of any month by giving the plan at least ten days prior written notice of the intention to disenroll. Re-enrollment in the plan shall be subject to the provisions of WAC 55-01-050(7). The administrator shall also establish procedures for notice by an enrollee of a disenrollment decision, including the date upon which disenrollment shall become effective. Nonpayment of premium by an enrollee shall be considered an indication of the enrollee's intention to disenroll from the plan.

(2) The plan may disenroll any enrollee from the plan for good cause, which shall include: failure to meet the eligibility requirements set forth in WAC 55-01-040; loss of eligibility; nonpayment of premium; repeated failure to pay copayments in full on a timely basis; failure to provide eligibility information necessary to determine whether the enrollee may be eligible for medical care under chapter 74.09 RCW within the time period specified by the plan; failure to apply when such application is required by the plan to the Department of Social and Health Services for determination of eligibility for medical care under chapter 74.09 RCW within the number of days specified by the plan; fraud or abuse (including but not limited to serious misconduct); intentional misconduct; and refusal to accept or follow procedures or treatment determined by a participating provider to be essential to the health of the enrollee, where the managed health care system demonstrates to the satisfaction of the plan that no professionally acceptable alternative form of treatment is available from the managed health care system, and the enrollee has been so advised by the managed health care system. The plan shall provide the enrollee with advance written notice of its intent to disenroll the enrollee. Such notice shall specify an effective date of disenrollment, which shall be at least ten days from the date of the notice, and shall describe the procedures for disenrollment, including the enrollee's right to appeal the disenrollment decision as set forth in WAC 55-01-070. Prior to the effective date specified, if the enrollee submits a grievance to the plan contesting the disenrollment decision, as provided in WAC 55-01-070(3), disenrollment shall not become effective until the date, if any, established as a result of the plan's grievance procedure, provided that the enrollee otherwise remains eligible and continues to make all premium payments when due; and further provided that the enrollee does not pose a threat of nonconsensual violent, aggressive or sexually aggressive behavior, assault or battery or purposeful damage to or theft of managed health care system property, or the property of staff or providers, patients or visitors while on the property of the managed health care system or one of its participating providers.

(3) Any applicant for enrollment in the plan who knowingly provides false information to the plan or to a participating managed health care

system may be disenrolled by the plan and may be held financially responsible for any covered services obtained from the plan. The administrator may apply other available remedies as well.

WSR 92-09-158
PROPOSED RULES
PARKS AND RECREATION
COMMISSION
[Filed April 22, 1992, 11:56 a.m.]

Original Notice.

Title of Rule: Land exchange fee.

Purpose: Land exchange fee shall be waived when an exchange has a donation to the state that exceeds \$100.00.

Statutory Authority for Adoption: Chapter 43.51 RCW.

Statute Being Implemented: Chapter 43.51 RCW.

Summary: WAC 352-32-295 requires the payment of a \$100 transfer fee for all land exchanges where commission property is involved. In all land exchanges the property received by the commission has a value which equals or exceeds that of the property being transferred by the commission. This difference in value in many of these exchanges exceeds the \$100 transfer fee required by the WAC. Staff recommends that the transfer fee be waived when an exchange has a donation to the state that exceeds the \$100 amount.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Andrew Kramer, State Parks, 7150 Cleanwater Lane, Olympia, 753-2015.

Name of Proponent: Washington State Parks and Recreation Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Summary above.

Proposal Changes the Following Existing Rules: Adds a sentence to WAC 352-32-295 stating that the \$100 fee shall be waived if the land exchanged to parks exceeds \$100 or more.

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

Hearing Location: Best Western Bayview Inn, Phinney Bay Room, 5640 Kitsap Way, Bremerton, WA, on June 5, 1992, at 9:00 a.m.

Submit Written Comments to: Andrew Kramer, State Parks, 7150 Cleanwater Lane, Olympia, by May 22, 1992.

Date of Intended Adoption: June 5, 1992.

April 22, 1992
Nina Carter
Executive Assistant

AMENDATORY SECTION (Amending WSR 84-20-068, filed 10/2/84)

WAC 352-32-295 **LAND EXCHANGE — FEE.** A party who exchanges land with the commission shall pay a nonrefundable transfer fee to the commission of one hundred dollars for each exchange. The fee shall be waived by the commission when the exchange includes a

transfer to the commission of land valued at one hundred dollars or more than the value of the land transferred by the commission.

WSR 92-09-159
PROPOSED RULES
PARKS AND RECREATION
COMMISSION

[Filed April 22, 1992, 11:57 a.m.]

Original Notice.

Title of Rule: Sno-park permits expanded to include a one-day permit at \$7.00 per vehicle.

Purpose: Presently, Washington State Parks and Recreation only offers two types of permits: Seasonal and 3-day. This WAC change will offer one-day permit.

Statutory Authority for Adoption: RCW 43.51.040.

Statute Being Implemented: RCW 43.51.400.

Summary: The users of the State Parks and Recreation Commission sno-park parking areas would like to have more options available to them when purchasing a sno-park parking permit. Presently, a seasonal permit and a three-day consecutive permit is available. Adding a third option of a one-day permit is requested at this time.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Colleen Maguire, State Parks, 7150 Cleanwater Lane, Olympia, 586-0185.

Name of Proponent: Washington State Parks and Recreation Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Summary above.

Proposal Changes the Following Existing Rules: Adds a new permit for sno-parking areas.

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

Hearing Location: Best Western Bayview Inn, Phinney Bay Room, 5640 Kitsap Way, Bremerton, WA, on June 5, 1992, at 9:00 a.m.

Submit Written Comments to: Colleen Maguire, State Parks, 7150 Cleanwater Lane, Olympia, by May 22, 1992.

Date of Intended Adoption: June 5, 1992.

April 22, 1992
 Nina Carter
 Executive Assistant

AMENDATORY SECTION (Amending WSR 90-10-023 [91-09-001], filed 4/23/90 [4/4/91])

WAC 352-32-270 SNO-PARK PERMIT — FEE. The fees and commencement and expiration dates for ((a)) winter recreational area parking permits issued by the state of Washington shall be as follows:

(1) Seasonal permit — \$15.00 per vehicle per season — commences October 1 and expires May 1 of the winter season for which it is issued.

(2) Three day permit — \$10.00 per vehicle — commences on the date identified on the permit in the space provided and expires no later than twelve midnight two consecutive days later.

(3) One day permit — \$7.00 per vehicle — commences on the date identified on the permit in the space provided and expires on that same date.

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

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

WSR 92-09-160
PROPOSED RULES
PARKS AND RECREATION
COMMISSION

[Filed April 22, 1992, 11:59 a.m.]

Original Notice.

Title of Rule: Sno-park permit clarified to stop abuses by sno-park area users.

Purpose: Requires Washington residents vehicles to display Washington state sno-park permit decals.

Statutory Authority for Adoption: RCW 43.51.040(1), 43.51.050(3), and 43.51.290(2).

Statute Being Implemented: Chapter 39.34 RCW and RCW 43.51.300.

Summary: Clarifies that Washington residents must have a Washington sno-park permit to park in winter recreation parking areas and may not obtain and use out-of-state winter recreation parking permits to avoid obtaining a Washington permit.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Colleen Maguire, State Parks, 7150 Cleanwater Lane, Olympia, 586-0185.

Name of Proponent: Washington State Parks and Recreation Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Summary above.

Proposal Changes the Following Existing Rules: Adds a proviso that Washington vehicles shall be required to display a Washington state winter recreation area parking permit.

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

Hearing Location: Best Western Bayview Inn, Phinney Bay Room, 5640 Kitsap Way, Bremerton, WA, on June 5, 1992, at 9:00 a.m.

Submit Written Comments to: Colleen Maguire, State Parks, 7150 Cleanwater Lane, Olympia, by May 22, 1992.

Date of Intended Adoption: June 5, 1992.

April 22, 1992
 Nina Carter
 Executive Assistant

AMENDATORY SECTION (Amending WSR 80-18-004, filed 1/17/78 [11/21/80])

WAC 352-32-265 SNO-PARK PERMIT. Only those vehicles properly displaying a valid winter recreational area parking permit issued by the state of Washington or by another state or nation which honors a Washington state winter recreational area parking permit shall park in designated winter recreational areas; **PROVIDED**, that Washington licensed vehicles shall be required to display a

Washington state winter recreational area parking permit. Those vehicles in violation of this rule shall be subject to the application of RCW 46.61.587.

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.

