

Washington State Register

JULY 1, 1992

OLYMPIA, WASHINGTON

ISSUE 92-13



IN THIS ISSUE

Agriculture, Department of
Attorney General, Office of the
Bellevue Community College
Bellingham Technical College
Central Washington University
Community and Technical Colleges,
State Board for
Community Development, Department of
Convention and Trade Center
County Road Administration Board
Ecology, Department of
Edmonds Community College
Education, State Board of
Fisheries, Department of
Governor, Office of the
Hardwoods Commission
Health, Department of

Higher Education Coordinating Board
Higher Education Personnel Board
Horse Racing Commission
Human Rights Commission
Insurance Commissioner, Office of
Labor and Industries, Department of
Licensing, Department of
Marine Safety, Office of
Natural Resources, Department of
Osteopathic Medicine and Surgery, Board of
Renton Technical College
Social and Health Services, Department of
Supreme Court, State
Transportation Improvement Board
Utilities and Transportation Commission
Veterans' Affairs, Department of
Washington State Patrol

(Subject/Agency index at back of issue)
This issue contains documents officially
filed not later than June 17, 1992

CITATION

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

PUBLIC INSPECTION OF DOCUMENTS

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

REPUBLICATION OF OFFICIAL DOCUMENTS

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

CERTIFICATE

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

DENNIS W. COOPER
Code Reviser

STATE MAXIMUM INTEREST RATE

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

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

WASHINGTON STATE REGISTER

(ISSN 0164-6389) is published twice each month by the Statute Law Committee, Office of the Code Reviser, Olympia, WA 98504, pursuant to RCW 34.08.020. Subscription rate is \$161.85 per year, sales tax included, post-paid to points in the United States. Second-class postage paid at Olympia, Washington.

POSTMASTER: SEND ADDRESS CHANGES TO:

WASHINGTON STATE REGISTER
Code Reviser's Office
Legislative Building
Olympia, WA 98504

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

Raymond W. Haman
Chairman, Statute Law Committee

Dennis W. Cooper
Code Reviser

Gary Reid
Chief Assistant Code Reviser

Kerry S. Radcliff
Editor

Joyce Matzen
Subscription Clerk

STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

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

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

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

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

3. PRINTING STYLE—INDICATION OF NEW OR DELETED MATERIAL

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

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

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

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

5. EFFECTIVE DATE OF RULES

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

6. EDITORIAL CORRECTIONS

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

7. INDEX AND TABLES

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

1991 – 1992

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue No.	Closing Dates ¹			Distribution Date	First Agency Hearing Date ³
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS ² or 10 p. max. Non-OTS		
For Inclusion in—	File no later than—			Count 20 days from—	For hearing on or after
91-16	Jul 10	Jul 24	Aug 7	Aug 21	Sep 10
91-17	Jul 24	Aug 7	Aug 21	Sep 4	Sep 24
91-18	Aug 7	Aug 21	Sep 4	Sep 18	Oct 8
91-19	Aug 21	Sep 4	Sep 18	Oct 2	Oct 22
91-20	Sep 4	Sep 18	Oct 2	Oct 16	Nov 5
91-21	Sep 25	Oct 9	Oct 23	Nov 6	Nov 26
91-22	Oct 9	Oct 23	Nov 6	Nov 20	Dec 10
91-23	Oct 23	Nov 6	Nov 20	Dec 4	Dec 24
91-24	Nov 6	Nov 20	Dec 4	Dec 18	Jan 7, 1992
<hr/>					
92-01	Nov 21	Dec 5	Dec 19, 1991	Jan 2, 1992	Jan 22
92-02	Dec 5	Dec 19, 1991	Jan 2, 1992	Jan 15	Feb 4
92-03	Dec 26, 1991	Jan 8, 1992	Jan 22	Feb 5	Feb 25
92-04	Jan 8	Jan 22	Feb 5	Feb 19	Mar 10
92-05	Jan 22	Feb 5	Feb 19	Mar 4	Mar 24
92-06	Feb 5	Feb 19	Mar 4	Mar 18	Apr 7
92-07	Feb 19	Mar 4	Mar 18	Apr 1	Apr 21
92-08	Mar 4	Mar 18	Apr 1	Apr 15	May 5
92-09	Mar 25	Apr 8	Apr 22	May 6	May 26
92-10	Apr 8	Apr 22	May 6	May 20	Jun 9
92-11	Apr 22	May 6	May 20	Jun 3	Jun 23
92-12	May 6	May 20	Jun 3	Jun 17	Jul 7
92-13	May 20	Jun 3	Jun 17	Jul 1	Jul 21
92-14	Jun 3	Jun 17	Jul 1	Jul 15	Aug 4
92-15	Jun 24	Jul 8	Jul 22	Aug 5	Aug 25
92-16	Jul 8	Jul 22	Aug 5	Aug 19	Sep 8
92-17	Jul 22	Aug 5	Aug 19	Sep 2	Sep 22
92-18	Aug 5	Aug 19	Sep 2	Sep 16	Oct 6
92-19	Aug 26	Sep 9	Sep 23	Oct 7	Oct 27
92-20	Sep 9	Sep 23	Oct 7	Oct 21	Nov 10
92-21	Sep 23	Oct 7	Oct 21	Nov 4	Nov 24
92-22	Oct 7	Oct 21	Nov 4	Nov 18	Dec 8
92-23	Oct 21	Nov 4	Nov 18	Dec 2	Dec 22
92-24	Nov 4	Nov 18	Dec 2	Dec 16	Jan 5, 1993

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

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

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

WSR 92-13-001
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed June 3, 1992, 3:14 p.m.]

The Department of Social and Health Services is withdrawing the amendment of WAC 388-86-021, 388-86-073, 388-86-090, 388-86-098, 388-86-100, 388-86-120, 388-99-060, and 388-100-035 filed under WSR 91-24-036 and distributed in the 91-24, State Register.

Les James, Director
 Administrative Services

WSR 92-13-002
NOTICE OF PUBLIC MEETINGS
HARDWOODS COMMISSION

[Memorandum—June 2, 1992]

The Washington Hardwoods Commission will be having their annual meeting on Monday, June 15, 1992, at 9:00 a.m. at 917 Lakeridge Way, Olympia, WA, next to the BAC Building.

WSR 92-13-003
NOTICE OF PUBLIC MEETINGS
RULES COORDINATOR
RENTON TECHNICAL COLLEGE

[Filed June 4, 1992, 1:23 p.m.]

The board of trustees for Renton Technical College have been appointed. We are in the process of dealing with all the necessary functions for our institution.

Regularly scheduled meetings for the board will be the second Tuesday of each month except for the months of July and August. Meeting will be held at 9:00 a.m. in the Administrative Conference Room, Building I, Renton Technical College, 3000 Northeast Fourth Street, Renton, WA 98056-4195.

The contact for code revision is Kathleen Searcy, Vice-president for Human Resources, 235-7874.

Karen DeBruyn
 Executive Assistant

WSR 92-13-004
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
NATURAL RESOURCES

[Memorandum—June 3, 1992]

The Board of Natural Resources will hold a special meeting at 9:00 a.m., Thursday, June 18, 1992, in House

Hearing Room A, John L. O'Brien Building, Olympia, Washington to discuss the forest resource plan.

WSR 92-13-005
EXECUTIVE ORDER
OFFICE OF THE GOVERNOR

[EO 92-02]

ESTABLISHING A LIMITED ROLE FOR THE
OFFICE OF SUPPORT ENFORCEMENT AS A
"CRIMINAL JUSTICE AGENCY"

WHEREAS, the Office of Support Enforcement, within the Department of Social and Health Services, is responsible for the establishment and collection of child support in the State of Washington; and

WHEREAS, the willful failure to pay child support is a criminal offense under the laws of the State of Washington; and

WHEREAS, the Office of Support Enforcement is the designated conduit for persons seeking information from the Federal Parent Locator Service in cases involving Parental Kidnapping; and

WHEREAS, interstate vehicle registration, driver's licensing information, and Department of Corrections files are important tools for skip tracing absent parents; and

WHEREAS, this information is only available through the use of Criminal Justice Information System access to which has recently become restricted to Criminal Justice Agencies;

NOW, THEREFORE, I, Booth Gardner, Governor of the State of Washington, by virtue of the power vested in me, do hereby designate the Office of Support Enforcement as a Criminal Justice Agency for the purpose of providing reasonable access to interstate vehicle registration, driver's licensing information, and Department of Corrections files in order to locate absent parents and collect child support by all lawful means.

IN WITNESS WHERE-
 OF, I have hereunto set my
 hand and caused the Seal of
 the State of Washington to
 be affixed at Olympia this
 2nd day of June, A.D.,
 nineteen hundred and ninety-
 two.

Booth Gardner

 Governor of Washington

BY THE GOVERNOR:

Ralph Munro

 Secretary of State

WSR 92-13-006
EXECUTIVE ORDER
OFFICE OF THE GOVERNOR
[EO 92-03]

RESCINDING EXECUTIVE ORDER 83-17

On the 7th day of November, 1983, Governor Spellman issued Executive Order 83-17 establishing the Washington Intergovernmental Review Process pursuant to Federal Executive Order 12372.

The Washington Intergovernmental Review Process established by Executive Order 83-17 was to advise interested parties of potential federal funding applications. In exchange for states having such a process, the federal government agreed to accommodate or explain to applicants why their projects did not receive funding.

As part of the 1992 Supplemental Budget, it is necessary to eliminate the Washington Intergovernmental Review Process. The program has been scaled back several times in recent years, and recent correspondence with recipients indicated little opposition to eliminating the program altogether. Several other states, including Idaho, Kansas, Louisiana, Minnesota, Montana, Nebraska, Oregon, Pennsylvania and Virginia have also recently discontinued their versions of the program in response to fiscal constraints.

NOW, THEREFORE, I, Booth Gardner, Governor of the State of Washington, by virtue of the power vested in me, do hereby rescind Executive Order 83-17.

IN WITNESS WHERE-
OF, I have hereunto set my hand and caused the Seal of the State of Washington to be affixed at Olympia this 2nd day of June, A.D., nineteen hundred and ninety-two.

Booth Gardner

Governor of Washington

BY THE GOVERNOR:

Ralph Munro

Secretary of State

WSR 92-13-007
NOTICE OF PUBLIC MEETINGS
CONVENTION AND TRADE
CENTER

[Memorandum—June 2, 1992]

The marketing committee of the Washington State Convention and Trade Center will meet on Tuesday, June 9, 1992, at 3:30 p.m. in Fifth Floor Board Room of the Convention Center, 800 Convention Place, Seattle.

WSR 92-13-008
WITHDRAWAL OF PROPOSED RULES
HIGHER EDUCATION
PERSONNEL BOARD
[Filed June 5, 1992, 1:49 p.m.]

The Higher Education Personnel Board hereby withdraws proposed WAC 251-01-075, 251-01-120, and 251-01-350 rule amendments and proposed new section WAC 251-01-147 filed with your office on April 21, 1992, as WSR 92-09-120.

In addition, the Higher Education Personnel Board hereby withdraws proposed WAC 251-10-030 rule amendment and 251-12-072 rule amendment filed with your office on April 21, 1992, as WSR 92-09-121 and WSR 92-09-126, respectively.

Additionally, the Higher Education Personnel Board hereby withdraws proposed chapter 251-17 WAC rule amendments filed with your office on April 21, 1992, as WSR 92-09-122.

John A. Spitz
Director

WSR 92-13-009
PROPOSED RULES
DEPARTMENT OF HEALTH
[Filed June 5, 1992, 3:09 p.m.]

Original Notice.

Title of Rule: Dentist fees, amending WAC 246-818-990.

Purpose: To clarify existing fees and add partial fee provision for dentists in residency programs.

Statutory Authority for Adoption: RCW 43.70.040.

Statute Being Implemented: RCW 18.32.195.

Summary: SHB 2555 added a resident license for those dentists in residency training programs at the University of Washington. This rule allows issuance of a limited resident license for a portion of the entire fee, provided all of the fee is remitted prior to taking the dental exam for full licensure.

Reasons Supporting Proposal: SHB 2555 included a fiscal impact reflecting a \$60.00 cost to issue the resident license. Statute allows a resident to take exam without additional fee. Many residents will not pursue licensure (examination) in Washington.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Sue Shoblom, Dental Health Care Unit, 4th Floor, 1300 Quince, 3-2461.

Name of Proponent: Department of Health, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: To clarify existing fees and add partial fee provision for dentists in residency programs at the University of Washington.

Proposal Changes the Following Existing Rules: Amending WAC 246-818-990 to add partial fee provision for resident applicants.

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 July 22, 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 July 20, 1992.

Date of Intended Adoption: July 29, 1992.

June 3, 1992
Kristine M. Gebbie
Secretary

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-818-990 DENTIST FEES. The following fees shall be charged by the professional licensing division of the department of health:

Title of Fee	Fee
Dental application (examination and reexamination)	\$650.00
Partial retake	250.00
Faculty application	650.00
Resident application	650.00*
Renewal	215.00
Impaired dentist assessment	15.00
Late renewal penalty	150.00
((Credentiaing)) Dental application (license without examination)	1400.00
Duplicate license	15.00
Certification	50.00

* Resident applicants may pay a partial \$60.00 application fee only, provided that the remaining application fee of \$590.00 will be required prior to application for full dental licensure by examination.

WSR 92-13-010
EMERGENCY RULES
DEPARTMENT OF HEALTH

[Order 279—Filed June 5, 1992, 3:15 p.m., effective June 11, 1992]

Date of Adoption: June 3, 1992.

Purpose: To clarify existing fees and add partial fee provision for resident applicants.

Citation of Existing Rules Affected by this Order: Amending WAC 246-818-990.

Statutory Authority for Adoption: RCW 43.70.040.

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: SHB 2555 signed by Governor Gardner on March 23, 1992, becomes effective June 11, 1992. The University of Washington has several residents who wish to immediately obtain licensure under this new law. Fee for the license must be established by effective date of new law.

Effective Date of Rule: June 11, 1992.

June 3, 1992
Mimi Fields, MD, MPH
for Kristine M. Gebbie
Secretary

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-818-990 DENTIST FEES. The following fees shall be charged by the professional licensing division of the department of health:

Title of Fee	Fee
Dental application (examination and reexamination)	\$650.00
Partial retake	250.00
Faculty application	650.00
Resident application	650.00*
Renewal	215.00
Impaired dentist assessment	15.00
Late renewal penalty	150.00
((Credentiaing)) Dental application (license without examination)	1400.00
Duplicate license	15.00
Certification	50.00

* Resident applicants may pay a partial \$60.00 application fee only, provided that the remaining application fee of \$590.00 will be required prior to application for full dental licensure by examination.

WSR 92-13-011
NOTICE OF PUBLIC MEETINGS
TRANSPORTATION IMPROVEMENT BOARD
[Memorandum—June 5, 1992]

MEETING NOTICE FOR JUNE 1992
TRANSPORTATION IMPROVEMENT BOARD
OLYMPIA, WASHINGTON 98504-0901

Work session, 7:00 p.m., Thursday, June 25, 1992, in Pasco at the Red Lion Inn, 2525 North 20th.

Board meeting, 9:00 a.m., Friday, June 26, 1992, in Pasco at the Red Lion Inn.

The next scheduled meeting is July 24, 1992, in Olympia at the Transportation Building.

WSR 92-13-012
ATTORNEY GENERAL OPINION
Cite as: AGO 1992 No. 8
[June 1, 1992]

DISTRICTS—WATER—COMMISSIONERS—OFFICES AND OFFICERS—COMPENSATION—INSURANCE—APPLICABILITY OF RCW 41.04.190 TO INSURANCE BENEFITS PROVIDED TO WATER DISTRICT COMMISSIONERS PURSUANT TO RCW 57.04.190

RCW 41.04.190 provides that insurance benefits are not additional compensation for county elected officials.

RCW 41.04.190 does not apply to insurance benefits provided to water district commissioners pursuant to RCW 57.08.100.

Requested by:

Honorable Phil Talmadge
State Senator, District 34
5251 California Avenue SW
Seattle, Washington 98136

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

WSR 92-13-012A
PREPROPOSAL COMMENTS
WASHINGTON STATE PATROL
[Filed June 8, 1992, 2:47 p.m.]

Subject of Possible Rule Making: In compliance with RCW 19.85.050, Regulatory Fairness Act, the state patrol is reviewing the following regulations in order to determine whether to continue, amend, or rescind them: Chapter 204-32 WAC, Regulations for private carrier buses; chapter 204-39 WAC, Trailer tongue lamps; chapter 204-62 WAC, Standards for deceleration warning lamps; chapter 204-70 WAC, Standards for vehicle connecting devices and towing methods; chapter 446-16 WAC, Washington state identification section; chapter 446-30 WAC, Disposition of vehicles seized for altered vehicle identification numbers—Hearings; and chapter 446-50 WAC, Transportation of hazardous materials.

Persons may comment on this subject in writing or by telephone, Lt. Robert J. Lopez, Washington State Patrol, Research and Development, General Administration Building, Mailstop 2607, Olympia, WA 98504-2607, Monday through Friday, 8:00 a.m. to 5:00 p.m., before May 18, 1993.

Other Information or Comments by Agency at this Time, if any: These rules have been in effect since at least 1981, and some date back to the early seventies.

June 5, 1992
George B. Tellevik
Chief

WSR 92-13-013
PROPOSED RULES
OFFICE OF
INSURANCE COMMISSIONER
[Filed June 8, 1992, 2:50 p.m.]

Original Notice.

Title of Rule: Mammograms—Coverage requirements and exceptions.

Purpose: Effectuate the provisions of RCW 48.44.325 by establishing definitions for the exceptions to coverage for mammograms.

Other Identifying Information: Insurance Commissioner Matter No. R 92-4.

Statutory Authority for Adoption: RCW 48.02.060 (3)(a) and 48.44.050.

Statute Being Implemented: RCW 48.44.325.

Summary: This rule adopts specific definitions of supplemental contracts covering specified diseases and supplemental contracts covering limited benefits. This rule also provides that coverage for mammograms may be subject to standard contract provisions.

Reasons Supporting Proposal: Lack of definitions of supplemental contracts covering specified diseases and supplemental contracts covering limited benefits has created a situation in which regulated companies have applied varied restrictions on the availability of mammograms. That variation has produced situations in which no coverage was available for mammograms, apparently in violation of RCW 48.44.325. This rule is needed to help assure compliance.

Name of Agency Personnel Responsible for Drafting: James T. Odiorne, Insurance Building, Olympia, Washington, (206) 586-5590; Implementation and Enforcement: Allen Morrow, Insurance Building, Olympia, Washington, (206) 753-5396.

Name of Proponent: Dick Marquardt, Insurance Commissioner, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule defines supplemental contracts covering specified diseases as only those contracts which provide benefits only for a specified disease (such as a "cancer" policy). Supplemental contracts covering limited benefits are defined as only those contracts which provide coverage for only one of hospital indemnity, accident only coverage, dental care, vision care, mental health care, chemical dependency care, pharmaceutical care or podiatric care. The rule further provides that coverage for mammograms may be subject to standard contract provisions applicable to other diagnostic x-ray benefits such as deductibles and copayments. The purpose of this rule is to provide standard definitions so that the health care service contractor industry will uniformly provide coverage of mammograms. It is anticipated that this rule will provide more women with coverage of mammograms, increase the number of mammograms performed, and thereby detect more cancers while they are treatable.

Proposal does not change existing rules.

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

Because RCW 48.44.325 has been in effect since 1989, most health care service contractors have implemented the provisions of that statute and will not be affected. For that reason, we believe that less than 20% of all industries and less than 10% of the health care service contractor industry will be affected by the adoption of this rule.

Hearing Location: Insurance Commissioner's Office, Insurance Building, Conference Room, Olympia, Washington, on July 21, 1992, at 9:30 a.m.

Submit Written Comments to: Insurance Commissioner, Insurance Building, P.O. Box 40255, Olympia, WA 98504-0255, by July 21, 1992.

Date of Intended Adoption: July 23, 1992.

June 6, 1992
 Dick Marquardt
 Insurance Commissioner
 by Allen Morrow
 Deputy Commissioner
 Rates and Forms

NEW SECTION

WAC 284-44-046 MAMMOGRAMS—COVERAGE REQUIREMENTS AND EXCEPTIONS. (1) The purpose of this regulation is to effectuate the provisions of RCW 48.44.325 by establishing definitions for the exceptions to coverage for mammograms. This regulation shall apply to every group and individual health care service contract which is delivered or issued for delivery or renewed in this state on or after September 1, 1992, that provides for hospital or medical care.

(2) For the purposes of RCW 48.44.325 and this regulation, supplemental contracts covering specified disease shall be defined to mean and include only those contracts which provide benefits to a member only in the event that the member contracts the disease or diseases specifically named in the contract. Also for the purposes of RCW 48.44.325 and this regulation, supplemental contracts covering limited benefits shall be defined to mean and include only those contracts providing only one of the following benefits: Hospital indemnity, accident only coverage, dental care, vision care, mental health care, chemical dependency care, pharmaceutical care, and podiatric care.

(3) Coverage of mammograms may be subject to standard contract provisions applicable to other diagnostic x-ray benefits such as deductible or copayment provisions.

(4) For purposes of RCW 48.44.325 and this regulation, a contract is "renewed" when it is continued beyond the earliest date, after September 1, 1992, upon which, at the health care service contractor's sole option:

(a) The contract's termination could have been effectuated, for other than nonpayment of premium; or

(b) The contract could have been amended to add the mammogram coverage, with, if justified, an appropriate rate increase for any increased cost in providing mammogram coverage under the contract.

The failure of the health care service contractor to take any such steps does not prevent the contract from being "renewed." The intent of this section is to bring the mammogram coverage under the maximum number of contracts possible at the earliest possible time, by permitting the health care service contractor to exclude such coverage from only those contracts as to which there exists a right of renewal on the part of the contractholder without any change in any provision of the contract.

WSR 92-13-014
PROPOSED RULES
OFFICE OF
INSURANCE COMMISSIONER

[Filed June 8, 1992, 2:54 p.m.]

Original Notice.

Title of Rule: Mammograms—Coverage requirements and exceptions.

Purpose: Effectuate the provisions of RCW 48.21.225 by establishing definitions for the exceptions to coverage for mammograms.

Other Identifying Information: Insurance Commissioner Matter No. R 92-5.

Statutory Authority for Adoption: RCW 48.02.060 (3)(a).

Statute Being Implemented: RCW 48.21.225.

Summary: This rule adopts specific definitions of supplemental contracts covering specified diseases and supplemental contracts covering limited benefits. This rule

also provides that coverage for mammograms may be subject to standard contract provisions.

Reasons Supporting Proposal: Lack of definitions of supplemental contracts covering specified diseases and supplemental contracts covering limited benefits has created a situation in which regulated companies have applied varied restrictions on the availability of mammograms. That variation has produced situations in which no coverage was available for mammograms, apparently in violation of RCW 48.21.225. This rule is needed to help assure compliance.

Name of Agency Personnel Responsible for Drafting: James T. Odiorne, Insurance Building, Olympia, Washington, (206) 586-5590; Implementation and Enforcement: Allen Morrow, Insurance Building, Olympia, Washington, (206) 753-5396.

Name of Proponent: Dick Marquardt, Insurance Commissioner, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule defines supplemental contracts covering specified diseases as only those contracts which provide benefits only for a specified disease (such as a "cancer" policy). Supplemental contracts covering limited benefits are defined as only those contracts which provide coverage for only one of hospital indemnity, accident only coverage, dental care, vision care, mental health care, chemical dependency care, pharmaceutical care or podiatric care. The rule further provides that coverage for mammograms may be subject to standard contract provisions applicable to other diagnostic x-ray benefits such as deductibles and copayment. The purpose of this rule is to provide standard definitions so that the disability insurance industry will uniformly provide coverage for mammograms. It is anticipated that this rule will provide more women with coverage for mammograms, increase the number of mammograms performed, and thereby detect more cancers while they are treatable.

Proposal does not change existing rules.

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

Because RCW 48.21.225 has been in effect since 1989, most disability insurers have implemented the provisions of that statute and will not be affected. For that reason, we believe that less than 20% of all industries and less than 10% of the disability insurer industry will be affected by the adoption of this rule.

Hearing Location: Insurance Commissioner's Office, Insurance Building, Conference Room, Olympia, Washington, on July 21, 1992, at 10:30 a.m.

Submit Written Comments to: Insurance Commissioner, Insurance Building, P.O. Box 40255, Olympia, WA 98504-0255, by July 21, 1992.

Date of Intended Adoption: July 23, 1992.

June 6, 1992
 Dick Marquardt
 Insurance Commissioner
 by Allen Morrow
 Deputy Commissioner
 Rates and Forms

NEW SECTION

WAC 284-50-270 MAMMOGRAMS—COVERAGE REQUIREMENTS AND EXCEPTIONS. (1) The purpose of this regulation is to effectuate the provisions of RCW 48.21.225, by establishing definitions for the exceptions to coverage for mammograms. This regulation shall apply to every group and individual disability insurance contract, which is delivered or issued for delivery or renewed in this state on or after September 1, 1992, that provides coverage for hospital or medical expenses.

(2) For the purposes of RCW 48.21.225 and this regulation, supplemental contracts covering specified disease shall be defined to mean and include only those contracts or policies which provide benefits to a policyholder only in the event that the policyholder contracts the disease or diseases specifically named in the policy. Also for the purposes of RCW 48.21.225 and this regulation, supplemental contracts covering limited benefits shall be defined to mean and include only those contracts providing only one of the following benefits: Hospital indemnity, accident only coverage, dental care, vision care, mental health care, chemical dependency care, pharmaceutical care, and podiatric care.

(3) Coverage of mammograms may be subject to standard policy provisions applicable to other diagnostic x-ray benefits such as deductible or copayment provisions.

(4) For purposes of RCW 48.21.225 and this regulation, a contract is "renewed" when it is continued beyond the earliest date, after September 1, 1992, upon which, at the insurer's sole option:

(a) The contract's termination could have been effectuated, for other than nonpayment of premium; or

(b) The contract could have been amended to add the mammogram coverage, with, if justified, an appropriate rate increase for any increased cost in providing mammogram coverage under the contract.

The failure of the insurer to take any such steps does not prevent the contract from being "renewed." The intent of this section is to bring the mammogram coverage under the maximum number of contracts possible at the earliest possible time, by permitting the insurer to exclude such coverage from only those contracts as to which there exists a right of renewal on the part of the insured without any change in any provision of the contract.

**WSR 92-13-015
RULES OF COURT
STATE SUPREME COURT
[June 4, 1992]**

IN THE MATTER OF THE ADOPTION OF THE NEW SET OF INFRACTION RULES FOR COURTS OF LIMITED JURISDICTION WITH AMENDMENT TO IRLJ 3.2(B) AND THE RE-SCISSION OF JUSTICE COURT TRAFFIC INFRACTION RULES ORDER NO. 25700-A-499

The Court having considered the rescission of the Justice Court Traffic Infraction Rules and the adoption of the New Set of Infraction Rules for Courts of Limited Jurisdiction, with the amendment to IRLJ 3.2(b) (published for comment as JTIR 3.2(b)), and the Court having determined that the rescission of the Justice Court Traffic Infraction Rules and the adoption of the New Set of Infraction Rules for Courts of Limited Jurisdiction will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the New Set of Infraction Rules for Courts of Limited Jurisdiction, with the amendment to IRLJ 3.2(b) is adopted and the Justice Court Traffic Infraction Rules are rescinded.

(b) That the Rule will be published in the special rules edition of the Washington Reports in July, 1992, and will become effective September 1, 1992.

DATED at Olympia, Washington this 4th day of June, 1992.

	Fred H. Dore
Robert F. Utter	Robert F. Brachtenbach
Durham, J.	Charles Z. Smith
James M. Dolliver	Richard P. Guy
James A. Anderson	Johnson, J.

Reviser's note: The material contained in this filing will appear in the 92-14 issue of the Register as it was received after the applicable closing date for the issue for agency-typed material exceeding the volume limitations of WAC 1-21-040.

**WSR 92-13-016
RULES OF COURT
STATE SUPREME COURT
[June 4, 1992]**

IN THE MATTER OF THE ADOPTION OF NEW CrR 3.2A and AMENDMENTS TO CrR 3.2B, CrRLJ 3.2.1 and CrRLJ 3.3 (d)(g) ORDER NO. 25700-A-500

The Superior Court Judges' Association having recommended the adoption of New CrR 3.2A and amendment to CrR 3.2B and the District and Municipal Court Judges' Association having recommended the adoption of the amendments to CrRLJ 3.2.1 and CrRLJ 3.3 (d)(g) and the Court having determined that the proposed new rule and amendments will aid in the prompt and orderly administration of justice and further determined that an emergency exists which necessitates an early adoption.

Now, therefore, it is hereby

ORDERED:

(a) That the proposed rule and amendments as attached hereto are adopted.

(b) That pursuant to the emergency provisions of GR 9(i) the rule and amendments will be published expeditiously in the special rules edition of the Washington Reports in July, 1992, and will become effective immediately.

DATED at Olympia, Washington this 4th day of June, 1992.

	Fred H. Dore
Robert F. Utter	Robert F. Brachtenbach
Durham, J.	Charles Z. Smith
James M. Dolliver	Richard P. Guy
James A. Anderson	Johnson, J.

CrR 3.2A
PROCEDURE FOLLOWING ARREST WITHOUT
WARRANT

(a) A person arrested without a warrant shall have a judicial determination of probable cause no later than 48 hours following the person's arrest.

(b) The court shall determine probable cause on the sworn testimony of a peace officer or prosecuting attorney. The sworn testimony may be by written affidavit or electronically recorded, and in either case the testimony shall be preserved.

CrR 3.2AB
PRELIMINARY APPEARANCE

CrRLJ 3.2.1
PROCEEDINGS BEFORE THE JUDGE—
PROCEDURE FOLLOWING EXECUTION OF A
WARRANT, OR ARREST WITHOUT A
WARRANT—PROBABLE CAUSE FOR
DETERMINATION—BAIL—PRELIMINARY
HEARING

(a) Probable Cause Determination. A person who is arrested shall have a judicial determination of probable cause no later than 48 hours following the person's arrest, unless probable cause has been determined prior to such arrest.

(b) How Determined. The court shall determine probable cause on the sworn testimony of a peace officer or prosecuting authority. The sworn testimony may be by written affidavit or may be electronically or telephonically recorded, and in any case the testimony shall be preserved.

(c) Court Days. For the purpose of section (a), Saturday, Sunday and holidays may be considered judicial days.

~~(a)~~ (d) Preliminary Appearance.

(1) Adult. Unless an accused has appeared or will appear before the superior court for a preliminary appearance, any accused detained in jail must be brought before a court of limited jurisdiction as soon as practicable after the detention is commenced, but in any event before the close of business on the next court day.

(2) Juveniles. Unless an accused has appeared or will appear before the superior court for a preliminary appearance, any accused in whose case the juvenile court has entered a written order declining jurisdiction and who is detained in custody, must be brought before a court of limited jurisdiction as soon as practicable after the juvenile court order is entered, but in any event before the close of business on the next court day.

(3) Unavailability. If an accused is unavailable for preliminary appearance because of physical or mental disability, the court may, for good cause shown and recorded by the court, enlarge the time prior to preliminary appearance.

~~(b)~~ (e) Procedure at Preliminary Appearance.

(1) At the preliminary appearance, the court shall provide for a lawyer pursuant to rule 3.1 and for pretrial release pursuant to rule 3.2, and the court shall orally inform the accused:

(i) of the nature of the charge against the accused;

(ii) of the right to be assisted by a lawyer at every stage of the proceedings; and

(iii) of the right to remain silent, and that anything the accused says may be used against him or her.

(2) If the court finds that release should be denied or that conditions should attach to release on personal recognizance, other than the promise to appear in court at subsequent hearings, the court shall proceed to determine whether probable cause exists to believe that the accused committed the offense charged, unless this determination, has previously been made by a court. Before making the determination, the court may consider affidavits filed or sworn testimony and further may examine under oath the affiant and any witnesses he or she may produce. Subject to constitutional limitations, the finding of probable cause may be based on evidence which is hearsay in whole or in part.

~~(c)~~ (f) Time Limits.

(1) Unless a written complaint is filed or the accused consents in writing or on the record in open court, an accused, following a preliminary appearance, shall not be detained in jail or subjected to conditions of release for more than 72 hours after the accused's detention in jail or release on conditions, whichever occurs first. Computation of the 72-hour period shall not include any part of Saturdays, Sundays, or holidays.

(2) If no complaint, information or indictment has been filed at the time of the preliminary appearance, and the accused has not otherwise consented, the court shall either:

(i) order in writing that the accused be released from jail or exonerated from the conditions of release at a time certain which is within the period described in subsection ~~(c)~~ (f)(1); or

(ii) set a time at which the accused shall reappear before the court. The time set for reappearance must also be within the period described in subsection ~~(c)~~ (f)(1). If no complaint, information or indictment has been filed by the time set for release or reappearance, the accused shall be immediately released from jail or deemed exonerated from all conditions of release.

~~(d)~~ (g) Preliminary Hearing on Felony Complaint.

(1) When a felony complaint is filed, the court may conduct a preliminary hearing to determine whether there is probable cause to believe that the accused has committed a felony unless an information or indictment is filed in superior court prior to the time set for the preliminary hearing. If the court finds probable cause, the court shall bind the defendant over to the superior court. If the court binds the accused over, or if the parties waive the preliminary hearing, an information shall be filed without unnecessary delay. Jurisdiction vests in the superior court at the time the information is filed.

(2) If at the time a felony complaint is filed with the district court the accused is detained in jail or subjected to conditions of release, the time from the filing of the complaint in district court to the filing of an information in superior court shall not exceed 30 days plus any time which is the subject of a stipulation under subsection ~~(d)~~ (g)(3). If at the time the complaint is filed with the district court the accused is not detained in jail or subjected to conditions of release, the time from the accused's first

appearance in district court which next follows the filing of the complaint to the time of the filing of an information in superior court shall not exceed 30 days, excluding any time which is the subject of a stipulation under subsection (d) (g)(3). If the applicable time period specified above elapses and no information has been filed in superior court, the case shall be dismissed without prejudice.

(3) Before or after the preliminary hearing or a waiver thereof, the court may delay a preliminary hearing or defer a bind-over date if the parties stipulate in writing that the case shall remain in the court of limited jurisdiction for a specified time, which may be in addition to the 30-day time limit established in subsection (d) (g)(2).

(4) A preliminary hearing shall be conducted as follows:

(i) the defendant may as a matter of right be present at such hearing;

(ii) the court shall inform the defendant of the charge unless the defendant waives such reading;

(iii) witnesses shall be examined under oath and may be cross-examined;

(iv) the defendant may testify and call witnesses in the defendant's behalf.

(5) If a preliminary hearing on the felony complaint is held and the court finds that probable cause does not exist, the charge shall be dismissed, and may be refiled only if a motion to set aside the finding is granted by the superior court. The superior court shall determine whether, at the time of the hearing on such motion, there is probable cause to believe that the defendant has committed a felony.

(6) If a preliminary hearing is held, the court shall file the record in superior court promptly after notice that the information has been filed. The record shall include, but not be limited to, all written pleadings, docket entries, the bond, and any exhibits filed in the court of limited jurisdiction. Upon written request of any party, the court shall file the recording of any testimony.

CrRLJ 3.3(d), (g)

(d) Extensions of Time for Trial. The following extensions of time limits apply notwithstanding the provisions of section (c):

(1) Revocation of Release. A defendant who has been released from jail pending trial, pursuant to an order imposing conditions of release, but whose release is then revoked by order of the court, shall be brought to trial within such a time period that the defendant spends no more than a total of 60 days in jail following the date of arraignment, and in any event within such a time period that the defendant is tried not later than a total of 90 days after the date of arraignment unless the time period is otherwise extended by this rule.

(2) Failure To Appear. When a defendant who has already been arraigned fails to appear for any trial or pretrial proceeding at which the defendant's presence is required, the defendant shall be brought to trial not later than 60 days after the date upon which the defendant is present in the county where the criminal charge is pending and the defendant's presence has been made known to the court on the record, if the defendant is thereafter

detained in jail or not later than 90 days after such date if the defendant is not detained in jail whether or not the defendant is thereafter subjected to conditions of release.

(3) Mistrial and New Trial. If before verdict the court orders a mistrial, the defendant shall be brought to trial not later than 60 days after the oral or written order of the court, whichever first occurs, if the defendant is thereafter detained in jail or not later than 90 days after the order if the defendant is not detained in jail and whether or not the defendant is subjected to conditions of release. If after verdict the court orders a new trial, the defendant shall be brought to trial not later than 60 days after entry of the oral or written order of the court if the defendant is thereafter detained in jail, or not later than 90 days after entry of such order if the defendant is not detained in jail whether or not the defendant is thereafter subjected to conditions of release.

(4) Trial After ~~Appeal~~ Appellate Review or Stay. If a cause is remanded for trial after an appellate court accepts review or stays proceedings, the defendant shall be brought to trial not later than 60 days after that appearance by or on behalf of the defendant in court, with notice to both parties of any such appearance, which next follows receipt by the clerk of the court of the mandate or other written order, if after such appearance the defendant is detained in jail, or not later than 90 days after such appearance if the defendant is thereafter released whether or not subject to conditions of release.

(5) Change of Venue. If a change of venue has been granted, the case shall be transferred to the receiving court as soon as practicable but within 7 days and the defendant shall be brought to trial as prescribed by this rule or not later than 30 days following the date upon which the court to which the case is being transferred for trial receives the filing of the case, whichever is later. If, however, after a change of venue is attempted, the criminal calendar of the receiving county will prevent compliance with the time limits within this section, the trial shall commence on the earliest available date permitted.

(6) Disqualification. If the prosecuting authority or judge becomes disqualified from participating in the case, the defendant shall be brought to trial as prescribed by this rule or not later than 30 days following the disqualification, whichever is later.

(7) Withdrawal of Guilty Plea. If a defendant has been permitted to withdraw a plea of guilty, the defendant shall be brought to trial not later than 60 days after the date of the written order allowing withdrawal of the guilty plea if the defendant is thereafter detained in jail or not later than 90 days if the defendant is thereafter released from jail, whether or not subjected to conditions of release.

(8) Five-Day Extensions. When a trial is not begun on the date set because of unavoidable or unforeseen circumstances beyond the control of the court or the parties, the court, even if the time for trial has expired, may extend the time within which trial must be held for no more than 5 days unless the defendant will be substantially prejudiced in his or her defense. The court must state on the record or in writing the reasons for the extension. If the nature of the unforeseen or unavoidable

circumstances continues, the court may extend the crime for trial in increments of not to exceed 5 days unless the defendant will be substantially prejudiced in his or her defense. The court must state on the record or in writing the reasons for the extension.

(g) Excluded Periods. The following periods shall be excluded in computing the time for arraignment and the time for trial:

- (1) All proceedings relating to the competency of a defendant to stand trial, terminating when the court enters an order finding the defendant to be competent;
- (2) Preliminary proceedings and trial on another charge except as otherwise provided by subsection (c)(5);
- (3) Delay granted by the court pursuant to section (h);
- (4) The time between the dismissal of a charge and the defendant's arraignment or re-arraignment in court following the re-filing of the same charge;
- (5) ~~Delay resulting from a stay granted by an appellate court;~~
- (6) (5) The time during which a defendant is detained in jail or prison outside the county in which the defendant is charged or in a federal jail or prison and the time during which a defendant is subjected to conditions of release not imposed by a court of the State of Washington;
- (7) (6) All proceedings in juvenile court.

WSR 92-13-017
RULES OF COURT
STATE SUPREME COURT
 [June 4, 1992]

IN THE MATTER OF THE ADOPTION OF THE AMENDMENTS TO RPC 1.10(a), ORDER (b), APR 3(c), RLD TABLE OF RULES, NO. 25700-A-501
 RLD 1.1, RLD 2.2, RLD 2.3, RLD 2.4, RLD 2.6, RLD 2.7, RLD 2.8, RLD 2.9, RLD 3.1, RLD 3.2, RLD 4.1, RLD 4.3, RLD 4.4, RLD 4.6, RLD 4.7, RLD 4.10, RLD 4.10a, RLD 4.11, RLD 4.12, RLD 4.13, RLD 4.14, RLD 5.2, RLD 5.3, RLD 5.5, RLD 5.5A, RLD 5.6, RLD 5.7, RLD 6.1, RLD 6.2, RLD 6.3, RLD 6.5, RLD 6.6, RLD 6.7, RLD 6.8, RLD 7.3, RLD 7.5, RLD 7.6, RLD 9.1, RLD 9.3, RLD 9.4, RLD 9.5, RLD 9.6, RLD 10.3, RLD 11.1, RLD 11.1(1), RLD 11.2, RLD 12.1, RLD 12.2, RLD 12.8, RLD 12.9, RLD 12.11, RLD 12.13, RLD 13.3, RLD 13.5, ER 104(c), (d), ER 404, ER 405(b), ER 411, COMMENT TO ER 412, ER 501, COMMENT TO ER 501, COMMENT TO ER 601, ER 602, ER 603, ER 604, COMMENT TO ER 604, ER 606, ER 607, ER 608(b), COMMENT TO ER 609(a), ER 610, ER 611(c), ER 612, ER 613, ER 615, ER 701, ER 703, ER 705, ER 706(a), ER 801(a), (d), ER 803(a), ER 804, ER 806, COMMENT TO ER 807, ER 902(b), (c), (d), COMMENT TO ER 902 (d), ER 1004(c),

ER 1007, ER 1101 (c), (d), COMMENT TO ER 1101(d), RAP 16.1(g), NEW RAP 16.18, CR 26(i), CR 37(a), CR 77(h), APR (3)(b), APR 11.2, APR 11.6(a), REGULATIONS 102, 103, 109, 114, 115, AND CrRLJ 3.2(m)

The Washington State Bar Association having recommended the adoption of the amendments to RPC 1.10(a), (b), APR 3(c), RLD Table of Rules, RLD 1.1, RLD 2.2, RLD 2.3, RLD 2.4, RLD 2.6, RLD 2.7, RLD 2.8, RLD 2.9, RLD 3.1, RLD 3.2, RLD 4.1, RLD 4.3, RLD 4.4, RLD 4.6, RLD 4.7, RLD 4.10, RLD 4.10A, RLD 4.11, RLD 4.12, RLD 4.13, RLD 4.14, RLD 5.2, RLD 5.3, RLD 5.5, RLD 5.5A, RLD 5.6, RLD 5.7, RLD 6.1, RLD 6.2, RLD 6.3, RLD 6.5, RLD 6.6, RLD 6.7, RLD 6.8, RLD 7.3, RLD 7.5, RLD 7.6, RLD 9.1, RLD 9.3, RLD 9.4, RLD 9.5, RLD 9.6, RLD 10.3, RLD 11.1, RLD 11.1(1), RLD 11.2, RLD 12.1, RLD 12.2, RLD 12.8, RLD 12.9, RLD 12.11, RLD 12.13, RLD 13.3, RLD 13.5, ER 104(c), (d), ER 404, ER 405(b), ER 411, Comment to ER 412, ER 501, Comment to ER 501, Comment to ER 601, ER 602, ER 603, ER 604, Comment to ER 604, ER 606, ER 607, ER 608(b), Comment to ER 609(a), ER 610, ER 611(c), ER 612, ER 613, ER 615, ER 701, ER 703, ER 705, ER 706(a), ER 801(a), (d), ER 803(a), ER 804, ER 806, Comment to ER 807, ER 902(b), (c), (d), Comment to ER 902(d), ER 1004(c), ER 1007, ER 1101(c), (d), Comment to ER 1101(d), RAP 16.1(g), New RAP 16.18, CR 26(i), CR 37(a), CR 77(h), APR 3(b), APR 11.2, APR 11.6(a), Regulations 102, 103, 109, 114 AND 115, and CrRLJ 3.2(m), and the Court having considered the proposed new rule, amendments, regulations and comments submitted thereto, and having determined that the proposed new rule, amendments and regulations will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby ORDERED:

- (a) That the proposed new rule, amendments and regulations as attached hereto are adopted;
- (b) That the new rule, amendments and regulations will be published in the special rules edition of the Washington Reports in July, 1992, and will become effective September 1, 1992.

DATED at Olympia, Washington this 4th day of June, 1992.

	Fred H. Dore
Robert F. Utter	Robert F. Brachtenbach
Durham, J.	Charles Z. Smith
James M. Dolliver	Richard P. Guy
James A. Anderson	Johnson, J.

Reviser's note: The material contained in this filing will appear in the 92-15 issue of the Register as it was received after the applicable closing date for the issue for agency-typed material exceeding the volume limitations of WAC 1-21-040.

WSR 92-13-018
RULES OF COURT
STATE SUPREME COURT
[June 4, 1992]

IN THE MATTER OF THE ADOPTION
OF THE AMENDMENT TO APR 12,
REGULATION 105

ORDER
NO. 25700-A-502

The Limited Practice Board having recommended the
adoption of the amendment to APR 12, Regulation 105
and the Court having determined that the proposed
amendment will aid in the prompt and orderly adminis-
tration of justice and further determined that an emer-
gency exists which necessitates an early adoption;

Now, therefore, it is hereby

ORDERED:

(a) That the proposed amendment to APR 12, Regu-
lation 105 is adopted.

(b) That pursuant to the emergency provisions of GR
9(i), the amendment will become effective immediately.

DATED at Olympia, Washington this 4th day of
June, 1992.

Fred H. Dore

Robert F. Utter

Durham, J.

Robert F. Brachtenbach

Charles Z. Smith

James M. Dolliver

Richard P. Guy

James A. Anderson

Johnson, J.

REGULATION 105

Procedure for Approval of Continuing Education
Activities

A. An active LPO or sponsoring agency desiring ap-
proval of a continuing education activity shall submit to
the Committee all information called for by Form No. 1
at least 30 days prior to the date scheduled for the class,
along with an application fee of \$25.00 for each
occurrence.

B. Approval shall be granted or denied in accordance
with the provisions of Regulation 107 herein. Upon ap-
proval of the activity, a list of certified limited practice
officers will be provided to the class sponsor if requested
in the initial application, along with written acknowl-
edgement of approval.

C. As to a course that has been approved, the spon-
soring agency may announce, in informational brochures
and/or registration materials: "This course has been ap-
proved by the Continuing Education Committee of the
Limited Practice Board for ___ hours of credit."

D. On the date of the continuing education activity,
the sponsoring agency shall give a copy of the LPB
course approval form to each LPO attending.

WSR 92-13-019
PERMANENT RULES
STATE BOARD FOR
COMMUNITY AND TECHNICAL COLLEGES

[Order 136, Resolution No. 92-05-23—Filed June 8, 1992, 3:33 p.m.]

Date of Adoption: May 28, 1992.

Purpose: The rule provides a general description of the
board's organization and operations and sets guidelines
for making presentations at board meetings and holding
special meetings. The amendments reflect the change of
the agency's name and provide gender neutral language.

Citation of Existing Rules Affected by this Order:
Amending chapter 131-08 WAC.

Statutory Authority for Adoption: RCW 28B.50.070
and chapter 42.30 RCW.

Pursuant to notice filed as WSR 92-09-138 on April
22, 1992.

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

May 28, 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 OPER-
ATIONS. (1) The state board for community and tech-
nical 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 collec-
tion and dissemination of data and other public infor-
mation relating to the state system of community and
technical colleges. ((He)) The executive director exer-
cises, 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 supervi-
sion 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 sub-
mission or requests to the state board should be address-
ed 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 organi-
zation, 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 multi-member 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 92-13-020

PERMANENT RULES

STATE BOARD FOR

COMMUNITY AND TECHNICAL COLLEGES

[Order 138, Resolution No. 92-05-23—Filed June 8, 1992, 3:35 p.m.]

Date of Adoption: May 28, 1992.

Purpose: The rule regulates provision of course and enrollment information to potential community college students. The amendments extend the rule to technical colleges and provide for implementation of the rule in overlapping community and technical college districts.

Citation of Existing Rules Affected by this Order: Amending WAC 131-32-040.

Statutory Authority for Adoption: RCW 28B.50.060, [28B.50.]090, [28B.50.]140(11), and [28B.50.]215.

Pursuant to notice filed as WSR 92-09-140 on April 22, 1992.

Changes Other than Editing from Proposed to Adopted Version: In subsection (9) remove the word "cooperatively" from line 3.

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

May 28, 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 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 92-13-021
EMERGENCY RULES
STATE BOARD OF EDUCATION
 [Filed June 9, 1992, 10:34 a.m.]

Date of Adoption: May 22, 1992.

Purpose: Adopted changes required to be consistent with changes in certification requirements enacted by the 1992 legislature.

Citation of Existing Rules Affected by this Order: Amending WAC 180-79-045, 180-79-060, 180-79-065, 180-79-085, 180-79-115, 180-79-117, 180-79-122, 180-79-123, and 180-79-127.

Statutory Authority for Adoption: RCW 28A.70.005.

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: WACs pertaining to the requirements associated with the required master's degree for initial certification need to be removed or amended in time for colleges and universities to make course and degree adjustments prior to the 1992-93 academic year.

Effective Date of Rule: Immediately.

June 9, 1992
 Monica Schmidt
 Executive Director/Secretary

[AMENDATORY SECTION (Amending WSR 92-04-044, filed 1/31/92, effective 3/2/92)]

WAC 180-75-085(2) Character, applicants for certificates in Washington state who are not holders of a valid Washington state teacher's, administrator's, educational staff associate's, or vocational certificate must give evidence of good moral character and personal fitness as

specified in WAC 180-75-082 and must ~~((make arrangements with the Washington state patrol for a background check as required by RCW 28A.410.010. PROVIDED, That applicants for vocational teaching certificates who do not make such an arrangement with the state patrol shall have placed on such certificates by the superintendent of public instruction a provision which restricts the certificate holder to the teaching of vocational technical institute students who are sixteen years of age or older.))~~ complete a record check through the Washington state patrol criminal identification system and through the Federal Bureau of Investigation at the applicant's expense as required by RCW 28A.410.010; such record check shall include a fingerprint check using a Washington State Patrol approved fingerprint card: PROVIDED, That the Superintendent of Public Instruction may waive the record check for an applicant who has had a record check within the two years prior to application.

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.

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 WSR 90-12-075, filed 6/1/90, effective 7/2/90)]

WAC 180-79-045 CERTIFICATES—PREVIOUS STANDARDS. (1) Certificates issued under previous standards which were issued for a specific term shall continue to be effective for that term. All persons who hold any standard teacher, administrator, or specialized personnel certificate issued under previous standards of the state board of education shall be issued a continuing certificate at such time as it is necessary for them to reinstate a standard certificate or on application and payment of the fee as specified in WAC 180-75-065(1): PROVIDED, That ((until August 31, 1992.)) all persons who hold any provisional or initial certificate granted under previous standards of the state board of education shall be authorized to meet requirements for standard or continuing certification as set forth in the relevant previous standards so long as the standard or continuing certificate is obtained within six calendar years of the date on which the first provisional or initial certificate was issued; and, if such requirements are met, shall be issued a continuing certificate subject to the conditions of this chapter: PROVIDED FURTHER, That all persons who hold other than provisional or standard teaching certificates issued under standards of the state board of education adopted prior to 1971 shall be issued continuing certificates if they have completed forty-five quarter hours (thirty semester hours) of preparation past the baccalaureate degree and three years of experience: PROVIDED FURTHER, That any person holding a provisional certificate as a school nurse under provisions of chapter 180-84 WAC shall be granted a continuing certificate: PROVIDED FURTHER, That

any person who holds a provisional principal's or provisional superintendent's certificate under previous standards of the state board of education shall be issued upon application, including payment of applicable fees, continuing administrative certificates with endorsements for such respective roles and such certificates shall be subject to the continuing education requirements of chapter 180-85 WAC.

(2) Except as noted in subsection (1) of this section, certificates issued under previous standards which were issued for an indefinite period shall continue to be in effect.

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

[AMENDATORY SECTION (Amending WSR 90-12-075, filed 6/1/90, effective 7/2/90)]

WAC 180-79-060(1) Initial certificate. The initial teacher certificate is valid for ~~((two))~~ four years and the initial administrator and educational staff associate certificates are valid for seven years. Initial teacher certificates shall be subject to renewal pursuant to WAC 180-79-065. Initial administrator and educational staff associate certificates shall not be subject to renewal~~((:)).~~ ((PROVIDED, That initial teacher certificates issued or applied for, if the candidate is otherwise eligible, prior to August 31, 1992, shall be valid for four years.))

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

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

[AMENDATORY SECTION (Amending WSR 90-12-075, filed 6/1/90, effective 7/2/90)]

WAC 180-79-065 INITIAL AND CONTINUING CERTIFICATES—APPLICABLE CONDITIONS. The following shall apply to initial and continuing certificates issued pursuant to this chapter:

(1) Initial certificate.

(a) An ~~((initial teacher certificate issued prior to August 31, 1992, and an))~~ initial educational staff associate or administrator certificate issued prior to August 31, 1988, or an initial teacher certificate may be renewed for an additional three-year period on application and verification that the individual has completed all course work requirements for continuing certification or has completed at least fifteen quarter hours (ten semester hours) of course work since the certificate was issued or renewed.

~~((b))~~ An initial teacher certificate issued on or after August 31, 1992 may be renewed for a three-year period by the applicant providing proof that he or she is enrolled in an approved masters degree program. A second renewal for a two-year period shall be granted if the candidate provides the following information from the degree granting institution:

(i) That the candidate has made substantial—i.e., fifty percent or more—progress toward the completion of an approved masters degree;

~~(ii) That the candidate has made satisfactory progress in the approved masters degree program;~~

~~(iii) That the candidate has made satisfactory arrangements to complete the approved masters degree program during the two-year extension period.))~~

(2) Continuing certificate.

(a) The continuing certificates of holders who were eligible for such certificates prior to August 31, 1987 and who applied for such certificates prior to July 1, 1988 or who would have been eligible for such certificates prior to August 31, 1987, but for one of the three-year experience requirement and who complete such requirement and apply for such certificate prior to August 31, 1988, will be valid for life. Holders of valid continuing certificates affected by this subsection shall be entitled to have such certificate reissued and subject to the terms and conditions applicable to certification at the time of reissuance including the continuing education requirements of chapter 180-85 WAC.

(b) All continuing certificates not affected by the exception stated in (a) of this subsection shall lapse if the holder does not complete the continuing education requirement specified in chapter 180-85 WAC. To reinstate such a lapsed continuing certificate the individual must complete the requirements for reinstatement stated within chapter 180-85 WAC.

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

[AMENDATORY SECTION (WSR Amending 92-04-044, filed 1/31/92, effective 3/2/92)]

WAC 180-79-115(2)(a) Candidates who apply for a continuing certificate ~~((on or before August 31, 1992,))~~ shall have completed at least forty-five quarter hours (thirty semester hours) of upper division and/or graduate work completed subsequent to the conferral of the baccalaureate degree: **PROVIDED**, That if the individual is pursuing study in a new subject matter area or specialization, shall be accepted toward continuing certification upon completion of the requirements for an endorsement in that subject area or specialization.

~~((b)) Candidates who apply for a continuing certificate after August 31, 1992, shall have completed an approved masters degree.))~~

~~((c))~~ (b) Candidates for a continuing certificate shall have been granted at least two subject area endorsements.

~~((d))~~ (c) Candidates who apply for a continuing certificate after August 31, 1992, who have not successfully completed course work or an in-service program including a minimum of ten clock hours of instruction on issues of abuse, must complete such course work or in-service program as a condition for the issuance of a continuing certificate. The content of the course work or in-service program shall discuss the identification of physical, emotional, sexual, and substance abuse, information on the impact of abuse on the behavior and learning abilities of students, discussion of the responsibilities of a teacher to report abuse or provide assistance to students who are the victims of abuse, and methods for teaching students about abuse of all types and their prevention.

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

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

[AMENDATORY SECTION (Amending WSR 90-22-022 and 90-23-084, filed 10/25/90 and 11/20/90, effective 11/25/90 and 12/21/90)]

WAC 180-79-117 EXPERIENCE REQUIREMENT FOR CONTINUING CERTIFICATION—TEACHERS. In addition to the academic requirements specified in WAC 180-79-115, candidates for continuing teachers' certificates shall provide, as a condition for the issuance of a continuing certificate, documentation of one hundred eighty days or full time equivalent or more satisfactory teacher experience with an authorized employer—i.e., school district, state agency, college or university, private school, or private school system—and at least thirty days of such employment with the same employer. ~~((The requirements set forth in this section shall expire August 31, 1992.))~~

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

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

[AMENDATORY SECTION (Amending WSR 90-22-002, filed 10/25/90, effective 11/25/90)]

WAC 180-79-122 EXPERIENCE REQUIREMENT FOR INITIAL ENDORSEMENT—PRINCIPALS. In addition to the academic requirements specified in WAC 180-79-120(2), candidates for initial administrator's certificate with a principal's endorsement, as a condition for the issuance of such endorsement, documentation of one hundred eighty days or full time equivalent or more teaching experience with an authorized employer—i.e., school district, state agency, college or university, private school, or private school system—and at least thirty days of such employment with the same employer. ~~((The requirements set forth in this section shall expire August 31, 1992.))~~

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

[AMENDATORY SECTION (Amending WSR 92-04-044, filed 1/31/92, effective 3/2/92)]

WAC 180-79-123 EXPERIENCE REQUIREMENT FOR CONTINUING CERTIFICATION—ADMINISTRATORS. In addition to the academic requirements specified in WAC 180-79-120, candidates for continuing administrator certificates shall provide, as a condition for issuance of a continuing certificate, documentation of one hundred eighty days or full time equivalent or more employment in the respective role with an authorized employer—i.e., school district, educational service district, state agency, college or university, private school, or private school system—and at

least thirty days of such employment with the same employer. ~~((The requirements set forth in this section shall expire August 31, 1992.))~~

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

[AMENDATORY SECTION (Amending WSR 90-22-002, filed 10/25/90, effective 11/25/90)]

WAC 180-79-127 EXPERIENCE REQUIREMENT FOR CONTINUING CERTIFICATION—ESAS. In addition to the academic requirements specified in WAC 180-79-~~(+79)~~ 125, candidates for continuing educational staff associate certificates shall provide, as a condition for issuance of a continuing certificate, documentation of one hundred eighty days or full time equivalent or more employment in the respective role with an authorized employer—i.e., school district, educational service district, state agency, college or university, private school, or private school system—and at least thirty days of such employment with the same employer. ~~((The requirements set forth in this section shall expire August 31, 1992.))~~

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 92-13-022
PROPOSED RULES
DEPARTMENT OF
VETERANS' AFFAIRS
[Filed June 9, 1992, 11:25 a.m.]

Original Notice.

Title of Rule: WAC 484-10-035 Veterans' Affairs Advisory Committee.

Purpose: Describes structure and responsibilities of Veterans' [Affairs] Advisory Committee.

Statutory Authority for Adoption: RCW 43.60A.070.

Statute Being Implemented: RCW 43.60A.080.

Summary: Establishes operational rules for Veterans' [Affairs] Advisory Committee. Including manner of holding elections, order of business, means of dealing with absenteeism and scheduling of committee meetings during the twelve month period following the election of chair and vice-chair.

Reasons Supporting Proposal: Changes in RCW requires equivalent changes in existing WAC.

Name of Agency Personnel Responsible for Drafting: Alan Harrah, 505 East Union, Olympia, 586-7490; **Implementation and Enforcement:** Jesse Farias, 505 East Union, Olympia, 753-4522.

Name of Proponent: Department of Veterans' Affairs, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 484-10-035, deletes all previous language

in its entirety, and substitutes language which specifies the duties of the Veterans' Affairs Advisory Committee (subsection (1)) and the relationship of the director for the Department of Veterans' Affairs to the committee (subsection (2)); specifies the manner used to determine the number of meetings that may be held (subsection (3)); defines quorums (subsection (4)), specifies the order in which business shall be conducted by the committee (subsection (5)); specifies the type of publication, and manner of distribution, of the minutes (subsection (6)) and provides a means to deal with nonattending members of the subcommittee (subsection (7), (8), (9)); requires that the director meet with the committee on a regular basis (subsection (10)); requires that the committee review the quality and range of services offered by the Department of Veterans' Affairs on an annual basis (subsection (11)); requires the committee to hold annual joint meetings with commanders of recognized veteran's organizations (subsection (12)); specifies manner, time of elections and length of services for the committee's chair and vice-chair (subsection (13)); and allows for special subcommittees for special inquiries, reports and investigations (subsection (15)).

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: Bates Vocational-Technical School, 2201 South 78th, Tacoma, WA 98409, on July 21, 1992, at 2:00 p.m.

Submit Written Comments to: Alan Harrah, Box 500, Olympia, WA 98504, by July 17, 1992.

Date of Intended Adoption: July 21, 1992.

June 9, 1992
Alan Harrah
CICS3

AMENDATORY SECTION (Amending Order 7659, filed 7/28/77)

WAC 484-10-035 VETERANS' AFFAIRS ADVISORY COMMITTEE. ~~((Full recognition of the state veterans affairs advisory committee, as established under RCW 43.60A.080, shall be given by the department of veterans affairs, and its director.~~

~~(1) The director, or his designee, and such members of the department staff as he selects shall meet with the committee on a regular schedule unless there be mutual agreement between the chairman of the committee and the director to the contrary.~~

~~(2) Minutes shall be kept of the proceedings at each meeting, including recommendations of the committee, and a complete copy provided to each member of the committee within 30 calendar days.~~

~~(3) When requested by the committee to do so, the director shall present the governor, in person or in writing, the recommendations of the committee as recorded in the minutes.~~

~~Such presentation shall be in addition and distinct from any contact or communications by the committee itself.))~~ **Rules of operation.**

(1) The committee shall have the following powers and duties:

(a) To serve in an advisory capacity to the governor and the director on all matters pertaining to the department of veterans' affairs;

(b) To acquaint themselves fully with the operations of the department and recommend such changes to the governor and the director as they deem advisable.

(2) The department of veterans' affairs, and its director, shall fully recognize the advisory committee, as established under RCW 43.60A.080.

(3) The committee chair shall, following annual elections but before September, confer with the director to set the number of, and schedule for, authorized meetings during the following twelve months.

(4) A quorum must be present prior to the transaction of official committee business. A quorum for the committee shall be construed to

be a simple majority of the committee members authorized in RCW 43.60A.080.

(5) The order of business will be according to Robert's Rules of Order as revised, and the usual order of business shall be as follows:

- (a) Pledge of Allegiance;
- (b) Roll Call;
- (c) Reading and approval of minutes;
- (d) Reading of official and other communications;
- (e) Audience introductions;
- (f) Report from the director or his/her designee;
- (g) Report of committees;
- (h) Old business;
- (i) New business;
- (j) Agenda set for next meeting;
- (k) Time and place for next meeting;
- (l) Adjournment (by majority vote of members present).

(6) Summary minutes shall be kept of all of the committee proceedings and a complete copy will be provided to each member of the committee and the director within fourteen calendar days of adjournment. When requested to do so by the committee, the director shall present a copy of the minutes to the governor.

(7) Each member of the committee is expected to actively participate in and attend all meetings of the committee. The name of any committee member who has three consecutive unexcused absences from regularly scheduled meetings will be automatically forwarded to the governor's office with a request that a replacement be named to the committee. A copy of the replacement request will be forwarded to the appropriate veterans' organization department commander.

(8) The chairperson shall notify, in writing, any member having three consecutive unexcused absences that a recommendation is being forwarded to the governor.

(9) A member will receive an excused absence at the discretion of the chairperson or director.

(10) The director, or his/her designee, and such members of the department staff as the director selects, shall meet with the committee on a regular basis.

(11) The committee will annually review the quality and range of services performed by the department.

(12) Annually, the committee shall designate one of its meetings as a joint meeting with the commanders and service officers of all veterans' organizations nationally recognized by the Federal Department of Veterans' Affairs.

(13) During June of each year, there shall be an election of the chairperson and vice-chairperson for the coming year. New officers shall take office in September. Those elected will serve for one year and be limited to one term in succession.

(14) All meetings and events relating to the advisory committee shall be accessible to all members and guests.

(15) The chairperson may appoint special committees consisting of not less than two members when necessary to make special inquiries, reports, and investigations.

and responsibilities; adjust levels of assets allowed before and after admission; and adjusts certain existing practices and policies.

Reasons Supporting Proposal: Needed for language housekeeping, clarification and modernization; to clearly establish resident and colony rights and responsibilities; to incorporate current practice/policies into WAC.

Name of Agency Personnel Responsible for Drafting: Alan Harrah, 505 East Union, Olympia, WA, 586-7490; Implementation and Enforcement: Jesse Farias, 505 East Union, Olympia, WA, 753-4522.

Name of Proponent: Department of Veterans' Affairs, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Chapter 484-20 WAC (entire chapter), changes term "members" to "residents"; WAC 484-20-010, defines synonyms used in chapter, adds new terms, "income," "rehabilitation furlough," "rehabilitation (rehab) or care plan" and "resident council"; WAC 484-20-105, stipulates what documents constitute evidence of military service, allows for centralized admissions system for both homes, establishes "chain of command" on appeals for denied applicants, specifies circumstances that can lead to denial of an application for admission; WAC 484-20-025, amplifies definition of what constitutes state residency; WAC 484-20-030, military eligibility changed to permit admission to current eligibility limitations plus requires minimum of 90-days service unless disabled in line of duty, allows admission, under certain conditions, of Merchant Marines, Coast Guard, eliminates references to military service periods for which there are no living veterans, permits admission of veterans from wartime periods other than those specified in the rule; WAC 484-20-035, reduces period when a transfer of property can be made from three years to two years and specifies circumstances under which personal property of high value is waived in determining eligibility; WAC 484-20-040, raises asset limit from \$1600 to \$2000 effective September 1, 1992, and provides means to escalate assets limitations after September 1, 1992; makes provision to allow admission of applicants with assets exceeding \$2000 and specifies manner of expending such funds after admission, allows admission of applicants with nonliquid real assets and the manner in which proceeds from sale of real property will be distributed when spouse of resident lives in the community; WAC 484-20-045, removes linkage between "indigency" and self-support and refines section as "inability to support self," setting age 65 as the limit when an applicant must demonstrate the ability to support self, and specifying circumstances under which an applicant under age 65 may be admitted; WAC 484-20-050, adds requirement that "third-party" fiduciaries and/or protective payees must transfer such control to the home administration; WAC 484-20-055, requires spouses of veterans requesting admission to meet the "inability to support self" requirements of WAC 484-20-045; WAC 484-20-060, for married couples, requires that both parties meet the "inability to support self" requirements of WAC 484-

WSR 92-13-023

PROPOSED RULES

DEPARTMENT OF VETERANS' AFFAIRS

[Filed June 9, 1992, 11:27 a.m.]

Original Notice.

Title of Rule: Chapter 484-20 WAC, Washington soldiers home and colony—Washington veterans home.

Purpose: This chapter establishes eligibility criteria for admission to two veterans homes. It governs all business and conduct between the home residents and the home administration.

Statutory Authority for Adoption: RCW 43.60A.070.

Statute Being Implemented: RCW 72.360.010 and 72.360.130.

Summary: Expands and clarifies definitions; adds sections regarding resident rights; colony resident's rights

20-045 and rewrites existing language for greater clarity; WAC 484-20-065, adds language requiring timely payments to the homes towards cost of care, specifies that couples living in the homes maximum retainable income only if both possess income in their own right, specifies limits on amount allowed for support of nonresident spouse, reduces amount that resident is allowed to accumulate after admission from one-year's to three months' cost of care, allows recovery of cost of care after death of resident, with allowances to meet funeral costs, adds requirement of both residents and spouses must make annual disclosures of income and assets; WAC 484-20-068, housekeeping of language in section, leaving basic makeup of resident council as it now exists; WAC 484-20-070, mostly language cleanup except that preparation of the budget by the home superintendent will also involve the WDVA assistant director for administrative services, recognizes that certain employee organization contractual language must, in addition to merit system rules, be taken into account when expenditures from the revolving fund are made; WAC 484-20-075, establishes a care and maintenance account within the revolving fund when the home receives federal DVA payments for eligible residents; WAC 484-20-087, new section specifying resident rights; WAC 484-20-089, new section specifying rights and responsibilities of soldiers' home colony residents; WAC 484-20-090, language cleanup and/or clarification of "rules of conduct"; WAC 484-20-110, amplifies what constitutes a "threat to the health and safety of others" when superintendent decides whether imposition of a penalty may be suspended pending outcome of a fair hearing, requires that a written notice with a specific format must be made when requesting a fair hearing, adds requirement that during the fair hearing waiver period, the resident must continue paying towards the cost of his/her care; WAC 484-20-115, language clarification that does not substantially alter meaning of existing section; WAC 484-20-120, language clarification that does not substantially alter meaning of existing section, except that new paragraph is added permitting "provisional honorable discharge" and the circumstances when the nature of the discharge may be changed; WAC 484-20-135, adds provision for unilateral transfer of residents from one home to another for medical reasons; WAC 484-20-140, language clarification that does not substantially alter meaning of existing section; WAC 484-20-145, language clarification and clarifies that the cost of burial of nonresidents in a home cemetery grave site is borne by the next of kin; and WAC 484-20-150, specifies that home residents will be assigned to a level of care consistent with their health care needs.