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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16-231-020	REP-P	92-03-134	16-436-150	AMD-P	92-08-106	16-532-110	AMD-P	92-09-068
16-231-020	REP-S	92-07-059	16-436-166	NEW-P	92-08-106	16-532-110	AMD-P	92-06-071
16-231-020	REP-E	92-07-060	16-436-170	REP-P	92-08-106	16-532-110	AMD	92-09-068
16-231-020	RESCIND	92-08-026	16-436-185	AMD-P	92-08-106	16-555-020	AMD-P	92-05-071
16-231-020	REP-E	92-08-027	16-436-186	NEW-P	92-08-106	16-555-040	AMD-P	92-05-071
16-231-025	REP-P	92-03-134	16-436-187	NEW-P	92-08-106	16-561-020	AMD-P	92-05-070
16-231-025	REP-S	92-07-059	16-436-190	AMD-P	92-08-106	16-570-030	AMD-P	92-08-055
16-231-025	REP-E	92-07-060	16-436-200	AMD-P	92-08-106	16-604-010	AMD	92-06-013
16-231-025	RESCIND	92-08-026	16-436-210	AMD-P	92-08-106	16-604-015	NEW	92-06-013
16-231-025	REP-E	92-08-027	16-436-220	AMD-P	92-08-106	16-622-050	AMD-P	92-03-069
16-231-030	REP-P	92-03-134	16-436-225	NEW-P	92-08-106	16-622-050	AMD-E	92-03-070
16-231-030	REP-S	92-07-059	16-461	AMD	92-06-085	16-622-050	AMD	92-07-030
16-231-030	REP-E	92-07-060	16-461-006	NEW	92-06-085	16-622-060	NEW-P	92-03-069
16-231-030	RESCIND	92-08-026	16-461-010	AMD	92-06-085	16-622-060	NEW-E	92-03-070
16-231-030	REP-E	92-08-027	16-469-010	REP-P	92-09-074	16-622-060	NEW	92-07-030
16-231-110	AMD-E	92-08-028	16-469-020	REP-P	92-09-074	16-752-500	NEW-P	92-03-105
16-231-115	AMD-E	92-08-028	16-469-030	REP-P	92-09-074	16-752-500	NEW	92-07-024
16-231-119	AMD-E	92-08-028	16-469-040	REP-P	92-09-074	16-752-505	NEW-P	92-03-105
16-231-125	AMD-E	92-08-028	16-469-050	REP-P	92-09-074	16-752-505	NEW	92-07-024
16-231-210	AMD-E	92-08-028	16-469-060	REP-P	92-09-074	16-752-507	NEW	92-07-024
16-231-215	AMD-E	92-08-028	16-470-500	REP	92-06-024	16-752-510	NEW-P	92-03-105
16-231-220	AMD-E	92-08-028	16-470-510	REP	92-06-024	16-752-510	NEW	92-07-024
16-231-225	AMD-E	92-08-028	16-470-520	REP	92-06-024	16-752-515	NEW-P	92-03-105
16-231-315	AMD-E	92-08-028	16-470-530	REP	92-06-024	16-752-515	NEW	92-07-024
16-231-910	AMD-E	92-08-028	16-470-600	REP	92-06-023	16-752-520	NEW-P	92-03-105
16-231-912	AMD-E	92-08-028	16-470-605	REP	92-06-023	16-752-520	NEW	92-07-024
16-232-010	AMD-E	92-08-028	16-470-610	REP	92-06-023	16-752-525	NEW-P	92-03-105
16-232-015	AMD-E	92-08-028	16-470-615	REP	92-06-023	16-752-525	NEW	92-07-024
16-232-020	AMD-E	92-08-028	16-470-620	REP	92-06-023	16-752-600	NEW-P	92-03-106
16-232-027	AMD-E	92-08-028	16-470-625	REP	92-06-023	16-752-600	NEW	92-07-025
16-304-110	AMD-P	92-09-150	16-470-630	REP	92-06-023	16-752-605	NEW	92-07-025
16-304-130	AMD-P	92-09-150	16-470-635	REP	92-06-023	16-752-610	NEW-P	92-03-106
16-316-235	AMD-P	92-09-150	16-470-900	NEW-P	92-03-104	16-752-610	NEW	92-07-025
16-316-240	AMD-P	92-09-150	16-470-900	NEW	92-07-023	16-752-620	NEW-P	92-03-106
16-316-245	AMD-P	92-09-150	16-470-905	NEW-P	92-03-104	16-752-620	NEW	92-07-025
16-316-250	AMD-P	92-09-150	16-470-905	NEW	92-07-023	16-752-630	NEW-P	92-03-106
16-316-266	NEW-E	92-06-048	16-470-910	NEW-P	92-03-104	16-752-630	NEW	92-07-025
16-316-266	NEW-P	92-09-075	16-470-910	NEW	92-07-023	16-752-640	NEW-P	92-03-106
16-316-270	AMD-E	92-06-048	16-470-915	NEW-P	92-03-104	16-752-640	NEW	92-07-025
16-316-270	AMD-P	92-09-075	16-470-915	NEW	92-07-023	16-752-650	NEW-P	92-03-106
16-316-280	AMD-E	92-06-048	16-470-920	NEW-P	92-03-104	16-752-650	NEW	92-07-025
16-316-280	AMD-P	92-09-075	16-470-920	NEW	92-07-023	16-752-660	NEW-P	92-03-106
16-316-285	AMD-E	92-06-048	16-494-010	AMD-E	92-06-050	16-752-660	NEW	92-07-025
16-316-285	AMD-P	92-09-075	16-494-010	AMD-P	92-09-075	50-12-116	AMD	92-04-027
16-316-290	AMD-E	92-06-048	16-494-013	AMD-E	92-06-050	50-14-020	NEW	92-06-041
16-316-290	AMD-P	92-09-075	16-494-013	AMD-P	92-09-075	50-14-030	NEW	92-06-041
16-316-315	AMD-P	92-09-150	16-494-046	AMD-E	92-06-050	50-14-040	NEW	92-06-041
16-316-327	AMD-P	92-09-150	16-494-046	AMD-P	92-09-075	50-14-050	NEW	92-06-041
16-316-340	AMD-P	92-09-150	16-494-064	AMD-E	92-06-050	50-14-060	NEW	92-06-041
16-316-350	AMD-P	92-09-150	16-494-064	AMD-P	92-09-075	50-14-070	NEW	92-06-041
16-316-355	AMD-P	92-09-150	16-494-100	NEW-E	92-06-049	50-14-080	NEW	92-06-041
16-316-360	AMD-P	92-09-150	16-494-100	NEW-P	92-09-075	50-14-090	NEW	92-06-041
16-316-370	AMD-P	92-09-150	16-494-110	NEW-E	92-06-049	50-14-100	NEW	92-06-041
16-316-470	AMD-P	92-09-150	16-494-110	NEW-P	92-09-075	50-14-110	NEW	92-06-041
16-316-474	AMD-P	92-09-150	16-494-120	NEW-E	92-06-049	50-14-120	NEW	92-06-041
16-316-525	AMD-P	92-09-150	16-494-120	NEW-P	92-09-075	50-14-130	NEW	92-06-041
16-316-622	AMD-P	92-09-150	16-494-130	NEW-E	92-06-049	50-14-140	NEW	92-06-041
16-316-715	AMD-P	92-09-150	16-494-130	NEW-P	92-09-075	50-30-010	NEW	92-02-105
16-316-717	AMD-P	92-09-150	16-494-140	NEW-E	92-06-049	50-30-020	NEW	92-02-105
16-316-719	AMD-P	92-09-150	16-494-140	NEW-P	92-09-075	50-30-030	NEW	92-02-105
16-316-727	AMD-P	92-09-150	16-494-150	NEW-E	92-06-049	50-30-040	NEW	92-02-105
16-316-800	AMD-P	92-09-150	16-494-150	NEW-P	92-09-075	50-30-050	NEW	92-02-105
16-316-810	AMD-P	92-09-150	16-494-160	NEW-E	92-06-049	50-30-060	NEW	92-02-105
16-316-815	AMD-P	92-09-150	16-494-160	NEW-P	92-09-075	50-30-070	NEW	92-02-105
16-316-820	AMD-P	92-09-150	16-494-170	NEW-E	92-06-049	50-30-080	NEW	92-02-105
16-316-830	AMD-P	92-09-150	16-494-170	NEW-P	92-09-075	50-30-090	NEW	92-02-105
16-316-832	AMD-P	92-09-150	16-495-004	AMD-P	92-09-150	50-30-100	NEW	92-02-105
16-316-833	AMD-P	92-09-150	16-495-010	AMD-P	92-09-150	50-30-110	NEW	92-02-105
16-316-980	AMD-P	92-09-150	16-495-050	AMD-P	92-09-150	51-20-0419	NEW-W	92-09-110
16-316-995	AMD-P	92-09-150	16-495-110	AMD-P	92-09-150	51-20-0504	NEW-W	92-09-110
16-316-997	AMD-P	92-09-150	16-532-010	AMD-P	92-06-071	51-20-0516	NEW-W	92-09-110
16-400-210	AMD-E	92-04-032	16-532-010	AMD	92-09-068	51-20-0554	NEW-W	92-09-110
16-400-210	AMD	92-06-022	16-532-020	AMD-P	92-06-071	51-20-0555	NEW-W	92-09-110
16-436-100	AMD-P	92-08-106	16-532-020	AMD	92-09-068	51-20-0610	NEW-W	92-09-110
16-436-110	AMD-P	92-08-106	16-532-030	AMD-P	92-06-071	51-20-1216	NEW-W	92-09-110

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
51-20-1251	NEW-W	92-09-110	132H-105-010	REP-P	92-09-057	132H-112-054	REP-E	92-07-074
51-20-3200	NEW-W	92-09-110	132H-105-020	REP-E	92-07-071	132H-112-054	REP-P	92-09-058
51-20-3207	NEW-W	92-09-110	132H-105-020	REP-W	92-09-057	132H-112-057	REP-E	92-07-074
51-20-3305	NEW-W	92-09-110	132H-105-030	REP-E	92-07-071	132H-112-057	REP-P	92-09-058
51-20-91200	NEW-W	92-09-110	132H-105-030	REP-P	92-09-057	132H-112-060	REP-E	92-07-074
51-20-91223	NEW-W	92-09-110	132H-105-040	REP-E	92-07-071	132H-112-060	REP-P	92-09-058
51-20-91224	NEW-W	92-09-110	132H-105-040	REP-P	92-09-057	132H-112-063	REP-E	92-07-074
51-20-91225	NEW-W	92-09-110	132H-105-050	REP-E	92-07-071	132H-112-063	REP-P	92-09-058
51-20-91226	NEW-W	92-09-110	132H-105-050	REP-P	92-09-057	132H-116-300	AMD-P	92-09-062
51-20-91227	NEW-W	92-09-110	132H-105-060	REP-E	92-07-071	132H-116-300	AMD-E	92-09-063
51-20-91228	NEW-W	92-09-110	132H-105-060	REP-P	92-09-057	132H-116-310	AMD-P	92-09-062
51-20-91229	NEW-W	92-09-110	132H-105-070	REP-E	92-07-071	132H-116-310	AMD-E	92-09-063
51-20-91230	NEW-W	92-09-110	132H-105-070	REP-P	92-09-057	132H-116-315	NEW-P	92-09-062
51-20-91231	NEW-W	92-09-110	132H-105-090	REP-E	92-07-071	132H-116-315	NEW-E	92-09-063
51-20-91232	NEW-W	92-09-110	132H-105-090	REP-P	92-09-057	132H-116-320	AMD-P	92-09-062
51-20-91233	NEW-W	92-09-110	132H-105-100	REP-E	92-07-071	132H-116-320	AMD-E	92-09-063
51-20-91234	NEW-W	92-09-110	132H-105-100	REP-W	92-09-057	132H-116-330	AMD-P	92-09-062
51-20-93121	NEW-W	92-05-086	132H-105-110	REP-E	92-07-071	132H-116-330	AMD-E	92-09-063
51-24-79809	NEW-P	92-09-156	132H-105-110	REP-P	92-09-057	132H-116-340	REP-P	92-09-062
51-24-79901	NEW-P	92-09-156	132H-105-120	REP-E	92-07-071	132H-116-340	REP-E	92-09-063
51-24-99300	NEW-W	92-05-087	132H-105-120	REP-P	92-09-057	132H-116-350	AMD-P	92-09-062
51-24-99350	NEW-W	92-05-087	132H-105-130	REP-E	92-07-071	132H-116-350	AMD-E	92-09-063
51-24-99351	NEW-W	92-05-087	132H-105-130	REP-P	92-09-057	132H-116-351	NEW-P	92-09-062
51-24-99352	NEW-W	92-05-087	132H-105-140	REP-E	92-07-071	132H-116-351	NEW-E	92-09-063
55-01-010	AMD-P	92-09-157	132H-105-140	REP-P	92-09-057	132H-116-352	NEW-P	92-09-062
55-01-020	AMD-P	92-09-157	132H-105-150	REP-E	92-07-071	132H-116-352	NEW-E	92-09-063
55-01-030	AMD-P	92-09-157	132H-105-150	REP-P	92-09-057	132H-116-353	NEW-P	92-09-062
55-01-050	AMD-P	92-09-157	132H-105-160	REP-E	92-07-071	132H-116-353	NEW-E	92-09-063
55-01-060	AMD-P	92-09-157	132H-105-160	REP-P	92-09-057	132H-116-354	NEW-P	92-09-062
67-25-446	AMD-P	92-06-036	132H-105-170	REP-E	92-07-071	132H-116-354	NEW-E	92-09-063
67-25-446	AMD	92-09-090	132H-105-170	REP-P	92-09-057	132H-116-355	NEW-P	92-09-062
67-35-030	AMD-P	92-07-011	132H-106-010	NEW-E	92-07-071	132H-116-355	NEW-E	92-09-063
67-35-060	AMD-P	92-07-011	132H-106-010	NEW-P	92-09-057	132H-116-356	NEW-P	92-09-062
67-35-070	AMD-P	92-07-011	132H-106-020	NEW-E	92-07-071	132H-116-356	NEW-E	92-09-063
67-35-070	AMD-E	92-07-012	132H-106-020	NEW-P	92-09-057	132H-116-357	NEW-P	92-09-062
67-35-080	REP-P	92-07-011	132H-106-030	NEW-E	92-07-071	132H-116-357	NEW-E	92-09-063
67-35-080	REP-E	92-07-012	132H-106-030	NEW-P	92-09-057	132H-116-360	AMD-P	92-09-062
67-75-040	AMD-P	92-06-036	132H-106-040	NEW-E	92-07-071	132H-116-360	AMD-E	92-09-063
67-75-040	AMD	92-09-090	132H-106-040	NEW-P	92-09-057	132H-116-370	REP-P	92-09-062
67-75-042	NEW-P	92-06-036	132H-106-050	NEW-E	92-07-071	132H-116-370	REP-E	92-09-063
67-75-042	NEW	92-09-090	132H-106-050	NEW-P	92-09-057	132H-116-380	REP-P	92-09-062
67-75-044	NEW-P	92-06-036	132H-106-060	NEW-E	92-07-071	132H-116-380	REP-E	92-09-063
67-75-044	NEW	92-09-090	132H-106-060	NEW-P	92-09-057	132H-116-390	REP-P	92-09-062
67-75-070	AMD-P	92-06-036	132H-112-003	REP-E	92-07-074	132H-116-390	REP-E	92-09-063
67-75-070	AMD	92-09-090	132H-112-003	REP-P	92-09-058	132H-116-400	REP-P	92-09-062
67-75-075	AMD-P	92-06-036	132H-112-006	REP-E	92-07-074	132H-116-400	REP-E	92-09-063
67-75-075	AMD	92-09-090	132H-112-006	REP-P	92-09-058	132H-116-405	NEW-P	92-09-062
131-08-005	AMD-P	92-09-138	132H-112-009	REP-E	92-07-074	132H-116-405	NEW-E	92-09-063
131-08-007	AMD-P	92-09-138	132H-112-009	REP-P	92-09-058	132H-116-410	AMD-P	92-09-062
131-08-008	AMD-P	92-09-138	132H-112-012	REP-E	92-07-074	132H-116-410	AMD-E	92-09-063
131-16-060	AMD-P	92-09-139	132H-112-012	REP-P	92-09-058	132H-116-415	NEW-P	92-09-062
131-16-062	AMD-P	92-09-139	132H-112-015	REP-E	92-07-074	132H-116-415	NEW-E	92-09-063
131-32-040	AMD-P	92-09-140	132H-112-015	REP-P	92-09-058	132H-116-420	REP-P	92-09-062
132B-104	NEW-C	92-07-064	132H-112-018	REP-E	92-07-074	132H-116-420	REP-E	92-09-063
132B-104-010	NEW	92-08-043	132H-112-018	REP-P	92-09-058	132H-116-430	AMD-P	92-09-062
132B-108	NEW-C	92-07-063	132H-112-021	REP-E	92-07-074	132H-116-430	AMD-E	92-09-063
132B-108-010	NEW	92-09-041	132H-112-021	REP-P	92-09-058	132H-116-431	NEW-P	92-09-062
132B-108-020	NEW	92-09-041	132H-112-024	REP-E	92-07-074	132H-116-431	NEW-E	92-09-063
132B-108-030	NEW	92-09-041	132H-112-024	REP-P	92-09-058	132H-116-432	NEW-P	92-09-062
132B-108-040	NEW	92-09-041	132H-112-027	REP-E	92-07-074	132H-116-432	NEW-E	92-09-063
132B-108-050	NEW	92-09-041	132H-112-027	REP-P	92-09-058	132H-116-433	NEW-P	92-09-062
132B-108-060	NEW	92-09-041	132H-112-030	REP-E	92-07-074	132H-116-433	NEW-E	92-09-063
132B-108-070	NEW	92-09-041	132H-112-030	REP-P	92-09-058	132H-116-440	REP-P	92-09-062
132B-108-080	NEW	92-09-041	132H-112-033	REP-E	92-07-074	132H-116-440	REP-E	92-09-063
132B-130	NEW-C	92-07-065	132H-112-033	REP-P	92-09-058	132H-116-450	REP-P	92-09-062
132B-130-010	NEW	92-08-044	132H-112-036	REP-E	92-07-074	132H-116-450	REP-E	92-09-063
132B-130-020	NEW	92-08-044	132H-112-036	REP-P	92-09-058	132H-116-470	AMD-P	92-09-062
132B-131	NEW-C	92-07-065	132H-112-039	REP-E	92-07-074	132H-116-470	AMD-E	92-09-063
132B-131-010	NEW	92-08-044	132H-112-039	REP-P	92-09-058	132H-116-480	REP-P	92-09-062
132B-132	NEW-C	92-07-065	132H-112-042	REP-E	92-07-074	132H-116-480	REP-E	92-09-063
132B-132-010	NEW	92-08-044	132H-112-042	REP-P	92-09-058	132H-116-490	REP-P	92-09-062
132B-133	NEW-C	92-07-064	132H-112-045	REP-E	92-07-074	132H-116-490	REP-E	92-09-063
132B-133-010	NEW	92-08-043	132H-112-045	REP-P	92-09-058	132H-116-500	REP-P	92-09-062
132B-133-020	NEW	92-08-043	132H-112-048	REP-E	92-07-074	132H-116-500	REP-E	92-09-063
132G-152-040	NEW-P	92-04-055	132H-112-048	REP-P	92-09-058	132H-116-510	REP-P	92-09-062
132G-152-040	NEW	92-08-040	132H-112-051	REP-E	92-07-074	132H-116-510	REP-E	92-09-063
132H-105-010	REP-E	92-07-071	132H-112-051	REP-P	92-09-058	132H-116-520	REP-P	92-09-062