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: Bates Vocational-Technical School, 2201 South 78th, Tacoma, WA 98409, on July 21, 1992, at 10:00 a.m.

Submit Written Comments to: Alan Harrah, by July 16, 1992.

Date of Intended Adoption: July 21, 1992.

June 9, 1992

Alan Harrah
CICS3

AMENDATORY SECTION (Amending Order 85-01, filed 10/1/85)

WAC 484-20-010 DEFINITIONS. The following words or phrases are used in this chapter in the meaning given, unless the context clearly indicates another meaning.

(1) Allowable income - ~~((That minimal monthly income amount stipulated by RCW 72.36.120 and 72.36.130 which a member may keep for his or her personal use and increased as provided in WAC 484-20-065))~~ See Personal needs allowance.

(2) Department - The department of veterans affairs(;) "(WDVA)."

(3) ~~((Duly constituted body, representative of the members - A body elected by the general membership of the home which shall act for the general membership in those cases where the RCWs or these WACs so specify.~~

~~((4))~~ Director - The director of the department of veterans affairs or his designee.

(4) Facility - A synonym for either the Washington veterans' or Washington soldiers' home.

(5) Gross misconduct - Intentional or negligent conduct evidencing substantial disregard (a) for the interests of other home member(s), staff person(s), or visitor(s), or (b) for the offending member's duties and obligations as a member of the home.

(6) ~~((Member))~~ Income - Money or other gain received by a resident, or a resident and his/her spouse, on any incremental basis (e.g., yearly, semi-annually, monthly, weekly, or daily) from sources such as but not limited to: Veterans' benefits, Social Security, civil service annuities, retirement benefits, royalties, interest on bonds, savings accounts, certificates of deposit or similar instruments, and/or earnings. Nonincremental such as but not limited to, distributions derived from interest payments, unanticipated payments on stock held by a resident, and royalties paid for creative endeavors are also considered income for purposes of this section.

(7) Member - See "Resident" below.

(8) Resident - An individual admitted to the Washington soldiers' home, the Washington soldiers' home colony or the Washington veterans' home.

~~((7))~~ (9) Personal needs allowance - The minimum amount (as defined in RCW 72.36.120 and 72.36.130) which a resident may retain from his/her income.

(10) Rehabilitation furlough - A period of time granted by a superintendent or designee, permitting a resident to attempt to reestablish independent living or other care arrangements in a community of his/her choice while retaining the right to return to the soldiers'/veterans' home without reapplying for admission.

(11) Rehabilitation (rehab) or care plan - A plan which outlines details of health care which the resident needs and receives. Those residents who do not meet admission criteria for age and/or permanent disability must have a rehabilitation plan included in their patient care plan.

(12) Resident council - A duly constituted body elected by the facility residents in accordance with RCW 72.36.120 and 72.36.130. The resident council serves in an advisory capacity to the facility's administration in those cases where the RCW's and WAC's so specify.

(13) Superintendent - The superintendent of the Washington soldiers' home and colony and/or the superintendent of the Washington veterans' home.

AMENDATORY SECTION (Amending Order 85-01, filed 10/1/85)

WAC 484-20-015 APPLICATION FOR ~~((MEMBERSHIP))~~ ADMISSION. (1) An application for admission to membership in the Washington veterans' home, the Washington soldiers' home or the Washington soldiers' home colony shall be made to the ~~((superintendent))~~ department on forms prescribed by the ~~((director))~~ agency. ~~((Admissions))~~ Applications may be made for an indefinite or for a specified period of time.

(2) An applicant shall submit either a copy of his or her military discharge or ~~((other acceptable proof of qualifying military))~~ or a statement from the applicable military service denoting the dates and

character of service with the application. An individual whose eligibility is based on the military service of a spouse shall provide proof of the spouse's service.

(3) ~~((The superintendent shall review the application and the supporting evidence and make a recommendation to the director that the application be approved or disapproved. After the director's decision is made, the superintendent shall notify the applicant in writing of the decision. The superintendent may reject an application when the applicant fails to meet eligibility requirements for admission))~~ Designated agency staff shall review the application and all supporting documents and recommend approval or disapproval for admission. The applicant will receive written notice of the decision. If an applicant is denied admission, the ~~((document so informing him))~~ written notice shall include a statement of the reason and authority for ~~((such))~~ denial. The letter will be signed by the agency staff responsible for recommending ~~disapproval for admission.~~

(4) An applicant denied admission may, within thirty days of mailing of a written notification of denial, submit a written request for reconsideration ~~((by the director))~~ to the agency staff person(s) responsible for the application denial.

(5) ~~((An applicant shall not be admitted without approval by the director.))~~ If the applicant disagrees with the decision of the agency staff designated in subsection (4) of this section, (s)he may submit a written request for review to the director. Within thirty days of receipt of the written request for review, the director, or designee, shall make a written reply to the applicant.

(6) Subject to the bed availability ~~((of))~~ in the appropriate level of care ~~((required))~~ and the ability of the home(s) to provide the required care, individuals shall be admitted in the order in which their applications are approved. If the needs of the applicant are of such a nature that current care programs at the facility(ies) cannot meet his/her needs, the superintendent may disapprove the application.

AMENDATORY SECTION (Amending Order 80-01, filed 7/17/80)

WAC 484-20-020 CONDITIONS OF ELIGIBILITY FOR ADMISSION. An applicant shall be eligible for admission only if ~~((he/she))~~ (s)he meets the requirements of chapter 72.36 RCW and the rules of WAC 484-20-025 through 484-20-060.

NEW SECTION

WAC 484-20-023 ADMISSION TO DEPARTMENT OF VETERANS' AFFAIRS HEALTH CARE FACILITIES. (1) Consideration for admission to a DVA care facility shall be on the basis that each facility has the ability to provide the appropriate care services to meet the needs of the applicant. Veterans will be given preference over nonveterans for admission purposes if budgeting and/or bed limit constraints require.

(2) Admissions to each of the respective WDVA facilities shall be in the chronological order that applications are approved.

(3) A waiting list will be maintained at each facility for all established levels of service. As applicants are approved and levels of service established, applicants names shall be added in chronological order to established waiting lists.

(4) An applicant may be denied admission, or have his/her position on a specific service waiting list changed to another service waiting list, when:

(a) In the interim between application and scheduled admission, the applicant's needs have changed which will require different degrees of services to meet his/her needs;

(b) The applicant's service needs have changed to such a degree that the facility can no longer meet the applicant's needs. Prior to scheduling admission, any person whose application is over one hundred eighty days old is required to have his/her physician update the medical data.

(5) If an applicant declines a scheduled admission, (s)he will be placed at the bottom of the appropriate service waiting list. The next person on the waiting list will be invited for admission.

(6) If the applicant's financial status has changed during the period between application approval and scheduled date for admission, or additional financial information becomes available, a new financial assessment shall be required. The applicant's eligibility will be reassessed. If the revised financial status makes the applicant ineligible, the director, for good cause, may approve admission.

(7) Prior to admission, the applicant shall be required to sign a payment agreement which will stipulate the method and time of payments

to the home; the amount required in payment each month; and penalties for nonpayment. Further, the applicant shall be required, upon admission, to submit changes of address directing benefit checks and other sources of income to be routed to the home's business office where they may be opened by the resident in the presence of authorized staff.

(8) Within thirty days after admission, each applicant shall have made a will and indicated necessary written instructions regarding funeral arrangements. In addition, a living will and/or directive to physicians will have been initiated during the admission process.

AMENDATORY SECTION (Amending Order 7659, filed 7/28/77)

WAC 484-20-025 ELIGIBILITY—STATE RESIDENCY. An applicant shall be ~~((an actual bona fide))~~ a resident of the state of Washington at the time of application and at the time when the applicant is to be admitted to the home. An applicant shall be considered a Washington state resident if (s)he:

(1) Is living in the state at the time of application and has established residence either by declaring an intent to remain in the state or has an unbroken period of physical residence in the state;

(2) Is not living in this state at the time of application, but has demonstrated intent of remaining a resident of this state by maintaining a domicile or voting registration in this state or similar evidences of nonrelinquishment of Washington state residence;

(3) Is not living in this state by reason of hospitalization or provision of similar care needs in another state resulting from transfer from a Washington state or federal health care or social service agency as long as the applicant has taken steps to maintain Washington state citizenship similar to subsection (2) of this section.

AMENDATORY SECTION (Amending Order 80-01, filed 7/17/80)

WAC 484-20-030 ELIGIBILITY—MILITARY SERVICE. (1) An applicant must have served

(a) In the armed forces of the United States government in any of its wars ~~((and have received an honorable discharge))~~ for a minimum of ninety days, some portion of which falls within the dates of WAC 484-20-030(2) below for which the applicant received a discharge under honorable conditions, or

(b) In the armed forces of the United States government in any of its wars with less than ninety days, some portion of which falls within the dates in WAC 484-20-030(2) below during which the applicant received a service-connected disability, and was discharged under honorable conditions, or

(c) As a member of the state militia (Washington national guard), and have been disabled in line of duty without regard to wartime service, and have received ~~((an honorable discharge))~~ a discharge under honorable conditions, or

(d) As a member of the Coast Guard, Merchant Marines, or other typically nonmilitary organizations when such service was recognized by the United States government as equivalent to service in the armed forces and upon discharge, the veteran received a discharge under honorable conditions as evidenced by possession of a DD214, or similar documents in accordance with WAC 484-20-015(2).

(2) The current inclusive dates referred to in subsection (1)(a) are
 (a) ~~((Civil War—April 12, 1861, to May 26, 1865;
 (b) Spanish—American War—April 21, 1898, to August 12, 1898;
 (c) Philippine Insurrection—August 13, 1898, to July 4, 1902, or August 13, 1898, to July 15, 1903, if in Moro Province;
 (d) Boxer Rebellion—June 10, 1900, to June 12, 1901;
 (e))~~ World War I—April 6, 1917, to November 11, 1918; extended to April 1, 1920, for those veterans who served in Russia; also extended through July 1, 1921, for those veterans who served after November 11, 1918, and before July 2, 1921, provided that such veterans had at least one day of service between April 5, 1917, and November 12, 1918.

~~((ff))~~ (b) World War II—December 7, 1941, to December 31, 1946,

~~((gg))~~ (c) Korean War—June 27, 1950, to January 31, 1955,

~~((hh))~~ (d) Viet Nam—August 5, 1964, to May 7, 1975.

(e) Such other or additional conflicts as recognized by the federal Department of Veterans' Affairs as wartime service.

AMENDATORY SECTION (Amending Order 80-01, filed 7/17/80)

WAC 484-20-035 ELIGIBILITY—TRANSFER OF PROPERTY. Transfer or assignment ~~((by an applicant of real or personal property))~~ of real, or personal property of high intrinsic value within

~~((three))~~ two years of the date of application without having received adequate consideration shall create the presumption that such assignment or transfer was for the purpose of rendering ~~((himself))~~ him/herself eligible with respect to the limitations of property resources in WAC 484-20-040. The burden of disproving such intent shall be upon the applicant. The director may waive this requirement for good cause. Personal property, irrespective of value, which has great sentimental value to the applicant shall not be subject to the provisions of this section.

AMENDATORY SECTION (Amending Order 85-01, filed 10/1/85)

WAC 484-20-040 ~~ELIGIBILITY—((PROPERTY RESOURCE))~~ **ASSETS**. (1) ~~((To be eligible for membership an applicant may not possess cash or its equivalent, or equity in real or personal property with a total value in excess of \$1600 except as provided in subsections (2) through (4) of this section.~~

~~(2) For good cause shown the director may authorize an exception to the limit in subsection (1) of this section.~~

~~(3) An applicant for membership in the colony of the state soldiers' home may not own real property except property within the Orting school district which is the domicile of the applicant(s).~~

~~(4) An applicant for membership in either home may own real property in excess of \$1600 provided such property is the domicile of the spouse and/or dependent children of the applicant.) Applicants for admission may retain any liquid assets up to a value of two thousand dollars, as of September 1, 1992. After that date, asset limits shall be computed at the beginning of the calendar year at a rate in accordance with advances in the Consumer Price Index established on annualized basis for the previous twelve months. If the applicant has assets in excess of established limits, (s)he may be admitted to a veterans' home provided:~~

~~(a) His/her assets and total expected annual income for the year following admission, less the established limit, and divided by twelve, would not exceed actual monthly cost of care in the home;~~

~~(b) The applicant agrees to deposit such liquid assets in a safekeeping account held jointly by the home and the resident, such account to be held at the home of admission; and~~

~~(c) The applicant agrees to pay actual cost of care until such assets are reduced to an amount not to exceed the provisions of WAC 484-20-065(8).~~

~~(2) Applicants with real property in excess of the limits set forth in subsection (1) of this section may be admitted to the homes provided that:~~

~~(a) A good faith effort is made to sell the property at current market value;~~

~~(b) The proceeds of the sale of the property are deposited into a safekeeping account held jointly by the home and resident;~~

~~(c) The resident agrees to retroactive payment from the safekeeping account for actual cost of care from the time of admission to the time the funds are deposited into the safekeeping account;~~

~~(d) The resident agrees to allow withdrawal from the safekeeping account an amount equivalent to the difference between monthly income and actual cost of care until his/her assets are reduced to an amount not to exceed the provisions of WAC 484-20-065(8).~~

~~(3) In the event of admission under conditions in subsections (1) and (2) of this section where the applicant is discharged or dies, the provisions of WAC 484-20-065(8) apply.~~

~~(4) For good cause shown the director may authorize an exception to the limit in subsection (1) of this section.~~

~~(5) An applicant for membership in the colony of the state soldiers' home may not hold liquid assets in excess of that established in RCW 72.36.040. They are permitted to own real property provided such property is the domicile of the colony resident and is located within the school district of Orting.~~

~~(6) An applicant for admission to either home may own real property in excess of established limits provided such property is the domicile of the spouse and/or dependent children of the applicant.~~

~~(7) Real property owned by a couple where one is a resident of a state veterans' home and the other lives in the community shall, upon sale of the property, be subject to a division of the net proceeds whereby fifty percent is kept by the spouse living in the community and fifty percent by the spouse living in the home. Any resultant amount of assets held by the resident will be subject to the provisions of WAC 484-20-065(8). Exceptions to this distribution is allowed when the spouse living in the community purchases another residence of equal or greater value than the net proceeds of the sale in which (s)he expects to live.~~

Where the spouse purchases a home of lesser value than the net proceeds from the sale of the first residence, the assets will be divided in accordance with the '50-50' stipulation above will apply.

AMENDATORY SECTION (Amending Order 7659, filed 7/28/77)

WAC 484-20-045 ~~ELIGIBILITY—((INDIGENCY AS INABILITY TO EARN SUPPORT))~~ **INABILITY TO SUPPORT SELF**. To be eligible for admission an applicant must provide evidence of inability to support himself or herself. An applicant, age sixty-five or older, provided his/her income and assets fall within limitations set forth in this chapter, is not required to provide further evidence of inability to support him/herself. If an applicant is less than age sixty-five, (s)he must have a long-term disability necessitating care, as determined by the applicant's physician, for an indeterminate period of such duration that it can reasonably be assumed that the applicant's condition will not allow him/her return to independent living. Applicants under age sixty-five who do not have a permanent disability are eligible for admission only if their application contains a specific rehabilitation plan. The rehabilitation plan must be designed to provide the necessary skills for an applicant to return to independent living in the outside community. Such applicants may be admitted for a specific period of time as specified in their rehabilitation plan. Any reductions or extensions of the admission period are made at the discretion of the superintendent upon recommendation of the rehabilitation staff.

AMENDATORY SECTION (Amending Order 80-01, filed 7/17/80)

WAC 484-20-050 **ELIGIBILITY—INCOME**. An applicant with income in excess of that required to purchase the type of care ~~((he or she))~~ (s)he requires shall not be eligible for ~~((membership))~~ admission unless

(1) The director, upon recommendation of the superintendent, has authorized an exception and

(2) The applicant agrees to use his/her income in excess of allowable income as provided in WAC 484-20-065.

(3) Applicants whose income is under the control of a third party such as a fiduciary or protective payee may be admitted provided such fiduciary or protective payee relationship is, prior to admission, transferred from the third party to the superintendent of the home.

AMENDATORY SECTION (Amending Order 80-01, filed 7/17/80)

WAC 484-20-055 **ELIGIBILITY—SURVIVING SPOUSE OF VETERAN**. The surviving spouse of a veteran may be admitted to ~~((membership))~~ the veterans'/soldiers' home provided

(1) The veteran was a member at the time of death or would have been eligible for ~~((membership))~~ admission except for his/her income or resources; and

(2) The spouse

(a) ~~((Is at least fifty years of age, and~~

~~((b) Is unable to support himself or herself, and))~~ meets the provisions of WAC 484-20-045; and

~~((c))~~ (b) Has not remarried a person who is not a ~~((member))~~ resident or eligible for ~~((membership))~~ admission.

AMENDATORY SECTION (Amending Order 7659, filed 7/28/77)

WAC 484-20-060 **ELIGIBILITY—MARRIED COUPLE**. A married couple may be admitted to ~~((membership if~~

~~((1) Living together as man and wife, and~~

~~((2) Married at least three years prior to application or if the veteran married a person who is a member or eligible for membership))~~ the homes provided:

(1) They both meet the requirements of WAC 484-20-045.

(2) They are legally married, and if not living together, are separated because of different health care needs.

(3) They have been married at least three years prior to application, or the spouse is personally eligible for admission.

AMENDATORY SECTION (Amending Order 85-01, filed 10/1/85)

WAC 484-20-065 **USE OF RESIDENTS' INCOME AND ASSETS ((OF MEMBER))**. (1) ~~((Members))~~ Residents shall relinquish on a monthly basis, within time limits established by WDVA policy, all income in excess of ~~((allowable income))~~ their personal needs allowance to the veterans' home or soldiers' home revolving fund except as

outlined in subsection ~~((4))~~ (5) of this section. The amount relinquished shall not exceed the total cost of care of the ~~((member))~~ resident determined consistent with subsection ~~((7))~~ (8) of this section. The superintendent may make exceptions for income of individuals on rehabilitation furlough who are attempting to reestablish residency within the community and for earnings of ~~((members))~~ residents participating in therapeutic employment programs ~~((approved by the superintendent))~~ indicated in their rehabilitation or care plan.

(2) ~~((Allowable income))~~ Couples residing in the home(s) shall each be allowed maximum personal needs allowances as provided in this chapter as long as each individual's income equals or exceeds the maximum personal needs allowance. Should one of the individual's income fall below the maximum personal needs allowance, his/her personal needs allowance shall be limited to the income to which (s)he has an individual right.

(3) The personal needs allowance shall be increased by a portion of each future increase of the maximum annual income limitation as set for a single veteran without dependents as authorized by P.L. 95-588. The increase will be determined by the formula P times A/12 rounded to the nearest dollar. ('P' equals the percent of increase, 'A' equals the amount of increase.)

~~((3) Members))~~ (4) Residents shall be required to apply for any and all entitlements or benefits as soon as they become eligible ~~((or within ten working days of receiving a written directive to do so by the homes administration))~~ home staff are available to assist with applications for entitlements.

~~((4) A member may contribute toward the necessary support of a nonmember spouse, dependent children or dependent parent an amount approved by the superintendent based on an itemized statement of the requirements of such relative(s).))~~

(5) Individuals who are normally in receipt of income from the veterans administration and whose income has been discontinued as a result of their funds having exceeded the maximum authorized by the veterans administration, shall continue, during the period in which benefits are discontinued to pay from their estate the normal monthly amount of aid and attendance allowance to the aid and attendance account.

~~((6))~~ (5) A resident may contribute toward the necessary support of a nonresident spouse, dependent children or dependent parent. The contribution will not exceed the family member's personal income and/or any spousal/dependent benefits included in the resident's benefits. An additional contribution from the resident's personal needs allowance may be considered.

(6) Computation of the amount owed by the resident to have towards the cost of care shall be computed on the basis of the resident's actual entitlement.

(7) The provisions of this section do not apply to ~~((members))~~ residents of the ~~((soldiers' home))~~ colony at the soldiers' home.

~~((7) A member who receives or accumulates funds in excess of the equivalent cost of his/her care at the home for one year based upon four times the total operating cost from the most recent quarter for which reports are readily available attributable to that member's level of care (i.e., domiciliary or nursing care) divided by the average member population for that level of care during the same quarter, must relinquish such excess assets to the revolving fund or request voluntary discharge.~~

(8) Members are required to disclose to the department all income and assets when requested by the homes' administration:)) (8) A resident who receives or accumulates funds equal to or greater than three months' cost of his/her care must relinquish the excess assets to the revolving fund or request voluntary discharge, unless such resident is admitted under the provisions of WAC 484-20-030(1). Provisions of this paragraph apply only to residents admitted after adoption of this section. The estate of any individual who is a resident at the time of death will be charged for the balance of any cost of care which the resident did not pay during his/her residence in the home. Reasonable allowances will be made for funeral costs.

(9) Residents and their spouses are required to disclose to the department all income and assets at least annually, or whenever there is a change in family income or assets.

AMENDATORY SECTION (Amending Order 86-01, filed 2/13/86)

WAC 484-20-068 DULY CONSTITUTED BODY. (1) Each home shall have ~~((a duly constituted body representative))~~ resident council consisting of the representatives chosen from the home ~~((members))~~ residents. The council is established to approve revolving fund

disbursements and to communicate to the home's administration member needs and concerns.

(2) The ~~((duly constituted body shall be composed of representatives elected annually, to serve for the succeeding calendar year. At the option of the duly constituted body, representatives may be elected to serve terms as follows. A minimum of three representatives to be elected in even-numbered years and a minimum of four representatives to be elected in odd-numbered years.~~

(3) Representation of home members receiving domiciliary care, nursing care and soldiers home colony members shall make up the duly constituted body.

(4) Representatives will be elected from living units to be designated by the superintendent.

(5)) resident council shall be composed of representatives from domiciliary, nursing care and, in the case of the soldiers' home, the colony.

(3) Representatives from the living units shall be elected by ~~((members))~~ residents of that living unit or by ~~((the general membership))~~ all residents of the home.

~~((6) The members from each living unit receiving the largest number of votes shall be elected to the duly constituted body.~~

(7) In the event of a vacancy due to an insufficient number of members requesting to serve or the resignation, abandonment, medical disability (established by the medical director at the home), death or discharge from the home, the member representatives)) (4) In the event of a vacancy on the resident council the resident council and the superintendent shall submit names to fill such vacancy subject to confirmation by a majority of the remaining elected representatives.

~~((8))~~ (5) The ~~((duly constituted body))~~ resident council and the superintendent or designee shall meet ~~((when called together on reasonable notice by the superintendent or his designee. The presence of at least the majority of the representatives is necessary to constitute a quorum))~~ on a regularly scheduled basis. The superintendent shall chair these meetings but cannot vote. Agenda items may be submitted by the resident council, any home member, or the administration.

~~((9) When the duly constituted body meets with the administration, the superintendent or his designee shall have no vote but shall chair these meetings. The duly constituted body))~~ (6) The resident council may meet on its own at any time without notice to the administration. ~~((When the duly constituted body meets with the administration, the chairman shall ensure that all agenda items are considered. Agenda items may be submitted by the duly constituted body, any home member, or the administration.~~

(10) On the written request of a majority of the duly constituted body the superintendent shall call a meeting to be held within fourteen days of the request for such meeting and shall provide notice to each representative:)) (7) General meetings of the home residents will be held on a regular basis. Locations, times, and dates of such meetings will be published in advance to insure maximum attendance from the general resident population.

AMENDATORY SECTION (Amending Order 85-01, filed 10/1/85)

WAC 484-20-070 VETERANS' HOME OR SOLDIERS' HOME REVOLVING FUND. (1) The superintendent shall deposit all funds ~~((relinquished pursuant to))~~ received from residents in accordance with provisions of WAC 484-20-065 ~~((m))~~ into a revolving fund.

(2) Disbursement from the revolving fund shall be for the welfare and benefit of the members.

(3) Disbursement from the revolving fund shall be on authorization of the superintendent or his duly authorized representative ~~((after approval has been received from the duly constituted body, representative of the members)).~~

(4) A proposed budget shall be prepared for each fiscal year by the superintendent or a duly authorized representative, and the WDVA assistant director for administrative services, which shall delineate income by sources and allocations by category. This budget shall be presented to the ~~((duly constituted body representative of the members for approval))~~ resident council for modification and approval. Approval of the budget shall constitute authority for the superintendent or his duly authorized representative(s) to make disbursements from the revolving fund in accordance with the approved budget. ~~((If agreement between the superintendent and the duly constituted body cannot be reached the duly constituted body may appeal any budget item in dispute to the director, in which case the decision of the director shall be))~~ Should the resident council and superintendent disagree over budget items, the resident council or superintendent may request a review by

the agency director. In all such reviews, the decision of the director is final.

(5) Expenditure of the revolving funds shall be subject to the provisions of state law and state personnel merit system rules and any applicable provisions with organizations representing staff. The revolving fund budget must ~~((contain continued))~~ continue funding for existing civil service positions until such time as the director or ~~((his designee))~~ his/her designee, either individually or pursuant to a good faith request from the majority of the ~~((duly constituted body, terminates))~~ resident council, reduces full-time funding of a position or positions from the revolving fund, approves, termination of position(s) through a reduction-in-force and all appeal rights of affected civil service employees have been exhausted.

(6) A quarterly report of the revolving fund activity shall be available for public inspection.

AMENDATORY SECTION (Amending Order 86-01, filed 2/13/86)

WAC 484-20-075 AID AND ATTENDANCE ACCOUNT. (1) The superintendent shall establish an aid and attendance and a care and maintenance account within the home's revolving fund. Expenditures from ~~((this))~~ these accounts ~~((may))~~ shall be made exclusively in connection with provision of direct care services ~~((to the members limited to nursing and other health related care services.))~~

~~((2))~~ The portion of each members income which is derived from a veterans administration aid and attendance allowance shall be deposited to the aid and attendance account within the revolving fund.

~~((3))~~ An amount, equivalent to the nursing care)) in the homes and for payment of medical care services by medical practitioners, medical care facilities, and pharmacies outside the homes when such services or medical goods cannot be provided by home medical, nursing or therapy staff or from pharmaceuticals available through the home.

~~((2))~~ The portion of each nursing care resident's income which is derived from a federal Department of Veterans' Affairs aid and attendance allowance payable to a veteran under Public Law 95-588~~((for nursing care members.))~~ shall be deposited ~~((to))~~ into the aid and attendance account of the revolving fund.

~~((4))~~ An amount, equivalent to)) ~~((3))~~ The portion of each domiciliary resident's income which is derived from housebound ~~((rates))~~ allowances payable under Public Law 95-588, ~~((of income of domiciliary members receiving direct care services in addition to those services provided to all domiciliary members))~~ shall be deposited ~~((to))~~ into the aid and attendance account of the revolving fund.

~~((4))~~ In the event a veteran's federal Department of Veterans' Affairs Aid and Attendance/Housebound allowance is discontinued for any reason, and the veteran receives a care and maintenance allowance payable under the provisions of the PL, such care and maintenance funds shall be deposited into the care and maintenance account of the revolving fund.

AMENDATORY SECTION (Amending Order 85-01, filed 10/1/85)

WAC 484-20-085 ~~((MEMBERS'))~~ RESIDENTS' RIGHTS AND RULES OF CONDUCT~~((NOTIFICATION))~~. Each new home ~~((member))~~ resident and new employee shall be furnished with the home's policies regarding member rights and ~~((with a copy of chapter 484-20-WAC))~~ rules of conduct.

NEW SECTION

WAC 484-20-087 RESIDENT RIGHTS. (1) Prior to or at the time of admission and annually thereafter, each resident shall be fully informed of his/her rights orally and in writing.

(2) The resident will be informed in a language (s)he understands regarding all rules and regulations covering resident conduct and responsibilities.

(3) Acknowledgement of receipt of these rights will be placed in the resident's medical and/or administrative record.

(4) The resident has a right to a dignified existence, self-determination and communication with and access to persons and services inside and outside the facility. The department of veterans' affairs, and such facilities under the control of the department of veterans' affairs, will protect and promote the right of each resident. Each resident shall have the right to:

(a) Exercise his/her rights as a citizen of the United States;

(b) Be free of interference, coercion, discrimination, or reprisal in the exercise of his/her rights;

(c) Inspect and purchase photocopies of all records pertaining to the resident upon written request and forty-eight hours notice (excluding week-ends) to the resident's facility;

(d) Be fully informed in language (s)he can understand of his/her total health status, including but not limited to, his/her medical condition;

(e) Refuse treatment and to refuse to participate in experimental research, provided that the resident is informed of therapeutic alternatives, and the consequences of refusing such nonexperimental treatment, including the option of discharge from the home when it is determined that the resident's or other resident's welfare cannot be guaranteed without such treatment(s).

(f) Know what services and goods which will be provided by the facility and which services and goods the resident must provide for him/herself.

(g) Manage his/her financial affairs without the requirement that (s)he deposit his/her personal funds with the home.

(h) Fully informed in advance about care and treatment and of treatment that may affect the resident's well-being and, unless adjudged incompetent under the laws of the state, participate in planning care and treatment.

(i) Personal privacy and confidentiality of his/her personal and clinical records, which shall include but not necessarily be limited to: Accommodations; medical treatment; written and telephone communications; personal care; visits; meetings of family and resident groups.

(j) Voice grievances with respect to treatment or care that is, or fails to be furnished, without discrimination or reprisal.

(k) Prompt efforts by the facility to resolve grievances the resident may have, including those with respect to the behavior of other residents;

(l) Refuse to perform services for the facility, and if (s)he chooses to perform work, the home must document the need or desire to work in the careplan, specify the nature of the services performed, and whether services are voluntary or compensated by stipends established by the superintendent for the work-therapy program. The resident must agree to the work arrangements described in the careplan.

(m) To privacy in written communications, including: The right to send and receive mail promptly that is unopened; and access to stationery, postage, and writing instruments at the resident's expense.

(n) Immediate access to the resident by any representative of the Secretary of HEW; the federal Department of Veterans' Affairs; any representative of a state licensing agency; the resident's individual physician; the state long-term ombudsman.

(o) Regular access to the private use of a telephone, provided that the costs entailed from such use shall be borne by the resident.

(p) Retain and use personal possessions including appropriate clothing and some furnishings, as space permits, unless to do so would infringe upon the rights or health and safety of other residents.

(q) Self-administer drugs unless the home's patient care team has determined that this practice is unsafe.

(r) Examine the results of any federal or state inspection of the facility, along with any plan(s) for correction.

(5) In the event that a resident is judged financially incompetent under federal laws or mentally incompetent under the laws of the state by a court of competent jurisdiction, his/her rights may be exercised by a representative appointed under federal law or a guardian appointed under state law.

(6) Each resident shall receive a written description of resident rights to include a description of the manner of protecting personal funds and procedures established to resolve resident grievances or to initiate investigation of any reports of resident abuse, neglect, or misappropriation of resident property in the facility.

(7) The facility will inform each resident of the name, specialty, and way of contacting his/her attending physician.

(8) Except in a medical emergency or when the resident is incompetent, the facility will consult with the resident and notify the resident's physician, legal representative, or interested family member within twenty-four hours when there is:

(a) An accident resulting in injury to the resident;

(b) A significant change in the resident's physical, mental, or psychosocial status;

(c) A need to significantly alter treatment;

(d) A decision to transfer or discharge the resident from the facility.

(9) The facility will also promptly notify the resident, appointed representative/guardian, or designated family member when there is:

(a) A change in room or roommate assignment;

(b) A change in the resident's rights under federal or state law or regulations.

(10) The facility records and periodically updates the address and phone number of the resident's appointed representative or interested family member.

(11) The facility will establish and maintain a system that assures a full, complete, and separate accounting, according to generally accepted accounting principals, of each resident's personal funds entrusted to the home on the resident's behalf. The system must preclude any commingling of resident funds with facility funds or with the funds of any other resident. Individual financial records must be available on request by the resident or his/her appointed representative.

(12) The facility will provide reasonable access to any resident by any entity or individual that provides health, social, legal, or other services to the resident, subject to the resident's right to deny or withdraw consent at any time.

(13) The facility will allow representatives of the state ombudsman to examine the resident's clinical records with the written permission of the resident or the resident's appointed representative/guardian, so long as such access is consistent with state law.

NEW SECTION

WAC 484-20-089 WASHINGTON SOLDIERS' HOME COLONY—RIGHTS AND RESPONSIBILITIES. (1) Individuals eligible for the colony program, hereinafter called "colony residents," shall have access to the following programs available to on-grounds residents of the Washington Soldiers' Home subject to certain restrictions as noted:

(a) Participation in the home's on-grounds activities programs. Participation in off-grounds activities is also permitted except that a co-payment may be established by the superintendent to defray a portion of the costs of the activity.

(b) Transportation to medical appointments, provided that such transportation does not exceed those transportation services provided to on-grounds residents of the soldiers' home. In the event that public transportation becomes available, the superintendent may require a co-payment for home transportation purposes not to exceed fifty percent of the prevailing public transportation costs.

(c) Distribution of medications from the home's pharmacy to the extent that colony residents cannot obtain such medications through private, state and/or federal medical insurance programs for which the colony member is eligible. In the event that the colony member is ineligible for such medical insurance programs, the superintendent may require that a co-charge be paid by the colony member.

(d) In-patient nursing care when authorized by home medical staff and when such care is not otherwise available through private, state, or federal government medical insurance programs for which the colony resident is eligible. When admitted to a home nursing care unit and the in-patient stays exceed fourteen calendar days, the superintendent may require that the colony resident make a co-payment for nursing care services. Such co-payments shall be a set per diem amount as determined by WDVA policy except as waived by the director.

(e) Admission to the Soldiers' or Veterans' home as a long-term resident. Colony residents are required to complete a standard application for admission except that they shall be placed at the top of any existing waiting list for the type of care they require unless the date of their admission to the colony is later than another applicant on the same waiting list. In such cases, the colony resident's place on the waiting list shall be preceded only by the application or applications for admission preceding the colony member's.

(f) Cash stipends for food allowances and clothing, as determined by the director and allocated by the legislature.

(g) Burial in the Washington Soldiers' Home cemetery in such a manner as determined prudent by the superintendent and established by department policy.

(2) Colony residents are required to:

(a) Provide the superintendent with an annual statement reflecting all income and assets at such a time as determined by department policy and on a form prescribed by the department.

(b) Report any changes in income or assets within a reasonable period, not to exceed thirty days, after such changes.

(c) Comply with rules of conduct as outlined in WAC 484-20-090 except for those which reasonably apply exclusively to on-grounds residents of the Soldiers' Home when participating in programs on the grounds of the soldiers' home.

(d) Maximize all benefits and entitlements for which they are eligible, utilizing services, and/or obtaining goods available through such

local, state, or federal programs prior to utilizing services or obtaining goods through the soldiers' home.

AMENDATORY SECTION (Amending Order 85-01, filed 10/1/85)

WAC 484-20-090 RULES OF CONDUCT. ~~((Members))~~ Residents of the homes are required to comply with the following rules of conduct~~((:))~~. The following rules of conduct apply to all residents of the homes.

(1) ~~((Rules of conduct pertaining to))~~ Health and safety rules.

(a) Emergency evacuation. Any time a fire or alarm is sounded, domiciliary ~~((members))~~ residents must immediately evacuate the building ~~((immediately))~~ and report to the designated evacuation area. ~~((He/she will not be permitted to return to the evacuated building until informed that he/she may do so by an authorized person.))~~ Residents may not enter the evacuated building until designated staff indicate all is clear. Nursing care unit ~~((members))~~ residents must follow the instructions of the nursing staff.

(b) ~~((Personal cleanliness. Members must maintain their person, belongings, rooms, and jointly-shared toilet areas in such a manner so as not to reasonably offend their neighbors or create fire, health, and/or sanitation problems. Each domiciliary member is responsible for the cleanliness and sanitation of his own person and his own living quarters. When vacated, the room shall be left in a clean condition. Each domiciliary member is responsible for proper disposition of waste and refuse which is accumulated in his room.))~~ Community living skills. Resident personal hygiene and community living skills must meet established fire, safety and health-sanitation codes. Each resident shall accomplish and/or assist with maintaining their personal hygiene and living quarters as defined in their patient care plan. Vacated rooms shall be left in a clean condition.

(c) Electrical appliances. Only low wattage household type electrical appliances such as television sets, electric clocks, electric razors, fans of 150 watts or less with acceptable finger guards, radios, audio and/or video recorders (VCRs), and disc playing machines may be used in ~~((members'))~~ residents' rooms. Use of any other electric equipment requires the written approval of the superintendent.

(d) Repair of rooms. ~~((Any alterations or repairs required, including the hanging of pictures, must be done by home staff. Connection of television sets to the home's master antenna system by anyone other than authorized personnel is prohibited. A similar prohibition applies to any tampering with the master antenna system or any of its components. Requests for such repairs and/or installations must be made through a building captain.))~~ Residents shall not alter or repair their living quarters or other common use areas. This includes but is not limited to walls (e.g., for hanging pictures), other flat surfaces, electrical systems, television/cable hook-ups, phone hook-ups, heating systems, and plumbing. All such alterations/repairs shall be accomplished by home staff. Requests for alterations/repairs shall be made through staff designated by the superintendent or his/her alternate to the plant manager.

(e) Alcohol - drugs. Possession or use of intoxicating beverages ~~((except as authorized below))~~, narcotics, or controlled substances on the grounds of the Washington veterans' homes or during off-grounds activities sponsored by the home(s), without a physician's written prescription is prohibited. Drugs which were prescribed by a physician but which are no longer used by the ~~((member))~~ resident to whom they were issued, shall be turned in to the home pharmacy. ~~((Beer and wine may be served and consumed on the grounds at certain home-sponsored activities within limitations set by the home administration.))~~

(f) Weapons. ~~((Members possessing))~~ Possession of firearms, ammunition, explosive or dangerous weapons ~~((must turn them in to the administration office. Possession of any of these items on the home grounds))~~ is prohibited.

(g) Animals. Possession or feeding of animals on home grounds is prohibited except when specifically sanctioned by the superintendent.

(2) General rules of conduct.

(a) Visiting hours. Normal visiting hours for guests are 8:00 a.m. to 10:00 p.m. ~~((These may be extended if other members are not disturbed.))~~

(b) Program listening. Radios, ~~((television sets))~~ TVs, and tape recording-playing devices such as video tape recorders (VCRs) and cassette players may be used in ~~((members'))~~ resident's rooms ~~((provided that))~~. Volume levels ~~((are))~~ of such equipment must be kept at a level that does not disturb others. Between the hours of 10:00 p.m. and 7:00 a.m., volume on such equipment must be reduced to match reduced

noise levels in the general surroundings so that others will not be disturbed. The use of headphones, while not required, is strongly encouraged for those who wish to use such equipment after 10:00 p.m.

(c) Leave. ~~((Members)) Residents~~ leaving the grounds for any purpose must sign out ~~((with the building captain, C.Q., or appropriate nurses station))~~ at designated locations in such a manner as prescribed by the home administration. Upon returning, the ~~((member)) resident~~ must sign in again. After returning from pass or furlough, the ~~((member)) resident~~ must stay in his/her room overnight before permission to go on pass or furlough can be granted, except in the case of emergency. Leaving the grounds without proper authorization, or failure to return from pass or furlough at the prescribed time without obtaining permission for an extension, makes the ~~((member)) resident~~ absent without official leave. ~~((Members)) Residents~~ being admitted to the home must remain in their rooms overnight before pass or leave privileges may be exercised unless an exception is granted by the administration.

(d) Respect for property. No person may deface or destroy walls, buildings, trees, shrubbery, fences, grounds, or any other property or possessions belonging to the state of Washington or to any other person. Appropriation of the property of another person, corporate entity or the state of Washington without permission is also prohibited. ~~((Members)) Residents~~ are required to reimburse the home for theft and intentional or negligent injury to state property.

(e) Vehicle registration. Vehicles kept on home grounds must be registered at least annually with the administration of the home. ~~((Members)) Residents~~ who drive on the home grounds must: Possess a valid Washington state driver's license ~~((and must))~~; provide proof of ownership and/or registration; and, show proof of at least minimal insurance as required by Washington state law. The requirement to register applies to vehicles owned by ~~((members)) residents~~, owned by another and registered in the name of the ~~((member)) resident~~, and any vehicle regardless of ownership that is regularly in the possession of the ~~((member)) resident~~. Vehicles must have current license tags and they must display the home identification sticker. All traffic and parking control signs must be obeyed. ~~((Members)) Residents~~ must comply with the provisions of the Washington state financial responsibility law.

(f) Personal conduct between ~~((members)) residents~~ and staff. ~~((Members)) Residents~~ will conduct themselves in an orderly, courteous, and cooperative manner at all times ~~((among themselves, with visitors, and with staff members))~~. Obscene, sexually or racially demeaning, ~~((or))~~ threatening language, or behavior, or ~~((any))~~ physically assaultive behavior, directed at another person, whether on the grounds or off the grounds ~~((during a home-sponsored activity))~~, will be considered a violation of this rule. ~~((Members)) Residents~~ will obey all valid instructions directed at them by staff acting in an ~~((officially authorized))~~ official capacity. ~~((This includes member employees in positions of authority.))~~

(g) Attire of home ~~((members)) residents~~. ~~((Members)) Residents~~ must dress in a manner so as not to reasonably offend the sensitivity of others ~~((when outside their rooms))~~.

AMENDATORY SECTION (Amending Order 7659, filed 7/28/77)

WAC 484-20-095 SUPPLEMENTARY POLICIES AND PROCEDURES. The superintendent of each home shall establish supplementary policies and procedures ~~((not inconsistent))~~ consistent with the substance and intent of the rules in this chapter and ~~((non-conformance with))~~ existing federal and state statutes and standards. ~~((Representation of a duly constituted body, representative of the members.))~~ The resident council shall be afforded the opportunity for input into such supplementary policies and procedures. The superintendent will give due and proper consideration to such input.

AMENDATORY SECTION (Amending Order 85-01, filed 10/1/85)

WAC 484-20-100 VIOLATION—INVESTIGATION. Reports of possible rule violations shall be investigated by the superintendent or designee. The superintendent charging a violation of the rules or other misconduct by a ~~((member)) resident~~ shall have the burden of establishing the violation by clear, cogent and convincing evidence.

AMENDATORY SECTION (Amending Order 85-01, filed 10/1/85)

WAC 484-20-105 PENALTIES. The superintendent may impose penalties for the violation of rules of conduct, for gross misconduct or for willful failure to comply with any responsibility placed upon them by WAC 484-20-065; such penalties may include:

(1) Restricting the ~~((member)) resident~~ to the home grounds for a maximum of sixty days ~~((;))~~ when determined appropriate by the superintendent, a reasonable requirement for signing in at designated intervals may be imposed during a period of restriction.

(2) An enforced furlough to a maximum of sixty days;

(3) A combination of penalties in subsections (1) and (2) of this section provided the combined total time does not exceed sixty days;

(4) Transfer to another DVA home or colony;

(5) Discharge from a home pursuant to WAC 484-20-120.

AMENDATORY SECTION (Amending Order 85-01, filed 10/1/85)

WAC 484-20-110 FAIR HEARING. (1) Any ~~((member)) resident~~ upon whom a penalty has been imposed under WAC 484-20-105 may request a fair hearing from the superintendent or the director. A ~~((member)) resident~~ who desires a fair hearing shall request such hearing within thirty days after receiving notice from the superintendent as to the determination of violation and penalty, if any.

(2) Disciplinary sanctions imposed pursuant to this chapter shall be deferred until the outcome of any such appeal except where, in the judgment of the superintendent or other person acting in his absence, the ~~((members)) resident's~~ conduct is a threat to the health and safety of others. Any resident who strikes, threatens another person with bodily harm, is found in possession of a lethal weapon or illegal drugs shall be considered a threat to the health and safety of others and shall be immediately discharged from the home.

~~((2)) A request for fair hearing may be made either verbally or in writing and may be filed in the office of the superintendent or the director. If made verbally, such a request shall promptly be reduced to writing.))~~

(3) A request for a fair hearing must be made in writing and forwarded to the home superintendent within thirty days of receipt of notice that a penalty is being imposed upon the resident.

(4) All requests for fair hearings shall be signed by the resident or legal representative and specify:

~~((a) Specify the date of the written notice penalty which is being appealed from;~~

~~((b) Specify as precisely as possible the issues to be adjudicated at the fair hearing;~~

~~((c) Set forth the address of the member and his/her representative or attorney if any, and~~

~~((d) Be signed by the member or his/her representative or attorney.~~

~~((4)) (a) The penalty which is being appealed;~~

~~((b) The issues/circumstances which support the appeal;~~

~~((c) The resident's address;~~

~~((d) The name and address of the resident's legal representative.~~

(5) A fair hearing shall be held, within sixty days after receipt of the request, in the home or colony in which the client resides. The fair hearing shall be conducted pursuant to chapter 10-08 WAC by an administrative law judge from the office of administrative hearings who shall issue a proposed decision for consideration by the director. If the parties cannot satisfactorily agree on informal procedures for discovery, the administrative law judge may issue orders specifying the conditions under which discovery shall proceed.

~~((5)) (6) The administrative law judge shall, within thirty days after the date of the fair hearing, issue a proposed decision ((and notify the member and)) for consideration by the agency director. Such notification shall include a concise statement of the nature of the proceedings, contain appropriate findings of fact and conclusions of law, and specify in reasonable detail the reasons for the decision.~~

~~((6)) (7) In computing any period of time prescribed or allowed by department rules or by applicable statutes, the date of the act, event or decision after which the designated period of time begins to run is not included. The last day of the period so computed is to be included unless it is a Saturday, Sunday or legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor a legal holiday.~~

~~((7)) (8) Any party adversely affected by a proposal for decision may file written argument and exception with the director. Written argument and exception must be filed within fifteen days from the date the proposal for decision was mailed to the parties. Such fifteen-day period may be extended by the director or his or her designee upon motion of a party when the motion is filed during the fifteen-day period and good cause for the extension is shown. Good cause includes mistake, inadvertence, and excusable neglect on the part of the moving party or unavoidable casualty or misfortune preventing the moving party from timely filing. Upon a showing of good cause either party~~

may file exception and argument within thirty days of the date the proposed decision was mailed to the parties.

~~((8))~~ (9) The director, or his or her designee, shall ~~((personally))~~ consider the whole record or such portions of the record as are cited by a party or parties in exception and argument. The director or designee shall render the final department decision. The director or designee may accept additional evidence to correct omissions in the record upon his or her own motion or the motion of a party. The director or designee may remand the proceedings to the administrative law judge for the taking of additional evidence or argument.

(10) During the fair hearing process, the resident must continue making payments to the home in accordance with the provisions of WAC 484-20-065. Failure to comply will be grounds for immediate removal from the home. Should the matter under dispute be over financial issues and a decision is made in favor of the resident, the home will make an immediate adjustment.

AMENDATORY SECTION (Amending Order 7659, filed 7/28/77)

WAC 484-20-115 FURLOUGH. (1) Furlough time will be earned by the ~~((member))~~ resident at the rate of two days per month of residence.

(2) The superintendent may grant a furlough

(a) At the request of the ~~((member))~~ resident. The furlough may not exceed thirty days at one time except in case of emergency or extenuating circumstances. ~~((If the furlough exceeds thirty days the member may not return to the home until appropriate facilities are available for his care.))~~

(b) As a disciplinary measure as provided in WAC 484-20-105.

(3) Authorized absences of ninety-six hours or less shall not be considered furloughs.

(4) The superintendent or his designee may authorize furlough in advance of accrual ~~((when deemed appropriate))~~ only in the case of emergency or extenuating circumstances.

AMENDATORY SECTION (Amending Order 85-01, filed 10/1/85)

WAC 484-20-120 DISCHARGE. ~~((A member may be discharged by the superintendent.~~

~~((1))~~ (1) A resident may receive an honorable discharge from the home when:

(a) The member so requests and has liquidated all outstanding indebtedness to the home;

~~((2))~~ (2) The resident has sufficient financial ~~((ability))~~ resources to support ~~((himself or herself outside the home))~~ community living;

~~((3))~~ (3) The resident no longer needs the care and services of the home, regardless of financial ability;

~~((4))~~ (4) The care requirements of the ~~((member))~~ resident cannot be provided by the home;

~~((5))~~ (5) A resident may receive a disciplinary discharge:

(a) For failure to comply with the provisions of WAC 484-20-065, Use of resident's income and assets ~~((of member))~~;

~~((6))~~ (b) For conviction of a felony or gross misdemeanor;

~~((7))~~ (c) For repeated violation of the general rules of conduct, WAC 484-20-090;

~~((8))~~ (d) For gross misconduct ~~((whether or not such conduct also violates the rules of conduct, WAC 484-20-090))~~ when such conduct poses an immediate danger to the safety of other residents and/or staff

~~((9))~~ (e) When a ~~((member))~~ resident has been absent without leave for a period in excess of fifteen days;

~~((10))~~ (10) For failure to fulfill the requirement of any disciplinary sanction;

~~((11))~~ (11) For failure to correct a condition which violates any rule of conduct pertaining to health and safety of members, staff, or visitors to the home within a reasonable time specified in a written notice to the member from a staff member acting in an official capacity, including member employees in positions of authority which notice specifies that discharge may accompany such failure.

The discharge) (f) As the result of the director's final decision following a fair hearing which upholds the original findings and penalties imposed upon a resident in accordance with the provisions of WAC 484-20-100 and 484-20-105.

(3) A provisional honorable discharge may be given by a home superintendent to a resident with outstanding indebtedness to the home who agrees to liquidate the outstanding amount within a mutually-agreed-upon time period. Such provisional discharges shall be changed by the superintendent to a disciplinary discharge upon the

resident's failure to fulfill the requirements of the agreement to liquidate indebtedness.

(4) Any discharge from the home shall be reduced to writing. If the discharge is disciplinary, it shall state the reasons for the action. All discharges shall be subject to the provisions of WAC 484-20-110.

AMENDATORY SECTION (Amending Order 7659, filed 7/28/77)

WAC 484-20-135 TRANSFER. (1) A ~~((member))~~ resident may apply for transfer to either home or colony. Transfer shall be ~~((authorized))~~ approved upon recommendation of the appropriate superintendent(s) ~~((and approval of the director)).~~

(2) A resident may be transferred from one veterans' home to another upon recommendation of the transferring and the receiving superintendents and authorization by the director when such transfer is for medical reasons.

AMENDATORY SECTION (Amending Order 7659, filed 7/28/77)

WAC 484-20-140 READMISSION. A former ~~((member))~~ resident who requested voluntary discharge and received an honorable discharge may not apply for ~~((membership))~~ readmission until three months after discharge. A former ~~((member))~~ resident who ~~((was discharged for cause))~~ received a disciplinary discharge may not apply for ~~((membership))~~ readmission until twelve months after discharge. The ~~((director))~~ superintendent may approve ~~((an))~~ exceptions ~~((based on the recommendation of the superintendent))~~ on a case-by-case basis, following review of the circumstances of the discharge.

AMENDATORY SECTION (Amending Order 80-01, filed 7/17/80)

WAC 484-20-145 BURIAL. The superintendent may authorize burial in home cemeteries ~~((located on the grounds))~~ for:

(1) A deceased ~~((member))~~ resident for whom ~~((relatives have not made))~~ other arrangements have not been made;

(2) The ~~((surviving))~~ deceased spouse of a ~~((member when the deceased person was))~~ former resident who is buried in the home cemetery, unless the ~~((surviving))~~ spouse shall have remarried; or

(3) Cremated remains of a spouse, or other family member of a spouse who has not remarried since the death of a ~~((member))~~ resident who is buried in the home cemetery, ~~((may be buried in the same gravesite when requested by the next of kin. All costs incurred in such interment and placement of a flat headstone marker will be assumed by the next of kin prior to approval of such interment))~~ so long as burial will be in the same gravesite. All costs of burial shall be the responsibility of the next of kin.

AMENDATORY SECTION (Amending Order 7659, filed 7/28/77)

WAC 484-20-150 POPULATION LEVEL. The superintendent shall keep the ~~((membership))~~ population of the home as close to full capacity as possible provided such population approximates the population for which budgeted by the legislature. ~~((The superintendent may not assign members a level of care inconsistent with the needs of the individuals.))~~ Residents will be assigned to a level of care consistent with their health care needs.

WSR 92-13-024

PERMANENT RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Institutions)

[Order 3394—Filed June 9, 1992, 11:42 a.m.]

Date of Adoption: June 9, 1992.

Purpose: 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.

Pursuant to notice filed as WSR 92-09-113 on April 21, 1992.

Changes Other than Editing from Proposed to Adopted Version: A subsection (4) was removed based on input received from parents and others.

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

June 9, 1992

Leslie F. James, Director
Administrative Services

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.

WSR 92-13-025
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed June 9, 1992, 11:45 a.m.]

The Department of Social and Health Services is withdrawing the amendment of WAC 388-11-015, and new WAC 388-11-043 and 388-14-470 that appeared in WSR 92-08-001 filed on March 18, 1992.

Les James, Director
Administrative Services

WSR 92-13-026
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3403—Filed June 9, 1992, 11:49 a.m.]

Date of Adoption: June 9, 1992.

Purpose: WAC 388-11-032 and 388-11-048 are created to provide regulation for notice and finding of parental responsibility (NFPR) process authorized by RCW 74.20A.056; WAC 388-11-040, 388-11-060, and 388-11-065 amendments conform to sections regulating

the NFPR process; WAC 388-11-155 amendment is necessary as part of settlement negotiations in lawsuit *Kandris vs. Thompson*. There is no final order in this suit yet, but Office of Support Enforcement is filing revision to comply as quickly as possible with anticipated outcome of the suit; WAC 388-14-020 amendment updates section, corrects bad citations to other sections, and incorporates payment services only program authorized under 1991 amendments to RCW 26.23.035; new WAC 388-14-273 implements payment services only; WAC 388-14-200, 388-14-203, 388-14-205, 388-14-300, and 388-14-310 amendments comply with requirements for continuation of support enforcement services, and services to Medicaid only recipients, found in 45 CFR 302.31 and 302.33; WAC 388-14-270 amendment updates section and clarifies the collection of support paid in errors to services recipients under RCW 26.23-.035 and 74.20A.270; WAC 388-14-415 amendment required as final settlement measure in lawsuit *Ecoff vs. Thompson*; WAC 388-14-425 amendment complies with 1991 RCW 26.23.060 amendments regarding duration of payroll deduction notice; new WAC 388-14-460 and 388-14-480 implements the medical support enforcement program authorized by RCW 26.18.170 and 26.18.180; and new WAC 388-14-490 exempts certain classes of employers from the employer reporting program. The program and exemptions are established by RCW 26.23.040.

Citation of Existing Rules Affected by this Order: Amending chapters 388-11 and 388-14 WAC.

Statutory Authority for Adoption: WAC 388-11-032, 388-11-040, 388-11-048, 388-11-060, and 388-11-065 is RCW 74.20A.056; WAC 388-11-155, 388-14-200, 388-14-203, 388-14-205, 388-14-275, 388-14-300, 388-14-310, and 388-14-415 is RCW 74.08.090; WAC 388-14-020, 388-14-270, and 388-14-273 is RCW 26.23.035; WAC 388-14-425 is RCW 26.23.060; WAC 388-14-460 and 388-14-480 is RCW 26.18.170 and 26.18.180; and WAC 388-14-490 is RCW 26.23.040.

Pursuant to notice filed as WSR 92-08-001 on March 18, 1992.

Changes Other than Editing from Proposed to Adopted Version: WAC 388-11-015, 388-11-043 and 388-14-470 have been withdrawn from the rulemaking; WAC 388-11-015 concerned credits against a support debt. Our proposed amendments in that section were designed to bring the section into conformity with the statute authorizing credits for payment of SSI or L&I dependent disability benefits. However, since publishing the proposed rule, we have become aware of several concerns with the way we proposed to address the issue. We decided to withdraw the section rather than attempt last minute corrections; WAC 388-11-043 concerned motions for temporary support in support determination cases. WAC 388-14-470 addressed the notice of intent to purchase health insurance process established by RCW 26.18.170(5). In the case of both sections, we felt that there were too many unresolved problems with the sections and the procedures to go ahead with rulemaking at this time; WAC 388-14-020(2), in comments, Evergreen Legal Services expressed the concern that title IV-

A daycare benefits should not be subject to a public assistance assignment of rights. It is not our intention to make all daycare benefits subject to the public assistance assignment. This section does not, by itself, control what benefits generate an assignment of rights. However, we have stricken the term "title IV-A" from the daycare clause within the definition of public assistance. The more general term now used better suits our intended purpose and does not make title IV-A daycare subject to a public assistance assignment; WAC 388-14-200(1), this provision was intended to require OSE to continue to provide services after termination of AFDC payments. If the former AFDC recipient was in good cause status at the time of AFDC termination, OSE would continue to honor the good cause status. As drafted, the clause read that OSE would continue to provide services "at the same level at which services are provided at the time assistance terminates," caused a great deal of confusion. Commenters felt the provision would allow OSE to provide inadequate services for arbitrary reasons. We have redrafted this provision to require OSE to continue to provide services "under the same conditions regarding the physical custodian's obligation to cooperate with OSE, as are in effect at the time assistance terminates." This formulation reflects the agencies intent. Similar clauses are also in WAC 388-14-203 and 388-14-310. We have made similar changes for the same reasons in each of those sections; WAC 388-14-300 (1) and (2) have been revised to clearly indicate that only cases involving a Washington superior court or administrative support order are entitled to payment services only treatment. Subsection (3) has been revised to more accurately state the department's obligation to provide services to a recipient of Medicaid, and to more accurately describe the services provided; and WAC 388-14-310 (3) and (5) have been revised to clarify the requirements for an application for services from a non-Washington resident.

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

June 9, 1992

Leslie F. James, Director
Administrative Services

Reviser's note: The material contained in this filing will appear in the 92-14 issue of the Register as it was received after the applicable closing date for the issue for agency-typed material exceeding the volume limitations of WAC 1-21-040.

WSR 92-13-027

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Order 2093—Filed June 9, 1992, 2:45 p.m.]

Date of Adoption: June 9, 1992.

Purpose: To set fees for services performed for the seed industry and set standards and requirements for the certification of seed.

Citation of Existing Rules Affected by this Order: Amending chapters 16-495, 16-304, and 16-316 WAC.

Statutory Authority for Adoption: Chapter 15.49 RCW.

Pursuant to notice filed as WSR 92-09-150 on April 22, 1992.

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

June 9, 1992

Michael V. Schwisow
Deputy Director
for C. Alan Pettibone
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 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 Certified	Registered or Certified Certified	115 feet 75 feet	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*		
	Foundation	Registered	Certified
Other varieties	0.10%	0.5%	1.0%
Sweet clover	none found	5 plants/acre	20 plants/acre
Red clover	none found	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.)	none found	none found	90 per lb.
Inert matter	(Max.)	1.00%	1.00%	1.00%
Weed seed	(Max.)	.10%	.20%	.25%
Objectionable weed seeds:				
Maximum total		none found	none found	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 recleaned and meets certification standards.

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 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) Fuscos Blight - Xanthomonas phaseoli var. fuscans (Burk.)
- (d) Bean Bacterial Wilt - Corynebacterium flaccumfaciens (Hedges) 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 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 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:		
	Foundation	Registered	Certified
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

Symbol for Type of Reproduction	Minimum Isolation Distance Required for Fields Producing:		
	Foundation	Registered	Certified
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
"	"	Certified _____ 225 feet
Foundation	Registered	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.

((+)) (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
Deertongue							
Deertongue	(C)	50	50	97	95	3	5
Fescue							
Fall 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							
Orchardgrass	(C)	80	85	85	90	15	10
80 for Pennlate & Latar							
Ryegrass							
Ryegrass	(C)	85	90	96	97	4	3
Pennfine	(C)	85	85	96	97	4	3
Timothy							
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							
Indian Ricegrass	(C)	80*	80*	95	90	5	10
Puccinellia							
distans	(C)	80	80	95	95	5	5
Basin Wildrye and Russian Wildrye							
Basin Wildrye and Russian Wildrye	(C)	80	80	90	90	10	10
Bentgrass							
Bentgrass	(C)	85	85	98	98	2	2
Redtop							
Redtop	(C)	80	80	92	92	8	8

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.
Ann. Canarygrass	(C)	85	85	99	99	1	1

PART TWO OF TABLE

Crop & type of Reproduction	Max. % Weeds (b) Fndt.	Max. % Other Crop Fndt. (a)	Max. No. seeds of other grass spp. (h)			
			Fndt.	Reg.		
Bluegrass						
Sherman	.05	.3	.1	.5	1/10 grams	1/1 gram
Canby	.05	.3	.1	.5(d)	1/10 grams	1/1 gram
Kentucky	.05	.3	.1	.5(d)	1/10 grams	1/1 gram
Merion Kentucky	.05	.3	.1	.5(d)	1/10 grams	2/1 gram
Canada, Upland	.05	.3	.1	.5(d)	1/10 grams	1/1 gram
Bromegrass						
Smooth Brome	.05	.3(c)	.1	.5	1/50 grams	10/50 grams
Meadow Brome	.05	.3(c)	.1	.5	1/50 grams	10/50 grams
Mountain Brome	.3	.5	.5	1.0	1/50 grams	10/50 grams
Deertongue						
Deertongue	.50	.5(c)	1.0	1.0	1%	
Fescue						
Fall and meadow	.03	.3(c)	.1	.5	2/50 grams	10/50 grams
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						
Orchardgrass	.03	.3(c)	.1	.5	3/50 grams	10/50 grams
Ryegrass						
Ryegrass	.1	.3(c)	.1	.5	1/50 grams	5/50 grams
Pennfine						
Pennfine	.1	.3(c)	.1	.5	1/50 grams	5/50 grams
Timothy						
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						
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 gram

Crop & type of reproduction	Max. % Weeds (b)		Max. % Other Crop		Max. No. seeds of other grass spp. (h)	
	Fndt.		Fndt. (a)		Fndt.	
	Reg.	Cert.	Reg.	Cert.	Reg.	Reg.
Basin Wildrye and Russian Wildrye	.1	.3(c)	.1	.5	1/50	5/50
					grams	grams
Bentgrass	.3(g)	.4(g)	.2	.6		

Crop & type of reproduction	Max. % Weeds (b)		Max. % Other Crop		Max. No. seeds of other grass spp. (h)	
	Fndt.		Fndt. (a)		Fndt.	
	Reg.	Cert.	Reg.	Cert.	Reg.	Reg.
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. 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, Other Fescue, Chewings, Red, Idaho (C)	80	85	95	95	5	5	.03	.3 (c)	.1	.5	9 /Lb.	45 /Lb.	.25
ORCHARDGRASS (C)	80	85	85 FOR PENLATE & LATAR	90	15	10	.03	.3 (c)	.1	.5	27 /Lb.	91 /Lb.	.25
RYEGRASS													
Pennline (C)	85	90	96 (i)	97 (i)	4	3	.1	.3 (c)	.1	.5	9 /Lb.	45 /Lb.	.25
	80	85	96 (i)	97 (i)	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
Bluebunch (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, Crested & Siberian, Slender, Tall (C)	80	85	90	95	10	5	.1	.3 (c)	.1 (f)	.5 (f)	9 /Lb.	45 /Lb.	.25
	80	85	90	95	10	5	.1	.3 (c)	.1 (f)	.5 (f)	9 /Lb.	45 /Lb.	.25
	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 (f)			
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 exemption.) 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 T2 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)-((f)) (l) 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 redtop 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: ((Plaintain)) 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 redtop may be allowed in ((certified)) blue tag bentgrass containing a minimum of 98.00 percent total bentgrass.

~~((ft))~~ (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 1744, filed 7/10/81)

WAC 16-316-470 CHICK PEA, FIELD PEA, LENTIL, SOYBEAN, SORGHUM AND SMALL GRAINS SEED CERTIFICATION STANDARDS. The general seed certification standards are basic and together with the following specific standards constitute the standards for seed certification of chick pea (garbanzo beans), 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 chick pea (garbanzo beans), 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

~~((ft))~~ (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.

~~((ft))~~ (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.

~~((ft))~~ (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 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), Cougbar, 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 en (P);)) Steptoe, WestBred Gustoe (P), WestBred Medalion (P), WestBred Sprinter (P), Whitford (P)
Barley, winter	Boyer, ((Hesk)) Hundred, Kamiak, ((Mat, Scio,)) Showin
Oat, spring	✓ ((Appaloosa, Border, Cayuse,)) Monida, Otana, Park,
Rye, winter	✓ Puma, Rymin
Wheat, spring	((Bliss, Bronze Chief (P), Cop- per, Czar (P);)) Centennial, Dirkwin, Edwall, Fielder, ((Landmark (P), McKay,)) No- mad (P), Owens, Penawawa, Spillman, ((Tammy (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
Wheat, winter	Andrews, Basin (P), Batum, Buchanan, Cashup (P), ((Crew)) Daws, Dusty, Hatton, Hill-81, Hyak, John, Lewjain, Madsen, Malcolm, ((McCall,)) Moro, Nugaines, Sprague, Stephens, Syringa, Tres, Tyee, ((Wanser)) <u>Weston</u>

Kind	Variety
Triticale, spring	Juan, (Whitman) <u>Victoria, Grace</u>
Triticale, winter	<u>Flora, XR066A (P), Stan I (P)</u>

(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 16-316-622 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 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 (garbanzo bean) - 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)) <u>100**</u>	None	None <u>found***</u>
Registered	3*	((3)) <u>100**</u>	10	None <u>found***</u>
Certified	2*	((3)) <u>25**</u>	20	((5**)) <u>None found***</u>

** 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.

* Also required is minimum number of years the following crop kinds were out of production((-):

	NUMBER OF YEARS MINIMUM	
	((Lentil))	Austrian pea
Foundation	((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)) <u>85</u>
Registered	None	99.00	1.00	None	0.25**	((90.00)) <u>85</u>
Certified	1	99.00	1.00	3*	0.25**	((90.00)) <u>85</u>

* 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)) <u>100*</u>	None <u>found</u>	None <u>found</u>
Registered	4	((20)) <u>100*</u>	10	10**
Certified	3	((20)) <u>25*</u>	((30)) <u>20</u>	((30)) <u>20**</u>

* 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 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
	MINIMUM YEARS	MINIMUM FEET	MAXIMUM PLANTS/ACRE	MAXIMUM PLANTS/ACRE	BLIGHT
Foundation	3	((3)) 100*	None	None**	None
Registered	((2))	((3)) 100*	10	10**	None
Certified	$\frac{3}{1}$	((3)) 25*	20	20**	None

**_Refers to vetch except that no Austrian pea or rye is permitted

(2) Chick 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	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 I**
Adelphi**
Alene*
Alpine*
Amason* (Amazon*)
America*
Ampellia*
Argyle**
Aspen*
Asset**
Banfil**
Barblue*pvvV
Baron**
Birka*
Bono (Birdie)*
Bronco*
Chateau**
Cheri (Golf)*
Classic**
Cocktail**
Coventry**
Cynthia*
Destiny*
Dawn*
Eclipse*
Enmundi*pvvV
Estate*
Freedom*
Fylking**
Georgetown**
Geronimo*
Glade**
Greenley*
Haga*
Harmony*
Holiday*
Huntsville*
Ikone**
Julia*
Kelly*
Kenblue*
Kyosti*
Leikra*
Liberty**
Limosine*
Majestic**
Merion**
Minstrel**
Monopoly*
Mystic*
Nassau**
Newport**
Nugget*

Rough Bluegrass:

Meadow Brome:

Mountain Brome:

Smooth Brome:

Fescue:
(subject to poa annua
quarantine - except tall
and meadow
fescue)

Nustar*
Nutop*
Parade*
Park**
Paso*
Pennstar*
Plush*
Princeton 104*
Ram I*pvvV
Ronde*
Rugby*
Scenic*
Suffolk*
Summit*
Sving*
Sydsport*
S-21**
Tendos*
Touchdown**
Trenton*
Troy**
Wabash*
Washington*
Welcome*
1757*

Colt*

Regar**

Bromar**

Baylor*
Beacon*
Bravo*
Cottonwood*
Jubilee*
Manchar**
Rebound*
Saratoga*
York*

Countess Chewings**pvvV
Amigo Tall*
Arid Tall*
Atlanta Chewings*
Avanti Tall**
Barcel Tall**pvvV
Barfalla Chewings**
((Barfalla Chewings**))
Baruba Chewings*
Dover Chewings*
Durar Hard**
Finelawn I((-))Tall**
Joseph Idaho**
Mary Chewings*
Nezpurs Idaho*pvvV
Logro Red**pvvV
Chesapeake Tall*
Manade Tall*
Mesa((-))Tall
MX-86 Sheep*
Rebel Tall*
5 DM Tall*
88001 Red**
Safe Tall*
Southern Cross Tall*
Covar Sheep**
Fawn Tall*
Beaumont Meadow*
First Meadow**
Forager Tall*
Wrangler((-))Tall*
Biljart Hard*
Montauk Tall**
Silvana Hard* pvvV
Adventure Tall**

Orchardgrass:	Hay King* ((Hay King H**)) Latar** Natsumidori ((summer green**)) Paiute** Pennlate* Potomac*
Redtop:	Streaker*
Indian Ricegrass:	Nezpar**
Perennial Ryegrass: (subject to poa annual quarantine)	Advent* All*Star** Dandy* Delray* Friend**pvpV Goalie* NK 200** Pennfine* Ranger** Target* 89001*
Puccinellia distans:	Fults*
Timothy:	Clair* Climax* Hokuo* Hokusen* Kempus* Kunpu* Nosappu* Promesse* Senpoku*
Wheatgrass:	Whitmar Beardless** Secar Bluebunch** Fairway Crested* Ruff Crested* Nordan Crested** Ephraim Crested** Greenar Intermediate** Oahe Intermediate* Tegmar Intermediate* Greenleaf Pubescent* Luna Pubescent** Topar Pubescent** P-27 Siberian** Sodar Streambank** Critana Thickspike** Alkar Tall**
Basin Wild Rye:	Magnar**
Russian Wild Rye:	Bozoisky Select**

(2) Variety restrictions.

NO. OF SEED HARVESTS
FOUNDATION REGISTERED CERTIFIED

(a) Kentucky Bluegrass:			
Asset	5	5	5
Baron	5		5
Birka	2 + 3 Cert.		5
Cocktail	5	5	5
Enmundi	4		5
Georgetown	5		5
Geronimo	6		6
Kenblue	5		7
Majestic	3 + 5 Cert.		5
Minstrel	5	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*pvpV
- Lakeland*
- Marathon*
- Persist*
- Prosper I*
- Redland*pvpV
- 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**pvpV |
| | Barbian* |
| <u>Crimsom Clover:</u> | <u>Chief**</u> |
| <u>Ladino Clover:</u> | <u>Merit**</u> |

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*pvpV
- Big Ten*

Blazer*	SX-217*
<u>Break-Thru**</u>	SX-418*
Centurion*	<u>Thrive**</u>
Challenger*	Trumpetor*
Chief**	Turbo*
Cimarron*	Ultra*
Cimarron VR*	Vernal*
Classic*	Vancor*
((<u>Commandor*</u>))	Vernema*
<u>Commandor*</u>	Vista*
Crown*	((<u>WL-220*</u>))
Crown II*	WAMPR*
Crusader**	<u>Weevlchek*</u>
DK-125*	((<u>WL-221*</u>
DK-135*	<u>WL-225*pvvV</u>
Drummor*	<u>WL-312*</u>
((<u>Eagle*</u>))	<u>WL-313*</u>
Elevation*	<u>WL-315*pvvV</u>
<u>Empress**</u>	<u>WL-316*pvvV</u>
Endure*	<u>WL-318*</u>))
Excalibur*	<u>WL-317**</u>
Gladiator*	<u>WL-320**pvvV</u>
G-2815*	<u>WL-322 HQ**</u>
G-7730*	<u>WL Southern Special*</u>
GH-737**	<u>Wrangler*</u>
Hi-Phy*	<u>Yolo*</u>
Honeoye*pvvV	88*
Iroquois*	120*
Julus*	123*
Legend*	130*
<u>Madera</u>	521*
Magnum III*	520*
((<u>Maxim*</u>))	526*
<u>Maricopa*</u>	530*
<u>Mecca*</u>	531*
Mesilla**	532*
Mohawk*	581*
Oneida*pvvV	5262*
Oneida VR*	5432*
Peak*	5373*
Perry*	5444*
Phytor*	624*
Polar II*	629*
Preserve*	5311*
Primal*	5331*
<u>Promise**</u>	5333*
<u>Quest**</u>	5364*
<u>Ranger**</u>	5472*
<u>Resistar*</u>	98*
Riley*	G-2841*
<u>Royalty**</u>	Verta*
<u>Saranac*</u>	G-2852*
Saranac AR*pvvV	GH 747*
Shenandoah*	G-2833*
Shield*	DK-122*
Sparta*	Bronco*
Spredor 2*	2890*
Summit*	Precedent*
Sure*	Zenith*
<u>Sutter*</u>	VS-775*
<u>Sverre*</u>	

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		
Break-Thru		3	3	5
Challenger	2	3		5
Chief		3	3	5
Crusader		3	3	5
Drumcor	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		
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		
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**, Kamiken**
Snap Bean:	Epoch**pvpV
Navy:	Bunsi**, C-20**, Hyden**, Laker**, Norstar**, NW 395**, Seafarer*(**), Duty (Pulsar)**

Great Northern:
 Black Turtle:

Emerson**, Harris**
 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 <u>found</u>	none <u>found</u>	none <u>found</u>
Germination (min)	85.0%	85.0%	85.0%

* Other varieties shall not exceed two seeds per pound in the certified ~~((classes))~~ 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.

~~((+0)))~~ (8) "Representative sample" means a sample drawn in accordance with sampling procedures adopted by the director.

~~((+1)))~~ (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.

~~((+2)))~~ (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 16-495-050 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.

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 (~~violates~~) is alleged to have violated 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 reoccurrence;
 - (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.

WSR 92-13-028

**NOTICE OF PUBLIC MEETINGS
BELLINGHAM TECHNICAL COLLEGE**
[Memorandum—June 9, 1992]

The regularly scheduled meeting of the board of trustees of Bellingham Technical College will be held on Thursday, June 18, 1992, 9-11 a.m., in the Bellingham Technical College Building G Conference Center A.

WSR 92-13-029

**PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)**

[Order 3401—Filed June 9, 1992, 4:46 p.m.]

Date of Adoption: June 9, 1992.

Purpose: Allows for WAC provisions to apply to any mandatory enrollment into a health care plan by which the department may provide medical care to eligible clients. Deletes transportation and translations as a reason for a client to be exempted from a plan. These services are covered under Medicaid. Repeals WAC 388-86-00901 and creates WAC 388-86-00902.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-86-00901.

Statutory Authority for Adoption: RCW 74.08.090.

Pursuant to notice filed as WSR 92-10-074 on May 6, 1992.

Changes Other than Editing from Proposed to Adopted Version: Subsection (7), second sentence, "emergency" added before the word "active" and the words "and delivery" are added after the word "labor." The sentence now reads: Emergency service means a situation . . . manifesting itself by acute symptoms, including severe pain, discomfort, or emergency active labor and delivery.

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

June 9, 1992

Leslie F. James, Director
Administrative Services

NEW SECTION

WAC 388-86-00902 MANDATORY PREPAID HEALTH CARE PLANS. (1) The department shall enroll designated program category clients residing in the service area of a mandatory enrollment prepaid health care plan, except as provided in subsections (5) and (6) of this section.

(2) For the purposes of this section, "mandatory prepaid health care plan" shall be referred to as "a plan." A plan means the department shall:

- (a) Require a client in a specified service area who is eligible for a designated program category to join a health care plan; and
- (b) Pay a premium to a health care plan for contract health care provided to the client.

(3) The department may offer optional enrollment to additional program category eligible groups with the agreement of a plan.

(4) Timely provision of services means a client shall have the right to receive medically necessary health care without unreasonable delay.

(5) Before enrolling in a plan, a client may request an exemption from enrolling. The department may exempt the client, for whom medically necessary care is required, and a contracted plan is unable to provide the medically necessary care. In making the exemption determination, the department's consideration shall include, but not be limited to whether:

- (a) Distance makes it unreasonably difficult for the client to obtain medical care; or
- (b) The absence of services accessible to disabled persons makes it unreasonably difficult for the client to obtain medical care.

(6) Tribal Indians eligible under subsection (1) of this section may choose to enroll in a plan. Once enrolled in a plan, the Tribal Indian can only be disenrolled according to subsection (12) of this section.

(7) Emergencies and emergency transportation services are exempt from a plan's routine medical care authorization procedures. Emergency service means a situation in which a person requires immediate medical services to avoid placing a person's health in serious jeopardy or alleviate a condition manifesting itself by acute symptoms, including severe pain, discomfort, or emergency active labor and delivery.

- (a) The client shall not be responsible for determining, or for the cost of determining, if an emergency exists.

(b) If an emergency exists, the client shall not be financially responsible for any services rendered.

(c) If an emergency does not exist, and a plan will not authorize further services, the client shall be financially responsible for further services received only if the client is informed and agrees, in writing, to the responsibility before receiving the services as described under WAC 388-87-010(7).

(8) A client aggrieved by a decision of a plan or the department has the right to a fair hearing as required under chapter 388-08 WAC:

(a) Except as provided in subdivision (b) and (c) of this subsection, a client shall exhaust a plan's grievance procedure before requesting a fair hearing. A plan's grievance procedure shall result in a written decision stating the basis for the decision. The client has the right to request a fair hearing if the decision is adverse or the written decision is not received within thirty days from the date a plan received the grievance. A plan may be a party to the fair hearing.

(b) In any case where a plan denies a client urgently needed medical care, a client need only provide a written grievance to a plan before or when requesting a fair hearing.

(c) A client requesting exemption from enrolling in a plan shall file a written request with the department. If not satisfied with the department's decision, the client may request a fair hearing. A plan may be a party to the fair hearing.

(9) Each client enrolled in a plan shall have a primary care provider (PCP):

(a) Clients shall have an opportunity to choose a PCP from current plan providers;

(b) A plan shall assign a client not choosing a participating provider to a PCP;

(c) Clients shall have the right to change their PCP:

(i) One time during a twelve-month period for any reason; and

(ii) For subsequent changes during the twelve-month period the client shall first show good cause.

(d) When requesting a change of PCP the client shall notify a plan of the:

(i) Desired change including the name of the new PCP; and

(ii) Reason for the desired change.

(10) The client shall have the right to a second opinion by another participating physician or specialist of a plan:

(a) When the client needs more information as to the medical necessity of medical treatment recommended by the PCP; or

(b) If the client believes the PCP is not authorizing medically necessary care.

(11) When medically necessary, the PCP shall make a prompt referral to another participating physician or specialist of a plan.

(12) The department may terminate enrollment of a client in a plan when a:

(a) Client loses eligibility for a plan; or

(b) Client requests disenrollment under the same considerations as subsection (5) of this section; or

(c) Plan requests disenrollment of the client, in writing, and a:

(i) Plan establishes the client's behavior is:

(A) Inconsistent with a plan's rules and regulations, such as intentional misconduct; or

(B) Such that it becomes medically nonfeasible to safely or prudently provide medical care; and

(ii) Plan's requested disenrollment is approved by the medical assistance administration. The medical assistance administration shall:

(A) Make a decision on the requested disenrollment within fifteen days of the receipt of the request; and

(B) Notify the client ten days in advance of the effective date of disenrollment for any approved disenrollment.

(13) A plan shall not request disenrollment of a client solely due to an adverse change in the client's health.

(14) The department shall require a plan to appoint a medical director or designee who:

(a) Shall be responsible for the plan's quality assurance program and shall review all plan grievances; and

(b) Furnishes the medical assistance administration with a copy of all written grievances and a plan's response to such grievances.

(15) On at least an annual basis, the department shall arrange for and a plan shall permit an independent, external review of the quality of client services provided or arranged by a plan.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-86-00901 Kitsap physicians service sound care plan.

WSR 92-13-030

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Order 3402—Filed June 9, 1992, 4:48 p.m., effective August 1, 1992]

Date of Adoption: June 9, 1992.

Purpose: Deletes the provision that a person must have a caretaker to be eligible for hospice. Other changes are for easier readability.

Citation of Existing Rules Affected by this Order: Amending WAC 388-86-047 Hospice services.

Statutory Authority for Adoption: RCW 74.08.090.

Pursuant to notice filed as WSR 92-10-075 on May 6, 1992.

Effective Date of Rule: August 1, 1992.

June 9, 1992

Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2853, filed 8/29/89, effective 9/29/89)

WAC 388-86-047 HOSPICE SERVICES. (1) For the purposes of this section, hospice services means a medically-directed, interdisciplinary program of palliative services for a terminally ill ~~((recipients))~~ client and the ~~((recipient's families))~~ client's family.

(2) ~~((Hospice services shall be furnished by a hospice))~~ A Medicare Title XVIII certified hospice agency shall furnish hospice services.

(3) To be eligible for hospice services, a client shall:

(a) Be categorically needy under the Medicaid program;

(b) Be terminally ill, with a life expectancy of six months or less;

(c) Voluntarily request, in writing, to receive hospice services in place of other medical services for the terminal condition; and

(d) Be accepted by the designated hospice agency.

(4) While receiving hospice care, a client shall designate a hospice agency, and waive all rights to Medicaid payments for:

(a) Hospice care provided by a hospice other than the hospice designated or arranged by the designated hospice; and

(b) Medicaid services for treatment of the terminal or related condition for:

(i) Which hospice care is received; or

(ii) Services equivalent to the hospice care received; or

(iii) Services equivalent to the hospice care, except services of or arranged by the designated hospice.

(5) ~~((department shall authorize))~~ client's hospice services(, including)) shall include:

(a) Nursing care by or under the supervision of a registered nurse;

(b) Medical social services under the direction of a physician;

(c) Physician services ~~((performed))~~ provided by a doctor of medicine or osteopathy;

(d) Counseling services;

(e) Short-term inpatient care:

(i) Provided in a participating hospice inpatient unit, participating hospital, ((skilled)) or nursing facility ((SNF)); or

(ii) ~~((In an intermediate care))~~ Provided in a nursing facility ((ICF) is) limited to respite care;

(iii) When the services conform to a written plan of care; and

(iv) When the unit, hospital, ((SNF, or ICF)) or nursing facility meets the hospice staff and patient area standards.

(f) Medical appliances and supplies, including drugs and biologicals ((used while the individual is under hospice care));

(g) Home health aide services, under the direction of a registered nurse; ((or)) and

(h) Physical therapy, occupational therapy, and speech-language pathology services.

~~((4))~~ (6) Hospice coverage shall be available to a person for at least two hundred ten days. The department may subdivide the hospice coverage time into two or more periods.

~~((5))~~ (7) The department shall pay the Medicaid hospice rate for daily care as:

(a) Routine home;

(b) Continuous home;

(c) Inpatient respite; or

(d) General inpatient.

~~((6))~~ The department shall provide hospice services to a recipient:

(a) Categorically needy under the Medicaid program;

(b) Certified as terminally ill. For this program, an individual is defined as terminally ill if the individual has a medical prognosis that the individual's life expectancy is six months or less;

(c) ~~With a caretaker in the residence;~~

(d) Requesting, in writing, hospice care voluntarily in lieu of other medical services, and

(e) Accepted by the designated hospice agency.

(7) ~~While receiving hospice care, an individual shall waive all rights to Medicaid payments for:~~

(a) ~~Hospice care provided by a hospice other than the hospice designated by the terminally ill patient or arranged by the designated hospice; and~~

(b) ~~Medicaid services for treatment of the terminal or related condition for which hospice care is received or for services equivalent to the hospice care, except the services of or arranged by the designated hospice.)~~

(8) A ~~((recipient))~~ client may request voluntarily, in writing, to ~~((revoke the election of the))~~ cancel hospice services.

WSR 92-13-031
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed June 10, 1992, 10:24 a.m.]

Original Notice.

Title of Rule: WAC 388-28-435 Effect of resources on financial need—Personal property exemptions—Ceiling values; 388-28-438 Effect of resources on financial need—Personal property exemptions; 388-28-439 Effect of resources on need—Property use in self-employment, 388-28-440 Accumulation and depletion of allowable cash resource reserves, 388-28-450 Nonexempt resources—Effect on financial need, 388-28-473 Property transferred contrary to WAC 388-28-471 and 388-28-472, 388-28-474 Replacement of exempt property, 388-28-475 Use of income and income potentials, 388-28-481 Nonexempt resources and income known at time of application, 388-28-482 Effect of newly acquired income and property on continuing need, 388-28-484 Treatment of newly acquired nonexempt income and resources, and 388-28-590 Alien sponsorship—Deeming of income and resources—Overpayments; and

repealing WAC 388-28-430 Effect of resources on financial need—Personal property exemptions—Ceiling values—General assistance.

Purpose: Implements HB 2350, 1992 state legislature. Amends RCW 74.04.005 (10)(e) to modify existing general assistance rules and makes them consistent with AFDC program. Amended to delete regulations specific to general assistance program and to delete or change references to AFDC and GA resource rules as they are now the same.

Statutory Authority for Adoption: RCW 74.04.005.

Statute Being Implemented: RCW 74.04.005.

Summary: Changes all WAC regulations in chapter 28 of WAC that establish different resource eligibility rules for general assistance. Makes resource eligibility rules the same for all grant programs.

Reasons Supporting Proposal: RCW has been amended to make general assistance resource eligibility the same as for AFDC.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: RoseMary Micheli, Division of Income Assistance, 438-8318.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.

Proposal Changes the Following Existing Rules: See above.

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

Hearing Location: OB-2 Auditorium, 12th and Franklin, Olympia, Washington, on July 21, 1992, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Mailstop 5805, Department of Social and Health Services, Olympia, 98504, TELEFAX 664-0118 or SCAN 366-0118, by July 21, 1992.

Date of Intended Adoption: July 23, 1992.

June 10, 1992

Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 3193, 6/18/91, effective 7/19/91)

WAC 388-28-435 EFFECT OF RESOURCES ON FINANCIAL NEED—PERSONAL PROPERTY EXEMPTIONS—CEILING VALUES(~~—AFDC AND RA~~). (1) Resources shall not exceed one thousand dollars per household regardless of size. The department shall consider cash, marketable securities, cash discount value of real estate or chattel mortgages, sales contracts, cash surrender value of life insurance, excess equity value of vehicles, value of nonexempt property, and any other resources not specifically exempt.

(2) Regardless of value, the department shall exempt household furnishings and personal clothing essential for daily living. The department shall not exempt household furnishings and personal clothing in storage without evidence that these items are essential for daily living.

(3) The department shall exempt term or burial insurance up to an equity value of one thousand five hundred dollars per household member.

(4) The department shall exempt one cemetery plot for each assistance household member.

(5) The department shall exempt one used and useful vehicle with an equity value of one thousand five hundred dollars or less.

(6) The department shall consider an income tax refund a resource in the month received. "Income tax refund" means a payment received from a state or from the United States Internal Revenue Service (IRS) representing a refund of taxes previously paid. The earned income tax credit portion of the refund is considered a resource in the second month following the month of receipt.

AMENDATORY SECTION (Amending Order 2276, filed 8/30/85)

WAC 388-28-438 EFFECT OF RESOURCES ON FINANCIAL NEED—PERSONAL PROPERTY EXEMPTIONS—(~~ALL PROGRAMS~~). (1) Funds represented by values within the ceiling values are not used to determine financial need or to compute grants.

(2) Funds represented by values in excess of the maxima or ceilings are nonexempt; that is, they are used to determine financial need (~~and to compute general assistance grants~~). If the funds are in excess of the ceiling value (~~for AFDC and refugee assistance~~), the applicant/recipient is ineligible.

(3) All cash savings held by the applicant or held jointly with any other person shall be considered. Any funds on deposit, in hand, or in any place from which cash may be drawn by the applicant, is a cash fund. A cash fund includes a bank account, savings, funds held in trust for future use (when applicant can make withdrawals), savings bonds, advance insurance premium payments, interest, etc.

(4) A joint account, an account held for another, or funds held for others shall be considered the property of the applicant or recipient since the entire amount is at his or her disposal, except when the applicant or recipient can show that all or a portion of the funds is derived from funds exclusively the other holder's and held and/or utilized solely for the benefit of that holder. All funds so verified shall not be considered actually available to the applicant or recipient.

(5) The equity value in the cash discount value of a chattel mortgage or sales contract represents the value of the resource.

(6) Any payments on mortgages or contracts received by an applicant or recipient shall be considered income as specified in WAC 388-28-580.

(7) When the equity of another person in an unassignable policy held by an applicant can be established, the amount of such equity may be deducted in determining the applicant's holdings in insurance, provided the person holding the equity is named as beneficiary of the proceeds to the extent of such equity and without power or revocation by the insured.

(8) An insurance policy legally assigned belongs to the assignee and may not be regarded as the property of the insured. However, the assignment of a policy within two years prior to application or by a recipient must be evaluated as the transfer of a resource.

(9) In determining the resource value of automobiles, the national automobile dealers association official used car guide shall be used. For automobiles listed in this guide, "average loan" value in the current edition shall be presumed to be the resource value.

(10) In determining the resource value of recreational vehicles, the Kelley Bluebook R.V. Guide shall be used. For vehicles listed in this guide, "wholesale" value in the current edition shall be presumed to be the resource value.

(11) For vehicles not listed in these guides, the method of determining the resource value shall be documented in the case report.

(12) The values listed in these guides can be overcome by positive evidence to the contrary. Such evidence shall be documented in the case record.

(13) The changes to resource limits for (~~federally funded~~) grant assistance programs will be phased in by applying them when case actions are taken and/or when eligibility is determined or redetermined.

AMENDATORY SECTION (Amending Order 2276, filed 8/30/85)

WAC 388-28-439 EFFECT OF RESOURCES ON NEED—PROPERTY USED IN SELF-EMPLOYMENT. (1) Real and personal property used in a self-employment enterprise such as land, buildings, tools, farm machinery, livestock, business equipment, and inventory can be declared an exempt resource by the CSO on the basis of an agreed plan. The following conditions apply:

(a) The exempted property must either produce income reducing the applicant's or recipient's need for public assistance or aid in rehabilitating him or her or his or her dependents by providing self-employment experience which can reasonably be expected to lead to full or partial self-support.

(b) If stock, raw materials, or inventory of a business is exempted, any increase in value must be examined to determine whether the increase is necessary to the health of the enterprise. Such increase shall not be used as a means of diverting funds which might reasonably constitute income to the recipient.

(2) In the absence of an agreed plan, the business assets of a self-employment enterprise are nonexempt resources available to the owner in the amount of the sale value minus encumbrances, unless the resources are generally exempt under the provisions of WAC 388-28-420, ~~((388-28-430;))~~ and 388-28-435.

(a) Accounts receivable are exempt resources under an agreed plan as long as diligent effort is being made to collect. If efforts to collect are unsuccessful, then the department shall require the accounts be turned over to a collection agency. Failure to do so will cause the accounts to become a nonexempt resource. When payment is received, it is treated as income pursuant to WAC 388-28-520.

(b) Good will is an intangible asset. It has no value unless the business is sold, and therefore is not an available resource.

AMENDATORY SECTION (Amending Order 2608, filed 3/14/88)

WAC 388-28-440 ACCUMULATION AND DEPLETION OF ALLOWABLE CASH RESOURCE RESERVES. (1) Recipients may spend their cash reserves and rebuild them with succeeding public assistance grants, with funds from other exempt sources, or other income which has been considered in computing financial need. Recipients may place grants in accounts along with cash reserves and then spend out of those accounts during the month.

(2) Cash on hand may exceed the specified limits for a maximum of thirty days if it has already been considered in computing financial need.

(3) ~~((FOR GENERAL ASSISTANCE ONLY, allowable cash reserves may be accumulated from nonrecurrent cash lump-sum sources, including the following:~~

- ~~(a) Income tax refunds;~~
- ~~(b) Inheritances;~~
- ~~(c) Insurance benefits;~~
- ~~(d) Gifts;~~
- ~~(e) Prizes and awards;~~
- ~~(f) Repayment of debts owed the recipient;~~
- ~~(g) Proceeds from the sale of exempt property;~~
- ~~(h) Social Security death benefits;~~
- ~~(i) Indian per capita payments generated by tribally held land or business;~~

~~(4) IN GENERAL ASSISTANCE ONLY if a lump sum, when added to existing reserves, causes the resources to exceed allowable limits, the excess is newly acquired income to be treated in accordance with WAC 388-28-484:~~

~~(5)) If a lump sum is placed in trust for a recipient and is not under his or her control, the ~~((following rules apply:~~~~

~~(a)) funds kept in trust do not affect public assistance need.~~

~~((b) FOR GENERAL ASSISTANCE ONLY the trustee may re-lease to the recipient an amount up to the allowable resource limit for the assistance unit less any amount of existing cash and marketable securities as of the date the lump sum was received. Such disbursement, if made within thirty days of the date the lump sum was received, is used to accumulate allowable reserves and does not affect public assistance need. This may be done once for each lump sum placed in trust:))~~

AMENDATORY SECTION (Amending Order 2276, filed 8/30/85)

WAC 388-28-450 NONEXEMPT RESOURCES—EFFECT ON FINANCIAL NEED. The possession of a nonexempt resource by an applicant affects his or her financial need to the extent the value of the resource decreases his or her need for public assistance.

(1) ~~((For all programs:))~~ The value assigned to such resources shall be the fair market value minus legal encumbrances.

(2) ~~((For general assistance, the value of such resource is deducted from the cost of applicant's requirements for one month at time of application and each succeeding eligibility review. If the value of nonexempt resources exceeds one month's appropriate payment level plus additional requirements, the applicant is ineligible.~~

~~(3) For AFDC and RA:))~~ The fair market value shall be reassessed if the applicant provides acceptable evidence that a good-faith effort has been made to sell the resource at the fair market value determined by the department and the value is less than the resource ceiling. If the

total value of the nonexempt resource exceeds the maximum in WAC 388-28-435~~((2))~~, the applicant is ineligible.

AMENDATORY SECTION (Amending Order 2087, filed 3/14/84)

WAC 388-28-473 PROPERTY TRANSFERRED CONTRARY TO WAC 388-28-471 AND 388-28-472. (1) If a recipient transfers previously exempt property contrary to WAC 388-28-471 and 388-28-472 or if the proceeds from the transfer are used for purposes other than described in those rules, the value of the property transferred is considered available to meet need following effective date rules in WAC ~~((388-33-135(3)))~~ 388-33-135.

(2) The amount considered available to meet need shall be either his or her equity in the fair market value of the resource or the actual amount received, whichever is the greater. If the resource was a mortgage or conditional sales contract, the value of the equity transferred shall be the amount considered available to meet need. ~~((The transfer affects eligibility according to WAC 388-28-484 (2)(b) for AFDC and refugee assistance and the transfer affects eligibility according to subsections (3), (4), and (5) of this section for general assistance:))~~

(3) If the ~~((grant is adjusted before the first of the month following transfer:~~

~~(a) Assistance is continued when the amount considered available from subsection (2) of this section and other income available during the month amounts to less than one month's requirements;~~

~~(b) Assistance is suspended when the amount considered available from subsection (2) of this section and other income available in the next two months is less than two months' requirements;~~

~~(c) General assistance is terminated when the amount considered available from subsection (2) of this section and other income available in the next two months is more than two months' requirements. The future period of ineligibility is determined using current requirements and the method described in WAC 388-28-460)) amount considered available to meet need, plus other income, after applicable disregards, exceeds the payment standard, plus authorized additional requirements, the unit shall be ineligible for assistance. Ineligibility shall exist for the number of full months derived by dividing the amount considered available to meet need by the need standard plus authorized additional requirements. A minimum period of ineligibility shall be one month. Any amount considered available to meet need remaining after this calculation is considered available to meet need the first month following the period of ineligibility.~~

(4) If the grant was not adjusted following effective date rules in WAC ~~((388-33-135(3)))~~ 388-33-135, partial or total ineligibility exists and the amount of overpayment is determined.

(a) The grant is continued if the amount considered available from subsection ~~((2))~~ (3) of this section is completely liquidated as overpayment.

(b) The grant is ~~((suspended))~~ reduced or terminated when the total amount considered available from subsection ~~((2))~~ (3) of this section is not liquidated by the overpayment. The amount considered available after figuring the overpayment is used to determine future period of ineligibility using the rules in subsection (3)~~((b) or (3)(c))~~ of this section ~~((as appropriate))~~. The first of the month the assistance payment can be adjusted is used to establish the beginning of the future period.

(5) The ~~((rules in WAC 388-28-463 and 388-28-464 apply to transfers under this section))~~ period of ineligibility may be shortened when the following conditions are met:

~~(a) An event occurs which, had the assistance unit been receiving assistance, would result in an increase in the need standard; or~~

~~(b) The income received, or any part thereof, has become unavailable to the members of the assistance unit for reasons beyond their control; or~~

~~(c) Members of the assistance unit incur, become responsible for, and pay medical expenses.~~

~~(d) Assistance is authorized only after the event in subsection (5)(a), (b), or (c) of this section has been verified and current eligibility has been established.~~

AMENDATORY SECTION (Amending Order 1798, filed 5/5/82)

WAC 388-28-474 REPLACEMENT OF EXEMPT PROPERTY. (1) A recipient may, within sixty days of receipt:

(a) Reinvest in other exempt property funds acquired from a settlement covering destroyed or stolen exempt property;

(b) Pay medical bills for which the settlement was intended.

(2) ~~((A general assistance recipient may retain cash from the settlement up to the amount of the difference between current resource values and the appropriate resource ceiling for the assistance unit.~~

~~((3))~~ Any remaining portion of the settlement, after applying subsection ~~((s))~~ (1) ~~((and ((2)))~~) of this section, shall be considered newly acquired nonexempt income.

AMENDATORY SECTION (Amending Order 2889, filed 10/27/89, effective 11/27/89)

WAC 388-28-475 USE OF INCOME AND INCOME POTENTIALS. (1) Meaning of income (see definition in WAC 388-22-030). Income shall include, but is not limited to, all types of:

- (a) Real or personal property;
- (b) Support from parent, stepparent, or other nonrelated adult;
- (c) Stocks and bonds;
- (d) Wages, including garnisheed wages;
- (e) Interest in an estate;
- (f) Income from farming;
- (g) Benefits and entitlements from private and public agencies, such as OASDI, veterans' agencies, and U.C.;
- (h) Gifts and prizes in the form of cash or marketable securities; and
- (i) ~~((For AFDC))~~ Lump sum payments. ~~((For general assistance, only that amount of the lump sum in excess of the resource limits is income.))~~

(2) Ownership and use of income and income potentials. The policies in WAC 388-28-300 through 388-28-420 regarding ownership and use of resources also govern the ownership and use of income and income potentials.

(3) Resources and income. WAC 388-28-400 through 388-28-457 contain policies and procedures for considering and using nonexempt resource values to determine financial need. WAC 388-28-475 through 388-28-600 covers policies and procedures used in computing income to determine financial need. The total nonexempt resource values and nonexempt net income values are compared with the appropriate payment level plus authorized additional requirements to determine financial need and, if it exists, the amount of the grant for which the applicant is eligible.

AMENDATORY SECTION (Amending Order 1940, filed 1/28/83, effective 3/1/83)

WAC 388-28-481 NONEXEMPT RESOURCES AND INCOME KNOWN AT TIME OF APPLICATION. Net recurrent or nonrecurrent nonexempt income and nonexempt resource values in cash or kind known to the local office at the time of application shall be taken into account in computing eligibility for payment as specified in WAC 388-28-400 through 388-28-650. WAC 388-28-481 through 388-28-484 shall be applicable when determining the continuing grant amount of the recipient. ~~((If a general assistance recipient retains a nonexempt resource which has been used to compute his or her grant amount at the time of application, the policy in WAC 388-28-484(8) shall be applied to compute his or her eligibility for payment.))~~

AMENDATORY SECTION (Amending Order 3190, filed 6/18/91, effective 7/19/91)

WAC 388-28-482 EFFECT OF NEWLY ACQUIRED INCOME AND PROPERTY ON CONTINUING NEED. (1) "Newly acquired income" means any previously unreported or undiscovered income a public assistance recipient possesses or controls in whole or in part.

(2) Unless otherwise specified in this section, the department shall deduct newly acquired income from the payment level plus authorized additional requirements to determine grant amount. The amount deducted shall equal the following:

- (a) The net amount of the income if in cash or its equivalent; and
- (b) At least the recipient's equity in the quick sale value of property other than cash.

(3) The department shall apply WAC 388-28-400(7) when the property is only potentially available to meet the recipient's requirements.

(4) The department shall allow recipients who own property listed below to retain the property without having it affect their eligibility or need:

- (a) A home used as a residence - see WAC 388-28-420;

(b) Useful and needed clothing, household equipment, food, fuel, and other items included in the requirement standards;

(c) An automobile within the ceiling values in WAC ~~((388-28-430(2)))~~ 388-28-435;

(d) An income tax refund within the resource ceiling values in WAC ~~((388-28-430))~~ 388-28-435. An intercepted income tax refund is not available to meet need until it is actually received. The earned income tax credit portion of the refund shall be considered a resource in the second month following the month of receipt; and

(e) Income from the department to correct a previous underpayment of assistance under WAC 388-33-195.

(5) The department shall modify the rule in subsection (2) of this section for a recipient of AFDC or continuing general assistance as follows:

(a) Earned income retained by a child, under WAC 388-28-535(3), is the personal property of the family and subject to the ceilings in WAC ~~((388-28-430(2)))~~ 388-28-435;

(b) ~~((The possession of any amount of funds from sources listed in subsection (5)(a) of this section in a cash reserve or savings account does not affect the eligibility of a general assistance recipient. However, if such exempted income is converted into other types of property, WAC 388-28-410 through 388-28-455 apply;))~~

~~((c))~~ Income from interest on exempt savings, dividends from exempt stocks, increase in life insurance cash surrender value, livestock births, etc., affect eligibility only to the extent the amount causes the total value of the resource possessed to exceed the ceiling values of the resource. The excess is considered available; and

~~((d))~~ (c) Exempt funds representing another person's share of household costs are exempt provided such payments are not legally obligated child support except as provided in WAC 388-28-484 (7)(b).

AMENDATORY SECTION (Amending Order 2442, filed 11/10/86)

WAC 388-28-484 TREATMENT OF NEWLY ACQUIRED NONEXEMPT INCOME AND RESOURCES. (1) Income affects the grant amount according to the provisions of WAC 388-28-483.

(2) When the value of the income is taken into account in the assistance payment as specified in WAC 388-28-483, the following rules apply:

(a) If the income value plus any other income amounts to less than the payment standard plus authorized additional requirements and is recurrent or nonrecurrent, assistance is continued in the amount of the difference.

(b) For AFDC and refugee assistance, when the assistance unit's nonrecurrent lump-sum income, plus other income, after applicable disregards exceeds the payment standard, plus authorized additional requirements, the unit shall be ineligible for assistance. Ineligibility shall exist for the number of full months derived by dividing this total income by the need standard plus authorized additional requirements. A minimum period of ineligibility shall be one month.

(i) Any income remaining after this calculation is treated as income received in the first month following the period of ineligibility.

(ii) The period of ineligibility may be shortened when the following conditions are met:

(A) An event occurs which, had the assistance unit been receiving assistance, would result in an increase in the need standard, or

(B) The income received, or any part thereof, has become unavailable to the members of the assistance unit for reasons beyond their control, or

(C) Members of the assistance unit incur, become responsible for, and pay medical expenses.

(D) Assistance is authorized only after the event in subsection (2)(b)(ii)(A), (B), or (C) of this section has been verified and current eligibility has been established.

(c) The department shall suspend a general assistance grant when a recipient's nonrecurrent income equals or exceeds one month's payment level plus authorized additional requirements, but is less than two months' payment level plus authorized additional requirements minus other income.

(i) The recipient's grant is suspended from the effective date specified in WAC 388-28-483.

(ii) The suspense period is determined exactly, that is, up to the date of the absorption of the income.

(d) If the income is recurrent and equal to or in excess of one month's payment level plus authorized additional requirements minus other income, the recipient is ineligible from the effective date specified in WAC 388-28-483 and the grant is terminated, except for persons

in institutions other than nursing homes as provided in WAC 388-34-160.

(e) For general assistance if the income is recurrent or nonrecurrent and its value is in excess of two months' payment level plus authorized additional requirements minus other income, the recipient is ineligible from the effective date specified in WAC 388-28-483 and the grant is terminated. Ineligibility shall continue for two months. The period of ineligibility, however, may be reduced if the applicant has verifiable expenses such as medical care, unforeseen disaster or other changes in circumstances making it impossible for him or her to live on his or her resource for the two-month period of ineligibility. The eligibility of a former recipient reapplying shall be determined on the same basis as a new applicant.

(3) If income is not taken into account in assistance payments but is subsequently discovered, an overpayment shall be established according to chapter 388-44 WAC.

(4) If a general assistance recipient has been determined to be ineligible for a current or future period of time and his or her grant will be suspended or terminated for such period of time due to ~~((either))~~ newly acquired income, ~~((or transfer of property;))~~ and is in need during such period of ineligibility, assistance may be granted within the limits of the rule in WAC 388-28-464.

(5) A person acquiring income during suspended status shall be treated as a recipient in terms of eligibility, not as an applicant.

(6) Rules and procedure in chapter 388-44 WAC are followed in respect to overpayment.

(7) An applicant or recipient whose nonexempt gross income exceeds one hundred eighty-five percent of the standard of need for the appropriate household size plus additional requirements authorized for that assistance unit, is not eligible for AFDC or refugee assistance from the date specified in WAC 388-28-483. The income of all members of the assistance unit and the income of natural, adoptive, or stepparents of children in the assistance unit residing in the same household, shall be considered in this test except for income identified in WAC 388-28-575 and in subsection (7)(a) and (b) of this section.

(a) In determining the total income of the family, the earned income of a child who is a full-time student is excluded for six consecutive months per calendar year.

(b) The first fifty dollars per month of the current monthly support obligation of any child support collected on the family's behalf or received by the family.

(c) Gross income shall be defined as all income not specifically exempted by rule or regulation before applicable program disregards are applied.

(d) Net income shall be defined as gross income less applicable disregards and deductions for which the applicant or recipient is eligible.

~~((f)) Income taken into account in computing financial need according to subsection (2) of this section if retained by a GA-U recipient does not affect his or her eligibility unless the amount retained at the time of the next periodic review exceeds the exempt property holdings permitted for an applicant. In this event the rule on nonexempt resources or income pertaining to an applicant is applied:))~~

AMENDATORY SECTION (Amending Order 2189, filed 1/17/85)

WAC 388-28-590 ALIEN SPONSORSHIP—DEEMING OF INCOME AND RESOURCES—OVERPAYMENTS. (1) The following rules shall apply to an alien applying for AFDC for the first time after September 30, 1981, and to his or her sponsor.

(2) The following rules for deeming of the resources only apply to an alien applying for general assistance, and to his or her sponsor.

(3) A sponsor is defined as any person or public or private organization executing an affidavit or affidavits of support or similar agreement on behalf of an alien (who is not the child of the sponsor or the sponsor's spouse) as a condition of the alien's entry into the United States.

~~((3))~~ (4) Any alien whose sponsor is a public or private agency or organization is ineligible for assistance for three years from the date of entry into the United States, unless the agency or organization is either no longer in existence or has become unable to meet the alien's needs.

~~((4))~~ (5) For a period of three years following entry into the United States, an individually sponsored alien shall provide the state agency with any information and documentation necessary to determine the income and resources of the sponsor that can be deemed available to the alien, and obtain any cooperation necessary from the sponsor.

~~((5))~~ (6) For all subsections in this section, the income and resources of an individual sponsor (and the sponsor's spouse if living with the sponsor) shall be deemed to be the unearned income and resources

of an alien for three years following the alien's entry into the United States.

~~((6))~~ (7) Monthly income deemed available to the alien from the individual sponsor or the sponsor's spouse not receiving AFDC or SSI shall be:

(a) The sponsor's total monthly unearned income, added to the sponsor's total monthly earned income reduced by twenty percent (not to exceed one hundred seventy-five dollars) of the total of any amounts received by the sponsor in the month as wages or salary or as net earnings from self-employment, plus the full amount of any costs incurred in producing self-employment income in the month.

(b) The amount described in subsection (6)(a) of this section reduced by:

(i) The basic requirements standard for a family of the same size and composition as the sponsor and those other people living in the same household as the sponsor claimed by the sponsor as dependents to determine his or her federal personal income tax liability but who are not AFDC recipients;

(ii) Any amounts actually paid by the sponsor to people not living in the household claimed by the sponsor as dependents to determine his or her federal personal income tax liability; and

(iii) Actual payments of alimony or child support, with respect to individuals not living in the sponsor's household.

~~((7))~~ (8) Monthly resources deemed available to the alien from the sponsor shall be the total amount of the resources of the sponsor determined as if he or she was applying for AFDC in his or her state of residence, less one thousand five hundred dollars.

~~((8))~~ (9) In any case where a person is the sponsor of two or more aliens, the income and resources of the sponsor to the extent they would be deemed the income and resources of any one of the aliens under the provisions of this section shall be divided equally among the aliens.

~~((9))~~ (10) Income and resources which are deemed to a sponsored alien shall not be considered in determining the need of other unsponsored members of the alien's family except to the extent the income or resources are actually available.

~~((10))~~ (11) The provisions of this section shall not apply to any alien who:

(a) Meets the definition of refugee in WAC 388-55-010; or

(b) Is the dependent child of the sponsor or sponsor's spouse.

~~((11))~~ (12) Any sponsor of an alien and the alien shall be jointly and individually liable for any overpayment of assistance made to the alien during the three years after the alien's entry into the United States due to the sponsor's failure to provide correct information, except where such sponsors were without fault or where good cause existed.

(a) When a sponsor is found to have good cause or be without fault for not providing information to the agency, the sponsor will not be held liable for the overpayment and recovery will not be made.

(b) Good cause and no fault shall be defined as any circumstance beyond the control of the sponsor.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-28-430 Effect of resources on financial need—Personal property exemptions—ceiling values—general assistance.

WSR 92-13-032
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Institutions)

[Order 3404—Filed June 10, 1992, 10:27 a.m.]

Date of Adoption: June 10, 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 notice filed as WSR 92-09-045 on April 10, 1992.

Changes Other than Editing from Proposed to Adopted Version: Subsections (2)(b)(ii) and (iv) were changed/added to more clearly define how minorities will be represented in the formula and clearly state minority population will be considered. Changed/added to ensure county base funding will be held harmless when formula change is made, because of testimony at the public hearing.

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

June 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) On a basis that takes into consideration the population numbers of minority groups residing within the county;~~

~~(iii) A biennial adjustment shall be made after these factors are considered; and~~

(iv) Countries not receiving any portion of additional funds pursuant to this formula shall not have their base allocation reduced due to application of this formula.

(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 92-13-033
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3405—Filed June 10, 1992, 10:28 a.m., effective June 11, 1992, 12:01 a.m.]

Date of Adoption: June 10, 1992.

Purpose: Implement HB 2350, 1992 state legislature. Amend RCW 74.04.005 (10)(e) to modify existing general assistance rules making them consistent with AFDC program. Amended to delete regulations specific to general assistance program and to delete or change references to AFDC and GA resource rules as they are now the same.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-28-430 Effect of resources on financial need—Personal property exemptions—Ceiling values—General assistance; and amending WAC 388-28-435 Effect of resources on financial need—Personal property exemptions—Ceiling values, 388-28-438 Effect of resources on financial need—Personal property exemptions, 388-28-439 Effect of resources on need—Property used in self-employment, 388-28-440 Accumulation and depletion of allowable cash resource reserves, 388-28-450 Nonexempt resources—Effect on financial need, 388-28-473 Property transferred contrary to WAC 388-28-471 and 388-28-472, 388-28-474 Replacement of exempt property, 388-28-475 Use of income and income potentials, 388-28-481 Nonexempt resources and income known at time of application, 388-28-482 Effect of newly acquired income and property on continuing need, 388-28-484 Treatment of newly acquired nonexempt income and resources, and 388-28-590 Alien sponsorship—Deeming of income and resources—Overpayments.

Statutory Authority for Adoption: RCW 74.04.005.

Pursuant to RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: RCW 74.04.005 has been amended to make general assistance resource eligibility the same as for AFDC.

Effective Date of Rule: June 11, 1992, 12:01 a.m.

June 10, 1992
Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 3193, 6/18/91, effective 7/19/91)

WAC 388-28-435 EFFECT OF RESOURCES ON FINANCIAL NEED—PERSONAL PROPERTY EXEMPTIONS—CEILING VALUES(~~(=AFDC AND RA)~~). (1) Resources shall not exceed one thousand dollars per household regardless of size. The department shall consider cash, marketable securities, cash discount value of real estate or chattel mortgages, sales contracts, cash surrender value of life insurance, excess equity value of vehicles, value of nonexempt property, and any other resources not specifically exempt.

(2) Regardless of value, the department shall exempt household furnishings and personal clothing essential for daily living. The department shall not exempt household furnishings and personal clothing in storage without evidence that these items are essential for daily living.

(3) The department shall exempt term or burial insurance up to an equity value of one thousand five hundred dollars per household member.

(4) The department shall exempt one cemetery plot for each assistance household member.

(5) The department shall exempt one used and useful vehicle with an equity value of one thousand five hundred dollars or less.

(6) The department shall consider an income tax refund a resource in the month received. "Income tax refund" means a payment received from a state or from the United States Internal Revenue Service (IRS) representing a refund of taxes previously paid. The earned income tax credit portion of the refund is considered a resource in the second month following the month of receipt.

AMENDATORY SECTION (Amending Order 2276, filed 8/30/85)

WAC 388-28-438 EFFECT OF RESOURCES ON FINANCIAL NEED—PERSONAL PROPERTY EXEMPTIONS—(~~ALL PROGRAMS~~). (1) Funds represented by values within the ceiling values are not used to determine financial need or to compute grants.

(2) Funds represented by values in excess of the maxima or ceilings are nonexempt, that is, they are used to determine financial need (~~(and to compute general assistance grants)~~). If the funds are in excess of the ceiling value (~~(for AFDC and refugee assistance)~~), the applicant/recipient is ineligible.

(3) All cash savings held by the applicant or held jointly with any other person shall be considered. Any funds on deposit, in hand, or in any place from which cash may be drawn by the applicant, is a cash fund. A cash fund includes a bank account, savings, funds held in trust for future use (when applicant can make withdrawals), savings bonds, advance insurance premium payments, interest, etc.

(4) A joint account, an account held for another, or funds held for others shall be considered the property of the applicant or recipient since the entire amount is at his or her disposal, except when the applicant or recipient can show that all or a portion of the funds is derived from funds exclusively the other holder's and held and/or utilized solely for the benefit of that holder. All funds so verified shall not be considered actually available to the applicant or recipient.

(5) The equity value in the cash discount value of a chattel mortgage or sales contract represents the value of the resource.

(6) Any payments on mortgages or contracts received by an applicant or recipient shall be considered income as specified in WAC 388-28-580.

(7) When the equity of another person in an unassignable policy held by an applicant can be established, the amount of such equity may be deducted in determining the applicant's holdings in insurance, provided the person holding the equity is named as beneficiary of the proceeds to the extent of such equity and without power or revocation by the insured.

(8) An insurance policy legally assigned belongs to the assignee and may not be regarded as the property of the insured. However, the assignment of a policy within two years prior to application or by a recipient must be evaluated as the transfer of a resource.

(9) In determining the resource value of automobiles, the national automobile dealers association official used car guide shall be used. For automobiles listed in this guide, "average loan" value in the current edition shall be presumed to be the resource value.

(10) In determining the resource value of recreational vehicles, the Kelley Bluebook R.V. Guide shall be used. For vehicles listed in this guide, "wholesale" value in the current edition shall be presumed to be the resource value.

(11) For vehicles not listed in these guides, the method of determining the resource value shall be documented in the case report.

(12) The values listed in these guides can be overcome by positive evidence to the contrary. Such evidence shall be documented in the case record.

(13) The changes to resource limits for (~~federally funded~~) grant assistance programs will be phased in by applying them when case actions are taken and/or when eligibility is determined or redetermined.

AMENDATORY SECTION (Amending Order 2276, filed 8/30/85)

WAC 388-28-439 EFFECT OF RESOURCES ON NEED—PROPERTY USED IN SELF-EMPLOYMENT. (1) Real and personal property used in a self-employment enterprise such as land, buildings,

tools, farm machinery, livestock, business equipment, and inventory can be declared an exempt resource by the CSO on the basis of an agreed plan. The following conditions apply:

(a) The exempted property must either produce income reducing the applicant's or recipient's need for public assistance or aid in rehabilitating him or her or his or her dependents by providing self-employment experience which can reasonably be expected to lead to full or partial self-support.

(b) If stock, raw materials, or inventory of a business is exempted, any increase in value must be examined to determine whether the increase is necessary to the health of the enterprise. Such increase shall not be used as a means of diverting funds which might reasonably constitute income to the recipient.

(2) In the absence of an agreed plan, the business assets of a self-employment enterprise are nonexempt resources available to the owner in the amount of the sale value minus encumbrances, unless the resources are generally exempt under the provisions of WAC 388-28-420, (~~388-28-430;~~) and 388-28-435.

(a) Accounts receivable are exempt resources under an agreed plan as long as diligent effort is being made to collect. If efforts to collect are unsuccessful, then the department shall require the accounts be turned over to a collection agency. Failure to do so will cause the accounts to become a nonexempt resource. When payment is received, it is treated as income pursuant to WAC 388-28-520.

(b) Good will is an intangible asset. It has no value unless the business is sold, and therefore is not an available resource.

AMENDATORY SECTION (Amending Order 2608, filed 3/14/88)

WAC 388-28-440 ACCUMULATION AND DEPLETION OF ALLOWABLE CASH RESOURCE RESERVES. (1) Recipients may spend their cash reserves and rebuild them with succeeding public assistance grants, with funds from other exempt sources, or other income which has been considered in computing financial need. Recipients may place grants in accounts along with cash reserves and then spend out of those accounts during the month.

(2) Cash on hand may exceed the specified limits for a maximum of thirty days if it has already been considered in computing financial need.

(3) (~~FOR GENERAL ASSISTANCE ONLY, allowable cash reserves may be accumulated from nonre-~~current cash lump-sum sources, including the following:

- (a) Income tax refunds.
- (b) Inheritances.
- (c) Insurance benefits.
- (d) Gifts.
- (e) Prizes and awards.
- (f) Repayment of debts owed the recipient.
- (g) Proceeds from the sale of exempt property.
- (h) Social Security death benefits.
- (i) Indian per capita payments generated by tribally held land or business.

~~(4) IN GENERAL ASSISTANCE ONLY if a lump sum, when added to existing reserves, causes the resources to exceed allowable limits, the excess is newly acquired income to be treated in accordance with WAC 388-28-484.~~

~~(5)) If a lump sum is placed in trust for a recipient and is not under his or her control, the ((following rules apply:~~

~~(a)) funds kept in trust do not affect public assistance need.~~

~~((b) FOR GENERAL ASSISTANCE ONLY the trustee may release to the recipient an amount up to the allowable resource limit for the assistance unit less any amount of existing cash and marketable securities as of the date the lump sum was received. Such disbursement, if made within thirty days of the date the lump sum was received, is used to accumulate allowable reserves and does not affect public assistance need. This may be done once for each lump sum placed in trust.))~~

AMENDATORY SECTION (Amending Order 2276, filed 8/30/85)

WAC 388-28-450 NONEXEMPT RESOURCES—EFFECT ON FINANCIAL NEED. The possession of a nonexempt resource by an applicant affects his or her financial need to the extent the value of the resource decreases his or her need for public assistance.

(1) (~~For all programs,)~~ The value assigned to such resources shall be the fair market value minus legal encumbrances.

(2) (~~For general assistance, the value of such resource is deducted from the cost of applicant's requirements for one month at time of application and each succeeding eligibility review. If the value of nonexempt resources exceeds one month's appropriate payment level plus additional requirements, the applicant is ineligible.~~

~~(3) For AFDC and RA,))~~ The fair market value shall be reassessed if the applicant provides acceptable evidence that a good-faith effort has been made to sell the resource at the fair market value determined by the department and the value is less than the resource ceiling. If the total value of the nonexempt resource exceeds the maximum in WAC 388-28-435(~~(2)~~), the applicant is ineligible.

AMENDATORY SECTION (Amending Order 2087, filed 3/14/84)

WAC 388-28-473 PROPERTY TRANSFERRED CONTRARY TO WAC 388-28-471 AND 388-28-472. (1) If a recipient transfers previously exempt property contrary to WAC 388-28-471 and 388-28-472 or if the proceeds from the transfer are used for purposes other than described in those rules, the value of the property transferred is considered available to meet need following effective date rules in WAC (~~388-33-135(3))~~ 388-33-135.

(2) The amount considered available to meet need shall be either his or her equity in the fair market value of the resource or the actual amount received, whichever is the greater. If the resource was a mortgage or conditional sales contract, the value of the equity transferred

shall be the amount considered available to meet need. ~~((The transfer affects eligibility according to WAC 388-28-484 (2)(b) for AFDC and refugee assistance and the transfer affects eligibility according to subsections (3), (4), and (5) of this section for general assistance.))~~

(3) ~~If the ((grant is adjusted before the first of the month following transfer:~~

~~(a) Assistance is continued when the amount considered available from subsection (2) of this section and other income available during the month amounts to less than one month's requirements;~~

~~(b) Assistance is suspended when the amount considered available from subsection (2) of this section and other income available in the next two months is less than two months' requirements;~~

~~(c) General assistance is terminated when the amount considered available from subsection (2) of this section and other income available in the next two months is more than two months' requirements. The future period of ineligibility is determined using current requirements and the method described in WAC 388-28-460)) amount considered available to meet need, plus other income, after applicable disregards, exceeds the payment standard, plus authorized additional requirements, the unit shall be ineligible for assistance. Ineligibility shall exist for the number of full months derived by dividing the amount considered available to meet need by the need standard plus authorized additional requirements. A minimum period of ineligibility shall be one month. Any amount considered available to meet need remaining after this calculation is considered available to meet need the first month following the period of ineligibility.~~

~~(4) If the grant was not adjusted following effective date rules in WAC ((388-33-135(3))) 388-33-135, partial or total ineligibility exists and the amount of overpayment is determined.~~

~~(a) The grant is continued if the amount considered available from subsection ((2)) (3) of this section is completely liquidated as overpayment.~~

~~(b) The grant is ((suspended)) reduced or terminated when the total amount considered available from subsection ((2)) (3) of this section is not liquidated by the overpayment. The amount considered available after figuring the overpayment is used to determine future period of ineligibility using the rules in subsection (3)((b) or (3)(c)) of this section ((as appropriate)). The first of the month the assistance payment can be adjusted is used to establish the beginning of the future period.~~

~~(5) The ((rules in WAC 388-28-463 and 388-28-464 apply to transfers under this section)) period of ineligibility may be shortened when the following conditions are met:~~

~~(a) An event occurs which, had the assistance unit been receiving assistance, would result in an increase in the need standard; or~~

~~(b) The income received, or any part thereof, has become unavailable to the members of the assistance unit for reasons beyond their control; or~~

~~(c) Members of the assistance unit incur, become responsible for, and pay medical expenses.~~

(d) Assistance is authorized only after the event in subsection (5)(a), (b), or (c) of this section has been verified and current eligibility has been established.

AMENDATORY SECTION (Amending Order 1798, filed 5/5/82)

WAC 388-28-474 REPLACEMENT OF EX-EMPT PROPERTY. (1) A recipient may, within sixty days of receipt:

(a) Reinvest in other exempt property funds acquired from a settlement covering destroyed or stolen exempt property;

(b) Pay medical bills for which the settlement was intended.

(2) ~~((A general assistance recipient may retain cash from the settlement up to the amount of the difference between current resource values and the appropriate resource ceiling for the assistance unit.~~

~~(3)) Any remaining portion of the settlement, after applying subsection((s)) (1) ((and(2))) of this section, shall be considered newly acquired nonexempt income.~~

AMENDATORY SECTION (Amending Order 2889, filed 10/27/89, effective 11/27/89)

WAC 388-28-475 USE OF INCOME AND INCOME POTENTIALS. (1) Meaning of income (see definition in WAC 388-22-030). Income shall include, but is not limited to, all types of:

(a) Real or personal property;

(b) Support from parent, stepparent, or other nonrelated adult;

(c) Stocks and bonds;

(d) Wages, including garnisheed wages;

(e) Interest in an estate;

(f) Income from farming;

(g) Benefits and entitlements from private and public agencies, such as OASDI, veterans' agencies, and U.C.;

(h) Gifts and prizes in the form of cash or marketable securities; and

(i) ~~((For AFDC)) Lump sum payments. ((For general assistance, only that amount of the lump sum in excess of the resource limits is income.))~~

(2) Ownership and use of income and income potentials. The policies in WAC 388-28-300 through 388-28-420 regarding ownership and use of resources also govern the ownership and use of income and income potentials.

(3) Resources and income. WAC 388-28-400 through 388-28-457 contain policies and procedures for considering and using nonexempt resource values to determine financial need. WAC 388-28-475 through 388-28-600 covers policies and procedures used in computing income to determine financial need. The total nonexempt resource values and nonexempt net income values are compared with the appropriate payment level plus authorized additional requirements to determine financial need and, if it exists, the amount of the grant for which the applicant is eligible.

AMENDATORY SECTION (Amending Order 1940, filed 1/28/83, effective 3/1/83)

WAC 388-28-481 NONEXEMPT RESOURCES AND INCOME KNOWN AT TIME OF APPLICATION. Net recurrent or nonrecurrent nonexempt income and nonexempt resource values in cash or kind known to the local office at the time of application shall be taken into account in computing eligibility for payment as specified in WAC 388-28-400 through 388-28-650. WAC 388-28-481 through 388-28-484 shall be applicable when determining the continuing grant amount of the recipient. ((If a general assistance recipient retains a nonexempt resource which has been used to compute his or her grant amount at the time of application, the policy in WAC 388-28-484(8) shall be applied to compute his or her eligibility for payment.))

AMENDATORY SECTION (Amending Order 3190, filed 6/18/91, effective 7/19/91)

WAC 388-28-482 EFFECT OF NEWLY ACQUIRED INCOME AND PROPERTY ON CONTINUING NEED. (1) "Newly acquired income" means any previously unreported or undiscovered income a public assistance recipient possesses or controls in whole or in part.

(2) Unless otherwise specified in this section, the department shall deduct newly acquired income from the payment level plus authorized additional requirements to determine grant amount. The amount deducted shall equal the following:

(a) The net amount of the income if in cash or its equivalent; and

(b) At least the recipient's equity in the quick sale value of property other than cash.

(3) The department shall apply WAC 388-28-400(7) when the property is only potentially available to meet the recipient's requirements.

(4) The department shall allow recipients who own property listed below to retain the property without having it affect their eligibility or need:

(a) A home used as a residence - see WAC 388-28-420;

(b) Useful and needed clothing, household equipment, food, fuel, and other items included in the requirement standards;

(c) An automobile within the ceiling values in WAC ((388-28-430(2))) 388-28-435;

(d) An income tax refund within the resource ceiling values in WAC ((388-28-430)) 388-28-435. An intercepted income tax refund is not available to meet need until it is actually received. The earned income tax credit portion of the refund shall be considered a resource in the second month following the month of receipt; and

(e) Income from the department to correct a previous underpayment of assistance under WAC 388-33-195.

(5) The department shall modify the rule in subsection (2) of this section for a recipient of AFDC or continuing general assistance as follows:

(a) Earned income retained by a child, under WAC 388-28-535(3), is the personal property of the family

and subject to the ceilings in WAC ((388-28-430(2))) 388-28-435;

(b) ((The possession of any amount of funds from sources listed in subsection (5)(a) of this section in a cash reserve or savings account does not affect the eligibility of a general assistance recipient. However, if such exempted income is converted into other types of property, WAC 388-28-410 through 388-28-455 apply;

((c))) Income from interest on exempt savings, dividends from exempt stocks, increase in life insurance cash surrender value, livestock births, etc., affect eligibility only to the extent the amount causes the total value of the resource possessed to exceed the ceiling values of the resource. The excess is considered available; and

((((d))) (c) Exempt funds representing another person's share of household costs are exempt provided such payments are not legally obligated child support except as provided in WAC 388-28-484 (7)(b).

AMENDATORY SECTION (Amending Order 2442, filed 11/10/86)

WAC 388-28-484 TREATMENT OF NEWLY ACQUIRED NONEXEMPT INCOME AND RESOURCES. (1) Income affects the grant amount according to the provisions of WAC 388-28-483.

(2) When the value of the income is taken into account in the assistance payment as specified in WAC 388-28-483, the following rules apply:

(a) If the income value plus any other income amounts to less than the payment standard plus authorized additional requirements and is recurrent or nonrecurrent, assistance is continued in the amount of the difference.

(b) For AFDC and refugee assistance, when the assistance unit's nonrecurrent lump-sum income, plus other income, after applicable disregards exceeds the payment standard, plus authorized additional requirements, the unit shall be ineligible for assistance. Ineligibility shall exist for the number of full months derived by dividing this total income by the need standard plus authorized additional requirements. A minimum period of ineligibility shall be one month.

(i) Any income remaining after this calculation is treated as income received in the first month following the period of ineligibility.

(ii) The period of ineligibility may be shortened when the following conditions are met:

(A) An event occurs which, had the assistance unit been receiving assistance, would result in an increase in the need standard, or

(B) The income received, or any part thereof, has become unavailable to the members of the assistance unit for reasons beyond their control, or

(C) Members of the assistance unit incur, become responsible for, and pay medical expenses.

(D) Assistance is authorized only after the event in subsection (2)(b)(ii)(A), (B), or (C) of this section has been verified and current eligibility has been established.

(c) The department shall suspend a general assistance grant when a recipient's nonrecurrent income equals or

exceeds one month's payment level plus authorized additional requirements, but is less than two months' payment level plus authorized additional requirements minus other income.

(i) The recipient's grant is suspended from the effective date specified in WAC 388-28-483.

(ii) The suspense period is determined exactly, that is, up to the date of the absorption of the income.

(d) If the income is recurrent and equal to or in excess of one month's payment level plus authorized additional requirements minus other income, the recipient is ineligible from the effective date specified in WAC 388-28-483 and the grant is terminated, except for persons in institutions other than nursing homes as provided in WAC 388-34-160.

(e) For general assistance if the income is recurrent or nonrecurrent and its value is in excess of two months' payment level plus authorized additional requirements minus other income, the recipient is ineligible from the effective date specified in WAC 388-28-483 and the grant is terminated. Ineligibility shall continue for two months. The period of ineligibility, however, may be reduced if the applicant has verifiable expenses such as medical care, unforeseen disaster or other changes in circumstances making it impossible for him or her to live on his or her resource for the two-month period of ineligibility. The eligibility of a former recipient reapplying shall be determined on the same basis as a new applicant.

(3) If income is not taken into account in assistance payments but is subsequently discovered, an overpayment shall be established according to chapter 388-44 WAC.

(4) If a general assistance recipient has been determined to be ineligible for a current or future period of time and his or her grant will be suspended or terminated for such period of time due to ~~((either))~~ newly acquired income, ~~((or transfer of property,))~~ and is in need during such period of ineligibility, assistance may be granted within the limits of the rule in WAC 388-28-464.

(5) A person acquiring income during suspended status shall be treated as a recipient in terms of eligibility, not as an applicant.

(6) Rules and procedure in chapter 388-44 WAC are followed in respect to overpayment.

(7) An applicant or recipient whose nonexempt gross income exceeds one hundred eighty-five percent of the standard of need for the appropriate household size plus additional requirements authorized for that assistance unit, is not eligible for AFDC or refugee assistance from the date specified in WAC 388-28-483. The income of all members of the assistance unit and the income of natural, adoptive, or stepparents of children in the assistance unit residing in the same household, shall be considered in this test except for income identified in WAC 388-28-575 and in subsection (7)(a) and (b) of this section.

(a) In determining the total income of the family, the earned income of a child who is a full-time student is excluded for six consecutive months per calendar year.

(b) The first fifty dollars per month of the current monthly support obligation of any child support collected on the family's behalf or received by the family.

(c) Gross income shall be defined as all income not specifically exempted by rule or regulation before applicable program disregards are applied.

(d) Net income shall be defined as gross income less applicable disregards and deductions for which the applicant or recipient is eligible.

~~((8) Income taken into account in computing financial need according to subsection (2) of this section if retained by a GA-U recipient does not affect his or her eligibility unless the amount retained at the time of the next periodic review exceeds the exempt property holdings permitted for an applicant. In this event the rule on nonexempt resources or income pertaining to an applicant is applied.))~~

AMENDATORY SECTION (Amending Order 2189, filed 1/17/85)

WAC 388-28-590 ALIEN SPONSORSHIP—DEEMING OF INCOME AND RESOURCES—OVERPAYMENTS. (1) The following rules shall apply to an alien applying for AFDC for the first time after September 30, 1981, and to his or her sponsor.

(2) The following rules for deeming of the resources only apply to an alien applying for general assistance, and to his or her sponsor.

(3) A sponsor is defined as any person or public or private organization executing an affidavit or affidavits of support or similar agreement on behalf of an alien (who is not the child of the sponsor or the sponsor's spouse) as a condition of the alien's entry into the United States.

~~((3))~~ (4) Any alien whose sponsor is a public or private agency or organization is ineligible for assistance for three years from the date of entry into the United States, unless the agency or organization is either no longer in existence or has become unable to meet the alien's needs.

~~((4))~~ (5) For a period of three years following entry into the United States, an individually sponsored alien shall provide the state agency with any information and documentation necessary to determine the income and resources of the sponsor that can be deemed available to the alien, and obtain any cooperation necessary from the sponsor.

~~((5))~~ (6) For all subsections in this section, the income and resources of an individual sponsor (and the sponsor's spouse if living with the sponsor) shall be deemed to be the unearned income and resources of an alien for three years following the alien's entry into the United States.

~~((6))~~ (7) Monthly income deemed available to the alien from the individual sponsor or the sponsor's spouse not receiving AFDC or SSI shall be:

(a) The sponsor's total monthly unearned income, added to the sponsor's total monthly earned income reduced by twenty percent (not to exceed one hundred seventy-five dollars) of the total of any amounts received by the sponsor in the month as wages or salary or as net earnings from self-employment, plus the full amount of

any costs incurred in producing self-employment income in the month.

(b) The amount described in subsection (6)(a) of this section reduced by:

(i) The basic requirements standard for a family of the same size and composition as the sponsor and those other people living in the same household as the sponsor claimed by the sponsor as dependents to determine his or her federal personal income tax liability but who are not AFDC recipients;

(ii) Any amounts actually paid by the sponsor to people not living in the household claimed by the sponsor as dependents to determine his or her federal personal income tax liability; and

(iii) Actual payments of alimony or child support, with respect to individuals not living in the sponsor's household.

~~((7))~~ (8) Monthly resources deemed available to the alien from the sponsor shall be the total amount of the resources of the sponsor determined as if he or she was applying for AFDC in his or her state of residence, less one thousand five hundred dollars.

~~((8))~~ (9) In any case where a person is the sponsor of two or more aliens, the income and resources of the sponsor to the extent they would be deemed the income and resources of any one of the aliens under the provisions of this section shall be divided equally among the aliens.

~~((9))~~ (10) Income and resources which are deemed to a sponsored alien shall not be considered in determining the need of other unsponsored members of the alien's family except to the extent the income or resources are actually available.

~~((10))~~ (11) The provisions of this section shall not apply to any alien who:

(a) Meets the definition of refugee in WAC 388-55-010; or

(b) Is the dependent child of the sponsor or sponsor's spouse.

~~((11))~~ (12) Any sponsor of an alien and the alien shall be jointly and individually liable for any overpayment of assistance made to the alien during the three years after the alien's entry into the United States due to the sponsor's failure to provide correct information, except where such sponsors were without fault or where good cause existed.

(a) When a sponsor is found to have good cause or be without fault for not providing information to the agency, the sponsor will not be held liable for the overpayment and recovery will not be made.