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
132I-160-040	REP-P	92-09-152	132K-12-232	REP	92-03-031	132K-12-800	REP	92-03-031
132I-160-045	NEW-P	92-09-152	132K-12-234	REP	92-03-031	132K-12-810	REP	92-03-031
132I-160-047	NEW-P	92-09-152	132K-12-236	REP	92-03-031	132K-12-820	REP	92-03-031
132I-160-050	REP-P	92-09-152	132K-12-238	REP	92-03-031	132K-12-830	REP	92-03-031
132I-160-060	AMD-P	92-09-152	132K-12-240	REP	92-03-031	132K-12-840	REP	92-03-031
132I-160-065	NEW-P	92-09-152	132K-12-242	REP	92-03-031	132M-108-010	NEW-P	92-04-058
132I-160-070	REP-P	92-09-152	132K-12-244	REP	92-03-031	132M-108-010	NEW	92-09-005
132I-160-080	REP-P	92-09-152	132K-12-246	REP	92-03-031	132M-108-020	NEW-P	92-04-058
132I-160-090	AMD-P	92-09-152	132K-12-248	REP	92-03-031	132M-108-020	NEW	92-09-005
132I-160-100	AMD-P	92-09-152	132K-12-250	REP	92-03-031	132M-108-030	NEW-P	92-04-058
132I-160-110	AMD-P	92-09-152	132K-12-252	REP	92-03-031	132M-108-030	NEW	92-09-005
132I-160-120	NEW-P	92-09-152	132K-12-254	REP	92-03-031	132M-108-040	NEW-P	92-04-058
132I-168-010	REP-P	92-09-152	132K-12-256	REP	92-03-031	132M-108-040	NEW	92-09-005
132I-168-020	REP-P	92-09-152	132K-12-258	REP	92-03-031	132M-108-050	NEW-P	92-04-058
132I-168-030	REP-P	92-09-152	132K-12-268	REP	92-03-031	132M-108-050	NEW	92-09-005
132I-168-040	REP-P	92-09-152	132K-12-270	REP	92-03-031	132M-108-060	NEW-P	92-04-058
132I-168-050	REP-P	92-09-152	132K-12-272	REP	92-03-031	132M-108-060	NEW	92-09-005
132I-168-060	REP-P	92-09-152	132K-12-274	REP	92-03-031	132M-108-070	NEW-P	92-04-058
132I-168-070	REP-P	92-09-152	132K-12-276	REP	92-03-031	132M-108-070	NEW	92-09-005
132I-168-080	REP-P	92-09-152	132K-12-278	REP	92-03-031	132M-108-080	NEW-P	92-04-058
132I-168-090	REP-P	92-09-152	132K-12-280	REP	92-03-031	132M-108-080	NEW	92-09-005
132I-168-100	REP-P	92-09-152	132K-12-282	REP	92-03-031	132M-110-130	AMD-P	92-04-057
132I-168-110	REP-P	92-09-152	132K-12-284	REP	92-03-031	132M-110-130	AMD	92-09-004
132I-168A-020	REP-P	92-09-152	132K-12-286	REP	92-03-031	132M-112-010	REP-P	92-04-064
132I-168A-030	AMD-P	92-09-152	132K-12-288	REP	92-03-031	132M-112-010	REP	92-09-092
132I-168A-090	AMD-P	92-09-152	132K-12-290	REP	92-03-031	132M-112-011	REP-P	92-04-064
132I-168A-100	AMD-P	92-09-152	132K-12-300	REP	92-03-031	132M-112-011	REP	92-09-092
132I-276-010	NEW-P	92-09-152	132K-12-310	REP	92-03-031	132M-113-010	AMD-P	92-04-065
132I-276-015	NEW-P	92-09-152	132K-12-320	REP	92-03-031	132M-113-010	AMD	92-09-093
132I-276-020	NEW-P	92-09-152	132K-12-330	REP	92-03-031	132M-113-015	AMD-P	92-04-065
132I-276-030	NEW-P	92-09-152	132K-12-340	REP	92-03-031	132M-113-015	AMD	92-09-093
132I-276-045	NEW-P	92-09-152	132K-12-350	REP	92-03-031	132M-113-020	AMD-P	92-04-065
132I-276-050	NEW-P	92-09-152	132K-12-360	REP	92-03-031	132M-113-020	AMD	92-09-093
132I-276-060	NEW-P	92-09-152	132K-12-370	REP	92-03-031	132M-113-025	AMD-P	92-04-065
132I-276-070	NEW-P	92-09-152	132K-12-380	REP	92-03-031	132M-113-025	AMD	92-09-093
132I-276-080	NEW-P	92-09-152	132K-12-390	REP	92-03-031	132M-113-030	AMD-P	92-04-065
132I-276-090	NEW-P	92-09-152	132K-12-400	REP	92-03-031	132M-113-030	AMD	92-09-093
132I-276-100	NEW-P	92-09-152	132K-12-410	REP	92-03-031	132M-113-035	REP-P	92-04-065
132I-276-110	NEW-P	92-09-152	132K-12-420	REP	92-03-031	132M-113-035	REP	92-09-093
132I-280-010	NEW-P	92-09-152	132K-12-430	REP	92-03-031	132M-113-045	REP-P	92-04-065
132I-280-015	NEW-P	92-09-152	132K-12-440	REP	92-03-031	132M-113-045	REP	92-09-093
132I-280-020	NEW-P	92-09-152	132K-12-450	REP	92-03-031	132M-113-050	NEW-P	92-04-065
132I-280-025	NEW-P	92-09-152	132K-12-460	REP	92-03-031	132M-113-050	NEW	92-09-093
132I-280-030	NEW-P	92-09-152	132K-12-470	REP	92-03-031	132M-113-055	NEW-P	92-04-065
132I-280-035	NEW-P	92-09-152	132K-12-480	REP	92-03-031	132M-113-055	NEW	92-09-093
132I-280-040	NEW-P	92-09-152	132K-12-490	REP	92-03-031	132M-115-001	NEW-P	92-04-061
132I-300-010	NEW-P	92-09-152	132K-12-500	REP	92-03-031	132M-115-001	NEW	92-09-007
132I-300-020	NEW-P	92-09-152	132K-12-510	REP	92-03-031	132M-115-010	REP-P	92-04-061
132I-325-010	NEW-P	92-09-152	132K-12-520	REP	92-03-031	132M-115-010	REP	92-09-007
132I-400-010	NEW-P	92-09-152	132K-12-530	REP	92-03-031	132M-115-020	REP-P	92-04-061
132I-400-020	NEW-P	92-09-152	132K-12-540	REP	92-03-031	132M-115-020	REP	92-09-007
132I-400-030	NEW-P	92-09-152	132K-12-550	REP	92-03-031	132M-115-030	REP-P	92-04-061
132I-400-040	NEW-P	92-09-152	132K-12-560	REP	92-03-031	132M-115-030	REP	92-09-007
132I-500-010	NEW-P	92-09-152	132K-12-570	REP	92-03-031	132M-115-040	REP-P	92-04-061
132K-12-001	REP	92-03-031	132K-12-580	REP	92-03-031	132M-115-040	REP	92-09-007
132K-12-010	REP	92-03-031	132K-12-590	REP	92-03-031	132M-120	AMD-P	92-04-059
132K-12-020	REP	92-03-031	132K-12-600	REP	92-03-031	132M-120	AMD	92-09-094
132K-12-030	REP	92-03-031	132K-12-610	REP	92-03-031	132M-120-010	AMD-P	92-04-059
132K-12-040	REP	92-03-031	132K-12-620	REP	92-03-031	132M-120-010	AMD	92-09-094
132K-12-050	REP	92-03-031	132K-12-630	REP	92-03-031	132M-120-020	AMD-P	92-04-059
132K-12-060	REP	92-03-031	132K-12-640	REP	92-03-031	132M-120-020	AMD	92-09-094
132K-12-070	REP	92-03-031	132K-12-650	REP	92-03-031	132M-120-025	NEW-P	92-04-059
132K-12-080	REP	92-03-031	132K-12-660	REP	92-03-031	132M-120-025	NEW	92-09-094
132K-12-090	REP	92-03-031	132K-12-670	REP	92-03-031	132M-120-030	AMD-P	92-04-059
132K-12-100	REP	92-03-031	132K-12-680	REP	92-03-031	132M-120-030	AMD	92-09-094
132K-12-110	REP	92-03-031	132K-12-690	REP	92-03-031	132M-120-040	AMD-P	92-04-059
132K-12-120	REP	92-03-031	132K-12-700	REP	92-03-031	132M-120-040	AMD	92-09-094
132K-12-130	REP	92-03-031	132K-12-710	REP	92-03-031	132M-120-050	REP-P	92-04-059
132K-12-140	REP	92-03-031	132K-12-720	REP	92-03-031	132M-120-050	REP	92-09-094
132K-12-150	REP	92-03-031	132K-12-725	REP	92-03-031	132M-120-065	NEW-P	92-04-059
132K-12-160	REP	92-03-031	132K-12-730	REP	92-03-031	132M-120-065	NEW	92-09-094
132K-12-170	REP	92-03-031	132K-12-740	REP	92-03-031	132M-120-070	REP-P	92-04-059
132K-12-180	REP	92-03-031	132K-12-750	REP	92-03-031	132M-120-070	REP	92-09-094
132K-12-190	REP	92-03-031	132K-12-760	REP	92-03-031	132M-120-080	REP-P	92-04-059
132K-12-200	REP	92-03-031	132K-12-770	REP	92-03-031	132M-120-080	REP	92-09-094
132K-12-220	REP	92-03-031	132K-12-780	REP	92-03-031	132M-120-095	NEW-P	92-04-059
132K-12-230	REP	92-03-031	132K-12-790	REP	92-03-031	132M-120-095	NEW	92-09-094