(b) Good cause and no fault shall be defined as any circumstance beyond the control of the sponsor.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-28-430 Effect of resources on financial need—Personal property exemptions—ceiling values—general assistance.

WSR 92-13-034

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Order 2094—Filed June 10, 1992, 2:04 p.m., effective July 1, 1992]

Date of Adoption: June 10, 1992.

Purpose: To implement the statutory provisions of ESB 6027 providing for the collection of a surcharge on nursery license fees to support research of benefit to the industry.

Citation of Existing Rules Affected by this Order: Amending WAC 16-401-040.

Statutory Authority for Adoption: Chapter 15.13 RCW.

Pursuant to notice filed as WSR 92-10-040 on May 4, 1992.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The effective date is made July 1 to coalesce with statute requirement.

Effective Date of Rule: July 1, 1992.

June 10, 1992

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

AMENDATORY SECTION (Amending Order 1953, filed 9/17/87)

WAC 16-401-040 NURSERY DEALER LICENSE FEES. As provided in chapter 15.13 RCW, the director of agriculture hereby establishes the following schedule of annual license fees which shall accompany the application for nursery dealer license:

(1) Retail nursery dealer license:

(a) For gross business sales of horticultural plants and turf less than two thousand five hundred dollars, the license fee shall be twenty-five dollars.

(b) For gross business sales of horticultural plants and turf between two thousand five hundred dollars and fifteen thousand dollars, the license fee shall be fifty dollars.

(c) For gross business sales of horticultural plants and turf of fifteen thousand dollars or more, the license fee shall be one hundred dollars.

(2) Wholesale nursery dealer license:

(a) For gross business sales of horticultural plants and turf less than fifteen thousand dollars, the license fee shall be fifty dollars.

(b) For gross business sales of horticultural plants and turf of fifteen thousand dollars or more, the license fee shall be one hundred dollars.

(3) As provided in RCW 15.13.280 there is hereby established a surcharge of twenty percent of the base rate, in addition to the fees established on all classes of licenses in subsections (1) and (2) of this section to be used solely to support research projects recommended by the nursery advisory committee and of general benefit to the nursery industry.

(4) Permit fee for those types of sales and organizations exempted from licensing requirements by RCW 15.13.270, per permit \$5.00

WSR 92-13-035
PERMANENT RULES
DEPARTMENT OF AGRICULTURE
 [Filed June 10, 1992, 2:22 p.m.]

Date of Adoption: June 10, 1992.

Purpose: Rules relating to the application of pesticides in Benton County and portions of Franklin and Walla Walla counties in chapter 16-230 WAC; and chapter 16-231 WAC.

Citation of Existing Rules Affected by this Order: Repealing WAC 16-231-001 through 16-231-030 and 16-230-865; and amending WAC 16-230-810, 16-230-813, 16-230-825, 16-230-835, 16-230-840, 16-230-845, 16-230-850, 16-230-855, 16-230-860, 16-230-861, 16-230-862, 16-230-863, 16-230-864, 16-230-866, 16-230-867, 16-230-868, and 16-230-870.

Statutory Authority for Adoption: Chapters 17.21 and 15.58 RCW.

Pursuant to notice filed as WSR 92-03-134 on January 22, 1992; and WSR 92-07-059 on March 13, 1992.

Changes Other than Editing from Proposed to Adopted Version: WAC 16-230-870 (1)(f), replace ME4 Brominal with the word Bronate, ME4 Brominal is being phased out. Bronate is its replacement; WAC 16-230-825(1), replace the word phone with the word facsimile. Add the sentence "Permits will not be granted by telephone." Such changes are for the purpose of clarification of how the department will accept permit requests; WAC 16-230-835 (2)(c), 16-230-840 (2)(c), 16-230-845 (2)(c), 16-230-850 (2)(c), 16-230-855 (2)(c), 16-230-860 (2)(b) and 16-230-862 (2)(c), under the provided further section of the listed WACs, replacement language should read "Persons licensed to perform application of restricted use herbicides on small experimental plots for research purposes shall be exempt from the sunset and sunrise restrictions"; and WAC 16-230-864(1), add the phrase on a helicopter "working boom length on a helicopter shall not exceed six sevenths."

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

June 10, 1992

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

AMENDATORY SECTION (Amending Order 2014, filed 7/31/89, effective 8/31/89)

WAC 16-230-810 APPLICATION OF PESTICIDES IN BENTON COUNTY AND PORTIONS OF FRANKLIN AND WALLA WALLA COUNTIES—RESTRICTED USE PESTICIDES. For the purposes of WAC 16-230-800 through (~~WAC 16-230-865~~) 16-230-870, the following pesticides are declared to be restricted use pesticides:

(1) Restricted use herbicides:

(a) Sulfonylurea herbicides (such as Glean, Telar, Finesse, Escort)

(b) Desiccants and defoliants (such as Paraquat, Diquat, Endothall)

(c) Glyphosate (such as Roundup, Landmaster)

(d) Phenoxy type herbicides (such as 2,4-D, MCPA)

(e) dicamba (such as Banvel)

(f) Bromoxynil (such as Brominal, Buctril, (~~ME4 Brominat~~)) Bronate)

(2) Restricted use insecticides:

(a) All Category I insecticides with the signal words danger/poison on the label, except granular and pellet formulations;

(b) Additionally, all insecticides, except granular and pellet formulations, are declared to be restricted use in Area 1 and Area 1A as described in WAC 16-230-835.

NEW SECTION

WAC 16-230-813 APPLICATION OF PESTICIDES IN BENTON COUNTY AND PORTIONS OF FRANKLIN AND WALLA WALLA COUNTIES—OIL TYPE CARRIERS. On and after April 5 through October 31, oil type carriers are prohibited for brush control: PROVIDED, That oil type carriers may be used in invert systems the entire year.

AMENDATORY SECTION (Amending Order 2046, filed 6/29/90, effective 7/30/90)

WAC 16-230-825 APPLICATION OF PESTICIDES IN BENTON COUNTY AND PORTIONS OF FRANKLIN AND WALLA WALLA COUNTIES—PERMITS. The following conditions will apply to all permits issued under the authority of WAC 16-230-800 through (~~16-230-865~~) 16-230-870.

(1) Application for a permit may be made to the Washington State Department of Agriculture, Compliance Branch, 2015 S. 1st Street, Yakima, Washington 98903. Applications may also be taken in person or by (~~phone~~) facsimile. Permits will not be granted by telephone.

(2) The department may make on-site monitoring of the application a condition of any permit. A representative of the department may condition, deny, or revoke a permit at any time, if the representative determines that the situation at the application site creates an unreasonable risk of drift. In determining whether the situation at the application site creates an unreasonable risk of drift, the representative may consider all relevant factors such as temperature, air inversions, time of day, burning restrictions, wind direction, wind velocity, topography, and type and condition of application equipment.

(3) No permit shall be issued to apply any pesticide unless that permit is consistent with existing department laws and rules.

AMENDATORY SECTION (Amending Order 2046, filed 6/29/90, effective 7/30/90)

WAC 16-230-835 APPLICATION OF PESTICIDES IN BENTON COUNTY AND PORTIONS OF FRANKLIN AND WALLA WALLA COUNTIES—AREA 1. (1) Area 1 description (North Horse Heaven Hills). An area including all lands lying within a boundary line beginning at the northwest corner of Section (~~19, T8N, R24E; thence east four miles along section lines to the southwest corner of Section 14, T8N, R24E; thence north one mile along the section line to the~~

northwest corner of Section 14, T8N, R24E; thence east two miles along section lines to the southwest corner of Section 7, T8N, R25E; thence north one mile along the section line to the northwest corner of Section 7, T8N, R25E; thence east one mile along the section line to the southwest corner of Section 5, T8N, R25E; thence northeast approximately one and four-tenths of a mile diagonally across Section 5 to the northeast corner of Section 5, T8N, R25E; thence east one mile along the section line to the southwest corner of Section 34, T9N, R25E; thence northeast approximately one and four-tenths of a mile diagonally across Section 34 to the northeast corner of Section 34, T9N, R25E; thence east two miles along section lines to the southwest corner of Section 30, T9N, R26E; thence north one mile along the section line to the northwest corner of Section 30, T9N, R26E; thence east one mile along the section line to the southwest corner of Section 20, T9N, R26E; thence northeast approximately one and four-tenths of a mile diagonally across Section 20 to the northeast corner of Section 20, T9N, R26E; thence east two miles along section lines to the northwest corner of Section 23, T9N, R26E; thence southeast approximately one and four-tenths of a mile diagonally across Section 23 to the southeast corner of Section 23, T9N, R26E; thence north approximately one mile along the section line to the intersection with the Kennewick Irrigation District (K.I.D.) main canal; thence easterly along the K.I.D. main canal to the Amon pumping station located in Section 7, T8N, R29E; thence southeasterly along the K.I.D. Division Four Canal to the Columbia River in Section 8, T7N, R31E)) 31, T8N, R24E; thence east two miles along section lines to the northwest corner of Section 33, T8N, R24E; thence north one mile along section lines to the northwest corner of Section 28, T8N, R24E; thence east seven miles along section lines to the northwest corner of Section 27, T8N, R25E; thence north two miles along section lines to the northwest corner of Section 15, T8N, R25E; thence east eight miles along section lines to the northwest corner of Section 13, T8N, R26E; thence south two miles along section lines to the northwest corner of Section 25, T8N, R26E; thence east two miles along section lines to the northwest corner of Section 29, T8N, R27E; thence south one mile along section lines to the northwest corner of Section 32, T8N, R27E; thence east three miles along section lines to the northwest corner of Section 35, T8N, R27E; thence south one mile along section lines to the northwest corner of Section 2, T7N, R27E; thence east one mile along section lines to the northwest corner of section 1, T8N, R27E; thence south two miles along section lines to the northwest corner of Section 13, T7N, R27E; thence east four miles along section lines to the northwest corner of Section 15, T7N, R28E; thence south one mile along section lines to the northwest corner of Section 22, T7N, R28E; thence east ten miles along section lines to the northwest corner of Section 20, T7N, R30E; thence south two miles along section lines to the northwest corner of Section 32, T7N, R30E; thence east seven miles along section lines to the Columbia River in Section 29, T7N, R31E; thence south approximately ((five and one-half)) two miles along the Columbia River to

the south section line of Section 5, T6N, R31E; thence west approximately eight miles along section lines to the southwest corner of Section 1, T6N, R29E; thence north two miles along section lines to the southwest corner of Section 25, T7N, R29E; thence west thirteen miles along section lines to the southeast corner of Section 27, T7N, R27E; thence north one mile along the section line to the northeast corner of Section 27, T7N, R27E; thence west one mile along the section line to the northwest corner of Section 27, T7N, R27E; thence north two miles along section lines to the northeast corner of Section 16, T7N, R27E; thence west one mile along the section line to the southeast corner of Section 8, T7N, R27E; thence north one mile along the section line to the northeast corner of Section 8, T7N, R27E; thence west approximately twenty miles along section lines to the Benton-Yakima County line at the southwest corner of Section 6, T7N, R24E; thence north ((four)) two miles along the county line to the point of beginning.

(2) Area 1 restrictions.

(a) Application by air of restricted use pesticides as defined in WAC 16-230-810 is prohibited: PROVIDED, That the department may issue written permits for application of insecticides not containing the signal words danger/poison on the label.

(b) The use or application of low volatile ester formulations of restricted use herbicides shall be prohibited on and after April 5 through October 31 of each year: PROVIDED, That hormone sprays may be applied by aircraft to orchards for the prevention of fruit drop.

(c) On and after April 5 through October 31 of each year, all applications of restricted use herbicides shall be prohibited daily from three hours prior to sunset to sunrise the following morning: PROVIDED, That applications of restricted use herbicides shall be exempt from the sunset restrictions when using an application rate of forty gallons of water carrier or greater per treated acre at twenty pounds of pressure or less at the nozzle: PROVIDED FURTHER, That applications of granular and pellet formulations of the restricted use herbicides shall be exempt from the sunset restrictions: PROVIDED FURTHER, That persons licensed to perform applications of restricted use herbicides on small experimental plots for research purposes shall be exempt from the sunset restrictions.

AMENDATORY SECTION (Amending Order 2014, filed 7/31/89, effective 8/31/89)

WAC 16-230-840 APPLICATION OF PESTICIDES IN BENTON COUNTY AND PORTIONS OF FRANKLIN AND WALLA WALLA COUNTIES—AREA 2. (1) Area 2 description. Tri-Cities, Benton City area. An area including all lands lying within a boundary line beginning at the northwest corner of Section 25, T10N, R26E; thence south approximately five miles along section lines to the intersection with the Kennewick Irrigation District (K.I.D.) main canal; thence easterly along the K.I.D. main canal to the Amon pumping station located in Section 7, T8N, R29E; thence southeasterly along the K.I.D. Division Four Canal to the Columbia River in Section 8, T7N, R31E; thence south approximately one-half mile along the

Columbia River to the south section line of Section 8, T7N, R31E; thence east approximately three miles across the Columbia River to the intersection with U.S. Highway 12 at the south section line of Section 10, T7N, R31E; thence northwesterly along Highway 12 to its intersection with Interstate 182; thence westerly along Interstate 182 to the west shoreline of the Columbia River; thence northerly approximately six and one-half miles along the Columbia River to the United States Department of Energy Hanford Site south boundary line; thence west approximately one mile and south approximately two and one-half miles along the south boundary line to the southeast corner of Section 27, T10N, R28E; thence west seven miles along section lines to the southwest corner of Section 27, T10N, R27E; thence north one mile along the section line to the northwest corner of Section 27, T10N, R27E; thence west four miles along section lines to the point of beginning.

(2) Area 2 restrictions.

(a) Application by air of restricted use pesticides as defined in WAC 16-230-810 is prohibited.

(b) The use or application of low volatile ester formulations of restricted use herbicides is prohibited: PROVIDED, That hormone sprays may be applied by aircraft to orchards for the prevention of fruit drop.

(c) On and after April 5 through October 31 of each year, applications of restricted use herbicides shall be prohibited daily from three hours prior to sunset until two hours after sunrise the following morning: PROVIDED, That applications of restricted use herbicides shall be exempt from the sunset and sunrise restrictions when using an application rate of forty gallons of water carrier or greater per treated acre at twenty pounds of pressure or less at the nozzle: PROVIDED FURTHER, That applications of granular and pellet formulations of the restricted use herbicides shall be exempt from the sunset and sunrise restrictions: PROVIDED FURTHER, That persons licensed to perform applications of restricted use herbicides on small experimental plots for research purposes shall be exempt from the sunset and sunrise restrictions.

AMENDATORY SECTION (Amending Order 2046, filed 6/29/90, effective 7/30/90)

WAC 16-230-845 APPLICATION OF PESTICIDES IN BENTON COUNTY AND PORTIONS OF FRANKLIN AND WALLA WALLA COUNTIES—AREA 3. (1) Area 3 description.

(a) Eastern Yakima Valley. An area including all lands lying within a boundary line beginning at the northwest corner of Section 19, T8N, R24E; thence east four miles along section lines to the southwest corner of Section 14, T8N, R24E; thence north one mile along the section line to the northwest corner of Section 14, T8N, R24E; thence east two miles along section lines to the southwest corner of Section 7, T8N, R25E; thence north one mile along the section line to the northwest corner of Section 7, T8N, R25E; thence east one mile along the section line to the southwest corner of Section 5, T8N, R25E; thence northeast approximately one and four-tenths of a mile diagonally across Section 5 to the

northeast corner of Section 5, T8N, R25E; thence east one mile along the section line to the southwest corner of Section 34, T9N, R25E; thence northeast approximately one and four-tenths of a mile diagonally across Section 34 to the northeast corner of Section 34, T9N, R25E; thence east two miles along section lines to the southwest corner of Section 30, T9N, R26E; thence north one mile along the section line to the northwest corner of Section 30, T9N, R26E; thence east one mile along the section line to the southwest corner of Section 20, T9N, R26E; thence northeast approximately one and four-tenths of a mile diagonally across Section 20 to the northeast corner of Section 20, T9N, R26E; thence east two miles along section lines to the northwest corner of Section 23, T9N, R26E; thence southeast approximately one and four-tenths of a mile diagonally across Section 23 to the southeast corner of Section 23, T9N, R26E; thence north six miles along section lines to the northwest corner of Section 25, T10N, R26E; thence west four miles along section lines to the northwest corner of Section 29, T10N, R26E; thence south one mile along the section line to the southwest corner of Section 29, T10N, R26E; thence west eleven miles along section lines to the southeast corner of Section 29, T10N, R24E; thence north one mile along the section line to the intersection with Anderson Road at the northeast corner of Section 29, T10N, R24E; thence west two miles along Anderson Road and section lines to the Benton-Yakima County line at the northwest corner of Section 30, T10N, R24E; thence south approximately eleven miles along the Benton-Yakima county line to the point of beginning.

(b) Cold Creek Area. An area including all lands lying within a boundary line beginning at the intersection of the Benton-Yakima County line and the Columbia River in Section 7, T13N, R24E; thence south approximately six and one-half miles along the Benton-Yakima County line to the southwest corner of Section 7, T12N, R24E; thence east five miles along section lines to the southeast corner of Section 11, T12N, R24E; thence north approximately seven miles along section lines to the Columbia River; thence west approximately five miles along the Columbia River to the point of beginning.

(c) Horse Heaven Hills southwest buffer zone. An area near Patterson starting at the southeast corner of Section 7, T5N, R26E following section lines north five miles to the northeast corner of Section 19, T6N, R26E; thence west two miles to the northwest corner of Section 24, T6N, R25E; thence south one-half mile along section line; thence west two miles to the common boundary of Sections 21 and 22, T6N, R25E; thence north one-half mile to the northeast corner of Section 21, T6N, R25E; thence west three miles to the northwest corner of Section 19, T6N, R25E; thence south three miles to the southwest corner of Section 31, T6N, R25E; thence east three miles to the southeast corner of Section 33, T6N, R25E; thence south three miles to the southeast corner of Section 16, T5N, R25E; thence west one mile to the northwest corner of Section 21, T5N, R25E; thence south one mile to the southwest corner of Section 21, T5N, R25E; thence east two miles to the southeast corner of Section 22, T5N, R25E; thence north one mile to

the northeast corner of Section 22, T5N, R25E; thence east two miles to the southeast corner of Section 13, T5N, R25E; thence north one mile to the northeast corner of Section 13, T5N, R25E; thence east one mile to the point of origin.

(2) Area 3 restrictions.

(a) Application by air of restricted use herbicides as defined in WAC 16-230-810 is prohibited.

(b) The use or application of low volatile ester formulations of restricted use herbicides is prohibited: PROVIDED, That hormone sprays may be applied by aircraft to orchards for the prevention of fruit drop.

(c) On and after April 5 through October 31 of each year, applications of restricted use herbicides shall be prohibited daily from three hours prior to sunset until two hours after sunrise the following morning: PROVIDED, That applications of restricted use herbicides shall be exempt from the sunset and sunrise restrictions when using an application rate of forty gallons of water carrier or greater per treated acre at twenty pounds of pressure or less at the nozzle: PROVIDED FURTHER, That applications of granular and pellet formulations of the restricted use herbicides shall be exempt from the sunset and sunrise restrictions: PROVIDED FURTHER, That persons licensed to perform applications of the restricted use herbicides on small experimental plots for research purposes shall be exempt from the sunset and sunrise restrictions.

AMENDATORY SECTION (Amending Order 2046, filed 6/29/90, effective 7/30/90)

WAC 16-230-850 APPLICATION OF PESTICIDES IN BENTON COUNTY AND PORTIONS OF FRANKLIN AND WALLA WALLA COUNTIES—AREA 4. (1) Area 4 description.

(a) Tri-cities northwest buffer zone. An area including all lands lying within a boundary line beginning at the northwest corner of Section 25, T10N, R26E; thence north two miles along section lines to the northwest corner of Section 13, T10N, R26E; thence east one mile along the section line to the northeast corner of Section 13, T10N, R26E; thence north approximately one-half mile along the section line to the United States Department of Energy Hanford Site south boundary line; thence easterly approximately ten miles and south approximately two and one-half miles along the south boundary line to the south section line of Section 27, T10N, R28E; thence west approximately six and three-fourths miles along section lines to the southwest corner of Section 27, T10N, R27E; thence north one mile along the section line to the northwest corner of Section 27, T10N, R27E; thence west four miles along section lines to the point of beginning.

(b) Tri-cities northeast buffer zone. An area including all lands lying within a boundary line beginning at the intersection of the Esquatzel Diversion Channel drain and the Columbia River; thence east along the Esquatzel Channel to its intersection with Road 68; thence southeasterly approximately one mile along Road 68 to its intersection with Fraser Drive near the northeast corner of Section 24, T10N, R28E; thence south approximately four miles along section lines and portions of Fraser

Drive and Dent Road to the southwest corner of Section 6, T9N, R29E; thence east approximately eight and one-half miles along section lines and a portion of Foster Wells Road to its intersection with the Bonneville Power Administration power line in Section 4, T9N, R30E; thence southeasterly approximately seven miles along the power line to its intersection with SR 124 in Section 32, T9N, R31E; thence easterly approximately two and one-half miles along SR 124 to the east section line of Section 34, T9N, R31E near the intersection of SR 124 and the Union Pacific Railroad; thence south approximately three miles along section lines to the southeast corner of Section 15, T8N, R31E; thence west approximately one-fourth mile along the section line to the Union Pacific Railroad; thence southerly approximately four and one-half miles along the railroad to its intersection with U.S. Highway 12 near the Boise Cascade paper mill; thence northwesterly along Highway 12 to its intersection with Interstate 182; thence westerly along I-182 to the west shoreline of the Columbia River; thence northerly approximately six and one-half miles along the Columbia River to the U.S. Department of Energy Hanford Site south boundary line in Section 14, T10N, R28E; thence east approximately one-half mile across the Columbia River to its east shoreline; thence northerly approximately one-half mile to the point of beginning.

(2) Area 4 restrictions.

(a) Application by air of restricted use pesticides as defined in WAC 16-230-810 may be made by written permit only.

(b) The use or application of low volatile ester formulations of restricted use herbicides is prohibited: PROVIDED, That hormone sprays may be applied by aircraft to orchards for the prevention of fruit drop.

(c) On and after April 5 through October 31 of each year all applications of restricted use herbicides shall be prohibited daily from three hours prior to sunset until two hours after sunrise the following morning: PROVIDED, That applications of restricted use herbicides shall be exempt from the sunset and sunrise restrictions when using an application rate of forty gallons of water carrier or greater per treated acre at twenty pounds of pressure or less at the nozzle: PROVIDED FURTHER, That applications of granular and pellet formulations of the restricted use herbicides shall be exempt from the sunset and sunrise restrictions: PROVIDED FURTHER, That persons licensed to perform applications of the restricted use herbicides on small experimental plots for research purposes shall be exempt from the sunset and sunrise restrictions.

AMENDATORY SECTION (Amending Order 2046, filed 6/29/90, effective 7/30/90)

WAC 16-230-855 APPLICATION OF PESTICIDES IN BENTON COUNTY AND PORTIONS OF FRANKLIN AND WALLA WALLA COUNTIES—AREA 5. (1) Area 5 description.

(a) Cold Creek buffer zone. An area including all lands lying within a boundary line beginning at the southwest corner of Section 7, T12N, R24E; thence east five miles along section lines to the southeast corner of Section 11, T12N, R24E; thence north approximately

seven miles along section lines to the Columbia River; thence easterly approximately two miles along the Columbia River to the east section line of Section 6, T13N, R25E, near the Vernita Bridge; thence south approximately eight and one-half miles along section lines to the southeast corner of Section 18, T12N, R25E; thence west seven miles along section lines to the Benton-Yakima County line at the southwest corner of Section 18, T12N, R24E; thence north one mile along the county line to the point of beginning.

(b) Roza buffer zone. An area including all lands lying within a boundary line beginning at the northwest corner of Section 25, T10N, R26E; thence west four miles along section lines to the northwest corner of Section 29, T10N, R26E; thence south one mile along the section line to the southwest corner of Section 29, T10N, R26E; thence west eleven miles along section lines to the southeast corner of Section 29, T10N, R24E; thence north one mile along the section line to the intersection with Anderson Road at the northeast corner of Section 29, T10N, R24E; thence west two miles along Anderson Road and section lines to the Benton-Yakima County line at the northwest corner of Section 30, T10N, R24E; thence north two miles along the county line to the northwest corner of Section 18, T10N, R24E; thence east four miles along section lines to the northeast corner of Section 15, T10N, R24E; thence south one mile along the section line to the southeast corner of Section 15, T10, R24E; thence east seven miles along section lines to the southwest corner of Section 13, T10N, R25E; thence north one mile along the section line to the northwest corner of Section 13, T10N, R25E; thence east six miles along section lines to the northwest corner of Section 13, T10N, R26E; thence south two miles along section lines to the point of beginning.

(c) Horse Heaven Hill southwest buffer zone. An area including all lands lying within a boundary line beginning at the northwest corner of Section 13, T6N, R24E; thence south five miles along section lines to the southwest corner of Section 1, T5N, R24E; thence east three miles along the section lines to the northeast corner of Section 8, T5N, R25E; thence south one mile along the section line to the southeast corner of Section 8, T5N, R25E; thence west one mile along the section line to the southwest corner of Section 8, T5N, R25E; thence south approximately five miles to the Washington Oregon border; thence northeasterly along the Washington Oregon border until its intersection with the eastern section line of Section 8, T5N, R26E; thence north approximately six miles along section lines to the northeast corner of Section 17, T6N, R26E; thence west nine miles to the point of beginning.

(2) Area 5 restrictions.

(a) Application by air of restricted use herbicides as defined by WAC 16-230-810 may be made by written permit only.

(b) The use or application of low volatile ester formulations of restricted use herbicides shall be prohibited on and after April 5 through October 31 of each year: PROVIDED, That hormone sprays may be applied by aircraft to orchards for the prevention of fruit drop.

(c) On and after April 5 through October 31 of each year all applications of restricted use herbicides shall be prohibited daily from three hours prior to sunset until two hours after sunrise the following morning: PROVIDED, That applications of restricted use herbicides shall be exempt from the sunset and sunrise restrictions when using an application rate of forty gallons of water carrier or greater per treated acre at twenty pounds of pressure or less at the nozzle: PROVIDED FURTHER, That applications of granular and pellet formulations of the restricted use herbicides shall be exempt from the sunset and sunrise restrictions: PROVIDED FURTHER, That persons licensed to perform applications of the restricted use herbicides on small experimental plots for research purposes shall be exempt from the sunset and sunrise restrictions.

AMENDATORY SECTION (Amending Order 2046, filed 6/29/90, effective 7/30/90)

WAC 16-230-860 APPLICATION OF PESTICIDES IN BENTON COUNTY AND PORTIONS OF FRANKLIN AND WALLA WALLA COUNTIES—AREA 6. (1) Area 6 description. All remaining lands in the area under order.

(2) Area 6 restrictions.

(a) The use or application of low volatile ester formulations of restricted use herbicides shall be prohibited on and after April 5 through October 31 of each year: PROVIDED, That hormone sprays may be applied by aircraft to orchards for the prevention of fruit drop.

(b) On and after April 5 through October 31 of each year all applications of restricted use herbicides shall be prohibited daily from three hours prior to sunset to sunrise the following morning: PROVIDED, That applications of restricted use herbicides shall be exempt from the sunset restrictions when using an application rate of forty gallons of water carrier or greater per treated acre at twenty pounds of pressure or less at the nozzle: PROVIDED FURTHER, That applications of granular and pellet formulations of the restricted use herbicides shall be exempt from the sunset restrictions: PROVIDED FURTHER, That persons licensed to perform applications of restricted use herbicides on small experimental plots for research purposes shall be exempt from the sunset restrictions.

(c) On and after April 5 through October 31 of each year, aerial applications of restricted use herbicides shall be prohibited daily from three hours prior to sunset until two hours after sunrise the following morning.

AMENDATORY SECTION (Amending Order 2046, filed 6/29/90, effective 7/30/90)

WAC 16-230-861 APPLICATION OF PESTICIDES IN BENTON COUNTY AND PORTIONS OF FRANKLIN AND WALLA WALLA COUNTIES—WIND CONDITIONS. The use or application of all herbicides and class 1 and 2 insecticides are prohibited in the area under order listed in WAC 16-230-800 when the mean sustained wind velocity is over ((twelve)) ten miles per hour throughout the year: PROVIDED, That applications shall be allowed in

higher velocity winds when an approved ground apparatus is used. Ground apparatus shall be approved by the department prior to application. Approval shall be based on research data: PROVIDED FURTHER, That applications of granular and pellet formulations of restricted use pesticides defined in WAC 16-230-810 as well as applications made to structures shall be exempt from the wind restrictions.

NEW SECTION

WAC 16-230-862 APPLICATION OF PESTICIDES IN BENTON COUNTY AND PORTIONS OF FRANKLIN AND WALLA WALLA COUNTIES—AREA 1A. (1) Area 1A description. All lands lying within a boundary line beginning at the northwest corner of Section 31, T8N, R24E; thence east two miles along section lines to the northwest corner of Section 33, T8N, R24E; thence north one mile along section lines to the northwest corner of Section 28, T8N, R24E; thence east seven miles along section lines to the northwest corner of Section 27, T8N, R25E; thence north two miles along section lines to the northwest corner of Section 15, T8N, R25E; thence east eight miles along section lines to the northwest corner of Section 13, T8N, R26E; thence south two miles along section lines to the northwest corner of Section 25, T8N, R26E; thence east two miles along section lines to the northwest corner of Section 29, T8N, R27E; thence south one mile along section lines to the northwest corner of Section 32, T8N, R27E; thence east three miles along section lines to the northwest corner of Section 35, T8N, R27E; thence south one mile along section lines to the northwest corner of Section 2, T7N, R27E; thence east one mile along section lines to the northwest corner of Section 1, T8N, R27E; thence south two miles along section lines to the northwest corner of Section 13, T7N, R27E; thence east four miles along section lines to the northwest corner of Section 15, T7N, R28E; thence south one mile along section lines to the northwest corner of Section 22, T7N, R28E; thence east ten miles along section lines to the northwest corner of Section 20, T7N, R30E; thence south two miles along section lines to the northwest corner of Section 32, T7N, R30E; thence east seven miles along section lines to the Columbia River in Section 29, T7N, R31E; thence north approximately three miles to the Kennewick Irrigation District (K.I.D.) Division Four Canal in Section 8, T7N, R31E; thence westerly along the K.I.D. Division Four Canal to the intersection with the K.I.D. Main Irrigation Canal at the Amon Pumping Station located in Section 7, T8N, R29E; thence westerly along the K.I.D. Main Irrigation Canal to its intersection with the east section line of Section 14, T9N, R26E; thence south approximately one mile along the section line to the northwest corner of Section 25, T9N, R26E; thence northwest approximately one and four tenths miles diagonally across Section 23 to the northwest corner of Section 23, T9N, R26E; thence west two miles along section lines to the northwest corner of Section 21, T9N, R26E; thence southwest approximately one and four tenths miles diagonally across Section 20 to the northwest corner of Section 29, T9N, R26E; thence west one mile along section lines to the northwest corner

of Section 30, T9N, R26E; thence south one mile along section lines to the northwest corner of Section 31, T9N, R26E; thence west two miles along section lines to the northwest corner of Section 35, T9N, R25E; thence southwest approximately one and four tenths miles diagonally across Section 34 to the northwest corner of Section 3, T8N, R25E; thence west one mile along section lines to the northwest corner of Section 4, T8N, R25E; thence southwest approximately one and four tenths miles diagonally across Section 5 to the northwest corner of Section 8, T8N, R25E; thence west one mile along section lines to the northwest corner of Section 7, T8N, R25E; thence south one mile along section lines to the northwest corner of Section 18, T8N, R25E; thence west two miles along section lines to the northwest corner of Section 14, T8N, R24E; thence south one mile along section lines to the northwest corner of Section 23, T8N, R24E; thence west four miles to the northwest corner of Section 19, T8N, R24E; thence south two miles along the county line to the point of beginning.

(2) Area 1A restrictions.

(a) Application by air of restricted use pesticides as defined in WAC 16-230-810 is prohibited: PROVIDED, That the department may issue written permits for application of insecticides not containing the signal words danger/poison on the label.

(b) The use or application of low volatile ester formulations of restricted use herbicides shall be prohibited on and after April 5 through October 31 of each year: PROVIDED, That hormone sprays may be applied by aircraft to orchards for the prevention of fruit drop.

(c) On and after April 5 through October 31 of each year, applications of restricted use herbicides shall be prohibited daily from three hours prior to sunset until two hours after sunrise the following morning: PROVIDED, That applications of restricted use herbicides shall be exempt from the sunset and sunrise restrictions when using an application rate of forty gallons of water carrier or greater per treated acre at twenty pounds of pressure or less at the nozzle: PROVIDED FURTHER, That applications of granular and pellet formulations of the restricted use herbicides shall be exempt from the sunset and sunrise restrictions: PROVIDED FURTHER, That persons licensed to perform applications of restricted use herbicides on small experimental plots for research purposes shall be exempt from the sunset and sunrise restrictions.

NEW SECTION

WAC 16-230-863 APPLICATION OF PESTICIDES IN BENTON COUNTY AND PORTIONS OF FRANKLIN AND WALLA WALLA COUNTIES—RESTRICTED USE HERBICIDES GROUND APPARATUS NOZZLE REQUIREMENTS. Ground applications of restricted use herbicides in the area under order listed in WAC 16-230-800 shall be made, throughout the year, using nozzles having a single orifice and minimum diameter of .052 inches or a LP 8002 nozzle. Pressure shall not exceed twenty-five pounds per square inch at the nozzle for .052 and other orifice openings and pressure shall not exceed fifteen pounds per square inch at the nozzle for LP 8002 or equivalent

nozzle. Pressure up to fifty pounds per square inch at the nozzle may be used for equipment with handguns and up to ninety pounds per square inch at the nozzle manifold for an inert system: PROVIDED, That the department may issue a permit for other nozzles and pressure combinations that are equal or better. Prior to issuing such permits, the request shall be reviewed by a scientific committee established by the director: PROVIDED FURTHER, That when Glyphosate is the only restricted use herbicide being used during an application for weed control in reduced tillage cropping any nozzles may be used that delivers at a minimum ten gallons of water carrier or greater per treated acre at a pressure not exceeding twenty-five pounds per square inch at the nozzle: PROVIDED FURTHER, That Glyphosate applications using a .052 nozzle at twenty-five pounds of pressure or less at the nozzle, and a LP 8002 nozzle at fifteen pounds of pressure or less at the nozzle shall be exempt from the ten-gallon minimum volume: PROVIDED FURTHER, That pressurized handsized household devices used to apply restricted use herbicides, or any equipment, device, or contrivance of which the person who is applying the pesticide is the source of power or energy in making such herbicide applications shall be exempt from nozzle requirements.

NEW SECTION

WAC 16-230-864 APPLICATION OF PESTICIDES IN BENTON COUNTY AND PORTIONS OF FRANKLIN AND WALLA WALLA COUNTIES—RESTRICTED USE HERBICIDES, AIRCRAFT BOOM LENGTH, PRESSURE, AND NOZZLE REQUIREMENTS. The aerial application of restricted use herbicides in the area under order listed in WAC 16-230-800 shall be made in accordance with the following requirements:

(1) The working boom length on fixed wing aircraft shall not exceed three-fourths of the wing span and the working boom length on a helicopter shall not exceed six-sevenths of the total rotor length where the rotor length exceeds forty feet.

(2) Pressure for aerial equipment shall not exceed twenty-five psi at the nozzles.

(3) Nozzles for aircraft:

(a) Fixed wing:

(i) Minimum nozzle orifice of .075 inches (no core plate) provided, that RD8 nozzles with orifice size of 0.125 inches and No. 46 core plates may be used. Nozzles shall be directed downward and backward one hundred seventy degrees or more from the direction of flight.

(ii) No flat fan nozzles shall be allowed.

(b) Helicopter:

(i) Minimum nozzle orifice of .063 inches (no core plate) provided, that RD8 nozzles with orifice size of .125 inches and core plate No. 46 may be used. Nozzles shall be directed downward and backward ninety degrees or more from the direction of flight.

(ii) No flat fan nozzles shall be allowed.

NEW SECTION

WAC 16-230-866 APPLICATION OF PESTICIDES IN BENTON COUNTY AND PORTIONS OF FRANKLIN AND WALLA WALLA COUNTIES—RESTRICTED USE HERBICIDES—TEMPERATURE CONDITIONS. All phenoxy compounds and Banvel shall not be applied when the temperature is above eighty-five degrees F. or above at the point of application: PROVIDED, That application at the rate of fifty gallons or more per acre using nozzles having a minimum orifice diameter of .072 inches shall be exempt from the eighty-five degrees F. temperature requirement: PROVIDED FURTHER, That when using the invert system, applications may continue up to ninety-five degrees F. with a maximum wind velocity of fifteen miles per hour and with water carrier at twelve or more gallons per acre.

NEW SECTION

WAC 16-230-868 APPLICATION OF PESTICIDES IN BENTON COUNTY AND PORTIONS OF FRANKLIN AND WALLA WALLA COUNTIES—RESTRICTED USE HERBICIDE WEATHER CONDITIONS. Restricted use herbicides shall not be applied throughout the year in the entire area under order when there is a temperature inversion present or weather conditions are such that damage could result to adjacent and nearby towns, susceptible crops, and plantings through physical drift or volatilization: PROVIDED, That applications of restricted use herbicides shall be exempt from the inversion requirements when using one hundred gallons or greater of water carrier per treated acre while using no greater than fifteen pounds of pressure per square inch at the nozzle.

NEW SECTION

WAC 16-230-870 OTHER RULES. Provisions of WAC 16-230-800 through 16-230-868 shall take precedence over all existing, less restrictive rules of the department affecting the application of pesticides in Benton, Franklin, or Walla Walla counties. No provision of WAC 16-230-800 through 16-230-868 shall be construed as relieving any requirement of existing rules except those in direct conflict.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-230-865 OTHER RULES.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 16-231-001 RESTRICTED USE HERBICIDES—BENTON COUNTY—AREA UNDER ORDER.

WAC 16-231-005 RESTRICTED USE HERBICIDES.

WAC 16-231-010 OIL-TYPE CARRIERS.

WAC 16-231-015 RESTRICTED USE HERBICIDES—BENTON COUNTY—AREA 1.

WAC 16-231-020 RESTRICTED USE HERBICIDES—BENTON COUNTY—AREA 2.

WAC 16-231-025 AREA 3.

WAC 16-231-030 RESTRICTED USE HERBICIDES—BENTON COUNTY—WIND CONDITIONS.

WSR 92-13-036

PERMANENT RULES

COUNTY ROAD

ADMINISTRATION BOARD

[Order 86—Filed June 10, 1992, 3:04 p.m.]

Date of Adoption: May 5, 1992.

Purpose: Clarification of responsibilities, administration, general operating practices and procedures of the County Road Administration Board, all within current statutes and in conformance with present practice.

Citation of Existing Rules Affected by this Order: Amending WAC 136-01-010, 136-01-020, and 136-01-030.

Statutory Authority for Adoption: RCW 36.78.050 and [36.78].060.

Pursuant to notice filed as WSR 92-08-068 on March 30, 1992.

Changes Other than Editing from Proposed to Adopted Version: Membership appointment and composition in WAC 136-01-010 deleted.

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

June 10, 1992

Vern E. Wagar

Executive Director

AMENDATORY SECTION (Amending Order 71, filed 3/21/90, effective 4/21/90)

WAC 136-01-010 PURPOSE AND MEMBERSHIP. The county road administration board is a nine member board, organized under the provision of RCW 36.78.010 through 36.78.110 (~~and 46.68.120~~) for the purpose of establishing and administering:

(1) Standards of good practice for county road administration within the (~~several~~) counties of the state;

(2) The rural arterial program established by chapter 36.79 RCW; and

(3) The county arterial preservation program established by RCW 46.68.095(4).

~~((The nine members of the board shall be appointed by the executive committee of the Washington state association of counties, and the composition of the board shall be six members of county legislative authorities and three county engineers. PROVIDED, That three members of the board shall be from Class AA, Class A, or 1st class counties, four members shall be from counties of the 2nd, 3rd, 4th or 5th class and two members shall be from counties of the following classes: 6th, 7th, 8th, or 9th class. PROVIDED FURTHER, That not more than one member of the board shall be from any one county:))~~

AMENDATORY SECTION (Amending Order 9, filed 10/22/68)

WAC 136-01-020 APPOINTMENT OF ((~~ADMINISTRATION ENGINEER~~)) EXECUTIVE DIRECTOR. The county road administration board shall appoint ~~((a county road administration engineer and the engineer shall be a licensed professional engineer with experience as a county engineer or as a chief assistant to a county engineer within the state of Washington and he))~~ an executive director who shall be the chief administrative officer of the board and shall be responsible for carrying out the policies adopted by the board. The executive director shall be exempt from the provisions of the state civil service law, and shall serve at the pleasure of the ~~((county road administration))~~ board.

AMENDATORY SECTION (Amending Order 71, filed 3/21/90, effective 4/21/90)

WAC 136-01-030 MEETINGS AND VOTING PROCEDURES. Regular public meetings of the county road administration board shall be held quarterly ~~((at the call of the chairman and the annual meeting shall be held during the first week in July of each year. Each such meeting shall be held at the offices of the county road administration board in Olympia, Washington, or at such other place in the state of Washington as designated by the board))~~, at times and locations set by the board. One of the quarterly meetings shall be the annual meeting, which shall be held at the time required by RCW 36.78.050, and at which the board shall elect a chairman and vice-chairman, who shall both hold office until the next annual meeting. Additional ~~((public))~~ meetings necessary to discharge the business of the board may be called from time to time by the chairman. Each member of the board shall be entitled to one vote. No proxies shall be allowed. All questions shall be decided by majority vote. A quorum of five members of the board shall be required to vote or conduct any board business.

WSR 92-13-037

PERMANENT RULES

COUNTY ROAD

ADMINISTRATION BOARD

[Order 87—Filed June 10, 1992, 3:06 p.m.]

Date of Adoption: May 5, 1992.

Purpose: Brings agency into compliance with statutes related to availability of public records.

Statutory Authority for Adoption: RCW 36.78.070.

Other Authority: RCW 42.17.250 through [42.17].340.

Pursuant to notice filed as WSR 92-08-069 on March 30, 1992.

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

June 10, 1992

Vern E. Wagar

Executive Director

Chapter 136-03 WAC
PUBLIC ACCESS TO INFORMATION AND RE-
CORDS

NEW SECTION

WAC 136-03-010 PURPOSE. The purpose of this chapter is to establish rules for compliance by the Washington county road administration board (CRABoard) with the provisions of RCW 42.17.250 through 42.17.340 dealing with public records. This chapter describes the CRABoard and the places at which, the employees from whom, and the methods whereby persons may obtain information, make submittals or requests, or obtain copies of agency decisions. Other chapters in Title 136 WAC describe the general course and method of the CRABoard's operations and the nature and requirements of all of its formal and informal procedures. For a description of the CRABoard's organization, see chapter 136-01 WAC.

NEW SECTION

WAC 136-03-020 PUBLIC RECORDS OFFICER. The CRABoard's public records officer shall be the confidential secretary to the CRABoard. The public records officer shall be officed at 2404 Chandler Ct. S.W., Suite 240, Olympia, Washington. The public records officer shall be responsible for:

- (1) Implementation of RCW 42.17.250 through 42.17.340 and these rules and regulations regarding release of public records;
- (2) Coordinating staff efforts of the CRABoard in this regard; and
- (3) Ensuring compliance of the CRAB staff with RCW 42.17.250 through 42.17.340 and these regulations.

The public records officer shall establish and maintain the index system required by RCW 42.17.260(4).

NEW SECTION

WAC 136-03-030 PUBLIC RECORDS AVAILABLE. All public records of the CRABoard not exempted by RCW 42.17.310, or other statute which exempts or prohibits disclosure (see RCW 47.17.260(1)), shall be available for public inspection and copying pursuant to these rules.

NEW SECTION

WAC 136-03-040 REQUESTS FOR PUBLIC RECORDS. Public records of the CRABoard shall be obtainable by persons who comply with the following procedures:

- (1) A written or oral request for public records shall be addressed to the public records officer. Such request shall include the following:
 - (a) The name of the person requesting the records (requestor).
 - (b) The calendar date on which the request was made.
 - (c) If the requested records are referenced in the current index maintained by the CRABoard, a reference to

the requested record as it is described in such current index.

(d) If the requested records are not referenced in the CRABoard's current index, a statement that identifies the specific records requested.

(e) Where the requested records might be used for such a purpose, a verification that the records requested shall not be used to compile a commercial sales list.

(2) The public records officer shall inform the requestor whether and when the requested records will be available for inspection or copying at 2404 Chandler Ct. S.W., Suite 240, Olympia, Washington. If the requestor asks that the records be mailed to him or her, the public records officer shall do so, provided the records can be copied and sent without unreasonably disrupting the operations of the CRABoard, as provided in RCW 42.17.270.

(3) When it appears that a request for a record is made by or on behalf of a party to a lawsuit or a controversy to which the CRABoard is also a party (or when such a request is made by or on behalf of an attorney for such a party) the request shall be referred to the assistant attorney general assigned to the CRABoard for appropriate response.

NEW SECTION

WAC 136-03-050 AVAILABILITY FOR PUBLIC INSPECTION AND COPYING OF PUBLIC RECORDS—OFFICE HOURS. Public records shall be available for inspection and copying during the normal business hours of the CRABoard. For the purposes of this chapter, these normal business hours shall be from 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding legal holidays.

NEW SECTION

WAC 136-03-060 INSPECTION AND COPYING COSTS. (1) No fee shall be charged for inspection of public records.

(2) The CRABoard shall impose a reasonable charge for providing copies of public records and for the use by any person of agency equipment to copy records; such charges shall not exceed the amount necessary to reimburse the CRABoard for its actual costs incident to such copying. Actual costs shall include:

- (a) The labor and overhead costs of staff associated with responding to the request;
- (b) Computer and/or copying machine costs and overhead; and
- (c) Paper and/or other duplicating medium costs.

NEW SECTION

WAC 136-03-070 PROTECTION OF PUBLIC RECORDS. In order to protect the CRABoard's records from damage or disorganization:

- (1) Copying of public documents shall be done by CRABoard personnel or, in the discretion of the CRABoard, under their supervision.
- (2) No document shall be physically removed by a requestor from the area designated by the CRABoard for the public inspection of documents. The CRABoard may

require that all inspection be done in the presence of a CRABoard employee.

(3) When a requestor requests to examine an entire file or group of documents, as distinguished from certain individual documents which can be identified and supplied by themselves, the CRABoard shall be allowed a reasonable time to inspect the file to determine whether information protected from disclosure is contained therein, and the CRABoard shall not be deemed in violation of its obligation to reply promptly to requests for public documents by reason of performing such inspection.

NEW SECTION

WAC 136-03-080 DENIAL OF REQUEST. Each denial of a request for a public record shall be accompanied by a written statement to the requestor clearly specifying the reasons for denial, including a statement of the specific exemption authorizing the withholding of the record, and a brief explanation of how the exemption applies to the record withheld. Such statement shall be sufficiently clear and complete to permit the director or his or her designee to review the denial in accordance with WAC 136-03-090.

NEW SECTION

WAC 136-03-090 REVIEW OF DENIAL OF PUBLIC RECORDS REQUEST. (1) Any person who objects to the denial of a request for a public record may petition the public records officer for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement by the public records officer or other staff member which constituted or accompanied the denial.

(2) If the public records officer decides to affirm the denial, then the written request for review shall immediately be referred to the assistant attorney general assigned to the CRABoard. The assistant attorney general shall promptly consider the matter and either affirm or reverse such denial. In any case, the request shall be returned with a final decision within two business days following the original denial.

(3) Administrative remedies shall not be considered exhausted until the public records officer has returned the petition with a decision or until the close of the second business day following denial of inspection, whichever occurs first.

NEW SECTION

WAC 136-03-100 RECORDS INDEX. (1) The CRABoard shall have available to all persons at its offices in Olympia a current index which provides identifying information as to the following records:

(a) All records issued before July 1, 1990, for which the CRABoard has maintained an index;

(b) Final orders entered after June 30, 1990, that are issued in adjudicative proceedings as defined in RCW 34.05.010(1) and that contain an analysis or decision of substantial importance to the CRABoard in carrying out its duties;

(c) Declaratory orders entered after June 30, 1990, that are issued pursuant to RCW 34.05.240 and that contain an analysis or decision of substantial importance to the CRABoard in carrying out its duties;

(d) Interpretive statements as defined in RCW 34.05.010(8) that were entered after June 30, 1990;

(e) Policy statements as defined in RCW 34.05.010(14) that were entered after June 30, 1990; and

(f) Minutes of CRABoard meetings.

(2) The system of indexing shall be as follows:

(a) The indexing system shall be administered by the CRABoard's public records officer and shall be located at 2404 Chandler Ct., S.W., Suite 240, Olympia, Washington.

(b) Copies of all indexes shall be available for public inspection and copying in the manner provided for the inspection and copying of public records.

(c) The public records officer shall establish and maintain a separate index for each item contained in subsection (1)(a) through (f) of this section as follows:

(i) All final orders and declaratory orders determined by the CRABoard to contain analyses or decisions of substantial importance to the CRABoard shall be listed alphabetically by the titles of the hearing or controversy and shall contain a phrase describing the important issue or issues.

(ii) Interpretative statements and policy statements shall be indexed by the applicable program administered by the CRABoard.

(iii) CRABoard minutes shall be indexed chronologically.

(d) The public records officer shall update all indexes at least once a year and shall revise such indexes when deemed necessary by the CRABoard.

NEW SECTION

WAC 136-03-110 AVAILABILITY. The current indexes promulgated by the CRABoard shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection.

WSR 92-13-038

PERMANENT RULES

COUNTY ROAD

ADMINISTRATION BOARD

[Order 88—Filed June 10, 1992, 3:08 p.m.]

Date of Adoption: May 5, 1992.

Purpose: Modifies rural arterial program administrative rules regarding project limits, maximum rating points, consideration of bridge and gravel road projects, use of local significance ratings and revises maximum biennial apportionments.

Citation of Existing Rules Affected by this Order: Amending WAC 136-130-030 through 136-130-070.

Statutory Authority for Adoption: RCW 36.79.060.

Pursuant to notice filed as WSR 92-08-070 on March 30, 1992.

Changes Other than Editing from Proposed to Adopted Version: 1% added to each county's apportionment in southeast region; gravel road rating points in southwest region amended.

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

June 10, 1992

Vern E. Wagar

Executive Director

AMENDATORY SECTION (Amending Order 82, filed 11/6/90, effective 12/7/90)

WAC 136-130-030 PROJECT PRIORITIZATION IN PUGET SOUND REGION (PSR). Each county in the PSR may submit projects requesting RATA funds not to exceed (~~(\$400,000)~~) \$500,000 per project. Each project shall be rated in accordance with the PSR RAP rating procedures. PSR RAP rating points shall be assigned on the basis of (~~(50)~~) 20 points for traffic volume, (~~(50)~~) 25 points for accident history, (~~(45)~~) 15 points for structural condition, (~~(45)~~) 25 points for geometric condition, and (~~(10)~~) 15 points for special use and need. Prioritization of PSR projects shall be on the basis of total PSR RAP rating points shown on the project worksheet and the prospectus form of the project application.

AMENDATORY SECTION (Amending Order 82, filed 11/6/90, effective 12/7/90)

WAC 136-130-050 PROJECT PRIORITIZATION IN NORTHEAST REGION (NER). Each county in the NER may submit projects requesting RATA funds not to exceed (~~(30%)~~) 25% of the NER biennial apportionment. Each project shall be rated in accordance with the NER RAP rating procedures. The NER biennial apportionment shall be divided into the following categories at the percentages shown, provided sufficient projects are submitted for prioritization in each category:

- Category 1 - 10% for bridge projects where RATA funds are used as a match for federal bridge replacement funds;
- Category 2 - 45% for reconstruction of rural collectors; and
- Category 3 - 45% for resurfacing, restoration, rehabilitation (3R) type projects of rural collectors.

In the event that no projects or an insufficient number of projects are submitted in any of the above categories to utilize the RATA funds set aside for the category, all remaining funds in that category or categories shall be divided among the remaining categories as the CRABoard deems appropriate. The intent is to divide all available funds into categories having a sufficient number of submitted projects to fully utilize the funds available at each allocation during the biennium.

Bridge projects may be submitted requesting RATA funds under one of the following conditions:

1. Bridges must be approved for federal bridge replacement funding and RATA funds shall be used only as a match for such federal funding. Bridges will be

ranked for RATA funding using the WSDOT priority list and may be added to the NER Category 1 priority array at any time during the biennium upon approval of the Bridge for Federal(~~(=)~~)Bridge replacement funding.

2. A stand-alone bridge project may be submitted as an ordinary RAP project provided that its priority rating has been computed by the bridge rating method in the NER RAP rating procedures. Such projects shall not be considered for funding from the bridge reserve described above.

3. A RAP project may include a bridge when the cost of the bridge does not exceed 20% of the total project cost.

NER RAP rating points for reconstruction projects, 3R projects or non-federal bridge replacement projects shall be assigned on the basis of 100 points for a condition rating and 50 points for a service rating. The priority rating equals the sum of two and one half times the product of the service rating to the 1.25 power and the common logarithm of the number obtained by dividing 100 by the condition rating. A total of 10 points representing local significance may be added to one project included in each county's biennial submittal. Prioritization of NER projects shall be on the basis of total NER RAP rating points shown on the appropriate project worksheet and the prospectus form of the project application.

AMENDATORY SECTION (Amending Order 82, filed 11/6/90, effective 12/7/90)

WAC 136-130-060 PROJECT PRIORITIZATION IN SOUTHEAST REGION (SER). Each county in the SER may submit projects requesting RATA funds not to exceed (~~(30%)~~) twice the per county (of the SER biennial apportionment. Each project shall be rated in accordance with the SER RAP rating procedures. 10% of the SER biennial apportionment shall be reserved for stand-alone bridge projects. Whatever part of the bridge reserve that is not allocated to bridge projects shall be available for allocation to other RAP projects. SER RAP rating points shall be assigned on the basis of 40 points for structural condition, 30 points for geometrics, 20 points for traffic volume and 10 points for traffic accidents.) percent limit of the SER biennial apportionment which is listed as follows:

Asotin County	10%
Benton County	14%
Columbia County	11%
Franklin County	13%
Garfield County	10%
Kittitas County	13%
Klickitat County	14%
Walla Walla County	14%
Yakima County	20%

Each project shall be rated in accordance with the SER RAP rating procedures. 10% of the SER biennial apportionment shall be reserved for bridge projects. Federally funded bridges for which counties are seeking matching funds shall receive first consideration for these funds, ranked against each other according to the

WSDOT priority array. Bridges receiving federal funding may be added to this list at any time during the biennium. Other stand-alone bridges may compete for funds in this reserve that remain after all bridges seeking match for federal funds have been funded. These bridges will be rated against each other according to their State of Washington Inventory of Bridges and Structures (SWIBS) ratings. Whatever part of the bridge reserve that is not allocated to bridge projects shall be available for allocation to other RAP projects. SER RAP rating points shall be assigned on the basis of 45 points for structural condition, 30 points for geometrics, 20 points for traffic volume, 5 points for traffic accidents. A total of 10 points representing local significance may be added to one project in each county's biennial submittal. Prioritization of SER projects shall be on the basis of total SER RAP rating points shown on the project worksheet and the prospectus form of the project application.

AMENDATORY SECTION (Amending Order 82, filed 11/6/90, effective 12/7/90)

WAC 136-130-070 PROJECT PRIORITIZATION IN SOUTHWEST REGION (SWR). Each county in the SWR may submit projects requesting RATA funds not to exceed 30% of the SWR biennial apportionment. No bridge replacement projects will be funded. Each project shall be rated in accordance with the SWR RAP rating procedures. SWR RAP rating points shall be assigned on the basis of 50 road condition points, consisting of 25 points for structural condition(;) and 25 points for ((road)) surface condition, 30 points for geometrics, 10 points for traffic volume and 10 points for traffic accidents, except that Portland cement surfaces and asphalt surfaces with cement concrete bases shall have 50 points for road surface condition and no points for structural condition and except that gravel roads shall have 35 points maximum for surface condition, and 15 points maximum for roadbed width in geometrics and no other geometric points. Prioritization of SWR projects shall be on the basis of total SWR RAP rating points shown on the project worksheets and the prospectus form of the application. ((Amended 2-13-86))

WSR 92-13-039
PERMANENT RULES
COUNTY ROAD
ADMINISTRATION BOARD
 [Order 89—Filed June 10, 1992, 3:09 p.m.]

Date of Adoption: May 5, 1992.

Purpose: Modifies rural arterial program administrative rules regarding county allocation limits, inclusion of right-of-way acquisition and preliminary engineering cost eligibility.

Citation of Existing Rules Affected by this Order: Amending WAC 136-160-050 and 136-160-060.

Statutory Authority for Adoption: RCW 36.79.060.

Pursuant to notice filed as WSR 92-08-071 on March 30, 1992.

Changes Other than Editing from Proposed to Adopted Version: 1% added to each county's apportionment in southeast region.

Effective Date of Rule: Thirty-one days after filing.
 June 10, 1992
 Vern E. Wagar
 Executive Director

AMENDATORY SECTION (Amending Order 82, filed 11/6/90, effective 12/7/90)

WAC 136-160-050 PROJECT APPROVAL AND RATA FUND ALLOCATION. The CRABoard will meet as soon as feasible after the passage of each biennial budget by the Legislature to approve RAP projects and allocate RATA funds. RAP projects shall be approved by region in order of their regional priority and RATA funds shall be allocated up to a cumulative dollar amount no greater than 90% of the RATA construction appropriation included in the biennial budget; provided, however, that no county shall receive a total RATA fund allocation greater than the following ((amounts in the respective regions. NWR, 20% of the regional apportionment; NER, 15% of the regional apportionment; SER, 15% of the regional apportionment)) percentages of the regional apportionment in the respective regions; NWR, 20%; NER, 12.5%; SER, as follows:

Asotin County	10%
Benton County	14%
Columbia County	11%
Franklin County	13%
Garfield County	10%
Kittitas County	13%
Klickitat County	14%
Walla Walla County	14%
Yakima County	20%

and SWR, 15% of the regional apportionment. The remaining construction appropriation may be allocated to approved projects later in the biennium at a time deemed appropriate by the CRABoard.

AMENDATORY SECTION (Amending Order 82, filed 11/6/90, effective 12/7/90)

WAC 136-160-060 LIMITATION ON USE OF RATA FUNDS. The RATA funds requested in the project application are intended to reimburse a county for 80% of its RAP construction costs up to the amount of the CRAB/country contract in the PSR and NWR and 90% in the SWR, NER and SER. RATA funds may be used to reimburse a county for 80% of its RAP project preliminary engineering costs in the PSR and 90% in the NER and SER. RATA funds may be used ((for right-of-way acquisition in the SER only and be reimbursed at 90%)) to reimburse a county for 80% of its project right of way costs in the PSR, and 90% of project right of way costs in both the NER and the SER.

WSR 92-13-040
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 92-38—Filed June 10, 1992, 4:01 p.m.]

Date of Adoption: June 10, 1992.
Purpose: Commercial fishing regulations.
Citation of Existing Rules Affected by this Order:
Amending WAC 220-16-015 and 220-52-051.
Statutory Authority for Adoption: RCW 75.08.080.
Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
Reasons for this Finding: These rules clarify the definition of beam trawl in order to comply with the legislative intent to close certain areas to bottom trawl, and correct a scrivener's error that referred to a trawl closure in an inappropriate WAC chapter. These two changes are being proposed for permanent rule status.
Effective Date of Rule: Immediately.

June 10, 1992
Helen Small
for Joseph R. Blum
Director

NEW SECTION

WAC 220-16-01500A **TRAWL DEFINITIONS.**
Notwithstanding the provisions of WAC 220-16-015, effective 12:01 a.m., June 15, 1992, until further notice "beam trawl" shall be defined as a type of bottom trawl, consisting of a bag shaped net not using weighted otter frames or otter doors when operated.

NEW SECTION

WAC 220-52-05100M **COMMERCIAL SHRIMP.** Notwithstanding the provisions of WAC 220-52-051, effective immediately until further notice it is unlawful to trawl for shrimp in waters closed to trawl fishing in WAC 220-48-015.

WSR 92-13-041
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed June 10, 1992, 4:25 p.m.]

Original Notice.
Title of Rule: WAC 388-42-020 Funeral and interment assistance—Definitions, 388-42-025 Available services, 388-42-030 General eligibility, and 388-42-150 Maximum cost standards.
Purpose: Separate and define "transportation" as a category of service. Establish a donation level. Incorporate a 2% vendor rate increase which becomes effective July 1, 1992.

Statutory Authority for Adoption: RCW 74.08.120.
Statute Being Implemented: RCW 74.08.120.
Summary: This issuance will separate out the definition of "transportation," revise and provide for limited donations for implementation on June 11, as indicated in SB [SHB] 2874, and increase the standards for vendor payments by 2% effective July 1, 1992.
Reasons Supporting Proposal: RCW 68.50.160 and 74.08.120, directly regulates the funeral/interment program, were amended by passage of SHB 2874 into law, effective June 11, 1992. In addition, there is a 2% vendor rate increase scheduled for July 1, 1992.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Kay Hanvey, Division of Income Assistance, 438-8316.
Name of Proponent: Department of Social and Health Services, governmental.
Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.
Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.
Hearing Location: OB-2 Auditorium, 12th and Franklin, Olympia, Washington, on July 21, 1992, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Mailstop 5805, Department of Social and Health Services, Olympia, 98504, TELEFAX 664-0118 or SCAN 366-0118, by July 21, 1992.
Date of Intended Adoption: July 23, 1992.
June 10, 1992
Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2100, filed 5/22/84, effective 7/1/84)

- WAC 388-42-020 **FUNERAL AND INTERMENT ASSISTANCE—DEFINITIONS.** (1) "Funeral" means the proper preparation, (~~transportation within the local service area,~~) care, and (~~disposition~~) preservation of the remains of a deceased person with needed facilities and appropriate memorial services.
(2) "~~(Interment—means)~~ Disposition of the remains" means disposal of the remains of a deceased person by burial or cremation, and marking of the grave or repository of the cremated remains.
(3) "Local service area" means the state of Washington.
(4) "Mortuary services" means the services provided by the funeral director and the mortuary.
(5) "Funeral/memorial service" means a service facilitated by the funeral director to commemorate the deceased, whether held at the mortuary, in a church, or at the graveside.
(6) "Burial services" means all services related to burial and marking of a grave.
(7) "Cremation services" means all services related to cremating the remains of the deceased, disposing of the remains, and the customary memorial marking of the repository of the cremated remains.
(8) "Transportation" means the transport of a body from the place of death to the mortuary and to the site of disposition within the local service area.

AMENDATORY SECTION (Amending Order 2100, filed 5/22/84, effective 7/1/84)

- WAC 388-42-025 **AVAILABLE SERVICES.** (1) Mortuary services.
(a) Essential services shall include:

- ~~(i)~~ ~~(Transportation of the body from place of death to mortuary;~~
- ~~(ii)~~ Preparation and care of the remains of the deceased for disposition by cremation or burial;
- ~~(iii)~~ Preparation and filing of death certificate and permits;
- ~~(iv)~~ A casket or container of sufficient durability to transport the remains to a crematorium or cemetery;
- ~~(v)~~ Transportation of the remains to the crematorium or cemetery; and
- ~~(vi)~~ ~~(iv)~~ Refrigeration or embalming.
- (b) Funeral/memorial services shall include the use of:
 - ~~(i)~~ ~~(Use of)~~ The funeral director's staff and facilities for a funeral/memorial service; and
 - ~~(ii)~~ ~~(Use of)~~ Reposing rooms, chapel, casket coach, and one car for family of the deceased.
- (2) Transportation services shall include:
 - (a) Transportation of the body from the place of death to the mortuary; and
 - (b) Remains from the mortuary to the place of disposition.
 - (3) Burial services. Interment shall be by burial or cremation.
 - (a) Burial only shall include:
 - (i) Minimum grave marker;
 - (ii) Grave liner if required; and
 - (iii) Interment and recording.
 - (b) Burial ~~(services may)~~ with plot shall also include burial plot and endowed care if not previously provided or purchased.
 - ~~(4)~~ (4) Cremation services.
 - (a) Cremation only shall include:
 - (i) Cremation; and
 - (ii) A container of a substantial material.
 - (b) Cremation and disposition shall also include:
 - (i) Space for disposition of the remains in a cemetery or columbarium;
 - (ii) Disposition of the remains; and
 - (iii) Minimum marker.

AMENDATORY SECTION (Amending Order 2100, filed 5/22/84, effective 7/1/84)

WAC 388-42-030 GENERAL ELIGIBILITY. (1) ~~(Pursuant to)~~ Under RCW 74.08.120, the department may use public assistance funds ~~(may be used)~~ to pay for the funeral expenses of a deceased person to the extent his or her estate and available resources (including resources of surviving spouse and dependent children, contributions from relatives, friends, or other sources) are not wholly sufficient to defray the funeral expenses according to department policies and standards in this chapter.

(2) The department's legal responsibility for a deceased person does not extend beyond the responsibility of providing funds to meet the funeral expenses. ~~(In no case does)~~ The department shall not authorize the funeral, burial, cremation, or other disposition of a deceased person. Such authority is vested by statute in other individuals, including the county commissioner in the case of an unclaimed body.

(3) ~~(Neither)~~ The department shall not pay for a deceased person's funeral, ~~(nor)~~ cemetery, ~~(nor)~~ or crematorium costs ~~(shall be paid by the department)~~ when:

(a) Charges for these services exceed the maximum standards in this chapter ~~(:);~~ or

(b) The funeral, burial, or cremation takes place outside the state of Washington ~~(-However, exception to)~~ except for out-of-state ~~(payment rule is made for)~~ funerals ~~(in areas)~~ in bordering states which are normal trade areas of a border area of this state.

(4) The department shall consider all assets of the deceased ~~(are considered)~~ available for funeral expenses, except as provided for in this chapter.

(5) Payment for any funeral or interment services made by relatives, friends, or any third party except as provided for in this chapter shall be deducted from the department's standards.

(6) Donations. The department shall treat donations as follows:

(a) Donated flowers, music, and ministerial services shall not be deducted from department standards. However, if these services are provided by the funeral director, they are considered part of the mortuary services and their cost must be included toward the department standard;

(b) The department shall not deduct donations/payments to a funeral/interment vendor for pass-through items (items billed through and paid by a vendor for which there is no financial gain to the vendor) from the department payment standard, provided the pass-through donation/payment is:

- (i) For any items allowed as direct donation ((a) above);
- (ii) For items not included, either partially or in total, for the program;
- (iii) More efficient or takes advantage of discounts provided/available through the vendor;
- (iv) For items which are not an enhancement and do not act as an upgrade to the minimum standard service;
- (v) Limited to a combined maximum of five hundred dollars.
- (c) Payment/donation paid directly to the funeral home/mortuary; to a maximum of twenty-five dollars, shall be allowed for providing memorial cards for a funeral/memorial service.

(7) Payment for a funeral/memorial service shall be made only upon request of a relative or friend of the deceased wishing to have a funeral/memorial service and planning to attend. The funeral director and his or her representatives or associates are precluded from applying for a funeral/memorial service.

(8) Persons applying for funeral and interment assistance shall be required, except for a Veterans' Administration or railroad retirement board death benefit, to apply for any death benefits to which the deceased may be entitled from other public or private agencies or organization.

AMENDATORY SECTION (Amending Order 3142, filed 2/21/91, effective 3/24/91)

WAC 388-42-150 MAXIMUM COST STANDARDS.

- (1) Mortuary services—Actual costs, but not to exceed:
 - (a) Essential services and transportation only \$ 286
 - (b) Essential services and transportation plus funeral/memorial service \$ 657
- (2) Burial services—Actual costs, but not to exceed:
 - (a) Burial only, no plot included \$ 358
 - (b) Burial with plot included, single or multiple interment \$ 414
- (3) Cremation services—Actual costs, but not to exceed:
 - (a) Cremation only \$ 169
 - (b) Cremation and disposition \$ 254
- (4) These standards include all applicable taxes.
- (5) ~~(These)~~ The standards listed in subsections (1), (2), (3), and (4) of this section shall be effective January 1, 1991 through June 30, 1992.
- (6) Mortuary services—Actual costs, but not to exceed:
 - (a) Essential services and transportation only \$ 292
 - (b) Essential services and transportation plus funeral/memorial service \$ 70
- (7) Burial services—Actual costs, but not to exceed:
 - (a) Burial only, no plot included \$ 365
 - (b) Burial with plot included, single or multiple interment \$ 422
- (8) Cremation services—Actual costs, but not to exceed:
 - (a) Cremation only \$ 172
 - (b) Cremation and disposition \$ 259
- (9) These standards include all applicable taxes.
- (10) The standards listed in subsections (6), (7), (8), and (9) of this section shall be effective July 1, 1992.