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
132M-120-100	NEW-P 92-04-059	136-03-050	NEW-P 92-08-069	172-144-040	AMD-P 92-05-053
132M-120-100	NEW 92-09-094	136-03-060	NEW-P 92-08-069	172-144-040	AMD 92-09-102
132M-120-110	NEW-P 92-04-059	136-03-070	NEW-P 92-08-069	172-144-045	NEW-P 92-05-053
132M-120-110	NEW 92-09-094	136-03-080	NEW-P 92-08-069	172-144-045	NEW 92-09-102
132M-120-120	NEW-P 92-04-059	136-03-090	NEW-P 92-08-069	172-144-050	REP-P 92-05-053
132M-120-120	NEW 92-09-094	136-03-100	NEW-P 92-08-069	172-144-050	REP 92-09-102
132M-120-130	NEW-P 92-04-059	136-03-110	NEW-P 92-08-069	172-325-010	AMD-P 92-05-055
132M-120-130	NEW 92-09-094	136-130-030	AMD-P 92-08-070	172-325-010	AMD 92-09-104
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132M-120-210	NEW 92-09-094	136-160-050	AMD-P 92-08-071	173-19-230	AMD 92-09-135
132M-120-220	NEW-P 92-04-059	136-160-060	AMD-P 92-08-071	173-19-2503	AMD-P 92-07-090
132M-120-220	NEW 92-09-094	136-210-020	AMD-P 92-08-072	173-19-2511	AMD-P 92-07-087
132M-120-300	NEW-P 92-04-059	136-210-030	AMD-P 92-08-072	173-19-2515	AMD-P 92-03-128
132M-120-300	NEW 92-09-094	172-04-010	NEW-P 92-04-085	173-19-2515	AMD-C 92-09-131
132M-120-310	NEW-P 92-04-059	172-04-010	NEW 92-09-101	173-19-2521	AMD-P 92-07-088
132M-120-310	NEW 92-09-094	172-06-010	NEW-P 92-04-083	173-19-2521	AMD-C 92-09-128
132M-120-320	NEW-P 92-04-059	172-06-010	NEW 92-09-099	173-19-2523	AMD-P 92-09-132
132M-120-320	NEW 92-09-094	172-65	AMD-P 92-05-054	173-19-2601	AMD 92-04-081
132M-136-020	AMD-P 92-04-063	172-65	AMD 92-09-103	173-19-2602	AMD-P 92-03-129
132M-136-020	AMD 92-09-009	172-65-010	AMD-P 92-05-054	173-19-2602	AMD-C 92-09-127
132M-136-060	AMD-P 92-04-063	172-65-010	AMD 92-09-103	173-19-4205	AMD-P 92-03-130
132M-136-060	AMD 92-09-009	172-65-020	AMD-P 92-05-054	173-19-4205	AMD 92-09-134
132M-136-100	NEW-P 92-04-063	172-65-020	AMD 92-09-103	173-19-430	AMD-P 92-07-089
132M-136-100	NEW 92-09-009	172-65-030	AMD-P 92-05-054	173-175-010	NEW-P 92-06-091
132M-140-010	REP-P 92-04-063	172-65-030	AMD 92-09-103	173-175-020	NEW-P 92-06-091
132M-140-010	REP 92-09-009	172-65-040	AMD-P 92-05-054	173-175-030	NEW-P 92-06-091
132M-160-010	AMD-P 92-04-062	172-65-040	AMD 92-09-103	173-175-040	NEW-P 92-06-091
132M-160-010	AMD 92-09-008	172-65-050	AMD-P 92-05-054	173-175-050	NEW-P 92-06-091
132M-300-001	NEW-P 92-04-064	172-65-050	AMD 92-09-103	173-175-060	NEW-P 92-06-091
132M-300-001	NEW 92-09-092	172-65-060	AMD-P 92-05-054	173-175-070	NEW-P 92-06-091
132M-300-010	NEW-P 92-04-064	172-65-060	AMD 92-09-103	173-175-100	NEW-P 92-06-091
132M-300-010	NEW 92-09-092	172-65-070	AMD-P 92-05-054	173-175-110	NEW-P 92-06-091
132M-400-010	NEW-P 92-04-060	172-65-070	AMD 92-09-103	173-175-120	NEW-P 92-06-091
132M-400-010	NEW 92-09-006	172-65-080	AMD-P 92-05-054	173-175-130	NEW-P 92-06-091
132M-400-020	NEW-P 92-04-060	172-65-080	AMD 92-09-103	173-175-140	NEW-P 92-06-091
132M-400-020	NEW 92-09-006	172-65-090	AMD-P 92-05-054	173-175-150	NEW-P 92-06-091
132M-400-030	NEW-P 92-04-060	172-65-090	AMD 92-09-103	173-175-160	NEW-P 92-06-091
132M-400-030	NEW 92-09-006	172-108-010	NEW-P 92-04-084	173-175-170	NEW-P 92-06-091
132M-400-040	NEW-P 92-04-060	172-108-010	NEW 92-09-100	173-175-180	NEW-P 92-06-091
132M-400-040	NEW 92-09-006	172-108-020	NEW-P 92-04-084	173-175-190	NEW-P 92-06-091
132Y-100-008	AMD-P 92-04-067	172-108-020	NEW 92-09-100	173-175-200	NEW-P 92-06-091
132Y-100-008	AMD 92-09-055	172-108-030	NEW-P 92-04-084	173-175-210	NEW-P 92-06-091
132Y-100-010	REP-P 92-04-067	172-108-030	NEW 92-09-100	173-175-220	NEW-P 92-06-091
132Y-100-010	REP 92-09-055	172-108-040	NEW-P 92-04-084	173-175-230	NEW-P 92-06-091
132Y-100-028	AMD-P 92-04-067	172-108-040	NEW 92-09-100	173-175-240	NEW-P 92-06-091
132Y-100-028	AMD 92-09-055	172-108-050	NEW-P 92-04-084	173-175-250	NEW-P 92-06-091
132Y-100-036	REP-P 92-04-067	172-108-050	NEW 92-09-100	173-175-260	NEW-P 92-06-091
132Y-100-036	REP 92-09-055	172-108-060	NEW-P 92-04-084	173-175-270	NEW-P 92-06-091
132Y-100-040	REP-P 92-04-067	172-108-060	NEW 92-09-100	173-175-350	NEW-P 92-06-091
132Y-100-040	REP 92-09-055	172-108-070	NEW-P 92-04-084	173-175-360	NEW-P 92-06-091
132Y-100-044	AMD-P 92-04-067	172-108-070	NEW 92-09-100	173-175-370	NEW-P 92-06-091
132Y-100-044	AMD 92-09-055	172-108-080	NEW-P 92-04-084	173-175-380	NEW-P 92-06-091
132Y-100-048	REP-P 92-04-067	172-108-080	NEW 92-09-100	173-175-390	NEW-P 92-06-091
132Y-100-048	REP 92-09-055	172-108-090	NEW-P 92-04-084	173-175-400	NEW-P 92-06-091
132Y-100-066	NEW-P 92-04-067	172-108-090	NEW 92-09-100	173-175-500	NEW-P 92-06-091
132Y-100-066	NEW 92-09-055	172-124	AMD-P 92-05-056	173-175-510	NEW-P 92-06-091
132Y-100-072	AMD-P 92-04-067	172-124	AMD 92-09-105	173-175-520	NEW-P 92-06-091
132Y-100-072	AMD 92-09-055	172-124-010	AMD-P 92-05-056	173-175-600	NEW-P 92-06-091
132Y-100-100	AMD-P 92-04-067	172-124-010	AMD 92-09-105	173-175-610	NEW-P 92-06-091
132Y-100-100	AMD 92-09-055	172-124-020	AMD-P 92-05-056	173-175-620	NEW-P 92-06-091
132Y-100-104	AMD-P 92-04-067	172-124-020	AMD 92-09-105	173-175-630	NEW-P 92-06-091
132Y-100-104	AMD 92-09-055	172-124-100	REP-P 92-05-056	173-180D-010	NEW-P 92-06-087
132Y-100-112	AMD-P 92-04-067	172-124-100	REP 92-09-105	173-180D-020	NEW-P 92-06-087
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132Y-100-116	AMD-P 92-04-067	172-124-200	REP 92-09-105	173-180D-040	NEW-P 92-06-087
132Y-100-116	AMD 92-09-055	172-124-210	REP-P 92-05-056	173-180D-050	NEW-P 92-06-087
132Y-100-120	AMD-P 92-04-067	172-124-210	REP 92-09-105	173-180D-055	NEW-P 92-06-087
132Y-100-120	AMD 92-09-055	172-124-220	REP-P 92-05-056	173-180D-060	NEW-P 92-06-087
136-01-010	AMD-P 92-08-068	172-124-220	REP 92-09-105	173-180D-065	NEW-P 92-06-087
136-01-020	AMD-P 92-08-068	172-144-010	AMD-P 92-05-053	173-180D-070	NEW-P 92-06-087
136-01-030	AMD-P 92-08-068	172-144-010	AMD 92-09-102	173-180D-075	NEW-P 92-06-087
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136-03-020	NEW-P 92-08-069	172-144-020	AMD 92-09-102	173-180D-085	NEW-P 92-06-087
136-03-030	NEW-P 92-08-069	172-144-030	REP-P 92-05-053	173-180D-090	NEW-P 92-06-087
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173-202-020	AMD-E	92-05-084	180-77-065	AMD	92-05-039	220-44-05000T	NEW-E	92-08-007
173-202-020	AMD-P	92-07-085	180-77-100	NEW	92-05-039	220-44-05000U	REP-E	92-09-084
173-224-015	AMD	92-03-131	180-77-105	NEW	92-05-039	220-47-301	NEW-E	92-09-084
173-224-020	AMD	92-03-131	180-77-110	NEW	92-05-039	220-47-302	AMD-P	92-09-137
173-224-030	AMD	92-03-131	180-78-165	AMD	92-06-027	220-47-304	AMD-P	92-09-137
173-224-040	AMD	92-03-131	180-78-200	NEW-W	92-09-108	220-47-307	AMD-P	92-09-137
173-224-050	AMD	92-03-131	180-79-047	AMD	92-04-044	220-47-311	AMD-P	92-09-137
173-224-090	AMD	92-03-131	180-79-049	AMD	92-04-044	220-47-319	AMD-P	92-09-137
173-224-100	AMD	92-03-131	180-79-075	AMD	92-04-044	220-47-401	AMD-P	92-09-137
173-224-120	AMD	92-03-131	180-79-080	AMD	92-04-044	220-47-411	AMD-P	92-09-137
173-303-145	AMD-P	92-03-127	180-79-086	AMD	92-04-044	220-47-412	AMD-P	92-09-137
173-305-060	REP-P	92-05-083	180-79-115	AMD	92-04-044	220-47-500	AMD-P	92-09-137
173-305-070	REP-P	92-05-083	180-79-120	AMD	92-04-044	220-48-005	AMD-P	92-06-092
173-305-080	REP-P	92-05-083	180-79-123	NEW	92-04-044	220-48-005	AMD-C	92-08-079
173-305-090	REP-P	92-05-083	180-79-129	REP	92-04-044	220-48-00500A	NEW-E	92-09-073
173-422-010	AMD-P	92-09-133	180-79-131	AMD	92-04-044	220-48-011	AMD-P	92-06-092
173-422-020	AMD-P	92-09-133	180-79-136	AMD	92-04-044	220-48-011	AMD-C	92-08-079
173-422-030	AMD-P	92-09-133	180-79-230	AMD	92-04-044	220-48-042	AMD-P	92-06-092
173-422-035	AMD-P	92-09-133	180-79-241	AMD-P	92-08-077	220-48-042	AMD-C	92-08-079
173-422-040	AMD-P	92-09-133	180-79-310	REP	92-04-044	220-48-052	AMD-P	92-06-092
173-422-050	AMD-P	92-09-133	180-79-311	NEW	92-04-044	220-48-052	AMD-C	92-08-079
173-422-060	AMD-P	92-09-133	180-79-333	NEW	92-04-044	220-49-02000D	NEW-E	92-08-022
173-422-065	NEW-P	92-09-133	180-79-379	NEW	92-04-044	220-52-07300H	NEW-E	92-06-054
173-422-070	AMD-P	92-09-133	180-85-045	AMD	92-04-044	220-56-10500A	NEW-E	92-08-031
173-422-075	NEW-P	92-09-133	180-85-077	NEW	92-04-044	220-56-116	AMD-P	92-03-151
173-422-080	REP-P	92-09-133	180-85-115	AMD	92-04-044	220-56-145	AMD-P	92-03-151
173-422-090	AMD-P	92-09-133	180-86-150	AMD-P	92-08-077	220-56-156	AMD-P	92-03-151
173-422-095	NEW-P	92-09-133	180-86-155	AMD-P	92-08-077	220-56-15600E	NEW-E	92-09-083
173-422-100	AMD-P	92-09-133	182-12-111	AMD	92-03-040	220-56-160	AMD-P	92-03-151
173-422-110	REP-P	92-09-133	182-12-115	AMD-P	92-04-001	220-56-195	AMD-P	92-03-151
173-422-120	AMD-P	92-09-133	182-12-115	AMD-C	92-07-046	220-56-205	AMD-P	92-03-151
173-422-130	AMD-P	92-09-133	182-12-115	AMD	92-08-003	220-56-235	AMD-P	92-03-151
173-422-140	AMD-P	92-09-133	192-12-017	REP-P	92-07-104	220-56-23500G	NEW-E	92-09-083
173-422-150	REP-P	92-09-133	192-12-019	REP-P	92-07-104	220-56-240	AMD-P	92-03-151
173-422-160	AMD-P	92-09-133	192-12-072	AMD-P	92-07-104	220-56-24000G	NEW-E	92-09-083
173-422-170	AMD-P	92-09-133	192-12-300	AMD-P	92-03-145	220-56-250	AMD-P	92-03-151
173-422-180	REP-P	92-09-133	192-12-305	AMD-P	92-03-145	220-56-25000E	NEW-E	92-09-083
173-433-100	AMD-P	92-09-035	192-12-310	AMD-P	92-03-145	220-56-28000A	NEW-E	92-07-015
173-433-110	AMD-P	92-09-035	192-12-320	AMD-P	92-03-145	220-56-282	AMD-P	92-03-151
173-433-170	AMD-P	92-09-035	192-12-370	NEW-P	92-03-145	220-56-285	AMD-P	92-03-151
173-492-010	NEW-P	92-06-088	192-12-400	NEW-P	92-07-104	220-56-28500F	NEW-E	92-09-083
173-492-020	NEW-P	92-06-088	192-12-405	NEW-P	92-07-104	220-56-310	AMD-P	92-03-151
173-492-030	NEW-P	92-06-088	192-32-120	NEW	92-05-051	220-56-31000K	NEW-E	92-09-083
173-492-040	NEW-P	92-06-088	192-32-125	NEW	92-05-051	220-56-315	AMD-P	92-03-151
173-492-050	NEW-P	92-06-088	196-24-050	AMD-P	92-04-008	220-56-31500A	NEW-E	92-09-083
173-492-060	NEW-P	92-06-088	196-24-050	AMD	92-09-089	220-56-320	AMD-P	92-03-151
173-492-070	NEW-P	92-06-088	204-24-030	AMD	92-05-016	220-56-32000C	NEW-E	92-09-083
173-492-080	NEW-P	92-06-088	204-24-040	AMD	92-05-016	220-56-335	AMD-P	92-03-151
173-492-090	NEW-P	92-06-088	204-24-050	AMD	92-05-016	220-56-33500G	NEW-E	92-09-083
173-492-100	NEW-P	92-06-088	204-24-070	AMD	92-05-016	220-56-350	AMD-P	92-03-151
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173-564-010	NEW-E	92-07-054	204-38-040	AMD-P	92-05-015	220-56-360	AMD-P	92-03-151
173-564-020	NEW-E	92-07-054	204-74A-060	AMD	92-09-050	220-56-380	AMD-P	92-03-151
173-564-030	NEW-E	92-07-054	220-16-040	AMD-P	92-09-137	220-56-38000J	NEW-E	92-09-083
173-564-040	NEW-E	92-07-054	220-16-046	NEW-P	92-09-137	220-56-400	AMD-P	92-03-151
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178-01-010	NEW-E	92-03-056	220-32-05100J	REP-E	92-04-051	220-57-160	AMD-P	92-03-151
178-01-010	NEW	92-09-002	220-32-05100K	NEW-E	92-04-051	220-57-16000L	NEW-E	92-04-050
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180-16-205	AMD	92-05-047	220-32-05100L	NEW-E	92-07-007	220-57-16000N	NEW-E	92-09-083
180-16-222	AMD	92-04-044	220-32-05500A	NEW-E	92-09-047	220-57-175	AMD-P	92-03-151
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180-51-085	AMD	92-08-078	220-32-05700I	REP-E	92-05-004	220-57-205	AMD-W	92-04-011
180-75-016	NEW	92-04-044	220-32-05700J	NEW-E	92-04-051	220-57-210	AMD-P	92-03-151
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180-75-090	AMD	92-04-044	220-44-050	AMD-P	92-03-150	220-57-405	AMD-P	92-03-151
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222-16-020	AMD-P	92-07-093	232-28-61826	NEW-E	92-05-022	240-15-025	AMD-P	92-08-060
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222-16-050	AMD-P	92-07-093	232-28-61831	NEW-E	92-08-064	246-205	AMD-S	92-04-071
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222-16-070	NEW-P	92-07-093	232-28-61901	NEW	92-07-038	246-205-001	AMD-S	92-04-071
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222-24-060	AMD-P	92-07-093	236-12-011	REP	92-04-036	246-215-009	REP	92-08-112
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246-215-089	REP-P	92-03-142	246-215-500	REP	92-08-112	246-816-310	AMD	92-05-012
246-215-089	REP	92-08-112	246-215-900	REP-P	92-03-142	246-816-360	AMD	92-05-012
246-215-090	NEW-P	92-03-142	246-215-900	REP	92-08-112	246-816-370	AMD	92-05-012
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246-215-169	REP	92-08-112	246-358-035	AMD	92-04-082	246-830-430	AMD-P	92-03-139
246-215-170	NEW-P	92-03-142	246-358-045	AMD	92-04-082	246-830-440	AMD-P	92-03-139
246-215-170	NEW	92-08-112	246-358-055	AMD	92-04-082	246-830-450	AMD-P	92-03-139
246-215-179	REP-P	92-03-142	246-358-075	AMD	92-04-082	246-836-210	NEW-P	92-02-097
246-215-179	REP	92-08-112	246-358-095	AMD	92-04-082	246-836-210	NEW	92-06-020
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246-215-189	REP	92-08-112	246-358-135	AMD	92-04-082	246-847-068	NEW-P	92-09-153
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246-215-199	REP	92-08-112	246-390-001	NEW-P	92-07-078	246-847-117	NEW-P	92-09-153
246-215-200	NEW-P	92-03-142	246-390-010	NEW-P	92-07-078	246-847-125	NEW-P	92-09-153
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246-215-229	REP	92-08-112	246-762-020	AMD-P	92-02-096	246-851-270	PREP	92-03-032
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246-215-239	REP	92-08-112	246-806-990	AMD-P	92-03-140	246-851-450	NEW-P	92-02-095
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246-215-240	NEW	92-08-112	246-807-300	AMD-E	92-09-080	246-851-460	NEW-P	92-02-095
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246-215-260	NEW	92-08-112	246-815-115	NEW	92-03-126	246-851-480	NEW-P	92-02-095
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246-215-270	NEW	92-08-112	246-816-160	NEW-P	92-02-095	246-851-490	NEW-P	92-02-095