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.

WSR 92-13-042
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed June 10, 1992, 4:27 p.m.]

Original Notice.

Title of Rule: WAC 388-96-026 Projected budget for new contractors, 388-96-032 Termination of contract, 388-96-101 Reports, 388-96-110 Improperly completed or late reports, 388-96-113 Completing reports and maintaining records, 388-96-505 Offset of miscellaneous revenues, 388-96-710 Prospective reimbursement rate for new contractors, 388-96-716 Cost areas, 388-96-722 Nursing services cost area rate, 388-96-763 Rates for recipients requiring exceptionally heavy care, and 388-96-745 Property cost area reimbursement rate.

Purpose: It is important to have the changes and clarifications described below in place prior to July 1, 1992, when the new state fiscal year begins and new prospective rates are calculated. Consequently, the amendments are sought on an emergency as well as on a permanent basis. WAC 388-96-026 Projected budget for new contractors, the purpose is to eliminate from "new contractor" status those nursing Medicaid facilities which expand or renovate the physical plant after obtaining certificate of need approval. The cost of capital improvements may be currently funded under existing regulatory authority without the use of new contractor rate setting procedures. Also the rate will not be frozen until six months' of cost report data is received, which is required by statute for "new contractor" rates, and the provider will be able to rebase on July 1 along with other providers; WAC 388-96-032 Termination of contract, the changes are made under the department's general rule-making authority to carry out one of the policies and purposes of chapter 74.46 RCW, namely, that contractors adequately secure and refund Medicaid overpayments. Recently certain Medicaid nursing care providers have terminated their contracts and left substantial unsecured overpayment obligations, making recovery difficult if not impossible. The department's authority to obtain adequate security for recovery of Medicaid settlement overpayments (determined by comparison of rates paid to costs incurred in a calendar year) is enhanced. Under the changes proposed: Parties related by ownership or control to the contractor are made (with the contractor) jointly and severally liable to the department for unsecured overpayments; the department can reach by lien in the absence of adequate security those assets legally belonging to parties related by ownership or control to the Medicaid contractor; and the department will be able to demand security, and withhold contract payments and file liens in the absence of security, if overpayments reach or exceed \$50,000 in the course of a provider's contractual performance, regardless of whether the contractor intends to terminate Medicaid care. Authority exists now to withhold current Medicaid contract payments, in the absence of security, for the final 60 days of operation prior to contract termination. Factors which render the current authority inadequate in some instances are: Related-party incorporations and transactions which strip assets from the contracting entity; failure to give adequate notice of contract termination; and sometimes the magnitude of overpayment owed the department is simply too large to get adequate security within sixty days prior to contract termination. RCW 74.46.800 obligates the department to "adopt, promulgate, amend, and rescind such administrative

rules as are necessary to carry out the policies and purposes of this chapter." An obvious policy or purpose of chapter 74.46 RCW is to recover Medicaid provider overpayments. (RCW 74.46.180) Another is to obtain adequate security to insure overpayment recovery. (RCW 74.46.690) Consequently, the department is authorized to enhance its authority to recover these overpayments. Overpayments is achieved in as many cases as possible; WAC 388-96-101 Reports, the purpose is to clarify that cost reports must not only be timely submitted but must be fully completed as submitted; WAC 388-96-110 Improperly completed or late reports, the purpose is to clarify that all informational schedules submitted in connection with a cost report must be fully completed. Also, the department is granted express authority to withhold a provider's new rate if that provider's resident debility information (which is needed to help calculate Medicaid rates) is not transmitted to the department in accordance with the established uniform format and procedures; WAC 388-96-113 Completing reports and maintaining records, the purpose is to clarify that each schedule within a cost report must be legible and reproducible; WAC 388-96-505 Offset of miscellaneous revenues, provides that financial benefits such as purchase discounts and rebates shall be offset against allowable costs during the year they are actually received by the contractor; WAC 388-96-710 Prospective reimbursement rate for new contractors, the purposes are to clarify and modify procedures for new contractor rate setting as follows: It is clarified the specific rate setting provisions in 710 control rate-setting for new contractors; it is clarified new facilities going into operation for the first time are not simply those with a new building—they must be new operations also, that is, have a new resident population and new staff; obsolete reference to skilled and intermediate care licenses is removed; references to contractors constructing expansions or renovations is removed since they will no longer be considered new contractors; WAC 388-96-716 Cost areas, obsolete reference to the enhancement cost center is removed; WAC 388-96-722 Nursing services cost area rate, reference to "Batelle" debility score is eliminated to clarify the department has flexibility to calculate debility, on a consistent basis, using a Batelle or other methodology. It is clarified the regression used to determine providers' average resident debilities shall be calculated every two years. It is provided that initial patient assessments shall no longer be completed by the department, ordinarily, but will be transmitted to the department in accordance with minimum data set format and instruction, subject to department audit or further investigation; WAC 388-96-745 Property cost area reimbursement rate, specific limits on new construction for purposes of reimbursement are updated and procedures for calculating those limits are clarified; and WAC 388-96-763 Rates for recipients requiring exceptionally heavy care, procedures for establishing and maintaining individual exceptional care rates are clarified. An upward limit or ceiling on exceptional care rates is established at 160 percent of the nursing facility's post hospitalization skilled nursing facility Medicare rate. This limit is necessary because the high facility specific rates

of a few providers (which drive calculations of exceptional care rates) can result in exceptional care rates that approach the cost of hospitalization. In order to avoid loss of substantial public funds in rate payments in excess of the actual and reasonable cost of nursing care a cap is needed.

Statutory Authority for Adoption: RCW 74.46.800.

Statute Being Implemented: RCW 74.46.800.

Summary: Help comply with legal requirements for Medicaid nursing facility payment system and improve administration of program.

Reasons Supporting Proposal: To comply with legal requirements for Medicaid nursing facility payment system and improve administration of program.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Robert Gray, Aging and Adult Services Administration, 438-2587.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.

Proposal Changes the Following Existing Rules: See above.

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

Hearing Location: OB-2 Auditorium, 12th and Franklin, Olympia, Washington, on July 21, 1992, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Mailstop 5805, Department of Social and Health Services, Olympia, 98504, TELEFAX 664-0118 or SCAN 366-0118, by July 21, 1992.

Date of Intended Adoption: July 23, 1992.

June 10, 1992

Leslie F. James, Director
Administrative Services

Reviser's note: The material contained in this filing will appear in the 92-14 issue of the Register as it was received after the applicable closing date for the issue for agency-typed material exceeding the volume limitations of WAC 1-21-040.

WSR 92-13-043
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3406—Filed June 10, 1992, 4:29 p.m., effective June 11, 1992, 12:01 a.m.]

Date of Adoption: June 10, 1992.

Purpose: It is important to have the changes and clarifications described below in place prior to July 1, 1992, when the new state fiscal year begins and new prospective rates are calculated. Consequently, the amendments are sought on an emergency as well as on a permanent

basis. WAC 388-96-026 Projected budget for new contractors, the purpose is to eliminate from "new contractor" status those nursing Medicaid facilities which expand or renovate the physical plant after obtaining certificate of need approval. The cost of capital improvements may be currently funded under existing regulatory authority without the use of new contractor rate setting procedures. Also the rate will not be frozen until six months' of cost report data is received, which is required by statute for "new contractor" rates, and the provider will be able to rebase on July 1 along with other providers; WAC 388-96-032 Termination of contract, the changes are made under the department's general rule-making authority to carry out one of the policies and purposes of chapter 74.46 RCW, namely, that contractors adequately secure and refund Medicaid overpayments. Recently certain Medicaid nursing care providers have terminated their contracts and left substantial unsecured overpayment obligations, making recovery difficult if not impossible. The department's authority to obtain adequate security for recovery of Medicaid settlement overpayments (determined by comparison of rates paid to costs incurred in a calendar year) is enhanced. Under the changes proposed: Parties related by ownership or control to the contractor are made (with the contractor) jointly and severally liable to the department for unsecured overpayments; the department can reach by lien in the absence of adequate security those assets legally belonging to parties related by ownership or control to the Medicaid contractor; and the department will be able to demand security, and withhold contract payments and file liens in the absence of security, if overpayments reach or exceed \$50,000 in the course of a provider's contractual performance, regardless of whether the contractor intends to terminate Medicaid care. Authority exists now to withhold current Medicaid contract payments, in the absence of security, for the final 60 days of operation prior to contract termination. Factors which render the current authority inadequate in some instances are: Related-party incorporations and transactions which strip assets from the contracting entity; failure to give adequate notice of contract termination; and sometimes the magnitude of overpayment owed the department is simply too large to get adequate security within sixty days prior to contract termination. RCW 74.46.800 obligates the department to "adopt, promulgate, amend, and rescind such administrative rules as are necessary to carry out the policies and purposes of this chapter." An obvious policy or purpose of chapter 74.46 RCW is to recover Medicaid provider overpayments. (RCW 74.46.180) Another is to obtain adequate security to insure overpayment recovery. (RCW 74.46.690) Consequently, the department is authorized to enhance its authority to recover these overpayments. Overpayments is achieved in as many cases as possible; WAC 388-96-101 Reports, the purpose is to clarify that cost reports must not only be timely submitted but must be fully completed as submitted; WAC 388-96-110 Improperly completed or late reports, the purpose is to clarify that all informational schedules submitted in connection with a cost report must be fully completed. Also, the department is granted

express authority to withhold a provider's new rate if that provider's resident debility information (which is needed to help calculate Medicaid rates) is not transmitted to the department in accordance with the established uniform format and procedures; WAC 388-96-113 Completing reports and maintaining records, the purpose is to clarify that each schedule within a cost report must be legible and reproducible; WAC 388-96-505 Offset of miscellaneous revenues, provides that financial benefits such as purchase discounts and rebates shall be offset against allowable costs during the year they are actually received by the contractor; WAC 388-96-710 Prospective reimbursement rate for new contractors, the purposes are to clarify and modify procedures for new contractor rate setting as follows: It is clarified the specific rate setting provisions in 710 control rate-setting for new contractors; it is clarified new facilities going into operation for the first time are not simply those with a new building—they must be new operations also, that is, have a new resident population and new staff; obsolete reference to skilled and intermediate care licenses is removed; references to contractors constructing expansions or renovations is removed since they will no longer be considered new contractors; WAC 388-96-716 Cost areas, obsolete reference to the enhancement cost center is removed; WAC 388-96-722 Nursing services cost area rate, reference to "Batelle" debility score is eliminated to clarify the department has flexibility to calculate debility, on a consistent basis, using a Batelle or other methodology. It is clarified the regression used to determine providers' average resident debilities shall be calculated every two years. It is provided that initial patient assessments shall no longer be completed by the department, ordinarily, but will be transmitted to the department in accordance with minimum data set format and instruction, subject to department audit or further investigation; WAC 388-96-745 Property cost area reimbursement rate, specific limits on new construction for purposes of reimbursement are updated and procedures for calculating those limits are clarified; and WAC 388-96-763 Rates for recipients requiring exceptionally heavy care, procedures for establishing and maintaining individual exceptional care rates are clarified. An upward limit or ceiling on exceptional care rates is established at 160 percent of the nursing facility's post hospitalization skilled nursing facility Medicare rate. This limit is necessary because the high facility specific rates of a few providers (which drive calculations of exceptional care rates) can result in exceptional care rates that approach the cost of hospitalization. In order to avoid loss of substantial public funds in rate payments in excess of the actual and reasonable cost of nursing care a cap is needed.

Citation of Existing Rules Affected by this Order: Amending WAC 388-96-026 Projected budgeted for new contractors, 388-96-032 Termination of contract, 388-96-101 Reports, 388-96-110 Improperly completed or late reports, 388-96-113 Completing reports and maintaining records, 388-96-505 Offset of miscellaneous revenues, 388-96-710 Prospective reimbursement

rate for new contractors, 388-96-716 Cost areas, 388-96-722 Nursing services cost area rate, 388-96-763 Rates for recipients requiring exceptionally heavy care, and 388-96-745 Property cost area reimbursement rate.

Statutory Authority for Adoption: RCW 74.46.800.

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 comply with legal requirements for Medicaid nursing facility payment system and improve administration of program.

Effective Date of Rule: June 11, 1992, 12:01 a.m.

June 10, 1992

Leslie F. James, Director
Administrative Services

Reviser's note: The material contained in this filing will appear in the 92-14 issue of the Register as it was received after the applicable closing date for the issue for agency-typed material exceeding the volume limitations of WAC 1-21-040.

WSR 92-13-044
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3407—Filed June 10, 1992, 4:30 p.m., effective June 11, 1992, 12:01 a.m.]

Date of Adoption: June 10, 1992.

Purpose: Separate and define "transportation" as a category of service. Establish a donation level. Incorporate a 2% vendor rate increase which becomes effective July 1, 1992.

Citation of Existing Rules Affected by this Order: Amending WAC 388-42020 Funeral and interment assistance—Definitions, 388-42-025 Available services, 388-42-030 General eligibility, and 388-42-150 Maximum cost standards.

Statutory Authority for Adoption: RCW 74.08.120.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: RCW 68.50.160 and 74.08.120, directly regulating the funeral/interment program, were amended by passage of SHB 2874 into law, effective June 11, 1992. In addition, there is a 2% vendor rate increase scheduled for July 1, 1992.

Effective Date of Rule: June 11, 1992, 12:01 a.m.

June 10, 1992

Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2100, filed 5/22/84, effective 7/1/84)

WAC 388-42-020 FUNERAL AND INTERMENT ASSISTANCE—DEFINITIONS. (1) "Funeral" means the proper preparation, ~~((transportation within the local service area,))~~ care, and ~~((disposition))~~ preservation of the remains of a deceased person with needed facilities and appropriate memorial services.

(2) "~~((Interment—means))~~ Disposition of the remains" means disposal of the remains of a deceased person by burial or cremation, and marking of the grave or repository of the cremated remains.

(3) "Local service area" means the state of Washington.

(4) "Mortuary services" means the services provided by the funeral director and the mortuary.

(5) "Funeral/memorial service" means a service facilitated by the funeral director to commemorate the deceased, whether held at the mortuary, in a church, or at the graveside.

(6) "Burial services" means all services related to burial and marking of a grave.

(7) "Cremation services" means all services related to cremating the remains of the deceased, disposing of the remains, and the customary memorial marking of the repository of the cremated remains.

(8) "Transportation" means the transport of a body from the place of death to the mortuary and to the site of disposition within the local service area.

AMENDATORY SECTION (Amending Order 2100, filed 5/22/84, effective 7/1/84)

WAC 388-42-025 AVAILABLE SERVICES. (1) Mortuary services.

(a) Essential services shall include:

(i) ~~((Transportation of the body from place of death to mortuary,~~

~~((ii))~~ Preparation and care of the remains of the deceased for disposition by cremation or burial;

~~((iii))~~ (ii) Preparation and filing of death certificate and permits;

~~((iv))~~ (iii) A casket or container of sufficient durability to transport the remains to a crematorium or cemetery;

~~((v) Transportation of the remains to the crematorium or cemetery, and~~

~~((vi))~~ (iv) Refrigeration or embalming.

(b) Funeral/memorial services shall include the use of:

(i) ~~((Use of))~~ The funeral director's staff and facilities for a funeral/memorial service, and

(ii) ~~((Use of))~~ Reposing rooms, chapel, casket coach, and one car for family of the deceased.

(2) Transportation services shall include:

(a) Transportation of the body from the place of death to the mortuary, and

(b) Remains from the mortuary to the place of disposition.

(3) Burial services. Interment shall be by burial or cremation.

(a) Burial only shall include:

(i) Minimum grave marker,

(ii) Grave liner if required; and

(iii) Interment and recording.

(b) Burial ~~((services may))~~ with plot shall also include burial plot and endowed care if not previously provided or purchased.

~~((3))~~ (4) Cremation services.

(a) Cremation only shall include:

(i) Cremation; and

(ii) A container of a substantial material.

(b) Cremation and disposition shall also include:

(i) Space for disposition of the remains in a cemetery or columbarium;

(ii) Disposition of the remains; and

(iii) Minimum marker.

AMENDATORY SECTION (Amending Order 2100, filed 5/22/84, effective 7/1/84)

WAC 388-42-030 GENERAL ELIGIBILITY. (1) ~~((Pursuant to))~~ Under RCW 74.08.120, the department may use public assistance funds ~~((may be used))~~ to pay for the funeral expenses of a deceased person to the extent his or her estate and available resources (including resources of surviving spouse and dependent children, contributions from relatives, friends, or other sources) are not wholly sufficient to defray the funeral expenses according to department policies and standards in this chapter.

(2) The department's legal responsibility for a deceased person does not extend beyond the responsibility of providing funds to meet the funeral expenses. ~~((In no case does))~~ The department shall not authorize the funeral, burial, cremation, or other disposition of a deceased person. Such authority is vested by statute in other individuals, including the county commissioner in the case of an unclaimed body.

(3) ~~((Neither))~~ The department shall not pay for a deceased person's funeral, ~~((nor))~~ cemetery, ~~((nor))~~ or crematorium costs ~~((shall be paid by the department))~~ when:

(a) Charges for these services exceed the maximum standards in this chapter~~((;))~~; or

(b) The funeral, burial, or cremation takes place outside the state of Washington~~((-However, exception to))~~ except for out-of-state ~~((payment rule is made for))~~ funerals ~~((in areas))~~ in bordering states which are normal trade areas of a border area of this state.

(4) The department shall consider all assets of the deceased ~~((are considered))~~ available for funeral expenses, except as provided for in this chapter.

(5) Payment for any funeral or interment services made by relatives, friends, or any third party except as provided for in this chapter shall be deducted from the department's standards.

(6) Donations. The department shall treat donations as follows:

(a) Donated flowers, music, and ministerial services shall not be deducted from department standards. However, if these services are provided by the funeral director, they are considered part of the mortuary services and their cost must be included toward the department standard;

(b) The department shall not deduct donations/payments to a funeral/interment vendor for pass-through items (items billed through and paid by a vendor for which there is no financial gain to the vendor) from the department payment standard, provided the pass-through donation/payment is:

- (i) For any items allowed as direct donation ((a) above);
- (ii) For items not included, either partially or in total, for the program;
- (iii) More efficient or takes advantage of discounts provided/available through the vendor;
- (iv) For items which are not and enhancement and do not act as an upgrade to the minimum standard service;
- (v) Limited to a combined maximum of five hundred dollars.

(c) Payment/donation paid directly to the funeral home/mortuary, to a maximum of twenty-five dollars, shall be allowed for providing memorial cards for a funeral/memorial service.

(7) Payment for a funeral/memorial service shall be made only upon request of a relative or friend of the deceased wishing to have a funeral/memorial service and planning to attend. The funeral director and his or her representatives or associates are precluded from applying for a funeral/memorial service.

(8) Persons applying for funeral and interment assistance shall be required, except for a Veterans' Administration or railroad retirement board death benefit, to apply for any death benefits to which the deceased may be entitled from other public or private agencies or organization.

AMENDATORY SECTION (Amending Order 3142, filed 2/21/91, effective 3/24/91)

WAC 388-42-150 MAXIMUM COST STANDARDS.

(1) Mortuary services—Actual costs, but not to exceed:

- (a) Essential services and transportation only . . . \$ 286
- (b) Essential services and transportation plus funeral/memorial service \$ 657

(2) Burial services—Actual costs, but not to exceed:

- (a) Burial only, no plot included \$ 358
- (b) Burial with plot included, single or multiple interment \$ 414

(3) Cremation services—Actual costs, but not to exceed:

- (a) Cremation only \$ 169
- (b) Cremation and disposition \$ 254

(4) These standards include all applicable taxes.

(5) ((These)) The standards listed in subsections (1), (2), (3), and (4) of this section shall be effective January 1, 1991 through June 30, 1992.

(6) Mortuary services—Actual costs, but not to exceed:

- (a) Essential services and transportation only . . . \$ 292
- (b) Essential services and transportation plus funeral/memorial service \$ 670

(7) Burial services—Actual costs, but not to exceed:

- (a) Burial only, no plot included \$ 365
- (b) Burial with plot included, single or multiple interment \$ 422

(8) Cremation services—Actual costs, but not to exceed:

- (a) Cremation only \$ 172
- (b) Cremation and disposition \$ 259

(9) These standards include all applicable taxes.

(10) The standards listed in subsections (6), (7), (8), and (9) of this section shall be effective July 1, 1992.

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.

**WSR 92-13-045
PERMANENT RULES
DEPARTMENT OF LICENSING
[Filed June 11, 1992, 9:31 a.m.]**

Date of Adoption: June 11, 1992.
Purpose: To establish exact accounting guidelines for the trust account.
Citation of Existing Rules Affected by this Order: Amending WAC 308-11-100.
Statutory Authority for Adoption: RCW 18.11.200.
Pursuant to notice filed as WSR 92-09-097 on April 20, 1992.
Effective Date of Rule: Thirty-one days after filing.
June 11, 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 92-13-046

NOTICE OF PUBLIC MEETINGS

DEPARTMENT OF LICENSING

(Title and Registration Advisory Committee)

[Memorandum—June 11, 1992]

Pursuant to the requirements of the code reviser I would like to have an announcement for the initial meeting of the Title and Registration Advisory Committee (TRAC) added to the Washington State Register.

I understand that information submitted by June 17, 1992, will be included in the publication produced for July 1, 1992. This will allow us to just meet the twenty day requirement for public notification.

As required by ESHB 2643, the Department of Licensing will conduct advisory committee meetings to develop contracts between the Department of Licensing and all agents and subagents doing business on behalf of the department.

The first meeting of TRAC is set for July 21, 1992, 9:30 a.m. – 12:00 p.m. at the SeaTac Office Building, 18000 Pacific Highway South, Room 500, Seattle, WA. Future meetings will be scheduled at that time.

WSR 92-13-047

EMERGENCY RULES

STATE BOARD OF EDUCATION

[Filed June 11, 1992, 10:48 a.m.]

Date of Adoption: May 22, 1992.

Purpose: To implement a new school construction priority system prior to July 1, 1992, as required by section 24(8), chapter 233, Laws of 1992.

Citation of Existing Rules Affected by this Order: Amending WAC 180-25-030, 180-27-056, 180-27-058, and 180-29-085.

Statutory Authority for Adoption: RCW 28A.525.020.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: A new priority system for the allocation of state construction funding assistance on July 1, 1992, will make available to needed construction and reconstruction school projects this summer an additional \$135 million as provided for in section 24(8) chapter 233, Laws of 1992.

MAY 1992 STATE BOARD OF EDUCATION RESOLUTION ADOPTING EMERGENCY STATE BUILDING ASSISTANCE NEW AND AMENDED RULES

Whereas, section 30(8), chapter 14, Laws of 1991 1st ex. sess., conditions state construction assistance for projects granted project approval after January 26, 1991, upon the development of a new priority system for allocating state assistance, and the placement of such projects on the new priority system; and,

Whereas, the requirements of section 24(8), chapter 233, Laws of 1992, which require the use of a new priority system to allocate funding for projects approved after January 26, 1991, and to access the additional \$135.5 million funding provided in the 1992 Supplemental Capital Budget, were not enrolled by signature of the governor until after the last available code reviser filing date; and,

Whereas, this is the last state board meeting prior to the priority funding process for FY 1993 and that there would be the loss of the summer construction season which will unnecessarily increase costs and scheduling delays for both the state and local districts;

Therefore, Be It Resolved by the State Board of Education that:

(1) The board hereby finds that the immediate adoption of the new and amended WAC shown below in chapters 180-26, 180-27, and 180-29 WAC, State assistance in providing school plant facilities to provide for the establishment of a new priority system for the allocation of state construction funding assistance on July 1, 1992, and the significant additional funding that this action will make available to needed construction and reconstruction school projects this summer 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; and,

(2) The board hereby adopts the above referenced new rules, all as set forth on the attachment hereto, on an emergency basis, to become effective immediately upon filing the same with the code reviser.

Effective Date of Rule: Immediately.

June 4, 1992
Monica Schmidt
Executive Director
Secretary

AMENDATORY SECTION (Amending Order 24-85, filed 11/27/85)

WAC 180-25-030 STATE STUDY AND SURVEY—LOCAL INVOLVEMENT. When in the judgment of the superintendent of public instruction information is not readily available to complete the state study and survey or the superintendent of public instruction determines that an existing study and survey, although completed within the previous six years, is out of date, the superintendent of public instruction shall request the state board of education to approve a district's request for state assistance to offset all or a portion of the cost of acquiring such information. If the state board of education concurs that such information is incomplete or the state study and survey is out of date, the state board of education shall approve such request unless the state board of education determines there is no possibility that the district will be eligible for state assistance within the next ~~((six years))~~ seventy-two months. Such assistance shall be based on a ~~((variable))~~ minimum flat grant for each enrollment category plus a variable ~~((per-pupil))~~ allocation based on the district's ~~((headcount enrollment (kindergarten students counted one-half) as reported annually on the first day of October))~~ estimated gross square footage of existing school facilities and in accordance with the following schedule:

Headcount Enrollment Categories

Enrollment of 1 to 500—Minimum grant plus ((per-pupil)) square footage allocation

Enrollment of 501 to 3,000—Minimum grant plus ((per-pupil)) square footage allocation

Enrollment of 3,001 to 10,000—Minimum grant plus ((per-pupil)) square footage allocation

Enrollment of above 10,000—Minimum grant plus ((per-pupil)) square footage allocation

The dollar amount for the minimum grants and the ~~((per-pupil))~~ square footage allocations for these categories shall be established annually by the state board of education.

NEW SECTION

WAC 180-25-032 STATE STUDY AND SURVEY—SPECIAL STATE ASSISTANCE FOR BUILDING CONDITION SURVEYS. If, as of May 22, 1992, a district is actively conducting a state study and survey or has a current study and survey on file at the superintendent of public instruction, the district may make application to the superintendent of public instruction for special state assistance to conduct a standardized building condition analysis as required by WAC 180-27-535 to determine state funding priority rankings. This special assistance shall not be available to districts which receive a study and survey grant after July 1, 1992. The grant amount shall not exceed four hundred dollars per active school facility and will be paid only on actual incremental direct costs. The superintendent of public instruction shall report to the state board of education on grant requests and payments made under this section on an annual basis until July 1, 1995.

AMENDATORY SECTION (Amending Order 2-85, filed 1/25/85)

WAC 180-27-056 FUNDING DURING THE PERIOD OF A PRIORITY APPROVAL PROCESS ORDER BY STATE BOARD OF EDUCATION. During the period of a priority approval process imposed by order of the state board of education school construction projects shall receive final approval pursuant to WAC 180-29-107 as follows:

(1) On or after July 1 following the state board of education order for the implementation of a priority approval process the superintendent of public instruction shall rank all projects for which final approval has been requested pursuant to WAC 180-29-107 as per the applicable priority list in WAC 180-27-058 or 180-27-500. Only school construction projects with state board of education approval under WAC 180-25-045 and secured local capital funds by December 31 of the previous state fiscal year and eligible for final approval pursuant to WAC 180-29-107 by June 30 of the previous state fiscal year shall be placed on that priority list: PRO-VIDED, That for the state fiscal year beginning July 1, 1992, the December 31, 1991, cutoff date is extended to March 27, 1992.

(2) Based on a ceiling of one and one-half times the amount of the estimated revenue available for the state fiscal year plus fund balance for the state fiscal year minus outstanding encumbrances for the state fiscal year or as close thereto as is reasonably practical, the superintendent of public instruction shall give final approval pursuant to WAC 180-29-107 during the state fiscal year to school construction projects on the priority list. For the purpose of this subsection the term "estimated revenue available for the state fiscal year" shall mean the estimated revenue from the common school construction fund for the current state fiscal year and the subsequent state fiscal year, the result of which is divided by two.

(3) In the event the state board of education does not rescind the order for the implementation of a priority approval process by the close of the state fiscal year, school construction projects remaining on the priority list without final approval and, therefore, without secured funding status pursuant to WAC 180-29-107 shall be combined with new school construction projects that have secured local capital funds by December 31 of the state fiscal year and that are eligible, pursuant to WAC 180-29-107, for final approval by the close of the state fiscal year, and a new priority list shall be established on or after July 1 of the next state fiscal year and such remaining and new school construction projects shall be eligible for final approval pursuant to the provisions of subsections (1) and (2) of this section.

AMENDATORY SECTION (Amending WSR 91-12-059, filed 6/5/91, effective 7/6/91)

WAC 180-27-058 STATE ASSISTANCE—PRIORITIES. The priority system for the funding of school construction projects that have secured local capital funds and state board of education project approval per

WAC 180-25-045 as of January 26, 1991, during a priority approval process imposed by order of the state board of education shall be as follows:

(1) Priority one: New construction projects in districts with unhoused students other than those in priority two. Projects within this priority shall be ranked as follows: The project with the highest percentage of unhoused students in the district by grade level on the date of project approval pursuant to WAC 180-25-040 shall be ranked highest—i.e., projected enrollment times authorized space allocation as calculated pursuant to WAC 180-27-035 divided by capacity of existing buildings as calculated pursuant to WAC 180-27-050(1). In the event two or more districts possess an equal percentage of unhoused students, the district with the greatest number of unhoused students shall be ranked the highest.

(2) Priority two: New construction projects in districts with unhoused students due to the need to replace a building. In the event the district is precluded from educating students in a facility due to bona fide abatement procedure and order to vacate, such related space requirement shall be treated as unhoused students in priority one. Projects with this priority shall be ranked as follows: The project with the highest percentage of unhoused students in the district by grade level on the date of project approval pursuant to WAC 180-25-040 shall be ranked highest. In the event two or more districts possess an equal percentage of unhoused students, the district with the greatest number of unhoused students shall be ranked the highest.

(3) Priority three: All projects with secured local capital funding and authority to proceed pursuant to WAC 180-25-040 as of September 30, 1985, which are not included in priority one or two pursuant to this section. Projects within this priority shall be ranked pursuant to the priority system in effect as of September 30, 1985: PROVIDED, That the authority to proceed pursuant to WAC 180-25-040 and the priority three ranking of any such project shall lapse and be null and void as of July 2, 1991, unless approval to open bids for the project has been granted pursuant to WAC 180-29-107 prior to that date.

(4) Priority four: New construction of vocational-technical institutes and interdistrict cooperative vocational skill center facilities. Projects within this priority shall be ranked as follows: The project with the earliest date of project approval pursuant to WAC 180-25-040 shall be ranked highest. In the event two or more projects possess the same project approval date, the project with the earliest date of application received in the office of superintendent of public instruction shall be ranked the highest. Funding allocations for this priority shall not exceed ten percent of the available funds remaining after funding eligible projects in priorities one and two or for one vocational-technical institute or interdistrict skill center project, whichever is greater.

(5) Priority five: Modernization projects in districts with no unhoused students and not funded under priority three. Projects within this priority shall be ranked as follows: The project with the highest percentage of projected student occupancy shall be ranked the highest—

i.e., projected enrollment times authorized space allocation as calculated pursuant to WAC 180-27-035 divided by capacity of existing buildings as calculated pursuant to WAC 180-27-050(1). In the event two or more projects possess an equal percentage, the highest ranking shall be given to the project with the earliest date of project approval pursuant to WAC 180-25-040. For the purpose of ranking within this subsection vocational technical institute and interdistrict cooperative facilities other than interdistrict transportation cooperatives shall be considered as independent school district projects: PROVIDED, That under no circumstances should this priority receive less than sixty percent of funds available for priorities four and five.

(6) Priority six: New construction of interdistrict cooperative facilities which are not included in priority three, four, or seven. The project with the earliest date of project approval pursuant to WAC 180-25-040 shall be ranked the highest. In the event two or more projects possess the same project approval date, the project with the earliest date of application received in the office of superintendent of public instruction shall be ranked the highest.

(7) Priority seven: Interdistrict transportation cooperatives. Projects within this priority shall be ranked as follows: The project with the earliest date of project approval pursuant to WAC 180-25-040 shall be ranked the highest. In the event two or more projects possess the same project approval date, the project with the earliest date of application received in the office of superintendent of public instruction shall be ranked the highest.

NEW SECTION

WAC 180-27-016 RULES DETERMINING ELIGIBILITY AND TIMING OF STATE ASSISTANCE. The eligibility for and the amount of state assistance shall be determined as outlined in WAC 180-27-020. The prioritization and timing for receipt of state assistance for eligible projects shall be determined by WAC 180-27-058 or 180-27-500, as applicable.

NEW SECTION

WAC 180-27-052 ORDER OF FUNDING UNDER DUAL PRIORITY SYSTEMS. During a priority approval process imposed by order of the state board of education, projects which secured local capital funds and state board of education project approval under WAC 180-25-045 as of January 26, 1991, and which continue to remain eligible under WAC 180-25-040 and 180-26-060, shall be prioritized under WAC 180-27-058 and funded prior to other projects. All other projects shall then be prioritized under WAC 180-27-500 and funded to the extent state construction assistance moneys remain available.

NEW SECTION

WAC 180-27-500 STATE ASSISTANCE—PRIORITIES AFTER JUNE 30, 1992. The priority system for the funding of school construction projects after June 30, 1992, that are not subject to the priority system under WAC 180-27-058 shall be as follows: For all new

construction and modernization projects for school districts, there will be a unique priority score determined by the following several factors and formulas contained in WAC 180-27-505 through 180-27-520. The total score shall be used to rank all projects that have secured local funding and state board of education approval after January 26, 1991, and are otherwise eligible for state funding assistance. The following factors are divided into three groups:

- (1) Common factors;
- (2) New construction for growth factors; and
- (3) Modernization or new-in-lieu of modernization factors.

In the case of a combined project (i.e., new construction for growth and modernization), the respective scores in each group will be prorated on the basis of each group's related gross square footage in the total project: PROVIDED, That all related priority scores for projects that are front funded by the district under the provisions of WAC 180-27-057 shall be determined and the project shall take its place on the priority funding list as if it had not been completed.

NEW SECTION

WAC 180-27-505 STATE ASSISTANCE—COMMON PRIORITY FACTORS. The three priority factors that are common to all projects are as follows:

(1) Type of space – Ten possible points. In this element the net assignable square feet (NASF) of a project are identified by planned space inventory category. Category one is space used for scheduled instruction and libraries (classrooms, laboratories, PE teaching space, libraries, and learning resource centers). Category two is space used in support of instruction (assembly, student services, office space, and classroom/lab service and support). Category three space is cafeteria/food service, spectator seating, covered play areas, and general support space. The formula for determining points prorates the NASF with weightings of ten for category one, seven for category two, and four for category three as shown below.

NASF of Category One	X	10 points = X
NASF of Category Two	X	7 points = X
NASF of Category Three	X	4 points = X

Then: The sum of X divided by the sum of NASF equals points.

(2) Local priority – Five possible points. For this element, five maximum points are awarded to the district's first priority project. Each priority from there has one point deducted from it, to a minimum of zero points awarded.

(3) Joint funding – Five possible points. A binding agreement between the school district and another governmental entity for the joint financing of the construction or improvement of space which is not eligible for state assistance.

Total Project Cost
Up to \$1,000,000

Required Joint Funding
25% of total project cost
(\$250,000 at \$1,000,000)

Between \$1,000,000 and \$2,000,000	\$275,000
Between \$2,000,000 and \$3,000,000	\$300,000
Between \$3,000,000 and \$4,000,000	\$325,000
Between \$4,000,000 and \$5,000,000	\$350,000
Between \$5,000,000 and \$6,000,000	\$375,000
Between \$6,000,000 and \$7,000,000	\$400,000
Between \$7,000,000 and \$8,000,000	\$425,000
Between \$8,000,000 and \$9,000,000	\$450,000
Between \$9,000,000 and \$10,000,000	\$475,000
\$10,000,000 and over	\$500,000

The scores in this group will be determined after district compliance with the requirements of WAC 180-29-107.

NEW SECTION

WAC 180-27-510 STATE ASSISTANCE—NEW CONSTRUCTION FOR GROWTH PRIORITY FACTORS. The three factors that are related to new construction for growth are as follows:

(1) Projected percent unhoused – Fifty-five possible points. The district percent unhoused five years in the future is based on the projection of enrollment per WAC 180-27-045 for two grade categories, including pre-school special education, compared to the formula capacity of existing space based on WAC 180-27-035 as computed per WAC 180-27-050.

If the projected district percent unhoused for the applicable grade category is equal to or greater than forty percent, full points are awarded. If the projected district percent unhoused is less than five percent but greater than zero percent, then a minimum of fifteen points are awarded. If the projected percent unhoused is between five percent and forty percent, then the forty remaining points (55-15) are proportionately awarded.

(2) Mid-range projection – Five possible points. This factor is to recognize the degree of immediacy of a district's capacity problem. The district's point score in subsection (1) of this section is first multiplied by .091 to reflect the relationship between the fifty-five possible points in subsection (1) of this section and the five points in this subsection. This produces the maximum points a project can be awarded in this factor. The actual points are determined by the relationship between the district's unhoused percentage three years in the future divided by the unhoused percentage five years in the future. For example, if a district received 43.57 points in subsection (1) of this section due to a projected thirty percent unhoused condition and its three-year projection is that it will be twenty-four percent unhoused, it will receive 3.17 points (i.e., ((42.57 x .091) X (24 percent/30 percent)) = 3.17).

(3) Number of years unhoused – Five possible points. This factor is to recognize the duration of an unhoused problem. One point is awarded for each year the district has had an unhoused condition in the applicable grade category during the past five years, up to the five points maximum.

The scores shall be determined at the time of project approval per WAC 180-25-045. These scores shall be carried for a period of twenty-four months, at which time new scores shall be determined utilizing the then

most current enrollment projections and facts. A district may request a redetermination of scores at any time.

NEW SECTION

WAC 180-27-515 MODERNIZATION FACTORS OR NEW-IN-LIEU OF MODERNIZATION PRIORITY FACTORS. The three factors that are related to modernization or new-in-lieu projects are as follows:

(1) **Health & safety** – Twenty possible points. Sixteen points are awarded based on the evaluation contained in the Building Condition Evaluation Form (BCEF) (WAC 180-27-535) and are awarded as follows:

15 – 19 percent = 16 points, 20 – 24 percent = 15 points, 25 – 29 percent = 14 points, etc., until 95 percent at which no points are awarded.

The health and safety condition points are combined with an additional:

Two points if school does not meet seismic code requirements.

Two points if school is not asbestos free.

(2) **Condition of building** – Thirty possible points. The score is based on the building condition evaluation form (WAC 180-27-535) analysis for all categories other than handicapped access. If the building condition score is thirty-one or less, then the maximum thirty points are awarded to the project. If the condition score is ninety-one or more, then no points are awarded. If the condition score is from thirty-two to ninety, the condition score is subtracted from ninety-one and multiplied by fifty percent to determine the points. In cases where projects affect multiple buildings, the BCEF score is weighted by the proportion of gross square feet (GSF) affected.

(3) **Cost/benefit factor** – Ten minus points possible. If the proposed project is a modernization and the BCEF score is less than forty, one point is deducted for each point the BCEF score is less than forty up to a total possible deduction of ten points.

If the proposed project is a new-in-lieu of modernization and the BCEF score is greater than sixty, one point is deducted for each point the BCEF score is higher than sixty to a total possible deduction of ten points.

The scores shall be determined at the time of project approval per WAC 180-25-045. These scores shall be carried until the district requests a redetermination.

NEW SECTION

WAC 180-27-525 STATE ASSISTANCE—PRIORITIES FOR COOPS. For cooperative projects approved by the state board of education under the authority of chapters 180-31 and 180-32 WAC, the following priority scores shall be assigned with similar projects ranked in order of date of approval with the earliest date ranked highest:

Type of Interdistrict Cooperative Facility	Priority Score
---	-------------------

Vocational Skill Centers	25
Transportation Centers	10
Other Cooperative Facilities	20

NEW SECTION

WAC 180-27-530 TYPE OF SCHOOL SPACE—DETERMINATION. In order to determine the inventory space category of net assignable square feet for priority scoring purposes in WAC 180-27-305, the category use for which the space is designated by the district shall be the assigned category. When inventory space has been designated and scheduled for multiple purposes, the category for priority scoring purposes shall be the primary scheduled use.

NEW SECTION

WAC 180-27-535 EXISTING BUILDING CONDITION—EVALUATION. Building condition and health and safety evaluations for purposes of determining priority scores and completing building inventories shall be conducted and reported to the superintendent of public instruction, utilizing an evaluation model and reporting forms for building type, history, equipment, condition, health and safety factors, and portables on site that shall be adopted and subject to revision from time to time by the state board of education. The information provided by the district on these forms shall be subject to review by the state board of education, the staff or agents of the superintendent of public instruction, or to audit by the state auditor. Compliance with this requirement for all schools in a district is a requirement for the receipt of any state construction assistance for projects approved after January 26, 1991.

AMENDATORY SECTION (Amending Order 12-83, filed 10/17/83)

WAC 180-29-085 CONSTRUCTION AND OTHER DOCUMENTS—SUBMITTAL. (1) For the purpose of determining that the provisions set forth in chapters 180-25 through 180-29 WAC have been complied with prior to the opening of bids of any project to be financed with state moneys, the school district shall submit to or have on file with the superintendent of public instruction the following:

(a) One microfilm copy of the construction documents;

(b) Cost estimate of construction on a form approved by the superintendent of public instruction, completed and signed by the architect-engineer,

(c) Signed copy or photocopy of letters of approval by other governmental agencies in accordance with WAC 180-29-090;

(d) Area analysis on a form approved by the superintendent of public instruction in accordance with chapter 180-27 WAC;

(e) Complete listing of construction special inspections and/or testing to be performed by independent sources

that are included in the project pursuant to WAC 180-27-100;

(f) One copy of the value engineering report signed by the school district board of directors. The report shall include the following:

- (i) A brief description of the original design;
- (ii) A brief description of the value engineering methodology used;
- (iii) The areas analyzed;
- (iv) The design alternatives proposed;
- (v) The cost changes proposed;
- (vi) The alternates accepted; and
- (vii) A brief statement by the school district board of directors explaining why each alternate not accepted was rejected;

(g) A completed standardized building inventory and condition evaluation as required by WAC 180-27-535 for every school facility in the district.

(2) If the above documents reflect an increase in square foot size from the application approved by the state board of education as per WAC 180-29-030 which will result in an increase in state support, a new application must be submitted to the state board of education.

WSR 92-13-048

ATTORNEY GENERAL OPINION

Cite as: AGO 1992 No. 9

[June 4, 1992]

DEPARTMENT OF SOCIAL AND HEALTH SERVICES—JUVENILE COURTS—CHILDREN—PUBLIC RECORDS—PUBLIC DISCLOSURE OF RECORDS OF SUBSTITUTE CARE CITIZEN REVIEW BOARDS

1. The Legislature created a citizen review board system that functions in an advisory capacity to the juvenile courts, the Department of Social and Health Services, and the Legislature. The records of each board are the property of the board. The records must be retained for at least six years unless adequate copies or reproductions are preserved or the board demonstrates to the local records committee that retention of such records for six years is unnecessary and uneconomical.
2. The records are confidential and may only be disclosed when specifically authorized under the statutes protecting the records of juvenile justice or care agencies found in chapter 13.50 RCW.
3. The board need not prepare a transcript of its review, so long as a verbatim record is maintained.

Requested by:

The Honorable Ellen Craswell
 State Senator, District 23
 Post Office Box 0423
 Olympia, Washington 98504-0423

WSR 92-13-049

EMERGENCY RULES

DEPARTMENT OF ECOLOGY

[Order 92-30—Filed June 11, 1992, 1:22 p.m.]

Date of Adoption: June 11, 1992.

Purpose: Incorporate changes to ecology's public records rule required by chapter 139, Laws of 1992, and allowing the department to charge for copies the amount necessary to reimbursement the department's costs for providing copies of records.

Statutory Authority for Adoption: RCW 42.17.250 - 42.17.340.

Other Authority: Chapter 139, Laws of 1992.

Pursuant to RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: RCW 42.17.250 Duty to publish procedures, requires that "Each state agency shall separately state and currently publish in the Washington Administrative Code . . . (r)ules of procedure . . ." (s)ubstantive rules of general applicability adopted as authorized by law . . ." The amendments to chapter 42.17 RCW take effect June 11, 1992.

Effective Date of Rule: Immediately.

June 10, 1992

Fred Olson

Deputy Director

AMENDATORY SECTION (Amending Order 90-37, filed 10/23/90, effective 11/23/90)

WAC 173-03-030 DESCRIPTION OF ORGANIZATION. (1) Headquarters office.

(a) Through September 1993, the headquarters office ((is)) will continue to be located in Abbott Raphael Hall on the campus of St. Martin's College, Lacey, Washington. After September 1993, the headquarters office will be located at 300 Desmond Drive East, Lacey, Washington. The mailing address for the headquarters office and all satellite program offices, except for the environmental investigations and lab services program is:

Department of Ecology
 ((Mailstop PV-11))
 P.O. Box 47600
 Olympia, Washington 98504-((8711))
 7600

(b) The offices of the director, deputy director, and assistant directors all are located in the headquarters office.

(c) The titles and responsibilities of the seven assistant directors are as follows:

(i) Assistant director for the office of water and shorelands — water quality, water resources, shorelands and coastal zone management, and water quality financial assistance programs.

(ii) Assistant director for the office of central programs and enforcement — central programs, air program, and environmental investigations and lab services program.

(iii) Assistant director for the office of waste management — solid and hazardous waste program, hazardous waste investigations and cleanup program, nuclear and mixed waste program, and waste reduction, recycling and litter control program.

(iv) Assistant director for the office of quality control, information management and comprehensive planning.

(v) Assistant director for the office of legislative and intergovernmental affairs.

(vi) Assistant director for the office of financial, personnel, and support services.

(vii) Assistant director for the office of public information and education.

(2) After September 1993, the satellite program offices will be located in the headquarters office. Until September 1993, the satellite program offices are located as follows:

(a) Air program:

~~((Rowesix Building 4
4224 6th Avenue S.E.))
College Street Building
4550 3rd Avenue S.E.
Lacey, Washington~~

(b) Budget, accounting, and support services program:

Sawyer Hall
St. Martin's College Campus
Lacey, Washington

(c) Central programs:

Abbott Raphael Hall
St. Martin's College Campus
Lacey, Washington

2404 Chandler Ct., Suite 260 S.W.
Olympia, Washington
(Industrial Section)

Tanglewilde Building
7240 Martin Way
Olympia, Washington
(Sediments/Environmental Review
Section)

(d) Environmental investigations and lab services program:

Airustrial Building 8
~~((7272))~~ Cleanwater Lane #8 7171
Tumwater, Washington

Mailing address:

~~((Mailstop LH-14))
P.O. Box 47710
Olympia, WA 98504-((6814)) 7710~~

7411 Beach Drive East
Port Orchard, WA 98366-8204
(Manchester Lab)

(e) Hazardous waste investigations and cleanup program:

Woodland Square
4415 Woodview Drive S.E.
Lacey, Washington

(f) Nuclear and mixed waste program:
99 South Sound Center
Lacey, Washington

7601 W. Clearwater, Suite 102
Kennewick, WA 99336
(Kennewick Hanford Project)

(g) Shorelands and coastal zone management program:

Baran Hall
St. Martin's College Campus
Lacey, Washington

(h) Solid and hazardous waste program:

Rowesix Building 4
4224 6th Avenue S.E.
Lacey, Washington

(i) Waste reduction, recycling, and litter control program:

Eikenberry Building
4407 Woodview Drive S.E.
Lacey, Washington

(j) Water quality financial assistance program:

Moduline Building
4500 3rd Avenue
Lacey, Washington

(k) Water quality program:

Prudential Building
715 Woodview Drive S.E.
Lacey, Washington

(l) Water resources program:

Baran Hall
St. Martin's College Campus
Lacey, Washington

(3) Regional offices and their geographical jurisdictions are as follows:

(a) Northwest regional office (Whatcom, Skagit, Snohomish, San Juan, Island, King, and Kitsap counties):

~~((4350—150th Avenue N.E.
Redmond, Washington—98052—5301))
3190 — 160th Avenue S.E.
Bellevue, WA 98008—5452~~

(b) Southwest regional office (Pierce, Thurston, Mason, Clallam, Jefferson, Grays Harbor, Pacific, Lewis, Cowlitz, Wahkiakum, Clark, and Skamania counties):

7272 Cleanwater Lane
Tumwater, Washington
Mailing address:
~~((Mailstop LU-11))
P.O. Box 47775
Olympia, Washington 98504-((6811))
7775~~

(c) Central regional office (Okanogan, Chelan, Douglas, Kittitas, Yakima, Benton, and Klickitat counties):

106 South 6th Avenue
Yakima, WA 98902-3387

3601 W. Washington
Yakima, Washington 98903-1164
(Water Resources Program)

~~((801-B Summitview Ave.
Yakima, Washington 98902-3033
(Waste Management Section)~~

~~1600 S.W. Perry Street, Suite F
Yakima, Washington 98902-5713
(Yakima Adjudications)))~~

(d) Eastern regional office (Ferry, Stevens, Pend Oreille, Grant, Lincoln, Spokane, Adams, Whitman, Franklin, Walla Walla, Columbia, Garfield, and Asotin counties):

N. 4601 Monroe, Suite 100
Spokane, Washington 99205-1295

AMENDATORY SECTION (Amending Order DE 77-35, filed 1/17/78)

WAC 173-03-040 PUBLIC RECORDS AVAILABLE. (1) All public records of the department are available for public inspection and copying pursuant to these rules subject to subsections (2), (3), ~~((and))~~ (4), and (5) of this section.

(2) Availability of public records is subject to the exemptions and ~~((requirements of))~~ prohibitions against disclosure contained in RCW 42.17.310, 42.17.130, 42.17.255, 42.17.260, and 90.52.020. In addition, individuals may seek, and ecology may grant, confidentiality of documents from disclosure under RCW 43.21A.160 and 70.105.170.

(3) When a public record includes information the disclosure of which would lead to an unreasonable invasion of personal privacy, and the department becomes aware of this fact, the department shall delete such information before making the record available.

(4) Public records requested may not be readily available for immediate inspection. If the requested records are not readily available, the department shall notify the requester when and where such records will be available.

(5) Public records of the department are kept by the department or state archives until scheduled for destruction by the records retention schedule pursuant to chapter 40.14 RCW. Public records which are subject to a request for disclosure when scheduled for destruction shall be retained by the department and shall not be erased or destroyed until the request is resolved.

AMENDATORY SECTION (Amending Order 90-37, filed 10/23/90, effective 11/23/90)

WAC 173-03-060 REQUESTS FOR PUBLIC RECORDS. (1) All requests for inspection or copying made in person at a department office shall be made on a form substantially as follows:

REQUEST FOR PUBLIC RECORDS

Date of Request _____ Time of Request _____

Name _____

Address _____

Description of Records:

I understand that if a list of individuals is provided me by the Department of Ecology, it will neither be used to promote the election of an official or promote or oppose a ballot proposition as prohibited by RCW 42.17.130 nor for commercial purposes or give or provide access to material to others for commercial purposes as prohibited by RCW 42.17.260(6).

I understand that I will be charged ~~((..... cents per copy for all standard letter size copies I desire and that other size publications are available at cost))~~ the amount necessary to reimburse the department's cost for copying.

Signature _____

~~((Number of copies _____~~

Number of pages _____

Per page charge \$ _____

Total charge \$ _____))

Number of pages to be copied _____

Number of copies per page _____

Charge per copy \$ _____

Special copy work charge \$ _____

Staff time charge \$ _____

Total charge \$ _____

(2) All requests made in person may be made at a department office between the hours of 8:00 a.m. to 12:00 noon and 1:00 p.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

(3) A request for inspection or copying of public records may be made by mail in a letter containing the following information:

(a) The name and address of the person making the request and the organization the person represents;

(b) The time of day and calendar date on which the person wishes to inspect the public records;

(c) A description of the public records requested;

(d) A statement whether access to copying equipment is desired;

(e) A phone number where the person can be reached in case the public records officer or designate needs to contact the person for further description of the material or any other reason.

(f) A statement that the record will not be used for commercial purposes.

(4) All requests by mail must be received by the department at least five business days before the requested date of inspection to allow the public records officer or designee to make certain the requested records are available and not exempt and, if necessary, to contact the person requesting inspection. All requests will be handled in a timely manner. However, ~~((for))~~ large requests or requests for public records maintained off-site ~~(, it)~~ may require more than five business days ~~((for location and withdrawal from archives))~~. Within five business days of receiving a public record request, the department will respond by either:

(a) Providing the record;

(b) Acknowledging that the department has received the request and providing a reasonable estimate of the time the department will require to respond to the request; or

(c) Denying the public record request.

Additional time required to respond to a request may be based upon the need to clarify the intent of the request, to locate and assemble the information requested, to notify third persons or agencies affected by the request, or to determine whether any of the information requested is exempt and that a denial should be made as to all or part of the request. In acknowledging receipt of a public record request that is unclear, the department may ask the requestor to clarify what information the requestor is seeking. If the requestor fails to clarify the request, the agency need not respond to it.

(5) The department may in its discretion fill requests made by telephone or facsimile copy (fax).

AMENDATORY SECTION (Amending Order 90-37, filed 10/23/90, effective 11/23/90)

WAC 173-03-070 FEES. No fee shall be charged for the inspection of public records. ~~((For printed, typed, and written material of a maximum size of 8 1/2" by 14", the department shall charge a reasonable fee.))~~ The department will charge an amount necessary to reimburse its costs for providing copies of records. This amount shall be determined from time to time by the department, ~~((for))~~ and shall represent the costs of providing copies of public records and for use of the department's copy equipment, ~~((payable at the time copies are furnished))~~ including staff time spent copying records, preparing records for copying, and restoring files.

This charge is the amount necessary to reimburse the department for its actual costs incident to such copying and shall ~~((not exceed 20 cents per copy. For copies from microfilm, the charge shall not exceed 40 cents per copy. Copies of maps, photos, reports, computer printouts, tapes of hearings, and other nonstandard items shall be furnished at the regular price established by the department. When other special copy work for nonstandard items is requested, the fee charged will reflect the total cost, including the time of department personnel))~~ be payable at the time copies are furnished. The charge for special copy work of nonstandard public records shall reflect the total cost, including the staff time necessary to safeguard the integrity of these records.

AMENDATORY SECTION (Amending Order 90-37, filed 10/23/90, effective 11/23/90)

WAC 173-03-100 PROTECTION OF PUBLIC RECORDS. In order to adequately protect the public records of the department, the following guidelines shall be adhered to by any person inspecting such public records:

(1) No public records shall be removed from the department's premises.

(2) Inspection of any public record shall be conducted in the presence of a designated department employee.

(3) No public records may be marked or defaced in any manner during inspection.

(4) Public records which are maintained in a file or jacket, or in chronological or other filing order, or those records, the loss or destruction of which would constitute excessive interference with the department's essential functions, may not be dismantled except for purposes of copying and then only by the public records officer or designee.

(5) Access to file cabinets, shelves, vaults, or other storage areas is restricted to department personnel, unless other arrangements are made with the public records officer or designee.

WSR 92-13-050

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Order 2095—Filed June 11, 1992, 2:09 p.m.]

Date of Adoption: June 11, 1992.

Purpose: To repeal the azalea flower spot quarantine.

Citation of Existing Rules Affected by this Order:
Repealing WAC 16-469-010 through 16-469-060.

Statutory Authority for Adoption: Chapter 17.24 RCW.

Pursuant to notice filed as WSR 92-09-074 on April 15, 1992.

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

June 11, 1992

Michael V. Schwisow
Deputy Director
for C. Alan Pettibone
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 92-13-051
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed June 11, 1992, 3:51 p.m.]

Original Notice.

Title of Rule: WAC 388-49-520 Prospective income budgeting.

Purpose: To conform WAC 388-49-520 to 7 CFR 271.2.

Statutory Authority for Adoption: RCW 74.04.510.

Statute Being Implemented: RCW 74.04.510.

Summary: This amendment will remove supplemental security income (SSI) from prospective budgeting as a type of income. SSI households will be treated according to WAC 388-49-530.

Reasons Supporting Proposal: To conform WAC 388-49-520 to 7 CFR 271.2.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Chuck Henderson, Division of Income Assistance, 438-8325.

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

Rule is necessary because of federal law, 7 CFR 271.2.

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.

Proposal Changes the Following Existing Rules: See above.

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

Hearing Location: OB-2 Auditorium, 12th and Franklin, Olympia, Washington, on July 21, 1992, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Mailstop 5805, Department of Social and Health Services, Olympia, 98504, TELEFAX 664-0118 or SCAN 366-0118, by July 21, 1992.

Date of Intended Adoption: July 23, 1992.

June 11, 1992

Leslie F. James, Director
 Administrative Services

AMENDATORY SECTION (Amending Order 3311, filed 1/15/92, effective 2/15/92)

WAC 388-49-520 PROSPECTIVE INCOME BUDGETING.

(1) The department shall budget income, income deductions, and income exclusions prospectively for the first two beginning months.

(2) The department shall budget income, income deductions, and income exclusions prospectively for the entire certification period for:

(a) Households in which all adult members are elderly or disabled and do not have(:

(i) earned income; (or

(ii) Recent work history as defined in WAC 388-49-020(65);)

(b) Migrant households;

(c) Seasonal farmworker households; and

(d) Households in which all members are homeless individuals.

(3) The department shall budget the following income, income deductions, and income exclusions prospectively, except as provided under WAC 388-49-535(6):

(a) Monthly student financial aid, except for work study;

(b) Public assistance as defined under WAC 388-22-030 except for Supplemental Security Income (SSI); and

(c) ((Supplemental security income (SSI); and

(d)) Income from a new household member for the first two months of participation when the:

(i) Household timely reports the new member; and

(ii) New member has not received benefits within the last calendar month.

WSR 92-13-052

PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed June 11, 1992, 3:53 p.m.]

Original Notice.

Title of Rule: WAC 388-49-530 Retrospective income budgeting.

Purpose: To conform WAC 388-49-530 with 7 CFR 273.21 (j)(i)(VII)(B)(2).

Statutory Authority for Adoption: RCW 74.04.510.

Statute Being Implemented: RCW 74.04.510.

Summary: Amendment changes conditions under which discontinued income may be disregarded. The change is that discontinued income for households receiving both food stamps and public assistance may be disregarded only if the discontinued income results in an increase in the public assistance grant.

Reasons Supporting Proposal: To bring WAC 388-49-530 into conformance with 7 CFR 273.21 (j)(i)(VII)(B)(2).

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Chuck Henderson, Division of Income Assistance, 438-8325.

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

Rule is necessary because of federal law, 7 CFR 273.21 (j)(i)(VII)(B)(2).

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.

Proposal Changes the Following Existing Rules: See above.

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

Hearing Location: OB-2 Auditorium, 12th and Franklin, Olympia, Washington, on July 21, 1992, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Mailstop 5805, Department of Social and Health Services, Olympia, 98504, TELEFAX 664-0118 or SCAN 366-0118, by July 21, 1992.

Date of Intended Adoption: July 23, 1992.

June 11, 1992

Leslie F. James, Director
 Administrative Services

AMENDATORY SECTION (Amending Order 3184, filed 5/31/91, effective 7/1/91)

WAC 388-49-530 RETROSPECTIVE INCOME BUDGETING. The department shall:

(1) Budget income retrospectively in months other than beginning months for all:

(a) Households except those described ((m)) under WAC 388-49-520(2); and

(b) Types of income except those described ((m)) under WAC 388-49-520(3).

(2) Consider income exclusions and deductions retrospectively when budgeting income for households described ((m)) under subsection (1) of this section.

(3) Use the household composition as of the last day of the budget month unless a member leaves or enters the household during the process month.

(4) Disregard income received:

(a) In a beginning month if the income was:

(i) From a source no longer providing income to the household; and
(ii) Included in the household's prospective budget.

(b) From a discontinued source when the household reports the discontinuance of that income at least ten days before the start of the payment month for:

(i) A nonassistance household member who applies for and begins to receive a public assistance grant; or

(ii) A household receiving both public assistance and food stamps, when the discontinued income results in an increase in the public assistance grant.

**WSR 92-13-053
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)**

[Filed June 11, 1992, 3:55 p.m.]

Original Notice.

Title of Rule: WAC 388-49-630 Changes—Reporting requirements.

Purpose: Amendment is to conform WAC 388-49-630 to the requirements of 7 CFR 273.12 (a)(i).

Statutory Authority for Adoption: RCW 74.04.510.

Statute Being Implemented: RCW 74.04.510.

Summary: This amendment specifies that certain clients must report changes in the amount of gross monthly income of \$25 or more.

Reasons Supporting Proposal: To bring WAC 388-49-630 into conformance with 7 CFR 273.12 (a)(i).

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Charles Henderson, Division of Income Assistance, 438-8316.

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

Rule is necessary because of federal law, 7 CFR 273.12 (a)(i).

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.

Proposal Changes the Following Existing Rules: See above.

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

Hearing Location: OB-2 Auditorium, 12th and Franklin, Olympia, Washington, on July 21, 1992, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Mailstop 5805, Department of Social and Health Services, Olympia, 98504, TELEFAX 664-0118 or SCAN 366-0118, by July 21, 1992.

Date of Intended Adoption: July 23, 1992.

June 11, 1992

Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending [Orders] 3276 and 3276A [filed 10/31/91 and 11/27/91, effective 12/1/91 and 2/1/92])

WAC 388-49-630 CHANGES—REPORTING REQUIREMENTS. The department shall require a household certified for more than one month and not subject to mandatory monthly reporting to report the following changes within ten days of the date the change becomes known to the household:

(1) Change in the source of income;

(2) Change in the amount of gross monthly income of more than twenty-five dollars, except for public assistance income;

(3) Change in medical expenses of more than twenty-five dollars;

(4) Change in the household composition, such as the addition or loss of a household member;

(5) Change in residence and resulting change in shelter cost;

(6) The acquisition of licensed vehicles;

(7) The end of a temporary disability when the temporary disability is the reason for exempting the value of a vehicle; and

(8) When nonexempt liquid resources exceed two thousand dollars or three thousand dollars for households with one or more members sixty years of age or older.

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

**WSR 92-13-054
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)**

[Filed June 11, 1992, 3:57 p.m.]

Original Notice.

Title of Rule: WAC 388-80-005 Definitions.

Purpose: To update the definitions used for medical care programs. To delete terms used by other programs that are in chapter 388-29 WAC.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: New definitions added. Definitions that duplicate terms in chapter 388-29 WAC are deleted. Obsolete definitions are deleted. Some definitions are rewritten for easier readability.

Reasons Supporting Proposal: To update the definition of terms used in the medical care program.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bobbe Andersen, Medical Assistance Administration, 753-0529.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.

Proposal Changes the Following Existing Rules: See above.

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

Hearing Location: OB-2 Auditorium, 12th and Franklin, Olympia, Washington, on July 21, 1992, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Mailstop 5805, Department of Social and Health Services, Olympia, 98504, TELEFAX 664-0118 or SCAN 366-0118, by July 21, 1992.

Date of Intended Adoption: July 31, 1992.

June 11, 1992
Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 1996, filed 8/5/83)

WAC 388-80-005 DEFINITIONS. Unless defined in this chapter or specifically defined in other chapter of WAC, the department shall use definitions found in the Webster's New World Dictionary. This section contains definitions of words and phrases the department uses in the rules for medical programs. Definitions of words used for both medical and financial programs are defined under WAC 388-22-030.

(1) "Application" (~~shall~~) for eligibility for medical programs means a written request (~~for medical assistance or limited casualty program~~) to the department of social and health services (DSHS), on a department form, from the applicant, an authorized representative, or, if the applicant is incompetent or incapacitated, someone acting responsibly for the applicant (~~to the department of social and health services the application shall be on a form prescribed by the department~~).

(2) "Assignment Medicare" ((~~is~~)) means the method by which the provider receives payment for services under Part B of Medicare.

(3) "Assignment of rights" means the client gives the state the right to payment and support for medical care from a third party.

(4) "Assistance unit" means a person or members of a family unit who are eligible for (~~cash or~~) medical (~~assistance under a federally matched program including state supplement~~) care.

((~~4~~)) (5) "Authorization" means ((~~an~~)) official approval ((~~of a departmental~~) for department action.

((~~5~~)) (6) "Base period" means the time period used in the limited casualty program which corresponds with the months considered for eligibility.

(7) "Beneficiary" ((~~is~~)) means an eligible ((~~individual~~)) person who receives:

- (a) A federal cash Title XVI benefit; and/or
- (b) State supplement under Title XVI; or
- (c) Benefits under Title XVIII of the Social Security Act.

((~~6~~)) (8) "Benefit period" ((~~is~~)) means the time period used in determining whether Medicare can pay for covered Part A services. A benefit period begins the first day a beneficiary is furnished inpatient hospital or extended care services by a qualified provider. ((~~It~~)) The benefit period ends when the beneficiary has not been an inpatient of a hospital or other facility primarily providing skilled nursing or rehabilitation services for sixty consecutive days. There is no limit to the number of benefit periods a beneficiary ((~~can have~~)) may receive. Benefit period also means a "spell of illness" for Medicare payments.

((~~7~~)) (9) "Cabulance" means a for-hire vehicle designed and used ((~~for the purpose of transporting persons~~)) to transport a person confined to a wheelchair or persons otherwise physically restricted.

((~~8~~)) (10) "Carrier" ((~~is~~)) means an organization ((~~who has a contract~~)) contracting with the federal government to process claims under Part B of Medicare.

((~~9~~)) (11) "Categorically needy" ((~~refers to a resident of the state of Washington whose income and resources are evaluated for cash assistance and who~~)) means the status of a person who is eligible for medical care under Title XIX of the Social Security Act and is:

- (a) A client receiving or eligible to receive cash assistance((:)) under:
 - (i) Aid to families of dependent children (AFDC)((:));
 - (ii) Supplemental Security Income (SSI), including a grandfathered ((~~individuals~~)) person and ((~~individuals~~)) a person with an essential spouse((:));
 - (iii) State supplement((:)); or
 - (iv) Special categories((:));

(b) A financially eligible person under twenty-one years of age who would be eligible for AFDC₂ but does not qualify as a dependent child and who is in:

- (i) Foster care((~~or~~));
- (ii) Subsidized adoption((~~or~~));
- (iii) A ((~~skilled~~)) nursing ((~~home, intermediate care~~)) facility((:)) or intermediate care facility for mentally retarded((:)); or
- (iv) An approved inpatient psychiatric facility((:));
- (c) ((~~Individuals~~)) A person who would be eligible for cash assistance except for ((~~their~~)) the person's institutional status((:));
- (d) ((~~An individual~~)) A person who is SSI categorically related and would not be eligible for cash assistance if ((~~they were~~)) the person was not institutionalized and whose gross income does not exceed the three hundred percent SSI benefit cap. This includes only aged, blind, and disabled ((~~groups~~)).

((~~10~~)) "Central disbursements" is a state office section which audits non-Medicaid medical claims for payment.

((~~11~~)) "Certification date" means the date the worker certifies changes in a recipient's circumstances and authorizes an action.

((~~12~~)) "CFR" means the code of federal regulations and is a codification of the general and permanent rules published in the federal register by the executive departments and agencies of the federal government.

((~~13~~)) "Child" or "minor child" means a person under eighteen years of age.

((~~14~~)) persons;

(e) A qualified severely impaired disabled person under sixty-five years of age who works;

(f) A person during a temporary period who lost AFDC by finding work or by receiving child or spousal support payments;

(g) A pregnant woman:

- (i) Who meets AFDC financial eligibility standards;
- (ii) Who would qualify for AFDC if the baby was already born;
- (iii) Whose family income does not exceed one hundred eighty-five percent of the federal poverty level; or
- (iv) Who was eligible for and receiving Medicaid while pregnant continues to be eligible for a sixty-day postpartum period that extends through the month that contains the sixtieth day after birth;

(h) An infant until the infant's first birthday when the infant lives with the mother and the mother was Medicaid eligible at the time the infant was born;

(i) An infant under one year of age whose family income does not exceed one hundred eighty-five percent of the federal poverty level;

(j) A child under six years of age or until the child is no longer an inpatient if the inpatient stay began before six years of age and whose family income does not exceed one hundred thirty-three percent of the federal poverty level;

(k) A child born after September 30, 1983, who has attained six years of age or until the child is no longer an inpatient if the inpatient stay began before eighteen years of age, but not attained eighteen years of age whose family income does not exceed one hundred percent of the federal poverty level;

(l) A child up to eighteen years of age or until the child is no longer an inpatient if the inpatient stay began before eighteen years of age, born before September 30, 1983, with income allowed by AFDC;

(m) A certain widow, widower, and other qualified person who fails to meet SSI standards because of Social Security coverage or increase in Social Security coverage;

(n) A Medicare-eligible person whose income does not exceed one hundred percent of the federal poverty level and whose resources do not exceed twice the SSI resource eligibility level;

(o) A disabled working person entitled to enroll in Medicare Part A, whose income does not exceed two hundred percent of the federal poverty level and whose resources do not exceed twice the SSI resource-eligibility level;

(p) An alien as defined under chapter 388-83 WAC; or

(q) A person whose categorical eligibility is protected by statute.

(12) "Children's health program" means a state-funded medical program for children under eighteen years of age:

(a) Whose family income does not exceed one-hundred percent of the federal poverty level; and

(b) Who are not otherwise eligible under Title XIX of the Social Security Act.

(13) "Client" means an applicant for or recipient of ((~~financial and/or social services provided by~~)) the department of social and health services financial, medical, and/or social programs.

~~((15))~~ (14) "Coinsurance-Medicare" means the portion of reimbursable hospital and medical expenses, after subtraction of any deductible, which Medicare does not pay. Under Part A, coinsurance is a per day dollar amount ~~(, and)~~. Under Part B, coinsurance is twenty percent of reasonable charges.

~~((16))~~ (15) "CSO ~~(#)~~ (community service office) ~~((is))~~" means an office of the department which administers ~~((the various))~~ social and health services at the community level.

~~((17))~~ "Continuing assistance" means payments to persons who presumably will be eligible for and receive, from the date of authorization, regular monthly grants on a prepayment basis. Continuing assistance includes federal aid and continuing general assistance grants to unemployable persons.

~~(18))~~ (16) "Copayment" means a fixed dollar amount that is the responsibility of the ~~((recipient))~~ client of specified services.

~~((19))~~ (17) "Deductible-Medicare" means an initial specified amount that is the responsibility of the ~~((applicant and/or recipient))~~ client.

~~(a)~~ "Part A of Medicare - inpatient hospital deductible ~~((=))~~" means an initial amount of the medical care cost in each benefit period which Medicare does not pay.

~~(b)~~ "Part B of Medicare - ~~((The first sixty dollars in expenses))~~ physician deductible" means an initial amount of Medicare Part B covered expenses in each calendar year which ~~((must be incurred before))~~ Medicare ~~((starts to))~~ does not pay.

~~((c))~~ "Limited casualty program-medically indigent" means incurring a dollar amount as specified in chapter 388-100 WAC, the department does not pay.

~~(20))~~ (18) "Delayed certification" ~~((shall mean the date of certification))~~ means a department approval of a person's eligibility for Medicaid ~~((and date of application for SSI are the same for an SSI beneficiary whose eligibility decision was delayed due to administrative action))~~ made after the established application processing time limits.

~~((21))~~ (19) "Department" ~~((shall))~~ means the state department of social and health services.

~~((22))~~ "Division of medical assistance" shall mean the single state agency authorized to administer the Title XIX medical assistance program.

~~(23)~~ "Eligible couple" means an eligible individual and eligible spouse.

~~(24)~~ "Eligible individual" means an aged, blind or disabled person as defined in Title XVI of the Social Security Act. If two such persons are husband and wife (and have not been living apart for more than six months), only one of them may be considered an eligible individual.

~~(25)~~ "EPSDT" shall mean a program providing early and periodic screening, diagnosis and treatment to persons under twenty-one years of age who are eligible under Title XIX of the Social Security Act.

~~(26))~~ (20) "Early and periodic screening, diagnosis and treatment (EPSDT)", also known as the "healthy kids" program, means a program providing early and periodic screening, diagnosis and treatment to persons under twenty-one years of age who are eligible for Medicaid or the children's health program.

~~(21)~~ "Electronic fund transfers" means automatic bank deposits to a client's account.

~~(22)~~ "Emergency medical condition" means a medical condition (including labor and delivery) manifesting itself by acute symptoms of sufficient severity (including severe pain) such that the absence of immediate medical attention could reasonably be expected to result in:

(a) Placing the patient's health in serious jeopardy;

(b) Serious impairment to bodily functions; or

(c) Serious dysfunction of any bodily organ or part.

~~(23)~~ "Emergency medical expense requirement" means a specified amount of expenses for emergency medical conditions that a client must incur prior to certification for the medically indigent program.

~~(24)~~ "Essential spouse" ~~((means a spouse whose needs were taken into account in determining the need of OAA, AB, or DA recipient for December, 1973, who continues to live in the home of such recipient, and continues to be an essential))~~ see "Spouse".

~~((27))~~ (25) "Extended care patient" ~~((is))~~ means a recently hospitalized Medicare patient ~~((who needs))~~ needing relatively short-term skilled nursing and rehabilitative care in a ~~((skilled))~~ nursing facility.

~~((28))~~ "Fair hearing" means an administrative proceeding by which the department hears and decides the appeal of an applicant/recipient from an action or decision of the department.

~~(29)~~ "Federal aid" means the assistance programs for which the state receives matching funds from the federal government.

~~(30)~~ "Fraud" shall mean a deliberate, intentional, and willful act, with the specific purpose of deceiving the department with respect to any material, fact, condition, or circumstances affecting eligibility or need.

~~(31)~~ "General assistance - continuing" (GAU) means assistance to unemployable persons who are not eligible for or not receiving federal aid and whose medical care is defined in chapter 388-86 WAC.

~~(32))~~ (26) "Garnishment" means withholding an amount from earned or unearned income to satisfy a debt or legal obligation.

~~(27)~~ "Grandfathering" refers to:

(a) A noninstitutionalized ~~((individual))~~ person who meets all current requirements for Medicaid eligibility except the criteria for blindness or disability; and

(i) ~~((As))~~ Was eligible for Medicaid in December ~~((;))~~ 1973, as blind or disabled, whether or not ~~((he/she))~~ the person was receiving cash assistance in December 1973; and

(ii) ~~((For each consecutive month after December, 1973,))~~ Continues to meet the criteria for blindness and disability and other conditions of eligibility used under the Medicaid plan in December ~~((;))~~ 1973; and

~~((iii))~~ The needs of the "essential person" shall only be considered when he/she is living with such person in the same household.)

(b) An institutionalized ~~((individual))~~ person who was eligible for Medicaid in December ~~((;))~~ 1973, or any part of that month, as an inpatient of a medical institution or resident of an intermediate care facility that was participating in the Medicaid program and for each consecutive month after December ~~((;))~~ 1973 who:

(i) ~~((Continued))~~ Continues to meet the requirements for Medicaid eligibility that were in effect under the state's plan in December ~~((;))~~ 1973, for institutionalized ~~((individuals))~~ persons; and

(ii) ~~((Remained))~~ Remains institutionalized.

~~((33))~~ (28) "Health insuring organization (HIO)" means an entity that arranges and pays for medical services provided to an eligible enrolled client in exchange for a premium or subscription charge paid by the department on a prepaid capitation risk basis.

~~(29)~~ "Health maintenance organization (HMO)" means an entity that provides comprehensive medical services directly to an eligible enrolled client in exchange for a premium paid by the department on a prepaid capitation risk basis.

~~(30)~~ "Healthy kids," is also known as EPSDT.

~~(31)~~ "Home health agency" ~~((is))~~ means an agency or organization certified under Medicare to provide ~~((skilled nursing and other therapeutic services))~~ comprehensive health care on a part-time or intermittent basis to ~~((the))~~ a patient in ~~((his/her))~~ the patient's place of residence.

~~((34))~~ (32) "Hospital" ~~((shall mean any))~~ means an institution licensed as a hospital by the official state licensing authority.

~~((35))~~ (33) "Institution" ~~((shall))~~ means an establishment which furnishes food ~~((and))~~, shelter, medically-related services, and medical care to four or more persons unrelated to the proprietor ~~((and, in addition provides medically related services and medical care))~~. This ~~((would include hospitals))~~ includes medical facilities, ~~((skilled))~~ nursing facilities, ~~((intermediate care facilities,))~~ and institutions for the mentally retarded, but does not include correctional institutions.

~~((36))~~ (a) "Institution-public" means an institution that is the responsibility of a governmental unit or over which a governmental unit exercises administrative control.

(b) "Institution for mental diseases" means an institution primarily engaged in providing diagnosis, treatment, or care of persons with mental diseases including medical attention, nursing care, and related services.

(c) "Institution for the mentally retarded or a person with related conditions" means an institution that:

(i) Is primarily for the diagnosis, treatment, or rehabilitation of the mentally retarded or a person with related conditions; and

(ii) Provides, in a protected residential setting, ongoing care, twenty-four-hour supervision, evaluation, and planning to help each person function at the greatest ability.

(d) "Institution for tuberculosis" means an institution for the diagnosis, treatment, and care of a person with tuberculosis.

(e) "Medical Institution" means an institution:

(i) Organized to provide medical care, including nursing and convalescent care;

(ii) With the necessary professional personnel, equipment, and facilities to manage the health needs of the patient on a continuing basis in accordance with acceptable standards;

(iii) Authorized under state law to provide medical care; and
 (iv) Staffed by professional personnel. Services include adequate physician and nursing care.

(34) "Intermediary" ((is)) means an organization ((who has)) having an agreement with the federal government to process Medicare claims under Part A.

~~((37)) "Intermediate care facility" shall mean a licensed facility certified to provide intermediate care for which an agreement has been executed.~~

~~(38) "Intermediate care facility/IMR" shall mean a state institution or a licensed nursing home either of which has been certified by state office (SO) as meeting the CFR regulations to provide twenty-four hour health-related care and services to mentally retarded persons or persons with related conditions.~~

~~((39)) (35) "Legal dependent((s))" ((are)) means a person(s) whom ((an individual)) another person is required by law to support.~~

~~((40)) (36) "Limited casualty program (LCP)" means a medical care program for medically needy as defined in chapter 388-99 WAC, and for medically indigent as defined in chapter 388-100 WAC.~~

~~((41)) (37) "Medicaid" ((or "medical assistance" (MA) shall)) means the federal aid Title XIX program under which medical care is provided to:~~

(a) Categorically needy as defined in chapters 388-82 and 388-92 WAC ((:)); or

(b) Medically needy as defined in chapters 388-92 and 388-99 WAC.

~~((42)) (38) "Medical assistance" means the federal aid Title XIX program under which medical care is provided to the categorically needy as defined in chapters 388-82 and 388-92 WAC.~~

~~(39) "Medical Assistance Administration (MAA)" means the unit within the state agency within the department of social and health services authorized to administer the Title XIX Medicaid and the state-funded medical care programs.~~

~~(40) "Medical care services" means the limited scope of care financed by state funds and provided to general assistance ((recipients)) and ADATSA clients.~~

~~((43)) (41) "Medical consultant" ((shall)) means a physician employed by the department ((at the CSO level)).~~

~~((44)) (41) "Medical facility." See "institution."~~

~~((45)) (43) "Medically indigent (MI)" means a state-funded medical program, part of the limited casualty program, for a person with limited income and resources who has an emergency medical condition.~~

~~(44) "Medically necessary" is a term for describing requested service which is reasonably calculated to prevent, diagnose, correct, cure, alleviate or prevent the worsening of conditions in the recipient that endanger life, or cause suffering or pain, or result in illness or infirmity, or threaten to cause or aggravate a handicap, or cause physical deformity or malfunction, and there is no other equally effective more conservative or substantially less costly course of treatment available or suitable for the recipient requesting the service. For the purpose of this section "course of treatment" may include mere observation or, where appropriate, no treatment at all.~~

~~(45) "Medically needy (MN)" is the status of a person who is eligible for a federally-matched medical program under Title XIX of the Social Security Act, who, but for income and/or resources above the categorically needy level, would be eligible as categorically needy.~~

~~(46) "Medicare" ((is a commonly used term for)) means the federal government health insurance program for certain aged or disabled ((recipients)) clients under Titles II and ((XVII)) XVIII of the Social Security Act Medicare has two parts:~~

(a) "Part A" covers the Medicare inpatient hospital, post-hospital skilled nursing facility care, home health services, and hospice care.

(b) "Part B" is the supplementary medical insurance benefit (SMIB) covering the Medicare doctor's services, outpatient hospital care, outpatient physical therapy and speech pathology services, home health care, and other health services and supplies not covered under Part A of Medicare.

~~(47) "Month of application" ((shall)) means the calendar month ((in which)) a person files the application ((is filed)) for medical care unless ((it)) the application is for the medically needy program; then, at the person's request and if the application is filed in the last ten days ((of)) of that month((-then)), the month of application may be the following month.~~

~~(48) ("Nursing care consultant" shall mean a qualified and licensed registered nurse employed by the bureau of nursing home affairs who is centrally supervised, but stationed in CSO's:))~~

~~"Nursing facility," unless otherwise described, means any institution or facility the department of health licenses as a nursing facility, or a nursing facility unit of a licensed hospital, that the:~~

(a) Department certifies; and

(b) Facility and the department agree the facility may provide skilled nursing facility care.

~~(49) "Outpatient" ((is)) means a nonhospitalized patient receiving care in ((an)) a hospital outpatient or emergency department ((of a hospital)), or away from a hospital such as in a physician's office ((or)), the patient's own home, or a nursing ((home)) facility.~~

~~(50) ("Part A" is the hospital insurance portion of Medicare:~~

~~(51) "Part B" is the supplementary medical insurance benefit (SMIB) or the "doctor's portion" of Medicare.~~

~~((52)) "PAS" (→) "Professional activity study ((is)) (PAS)" means a compilation of inpatient hospital data by diagnosis and age, conducted by the commission of professional and hospital activities, ((which resulted in the determination of an)) to determine the average length of hospital stay for patients. These data were published in a book entitled "Length of Stay in PAS Hospitals, Western." The department has adopted this book as the basis for authorizing payment for the maximum number of inpatient hospital days for ((recipients)) clients of state-funded programs, or where no memorandum of understanding with a ((PSRO)) professional review organization (PRO) exists.~~

~~((53)) (51) "Patient transportation" means ((the)) client transportation ((of recipients)) to and from covered medical services ((covered)) under the ((medical assistance)) federal Medicaid and state medical care programs.~~

~~((54)) (51) "Physician" ((is)) means a doctor of medicine, osteopathy, or ((podiatrist)) podiatry who is legally authorized to perform the functions of ((his)) the profession by the state in which ((he performs them)) the services are performed.~~

~~((55)) (53) "Professional ((standards)) review organization((PSRO). See "Washington state professional standards review organization)) for Washington (PRO-W)" means the state level organization responsible for determining whether health care activities:~~

(a) Are medically necessary;

(b) Meet professionally acceptable standards of health care; and

(c) Are appropriately provided in an outpatient or institutional setting for beneficiaries of Medicare and clients of Medicaid and maternal and child health.

~~(54) "Prosthetic devices" mean replacement, corrective, or supportive devices prescribed by a physician or other licensed practitioner of the healing arts within the scope of his or her practice as defined by state law to:~~

(a) Artificially replace a missing portion of the body;

(b) Prevent or correct physical deformity or malfunction; or

(c) Support a weak or deformed portion of the body.((

~~(56)) (55) "Provider" or "provider of service" means an institution, agency, or ((individual who has)) person:~~

(a) Having a signed agreement with the department to furnish medical care and goods and/or services to ((recipients)) clients; and ((who is))

(b) Eligible to receive payment from the department.

~~((57) "Provider services" shall mean the office of the division of medical assistance which processes claims for payment under Title XIX and state-funded programs:~~

~~(58) Residence, state of means:~~

(a) The state where the applicant/recipient is living with the intent to remain there permanently or for an indefinite period;

(b) The state which he/she entered with a job commitment or to seek employment, whether or not currently employed;

(c) The state making a state supplementary payment;

(d) The state making placement in an out-of-state institution;

(e) The state of the parents or legal guardian, if one has been appointed, of an institutionalized individual who is under age twenty-one or is age twenty-one or over and who became incapable of determining residential intent before age twenty-one;

(f) The state where the person over age twenty-one judged to be legally incompetent is living.

~~(59)) (56) "Retroactivity" means((-)) the period of no more than three calendar months ((prior to)) before the application month of ((application to)) an otherwise eligible ((individual)) person under the Federal aid Title XIX ((medical assistance)) program.~~

~~((60) "Skilled nursing facility," unless otherwise described, shall mean any institution or facility licensed by the department as a nursing home, or is a nursing home unit of a hospital licensed by the state~~

department of social and health services and is certified, and has an agreement to provide skilled nursing home care:

~~((61))~~ (57) "Spell of illness." See "benefit period."

~~((62))~~ (58) "Spendedown" means the ~~((individual incurs))~~ process by which a person uses incurred medical expenses to ~~((reduce))~~ offset income and/or resources to the financial standards established by the department.

~~((63))~~ (59) "Spouse" means:

(a) "Community spouse" means a person living in the community and married to an institutionalized person or to a person receiving services from a home and community-based waiver program.

(b) "Eligible spouse" means an aged, blind or disabled ~~((individual who is the))~~ husband or wife of an eligible ~~((individual and who has not been living apart from such eligible individual for more than))~~ person with whom such spouse lives or has lived with in the previous six months.

~~((64))~~ (c) "Essential spouse" means for the purposes of SSI a spouse whose needs were taken into account in determining the need of Old Age Assistance (OAA), Aid to the Blind (AB), or Disability Assistance (DA) client for December 1973, who continues to live in the home of such client, and continues to be an essential spouse.

(d) "Ineligible spouse" means the husband or wife of an eligible ~~((individual))~~ person, living with the eligible spouse who ~~((is not aged, blind or disabled, or who although aged, blind or disabled))~~ has not applied for or is not eligible to receive such assistance.

~~((65))~~ (e) "Institutionalized spouse" means a married person in an institution or a married person receiving services from a home or community-based waiver program.

(f) "Nonapplying spouse" means the husband or wife of an eligible ~~((individual))~~ person who ~~((although aged, blind or disabled))~~ has not applied for ~~((such))~~ assistance.

~~((66))~~ (60) "State office" or "SO" ~~((shall))~~ means the ~~((division of))~~ medical assistance administration of the department of social and health services.

~~((67))~~ (61) "Supplementary payment" means the state money payment to ~~((individuals))~~ persons receiving benefits under Title XVI (or who would, but for their income, be eligible for such benefits) as assistance based on need in supplementation of SSI benefits. This payment includes:

(a) "Mandatory state supplement" means the state money payment ~~((with respect))~~ to ~~((individuals))~~ persons who, for December ~~((:))~~ 1973, were ~~((recipients))~~ clients of money payments under the department's former programs of old age assistance, aid to the blind and disability assistance.

(b) "Optional state supplement" means the ~~((elected))~~ elective state money payment to ~~((individuals))~~ persons eligible for SSI benefits or who, except for the level of their income would be eligible for such benefits.

~~((68))~~ (62) "Supplemental security income (SSI) program, Title XVI," means the federal grant program ~~((of supplemental security income))~~ for the aged, blind, and disabled established by section 301 of the social security amendments of 1972, and subsequent amendments, and administered by the Social Security Administration (SSA).

~~((69))~~ (63) "SSI-related" means an aged, blind, or disabled person.

(64) "Third party" means any entity that is or may be liable to pay all or part of the medical cost of injury, disease, or disability of ~~((an applicant or recipient of Medicaid:~~

~~((65))~~ "Washington state professional standards review organization" (WSPSRO) is the state level organization responsible for determining whether health care activities are medically necessary, meet professionally acceptable standards of health care, and are appropriately provided in an outpatient or institutional setting for beneficiaries of Medicaid and recipients of Medicaid and maternal and child health)) a federal Medicaid or state medical care client.

(65) "Title XIX" is the portion of the Federal Social Security Act that authorizes grants to states for medical assistance programs. Title XIX is also called Medicaid.

(66) "Value-fair market" means, for SSI-related medical eligibility, the current value of a resource at the going price for which the resource can reasonably be expected to sell on the open market in the particular geographic area involved.

(67) "Value-uncompensated" means, for SSI-related medical eligibility, the fair market value of a resource minus the amount of compensation received in exchange for the resource.

(68) "Value of compensation received" means, for SSI-related medical eligibility, the gross amount paid or agreed to be paid by the purchaser.

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

Reviser's note: 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.

WSR 92-13-055

WITHDRAWAL OF PROPOSED RULES

HIGHER EDUCATION PERSONNEL BOARD

[Filed June 11, 1992, 4:40 p.m.]

The Higher Education Personnel Board hereby withdraws proposed WAC 251-04-060 rule amendment filed with your office on April 21, 1992, as WSR 92-09-123.

John A. Spitz
Director

WSR 92-13-056

PERMANENT RULES

UTILITIES AND TRANSPORTATION COMMISSION

[Order R-374, Docket No. UW-920119—Filed June 11, 1992, 4:53 p.m.]

In the matter of amending WAC 480-110-021 and 480-110-066 relating water company distribution extensions, service installations and service connections.

This action is taken pursuant to Notice No. WSR 92-05-090 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 those 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 92-05-090 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. The matter was set over until May 13, 1992, in the commission's hearing room above noted.

At the April 1, 1992, meeting the commission considered the rule change proposal. Written comments were received from Richard Finnigan; there were no oral comments.

The rule change affects no economic values.

In reviewing the entire record herein, it has been determined that WAC 480-110-021 and 480-110-066 should be amended to read as set forth in Appendix A shown below and by this reference made a part hereof.

The rules as noticed vary in content from the rules adopted in that: The requirement of subdivision (d) of WAC 480-110-066(5) that each contract filed for commission approval should be accompanied by a copy of the regulatory authorization was eliminated. The first sentence in subsection (7) was revised to more clearly state that an applicant may submit a proposed contract to the commission for informal investigation if that applicant does not accept the proposed charges.

WAC 480-110-021 and 480-110-066 as amended set forth the process for the commission to determine the fair, just, reasonable, and sufficient charge for water company line extensions, service installations, and service connections which are not offered under tariff. The amended rules require water companies to notify customers that they may use contractors other than the water company for extensions and sets forth contract filing requirements and a procedure for customers to have proposed charges reviewed.

ORDER

WHEREFORE, IT IS ORDERED That WAC 480-110-021 and 480-110-066 as set forth in Appendix A, be amended as rules 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 11th day of June, 1992.

Washington Utilities and Transportation Commission
Sharon L. Nelson, Chairman
A. J. Pardini, Commissioner

APPENDIX "A"

AMENDATORY SECTION (Amending Order R-320, Docket No. UW-900081, filed 8/14/90, effective 9/14/90)

WAC 480-110-021 GLOSSARY. (1) Commission - the Washington utilities and transportation commission.

(2) Utility - any corporation, company, association, joint stock association, partnership or person, their lessees, trustees or receivers appointed by any court whatsoever, owning, controlling, operating or managing any

water plant within the state of Washington for the purpose of furnishing water service to the public for hire and subject to the jurisdiction of the commission.

(3) Applicant - any person, partnership, firm, corporation, municipality, cooperative organization, governmental agency, etc., who has completed an application for a distribution extension (~~(, but has not requested water service)~~).

(4) Customer - any person, partnership, firm, corporation, municipality, cooperative organization, governmental agency, etc., who or which is receiving service from a utility or has completed an application for water service and that application has been accepted by the utility.

(5) Meter tests

(a) Periodic test - a routine test made in the regular course of a utility's operation, and in accordance with WAC 480-110-161, frequency of periodic test.

(b) Complaint test - a test made as a result of a request by a customer, and in accordance with WAC 480-110-151, complaint meter test.

(c) Installation test - a test made prior to the installation of a meter. New meters when received by a utility may be tested by an acceptable sampling plan prior to initial installation.

(d) Special test - any test other than a periodic, complaint, or installation test.

(e) Sample test - a test made as a result of the inclusion of a meter in a random statistical sample.

(6) Commission service area - a utility service area is that area the company is providing water service to or has a signed contract to provide water service.

(7) Line extension - water mains and appurtenances required to extend the utility's existing water distribution system to make service available to an applicant. A line extension may also be called a distribution extension or a main extension.

(8) Service connection - the pipe, valves, and fittings between the utility's distribution system and the customer's property line.

(9) Service installation - the building of facilities necessary for fire flow or service connection requested by an applicant when there is no specific customer charge in the company's tariff.

In the application of these rules, those terms used in the public service laws of the state of Washington will have the meaning therein ascribed to them.

Terms not defined in these rules or in the applicable statutes are to be given that meaning usually accepted in the water industry.

AMENDATORY SECTION (Amending Order R-320, Docket No. UW-900081, filed 8/14/90, effective 9/14/90)

WAC 480-110-066 DISTRIBUTION EXTENSIONS-SERVICE INSTALLATIONS-SERVICE CONNECTIONS. (1) Each utility shall file as a part of its tariff a distribution extension and service connection rule setting forth the conditions under which it will extend its facilities to make service available to an applicant.

~~((All distribution extension agreements or contracts in excess of the allowances or charges contained in the company distribution extension rules shall be filed with the commission for approval. The documentation to be filed with the contract shall meet the criteria contained in WAC 480-80-335.))~~

(2) When an applicant requests a distribution extension from a water company, the company shall clearly disclose that the applicant may use a company-qualified contractor other than the water company if the applicant so desires. Ownership of facilities will revert to the company only upon approval of facilities and the signing of a contract.

(3) When a water company tariff does not set forth by specific amount the charges for connection to its distribution system, then such charges shall be provided under contract. Each contract shall be filed with the commission pursuant to this rule.

(4) Each such contract shall be filed with the commission not less than thirty days prior to the proposed effective date of the contract, and shall become effective according to its terms the thirty-first day from the date of its filing unless earlier approved, suspended, or rejected by the commission: PROVIDED, That upon application and for good cause shown, the commission may approve the contract as of an effective date prior to the date that the contract would have become effective in accordance with this rule.

(5) Each contract filed for commission approval shall be accompanied by such documentation as may be necessary to show that the proposed charges are fair, just, reasonable, and sufficient. In addition, the utility shall file the following information in conjunction with each contract submitted for commission approval:

(a) A statement summarizing the basis of the rate or charge proposed in the contract and an explanation of the derivation of the proposed rate or charge.

(b) An explanation of all cost computations involved in arriving at the derivation of the level of the rate or charge in the contract; and

(c) A statement indicating the basis for the use of a contract rather than a filed tariff for the specific service involved.

(d) A statement by the water company that there are no outstanding orders prohibiting such project.

(6) An applicant may submit a proposed contract to the commission, if the applicant does not accept the proposed charges. The commission shall conduct an informal investigation and attempt to mediate the dispute. If the parties have not agreed on a contract price after thirty days from submission of the proposed contract, then the matter shall be set for formal hearing unless the parties request that the period for informal investigation and mediation be extended. In any investigation or formal hearing, the company shall have the burden of proving its proposed charges are fair, just, reasonable, and sufficient. If as the result of a formal hearing a commission order is issued, then the parties may sign the contract and accept the charges as determined by the commission.

(7) In determining the charge for a distribution extension, service installation, or service connection, the

utility must determine the most economical route consistent with the utility companies' approved plan and in compliance with sound engineering practice.

(8) There will not be a direct charge or assessment for retrofitting or upgrading the system for applicants or customers within the ((commission)) service area unless the use of the property changes from that originally proposed when the system was designed or approved.

**WSR 92-13-057
EMERGENCY RULES
DEPARTMENT OF
NATURAL RESOURCES**

[Order 601—Filed June 12, 1992, 8:15 a.m.]

Date of Adoption: June 12, 1992.

Purpose: Suspending rule burn privileges on department protected lands.

Statutory Authority for Adoption: RCW 76.04.315.

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: Weather conditions have created a situation of increasing fire danger throughout the state, whereby there is a need to further regulate outdoor burning to protect life and property.

Effective Date of Rule: Immediately.

June 12, 1992
Brian Boyle
Commissioner of
Public Lands

NEW SECTION

WAC 332-26-081 OUTDOOR RULE BURN SUSPENSION. Effective midnight Friday, June 12, 1992 to midnight Wednesday, August 12, 1992 privileges to have an outdoor fire without a written burning permit, as allowed by WAC 332-24-201 and 332-24-205, on lands protected by the Department of Natural Resources throughout the state are suspended: PROVIDED, That campfire and barbecues in established and approved campgrounds are exempt from these restrictions.

**WSR 92-13-058
PROPOSED RULES
STATE BOARD OF EDUCATION**

[Filed June 12, 1992, 10:46 a.m.]

Original Notice.

Title of Rule: WAC 180-110-035 Application contents.

Purpose: To explain the increased flexibility allowed in providing the 10 extra days to Schools for the 21st Century staff pursuant to legislative mandate.

Other Identifying Information: WAC 180-110-035(9).

Statutory Authority for Adoption: RCW 28A.630.140 and 28A.630.210.

Statute Being Implemented: Chapter 112, Laws of 1992.

Summary: The change allows projects to provide an average of 10 extra days to 21st Century staff and to include administrators in the extra day provision.

Reasons Supporting Proposal: This rule revision incorporates changes in Schools for the 21st Century legislation as amended in SB 6220 and is supported by the House of Representatives, the Senate, SBE, OSPI, and the Schools for the 21st Century projects.

Name of Agency Personnel Responsible for Drafting: Richard Wilson, Office of Superintendent of Public Instruction, Old Capitol Building, P.O. Box 47200, 753-2298; Implementation: Monica Schmidt, Office of Superintendent of Public Instruction, Old Capitol Building, P.O. Box 47200, 753-6715; and Enforcement: John Anderson, Office of Superintendent of Public Instruction, Old Capitol Building, P.O. Box 47200, 586-4512.

Name of Proponent: State Board of Education, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The purpose of the rule is to allow some 21st Century project personnel to receive more than the 10 extra days if others elect to use fewer. Some teachers are unable to use all of their extra days, while others work many more than the 10.

Proposal Changes the Following Existing Rules: It allows Schools for the 21st Century projects to provide an average of 10 extra days rather than exactly 10 extra days for each participating project staff member.

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

Hearing Location: Silverdale Hotel, Harbor Room, 3073 N.W. Bucklin Hill Road, Silverdale, WA 98383, on July 22, 1992, at 1:30 p.m.

Submit Written Comments to: Dr. Monica Schmidt, State Board of Education, P.O. Box 47200, Olympia, WA 98504-7200, by July 21, 1992.

Date of Intended Adoption: July 23, 1992.

June 12, 1992
Dr. Monica Schmidt
Executive Director
Secretary

AMENDATORY SECTION (Amending Order 6-88, filed 2/19/88)

WAC 180-110-035 APPLICATION CONTENTS. Applications for pilot project approval and state funding shall comply with each of the following content requirements:

(1) Project activities and objectives. The application shall specify and explain each of the following:

(a) The activities to be carried out as part of the pilot project, including the nature and extent of proposed changes in, or the restructuring of, existing school operations.

(b) The nature of the improvement in student performance sought to be achieved.

(2) Technical resources. The application shall identify the technical resources desired, the potential costs of those resources, and the institutions of higher education, educational service districts, or consultants available to provide such services.

(3) Budget plan. The application shall contain a budget plan for the pilot project and additional anticipated sources of funding, including private grants and contributions, if any.

(4) Staff incentive pay system. The application shall identify a staff incentive pay system. Implementation of the staff incentive pay system is not required.

(5) Evaluation and accountability processes. The application shall specify and explain the evaluation and accountability processes to be used to measure pilot project-wide performance, including student performance. The processes shall include features designed to provide information capable of establishing the nature and the extent of any improvement in student performance attributable to the pilot project.

(6) Collective bargaining contract modifications. The application shall include a written statement that the school directors and the local bargaining agents will modify those portions of their local agreements as applicable for the pilot project.

(7) Modification or waiver of school district rules. The application shall include a written statement that school directors and administrators are willing to exempt the pilot project from specifically identified local rules, as needed.

(8) Modification or waiver of state rules. If the application requests the modification or waiver of a rule of either the state board of education or the superintendent of public instruction, the application shall include each of the following:

(a) Identification of the state board of education or superintendent of public instruction rule relating to the length of the school year, teacher contact hour requirements, program hour offerings, student to teacher ratios, salary lid compliance requirements, the commingling of funds appropriated by the legislature on a categorical basis, or another subject matter which the school district requests be modified or waived.

(b) The reason or reasons the school district believes the requested modification or waiver is warranted.

(9) Supplemental contracts for project related instructional employees. The application shall provide for the employment of one or more certificated school building staff, including certificated administrative staff and classified school building staff, whose primary duties consist of the daily educational instruction of students, pursuant to a supplemental contract that provides for each of the following:

(a) ~~(No less than)~~ An average of ten additional days above and beyond the minimum one hundred and eighty day school year for the participating employees.

(b) Services or staff development, or both, in support of the pilot project.

(c) Additional compensation for such additional services and staff development funded with moneys made available pursuant to this chapter.

(10) Assurances of cooperation and support. The application shall contain each of the following types of assurances of cooperation and support:

(a) Written statements from the board of directors of the school district, the district superintendent, the principals, and the instructional staff involved in the pilot project that they have worked cooperatively in developing the application, they support the pilot project, and they will work cooperatively during the term of the pilot project.

(b) Written statements of support, willingness to participate, or concerns from any interested parent, business, or community organization.

(11) Summary or abstract. The application shall contain a one page abstract of the nature and objectives of the pilot project.

(12) Duration of pilot project. The application shall specify the school years, not exceeding six school years, for which approval and funding is requested.

WSR 92-13-059
PROPOSED RULES
STATE BOARD OF EDUCATION
[Filed June 12, 1992, 10:49 a.m.]

Original Notice.

Title of Rule: WAC 180-25-030 State study and survey—Local involvement; 180-25-032 State study and survey—Special state assistance for building condition surveys; 180-27-056 Funding during the period of a priority approval process order by State Board of Education; 180-27-058 State assistance—Priorities; 180-27-016 Rules determining eligibility and timing of state assistance; 180-27-052 Order of funding under dual priority systems; 180-27-500 State assistance—Priorities after June 30, 1992; 180-27-505 State assistance—Common priority factors; 180-27-510 State assistance—New construction for growth priority factors; 180-27-515 Modernization factors or new-in-lieu of modernization priority factors; 180-27-525 State assistance—Priorities for coops; 180-27-530 Type of school space—Determination; 180-27-535 Existing building condition—Evaluation; and 180-29-085 Construction and other documents—Submittal.

Purpose: To implement a new school construction priority system prior to July 1, 1992, as required by section 24(8), chapter 233, Laws of 1992.

Statutory Authority for Adoption: RCW 28A.525.020.

Statute Being Implemented: Section 24(8), chapter 233, Laws of 1992.

Summary: A new priority system for the allocation of state construction funding assistance on July 1, 1992, will make available to needed construction and reconstruction school projects this summer an additional \$135 million.

Reasons Supporting Proposal: Implementation of these amendments is required pursuant to section 24(8), chapter 233, Laws of 1992.

Name of Agency Personnel Responsible for Drafting: Richard Wilson, Office of Superintendent of Public Instruction, Old Capitol Building, Olympia, 753-2298; Implementation: David Moberly, Office of Superintendent of Public Instruction, Old Capitol Building, Olympia, 753-6742; and Enforcement: Michael Roberts, Office of Superintendent of Public Instruction, Old Capitol Building, Olympia, 753-6729.

Name of Proponent: State Board of Education, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See above.

Proposal Changes the Following Existing Rules: Implements new school construction funding priority system.

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

Hearing Location: Harbor Room, Silverdale Hotel, 3075 N.W. Bucklin Hill Road, Silverdale, WA 98383, on July 22, 1992, at 1:30 p.m.

Submit Written Comments to: Dr. Monica Schmidt, Executive Director, State Board of Education, P.O. Box 47200, Olympia, WA 98504-7200, by July 21, 1992.

Date of Intended Adoption: July 23, 1992.

June 12, 1992
Dr. Monica Schmidt
Executive Director
Secretary

AMENDATORY SECTION (Amending Order 24-85, filed 11/27/85)

WAC 180-25-030 STATE STUDY AND SURVEY—LOCAL INVOLVEMENT. When in the judgment of the superintendent of public instruction information is not readily available to complete the state study and survey or the superintendent of public instruction determines that an existing study and survey, although completed within the previous six years, is out of date, the superintendent of public instruction shall request the state board of education to approve a district's request for state assistance to offset all or a portion of the cost of acquiring such information. If the state board of education concurs that such information is incomplete or the state study and survey is out of date, the state board of education shall approve such request unless the state board of education determines there is no possibility that the district will be eligible for state assistance within the next ~~((six years))~~ seventy-two months. Such assistance shall be based on a ~~((variable))~~ minimum flat grant for each enrollment category plus a variable ~~((per-pupil))~~ allocation based on the district's ((headcount enrollment (kindergarten students counted one-half) as reported annually on the first day of October)) estimated gross square footage of existing school facilities and in accordance with the following schedule:

Headcount Enrollment Categories

Enrollment of 1 to 500—Minimum grant plus ((per-pupil)) square footage allocation

Enrollment of 501 to 3,000—Minimum grant plus ((per-pupil)) square footage allocation

Enrollment of 3,001 to 10,000—Minimum grant plus ((per-pupil)) square footage allocation

Enrollment of above 10,000—Minimum grant plus ((per-pupil)) square footage allocation

The dollar amount for the minimum grants and the ~~((per-pupil))~~ square footage allocations for these categories shall be established annually by the state board of education.

NEW SECTION

WAC 180-25-032 STATE STUDY AND SURVEY—SPECIAL STATE ASSISTANCE FOR BUILDING CONDITION SURVEYS. If, as of May 22, 1992, a district is actively conducting a state study and survey or has a current study and survey on file at the superintendent of public instruction, the district may make application to the superintendent of public instruction for special state assistance to conduct a standardized building condition analysis as required by WAC 180-27-535 to determine state funding priority rankings. This special assistance shall not be available to districts which receive a study and survey grant after July 1, 1992. The grant amount shall not exceed four hundred dollars per active school facility and will be paid only on actual incremental direct costs. The superintendent of public instruction shall report to the state board of education on grant requests and payments made under this section on an annual basis until July 1, 1995.

AMENDATORY SECTION (Amending Order 2-85, filed 1/25/85)

WAC 180-27-056 FUNDING DURING THE PERIOD OF A PRIORITY APPROVAL PROCESS ORDER BY STATE BOARD OF EDUCATION. During the period of a priority approval process imposed by order of the state board of education school construction projects shall receive final approval pursuant to WAC 180-29-107 as follows:

(1) On or after July 1 following the state board of education order for the implementation of a priority approval process the superintendent of public instruction shall rank all projects for which final approval has been requested pursuant to WAC 180-29-107 as per the applicable priority list in WAC 180-27-058 or 180-27-500. Only school construction projects with state board of education approval under WAC 180-25-045 and secured local capital funds by December 31 of the previous state fiscal year and eligible for final approval pursuant to

WAC 180-29-107 by June 30 of the previous state fiscal year shall be placed on that priority list: PROVIDED, That for the state fiscal year beginning July 1, 1992, the December 31, 1991, cutoff date is extended to March 27, 1992.

(2) Based on a ceiling of one and one-half times the amount of the estimated revenue available for the state fiscal year plus fund balance for the state fiscal year minus outstanding encumbrances for the state fiscal year or as close thereto as is reasonably practical, the superintendent of public instruction shall give final approval pursuant to WAC 180-29-107 during the state fiscal year to school construction projects on the priority list. For the purpose of this subsection the term "estimated revenue available for the state fiscal year" shall mean the estimated revenue from the common school construction fund for the current state fiscal year and the subsequent state fiscal year, the result of which is divided by two.

(3) In the event the state board of education does not rescind the order for the implementation of a priority approval process by the close of the state fiscal year, school construction projects remaining on the priority list without final approval and, therefore, without secured funding status pursuant to WAC 180-29-107 shall be combined with new school construction projects that have secured local capital funds by December 31 of the state fiscal year and that are eligible, pursuant to WAC 180-29-107, for final approval by the close of the state fiscal year, and a new priority list shall be established on or after July 1 of the next state fiscal year and such remaining and new school construction projects shall be eligible for final approval pursuant to the provisions of subsections (1) and (2) of this section.

AMENDATORY SECTION (Amending WSR 91-12-059, filed 6/5/91, effective 7/6/91)

WAC 180-27-058 STATE ASSISTANCE—PRIORITIES. The priority system for the funding of school construction projects that have secured local capital funds and state board of education project approval per WAC 180-25-045 as of January 26, 1991, during a priority approval process imposed by order of the state board of education shall be as follows:

(1) Priority one: New construction projects in districts with un-housed students other than those in priority two. Projects within this priority shall be ranked as follows: The project with the highest percentage of un-housed students in the district by grade level on the date of project approval pursuant to WAC 180-25-040 shall be ranked highest—i.e., projected enrollment times authorized space allocation as calculated pursuant to WAC 180-27-035 divided by capacity of existing buildings as calculated pursuant to WAC 180-27-050(1). In the event two or more districts possess an equal percentage of un-housed students, the district with the greatest number of un-housed students shall be ranked the highest.

(2) Priority two: New construction projects in districts with un-housed students due to the need to replace a building. In the event the district is precluded from educating students in a facility due to bona fide abatement procedure and order to vacate, such related space requirement shall be treated as un-housed students in priority one. Projects with this priority shall be ranked as follows: The project with the highest percentage of un-housed students in the district by grade level on the date of project approval pursuant to WAC 180-25-040 shall be ranked highest. In the event two or more districts possess an equal percentage of un-housed students, the district with the greatest number of un-housed students shall be ranked the highest.

(3) Priority three: All projects with secured local capital funding and authority to proceed pursuant to WAC 180-25-040 as of September 30, 1985, which are not included in priority one or two pursuant to this section. Projects within this priority shall be ranked pursuant to the priority system in effect as of September 30, 1985: PROVIDED, That the authority to proceed pursuant to WAC 180-25-040 and the priority three ranking of any such project shall lapse and be null and void as of July 2, 1991, unless approval to open bids for the project has been granted pursuant to WAC 180-29-107 prior to that date.

(4) Priority four: New construction of vocational-technical institutes and interdistrict cooperative vocational skill center facilities. Projects within this priority shall be ranked as follows: The project with the earliest date of project approval pursuant to WAC 180-25-040 shall be ranked highest. In the event two or more projects possess the same project approval date, the project with the earliest date of application received in the office of superintendent of public instruction shall be ranked the highest. Funding allocations for this priority shall not exceed ten percent of the available funds remaining after funding eligible

projects in priorities one and two or for one vocational-technical institute or interdistrict skill center project, whichever is greater.

(5) Priority five: Modernization projects in districts with no un-housed students and not funded under priority three. Projects within this priority shall be ranked as follows: The project with the highest percentage of projected student occupancy shall be ranked the highest—i.e., projected enrollment times authorized space allocation as calculated pursuant to WAC 180-27-035 divided by capacity of existing buildings as calculated pursuant to WAC 180-27-050(1). In the event two or more projects possess an equal percentage, the highest ranking shall be given to the project with the earliest date of project approval pursuant to WAC 180-25-040. For the purpose of ranking within this subsection vocational technical institute and interdistrict cooperative facilities other than interdistrict transportation cooperatives shall be considered as independent school district projects: PROVIDED, That under no circumstances should this priority receive less than sixty percent of funds available for priorities four and five.

(6) Priority six: New construction of interdistrict cooperative facilities which are not included in priority three, four, or seven. The project with the earliest date of project approval pursuant to WAC 180-25-040 shall be ranked the highest. In the event two or more projects possess the same project approval date, the project with the earliest date of application received in the office of superintendent of public instruction shall be ranked the highest.

(7) Priority seven: Interdistrict transportation cooperatives. Projects within this priority shall be ranked as follows: The project with the earliest date of project approval pursuant to WAC 180-25-040 shall be ranked the highest. In the event two or more projects possess the same project approval date, the project with the earliest date of application received in the office of superintendent of public instruction shall be ranked the highest.

NEW SECTION

WAC 180-27-016 RULES DETERMINING ELIGIBILITY AND TIMING OF STATE ASSISTANCE. The eligibility for and the amount of state assistance shall be determined as outlined in WAC 180-27-020. The prioritization and timing for receipt of state assistance for eligible projects shall be determined by WAC 180-27-058 or 180-27-500, as applicable.

NEW SECTION

WAC 180-27-052 ORDER OF FUNDING UNDER DUAL PRIORITY SYSTEMS. During a priority approval process imposed by order of the state board of education, projects which secured local capital funds and state board of education project approval under WAC 180-25-045 as of January 26, 1991, and which continue to remain eligible under WAC 180-25-040 and 180-26-060, shall be prioritized under WAC 180-27-058 and funded prior to other projects. All other projects shall then be prioritized under WAC 180-27-500 and funded to the extent state construction assistance moneys remain available.

NEW SECTION

WAC 180-27-500 STATE ASSISTANCE—PRIORITIES AFTER JUNE 30, 1992. The priority system for the funding of school construction projects after June 30, 1992, that are not subject to the priority system under WAC 180-27-058 shall be as follows: For all new construction and modernization projects for school districts, there will be a unique priority score determined by the following several factors and formulas contained in WAC 180-27-505 through 180-27-520. The total score shall be used to rank all projects that have secured local funding and state board of education approval after January 26, 1991, and are otherwise eligible for state funding assistance. The following factors are divided into three groups:

- (1) Common factors;
- (2) New construction for growth factors; and
- (3) Modernization or new-in-lieu of modernization factors.

In the case of a combined project (i.e., new construction for growth and modernization), the respective scores in each group will be prorated on the basis of each group's related gross square footage in the total project: PROVIDED, That all related priority scores for projects that are front funded by the district under the provisions of WAC 180-27-057 shall be determined and the project shall take its place on the priority funding list as if it had not been completed.

NEW SECTION

WAC 180-27-505 STATE ASSISTANCE—COMMON PRIORITY FACTORS. The three priority factors that are common to all projects are as follows:

(1) Type of space – Ten possible points. In this element the net assignable square feet (NASF) of a project are identified by planned space inventory category. Category one is space used for scheduled instruction and libraries (classrooms, laboratories, PE teaching space, libraries, and learning resource centers). Category two is space used in support of instruction (assembly, student services, office space, and classroom/lab service and support). Category three space is cafeteria/food service, spectator seating, covered play areas, and general support space. The formula for determining points prorates the NASF with weightings of ten for category one, seven for category two, and four for category three as shown below.

NASF of Category One	X	10 points = X
NASF of Category Two	X	7 points = X
NASF of Category Three	X	4 points = X

Then: The sum of X divided by the sum of NASF equals points.

(2) Local priority – Five possible points. For this element, five maximum points are awarded to the district's first priority project. Each priority from there has one point deducted from it, to a minimum of zero points awarded.

(3) Joint funding – Five possible points. A binding agreement between the school district and another governmental entity for the joint financing of the construction or improvement of space which is not eligible for state assistance.

Total Project Cost Up to \$1,000,000	Required Joint Funding 25% of total project cost (\$250,000 at \$1,000,000)
---	---

Between \$1,000,000 and \$2,000,000	\$275,000
Between \$2,000,000 and \$3,000,000	\$300,000
Between \$3,000,000 and \$4,000,000	\$325,000
Between \$4,000,000 and \$5,000,000	\$350,000
Between \$5,000,000 and \$6,000,000	\$375,000
Between \$6,000,000 and \$7,000,000	\$400,000
Between \$7,000,000 and \$8,000,000	\$425,000
Between \$8,000,000 and \$9,000,000	\$450,000
Between \$9,000,000 and \$10,000,000	\$475,000
\$10,000,000 and over	\$500,000

The scores in this group will be determined after district compliance with the requirements of WAC 180-29-107.

NEW SECTION

WAC 180-27-510 STATE ASSISTANCE—NEW CONSTRUCTION FOR GROWTH PRIORITY FACTORS. The three factors that are related to new construction for growth are as follows:

(1) Projected percent unhoused – Fifty-five possible points. The district percent unhoused five years in the future is based on the projection of enrollment per WAC 180-27-045 for two grade categories, including preschool special education, compared to the formula capacity of existing space based on WAC 180-27-035 as computed per WAC 180-27-050.

If the projected district percent unhoused for the applicable grade category is equal to or greater than forty percent, full points are awarded. If the projected district percent unhoused is less than five percent but greater than zero percent, then a minimum of fifteen points are awarded. If the projected percent unhoused is between five percent and forty percent, then the forty remaining points (55-15) are proportionately awarded.

(2) Mid-range projection – Five possible points. This factor is to recognize the degree of immediacy of a district's capacity problem. The district's point score in subsection (1) of this section is first multiplied by .091 to reflect the relationship between the fifty-five possible points in subsection (1) of this section and the five points in this subsection. This produces the maximum points a project can be awarded in this factor. The actual points are determined by the relationship between the district's unhoused percentage three years in the future divided by the unhoused percentage five years in the future. For example, if a district received 43.57 points in subsection (1) of this section due to a projected thirty percent unhoused condition and its three-year

projection is that it will be twenty-four percent unhoused, it will receive 3.17 points (i.e., ((42.57 x .091) X (24 percent/30 percent)) = 3.17).

(3) Number of years unhoused – Five possible points. This factor is to recognize the duration of an unhoused problem. One point is awarded for each year the district has had an unhoused condition in the applicable grade category during the past five years, up to the five points maximum.

The scores shall be determined at the time of project approval per WAC 180-25-045. These scores shall be carried for a period of twenty-four months, at which time new scores shall be determined utilizing the then most current enrollment projections and facts. A district may request a redetermination of scores at any time.

NEW SECTION

WAC 180-27-515 MODERNIZATION FACTORS OR NEW-IN-LIEU OF MODERNIZATION PRIORITY FACTORS. The three factors that are related to modernization or new-in-lieu projects are as follows:

(1) Health & safety – Twenty possible points. Sixteen points are awarded based on the evaluation contained in the Building Condition Evaluation Form (BCEF) (WAC 180-27-535) and are awarded as follows:

15 – 19 percent = 16 points,	20 – 24 percent = 15 points,
25 – 29 percent = 14 points, etc.,	until 95 percent at which
no points are awarded.	

The health and safety condition points are combined with an additional:

- Two points if school does not meet seismic code requirements.
- Two points if school is not asbestos free.

(2) Condition of building – Thirty possible points. The score is based on the building condition evaluation form (WAC 180-27-535) analysis for all categories other than handicapped access. If the building condition score is thirty-one or less, then the maximum thirty points are awarded to the project. If the condition score is ninety-one or more, then no points are awarded. If the condition score is from thirty-two to ninety, the condition score is subtracted from ninety-one and multiplied by fifty percent to determine the points. In cases where projections affect multiple buildings, the BCEF score is weighted by the proportion of gross square feet (GSF) affected.

(3) Cost/benefit factor – Ten minus points possible. If the proposed project is a modernization and the BCEF score is less than forty, one point is deducted for each point the BCEF score is less than forty up to a total possible deduction of ten points.

If the proposed project is a new-in-lieu of modernization and the BCEF score is greater than sixty, one point is deducted for each point the BCEF score is higher than sixty to a total possible deduction of ten points.

The scores shall be determined at the time of project approval per WAC 180-25-045. These scores shall be carried until the district requests a redetermination.

NEW SECTION

WAC 180-27-525 STATE ASSISTANCE—PRIORITIES FOR COOPS. For cooperative projects approved by the state board of education under the authority of chapters 180-31 and 180-32 WAC, the following priority scores shall be assigned with similar projects ranked in order of date of approval with the earliest date ranked highest:

Type of Interdistrict Cooperative Facility	Priority Score
Vocational Skill Centers	25
Transportation Centers	10
Other Cooperative Facilities	20

NEW SECTION

WAC 180-27-530 TYPE OF SCHOOL SPACE—DETERMINATION. In order to determine the inventory space category of net assignable square feet for priority scoring purposes in WAC 180-27-305, the category use for which the space is designated by the district

shall be the assigned category. When inventory space has been designated and scheduled for multiple purposes, the category for priority scoring purposes shall be the primary scheduled use.

NEW SECTION

WAC 180-27-535 EXISTING BUILDING CONDITION—EVALUATION. Building condition and health and safety evaluations for purposes of determining priority scores and completing building inventories shall be conducted and reported to the superintendent of public instruction, utilizing an evaluation model and reporting forms for building type, history, equipment, condition, health and safety factors, and portables on site that shall be adopted and subject to revision from time to time by the state board of education. The information provided by the district on these forms shall be subject to review by the state board of education, the staff or agents of the superintendent of public instruction, or to audit by the state auditor. Compliance with this requirement for all schools in a district is a requirement for the receipt of any state construction assistance for projects approved after January 26, 1991.

AMENDATORY SECTION (Amending Order 12-83, filed 10/17/83)

WAC 180-29-085 CONSTRUCTION AND OTHER DOCUMENTS—SUBMITTAL. (1) For the purpose of determining that the provisions set forth in chapters 180-25 through 180-29 WAC have been complied with prior to the opening of bids of any project to be financed with state moneys, the school district shall submit to or have on file with the superintendent of public instruction the following:

- (a) One microfilm copy of the construction documents;
 - (b) Cost estimate of construction on a form approved by the superintendent of public instruction, completed and signed by the architect-engineer;
 - (c) Signed copy or photocopy of letters of approval by other governmental agencies in accordance with WAC 180-29-090;
 - (d) Area analysis on a form approved by the superintendent of public instruction in accordance with chapter 180-27 WAC;
 - (e) Complete listing of construction special inspections and/or testing to be performed by independent sources that are included in the project pursuant to WAC 180-27-100;
 - (f) One copy of the value engineering report signed by the school district board of directors. The report shall include the following:
 - (i) A brief description of the original design;
 - (ii) A brief description of the value engineering methodology used;
 - (iii) The areas analyzed;
 - (iv) The design alternatives proposed;
 - (v) The cost changes proposed;
 - (vi) The alternates accepted; and
 - (vii) A brief statement by the school district board of directors explaining why each alternate not accepted was rejected;
 - (g) A completed standardized building inventory and condition evaluation as required by WAC 180-27-535 for every school facility in the district.
- (2) If the above documents reflect an increase in square foot size from the application approved by the state board of education as per WAC 180-29-030 which will result in an increase in state support, a new application must be submitted to the state board of education.

WSR 92-13-060

ATTORNEY GENERAL OPINION

Cite as: AGO 1992 No. 8 Addendum

[June 10, 1992]

DISTRICTS—WATER—COMMISSIONERS—OFFICES AND OFFICERS—COMPENSATION—INSURANCE—APPLICABILITY OF RCW 41.04.190 TO INSURANCE BENEFITS PROVIDED TO WATER DISTRICT COMMISSIONERS PURSUANT TO RCW 57.04.190

RCW 41.04.190 (Laws of 1992, ch. 146, § 13) provides that insurance benefits are not additional compensation

to elected officials of a public agency or body. RCW 41.04.190 applies to insurance benefits provided to water district commissioners pursuant to RCW 57.08.100 as of the effective date of Laws of 1992, ch. 146, § 13.

Requested by:

Honorable Phil Talmadge
State Senator, District 34
5251 California Avenue SW
Seattle, Washington 98136

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

WSR 92-13-061

PROPOSED RULES HIGHER EDUCATION PERSONNEL BOARD

[Filed June 12, 1992, 1:15 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 and RCW 28B.16.101.

Name of Agency Personnel Responsible for Drafting: William Gunther, 1202 Black Lake Boulevard, Olympia, WA, 753-0380; 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: 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: South Seattle Community College, Seattle, Washington, on August 6, 1992, at 10:00 a.m.

Submit Written Comments to: 1202 Black Lake Boulevard, P.O. Box 40918, Olympia, WA 98504-0918, by August 5, 1992.

Date of Intended Adoption: August 6, 1992.

June 11, 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 ~~((, at least once each year,))~~ periodically 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.

WSR 92-13-062
PROPOSED RULES
HIGHER EDUCATION
PERSONNEL BOARD
 [Filed June 12, 1992, 1:19 p.m.]

Continuance of WSR 92-09-125.

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.

Hearing Location: South Seattle Community College, Seattle, Washington, on August 6, 1992, at 10:00 a.m.

Date of Intended Adoption: August 6, 1992.

June 11, 1992
 John A. Spitz
 Director

WSR 92-13-063
PERMANENT RULES
HIGHER EDUCATION
PERSONNEL BOARD
 [Filed June 12, 1992, 1:21 p.m., effective August 1, 1992]

Date of Adoption: June 4, 1992.

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.

Citation of Existing Rules Affected by this Order: Repealing WAC 251-12-090 Appeals receipt procedure.

Statutory Authority for Adoption: RCW 28B.16.100. Pursuant to notice filed as WSR 92-09-124 on April 21, 1992.

Effective Date of Rule: August 1, 1992.

June 11, 1992
 John A. Spitz
 Director

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 251-12-090 APPEALS RECEIPT—PROCEDURE.

WSR 92-13-064
EMERGENCY RULES
DEPARTMENT OF AGRICULTURE
 [Filed June 12, 1992, 2:05 p.m.]

Date of Adoption: June 12, 1992.

Purpose: To create an exemption of inspection requirements for small quantities or volumes of regulated fruits and vegetables sold through fruit stands, farmer's markets, or similar outlets.

Citation of Existing Rules Affected by this Order: Amending chapter 16-461 WAC.

Statutory Authority for Adoption: Chapter 15.17 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 rule revisions primarily affect seasonal soft tree fruits and the summer marketing of these products through fruit stands and farmer's markets. Harvesting of these commodities is currently underway or will be starting within the next two weeks. Emergency action is necessary to alleviate current season hardships related to inspection costs on small volume transactions by producers.

Effective Date of Rule: Immediately.

June 12, 1992
 Michael V. Schwisow
 Deputy Director

AMENDATORY SECTION (Amending Order 1788 [WSR 92-06-085], filed 3/4/92)

WAC 16-461-006 DEFINITIONS. (1) Commercial lot shall mean any number of any type of containers or any quantity in bulk of agricultural products listed in WAC 16-461-010, which are sold or bartered: PROVIDED, That quantities of less than five hundred pounds net weight, when sold by any producer where grown by the producer and sold directly to the ultimate consumer, shall not be considered as a commercial lot.

(2) Fruit/produce stands, as used in this chapter, shall mean any facilities from which the predominance of the edible commodity sales to the public are of seasonal fresh fruits and/or vegetables produced within the State of Washington, and shall include roadside stands, farmer's markets, trucks or other conveyances from which sales of commodities are made, and temporary open air parking lot stands other than those owned or operated by retail grocery stores. Such facilities may or may not be owned, leased, or otherwise operated by the producer of fruits and/or vegetables.

(3) Zone of production shall be defined as one of two geographical areas: Zone 1: All counties west of the Cascade Mountain Range; Zone 2: The counties of Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Skamania, Spokane, Stevens, Walla Walla, Whitman, and Yakima.

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

AMENDATORY SECTION (Amending Order 1788 [WSR 92-06-085], filed 3/4/92)

WAC 16-461-010 INSPECTION CERTIFICATE AND/OR PERMIT REQUIRED. (1) No person shall ship, transport, accept for shipment, or accept delivery of, any commercial lot of the following agricultural products without an inspection and the issuance of a certificate and/or a permit by the commodity inspection division of the department of agriculture allowing such shipment, movement or delivery:

(a) Apricots – in closed or open containers for fresh market.

(b) Italian prunes – in closed or open containers for fresh market.

(c) Peaches – in closed or open containers for fresh market.

(d) Cherries – in closed or open containers for fresh market: **PROVIDED**, That no permit shall be issued on cherries infested with live cherry fruit fly larvae.

(e) Apples – in closed or open containers for fresh market: **PROVIDED**, That apples may be shipped or transported if accompanied by a certificate of compliance issued by the shipper or packer of apples having the approval of the director to issue the certificates of compliance.

(f) Pears – in closed or open containers for fresh market: **PROVIDED**, That pears may be shipped or transported if accompanied by a certificate of compliance issued by the shipper or packer of pears having the approval of the director to issue the certificates of compliance.

(g) Asparagus – in closed or open containers for fresh market: **PROVIDED**, That asparagus may be shipped or transported if accompanied by certificates of compliance issued by the shipper or packer of the asparagus, having the approval of the director to issue the certificates of compliance.

(h) Apples in containers in bulk, for processing: **PROVIDED**, That apples for processing may be shipped

or transported if accompanied by a certificate of compliance issued by the shipper of apples having the approval of the director to issue the certificates of compliance: **PROVIDED FURTHER**, That apples for processing entering intrastate commerce shall not require a permit.

(i) Pears in containers or bulk, for processing: **PROVIDED**, That pears for processing may be shipped or transported if accompanied by a certificate of compliance issued by the shipper of pears having the approval of the director to issue the certificates of compliance: **PROVIDED FURTHER**, That pears for processing entering intrastate commerce shall not require a permit.

(2) Exemptions – Fruits and vegetables listed in WAC 16-461-010 shall be exempted from requirements for inspection and issuance of a certificate or permit:

(a) When the product is being transported from the premises where grown or produced to a horticultural facility other than wholesale or retail for the purpose of storing, grading, packing, packaging, labelling, or processing; prior to entering commercial channels for resale;

(b) When transportation is between horticultural facilities other than those facilities which sell at wholesale or retail level, for the purposes set forth in (a) of this subsection.

(c) When sold or transported to a fruit/produce stand within the zone of production, not to exceed daily quantities of 2,000 (two thousand) pounds net weight of a single commodity nor 6,000 (six thousand) pounds net weight of any combination of commodities listed in WAC 16-461-010(1), when on a single conveyance, provided that such exempt sales by the producer within a farmer's market shall not be restricted to the zone of production.

(3)(a) Any shipper or packer of apples, apricots, cherries, pears, peaches, prunes, or asparagus may petition the director for authority to issue certificates of compliance for each season. The director may issue certificate of compliance agreements, granting such authority, on such terms and conditions as he may deem appropriate. The authority shall be limited to the issuance of certificates of compliance for apples, apricots, cherries, pears, peaches, prunes, and asparagus under the applicant's direct control or being handled at the shipper's or packer's facilities.

(b) The certificate of compliance shall be issued at time of shipment by the shipper or packer authorized to do so: **PROVIDED**, That the apples and/or pears and asparagus about to be shipped or transported are in full compliance with the requirements of chapter 15.17 RCW, regulations adopted thereunder and administrative directives of the director: **PROVIDED FURTHER**, That apricots, cherries, peaches, prunes, or pears about to be shipped or transported are in full compliance with the federal marketing order requiring quality and condition certification and Washington state lot identification or federal-state lot identification.

(c) The director's approval to issue certificates of compliance may be suspended, revoked, or denied for cause, subject to RCW 34.05.422(3) and that cause shall be the shipper's or packer's failure to comply with the requirements of subsection (3)(b) of this section, or for the shipper's or packer's actions which impede the

department's abilities to ascertain full compliance with requirements of chapter 15.17 RCW or rules adopted thereunder, or for violation of the terms of the certificate of compliance agreement. The period of any suspension shall be determined by the director and shall be commensurate with the seriousness of the violation.

(d) Any shipper or packer whose authority to issue certificates of compliance has been suspended, revoked, or denied by the director shall be subject to those provisions of chapter 15.17 RCW and the regulations requiring the issuance of a shipping permit by the director before apples, apricots, cherries, pears, peaches, prunes, and asparagus may be shipped or transported.

(e) Certificates of compliance shall be on forms approved and issued by the director of agriculture.

(f) Any shipper or packer authorized to issue certificates of compliance shall deposit with the director of agriculture at the regular base fee equivalent to that charged by the director for a shipping permit, for each certificate of compliance issued by the authorized shipper or packer. The base fees shall be deposited with the director of agriculture in the same manner as fees for shipping permits.

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

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

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 92-13-065

PROPOSED RULES

DEPARTMENT OF HEALTH

(Board of Osteopathic Medicine and Surgery)

[Filed June 15, 1992, 10:08 a.m.]

Original Notice.

Title of Rule: WAC 246-853-025 Special purpose examination; 246-853-045 Inactive license and reactivation; 246-853-135 Temporary practice permit; and 246-853-400 Brief adjudicative proceedings—Denials based on failure to meet education, experience, or examination prerequisites for licensure.

Purpose: Provides for more thorough evaluation of applicants, permits inactive licenses and temporary practice permits.

Statutory Authority for Adoption: RCW 18.57.005.

Statute Being Implemented: Chapter 18.57 RCW.

Summary: Proposed rules permit the board to administer an examination to applicants who may have questionable ability to practice and provides for a more informal mechanism for initially handling application denials; implements inactive license and temporary practice permits.

Reasons Supporting Proposal: Provides a more thorough evaluation of applicants, permits inactive licenses and temporary practice permits.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Arlene Robertson, 1300 Quince Street, Olympia, WA, (206) 586-8438.

Name of Proponent: Board of Osteopathic Medicine and Surgery, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rules permit the board to administer an examination to applicants with questionable competency and provides for a more informal mechanism in initial handling of application denials. Permits licensees not practicing to maintain their license on an inactive status and to issue temporary practice permits to applicants.

Proposal does not change existing rules.

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

Hearing Location: Holiday Inn-SeaTac, Room 1201, 17338 Pacific Highway South, SeaTac, WA, on July 24, 1992, at 9:30 a.m.

Submit Written Comments to: Arlene Robertson, Program Manager, P.O. Box 47870, Olympia, WA 98504-7870, by July 23, 1992.

Date of Intended Adoption: July 24, 1992.

June 8, 1992

Arlene A. Robertson
Program Manager

NEW SECTION

WAC 246-853-025 SPECIAL PURPOSE EXAMINATION.

(1) The board of osteopathic medicine and surgery, upon review of an application for licensure pursuant to RCW 18.57.130 or reinstatement of an inactive license, may require an applicant to pass a special purpose examination, e.g., SPEX, and/or any other examination deemed appropriate. An applicant may be required to take an examination when the board has concerns with the applicant's ability to practice competently for reasons which may include but are not limited to the following:

- (a) Resolved or pending malpractice suits;
- (b) Pending action by another state licensing authority;
- (c) Actions pertaining to privileges at any institution; or
- (d) Not having practiced for an interval of time.

(2) The minimum passing score on the SPEX examination shall be seventy-five. The passing score for any other examination under this rule shall be determined by the board.

NEW SECTION

WAC 246-853-045 INACTIVE LICENSE AND REACTIVATION. A licensee may request his or her license be placed on inactive status. An inactive license does not authorize the licensee to practice in Washington.

A license shall be maintained on the inactive status by payment of the inactive renewal fee annually and verification of compliance with the continuing education requirements established by the board.

An inactive license may be reactivated by payment of one-half the current renewal fee if the expiration date is within six months of receipt of the reactivation request or the current renewal fee if the expiration date is more than six months from receipt of the reactivation request. The licensee must provide verification that no action has been taken by a state or federal jurisdiction or hospital which would prevent or restrict the licensee's practice of osteopathic medicine and surgery and that he or she has not voluntarily given up any license or privilege or been restricted in the practice of osteopathic medicine and surgery in lieu of or to avoid formal action.

NEW SECTION

WAC 246-853-135 TEMPORARY PRACTICE PERMIT. A temporary permit to practice osteopathic medicine and surgery may be issued to an individual licensed in another state that has substantially equivalent licensing standards to those in Washington.

(1) The temporary permit may be issued upon receipt of:

(a) Documentation from the reciprocal state that the licensing standards used for issuing the license are substantially equivalent to the current Washington licensing standards;

(b) A completed application form on which the applicant indicates he or she wishes to receive a temporary permit and application and temporary permit fees;

(c) Verification of all state licenses, whether active or inactive, indicating that the applicant is not subject to charges or disciplinary action for unprofessional conduct or impairment;

(d) Verification from the federation of state medical board's disciplinary action data bank that the applicant has not been disciplined by a state board or federal agency.

(2) The temporary permit shall expire upon issuance of a license by the board or ninety days after issuance whichever occurs first.

(3) A temporary permit shall be issued only once to each applicant. An applicant who does not complete the application process shall not receive a subsequent temporary permit.