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246-215-280	NEW	92-08-112	246-816-201	AMD	92-05-012	246-851-990	AMD	92-06-029
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246-857-330	AMD-P	92-07-098	246-887-200	AMD-P	92-07-098	246-918-330	REP-P	92-08-063
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246-858-020	AMD-P	92-07-098	246-887-210	NEW	92-09-071	246-918-350	REP-P	92-08-063
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246-869-070	AMD-P	92-07-098	246-915-015	AMD	92-08-039	246-930-040	AMD-P	92-07-079
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246-873-080	AMD-P	92-07-098	246-917-126	NEW	92-08-021	246-930-330	AMD-P	92-07-079
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250-68-030	REP	92-03-002	251-17-120	AMD-W	92-07-018	284-66-270	AMD	92-06-021
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326-02-050	AMD-E	92-07-001	326-20-091	RESCIND	92-07-102	326-20-180	AMD-E	92-07-102
326-02-050	RESCIND	92-07-102	326-20-091	REP-E	92-07-102	326-20-180	AMD-P	92-07-103
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434-28-060	NEW-S	92-09-112	434-166-070	NEW-E	92-02-103	434-677-020	NEW-P	92-04-026
434-34-010	NEW-S	92-09-112	434-166-070	NEW-P	92-02-104	434-677-020	NEW	92-08-020
434-34-015	NEW-S	92-09-112	434-166-080	NEW-E	92-02-103	434-677-030	NEW-P	92-04-026
434-34-020	NEW-S	92-09-112	434-166-080	NEW-P	92-02-104	434-677-030	NEW	92-08-020
434-34-025	NEW-S	92-09-112	434-166-090	NEW-E	92-02-103	434-677-040	NEW-P	92-04-026
434-34-030	NEW-S	92-09-112	434-166-090	NEW-P	92-02-104	434-677-040	NEW	92-08-020
434-34-035	NEW-S	92-09-112	434-166-100	NEW-E	92-02-103	434-677-050	NEW-P	92-04-026
434-34-040	NEW-S	92-09-112	434-166-100	NEW-P	92-02-104	434-677-050	NEW	92-08-020
434-34-045	NEW-S	92-09-112	434-166-110	NEW-E	92-02-103	434-677-060	NEW-P	92-04-026
434-34-050	NEW-S	92-09-112	434-166-110	NEW-P	92-02-104	434-677-060	NEW	92-08-020
434-34-055	NEW-S	92-09-112	434-166-120	NEW-E	92-02-103	434-677-070	NEW-P	92-04-026
434-34-060	NEW-S	92-09-112	434-166-120	NEW-P	92-02-104	434-677-070	NEW	92-08-020
434-34-065	NEW-S	92-09-112	434-166-130	NEW-E	92-02-103	434-677-080	NEW-P	92-04-026
434-34-070	NEW-S	92-09-112	434-166-130	NEW-P	92-02-104	434-677-080	NEW	92-08-020
434-34-075	NEW-S	92-09-112	434-166-140	NEW-E	92-02-103	458-16-013	PREP	92-04-069
434-34-080	NEW-S	92-09-112	434-166-140	NEW-P	92-02-104	458-16-013	AMD-P	92-04-079
434-34-085	NEW-S	92-09-112	434-166-150	NEW-E	92-02-103	458-16-033	AMD-E	92-06-039
434-34-090	NEW-S	92-09-112	434-166-150	NEW-P	92-02-104	458-16-020	PREP	92-04-069
434-34-095	NEW-S	92-09-112	434-166-160	NEW-E	92-02-103	458-16-020	AMD-P	92-04-079
434-34-100	NEW-S	92-09-112	434-166-160	NEW-P	92-02-104	458-16-020	AMD-E	92-06-039
434-34-105	NEW-S	92-09-112	434-166-170	NEW-E	92-02-103	458-18-010	PREP	92-04-068
434-34-110	NEW-S	92-09-112	434-166-170	NEW-P	92-02-104	458-18-010	AMD-P	92-04-078
434-34-115	NEW-S	92-09-112	434-166-180	NEW-E	92-02-103	458-18-010	AMD-E	92-06-038
434-53-010	NEW-S	92-09-112	434-166-180	NEW-P	92-02-104	458-18-020	PREP	92-04-068
434-53-020	NEW-S	92-09-112	434-166-190	NEW-E	92-02-103	458-18-020	AMD-P	92-04-078
434-53-030	NEW-S	92-09-112	434-166-190	NEW-P	92-02-104	458-18-020	AMD-E	92-06-038
434-53-040	NEW-S	92-09-112	434-166-200	NEW-E	92-02-103	458-20-105	AMD-P	92-03-066
434-53-050	NEW-S	92-09-112	434-166-200	NEW-P	92-02-104	458-20-105	AMD	92-06-082
434-53-060	NEW-S	92-09-112	434-166-210	NEW-E	92-02-103	458-20-132	AMD	92-05-066
434-53-070	NEW-S	92-09-112	434-166-210	NEW-P	92-02-104	458-20-164	AMD-P	92-03-067
434-53-080	NEW-S	92-09-112	434-166-220	NEW-E	92-02-103	458-20-166	AMD	92-05-064
434-53-090	NEW-S	92-09-112	434-166-220	NEW-P	92-02-104	458-20-18601	NEW-P	92-03-065
434-53-100	NEW-S	92-09-112	434-166-230	NEW-E	92-02-103	458-20-18601	NEW	92-06-081
434-53-110	NEW-S	92-09-112	434-166-230	NEW-P	92-02-104	458-20-18801	AMD	92-05-065
434-53-120	NEW-S	92-09-112	434-166-240	NEW-E	92-02-103	458-20-199	AMD	92-03-026
434-53-130	NEW-S	92-09-112	434-166-240	NEW-P	92-02-104	458-20-228	AMD	92-03-025
434-53-140	NEW-S	92-09-112	434-166-250	NEW-E	92-02-103	458-20-229	AMD-P	92-05-017
434-53-150	NEW-S	92-09-112	434-166-250	NEW-P	92-02-104	458-20-260	NEW-E	92-04-015
434-53-160	NEW-S	92-09-112	434-166-260	NEW-E	92-02-103	458-20-260	PREP	92-05-052
434-53-170	NEW-S	92-09-112	434-166-260	NEW-P	92-02-104	458-20-260	NEW-P	92-07-092
434-53-180	NEW-S	92-09-112	434-166-270	NEW-E	92-02-103	458-30-262	AMD	92-03-068
434-53-190	NEW-S	92-09-112	434-166-270	NEW-P	92-02-104	458-40-615	NEW-E	92-08-018
434-53-200	NEW-S	92-09-112	434-166-280	NEW-E	92-02-103	458-40-650	AMD-E	92-06-040
434-53-210	NEW-S	92-09-112	434-166-280	NEW-P	92-02-104	458-40-650	AMD-E	92-06-057
434-53-220	NEW-S	92-09-112	434-166-290	NEW-E	92-02-103	458-40-660	PREP	92-06-037
434-53-230	NEW-S	92-09-112	434-166-290	NEW-P	92-02-104	458-40-660	AMD-E	92-06-040
434-53-240	NEW-S	92-09-112	434-166-300	NEW-E	92-02-103	458-40-660	AMD-E	92-06-057
434-53-250	NEW-S	92-09-112	434-166-300	NEW-P	92-02-104	458-40-670	PREP	92-06-037
434-53-260	NEW-S	92-09-112	434-166-310	NEW-E	92-02-103	458-40-670	AMD-E	92-06-040
434-53-270	NEW-S	92-09-112	434-166-310	NEW-P	92-02-104	458-40-670	AMD-E	92-06-057
434-53-280	NEW-S	92-09-112	434-166-320	NEW-E	92-02-103	463-06-020	AMD-P	92-02-099
434-53-290	NEW-S	92-09-112	434-166-320	NEW-P	92-02-104	463-06-020	AMD	92-09-013
434-53-300	NEW-S	92-09-112	434-166-330	NEW-E	92-02-103	463-06-030	AMD-P	92-02-099
434-53-310	NEW-S	92-09-112	434-166-330	NEW-P	92-02-104	463-06-030	AMD	92-09-013
434-53-320	NEW-S	92-09-112	434-166-340	NEW-E	92-02-103	463-06-040	AMD-P	92-02-099
434-62-150	NEW-S	92-09-112	434-166-340	NEW-P	92-02-104	463-06-040	AMD	92-09-013
434-62-160	NEW-S	92-09-112	434-166-350	NEW-E	92-02-103	463-06-050	AMD-P	92-02-099
434-62-170	NEW-S	92-09-112	434-166-350	NEW-P	92-02-104	463-06-050	AMD	92-09-013
434-62-180	NEW-S	92-09-112	434-166-360	NEW-E	92-02-103	463-06-070	AMD-P	92-02-099
434-62-190	NEW-S	92-09-112	434-166-360	NEW-P	92-02-104	463-06-070	AMD	92-09-013
434-62-200	NEW-S	92-09-112	434-630-010	NEW-P	92-09-017	463-06-150	AMD-P	92-02-099
434-75-240	AMD-P	92-05-023	434-630-020	NEW-P	92-09-017	463-06-150	AMD	92-09-013
434-75-240	AMD	92-08-032	434-630-030	NEW-P	92-09-017	463-26-030	REP-P	92-02-099
434-75-250	AMD-P	92-05-023	434-630-040	NEW-P	92-09-017	463-26-030	REP	92-09-013
434-75-250	AMD	92-08-032	434-630-050	NEW-P	92-09-017	463-39-005	NEW-P	92-02-099
434-166-010	NEW-E	92-02-103	434-630-060	NEW-P	92-09-017	463-39-005	NEW	92-09-013
434-166-010	NEW-P	92-02-104	434-635-010	NEW-P	92-09-018	463-39-010	AMD-P	92-02-099
434-166-020	NEW-E	92-02-103	434-635-020	NEW-P	92-09-018	463-39-010	AMD	92-09-013
434-166-020	NEW-P	92-02-104	434-635-030	NEW-P	92-09-018	463-39-030	AMD-P	92-02-099
434-166-030	NEW-E	92-02-103	434-635-040	NEW-P	92-09-018	463-39-030	AMD	92-09-013
434-166-030	NEW-P	92-02-104	434-635-050	NEW-P	92-09-018	463-39-040	REP-P	92-02-099