NEW SECTION

WAC 246-853-400 BRIEF ADJUDICATIVE PROCEEDINGS—DENIALS BASED ON FAILURE TO MEET EDUCATION, EXPERIENCE, OR EXAMINATION PREREQUISITES FOR LICENSURE. The board adopts RCW 34.05.482 and 34.05.485 through 34.05.494 for adjudicative proceedings requested by applicants, who are denied a license under chapters 18.57 and 18.57A RCW for failure to meet the education, experience, or examination prerequisites for licensure. The sole issue at the adjudicative proceeding shall be whether the applicant meets the education, experience, and examination prerequisites for the issuance of a license.

WSR 92-13-066**NOTICE OF PUBLIC MEETINGS****BELLINGHAM TECHNICAL COLLEGE**

[Memorandum—June 15, 1992]

BELLINGHAM TECHNICAL COLLEGE**BOARD OF TRUSTEES****REGULAR MEETING**

BUILDING G, 9 A.M.

JUNE 18, 1992

In keeping 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 discussion in the executive session.

PLEASE NOTE: From approximately 10-11 a.m., board members are scheduled to visit the following programs: Learning Center; Center for Educational Success; English as a Second Language; Dental Assisting; Building Remodeling; Machine Technology; Welding Technology; Auto Body Repair; Accounting.

WSR 92-13-067**NOTICE OF PUBLIC MEETINGS****HUMAN RIGHTS COMMISSION**

[Memorandum—June 12, 1992]

The Washington State Human Rights Commission will hold its July regular commission meeting in Silverdale

on July 22 and 23, 1992. The meetings will be held at the Silverdale on the Bay Hotel, West Bay Room, 3073 N.W. Bucklin Hill Road, Silverdale. The evening session on July 22, will be a public forum on the topic of race relations, beginning at 6:30 p.m. The regular business meeting will be held on June 25, beginning at 9:30 a.m.

WSR 92-13-068**NOTICE OF PUBLIC MEETINGS****OFFICE OF****MARINE SAFETY**

[Memorandum—June 15, 1992]

The meeting of the Regional Marine Safety Committee for the Strait of Juan de Fuca/Northern Puget Sound scheduled for August 12, 1992, at 1:00 p.m. has been cancelled.

WSR 92-13-069**NOTICE OF PUBLIC MEETINGS****OFFICE OF****MARINE SAFETY**

[Memorandum—June 15, 1992]

In 1991, the legislature passed the Vessel Oil Spill Prevention and Response Act which mandated that the Office of Marine Safety establish regional marine safety committees. Those committees have been appointed and the Columbia River Regional Marine Safety Committee will meet on the fourth Wednesday of every month, at 10:00 a.m., at the Oregon Economic Development Department, Two World Trade Center, 26 S.W. Salmon Street, Portland, Oregon.

This notice is correcting the notice filed June 2, 1992, in WSR 92-12-073.

WSR 92-13-070**DEPARTMENT OF ECOLOGY**

[Filed June 15, 1992, 4:22 p.m.]

ANNOUNCEMENT**NEW STORM WATER PERMIT FOR INDUSTRIES AND CONSTRUCTION**

Introduction: The Washington Department of Ecology is developing a general permit which will regulate the discharge of storm water from industrial activities or facilities, and from construction sites which disturb more than a minimum acreage of land (currently five acres, but this is subject to a change in federal requirements). This permit is being developed to meet the requirements of section 402(p) of the Federal Clean Water Act and regulations adopted by the United States Environmental Protection Agency (amendments to Title 40 of the Code of Federal Regulations (CFR), Part 122, published in the federal register, on November 16, 1990). Federal law

requires industries and construction sites to apply for a storm water permit by October 1, 1992.

Industries and Construction Sites Needing Permits: The USEPA regulations require specific categories of industrial facilities which discharge storm water associated with industrial activities (industrial storm water) to obtain a national pollutant discharge elimination system (NPDES) permit. With few exceptions, the Department of Ecology is proposing to cover those categories of industries under one baseline general permit. The following is a general description of those categories which will be covered under the baseline general permit: Facilities subject to new source performance standards, or toxic pollutant effluent standards under 40 CFR subchapter N; manufacturing facilities in standard industrial classification (SIC) codes 24, 26, 28, 29, 311, 32, 33, 3441, 373; mining and oil and gas facilities in SIC codes 10 through 14; hazardous waste treatment, storage, or disposal facilities; landfills, land application sites and open dumps that receive or have received industrial wastes; recycling facilities including metal scrap yards, battery reclaimers, salvage yards, and automobile recyclers; steam electric power generating facilities; transportation facilities in SIC codes 40 through 45, and 5171, which have vehicle maintenance shops, equipment cleaning operations or airport deicing operations; sewage treatment plants with a design flow of 1.0 million gallons per day or more, or required to have an approved industrial pretreatment program; construction activity, including clearing, grading, and excavating which disturb more than five acres of total land area. Note: A recent federal court decision may have the result that construction projects smaller than five acres might be required to have an NPDES permit to discharge storm water; and manufacturing facilities listed in SIC codes 20 through 42, not otherwise listed above, which have an industrial activity exposed to storm water.

Facilities in the above categories which discharge storm water either directly to a surface water or indirectly, through a municipal or private storm sewer, must apply for coverage under the baseline general permit. Facilities in the above categories which have storm water management or treatment requirements for all of their industrial storm water in an existing NPDES permit should not apply for coverage under the baseline general permit.

How and When to Apply for Coverage Under the Baseline General Permit: Industries and construction site owners and general contractors will be required to submit a document called a notice of intent. The notice of intent will include basic information about the facility or construction site. According to federal law, industries and construction activities are required to apply for a storm water permit by October 1, 1992. Because the baseline general permit will not be issued until late September or early October, ecology may exercise regulatory discretion and not take legal action against dischargers which submit the notice of intent within a specified time period after October 1, 1992. Ecology will make copies of notices of intent available prior to October 1, and will accept their submission prior to issuing the permit.

Permit Requirements for Industries: The permit will require industries to develop, retain, and implement storm water pollution prevention plans. A pollution prevention plan will identify the sources of pollution that affect the quality of industrial storm water discharge; and will describe and ensure the implementation of best management practices (BMP's) to reduce pollutants in industrial storm water.

Industries are required to develop their plan by October 1, 1993. BMP's are required to be implemented by October 1, 1994, or October 1, 1995, with the latter date applicable to BMP's involving capital improvements.

Permit Requirements for Construction Sites: The permit will require construction activities to develop, retain, and implement a storm water pollution prevention plan primarily for erosion and sediment control. Construction activities initiated after the permit is issued, must develop and begin implementation of their pollution prevention plan prior to initiating construction. Construction activities in progress on October 1, 1992, and which are scheduled for completion after October 1, 1993, must prepare and implement a pollution prevention plan by October 1, 1993. Construction activities in progress on October 1, 1992, and which are scheduled for completion before October 1, 1993, are not required to prepare and implement a pollution prevention plan; however, other elements of the permit still apply.

Cost: State law requires ecology to recover the cost of the water quality permit program. Though there is no charge for this baseline general storm water permit at this time, ecology will initiate an annual fee for the permit beginning July 1, 1993.

Other Available Information: The Department of Ecology has prepared a fact sheet which describes the reasons for the permit requirements, who must apply, and other background information. Ecology has also prepared a small business economic impact statement which describes the impact of this new permit requirement on small businesses. Copies of these documents as well as the permit and the notice of intent form will be available at the public workshops and hearings listed below. Copies of these documents can also be obtained by calling 438-7034.

Public Workshops and Hearings

Public workshops on the baseline general permit are scheduled for the following times and locations: In Wenatchee, on Wednesday, July 15, at 7:00 p.m., Wenatchee Public Utility District, 1151 Valley Mall Parkway, East Wenatchee; in Seattle, on Thursday, July 16, at 7:00 p.m., Shoreline Community College, Little Theater, Building 300, 16101 Greenwood Avenue North; in Spokane, on Monday, July 20, at 7:00 p.m., Spokane Community College, Lair Building No. 6, Sasquatch Room, 1810 North Greene Street; in Pasco, on Tuesday, July 21, at 7:00 p.m., Columbia Basin Community College, Library/Media Center, Building L, 2600 North 20th; in Longview, on Thursday, July 23, at 7:00 p.m., Lower Columbia College, Founders Room (Room 119), Main Building, 1600 Maple; and in Tacoma, on Friday, July 24, at 7:00 p.m., Sheraton Inn, Tacoma Ballroom, 1320 Broadway Plaza.

Public hearings will be held at the following times and locations: In Olympia/Tumwater, on Monday, August 24, at 7:00 p.m., Tye Hotel, Olympia Room, 500 Tye Drive, Tumwater; in Seattle, on Tuesday, August 25, at 7:00 p.m., Shoreline Community College, Little Theatre, Building 300, 16101 Greenwood Avenue North; in Spokane, on Thursday, August 27, at 7:00 p.m., Spokane Community College, Lair Building No. 6, Sasquatch Room, 1810 North Greene Street; and in Yakima, on Friday, August 28, at 7:00 p.m., Yakima Valley Community College, Kendall Auditorium, South 16th Avenue and West Nob Hill.

WSR 92-13-071**EMERGENCY RULES****DEPARTMENT OF FISHERIES**

[Order 92-39—Filed June 15, 1992, 4:48 p.m.]

Date of Adoption: June 15, 1992.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-56-190.

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 reduced bag limit in listed areas is needed to protect Hood Canal, Stillaguamish [Stillaguamish] and Skagit River natural spawning coho. This is part of a coordinated management plan affecting all Washington fisheries that impact these stocks. This plan has been recommended by the Pacific Fisheries Management Council, and will be adopted by permanent rule for the 1992 season.

Effective Date of Rule: Immediately.

June 15, 1992
Judith Merchant
Deputy
for Joseph R. Blum
Director

NEW SECTION

WAC 220-56-19000U SALTWATER SEASONS AND BAG LIMITS. *Notwithstanding the provisions of WAC 220-56-190, effective immediately until further notice Special Bag Limit in Catch Record Card Areas 5, 6, 7, 8-1, 8-2, 9 and 12 of two salmon per day. Minimum size 22 inches for chinook salmon and no minimum size for other salmon taken in the fishery provided for in this section.*

WSR 92-13-072**NOTICE OF PUBLIC MEETINGS
EDMONDS COMMUNITY COLLEGE**

[Memorandum—June 16, 1992]

Thursday, June 18, 1992
Lynnwood Hall, Room 424
8:00 – 5:55

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 92-13-073**NOTICE OF PUBLIC MEETINGS
CONVENTION AND TRADE
CENTER**

[Memorandum—June 10, 1992]

The board of directors of the Washington State Convention and Trade Center will meet on Wednesday, June 17, 1992, at 2:00 p.m. in Room 310 of the Convention Center, 800 Convention Place, Seattle.

If you have any questions regarding this meeting, please call 447-5000.

WSR 92-13-074**WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF HEALTH
(By the Code Reviser's Office)**

[Filed June 16, 1992, 10:50 a.m.]

WAC 246-239-015 and 246-240-015, proposed by the Department of Health in WSR 91-24-097, appearing in issue 91-24 of the State Register, which was distributed on December 18, 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 92-13-075**PROPOSED RULES
STATE BOARD OF EDUCATION**

[Filed June 16, 1992, 11:16 a.m.]

Original Notice.

Title of Rule: WAC 180-16-200 Total program hour offering—Basic skills and work skills requirements—Waiver; 180-16-205 Classroom teacher contact hours requirement—Waiver; and new and repealed sections of chapter 180-53 WAC, Educational quality—Self-study by school districts.

Purpose: To change the language of the program hour and classroom teacher contact time from "may" to "shall" and permit waiver application at any board

meeting. To provide an opportunity for waiver of self-study requirement and remove an outdated rule.

Statutory Authority for Adoption: RCW 28A.150.220, 28A.320.200, and 28A.150.260.

Statute Being Implemented: SSB 5953, chapter 141, Laws of 1992, RCW 28A.150.220, 28A.150.260, and 28A.320.200.

Summary: Provides the waivers for program hours classroom teacher contact time and self-study requirement shall be granted when a school district completes a specific restructuring plan and requests the waiver.

Reasons Supporting Proposal: These changes are necessary to bring current rules into compliance with new statute.

Name of Agency Personnel Responsible for Drafting: Richard Wilson, Superintendent of Public Instruction, Old Capitol Building, 753-2298; Implementation: Monica Schmidt, Superintendent of Public Instruction, Old Capitol Building, 753-6715; and Enforcement: Linda Byrnes, Superintendent of Public Instruction, Old Capitol Building, 753-6710.

Name of Proponent: State Board of Education, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule permits school districts to receive a waiver of program hours, classroom teacher contact time, or self study if they are engaged in restructuring. This should encourage school districts to restructure.

Proposal Changes the Following Existing Rules: The changes allow the waiver request to be presented at any board meeting and requires the board to approve the waiver if the specific criteria has been completed.

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

Hearing Location: Silverdale Hotel, Harbor Room, 3073 N.W. Bucklin Hill Road, Silverdale, WA 98383, on July 22, 1992, at 1:30 p.m.

Submit Written Comments to: Dr. Monica Schmidt, State Board of Education, P.O. Box 47200, Olympia, WA 98504-7200, by July 21, 1992.

Date of Intended Adoption: July 23, 1992.

June 16, 1992

Dr. Monica Schmidt
Executive Director

AMENDATORY SECTION (Amending WSR 92-05-047, filed 2/13/92, effective 3/15/92)

WAC 180-16-200 TOTAL PROGRAM HOUR OFFERING—BASIC SKILLS AND WORK SKILLS REQUIREMENTS—WAIVER. (1) Total program hour offering—Definition.

(a) Each school district shall make available to students enrolled at least a total program hour offering as set forth in subsections (2) through (6) of this section. For the purpose of this section, "total program hour offering" shall mean those hours of sixty minutes each, inclusive of intermissions for class changes, recess and teacher/parent-guardian conferences which are planned and scheduled by the district for purposes of discussing students' educational needs or progress—exclusive of time actually spent for eating lunchtime meals—when students are provided the opportunity to engage in educational activity planned by and under the direction of school district staff, as directed by the administration and board of directors of the district.

For special education/handicapped programs operating in separate facilities in a school district, do not exclude the time actually spent for

eating lunchtime meals if that time is specifically identified and utilized as instructional meal training for each student in the program.

(b) Adjustments of program hour offerings between grade level groupings. Any school district may petition the state board of education for a reduction in the total program hour offering requirements for one or more of the grade level groupings specified in subsections (2) through (6) of this section. The state board of education shall grant all such petitions that are accompanied by an assurance that the minimum total program hour offering requirements in one or more other grade level groupings will be exceeded concurrently by no less than the number of hours of the reduction.

(c) Each school district shall make available to students enrolled at least an instructional hour offering as set forth in subsections (3) through (6) of this section. For the purpose of this section, "instructional hour offering" shall mean those hours of sixty minutes each—exclusive of recess time, passing time, total lunch intermission time, and noncountable release time on early dismissal days—when students are provided the opportunity to engage in the basic skills and/or work skills offered by and under the direction of school district staff, as directed by the administration and board of directors of the district.

(d) A school district has "provided the opportunity to engage in" the basic skills and work skills activities required by this section when the district actually conducts basic skills and work skills instruction for students. If a district is not actually conducting the percentage(s) of basic skills and/or work skills required by this section, such district nevertheless shall be deemed to be in compliance with such requirements if such district's instructional time offered to students in basic skills and work skills instruction equals or exceeds the minimum instructional hour requirements in each grade level grouping as specified in subsections (3) through (6) of this section. A school district that makes a reasonable and good faith effort through the first day of the school term to provide students the opportunity to take the section(s) or course(s) necessary to comply with the basic skills and work skills percentages, as specified in subsections (3) through (6) of this section and no student enrolled in such section(s) or course(s), may count that section(s) or course(s) toward the total basic skills and work skills percentages offered to students that term. Each of the basic skills areas specified in subsections (2) through (6) of this section for a particular grade level grouping must be offered each school year to students at one or more of the grade levels within the particular grade level grouping. Instruction in at least one of the following work skills must be offered each school year to students at one or more of the grade levels within each of the grade level groupings specified in subsections (5) and (6) of this section: Industrial arts, home and family life education, business and office education, distributive education, agricultural education, health occupations education, vocational education, trade and industrial education, technical education and career education.

(e) Five percent variation—Basic skills and work skills requirements. A school district may establish minimum course mix percentages that deviate within any grade level grouping by up to five percentage points above or below the minimums established by subsections (3) through (6) of this section, provided the total program hour offering requirement for the grade level grouping is met.

(2) Kindergarten. Each school district shall make available to students in kindergarten at least a total program offering of four hundred fifty hours each school year. The program shall include reading, arithmetic, language skills and such other subjects and activities as the school district shall determine to be appropriate for the education of the school district's students enrolled in such program.

(3) Grades 1 through 3. Each school district shall make available to students in grades one through three at least a total program hour offering of two thousand seven hundred hours each school year. A minimum of ninety-five percent (ninety percent with the five percent variation included, or 2,430 instructional hours) of such total program hour offerings shall be in the instruction of the basic skills areas of reading/language arts (which may include foreign languages), mathematics, social studies, science, music, art, health and physical education. The remaining five percent of the total program hour offerings may include such subjects and activities as the school district shall determine to be appropriate for the education of the school district's students in such grades.

(4) Grades 4 through 6. Each school district shall make available to students in grades four through six at least a total program offering of two thousand nine hundred seventy hours each school year. A minimum of ninety percent (eighty-five percent with the five percent variation included, or 2,524.5 instructional hours) of such total program

hour offerings shall be in the instruction of the basic skills areas of reading/language arts (which may include foreign languages), mathematics, social studies, science, music, art, health and physical education. The remaining ten percent of the total program hour offerings may include such subjects and activities as the school district shall determine to be appropriate for the education of the school district's students in such grades.

(5) Grades 7 through 8. Each school district shall make available to students in grades seven through eight at least a total program hour offering of one thousand nine hundred eighty hours each school year. A minimum of eighty-five percent (eighty percent with the five percent variation included, or 1,584 instructional hours) of such total program hour offerings shall be in the instruction of the basic skills areas of reading/language arts (which may include foreign languages), mathematics, social studies, science, music, art, health and physical education. A minimum of ten percent (five percent with the five percent variation included, or 99 instructional hours) of the total program offerings shall be in the instruction of work skills. The remaining five percent of the total program hour offerings may include such subjects and activities as the school district shall determine to be appropriate for the education of the school district's students in such grades.

(6) Grades 9 through 12.

(a) Each school district shall make available to students in grades nine through twelve at least a total program hour offering of four thousand three hundred twenty hours each school year. A minimum of sixty percent (fifty-five percent with the five percent variation included, or 2,376 instructional hours) of such total program hour offerings shall be in the instruction of the basic skills areas of language arts, foreign language, mathematics, social studies, science, music, art, health and physical education. A minimum of twenty percent (fifteen percent with the five percent variation included, or 648 instructional hours) of the total program hour offerings shall be in the instruction of work skills. The remainder of the total program hour offerings may include traffic safety or such subjects and activities as the school district shall determine to be appropriate for the education of the school district's students in such grades: PROVIDED, That, whether or not the five percent deviations in course mix percentages allowed by subsection (2)(d) of this section are applied, not less than four hundred and thirty-two instructional hours (i.e., ten percent of the total program hour requirement) of such remaining instructional hours shall consist of basic skills and/or work skills: PROVIDED, That any program hours and/or instructional hours not achieved due to the implementation of WAC 180-16-215(4) relating to students graduating from high school, shall not be deducted from the total program hours calculated.

(b) Grade nine option. Each school district shall have the option of including grade nine within the program hour offering requirements of grades seven and eight so long as such requirements for grades seven through nine are increased to two thousand nine hundred seventy hours and such requirements for grades ten through twelve are decreased to three thousand two hundred forty hours. Each school district shall state which option is in use when providing compliance documentation to the superintendent of public instruction.

(7) Basis and means for determining compliance with basic skills and work skills percentage requirements.

(a) Each school district shall adopt a written policy and procedure for establishing the basis and means for determining and monitoring compliance with the basic skills and work skills percentages, the course requirements and instructional hour minimums as established by this section. Written documentation of such annual determinations and monitoring activities shall be maintained on file by each school district.

(b) Handicapped education programs, vocational-technical institute programs, state institution, state residential school programs and alternative education programs where students are provided access to the basic skills/work skills offered in the regular program, all of which programs are conducted for the common school age, kindergarten through secondary school program students encompassed by this section, shall be exempt from the basic skills and work skills percentage and course requirements of this section in order that the unique needs, abilities or limitations of such students may be met.

(8) WAIVER OPTION.

(a) A district, desiring to implement a local plan to provide an effective educational system to enhance the educational program for all students, may apply for a waiver from the provisions of subsections (2) through (6) of this section, pertaining to the total program hour offerings requirement and the basic skills/work skills percentages/instructional hours requirement. The state board of education (~~may~~) shall grant said waiver. Approval of district waivers shall occur at (~~the~~

~~November/December or March~~) a state board of education meeting prior to implementation (~~for school districts or individual schools within a district who submit a plan for restructuring of the educational program that includes~~). A district's application for a waiver shall be in the form of a resolution adopted by the district board of directors which includes a request for the waiver, and a plan for restructuring the educational program of one or more schools consisting of at least the following information:

(i) (~~A description of the relationship between the requested waiver and expected student achievement;~~) Identification of the requirements to be waived;

(ii) Specific standards for increased student learning that the district expects to achieve;

(iii) How the district plans to achieve the higher standards (~~are to be achieved~~), including timelines for implementation;

(iv) How the district plans to (~~assess achievement~~) determine if the higher standards are met;

(v) (~~A resolution adopted by~~) Evidence that the board of directors (~~which states that the~~), teachers, administrators, and classified employees are committed to working cooperatively in implementing the plan; and opportunities were provided for parents and citizens to be involved in the development of the plan;

(vi) Evidence that opportunities were provided for parents and citizens to be involved in the development of the plan.

(b) APPLICATION PROCEDURE.

The application for a waiver and all supporting documentation must be received by the superintendent of public instruction at least thirty days prior to the (~~November/December or March~~) state board of education meeting where consideration of the waiver shall occur. The superintendent of public instruction shall review all applications and supporting documentation to insure the accuracy of the information. In the event that deficiencies are noted in the application or documentation, districts will have the opportunity to make corrections and to seek state board approval at a subsequent meeting.

(c) RENEWAL PROCEDURE.

Waivers granted by the state board of education under this section (~~may~~) shall be renewed every three years upon the state board of education receiving a renewal request from the school district board of directors. (~~In addition to other evaluation and assessment activities;~~) The school district shall conduct at least one public meeting to evaluate the educational programs that were implemented as a result of the waivers before filing the request. The request to the state board of education shall include information (~~and data~~) regarding the activities and programs implemented as a result of the waivers, whether the higher standards for students are being achieved, and a summary of the comments received at the public meeting or meetings.

(d) MINIMUM INSTRUCTIONAL HOUR OFFERINGS. If a school district intends to waive total program hour offerings requirements under this subsection, it shall make available to students enrolled in kindergarten at least a total instructional offering of four hundred fifty hours, and to students enrolled in grades one through twelve at least a district-wide annual average total instructional hour offering of one thousand hours.

AMENDATORY SECTION (Amending WSR 92-05-047, filed 2/13/92, effective 3/15/92)

WAC 180-16-205 CLASSROOM TEACHER CONTACT HOURS REQUIREMENT—WAIVER. (1) Contact hours requirement—Definition. The average annual classroom contact hours for each average annual full-time equivalent certificated classroom teacher employed by a school district shall be no less than twenty-five hours per week. For the purpose of this section "classroom contact hours" shall mean those hours a certificated classroom teacher is instructing students in a classroom, exclusive of such time as the teacher spends for preparation, conferences, administrative duties, and any other non-classroom instruction duties.

(2) Classroom—Definition. For the purpose of this section, "classroom" shall mean those areas or spaces within or without a building, on or off a school campus, that are utilized by a certificated classroom teacher and his/her students for the conduct of planned instructional activities.

(3) Computation of FTE teachers. For the purpose of this section the "average annual full-time equivalent classroom teachers" of a school district shall be the sum of full-time and part-time teachers computed as follows:

(a) Full-time teachers. Each employee who is employed full time for the regular instructional year exclusive of summer school, and who is

assigned solely classroom instructional and related duties (e.g., planning periods, parent/teacher conferences, before and after school supervision of students, etc.) pursuant to his/her basic contract shall be counted as one full-time equivalent classroom teacher regardless of his/her actual teaching load. No such employee shall be counted as more than one full-time equivalent classroom teacher: PROVIDED, That in the case of full-time employees of a school district that conducts a year round regular school program who are employed for a term in excess of the equivalent of the regular instructional year for individual students, such excess term of employment shall be counted as a portion of an additional full-time equivalent classroom teacher.

(b) Part-time teachers. Each part-time employee who is assigned classroom instructional duties solely or in part, and each full-time employee who is assigned both classroom instructional duties and non-classroom related duties (e.g., administrative duties, extracurricular instructional or supervisory duties, etc.) pursuant to his/her basic contract, shall be counted as a fractional full-time equivalent classroom teacher based upon the percentage of time he or she performs duties equivalent to the duties performed by a full-time employee who is assigned solely classroom instructional duties and related duties (e.g., planning periods, parent/teacher conferences, before and after school supervision of students, etc.) pursuant to his/her basic contract.

(4) Computation of annual average classroom contact hour requirement. A school district's compliance with the average annual contact requirement shall be based upon teachers' normally assigned weekly instructional schedules, as assigned by the district administration. Additional recordkeeping by classroom teachers as a means of accounting for contact hours shall not be required.

(a) For each teacher, count the actual number of minutes during the school week when the teacher has regularly scheduled responsibilities for the instruction of students. Teacher instructional contact time for the purposes of this requirement shall be that time between the start of the first regularly scheduled class and the end of the last regularly scheduled class including actual minutes scheduled in all regular classes, laboratories, study halls and the supervision of extended classrooms, work experience, outdoor education and other such programs.

(b) Time spent for lunch intermissions, class changes, recesses, planning/preparation, staff meetings, home visits, conferences, supervision of students in noninstructional activities (lunch duty, playground duty, hall duty, sports programs, student clubs and other activities not requiring student attendance or required for credit), and for specialist teachers (librarian, subject-matter specialist) when the teacher is free from instructional purposes (i.e., released from classroom responsibilities) shall not be countable time for the purpose of computing the teacher's instructional contact. This time is considered valuable and is covered under (e) of this subsection.

(c) The number of average annual full-time equivalent classroom teachers employed by a school district and computed pursuant to subsection (3) of this section shall be divided into the total number of actual contact minutes within a normally scheduled instructional week, pursuant to (a) and (b) of this subsection, that such average annual full-time equivalent classroom teachers are scheduled to be in contact with and instructing students in a classroom (including those hours which would have been accrued but for the implementation of WAC 180-16-215(4) relating to students graduating from high school.

(d) The quotient received by dividing the total number of actual contact minutes per week, for all average annual full-time equivalent classroom teachers in the school district by the number of average annual full-time equivalent classroom teachers shall be called the net average contact minutes per week for the average annual full-time equivalent certificated classroom teacher in the school district.

(e) At the discretion of each school district board of directors, up to two hundred minutes per average annual full-time equivalent classroom teachers for every five school days scheduled for the regular instructional year may be added to the net average contact minutes per week to accommodate for time spent in authorized parent-guardian/teacher conferences, recess, passing time between classes and informal instructional activity.

(f) The quotient received by dividing the net average contact minutes, per week, including up to two hundred minutes to accommodate for time spent in authorized parent-guardian/teacher conferences, recess, passing time between classes and informal instructional activity, by sixty shall be the school district's average annual direct classroom contact hours per week for the average annual full-time equivalent certificated classroom teacher in the school district.

(g) The average annual classroom contact hours per week shall not be less than twenty-five hours per week.

(5) WAIVER OPTION.

(a) In the event that a district develops an educational excellence component(s) which consists of less than the twenty-five hours of average teacher contact and the district determines, but for the inclusion of this component(s), that it would meet the twenty-five hour average teacher contact requirement, the district may apply for a waiver of the inclusion of this component(s) within the calculations. The state board of education (may) shall grant said waiver. Approval of district waivers shall occur at ~~((the November/December or March))~~ a state board of education meeting prior to implementation ~~((for school districts or individual schools within a district who submit a plan for restructuring of the educational program that includes)). A district's application for a waiver shall be in the form of a resolution adopted by the district board of directors which includes a request for the waiver, and a plan for restructuring the educational program of one or more schools consisting of at least the following information:~~

~~(i) ((A description of the relationship between the requested waiver and expected student achievement.))~~ Identification of the requirement to be waived;

~~(ii) Specific standards for increased student learning expected to be achieved;~~

~~(iii) How the district plans to achieve the higher standards ((are to be achieved)), including timelines for implementation;~~

~~(iv) How the district plans to ((assess achievement)) determine if the higher standards are met;~~

~~(v) ((A resolution adopted by)) Evidence that the board of directors ((which states that the)), teachers, administrators, and classified employees are committed to working cooperatively in implementing the plan ((and opportunities)); and~~

~~(vi) Evidence that opportunities were provided for parents and citizens to be involved in the development of the plan.~~

(b) APPLICATION PROCEDURE.

The application for a waiver and all supporting documentation must be received by the superintendent of public instruction at least thirty days prior to the ~~((November/December or March))~~ state board of education meeting where consideration of the waiver shall occur. The superintendent of public instruction shall review all applications and supporting documentation to insure the accuracy of the information. In the event that deficiencies are noted in the application or documentation, districts will have the opportunity to make corrections and to seek state board approval at a subsequent meeting.

(c) RENEWAL PROCEDURES.

Waivers granted by the state board of education under this section ~~((may)) shall be renewed every three years upon the state board of education receiving a renewal request from the school district board of directors. ((In addition to other evaluation and assessment activities.))~~ The school district shall conduct at least one public meeting to evaluate the educational programs that were implemented as a result of the waivers before filing the request. The request to the state board of education shall include information ~~((and data))~~ regarding the activities and programs implemented as a result of the waivers, ~~whether the higher standards for students are being achieved,~~ and a summary of the comments received at the public meeting or meetings.

NEW SECTION

WAC 180-53-070 WAIVER FOR RESTRUCTURING. (1) A district desiring to implement a restructuring plan may apply for a waiver from the self-study requirements of this chapter. The state board of education shall grant said waiver. Approval of district waivers shall occur at a state board of education meeting prior to implementation. A district's application for a waiver shall be in the form of a resolution adopted by the district board of directors which includes a request for the waiver, and a plan for restructuring the educational program of one or more schools consisting of at least the following information:

(a) Identification of the requirement to be waived;

(b) Specific standards for increased student learning expected to be achieved;

(c) How the district plans to achieve the higher standards, including timelines for implementation;

(d) How the district plans to determine if the higher standards are met;

(e) Evidence that the board of directors, teachers, administrators, and classified employees are committed to working cooperatively in implementing the plan; and

(f) Evidence that opportunities were provided for parents and citizens to be involved in the development of the plan.

(2) Application procedure. The application for a waiver and all supporting documentation must be received by the superintendent of public instruction at least thirty days prior to the state board of education meeting where consideration of the waiver shall occur. The superintendent of public instruction shall review all applications and supporting documentation. In the event that deficiencies are noted in the application or documentation, districts will have the opportunity to make corrections and to seek state board approval at a subsequent meeting.

(3) Renewal procedure. Waivers granted by the state board of education under this section shall be renewed every three years upon the state board of education receiving a renewal request from the school district board of directors. The school district shall conduct at least one public meeting to evaluate the educational programs that were implemented as a result of the waivers before filing the request. The request to the state board of education for renewal shall include information regarding the activities and programs implemented as a result of the waivers, whether the higher standards for students are being achieved, and a summary of the comments received at the public meeting or meetings.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 180-53-065 WAIVER OF THE INITIAL SELF-STUDY CYCLE.

WSR 92-13-076
PROPOSED RULES
HIGHER EDUCATION
COORDINATING BOARD
[Filed June 16, 1992, 11:43 a.m.]

Original Notice.

Title of Rule: Washington state scholars program, WAC 250-66-010 through 250-66-060.

Purpose: To amend existing rules and regulations to reflect changes to statute as effected by 1992 legislature through ESB 6285.

Statutory Authority for Adoption: Chapter 28B.80 RCW and ESB 6285, chapter 231, Laws of 1992.

Statute Being Implemented: ESB 6285, chapter 231, Laws of 1992.

Summary: Include language drawing distinction in mandatory tuition waiver benefits preserved for Washington scholars who received their awards before June 30, 1992, and permissive tuition waiver benefits for Washington scholars who receive their awards after June 30, 1992.

Reasons Supporting Proposal: To protect benefits already awarded to recipients under prior law; amend award benefit to future recipients to allow reductions in foregone revenue to institutions of higher education through tuition waiver programs.

Name of Agency Personnel Responsible for Drafting and Implementation: Ann McLendon, 917 Lakeridge Way, P.O. Box 43430, Olympia, WA 98504-3430, (206) 586-5505; and Enforcement: Ann Daley and Shirley Ort, 917 Lakeridge Way, Olympia, WA 98504-3430, (206) 753-3571.

Name of Proponent: Higher Education Coordinating Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: ESB 6285 provides for continuation of mandatory tuition waivers for Washington scholars receiving their awards prior to June 30, 1992, and allows institutions to provide permissive waivers of tuition for Washington scholars who receive their awards after June 30, 1992; "state institutions of higher education" has been amended to read "state-supported institution of higher education"; and the restriction prohibiting benefit recipients from pursuing courses which include religious worship, studies, or exercise has been updated to reflect current language parallel to that used in other state-funded student financial aid programs.

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: Third Floor Conference Room, Higher Education Coordinating Board, 917 Lakeridge Way, P.O. Box 43430, Olympia, WA 98504-3430, on July 21, 1992, at 9:00 a.m.

Submit Written Comments to: Ann Daley, Executive Director, 917 Lakeridge Way, Olympia, WA 98504-3430, by July 20, 1992.

Date of Intended Adoption: July 22, 1992.

June 15, 1992

Ann Daley

Executive Director

AMENDATORY SECTION (Amending Order 5-88, filed 7/5/88)

WAC 250-66-020 PROGRAM DEFINITIONS. (1) "Public institution of higher education" or "state-supported institution of higher education" shall mean all Washington state-operated, public, four-year universities, the evergreen state college, ((and)) community colleges, and technical colleges.

(2) "Independent college or university" shall mean any private, non-profit educational institution, the main campus of which is permanently situated in the state, open to residents of the state, providing programs of education beyond the high school level leading at least to the baccalaureate degree, and accredited by the northwest association of schools and colleges and other institutions as may be developed that are approved by the higher education coordinating board as meeting equivalent standards as those institutions accredited by the northwest association of schools and colleges.

(3) "State-funded research universities" shall mean the university of Washington and Washington state university.

(4) "Board" means the higher education coordinating board. When a duty or responsibility of the board is referenced in these regulations, the authority needed to discharge that responsibility lies with the executive director or his or her designee.

(5) "Washington resident" shall mean any individual who satisfied the requirements of WAC 250-18-020 through 250-18-060 and any board-adopted rules and regulations pertaining to the determination of residency.

(6) "Waiver of tuition and service and activities fees." (a) Students ((selected as)) who received their Washington state scholars awards prior to June 30, 1992, and who choose ((choosing)) to attend a public institution of higher education, as defined in subsection (1) of this section, and who meet all other eligibility requirements, shall be eligible for a full waiver of tuition and services and activities fees at any Washington public institution of higher education.

(b) Students who received their Washington state scholars awards after June 30, 1992, and who choose to attend a public institution of higher education, as defined in subsection (1) of this section, and who meet all other eligibility requirements, may be eligible for a full or partial waiver of tuition and services and activities fees at any Washington public institution of higher education.

(7) "Grant(s)." Students selected as Washington state scholars choosing to attend an independent college or university, as defined in

subsection (2) of this section, and who meet all other eligibility requirements, shall be eligible to receive grants from the state of Washington, if funds are available for this purpose. Grants shall not exceed, on an annual basis, the yearly, full-time, resident undergraduate tuition and service and activities fees in effect at the state-funded research universities. These grants shall also be contingent upon the independent college or university matching, on at least a dollar-for-dollar basis, either with actual institutional monies or a waiver of tuition and fees, the amount the student receives from the state.

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 5-88, filed 7/5/88)

WAC 250-66-030 NOMINATION AND SELECTION OF WASHINGTON STATE SCHOLARS. (1) Number of Students to be Nominated. Each principal of a public or private approved Washington high school is encouraged to nominate one percent of the senior class (twelfth grade) based on the October 1 enrollment count of the previous year.

(2) Selection Committee. Following the receipt of all nomination forms, the higher education coordinating board shall convene a selection committee which shall have members representing public and private secondary and postsecondary education institutions, state agencies, and private sector associations. This selection committee shall review all nominations based upon selection criteria which shall include, but not be limited to, academic excellence, leadership ability, and community contributions.

(3) Selection. The Washington state scholar selection committee will then select the top three (3) graduating seniors from high schools in each legislative district to be designated as Washington state scholars.

(4) Notification. After the final selections have been made, the higher education coordinating board shall notify the students so designated, their high school principals, the legislators of their respective districts, and the governor.

(5) Certificates and Awards Ceremony. The board, in conjunction with the governor's office, shall prepare appropriate certificates of recognition to be presented to the Washington state scholars recipients. An awards ceremony at an appropriate time and place shall be planned by the board in cooperation with the Washington association of secondary school principals.

(6) Receipt of Award. Washington state scholars shall be deemed to have received their awards effective the date of notification. This is in contrast to the receipt of award benefits which may accrue to Washington state scholars recipients in the form of tuition and fee waivers and grants, and which shall be deemed to be received by the individual recipients on a term-by-term basis at the time the award benefit is used for undergraduate coursework.

AMENDATORY SECTION (Amending Order 5-88, filed 7/5/88)

WAC 250-66-040 RECIPIENT ELIGIBILITY. (1) Eligibility Criteria. In order to be eligible to receive a waiver of tuition and service and activities fees at public institutions of higher education or a grant at independent colleges or universities, the student must meet the following requirements. The student must:

- (a) Be a resident of the state of Washington.
- (b) Have attended high school in the state of Washington.
- (c) Be a designated and fully recognized recipient of the Washington state scholars award.
- (d) Have entered a public institution of higher education or independent college or university in the state of Washington within three years of high school graduation.
- (e) Be a student enrolled in undergraduate studies.
- (f) Maintain a minimum cumulative grade point average of 3.30 on a 4.0 scale, or the equivalent, at a public institution of higher education or independent college or university.
- (g) If the student's cumulative grade point average falls below 3.30 during the first three quarters or two semesters, that student may petition the higher education coordinating board which shall have the authority to establish a probationary period until such time as the student's grade point average meets required standards. A student who has received probationary status from the higher education coordinating board shall remain eligible to receive a waiver or grant during such probationary period.

(h) Not be pursuing ((a degree in theology)) courses that include any religious worship or exercise, or any degree in religious, seminarian, or theological academic studies.

(2) Duration of Eligibility. Recipients of the Washington state scholars award shall be eligible to receive ((tuition and services and activities fees at public institutions of higher education or grants at independent colleges or universities)) award benefits under this program for a maximum total of eight (8) semesters or twelve (12) quarters.

(3) Transferability. Recipients of the Washington state scholars award may transfer between public institutions of higher education and independent colleges and universities in the state of Washington provided that the ((maximum)) cumulative terms of waivers of tuition and service and activities fees and grants ((do)) received by any one recipient does not exceed eight (8) semesters or twelve (12) quarters.

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 5-88, filed 7/5/88)

WAC 250-66-060 CONTROL OF FUNDS. The higher education coordinating board may award grants to eligible students from the funds appropriated to the board for this purpose, or from any private donations, or any other funds given to the board for this program.

WSR 92-13-077
PROPOSED RULES
HIGHER EDUCATION
COORDINATING BOARD
[Filed June 16, 1992, 11:51 a.m.]

Original Notice.

Title of Rule: Washington award for excellence in education (also known as the Washington State Christa McAuliffe Academic Grant Award), WAC 250-78-010 through 250-78-060.

Purpose: To implement ESSB 6326, technical amendments to the academic grant program, and SSB 6327, incorporating classified employees selected after June 30, 1993, as eligible recipients of the academic grant award option.

Statutory Authority for Adoption: Chapters 28B.80 and 28A.625 RCW, ESSB 6326 and SSB 6327.

Statute Being Implemented: ESSB 6326 and SSB 6327.

Summary: Maximum academic grant value changed from cost of one academic year, resident, graduate tuition at state regional or research university level tuition to a value of 45 quarter or 30 semester credits at a rate of reimbursement not to exceed the part-time, resident graduate cost per credit at the University of Washington; adds classified employees selected after June 30, 1993, as eligible academic grant recipients.

Name of Agency Personnel Responsible for Drafting and Implementation: Ann McLendon, 917 Lakeridge Way, P.O. Box 43430, Olympia, WA 98504-3430, (206) 586-5505; and Enforcement: Ann Daley and Shirley Ort, 917 Lakeridge Way, Olympia, WA 98504, (206) 753-3571.

Name of Proponent: Higher Education Coordinating Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose and Summary above.

Proposal Changes the Following Existing Rules: See Purpose and Summary above.

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

Hearing Location: Third Floor Conference Room, Higher Education Coordinating Board, 917 Lakeridge Way, P.O. Box 43430, Olympia, WA 98504-3430, on July 21, 1992, at 9:30 a.m.

Submit Written Comments to: Ann Daley, Executive Director, 917 Lakeridge Way, Olympia, WA 98504, by July 20, 1992.

Date of Intended Adoption: July 22, 1992.

June 15, 1992

Ann Daley
Executive Director

AMENDATORY SECTION (Amending WSR 91-20-070, filed 9/26/91)

WAC 250-78-010 PURPOSE. The Washington award for excellence in education program, also known as the Washington state Christa McAuliffe award program, was established to recognize teachers, principals, administrators, classified ~~((staff))~~ employees, school district superintendents, and school boards for their leadership, contributions, and commitment to education. The purpose of this chapter is to establish administrative procedures for disbursing academic grants awarded through this program to teachers, classified employees, principals, and administrators.

AMENDATORY SECTION (Amending WSR 91-20-070, filed 9/26/91)

WAC 250-78-020 AUTHORITY TO ADMINISTER. The authority for this chapter is 28B.80 RCW which authorizes the higher education coordinating board to adopt rules relating to the administration of programs assigned to the board, and ~~((chapter 255, laws of 1991))~~ 28A.625 RCW, which assigns to the board the administration of the academic grants awarded through the Washington award for excellence in education (Christa McAuliffe) academic grant award program. The 1991 legislation corrects inequities inherent in the related preceding tuition waiver program by creating an academic cash grant in lieu of a tuition and fee waiver. Not all institutions awarded the waiver, thus some recipients received a benefit while others did not. These regulations are intended not only to implement the new legislative changes but also to provide continued benefits to those previously granted the award.

AMENDATORY SECTION (Amending WSR 91-20-070, filed 9/26/91)

WAC 250-78-030 DEFINITIONS. (1) "Institution of higher education" or "institution" shall mean:

(a) Any public university, college, community college, or technical college operated by the state of Washington or any political subdivision thereof; or any other university, college, school, or institute in the state of Washington offering instruction beyond the high school level which is a member institution of the northwest association of schools and colleges; and providing such institution agrees to participate in the program in accordance with all applicable rules and regulations. Any institution, branch, extension, or facility operating within the state of Washington which is affiliated with an institution operating in another state must be a separately accredited member institution of the northwest association of schools and colleges or another regional accrediting association.

(b) Any other university, college, school, or institute located in another state offering instruction beyond the high school level which is a member institution of a regional accrediting association or otherwise approved by the board in accordance with WAC 250-78-050 ~~((3)(d)(i))~~ (6)(a) or (b); or

(c) Any other university, college, school, or institute located in another country outside of the United States of America offering instruction beyond the high school level which in the judgment of the

board meets academic standards comparable to those established by a regional accrediting association.

(2) "Academic grant" shall mean the monetary award which shall be used to take courses at an institution of higher education. The academic grant ~~((may))~~ shall be used to pay for ~~((reasonable educational expenses including, but not limited to, tuition/fees, room and board, and books and supplies))~~ actual costs incurred for tuition and fees only, up to the maximum value of the award as defined in WAC 250-78-050.

(3) "Board" means the higher education coordinating board. When a duty or responsibility of the board is referenced in these regulations, the authority needed to discharge that responsibility lies with the executive director or his or her designee.

(4) "Recipient" means a teacher, classified employee, principal, or administrator who has been designated to receive the Washington award for excellence in education by the superintendent of public instruction, and who has elected to receive his or her award in the form of the academic grant.

(5) "Academic year" shall mean two semesters or three quarters of full-time graduate coursework.

(6) "Stipend" shall mean an amount not to exceed ~~((1,000))~~ one thousand dollars, payable only to cover costs incurred in taking courses for which a tuition and fee waiver was authorized under pre-existing law (RCW 28A.625.020 (3)(a)). ~~((No))~~ Award recipients named after May 17, 1991 shall be entitled to receive ~~((payment of the stipend))~~ a stipend for costs incurred in taking courses covered by the academic grant only if funds are specifically appropriated for stipends under this program.

AMENDATORY SECTION (Amending WSR 91-20-070, filed 9/26/91)

WAC 250-78-050 AWARD AMOUNT. (1) ~~((The current academic year full-time resident graduate tuition rate in effect at the state's public universities shall be the maximum academic grant available to any recipient in that year.))~~ The academic grant shall be used to reimburse recipients for actual costs of tuition and fees up to a maximum of forty-five quarter or thirty semester credit hours. The rate of reimbursement per credit hour shall not exceed the resident, graduate, part-time cost per credit hour at the University of Washington in the year the recipient takes the credit.

(2) Recipients who were awarded the tuition/fee waiver benefit for forty-five quarter or thirty semester credits prior to May 17, 1991 shall receive the remaining value of the tuition/fee waiver in the form of the academic grant. Conversion of the tuition/fee waiver to the value of individual recipient academic grants shall be calculated as a ratio of available (unused) credits remaining in the tuition/fee waiver benefit to the total credits originally awarded.

(3) Consistent with terms of prior law, recipients who received notification of their award by the office of the superintendent of public instruction prior to May 17, 1991 may be eligible to receive a stipend not to exceed ~~((1,000))~~ one thousand dollars ~~((to cover approved educational costs related to academic coursework))~~ for costs incurred in taking courses covered by the academic grant.

~~((3))~~ The recipient's initial institution of attendance following receipt of official notice of the academic grant award by the board shall be used to determine the dollar value of individual academic grant awards as follows:

(a) Award recipients who elect to use the academic grant for courses at one of the state's research universities shall receive an academic grant which shall not exceed the current academic year full-time resident graduate tuition for courses taken at one of the state's research universities.

(b) Award recipients who elect to use the academic grant for courses at one of the state's regional universities or The Evergreen State College shall receive an academic grant which shall not exceed the current academic year full-time resident graduate tuition for courses taken at one of the state's regional universities or The Evergreen State College.)

(4) Recipients who received notification of their award by the office of the superintendent of public instruction after May 17, 1991 may be eligible to receive a stipend not to exceed one thousand dollars for costs incurred in taking courses covered by the academic grant only if funds are specifically appropriated for stipends under this program.

~~((c))~~ Washington private colleges and universities may elect to participate in the program. Participating private institutions shall match on at least a dollar-for-dollar basis, either with actual money or by

~~waiver of fees, the amount of the academic grant received by the recipient from the state. Award recipients who elect to use the academic grant for courses at one of the state's participating private institutions shall receive an academic grant which, when combined with the matching portion, shall not exceed the current academic year full-time resident graduate tuition and the services and activities fees in effect at the state-funded research universities:))~~

(5) Washington private colleges and universities may elect to participate in the program.

(a) Award recipients attending Washington private colleges and universities may receive an academic grant, provided the following additional criteria are met:

(i) The institution elects to participate in the program; and
(ii) The institution matches the amount of the academic grant received by the recipient from the state on at least a dollar-for-dollar basis, either with actual money or by waiver of fees.

(b) Any recipient who received notification of his or her award by the office of the superintendent of public instruction prior to May 17, 1991 has a vested right to the ~~((\\$1,000))~~ one thousand dollar stipend, including those recipients who elect to attend a private institution. Award recipients named by the office of the superintendent of public instruction after May 17, 1991 shall be entitled to receive payment of the stipend only if funds are specifically appropriated for stipends under this program. However, private institutions are not required to match the amount of the stipend.

~~((d))~~ (6) Award recipients who elect to use the academic grant for courses at a public or private higher education institution in another state or country ~~((shall receive an academic grant which shall not exceed the current academic year full-time resident graduate tuition and the services and activities fees in effect at the state-funded research universities))~~ may receive an academic grant, provided the following additional criteria are met:

~~((i))~~ (a) The institution has an exchange program with a public or private higher education institution in Washington and the exchange program is approved or recognized by the higher education coordinating board; or

~~((ii))~~ (b) The institution is approved or recognized by the higher education coordinating board; and

~~((iii))~~ (c) The recipient of the Washington award for excellence in education (Christa McAuliffe) academic grant has submitted in writing to the higher education coordinating board an explanation of why the preferred course or courses are not available at a public or private institution in Washington.

~~((e))~~ The remaining value of the tuition/fee waiver for recipients who were awarded the tuition/fee waiver for forty-five quarter or thirty semester credits prior to May 17, 1991 shall be calculated as a ratio of available (unused) credits to the total credits originally awarded. That ratio shall be converted to a dollar value which is proportional to the current academic year full-time resident graduate tuition in effect at one of the state's public universities:))

AMENDATORY SECTION (Amending WSR 91-20-070, filed 9/26/91)

WAC 250-78-060 MANAGEMENT OF FUNDS. (1) Disbursements of all grant funds are contingent upon appropriations and, in the event that funds are insufficient, disbursements will be issued term by term.

(2) At the option of the board, the academic grant may be disbursed as a lump sum award or in incremental amounts on a term by term basis (related to the recipient's plan of study and under a schedule of payments as developed by the board).

(3) Recipients who have not fully utilized their award benefit within the four year eligibility period shall forfeit the remaining value of their academic grant award.

WSR 92-13-078

PROPOSED RULES

DEPARTMENT OF ECOLOGY

[Order 92-17—Filed June 16, 1992, 1:09 p.m.]

Continuance of WSR 92-07-089.

Title of Rule: WAC 173-19-430 Wahkiakum County.

Purpose: Continue adoption date from June 16, 1992, to August 4, 1992.

Date of Intended Adoption: August 4, 1992.

June 16, 1992

Fred Olson

Deputy Director

WSR 92-13-079

PROPOSED RULES

DEPARTMENT OF ECOLOGY

[Order 92-15—Filed June 16, 1992, 1:15 p.m.]

Continuance of WSR 92-09-128.

Title of Rule: WAC 173-19-2521 Seattle, city of.

Purpose: Continue adoption date from June 16, 1992, to August 4, 1992.

Date of Intended Adoption: August 4, 1992.

June 16, 1992

Fred Olson

Deputy Director

WSR 92-13-080

PERMANENT RULES

DEPARTMENT OF ECOLOGY

[Order 92-14—Filed June 16, 1992, 1:20 p.m.]

Date of Adoption: June 16, 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 173-19-2503.

Statutory Authority for Adoption: RCW 90.58.200.

Pursuant to notice filed as WSR 92-07-090 on March 17, 1992.

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

June 16, 1992

Fred Olson

Deputy Director

AMENDATORY SECTION (Amending Order DE 89-21, filed 9/27/89, effective 10/28/89)

WAC 173-19-2503 BELLEVUE, CITY OF. City of Bellevue master program approved February 26, 1975. Revision approved January 8, 1979. Revision approved May 14, 1981. Revision approved February 24, 1983. Revision approved September 5, 1989. Revision approved June 16, 1992.

WSR 92-13-081

PERMANENT RULES

DEPARTMENT OF ECOLOGY

[Order 92-13—Filed June 16, 1992, 1:24 p.m.]

Date of Adoption: June 16, 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 173-19-130.

Statutory Authority for Adoption: RCW 90.58.200.

Pursuant to notice filed as WSR 92-07-091 on March 17, 1992.

Effective Date of Rule: Thirty-one days after filing.
 June 16, 1992
 Fred Olson
 Deputy Director

AMENDATORY SECTION (Amending Order 89-17, filed 11/1/89, effective 12/2/89)

WAC 173-19-130 CLALLAM COUNTY. Clallam County master program approved August 5, 1976. Revision approved November 16, 1976. Revision approved August 10, 1979. Revision approved January 4, 1983. Revision approved March 27, 1984. Revision approved January 27, 1986. Revision approved June 3, 1986. Revision approved March 1, 1988. Revision approved October 31, 1989. Revision approved June 16, 1992.

WSR 92-13-082
PERMANENT RULES
DEPARTMENT OF ECOLOGY
 [Order 92-16—Filed June 16, 1992, 1:30 p.m.]

Date of Adoption: June 16, 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 173-19-2511.

Statutory Authority for Adoption: RCW 90.58.200.

Pursuant to notice filed as WSR 92-07-087 on March 17, 1992.

Effective Date of Rule: Thirty-one days after filing.
 June 16, 1992
 Fred Olson
 Deputy Director

AMENDATORY SECTION (Amending Order DE 85-05, filed 4/15/85)

WAC 173-19-2511 KENT, CITY OF. City of Kent master program approved April 9, 1974. Revision approved December 8, 1978. Revision approved April 10, 1979. Revision approved December 10, 1980. Revision approved June 16, 1992.

WSR 92-13-083
PERMANENT RULES
DEPARTMENT OF ECOLOGY
 [Order 91-13A—Filed June 16, 1992, 1:37 p.m.]

Date of Adoption: April 21, 1992.

Purpose: To correct typographical errors in WAC 173-183-450. The concise explanatory statement was correct but the published version of the rule included errors.

Statutory Authority for Adoption: Chapter 90.48 RCW, Water Pollution Control Act.

Pursuant to notice filed as WSR 91-22-108 on November 6, 1991.

Changes Other than Editing from Proposed to Adopted Version: See concise explanatory statement filed on April 23, 1992, in WSR 92-10-005.

Effective Date of Rule: Thirty-one days after filing.
 June 16, 1992
 Fred Olson
 Deputy Director

NEW SECTION

WAC 173-183-450 SALMON VULNERABILITY. (1) The salmon vulnerability ranking is based on seasonal habitat preference of juveniles during outmigration, adults as they return to spawn and the presence of oil in river mouths during peak occurrence of salmon runs. The salmon vulnerability ranking was developed from existing information and determinations of the salmon subcommittee of the scientific advisory board. In the case of Chinook salmon, habitat preference differs for subyearlings and yearlings.

(2) The vulnerability of five salmon species in nine habitats are relatively scored for vulnerability to oil spills on a 1 to 5 scale for each season, where 5 represents the most vulnerable condition, and a score of 1 represents the least vulnerable condition, as follows:

Table 7. Vulnerability of Salmon Species and/or Species Yearclass by Habitat and Season

SPECIES/YEARCLASS and SALMON VULNERABILITY HABITAT	HABITAT VULNERABILITY SCORE (see)			
	SEASON			
	SP	SU	FA	WI
<u>Chinook (subyearling)</u>				
Intertidal				
Rocky	1	1	1	1
Cobble	2	2	1	1
Gravel	3	3	2	2
Sand (vegetated)	4	5	3	3
Sand (no vegetation)	3	3	2	2
Mud (vegetated)	4	5	3	3
Mud (no vegetation)	3	3	2	3
Subtidal	2	2	1	1
Pelagic	4	4	3	3
<u>Chinook (yearling)</u>				
Intertidal				
Rocky	1	1	1	1
Cobble	3	3	2	2
Gravel	3	3	3	2
Sand (vegetated)	3	3	2	2
Sand (no vegetation)	3	3	2	2
Mud (vegetated)	3	3	2	2
Mud (no vegetation)	3	3	2	2
Subtidal	2	2	1	1
Pelagic	4	4	3	3
<u>Coho</u>				
Intertidal				
Rocky	1	1	1	1
Cobble	3	2	2	2
Gravel	3	4	2	2
Sand (vegetated)	5	4	3	4
Sand (no vegetation)	3	2	2	3
Mud (vegetated)	5	4	3	4
Mud (no vegetation)	3	4	2	3
Subtidal	2	2	1	1
Pelagic	4	4	3	3

Pink				
Intertidal				
Rocky	1	1	1	1
Cobble	2	1	1	1
Gravel	3	1	1	3
Sand (vegetated)	5	2	2	5
Sand (no vegetation)	3	2	2	3
Mud (vegetated)	5	2	2	5
Mud (no vegetation)	3	1	1	3
Subtidal	2	1	1	1
Pelagic	4	2	2	2
Chum				
Intertidal				
Rocky	1	1	1	1
Cobble	2	1	1	1
Gravel	3	2	2	3
Sand (vegetated)	5	3	2	5
Sand (no vegetation)	3	2	2	3
Mud (vegetated)	5	4	2	5
Mud (no vegetation)	3	2	2	3
Subtidal	2	2	1	1
Pelagic	4	4	2	2
Sockeye				
Intertidal				
Rocky	2	2	1	1
Cobble	2	1	1	1
Gravel	2	1	1	1
Sand (vegetated)	2	1	1	1
Sand (no vegetation)	2	1	1	1
Mud (vegetated)	2	1	1	1
Mud (no vegetation)	3	1	1	1
Subtidal	1	2	1	1
Pelagic	4	4	2	2

The habitat-types classified under WAC 173-183-400 correlate with the habitats listed in Table 7 as follows:

TABLE 8. KEY TO TRANSLATING MARINE/ESTUARINE HABITAT TYPES CLASSIFIED UNDER WAC 173-183-410 TO SALMON VULNERABILITY HABITATS

MARINE/ESTUARINE HABITAT TYPE from WAC 173-183-410(3)	EQUIVALENT SALMON VULNERABILITY HABITAT
Marine Intertidal, exposed and semi-exposed rocky shores	Intertidal, rocky
Marine Intertidal, sand-scoured rocky shores	Intertidal, rocky
Marine Intertidal, protected rocky shores	Intertidal, rocky
Estuarine Intertidal, open rocky shores	Intertidal, rocky
Marine Intertidal, semi-exposed cobble and mixed-coarse beaches	Intertidal, cobble
Estuarine Intertidal, open mixed-coarse beaches	Intertidal, cobble
Marine Intertidal, semi-exposed gravel beaches	Intertidal, gravel
Estuarine Intertidal, open gravel beaches	Intertidal, gravel
Marine Intertidal, exposed sandy beaches	Intertidal, sand (presence of vegetation will be determined at the time of the spill)
Marine Intertidal, semi-protected mixed-fine beaches	Intertidal, sand (presence of vegetation will be determined at the time of the spill)

Estuarine Intertidal, open sandy beaches	Intertidal, sand (presence of vegetation will be determined at the time of the spill)
Estuarine Intertidal, sandy low marshes	Intertidal, sand (presence of vegetation will be determined at the time of the spill)
Estuarine Intertidal, mixed-fine beaches and low marshes	Intertidal, sand (presence of vegetation will be determined at the time of the spill)
Marine Intertidal, protected mud flats	Intertidal, mud (presence of vegetation will be determined at the time of the spill)
Estuarine Intertidal, mud flats	Intertidal, mud (presence of vegetation will be determined at the time of the spill)
all Marine and Estuarine Subtidal categories except open water	Subtidal
Marine Subtidal, open water	Pelagic
Estuarine Subtidal, open water	Pelagic

(3) For each oil spill where the compensation schedule is applied, the RDA committee shall determine the following:

(a) For spills greater than 1,000 gallons, the salmon vulnerability habitat(s) exposed to spilled oil and each habitat's percent-coverage of the total area exposed to spilled oil;

(b) For spills of less than 1,000 gallons, the salmon vulnerability habitat(s) in the subregion(s) exposed to

spilled oil and the percent-coverage of these habitats in the exposed subregion(s);

(c) The season in which spill impacts will be greatest;

(d) The individual species/year class vulnerability score (SAVS_i) as described in subsection (4) of this section; and

(e) The composite salmon vulnerability score for a spill (SAVS_s) as described in subsection (5) of this section.

(4) From the information enumerated in subsection (2) of this section, the RDA committee shall determine the species/year class vulnerability score for a spill (SAVS_i) by summing the weighted species/year class vulnerability scores for each of the salmon vulnerability habitats classified in Table 8 of subsection (2) of this section, where weighting is defined as percent-coverage of the salmon vulnerability habitats as determined in subsection (3) of this section, as follows:

$$SAVS_i = (savs_1 * PCT-COV_1) + (savs_2 * PCT-COV_2) + \dots + (savs_n * PCT-COV_n)$$

where SAVS_i = salmon vulnerability score for a species/year class; savs_j = species/year class habitat vulnerability score for the season of greatest spill impact from subsection (2) of this section;

PCT-COV_j = percent-coverage of habitat j from subsection (2) of this section;

i = Chinook, subyearling (Cs); Chinook, yearling (Cy); Coho (C); Pink (P); Chum (Ch); and Sockeye (So); and n = the number of salmon vulnerability habitats used to calculate SAVS as determined in subsection (3) of this section.

(5) The raw salmon vulnerability score for a spill (SAVS_s) shall be calculated as follows:

(a) In years when pink salmon are present in state waters. The chinook salmon spill vulnerability scores for subyearlings (SAVS_{Cs}) and yearlings (SAVS_{Cy}) as determined in subsection (4) of this section shall be averaged, then added to the spill vulnerability scores for coho (SAVS_C), pink (SAVS_P), chum (SAVS_{Ch}) and sockeye (SAVS_{So}) salmon as determined in subsection (4) of this section. The sum of these scores shall then be divided by 5, as described by the following formula:

$$SAVS_s = [(SAVS_{Cs} + SAVS_{Cy})/2 + SAVS_C + SAVS_P + SAVS_{Ch} + SAVS_{So}]/5$$

where SAVS_s = salmon vulnerability score for a spill; SAVS_{Cs} = chinook, subyearling vulnerability score from subsection (4) of this section;

SAVS_{Cy} = chinook (yearling) vulnerability score from subsection (4) of this section;

SAVS_C = coho salmon vulnerability score from subsection (4) of this section;

SAVS_P = pink salmon vulnerability score from subsection (4) of this section;

SAVS_{Ch} = chum salmon vulnerability score from subsection (4) of this section;

SAVS_{So} = sockeye salmon vulnerability score from subsection (4) of this section;

(b) In years when pink salmon are not present in state waters. The Chinook salmon spill vulnerability scores for subyearlings (SAVS_{Cs}) and yearlings (SAVS_{Cy}) as determined in subsection (4) of this section shall be averaged, then added to the spill vulnerability scores for coho (SAVS_C), chum (SAVS_{Ch}) and sockeye (SAVS_{So})

salmon as determined in subsection (4) of this section. The sum of these scores shall then be divided by 4, as described by the following formula:

$$SAVS_s = [(SAVS_{Cs} + SAVS_{Cy})/2 + SAVS_C + SAVS_{Ch} + SAVS_{So}]/4$$

where SAVS_s = salmon vulnerability score for a spill;
 SAVS_{Cs} = chinook, subyearling vulnerability score from subsection (4) of this section;
 SAVS_{Cy} = chinook (yearling) vulnerability score from subsection (4) of this section;
 SAVS_C = coho salmon vulnerability score from subsection (4) of this section;
 SAVS_p = pink salmon vulnerability score from subsection (4) of this section;
 SAVS_C = chum salmon vulnerability score from subsection (4) of this section;
 SAVS_{So} = sockeye salmon vulnerability score from subsection (4) of this section;

(6) If spilled oil enters a river mouth, SAVS_i from subsection (4) of this section shall be assigned a score of 5 for each species/year class in peak occurrence in a river mouth during the period of time the spilled oil enters and remains in the river mouth. Scores of 5 determined for species/year classes under this subsection shall supersede SAVS_s scores calculated under subsection (4) of this section. The RDA committee shall make determinations of whether oil enters a river mouth and whether species/year classes are in peak occurrence when spilled oil is present in a river mouth.

(7) The final SAVS_s score is found by rounding the raw SAVS_s score calculated in subsection (5) of this section to the nearest 0.01 as follows: Decimals less than 0.005 shall be rounded down and decimals equal to or greater than 0.005 shall be rounded up.

(8) The final salmon vulnerability score for a spill shall be multiplied by 1.5 when any number of individuals of state or federal threatened or endangered salmon races and/or runs are exposed to spilled oil.

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

WSR 92-13-084
PERMANENT RULES
DEPARTMENT OF ECOLOGY
 [Order 92-02—Filed June 16, 1992, 1:42 p.m.]

Date of Adoption: June 16, 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 173-19-2602.

Statutory Authority for Adoption: RCW 90.58.200.

Pursuant to notice filed as WSR 92-12-054 on June 1, 1992.

Changes Other than Editing from Proposed to Adopted Version: Minor modifications to clarify the extent of jurisdiction and environment designation maps, standards for the downtown marine environment, and requirements for sewage pump out facilities in marinas.

Effective Date of Rule: Thirty-one days after filing.
 June 16, 1992
 Fred Olson
 Deputy Director

AMENDATORY SECTION (Amending Order DE 79-34, filed 1/30/80)

WAC 173-19-2602 PORT ORCHARD, CITY OF. City of Port Orchard master program approved March 10, 1977. Revision approved June 16, 1992.

WSR 92-13-085
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
COMMUNITY DEVELOPMENT
 [Memorandum—June 15, 1992]

The Washington State Department of Community Development plans to hold a public hearing on the proposed 1992 state plan for the low-income home energy assistance program (LIHEAP).

The hearing will be held Thursday, July 23, 1992, at the Olympia Center, 222 North Columbia, Room 201, Olympia, WA 98501. The hearing will begin at 10:00 a.m. and close at 12:00 p.m. unless taking testimony requires more time.

Two typewritten copies of all oral testimony are requested. There will be a question and answer period. Written testimony will be accepted until 5:00 p.m., July 23, 1992. Written testimony should be sent to the attention of Bruce Yasutake, Energy Services Section, Department of Community Development, 906 Columbia Street Southwest, P.O. Box 48300, Olympia, WA 98504-8300.

If you have any questions or need additional information, please contact Bruce Yasutake at (206) 586-0498 or scan 321-0498.

WSR 92-13-086
WITHDRAWAL OF PROPOSED RULES
OFFICE OF
INSURANCE COMMISSIONER
 [Filed June 16, 1992, 3:02 p.m.]

Pursuant to RCW 34.05.335, the Insurance Commissioner hereby withdraws his original notice for proposed rules, filed with the code reviser's office as WSR 92-13-014 on June 8, 1992.

Dick Marquardt
 Insurance Commissioner
 by Allen Morrow
 Deputy Commissioner
 Rates and Forms

WSR 92-13-087
PROPOSED RULES
HORSE RACING COMMISSION

[Filed June 16, 1992, 3:41 p.m.]

Continuance of WSR 92-12-066.

Title of Rule: New sections WAC 260-13-175 Definition of "applicant"; and 260-56-065 Decision of the stewards.

Purpose: WAC 260-13-175, specifically defining the term "applicant" with regard to new race track applications; and WAC 260-56-065, with regard to stewards decision on any objection, protest, or steward's inquiry, such decision is final in all respects except when appealing a written steward's ruling.

Hearing Location: SeaTac Red Lion, 18740 Pacific Highway South, Seattle, WA, on July 8, 1992, at 1:00 p.m.

Submit Written Comments to: John Crowley, Executive Secretary, Washington Horse Racing Commission, 3700 Martin Way, Suite 101, Olympia, WA 98506, by July 7, 1992.

Date of Intended Adoption: July 8, 1992.

June 16, 1992
 John Crowley
 Executive Secretary

WSR 92-13-088
PROPOSED RULES
HORSE RACING COMMISSION

[Filed June 16, 1992, 3:43 p.m.]

Continuance of WSR 92-12-067.

Title of Rule: WAC 260-13-100 Disclosure of management; 260-13-370 Investigation fee for Class A and B licenses; 260-13-390 Changes in Class A and B license applications; and 260-13-400 Deadlines for submission of Class A and B license applications.

Purpose: WAC 260-13-100, amend management disclosure to clarify intention regarding plan for racing, purse structure, plan for parimutuel wagering; WAC 260-13-370, amend filing fee; WAC 260-13-390, amending rule to allow changes of application at the direction of the commission; and WAC 260-13-400, revising the deadline for submission of a license application.

Hearing Location: SeaTac Red Lion, 18740 Pacific Highway South, Seattle, WA, on July 8, 1992, at 1:00 p.m.