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463-39-050	REP-P	92-02-099	478-160-200	REP-P	92-08-065	480-93-180	AMD-P	92-06-086
463-39-050	REP	92-09-013	478-160-205	REP-P	92-08-065	480-93-183	NEW-P	92-06-086
463-39-060	REP-P	92-02-099	478-160-210	AMD-P	92-08-065	480-93-185	AMD-P	92-06-086
463-39-060	REP	92-09-013	478-160-215	REP-P	92-08-065	480-93-18601	AMD-P	92-06-086
463-39-080	REP-P	92-02-099	478-160-216	REP-P	92-08-065	480-93-187	AMD-P	92-06-086
463-39-080	REP	92-09-013	478-160-220	REP-P	92-08-065	480-93-188	AMD-P	92-06-086
463-39-110	REP-P	92-02-099	478-160-225	REP-P	92-08-065	480-93-190	AMD-P	92-06-086
463-39-110	REP	92-09-013	478-160-230	AMD-P	92-08-065	480-93-200	AMD-P	92-06-086
463-39-115	AMD-P	92-02-099	478-160-231	AMD-P	92-08-065	480-93-210	AMD-P	92-06-086
463-39-115	AMD	92-09-013	478-160-232	REP-P	92-08-065	480-93-230	AMD-P	92-06-086
463-39-120	AMD-P	92-02-099	478-160-240	AMD-P	92-08-065	480-110-018	NEW-P	92-05-091
463-39-120	AMD	92-09-013	478-160-246	AMD-P	92-08-065	480-110-018	NEW	92-09-078
463-39-150	REP-P	92-02-099	478-160-256	AMD-P	92-08-065	480-110-021	AMD-P	92-05-090
463-39-150	REP	92-09-013	478-160-260	AMD-P	92-08-065	480-110-066	AMD-P	92-05-090
463-42-055	AMD-P	92-02-099	478-160-265	AMD-P	92-08-065	480-120-340	NEW	92-03-049
463-42-055	AMD	92-09-013	478-160-270	AMD-P	92-08-065	480-146-091	NEW-C	92-05-001
463-42-165	AMD-P	92-02-099	478-160-271	NEW-P	92-08-065	480-146-091	NEW	92-07-009
463-42-165	AMD	92-09-013	478-160-275	AMD-P	92-08-065	495A-104-010	NEW-P	92-07-101
463-42-195	AMD-P	92-02-099	478-160-280	AMD-P	92-08-065	495A-104-010	NEW-E	92-08-004
463-42-195	AMD	92-09-013	478-160-285	AMD-P	92-08-065	495A-104-020	NEW-P	92-07-101
463-42-225	AMD-P	92-02-099	478-160-290	AMD-P	92-08-065	495A-104-020	NEW-E	92-08-004
463-42-225	AMD	92-09-013	478-160-295	AMD-P	92-08-065	495A-104-030	NEW-P	92-07-101
463-42-265	AMD-P	92-02-099	478-160-305	AMD-P	92-08-065	495A-104-030	NEW-E	92-08-004
463-42-265	AMD	92-09-013	478-160-310	AMD-P	92-08-065	495A-108-010	NEW-P	92-07-101
463-42-345	AMD-P	92-02-099	478-160-320	AMD-P	92-08-065	495A-108-010	NEW-E	92-08-004
463-42-345	AMD	92-09-013	479-01-020	AMD-P	92-08-095	495A-108-020	NEW-P	92-07-101
463-42-445	AMD-P	92-02-099	480-04-010	REP	92-07-006	495A-108-020	NEW-E	92-08-004
463-42-445	AMD	92-09-013	480-04-020	AMD	92-07-006	495A-108-030	NEW-P	92-07-101
463-42-455	AMD-P	92-02-099	480-04-030	AMD	92-07-006	495A-108-030	NEW-E	92-08-004
463-42-455	AMD	92-09-013	480-04-040	REP	92-07-006	495A-108-040	NEW-P	92-07-101
463-42-465	AMD-P	92-02-099	480-04-050	AMD	92-07-006	495A-108-040	NEW-E	92-08-004
463-42-465	AMD	92-09-013	480-04-060	AMD	92-07-006	495A-108-050	NEW-P	92-07-101
463-42-595	AMD-P	92-02-099	480-04-065	NEW	92-07-006	495A-108-050	NEW-E	92-08-004
463-42-595	AMD	92-09-013	480-04-070	AMD	92-07-006	495A-108-060	NEW-P	92-07-101
463-42-625	AMD-P	92-02-099	480-04-080	REP	92-07-006	495A-108-060	NEW-E	92-08-004
463-42-625	AMD	92-09-013	480-04-090	AMD	92-07-006	495A-108-070	NEW-P	92-07-101
463-42-685	NEW-P	92-02-099	480-04-095	NEW	92-07-006	495A-108-070	NEW-E	92-08-004
463-42-685	NEW-P	92-06-070	480-04-110	AMD	92-07-006	495A-108-080	NEW-P	92-07-101
463-42-685	NEW-W	92-07-002	480-04-120	AMD	92-07-006	495A-108-080	NEW-E	92-08-004
463-42-690	NEW-P	92-02-099	480-04-130	AMD	92-07-006	495A-120-010	NEW-P	92-07-101
463-42-690	NEW	92-09-013	480-09-100	AMD	92-07-006	495A-120-010	NEW-E	92-08-004
463-47-051	AMD-P	92-02-099	480-09-210	AMD	92-07-006	495A-120-020	NEW-P	92-07-101
463-47-051	AMD	92-09-013	480-12-375	AMD-P	92-05-092	495A-120-020	NEW-E	92-08-004
463-47-090	AMD-P	92-02-099	480-12-375	AMD	92-09-014	495A-120-030	NEW-P	92-07-101
463-47-090	AMD	92-09-013	480-70-350	AMD	92-03-082	495A-120-030	NEW-E	92-08-004
468-66-010	AMD-P	92-06-010	480-80-048	NEW	92-07-010	495A-120-040	NEW-P	92-07-101
468-66-010	AMD	92-09-043	480-80-049	NEW-P	92-05-089	495A-120-040	NEW-E	92-08-004
468-66-090	AMD-P	92-06-010	480-80-049	NEW	92-08-075	495A-120-045	NEW-P	92-07-101
468-66-090	AMD	92-09-043	480-92-011	NEW	92-03-050	495A-120-045	NEW-E	92-08-004
468-66-140	AMD-P	92-06-010	480-92-021	NEW	92-03-050	495A-120-050	NEW-P	92-07-101
468-66-140	AMD	92-09-043	480-92-031	NEW	92-03-050	495A-120-050	NEW-E	92-08-004
478-138-010	AMD-P	92-09-154	480-92-050	NEW	92-03-050	495A-120-060	NEW-P	92-07-101
478-138-020	AMD-P	92-09-154	480-92-060	NEW	92-03-050	495A-120-060	NEW-E	92-08-004
478-138-030	AMD-P	92-09-154	480-92-070	NEW	92-03-050	495A-120-070	NEW-P	92-07-101
478-138-040	AMD-P	92-09-154	480-92-080	NEW	92-03-050	495A-120-070	NEW-E	92-08-004
478-138-050	REP-P	92-09-154	480-92-090	NEW	92-03-050	495A-120-080	NEW-P	92-07-101
478-138-060	NEW-P	92-09-154	480-92-100	NEW	92-03-050	495A-120-080	NEW-E	92-08-004
478-160-020	AMD-P	92-08-065	480-92-110	NEW	92-03-050	495A-120-090	NEW-P	92-07-101
478-160-025	AMD-P	92-08-065	480-93-002	AMD-P	92-06-086	495A-120-090	NEW-E	92-08-004
478-160-030	AMD-P	92-08-065	480-93-005	AMD-P	92-06-086	495A-120-100	NEW-P	92-07-101
478-160-035	AMD-P	92-08-065	480-93-010	AMD-P	92-06-086	495A-120-100	NEW-E	92-08-004
478-160-040	AMD-P	92-08-065	480-93-015	NEW-P	92-06-086	495A-120-110	NEW-P	92-07-101
478-160-045	AMD-P	92-08-065	480-93-017	NEW-P	92-06-086	495A-120-110	NEW-E	92-08-004
478-160-050	AMD-P	92-08-065	480-93-018	NEW-P	92-06-086	495A-120-120	NEW-P	92-07-101
478-160-055	AMD-P	92-08-065	480-93-020	AMD-P	92-06-086	495A-120-120	NEW-E	92-08-004
478-160-060	AMD-P	92-08-065	480-93-030	AMD-P	92-06-086	495A-120-130	NEW-P	92-07-101
478-160-065	AMD-P	92-08-065	480-93-082	NEW-P	92-06-086	495A-120-130	NEW-E	92-08-004
478-160-085	AMD-P	92-08-065	480-93-110	AMD-P	92-06-086	495A-120-135	NEW-P	92-07-101
478-160-090	REP-P	92-08-065	480-93-111	NEW-P	92-06-086	495A-120-135	NEW-E	92-08-004
478-160-105	AMD-P	92-08-065	480-93-112	NEW-P	92-06-086	495A-120-140	NEW-P	92-07-101
478-160-115	AMD-P	92-08-065	480-93-115	NEW-P	92-06-086	495A-120-140	NEW-E	92-08-004
478-160-120	AMD-P	92-08-065	480-93-120	AMD-P	92-06-086	495A-120-150	NEW-P	92-07-101
478-160-130	AMD-P	92-08-065	480-93-124	NEW-P	92-06-086	495A-120-150	NEW-E	92-08-004
478-160-140	AMD-P	92-08-065	480-93-140	AMD-P	92-06-086	495A-120-160	NEW-P	92-07-101
478-160-150	AMD-P	92-08-065	480-93-155	NEW-P	92-06-086	495A-120-160	NEW-E	92-08-004
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495A-120-190	NEW-P 92-07-101	495A-280-030	NEW-E 92-08-004
495A-120-190	NEW-E 92-08-004	495A-280-040	NEW-P 92-07-101
495A-120-200	NEW-P 92-07-101	495A-280-040	NEW-E 92-08-004
495A-120-200	NEW-E 92-08-004	495A-280-050	NEW-P 92-07-101
495A-122-010	NEW-P 92-07-101	495A-280-050	NEW-E 92-08-004
495A-122-010	NEW-E 92-08-004	495A-280-060	NEW-P 92-07-101
495A-122-020	NEW-P 92-07-101	495A-280-060	NEW-E 92-08-004
495A-122-020	NEW-E 92-08-004	495A-280-070	NEW-P 92-07-101
495A-122-030	NEW-P 92-07-101	495A-280-070	NEW-E 92-08-004
495A-122-030	NEW-E 92-08-004	495A-280-080	NEW-P 92-07-101
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495A-130-020	NEW-E 92-08-004	495A-280-090	NEW-P 92-07-101
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495A-131-010	NEW-E 92-08-004	495A-280-100	NEW-P 92-07-101
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495A-133-020	NEW-P 92-07-101	495A-280-110	NEW-E 92-08-004
495A-133-020	NEW-E 92-08-004	495A-280-120	NEW-P 92-07-101
495A-134-010	NEW-P 92-07-101	495A-280-120	NEW-E 92-08-004
495A-134-010	NEW-E 92-08-004	495A-300-010	NEW-P 92-07-101
495A-140-010	NEW-P 92-07-101	495A-300-010	NEW-E 92-08-004
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