Submit Written Comments to: John Crowley, Executive Secretary, Washington Horse Racing Commission, 3700 Martin Way, Suite 101, Olympia, WA 98506, by July 7, 1992.

Date of Intended Adoption: July 8, 1992.

June 16, 1992
 John Crowley
 Executive Secretary

WSR 92-13-089
PROPOSED RULES
HORSE RACING COMMISSION

[Filed June 16, 1992, 3:45 p.m.]

Continuance of WSR 92-12-068.

Title of Rule: WAC 260-24-280 Stewards—Authority to award punishment; and 260-88-010 Appeal to the commission.

Purpose: WAC 260-24-280, amends the fine amount, raising suspension days, rules apply ten days before the date of the beginning of the race meet and until all matters have been concluded; and WAC 260-88-010, amends appeal rights, imposing a refundable appearance deposit, ability to appeal in writing provided the commission has given preapproval to do so.

Hearing Location: SeaTac Red Lion, 18740 Pacific Highway South, Seattle, WA, on July 8, 1992, at 1:00 p.m.

Submit Written Comments to: John Crowley, Executive Secretary, Washington Horse Racing Commission, 3700 Martin Way, Suite 101, Olympia, WA 98506, by July 7, 1992.

Date of Intended Adoption: July 8, 1992.

June 16, 1992
 John Crowley
 Executive Secretary

WSR 92-13-090
DEPARTMENT OF ECOLOGY

[Filed June 17, 1992, 8:42 a.m.]

**STATEWIDE DAIRY WASTE GENERAL
 DISCHARGE PERMIT
 PUBLIC NOTICE OF TENTATIVE
 DETERMINATION**

The Washington Department of Ecology (ecology) has tentatively determined it will issue a statewide national pollutant discharge elimination system/state dairy waste general discharge permit to satisfy requirements of the federal Water Pollution Control Act as amended (Title 33 United States Code, Section 1251 et seq) and the State Water Pollution Control Act (RCW 90.48.160 and 90.48.260). The permit will apply statewide to all commercial dairy farms in Washington state (approximately 1,250). A commercial dairy farm is a facility engaged in the commercial production of milk from dairy cows. The permit is expected to be issued on September 30, 1992.

The purpose of the permit is to establish limitations on discharges of manure and wastewater to surface and ground waters of the state. The limitations are necessary to protect existing beneficial uses of waters of the state including domestic, industrial and agricultural water supplies, stock watering, fish and shellfish propagation and harvest, wildlife habitat, recreation and commerce and navigation.

In order to comply with conditions of the permit, commercial dairy farms will need to manage wastewater in

accordance with applicable U.S. Soil Conservation Service technical specifications. Generally, this will include collecting wastewater in waste storage ponds during the winter months and applying it to croplands at agronomic rates. It is expected that compliance with the permit will restore beneficial uses in those waters of the state that have been degraded due to existing discharges and prevent potential future degradation.

Ecology has prepared a small business economic impact statement (SBEIS) to evaluate the proposed draft permit in accordance with the Regulatory Fairness Act (chapter 19.85 RCW). The SBEIS estimated the cost of compliance for both eastern and western Washington herd sizes of 100, 200, 400 and 700 milking animals. One analysis assumed no pollution control facilities were currently in place to examine the potential maximum costs incurred. The annualized cost per cow for compliance was highest for small herd sizes. The cost for compliance was significantly reduced for many farms already having some pollution control facilities in place and when federal and state cost-share programs were applied.

Public hearings on the draft permit will be held at the following locations, dates and times:

Central Washington: On August 4, 1992, Tuesday, at 1:00 p.m. - 4:00 p.m., First Savings Bank of Washington, 911 East Edison, Sunnyside, WA.

Eastern Washington: On August 5, 1992, Wednesday, at 11:00 a.m. - 2:00 p.m., Deer Park High School Cafeteria, North 535 Weber Road South, Deer Park, WA.

Northwest Washington: On August 10, 1992, Monday, at 12:00 noon - 3:00 p.m., Isom Intermediate School Cafeteria, 8461 Benson Road, Lynden, WA.

Northwest Washington: On August 11, 1992, Tuesday, at 12:00 noon - 3:00 p.m., WSU Cooperative Extension Service Auditorium, 600 128th Street S.E. (McCullum Park), Everett, WA.

Southwest Washington: On August 13, 1992, Thursday, at 7:00 p.m. - 10:00 p.m., Centralia Community College, Corbet Performing Arts Theater, Centralia, Washington.

Interested persons may obtain additional information and a listing of those commercial dairy farms the permit will apply to at either of the following Ecology offices: Department of Ecology, Water Quality Program, P.O. Box 47600, Olympia, WA 98504-7600, (206) 438-7092; or the Department of Ecology, Water Quality Program, Central Regional Office, 106 South 6th Avenue, Yakima, WA 98902-3387, (509) 454-7869.

A 50 day period has been established for those persons wishing to provide comments from July 1, 1992, through August 19, 1992. Written comments and comments received at the public hearings will be considered in formulating the final determination on the draft permit. Written comments should be addressed to: Washington Department of Ecology, Water Quality Program, P.O. Box 47600, Olympia, WA 98504-7600, Attn: Philip KauzLoric.

WSR 92-13-091
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed June 17, 1992, 8:55 a.m.]

Original Notice.

Title of Rule: Manual of rules, classifications, rates and rating system for Washington worker's compensation insurance, chapter 296-17 WAC.

Purpose: Proposes to establish a new general reporting rule and modify a risk classification definition applicable to workers' compensation insurance underwritten by the Washington state fund, Department of Labor and Industries for the reforestation industry.

Statutory Authority for Adoption: RCW 51.04.020(1).

Statute Being Implemented: RCW 51.16.035.

Summary: Agency proposes to establish a new general reporting rule and modify a risk classification definition to be contained in chapter 296-17 WAC.

Reasons Supporting Proposal: During the past decade the industrial insurance premiums for the reforestation industry have increased at a far greater pace than most other industries covered by this state's workers' compensation program. The increases are indicative of a variety of factors including misclassification of work being performed, under reporting of work hours and a potential misuse of the benefit system. To address the growing concerns of Washington reforestation contractors regarding these issues the department is proposing to modify premium-reporting procedures of the industry. In addition to the premium reporting changes the department is taking this opportunity to clarify landowners responsibility regarding the unpaid premiums of contractors they use to do reforestation work. Included in the proposal is a modification to the primary classification definition used by reforestation employers. The total emphasis of these changes is to encourage employers to comply with industrial insurance requirements to pay premiums and report exposure (hours worked) accurately. This in turn ensures equitable distribution of the workers' compensation insurance cost to the affected employers and levels the field for competitive bidding. An incentive is being offered in the form of a premium discount of 25 percent of the accident fund for employers who comply with these new regulations. The premium discount is in addition to other adjustments in basic manual rates earned by individual employers through experience factor modifications.

Name of Agency Personnel Responsible for Drafting and Implementation: Douglas Connell, Assistant Director for Employer Services, William White, Senior Actuary and Francis Romero, Classification Development, 905 Plum Street S.E., Olympia, WA 98504, (206) 753-1434; and Enforcement: Douglas Connell, Assistant Director for Employer Services, Mary Pat Frederick, Program Manager for Policy holder Services and Nikki Woehl, Audit Administrator, 905 Plum Street S.E., Olympia, WA 98504, (206) 753-4362.

Name of Proponent: Department of Labor and Industries, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule represents a change in premium reporting procedures for employers who contract to perform reforestation work for landowners, and also formalizes the responsibility of the party who lets a contract for reforestation work. The primary reason behind these proposed changes is to encourage voluntary compliance in the area of reporting work hours of employees and paying the appropriate industrial insurance premiums. The major focus of the rule requires employers to report and pay premiums on a per contract basis when the contract award exceeds \$10,000.00. The rule also requires the contractor (employer) to submit preliminary contract information prior to work being commenced.

As an offset to additional reports that may be required, and to further encourage voluntary compliance, a premium discount is being offered to employers who comply with the new regulation. The discount is intended to provide the necessary financial incentive to report accurately, be in compliance and help defray the additional administrative costs that an employer may encounter in preparing the additional reports. Employers performing small reforestation jobs which have a contract price of less than \$10,000.00 will continue to report hours and pay premiums on a quarterly basis.

The anticipated affect of these changes is to have an immediate and long term effect on the premium rates of the reforestation industry and are designed to stimulate a reversal of the current rate trend.

An outline of the proposed changes follows: WAC 296-17-45004 Reforestation industry rule, proposes to establish a new general reporting rule - the highlights include a preliminary work report submitted by the landowner, maintenance of adequate records by employers within this industry group, premium reporting by contract for those that exceed \$10,000.00 and a premium discount offered for compliance; and WAC 296-17-66002 Classification 5004, proposal clarifies the scope of the existing classification by modifying the current definition.

Proposal Changes the Following Existing Rules: [No information supplied by agency.]

Small Business Economic Impact Statement

This statement pertains to revisions to chapter 296-17 WAC, as proposed by the Department of Labor and Industries to become effective October 1, 1992, as is prepared to conform with the Administrative Procedure and Regulatory Fairness Acts. The proposed new section requires landowners and reforestation contractors to share payroll/employment records with the department.

Existing Rules: Chapter 296-17 WAC presently defines roughly 300 risk classifications for purposes of reporting exposures and computing premiums for workers' compensation insurance. Base rates are established separately for accident fund and medical aid fund coverage in each risk classification within these rules. A separate assessment rate for all classifications is prescribed for the supplemental pension fund. An "experience rating plan" is also established, which provides adjustments to

the base rate of each risk classification, either up or down based on the past reporting experience of each individual employer. Chapter 296-17 WAC also provides optional rating plans referred to as retrospective rating. These optional rating plans are available on an elective basis to employers and industry trade or association groups. The optional rating plans provide members with additional opportunities to reduce their workers' compensation insurance costs through accident prevention and active claims management.

Treatment of Small Business Under Existing Rules: Classification definitions are keyed to the nature of an employer's business and/or employment, and are independent of business size. Once applicable classifications are determined, base rates are identical for all employers within each risk classification.

Treatment of Small Business Under Proposed Rules: The sharing of payroll/employment records is the focus of these regulations. Special care has been given in the drafting of these regulations to limit to the extent feasible the impact that more frequent reporting might have on small businesses. In many instances, small employers will see very little change in how they report premiums. Changes in reporting frequency only affects those employers whose contract awards exceed \$10,000.00. In instances where the contract award exceeds \$10,000.00 employers will file reports on a per contract basis. The information being required in these rules are current requirements of several federal and state agencies. No new records are being required to be made, kept or preserved. Since the records and information required by these proposed changes should already exist, the only added cost of administration is directly related to photo copy, mailing expenses and labor. It is unknown what the cost of the additional reports might be due to the variation of employee occupations that may be used by employers to compile information, the variation in wages of these employees, photo copier expenses, methodology of transmitting information and the frequency of transmission. Because a portion of the abuse which has resulted in increased premium rates of the industry is directly associated with small employers a waiver or special exception would place an unfair burden and inequity on other employers. A premium discount is offered to employers to help defray the additional cost they may encounter from submitting more frequent reports.

Hearing Location: Department of Social and Health Services, Office Building 2, (OB-2), First Floor Auditorium, 12th and Franklin, Olympia, Washington, on July 30, 1992, at 10:00 a.m.

Submit Written Comments to: Douglas Connell, Assistant Director for Employer Services, 905 Plum Street S.E. -4130, Olympia, WA 98504-4130, by July 29, 1992.

Date of Intended Adoption: August 31, 1992.

June 17, 1992
Joseph A. Dear
Director

NEW SECTION

WAC 296-17-45004 REFORESTATION INDUSTRY RULE. Washington law (RCW 51.48.030) requires every employer to make,

keep, and preserve records which are adequate to facilitate the determination of premiums (taxes) due to the state for workers' compensation insurance coverage for their covered workers. In the administration of Title 51 RCW, and as it pertains to the reforestation industry, the department of labor and industries has deemed the records and information required in the various subsections of this section to be essential in the determination of premiums (taxes) due to the state fund. The records so specified and required, shall be provided at the time of audit to any representative of the department who has requested them.

Failure to produce these required records within thirty days of the request, or within an agreed upon time period, shall constitute non-compliance of this rule and RCW 51.48.030 and 51.48.040. Employers whose premium computations are made by the department in accordance with subsection (4) of this section are barred from questioning, in an appeal before the board of industrial insurance appeals or the courts, the correctness of any assessment by the department on any period for which such records have not been kept, preserved, or produced for inspection as provided by law.

(1) General definitions. For purpose of interpretation of this section, the following terms shall have the meanings given below:

(a) "Actual hours worked" means each workers' composite work period beginning with the starting time of day that the employees' work day commenced, and includes the entire work period, excluding any nonpaid lunch period, and ending with the quitting time each day work was performed by the employee.

(b) "Work day" shall mean any consecutive twenty-four-hour period.

(2) Employment records. Every employer shall with respect to each worker, make, keep, and preserve original records containing all of the following information for three full calendar years preceding the current calendar year:

- (a) The name of each worker;
- (b) The Social Security number of each worker;
- (c) The beginning date of employment for each worker and, if applicable, the separation date of employment for each such worker;
- (d) The basis upon which wages are paid to each worker;
- (e) The number of units earned or produced for each worker paid on a piece-work basis;
- (f) The risk classification(s) applicable to each worker;
- (g) The number of actual hours worked (WAC 296-17-320(15)) by each worker, unless another basis of computing hours worked is prescribed in WAC 296-17-350. For purposes of chapter 296-17 WAC, this record must clearly show, by work day, the time of day the employee commenced work, and the time of day work ended;

(h) A summary time record for each worker showing the calendar day or days of the week work was performed and the actual number of hours worked each work day;

(i) In the event a single worker's time is divided between two or more risk classifications, the summary contained in (h) of this subsection shall be further broken down to show the actual hours worked in each risk classification for the worker;

(j) The workers' total gross pay period earnings;

(k) The specific sums withheld from the earnings of each worker, and the purpose of each sum withheld;

(l) The net pay earned by each such worker.

(3) Business, financial records, and record retention. Every employer is required to keep and preserve all original time records completed by their employees for a three-year period. The three-year period is specified in WAC 296-17-352 as the composite period from the date any such premium became due.

Employers who pay their workers by check are required to keep and preserve a record of all check registers and cancelled checks; and employers who pay their workers by cash are required to keep and preserve records of these cash transactions which provide a detailed record of wages paid to each worker.

(4) Recordkeeping - Estimated premium computation. Any employer required by this section to make, keep, and preserve records containing the information as specified in subsections (2) and (3) of this section, who fails to make, keep, and preserve such records, shall have premiums calculated as follows:

(a) Estimated worker hours shall be computed by dividing the gross wages of each worker for whom records were not maintained and preserved, by the state's minimum wage, in effect at the time the wages were paid or would have been paid. However, the maximum number of hours to be assessed under this provision will not exceed five hundred twenty hours for each worker, per quarter for the first audited period. Estimated worker hours computed on all subsequent audits of the same

employer that disclose a continued failure to make, keep, or preserve the required payroll and employment records shall be subject to a maximum of seven hundred eighty hours for each worker, per quarter.

(b) In the event an employer also has failed to make, keep, and preserve the records containing payroll information and wages paid to each worker, estimated average wages for each worker for whom a payroll and wage record was not maintained will be determined as follows: The employer's total gross income for the audit period (earned, received, or anticipated) shall be reduced by thirty-five percent to arrive at "total estimated wages." Total estimated wages will then be divided by the number of employees for whom a record of actual hours worked was not made, kept, or preserved to arrive at an "estimated average wage" per worker. Estimated hours for each worker will then be computed as described in (a) of this subsection.

(5) Reporting requirements and premium payments.

(a) Every employer who is awarded a reforestation contract must report the contract to the department promptly when it is awarded, and prior to any work being commenced, except as provided in (c) of this subsection. Employers reporting under the provisions of (c) of this subsection shall submit the informational report with their quarterly report of premium. The report shall include the following information:

(i) The employers' uniform business identification account number (UBI).

(ii) Identification of the landowner, firm, or primary contractor who awarded the contract, including the name, address, and phone number of a contact person.

(iii) The total contract award.

(iv) Description of the reforestation work to be performed under terms of the contract.

(v) Physical location/site where the work will be performed including legal description.

(vi) Number of acres covered by the contract.

(vii) Dates during which the work will be performed.

(viii) Estimated payroll and hours to be worked by employees in performance of the contract.

(b) Upon completion of every contract issued by a landowner or firm that exceeds a total of ten thousand dollars, the contractor primarily responsible for the overall project shall submit in addition to the required informational report described in (a) of this subsection, report the payroll and hours worked under the contract, and payment for required industrial insurance premiums. In the event that the contracted work lasts more than three calendar months, interim quarterly reports and premium payments are required. The first such report and payment is due three months after the contract work is begun and may not necessarily be consistent or coincide with the quarterly reporting cycle used by nonreforestation employers.

(c) A contractor may group contracts issued by a landowner, firm, or other contractor that total less than ten thousand dollars together and submit a combined quarterly report of hours, payroll, and the required premium payment in the same manner and periods as nonreforestation employers.

(6) Out-of-state employers. Reforestation contractors domiciled outside of Washington state must report on a contract basis regardless of contract size for all reforestation work done in Washington state. Out-of-state employers will not be permitted to have an active Washington state industrial insurance account for reporting reforestation work in the absence of an active Washington reforestation contract.

(7) Work done by subcontract. Any firm primarily responsible for work to be performed under the terms of a reforestation contract, that subcontracts out any work under a reforestation contract must send written notification to the department prior to any work being done by the subcontractor. This notification must include the name, address, Social Security number, farm labor contractor number, (UBI) of each subcontractor, and the amount and description of contract work to be done by subcontract.

(8) Reforestation contract release - Verification of hours, payroll, and premium. The department may verify reporting of contractors by way of an on-site visit to an employers' work site. This on-site visit may include close monitoring of employees and employee work hours. Upon receipt of a premium report for a finished contract, the department may conduct an audit of the firm's payroll, employment, and financial records to validate reporting. The department will notify the contractor, and the entity that awarded the contract, of the status of the contractors' account immediately after verification. The landowner, firm, or contractors' premium liability will not be released until the

final report for the contract from the primary contractor and any subcontractors has been received and verified by the department.

(9) Reforestation premium refund. Upon verification that an employer subject to these rules complied with all the provisions contained in these rules, the department shall refund twenty-five percent of the accident fund premium paid under the contract. For those contracts that total more than ten thousand dollars the refund shall be made upon verification and receipt of the final premium report for the contract. Contracts for less than ten thousand dollars which are grouped under the provision of subsection (4)(b) of this section will receive a twenty-five percent refund after the quarterly report has been received and verified. However, the refund of premium for all reforestation work is limited to work reported in risk classification 5004 (WAC 296-17-66002), provided further, that the contractor is otherwise eligible. As a part of the refund eligibility, reforestation contractors are required to attend a department sponsored industrial insurance education seminar.

Any employer who is subject to this section will be ineligible for any refund(s) for a three-year period if it is determined that the employer is out of compliance on any of its contracts, including any group contracts completed after the effective date of this rule.

Premium refund ineligibility will extend to any new industrial insurance account in which the owner or owners, or their immediate family, have an ownership interest in an industrial insurance account, or the employer has failed to attend the education seminar sponsored by the department.

(10) Premium liability - Work done by contract. Washington law (RCW 51.12.070) places the responsibility for industrial insurance premium payments primarily and directly upon the person, firm, or corporation who lets a contract for all covered employment involved in the fulfillment of the contract terms. Any such person, firm, or corporation letting a contract is authorized to collect from the contractor the full amount payable in premiums. The contractor is in turn authorized to collect premiums from any subcontractor they may employ his or her proportionate amount of the premium payment.

To avoid premium liability for work done by contract permitted by Title 51 RCW, any person, firm, or corporation who lets a contract for reforestation work must submit a copy of the contract they have let to the department. Upon notification of their contractor/subcontractor that the work has been completed, they also must contact the department to verify that all premiums due under the contract have been paid.

Each contract submitted to the department must include within its body, or on a separate addendum, all of the following items:

- (a) The name of the contractor who has been engaged to perform the work;
- (b) The contractor's UBI number;
- (c) The contractor's farm labor contractor number;
- (d) The total contract award;
- (e) The date the work is to be commenced; a description of the work to be performed including any pertinent acreage information;
- (f) Location where the work is to be performed;
- (g) A contact name and phone number of the person, firm, or corporation who let the contract;
- (h) The total estimated wages to be paid by the contractor and any subcontractors;
- (i) The amount to be subcontracted out if such subcontracting is permitted under the terms of the contract;
- (j) The total estimated number of worker hours anticipated by the contractor and his/her subcontractors in the fulfillment of the contract terms;

(11) Reports to be mailed to the department. All contracts, reports, and information required by this section are to be sent to:

The Department of Labor and Industries
Field Audit - Reforestation Team
905 Plum Street S.E., Mailstop 4150
Olympia, Washington 98504-4150

(12) Rule applicability. If any portion of this section is declared invalid, only that portion is repealed. The balance of the section shall remain in effect.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-66002 CLASSIFICATION 5004.

Tree planting and precommercial tree thinning—forestry type operations. For purposes of this section, this classification includes other reforestation work activities such as, but not limited to, cone picking, tree survival and inventory surveys, tree netting and pruning, beaver trapping or other types of animal damage control, and chemical spraying and fertilizing work done in relationship to any reforestation project.

This classification excludes all operations subject to risk classification 5001 (WAC 296-17-659) "logging, N.O.C."; forest fire fighting, slash burning, and forest trail construction which is to be reported separately in risk classification 0101; and logging road construction which is to be reported separately in risk classification 6902.

WSR 92-13-092

NOTICE OF PUBLIC MEETINGS CENTRAL WASHINGTON UNIVERSITY

[Memorandum—June 15, 1992]

A regular meeting of Central Washington University board of trustees will be held in Room 143, Bouillon Hall, on the Central Washington University campus in Ellensburg at 11:00 a.m. on Friday, September 25, 1992.

WSR 92-13-093

PERMANENT RULES BELLEVUE COMMUNITY COLLEGE

[Order 111, Resolution No. 202—Filed June 17, 1992, 9:40 a.m.]

Date of Adoption: June 11, 1992.

Purpose: Repealing chapter 132H-105 WAC, Bylaws and standing orders of Community College District VIII; and adds chapter 132H-106 WAC, Bylaws and standing orders of Community College District VIII.

Citation of Existing Rules Affected by this Order: Repealing chapter 132H-105 WAC.

Statutory Authority for Adoption: Chapter 34.05 RCW.

Other Authority: RCW 28B.50.140.

Pursuant to notice filed as WSR 92-09-057 on April 13, 1992.

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

June 12, 1992

Phyllis C. 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.

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 92-13-094

PERMANENT RULES

BELLEVUE COMMUNITY COLLEGE

[Order 112, Resolution No. 203—Filed June 17, 1992, 9:41 a.m.]

Date of Adoption: June 11, 1992.

Purpose: Repealing chapter 132H-112 WAC, Rules for selection of a bargaining agent.

Citation of Existing Rules Affected by this Order: Repealing chapter 132H-112 WAC.

Statutory Authority for Adoption: Chapter 34.05 RCW.

Other Authority: RCW 28B.50.140.

Pursuant to notice filed as WSR 92-09-058 on April 13, 1992.

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

June 12, 1992

Phyllis C. 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 92-13-095

PERMANENT RULES

BELLEVUE COMMUNITY COLLEGE

[Order 113, Resolution No. 204—Filed June 17, 1992, 9:42 a.m.]

Date of Adoption: June 11, 1992.

Purpose: Repealing chapter 132H-128 WAC, Reduction in force.

Citation of Existing Rules Affected by this Order:
Repealing chapter 132H-128 WAC.

Statutory Authority for Adoption: Chapter 34.05 RCW.

Other Authority: RCW 28B.50.140.

Pursuant to notice filed as WSR 92-09-059 on April 13, 1992.

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

June 12, 1992

Phyllis C. Hudson
Secretary
Board of Trustees

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 132H-128 REDUCTION IN FORCE POLICY

WSR 92-13-096

PERMANENT RULES

BELLEVUE COMMUNITY COLLEGE

[Order 114, Resolution No. 205—Filed June 17, 1992, 9:43 a.m.]

Date of Adoption: June 11, 1992.

Purpose: Repealing chapter 132H-148 WAC, Affirmative action policy.

Citation of Existing Rules Affected by this Order:
Repealing chapter 132H-148 WAC.

Statutory Authority for Adoption: Chapter 34.05 RCW.

Other Authority: RCW 28B.50.140.

Pursuant to notice filed as WSR 92-09-060 on April 13, 1992.

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

June 12, 1992

Phyllis C. Hudson
Secretary
Board of Trustees

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 132H-148 AFFIRMATIVE ACTION PROGRAM

WSR 92-13-097

PERMANENT RULES

BELLEVUE COMMUNITY COLLEGE

[Order 115, Resolution No. 206—Filed June 17, 1992, 9:45 a.m.]

Date of Adoption: June 11, 1992.

Purpose: Amending 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 notice filed as WSR 92-09-062 on April 13, 1992 [April 14, 1992].

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

June 12, 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 purpose 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)) Officer ((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 bracketed material preceding the section above was supplied by the code reviser's office.

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

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) (((ii) The college shall consider impounding)) The violator's vehicle may be impounded.~~

~~(d) (((iii))) 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 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: 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:))~~

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 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 92-13-098

PROPOSED RULES

STATE BOARD OF EDUCATION

[Filed June 17, 1992, 10:53 a.m.]

Original Notice.

Title of Rule: School transportation, chapter 180-20 WAC.

Purpose: To amend chapter 180-20 WAC to be consistent with the commercial drivers license law and to

more clearly state and revise the process and procedures for certificate issuance and suspension.

Statutory Authority for Adoption: RCW 28A.160.210 and 28A.410.010.

Statute Being Implemented: RCW 28A.160.210.

Summary: See Purpose above.

Reasons Supporting Proposal: Changes in state laws need to more clearly state requirements for persons who transport students.

Name of Agency Personnel Responsible for Drafting: Richard Wilson, Superintendent of Public Instruction, Old Capitol Building, Olympia, 753-2298; Implementation: David Moberly, Superintendent of Public Instruction, Old Capitol Building, Olympia, 753-6742; and Enforcement: Don Carnahan, Superintendent of Public Instruction, Old Capitol Building, Olympia, 753-0235.

Name of Proponent: State Board of Education, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Summary above.

Proposal Changes the Following Existing Rules: To amend chapter 180-20 WAC to be consistent with the commercial drivers license law and more clearly explain and revise the certification process and procedures for persons who transport students in school buses or other motor vehicles.

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

Hearing Location: Harbor Room, Silverdale Hotel, 3073 N.W. Bucklin Hill Road, Silverdale, WA 98383, on July 22, 1992, at 1:30 p.m.

Submit Written Comments to: Dr. Monica Schmidt, Executive Director, State Board of Education, P.O. Box 47200, Olympia, WA 98504-7200, by July 21, 1992.

Date of Intended Adoption: July 23, 1992.

June 17, 1992
Dr. Monica Schmidt
Executive Director

NEW SECTION

WAC 180-20-005 **AUTHORITY.** RCW 28A.160.210 authorizes the state board of education to adopt rules and regulations governing the training, qualifications, eligibility for, and certification of school bus drivers employed in the common schools of this state. This authority is supplemented by RCW 28A.410.010 which authorizes the state board of education to establish, publish, and enforce rules and regulations determining the eligibility for and the certification of personnel employed in the common schools of this state.

NEW SECTION

WAC 180-20-030 **PURPOSE.** The purpose of this chapter is to set minimum standards and qualifications as are reasonably necessary for persons, employed by school districts, to operate motor vehicles for the transportation of school children. The requirements for school bus drivers and other motor vehicle drivers in this chapter shall not limit discharge, nonrenewal of contracts, or other employment action by employers of such drivers.

NEW SECTION

WAC 180-20-031 **APPLICATION TO CONTRACTORS.** (1) Every contract between a school district and a private school bus contractor for pupil transportation services shall provide for compliance with the requirements of this chapter and establish the responsibility of

the contractor or school district, or both, to assure compliance with such requirements.

(2) Each driver employed by a private school bus contractor under contract with a school district to provide pupil transportation services shall meet the requirements of this chapter, and shall be subject to the denial, suspension, and revocation of certificate under this chapter.

(3) Every contract between a school district and a charter bus carrier or excursion carrier shall require a carrier profile report from the Washington utilities and transportation commission before any service is provided. Every such contract also shall provide that no driver who has an incident in their background that would constitute grounds set forth in WAC 180-20-120 (2), (4), (5), (6), (7), (8), (9), (10), and (11) for the suspension or revocation of a school bus driver certificate shall be assigned to transport students under the contract. Such contracts may require the carrier's drivers, who will be transporting students, to meet the qualifications set forth in WAC 180-20-101 (1), (3), (8), and (10), as well as any applicable qualifications established by the Washington utilities and transportation commission.

NEW SECTION

WAC 180-20-034 **DEFINITION—STUDENT.** As used in this chapter, the term "student" means the following:

(1) Any student who is under the supervision, direction, or control of the school bus driver or other motor vehicle driver certified under this chapter.

(2) Any student enrolled in any school or school district served by the school bus driver or other motor vehicle driver.

(3) Any student enrolled in any school or school district while attending a school related activity at which the school bus driver or other motor vehicle driver is performing professional duties.

(4) Any former student who is under eighteen years of age and who has been under the supervision, direction, or control of the school bus driver or other motor vehicle driver. Former student, for the purpose of this section, includes but is not limited to drop outs, graduates, and students who transfer to other districts or schools.

NEW SECTION

WAC 180-20-035 **DEFINITION—SCHOOL BUS DRIVER.** As used in this chapter, "school bus driver" means a person, employed by a school district, to operate a school bus as defined in WAC 392-143-010, as well as other motor vehicles for the transportation of students.

NEW SECTION

WAC 180-20-036 **DEFINITION—OTHER MOTOR VEHICLE DRIVER.** As used in this chapter, "other motor vehicle driver" means a person, employed by the school district, other than a school bus driver, who transports students in a district or private vehicle with a seating capacity of ten persons or less including the driver as defined in WAC 392-143-070. This would include, but not be limited to, principals, vice-principals, teachers, school nurses, counselors, coaches, and secretaries.

NEW SECTION

WAC 180-20-040 **DEFINITION—TYPE 1 SCHOOL BUS DRIVER'S CERTIFICATE.** As used in this chapter, "Type 1 school bus driver's certificate" means a certificate issued by the superintendent of public instruction indicating that the holder has met state board of education requirements to operate a school bus at any time or other motor vehicles for the purpose of transporting students to and from school, or for any other purpose.

NEW SECTION

WAC 180-20-045 **DEFINITION—TYPE 2 OTHER MOTOR VEHICLE DRIVER'S CERTIFICATE.** As used in this chapter, "Type 2 other motor vehicle driver's certificate" means a certificate issued by the superintendent of public instruction indicating that the holder has met state board of education requirements to operate a motor vehicle other than a school bus for the purpose of transporting students other than regularly between home and school.

NEW SECTION

WAC 180-20-050 DEFINITION—TYPE 1 TEMPORARY SCHOOL BUS DRIVER'S PERMIT. As used in this chapter, "Type 1 temporary school bus driver's permit" means a permit issued by an educational service district superintendent indicating that the holder possesses the minimum skills to operate a school bus to transport students and has met state board of education requirements for a school bus driver, except for a course in first aid.

NEW SECTION

WAC 180-20-055 DEFINITION—SCHOOL BUS DRIVER INSTRUCTOR'S CERTIFICATE. As used in this chapter, "school bus driver instructor's certificate" means a certificate issued by the superintendent of public instruction to persons successfully completing the superintendent of public instruction approved school bus driver instructor course. This certificate qualifies a person to train and certify school bus drivers and other motor vehicle drivers, and shall lapse unless the holder successfully completes an annual school bus driver instructor's in-service course.

NEW SECTION

WAC 180-20-060 DEFINITION—TYPE 1 SCHOOL BUS DRIVER TRAINING COURSE. As used in this chapter, "Type 1 school bus driver training course" means a course taught by a certified school bus driver instructor. This course shall be successfully completed by all applicants for a continuing Type 1 school bus driver's certificate.

NEW SECTION

WAC 180-20-065 DEFINITION—TYPE 2 OTHER MOTOR VEHICLE DRIVER TRAINING COURSE. As used in this chapter, "Type 2 other motor vehicle driver training course" means a course taught by a certified district school bus driver instructor. This course shall be successfully completed by all applicants for a continuing Type 2 other motor vehicle driver's certificate.

NEW SECTION

WAC 180-20-070 DEFINITION—TYPE 1 SCHOOL BUS DRIVER ANNUAL IN-SERVICE TRAINING COURSE. As used in this chapter, "Type 1 school bus driver annual in-service training course" means an annual course taught by a certified school bus driver instructor. The content and minimum time requirements of such course shall be annually determined by the superintendent of public instruction and shall be required to be completed by the end of the school year by all school bus drivers holding a continuing Type 1 school bus driver's certificate.

NEW SECTION

WAC 180-20-075 DEFINITION—SCHOOL BUS DRIVER AND OTHER MOTOR VEHICLE DRIVER INSTRUCTOR'S COURSE. As used in this chapter, "school bus driver and other motor vehicle driver instructor's course" means a training program authorized by the superintendent of public instruction or his/her designee to qualify persons for certification as a school bus driver and other motor vehicle driver instructor.

NEW SECTION

WAC 180-20-080 DEFINITION—INSTRUCTOR'S ANNUAL IN-SERVICE COURSE. As used in this chapter, "instructor's annual in-service course" means an annual required course, the content of which shall be determined by the superintendent of public instruction. Successful completion of this course prevents the instructor's certificate from lapsing.

NEW SECTION

WAC 180-20-090 CERTIFICATE OR PERMIT REQUIRED. Every school bus driver and other motor vehicle driver shall hold a valid Type 1 or Type 2 certificate or Type 1 temporary school bus driver's permit issued in accordance with the provisions of this chapter.

A certificate or permit is no longer valid if suspended, lapsed, or revoked. A certificate or permit is not required of a school district employee who operates a motor vehicle to transport students in an emergency affecting health and/or safety.

NEW SECTION

WAC 180-20-095 DURATION OF CERTIFICATE. A Type 1 or Type 2 certificate shall continue in effect from year to year as long as the person continues to meet the requirements of this chapter until the certificate lapses or is suspended or revoked.

NEW SECTION

WAC 180-20-101 MINIMUM QUALIFICATIONS OF SCHOOL BUS DRIVERS AND OTHER MOTOR VEHICLE DRIVERS. Every school bus driver and other motor vehicle driver must meet and continue to meet the following minimum requirements:

- (1) Be at least twenty-one years of age.
- (2) Have a valid driver's license or commercial driver's license, as required by law, issued by the Washington state department of licensing.
- (3) Have at least one year of experience as a driver of a truck or commercial vehicle requiring a special endorsement or, in the alternative, at least three years of experience as a driver of a passenger vehicle.
- (4) Be certificated by a local school district that the person seeking a Type 1 school bus driver certificate:
 - (a) Is physically able to maneuver and control a school bus under all driving conditions; and
 - (b) Is physically able to use all hand/or foot operated controls and equipment found on state minimum specified school buses; and
 - (c) Is physically able to perform daily routine school bus vehicle safety inspections and necessary emergency roadside services; and
 - (d) Has sufficient strength and agility to move about in a school bus as required to provide assistance to students in evacuating the bus. The driver must be able to move from a seated position in a sixty-five passenger school bus, or the largest school bus the driver will be operating, to the emergency door, open the emergency door, and exit the bus through the emergency door, all within twenty seconds.
- (5) Type 1 school bus driver certificate holders must provide certification of passing a physical examination every twenty-four months in accordance with the standards established in 49 C.F.R. 391.41 through 391.49, of the Federal Motor Carrier Safety Regulations. This requirement does not prevent a school district from requesting a more frequent examination.
- (6) Type 2 other motor vehicle driver certificate holders must provide certification of passing a physical examination prior to initial certification and pass additional examinations at intervals deemed appropriate by the local school district. Each local school district shall determine the type of physical examination for their other motor vehicle drivers. The intervals and type of physical examination shall be designed to insure that the certificate holder is in appropriate physical health to safely transport students in a motor vehicle. This requirement does not prevent a school district from requesting a more frequent examination.
- (7) Satisfactorily complete a Type 1 or Type 2 training course, and each year thereafter, if a school bus driver, satisfactorily completes a Type 1 school bus driver in-service training course.
- (8) Submit to the school district an explanation of any history of alcohol or other drug misuse which might impact the ability to safely transport school children.
- (9) Have a driving record which contains no grounds for denial as listed in WAC 180-20-120.
- (10) Hold a current and valid first aid card or equivalent which certifies that the applicant has completed a course in the basic principles of first aid.

NEW SECTION

WAC 180-20-111 ISSUING PROCEDURES FOR TYPE 1 AND TYPE 2 CERTIFICATES. Type 1 and Type 2 certificates shall be issued by the superintendent of public instruction upon application by an authorized representative of the employing school district subject to compliance with the following provisions:

- (1) Application for Type 1 and Type 2 certificates must be approved by an authorized representative of the employing school district, verified by said school official that the applicant meets all qualifications

and medical requirements set forth in this chapter, and further verified by a certified instructor that the applicant has successfully completed the required Type 1 or Type 2 training course.

(2) Prior to the issuance of a continuing certificate, the employing school district shall forward to the superintendent of public instruction the following documents relating to the application of the applicant:

(a) The application for a Type 1 or Type 2 certificate.

(b) Verification by a certified training instructor of successful completion of the appropriate training course.

(c) Verification by the employing school district that the applicant complies with all of the requirements for school bus drivers or other motor vehicle drivers set forth in this chapter.

(d) Verification by the employing school district that it has on file a physician's certification of physical examination as required by this chapter.

(e) Verification by the employing school district that it has on file a current driver's abstract of the applicant's employment and nonemployment driving record issued by the department of licensing verifying compliance with all provisions of this chapter. A copy of his/her abstract shall be attached to the application. The issue date of this abstract must be within sixty calendar days of the date the application is being submitted for certification.

(f) Verification that the applicant has a current and valid first aid card or equivalent.

(g) A disclosure statement in compliance with preemployment inquiry regulations in WAC 162-12-140, signed by the applicant, specifying all convictions which relate to fitness to perform the job of school bus driver or other motor vehicle driver and all crimes against children or other persons, that meets the requirements of RCW 43.43.834(2).

(h) Verification that the school district has on file the results of a Washington state patrol background check under RCW 43.43.832, as well as such other conviction records as are available through the state patrol or Federal Bureau of Investigation, and that such results establish that the applicant has not committed any offense which constitutes grounds for denying, suspending, or revoking a certificate under this chapter.

(3) Upon approval of application by the superintendent of public instruction, the Type 1 school bus driver's or Type 2 other motor vehicle driver's certificate will be transmitted to the employing school district, and delivered to the applicant.

NEW SECTION

WAC 180-20-115 ISSUING PROCEDURES FOR TYPE 1 TEMPORARY SCHOOL BUS DRIVER'S PERMIT—EFFECTIVE PERIOD. Temporary school bus drivers' permits may be issued by an educational service district superintendent upon application by an authorized representative of the employing school district subject to compliance with the following provisions:

(1) Issuing procedure.

(a) Application for temporary school bus driver's permit must be approved by an authorized representative of the employing school district, verified by said school official that the applicant meets the qualification requirements set forth in WAC 180-20-101 (except for a course in first aid), and further verified by a certified instructor that the applicant has satisfactorily completed the appropriate school bus driver training course. The application shall be submitted to the educational service district superintendent for approval.

(b) Upon approval of the application by the educational service district superintendent, the temporary permit will be transmitted to the employing school district, and delivered to the applicant.

(2) Effective period. The Type 1 temporary school bus driver's permit shall be valid for a period of sixty calendar days and shall be non-renewable: PROVIDED, That the issuing educational service district superintendent may extend such period for a reasonable number of days when extenuating circumstances exist and the applicant is actively working toward completion of an approved first aid course.

NEW SECTION

WAC 180-20-120 DISCIPLINE—GROUNDS FOR DENIAL, SUSPENSION, OR REVOCATION OF CERTIFICATE OR PERMIT. A certificate or permit issued under this chapter may be denied, suspended, or revoked on any of the following grounds:

(1) Failure to meet any of the minimum requirements set forth in WAC 180-20-101.

(2) Commission of any act involving moral turpitude, dishonesty, intemperance, or immorality related to the occupation or job performance of school bus driver or other motor vehicle driver, whether the act constitutes a crime or not. If the act constitutes a crime, conviction in a criminal proceeding is not a condition precedent to denial, suspension, or revocation action. Upon such conviction, however, the judgment and sentence is conclusive evidence at the ensuing hearing of the guilt of the certificate holder or applicant of the crime described in the indictment or information, and of the person's violation of the statute on which it is based.

(3) Misrepresentation or concealment of a material fact in obtaining a certificate or in reinstatement thereof.

(4) Suspension or revocation of the individual's driving license privilege within the preceding three years, a certified copy of the suspension or revocation order issued by the department of licensing being conclusive evidence of the suspension or revocation.

(5) Conviction of any misdemeanor, gross misdemeanor, or felony (including instances in which a plea of guilty or nolo contendere is the basis for the conviction) or any proceedings in which the charge has been deferred from prosecution under chapter 10.05 RCW or the sentence has been deferred or suspended, and is related to the occupation of a school bus driver or the duties of an other motor vehicle driver, including but not limited to the following:

(a) Any felony crime involving the physical neglect of a child under chapter 9A.42 RCW, the physical injury or death of a child under chapter 9A.32 or 9A.36 RCW, sexual exploitation of a child under chapter 9.68A RCW; sexual offenses under chapter 9A.44 RCW where a minor is the victim; promoting prostitution of a minor under chapter 9A.88 RCW; the sale or purchase of a minor child under RCW 9A.64.030, or violation of similar laws of another jurisdiction;

(b) Any crime involving the use, sale, possession, or transportation of any controlled substance within the last seven years: PROVIDED, That in the case of felony convictions, the applicable time limit shall be ten years;

(c) Any crime involving driving when a driver's license is suspended or revoked, hit and run driving, driving while intoxicated, being in physical control of motor vehicle while intoxicated, reckless driving, negligent driving, vehicular assault or vehicular homicide, within the last three years;

(d) Any crime involving the physical molesting, abuse, injury, or neglect of a minor or student.

(6) Misuse of alcohol, a controlled substance, or legend drugs.

(7) Any abuse of, sexual advance to, or sexual contact with a minor or student.

(8) Furnishing alcohol or controlled substances or legend drugs to a minor or student.

(9) Intentional and knowing practice within the state of Washington within the previous five school years with an expired, lapsed, surrendered, or revoked certificate in a position for which certification is required under this chapter.

(10) Incurring three or more speeding tickets in excess of ten miles per hour over the speed limit within any twelve-month period, within the last three years.

(11) A serious behavioral problem which endangers the educational welfare or personal safety of students, teachers, bus drivers, or other colleagues.

(12) Any performance of professional practice in flagrant disregard or clear abandonment of generally recognized professional standards in the course of any of the following professional practices:

(a) Treatment, instruction, or supervision of students.

(b) Management of property.

(c) Safe operation of school district motor vehicles.

NEW SECTION

WAC 180-20-125 DISCIPLINE—EMERGENCY SUSPENSION. If the superintendent of public instruction finds that public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, emergency suspension of a certificate may be ordered pending proceedings for revocation or other action.

NEW SECTION

WAC 180-20-130 DISCIPLINE—APPEALS—ADJUDICATIVE PROCEEDINGS. (1) Any person desiring to appeal a denial, suspension, or revocation of bus driver or other motor vehicle driver certification, may do so to the superintendent of public instruction or

designee in accordance with the adjudicative proceedings in RCW 34.05.413 through 34.05.494 and the administrative practices and procedures of the superintendent of public instruction in chapter 392-101 WAC.

(2) The superintendent of public instruction may assign the adjudicative proceeding to the office of administrative hearings and may delegate final decision making authority to the administrative law judge conducting the hearing.

(3) The superintendent of public instruction may appoint a person to review initial orders and to prepare and enter final agency orders in accordance with RCW 34.05.464.

(4) Any person who disagrees with a school district's determination of failure to meet any school bus driver or other motor vehicle driver certification qualifications may request that the school district forward the pertinent records to the superintendent of public instruction. After review or investigation, the superintendent of public instruction will grant, deny, suspend, or revoke the certificate or permit.

NEW SECTION

WAC 180-20-135 SELF-REPORTING. (1) Every certificate holder shall, within twenty calendar days, notify his or her employer in writing of the filing of any criminal charge or charges, in any court whatsoever, the subject matter of which involves the conduct prohibited in WAC 180-20-120 (2), (5), (6), (7), (8), (11), and (12). The certificate holder shall also notify his or her employer of any disqualifying traffic convictions, or license suspension or revocation orders issued by the department of licensing. In cases where the employer is providing transportation services through a contract with the school district, the certificate holder shall also notify the school district superintendent.

(2) The notification in writing shall identify the name of the certificate holder, his or her certification number, the court in which the action is commenced, and the case number assigned to the action.

(3) The failure of a certificate holder to comply with the provisions of this section is an act of unprofessional conduct and constitutes grounds for certificate suspension or revocation by the superintendent of public instruction.

NEW SECTION

WAC 180-20-140 SCHOOL DISTRICT-REPORTING. (1) Every school district employing certificate holders or contracting with a private firm who provides certificate holders as a part of a contract shall, within twenty calendar days, notify the superintendent of public instruction in writing of knowledge it may have of the filing of any criminal charge or charges against any employed certificate holder, in any court whatsoever, the subject matter of which involves the conduct prohibited in WAC 180-20-120.

(2) The notification in writing shall be by certified or registered mail and shall identify the name of the certificate holder, his or her certification number, the court in which the action is commenced, and the case number assigned to the action.

NEW SECTION

WAC 180-20-145 SCHOOL DISTRICT-VERIFICATION OF DRIVERS CONTINUING COMPLIANCE. Every school district shall evaluate each certificate holder for continuing compliance with the provisions of this chapter at least every twenty-four months. This evaluation shall include all authorized means used to determine if a new applicant meets these requirements. The results of this evaluation of all drivers shall be forwarded to the superintendent of public instruction as follows:

(1) First class school districts shall report January 1, 1993, and every two years thereafter.

(2) All other school districts shall report January 1, 1994, and every two years thereafter.

(3) This report shall be in addition to the regular school bus driver status report (Report 1799) exchanged between all school districts and the superintendent of public instruction.

(4) Verification, to the extent permitted by law, that a criminal history record obtained from the state patrol within the last sixty days contains no convictions or charges which would be grounds for revocation or suspension of a school bus driver or other motor vehicle driver certificate.

(5) This report shall be a written verification that the evaluation has been conducted in accordance with the requirements of this chapter

and that all drivers are in compliance, or if all drivers are not in compliance, a list of drivers who are out of compliance and the reason for noncompliance shall be provided.

NEW SECTION

WAC 180-20-150 TRAINING AND QUALIFICATIONS OF SCHOOL BUS DRIVERS AND OTHER MOTOR VEHICLE DRIVERS-ADMINISTRATION. It shall be the responsibility of the superintendent of public instruction to administer the program of training and qualifications of school bus drivers and other motor vehicle drivers consistent with the provisions of this chapter.

NEW SECTION

WAC 180-20-155 TYPE 2 CERTIFICATE-EFFECTIVE DATE. All references in this chapter to Type 2 other motor vehicle driver's certificate shall become effective August 1, 1993.

NEW SECTION

WAC 180-20-160 TYPE 1 CERTIFICATE-CONVERSION DATE. The expiration date of all active school bus driver's certificates will be extended to September 1, 1992. All existing school bus driver certificates will be converted to Type 1 certificates by September 1, 1992.

WSR 92-13-099

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed June 17, 1992, 11:17 a.m.]

Original Notice.

Title of Rule: Chapter 16-166 WAC, Standards and certification for vendors of organic food.

Purpose: To establish standards for the certification of vendors of organic food.

Statutory Authority for Adoption: RCW 15.86.060 and 15.86.070.

Statute Being Implemented: Chapter 15.86 RCW.

Summary: The proposed rule covers the standards and certification procedures for vendors of organic food. It includes recordkeeping requirements, inspection and sampling parameters, and a fee schedule for vendors of organic food.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Miles McEvoy, 2627B Parkmont Lane S.W., Olympia, WA 98502, 664-0351.

Name of Proponent: Food Safety and Animal Health Division, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Amendments to chapter 15.86 RCW, Organic food products, which were adopted during the 1992 legislative session, require the certification of vendors of organic food. The proposed rule includes certification procedures, inspection and sampling parameters, recordkeeping requirements, storage, identification, and handling standards, decertification procedures, and a fee schedule for vendors of organic food.

Proposal does not change existing rules.

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

Hearing Location: Hal Holmes Center, 201 North Ruby, Ellensburg, WA 98926, on July 23, 1992, at 3:00 p.m.; and at the Sea-Tac Tower I, Suite 500, 18000 Pacific Highway South, Seattle, WA 98188, on July 24, 1992, at 1:00 p.m.

Submit Written Comments to: Miles McEvoy, P.O. Box 42560, Olympia, WA 98504-2560, by July 24, 1992.

Date of Intended Adoption: August 7, 1992.

June 17, 1992

John Daly
Assistant Director

Chapter 16-166 WAC
STANDARDS AND CERTIFICATION FOR VENDORS OF ORGANIC FOOD

NEW SECTION

WAC 16-166-010 PURPOSE. This chapter is promulgated pursuant to RCW 15.86.060 wherein the director is authorized to adopt rules for the proper administration of the Organic Food Products Act and pursuant to RCW 15.86.070 wherein the director is authorized to establish a certification program for vendors of organic food products.

NEW SECTION

WAC 16-166-020 DEFINITIONS. As used in this chapter:

(1) "Approved" means any material or practice which meets the required criteria or standards for use in the handling of organic agricultural products.

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

(3) "Director" means the director of the department of agriculture or his or her duly authorized representative.

(4) "Handle" means to sell, process, or package agricultural products.

(5) "Material" means any substance or mixture of substances that is used in the handling of organic agricultural products.

(6) "Person" means any natural person, firm, partnership, exchange, association, trustee, receiver, corporation, and any other member, officer, or employee thereof, or assignee for the benefit of creditors.

(7) "Prohibited" means any material or practice which is disallowed in the handling of organic agricultural products.

(8) "Sale" means selling, offering for sale, holding for sale, preparing for sale, trading, bartering, offering a gift as an inducement for sale of, and advertising for sale in any media.

(9) "Vendor" means anyone who sells or arranges the sale of organic food to the consumer or another vendor.

NEW SECTION

WAC 16-166-030 ORGANIC CERTIFICATION OF VENDORS. (1) All vendors who distribute or sell organic food products in Washington state must be certified by WSDA or through a recognized certification agency, except for final retailers of organic food products. Producers who pack or sell their own product or entities certified as organic packers or organic processors are not required to obtain certification under this chapter.

(2) The vendor seeking certification must complete an application for certification and submit it with the required fee to the department of agriculture.

Upon approval of the application by the director and an inspection finds the applicant in compliance with the provisions of this chapter, the applicant may be issued an organic vendor certification.

NEW SECTION

WAC 16-166-040 STANDARDS FOR VENDORS. (1) Identification: All organic food products must be clearly identified through appropriate labeling on all boxes, bins, bags, or other containers that contain organic food products from the time of receiving through the sale to the consumer or another vendor.

(2) Storage: All organic food products must be stored so that there is no cross contamination from or confusion with nonorganic food products.

Insect and rodent control programs must be in place for organic food product storage areas. Any materials used in organic food product storage areas must be approved for use in organic food production under chapter 16-154 WAC or this chapter.

In areas where entire facilities are periodically fumigated, the vendor must demonstrate that any fumigants used will not contaminate organic food products.

Compounds for cleaning storage areas must be used in a manner that does not contaminate organic food products.

Organic and nonorganic food products may be stored in the same storage room as long as there is adequate separation of products and product identification assures no mixing of products.

Storage techniques may be used to alter storage room atmosphere regarding nitrogen, oxygen, and carbon dioxide.

(3) Handling of organic food products:

All packaging and products must be free of fungicides, preservatives, fumigants, and any other materials which are prohibited for use on organic food products under chapter 16-154 WAC or this chapter.

All water used in handling must be potable and comply with all local, state, and federal guidelines for potable water.

Cleaning and sanitizing must be done with appropriate cleansers and sanitizers that will ensure clean and sanitary facilities and do not leave any residues of cleansers or sanitizers on the organic food products.

NEW SECTION

WAC 16-166-050 RECORDKEEPING REQUIREMENTS. (1) All organic food products must be completely followed by an audit control system.

Vendors must keep records of products bought and sold that will enable the department to trace food products from the farm to the market. Such records must include but are not limited to, invoices, bills of lading, and grower affidavits of incoming raw product; repack data and production run reports; and invoices and bills of lading of products shipped out. These records must be kept for a minimum of two years. The audit control must be complete enough so that any product suspected of contamination can be traced from point of origin to buyer.

(2) Except for applications for organic vendor certification or lab analysis pertaining to that certification, the department shall keep confidential any business related information obtained under this chapter concerning an entity certified under this chapter or an applicant for such certification and such information shall be exempt from public inspection and copying.

NEW SECTION

WAC 16-166-060 INSPECTIONS. The director shall make at least one inspection and any additional inspections deemed necessary to each vendor and/or vendor facility each year to determine compliance with this chapter and chapter 15.86 RCW and rules adopted pursuant to chapter 15.86 RCW. Inspections of vendors with multiple facilities shall entail at least one inspection at each facility which handles organic food products and at least one inspection of the offices of the vendor where records are kept.

This inspection may entail a survey of required records, examination of handling and storage areas, and any other information deemed necessary to the requirements of this chapter.

NEW SECTION

WAC 16-166-070 SAMPLING. A representative sample of products sold by the vendor may be tested for residues of prohibited materials whenever the director deems it necessary for certification or maintenance of certification, or as requested by a vendor.

It shall be the vendor's responsibility to arrange for and bear the costs for any testing which is deemed necessary by the director.

NEW SECTION

WAC 16-166-080 DECERTIFICATION. Whenever the director finds that a vendor who has been certified under this program has:

(1) Violated the standards for certification which are set forth in RCW 15.86.030 or any rules adopted under chapter 15.86 RCW;

(2) Filed an application for certification which is false or misleading in any particular;

(3) Violated any of the provisions of this chapter; or

(4) Failed to provide records as required by WAC 16-166-040 or rules adopted under chapter 15.86 RCW;

The director may issue an order suspending or revoking that vendor's certification under this program or he may issue an order directing the vendor to take other appropriate action to correct the violation. If appropriate action is taken, the vendor may be returned to its previous status under the program.

Any vendor who has received notice that its certification may be suspended or revoked under this section may apply for a hearing under the Washington Administrative Procedure Act, chapter 34.05 RCW.

NEW SECTION

WAC 16-166-090 FEE SCHEDULE. (1) The cost per application shall be based on the following fee schedule. Gross value shall be calculated based upon the previous calendar year's sales of organic food products for which the vendor sells or arranges the sale. The appropriate fee shall accompany the application.

FEE SCHEDULE

Gross value of products	FEE
sales under \$25,000	\$ 75
25,000 - 50,000	150
50,000 - 75,000	225
75,000 - 100,000	300
100,000 - 200,000	400
200,000 - 300,000	500
300,000 - 400,000	600
400,000 - 500,000	700
500,000 - 750,000	900
750,000 - 1,000,000	1,000
1,000,000 - 1,250,000	1,250
1,250,000 - 1,500,000	1,500
1,500,000 - 2,000,000	2,000
2,000,000 - 2,500,000	2,500
2,500,000 - 3,000,000	3,000
3,000,000 - 4,000,000	3,500
4,000,000 - 5,000,000	4,000
5,000,000 - 6,000,000	5,000
6,000,000 - 7,000,000	6,000
7,000,000 - 8,000,000	7,000
8,000,000 - 9,000,000	8,000
9,000,000 - 10,000,000	9,000
over 10,000,000	10,000

(2) Additional inspections (in addition to two inspections provided for), if necessary or requested, shall be at the rate of \$30/hr. plus mileage set at the rate established by the state office of financial management.

(3) Samples and analysis for prohibited materials, if required for certification or maintenance of certification by the director, or requested by the vendor, shall be charged to the vendor at a rate established by the laboratory services division of the department of agriculture. If an additional visit must be arranged to obtain a sample, it shall be at the rate of \$30/hr. plus mileage set at the rate established by the state office of financial management.

WSR 92-13-100

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed June 17, 1992, 11:22 a.m.]

Original Notice.

Title of Rule: Chapter 16-164 WAC, Standards for the certification of packers of organic food.

Purpose: To establish standards for the certification of packers of organic food.

Statutory Authority for Adoption: RCW 15.86.060 and 15.86.070.

Statute Being Implemented: Chapter 15.86 RCW.

Summary: The proposed standards cover the identification, storage, packing, and recordkeeping requirements

of packers of organic food. Procedures for the inspection, sampling, and certification are also addressed.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Miles McEvoy, 2627B Parkmont Lane S.W., Olympia, WA 98502, 664-0351.

Name of Proponent: Food Safety and Animal Health Division, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Amendments to chapter 15.86 RCW, Organic food products, which were adopted during the 1992 legislative session, require the certification of packers of organic food. The proposed rule includes the inspection, sampling, and certification procedures for packers of organic food. It also includes a fee schedule, storage identification and packing standards, approved post harvest materials and practices, recordkeeping requirements, and decertification procedures.

Proposal does not change existing rules.

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

Hearing Location: Hal Holmes Center, 201 North Ruby, Ellensburg, WA 98926, on July 23, 1992, at 3:00 p.m.; and at the Sea-Tac Tower I, Suite 500, 18000 Pacific Highway South, Seattle, WA 98188, on July 24, 1992, at 1:00 p.m.

Submit Written Comments to: Miles McEvoy, P.O. Box 42560, Olympia, WA 98504-2560, by July 24, 1992.

Date of Intended Adoption: August 7, 1992.

June 17, 1992

John Daly

Assistant Director

Chapter 16-164 WAC

STANDARDS FOR THE CERTIFICATION OF PACKERS OF ORGANIC FOOD

NEW SECTION

WAC 16-164-010 PURPOSE. This chapter is promulgated pursuant to RCW 15.86.060 wherein the director is authorized to adopt rules for the proper administration of the Organic Food Products Act and pursuant to RCW 15.86.070 wherein the director is authorized to establish a certification program for processors and vendors of organic food products. This chapter provides standards for the certification of packers of organic food products.

NEW SECTION

WAC 16-164-020 DEFINITIONS. As used in this chapter:

(1) "Approved" means any material or practice which meets the required criteria or standards for use in the packing of organic agricultural products.

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

(3) "Director" means the director of the department of agriculture or his or her duly authorized representative.

(4) "Material" means any substance or mixture of substances that is used in the packing of organic agricultural products.

(5) "Packing facility" includes but is not limited to any premises, plant, establishment, facilities and the appurtenances thereto, in whole or in part, where organic food products are prepared, handled, packaged, or repackaged in any manner for eventual sale or distribution for eventual sale to the ultimate consumer.

(6) "Person" means any natural person, firm, partnership, exchange, association, trustee, receiver, corporation, and any other member, officer, or employee thereof or assignee for the benefit of creditors.

(7) "Packer" means any person who receives any organic food product, either through gaining possession or through providing a service, from a producer or other party and packages or repackages that food product.

(8) "Prohibited" means any material or practice which is disallowed in the packing of organic agricultural products.

(9) "Packing" means to wrap, box, or put together raw or processed organic food in a container, box, or package in preparation for sale.

NEW SECTION

WAC 16-164-030 ORGANIC CERTIFICATION OF PACKING FACILITIES. All packers who pack organic food products in Washington state must be certified by WSDA or through a recognized certification agency. Producers who pack or sell their own product are not required to obtain certification under this chapter. A packer seeking certification must complete an application for certification and submit it with the required fee to the department of agriculture.

Upon approval of the application by the director and an inspection finds the applicant in compliance with the provisions of this chapter, the applicant may be issued an organic packer certification.

NEW SECTION

WAC 16-164-040 STANDARDS FOR PACKING FACILITIES. (1) Identification: All organic food products must be clearly identified at all times with appropriate labeling on all boxes, bins, bags, or other containers that contain organic food products.

(2) Storage: All organic food products in a packing facility must be stored so that there is no cross contamination from or confusion with nonorganic food products.

Insect and rodent control programs must be in place for organic product storage areas. Any materials used in organic product storage areas must be approved for use in organic food production under chapter 16-154 WAC or this chapter.

In areas where entire packing facilities are periodically fumigated, the packer must demonstrate that any fumigants used will not contaminate organic products.

Compounds for cleaning storage areas must be used in a manner that does not contaminate organic food products.

Organic and nonorganic food products may be stored in the same storage room as long as there is adequate separation of products and product identification assures no mixing of products.

Storage techniques may be used to alter storage room atmosphere regarding nitrogen, oxygen, and carbon dioxide.

(3) Packing of organic food products:

All packaging and products must be free of fungicides, preservatives, fumigants, and any other materials which are prohibited for use on organic food products under chapter 16-154 WAC or this chapter.

All water used in packing must be potable and comply with all local, state, and federal guidelines for potable water.

Cleaning and sanitizing must be done with appropriate cleansers and sanitizers that will ensure clean and sanitary facilities and do not leave any residues of cleansers or sanitizers on the organic food products.

NEW SECTION

WAC 16-164-050 POST HARVEST MATERIALS AND PRACTICES. (1) Approved materials and practices. The following list of materials and practices are approved for post-harvest use for organic food. Some materials have certain restrictions regarding their use. These restrictions are noted in the list. All materials must be used with awareness and care for the environment and in compliance with state and federal laws.

- (a) Beneficial insects.
- (b) Carbon dioxide gas.
- (c) Chlorine dioxide.
- (d) Citric acid, naturally derived.
- (e) Controlled atmosphere storage.
- (f) Ethylene gas: Ethylene gas may be used on bananas only.
- (g) Natural waxes are permitted as long as they do not contain synthetic additives.
- (h) Hydrogen peroxide.
- (i) Lignosulfonates for floating tree fruits.
- (j) Soap, biodegradable.

(k) Soda ash for floating tree fruits.

(l) Sodium silicate for floating tree fruits.

(2) Prohibited materials and practices. The post-harvest materials and practices that are prohibited for use in organic packing includes but is not limited to the following:

- (a) Antibiotics.
- (b) Artificial preservatives.
- (c) Fumigants.
- (d) Fungicides.
- (e) Irradiation.

(f) Other pesticides not specifically approved for use in subsection (1) of this section.

NEW SECTION

WAC 16-164-060 RECORDKEEPING REQUIREMENTS. All organic food must be completely followed by an audit control system.

Packers must keep records of products bought and sold that will enable the department to trace food products from the farm to the market. Such records must include but are not limited to, invoices, bills of lading, and grower affidavits of incoming raw product; repack data and production run reports; and invoices and bills of lading of products shipped out. These records must be kept for a minimum of two years. The audit control must be complete enough so that any product suspected of contamination can be immediately traced from point of origin to buyer.

All packers of organic food products shall have available to the department the following documents and information:

(1) List of organic growers for whom it packed organic food products in the previous year with the following information for each grower:

- (a) Growers name;
- (b) Certified organic producer number;
- (c) Copy of the grower's organic food certificate;
- (d) Lot number or numbers assigned to grower;
- (e) Number of bins (flats, lbs., etc.) received;
- (f) Number of boxes (flats, lbs., etc.) packed as organic;
- (g) Number of boxes (flats, lbs., etc.) sold as organic; and
- (h) Amount paid to grower.

(2) Information concerning total organic sales for the facility:

- (a) Total bins (flats, lbs., etc.) received as organic;
- (b) Total boxes (flats, lbs., etc.) packed as organic;
- (c) Pounds of culls sold as organic; and
- (d) Value of organic product sold.

(3) List of organic growers for whom it will be receiving organic food products for the current year with the following information for each grower:

- (a) Growers name;
- (b) Certified organic producer number;
- (c) Copy of organic food producer certificate;
- (d) Lot number assigned to grower; and
- (e) Number of bins (flats, lbs., etc.) you expect to receive.

(4) Except for applications for organic packer certification or lab analysis pertaining to that certification, the department shall keep confidential any business related information obtained under this chapter concerning an entity certified under this chapter or an applicant for such certification and such information shall be exempt from public inspection and copying.

NEW SECTION

WAC 16-164-070 INSPECTIONS. The director shall make at least one inspection and any additional inspections deemed necessary to each packer and/or each packing facility each year to determine compliance with this chapter and chapter 15.86 RCW and rules adopted pursuant to chapter 15.86 RCW. Inspections of packers with multiple facilities shall entail at least one inspection at each packing facility which handles organic food products and at least one inspection of the offices of the packer where records are kept.

This inspection may entail a survey of required records, examination of packing facility and storage areas, and any other information deemed necessary by the requirements of this chapter.

NEW SECTION

WAC 16-164-080 SAMPLING. A representative sample of the product packed by the packer may be tested for residues of prohibited

materials whenever the director deems it necessary for certification or maintenance of certification.

It shall be the packer's responsibility to arrange for and bear the costs for any testing which is deemed necessary by the director.

NEW SECTION

WAC 16-164-090 DECERTIFICATION. Whenever the director finds that a packer who has been certified under this program has:

- (1) Violated the standards for certification which are set forth in RCW 15.86.030 or any rules adopted under chapter 15.86 RCW;
(2) Filed an application for certification which is false or misleading in any particular;
(3) Violated any of the provisions of this chapter; or
(4) Failed to provide records as required by WAC 16-164-050 or rules adopted under chapter 15.86 RCW;

The director may issue an order suspending or revoking that packer's certification under this program or he may issue an order directing the packer to take other appropriate action to correct the violation. If appropriate action is taken, the packer may be returned to its previous status under the program.

Any packer who has received notice that its certification may be suspended or revoked under this section may apply for a hearing under the Washington Administrative Procedure Act, chapter 34.05 RCW.

NEW SECTION

WAC 16-164-100 FEE SCHEDULE. (1) The cost per application shall be based on the following fee schedule. Gross value shall be calculated based upon the previous calendar year's sales of organic food products to the first buyer after packing or repacking. First year applicants shall base gross sales on an estimate of the value of organic food products which will be packed at the facility. In the event that first year sales of organic food products exceed the estimate, WSDA may bill the packer for the additional application fee. The appropriate fee shall accompany the application.

FEE SCHEDULE

Table with 2 columns: Gross value of products, FEE. Rows range from sales under \$25,000 to over 10,000,000.

(2) Additional inspections (in addition to two inspections provided for), if necessary or requested, shall be at the rate of thirty dollars per hour plus mileage set at the rate established by the state office of financial management.

(3) Samples and analysis for prohibited materials, if required for certification or maintenance of certification by the director, or requested by the packer, shall be charged to the packer at a rate established by the laboratory services division of the department of agriculture. If an additional visit must be arranged to obtain a sample, it shall be at the rate of thirty dollars per hour plus mileage set at the rate established by the state office of financial management.

WSR 92-13-101
PROPOSED RULES
UTILITIES AND TRANSPORTATION
COMMISSION

[Filed June 17, 1992, 11:59 a.m.]

Original Notice.

Title of Rule: Amends procedural rules in WAC 480-09-140, 480-09-210, 480-09-400, 480-09-420, 480-09-425, 480-09-460, 480-09-480, 480-09-500, 480-09-700, 480-09-735, 480-09-780, 480-09-800 and 480-09-810, and amends WAC 480-120-087. The proposed amendments are shown below as Appendix A, Docket No. A-920379.

Purpose: These changes update and clarify the commission's procedural rules and its rule on automatic dialing and announcing devices. Sets out changes, correct number of copies received and correct the address for consumer inquiries; clarifies applications of the rules; corrects order of procedure to conform with practice. Provides for service of notice of rulemaking upon industry groups and trade associations; changes definition of proceedings in which discovery is available and time for staff response; sets out factors to consider in determining whether to hold a brief adjudication; adds rate change proponents to class of persons who may be penalized for unexcused failure to appear at hearing; and requires petitioner for administrative review to provide a transcript to the commission if the commission does not otherwise acquire the transcript.

Statutory Authority for Adoption: RCW 80.01.040.

Statute Being Implemented: Chapter 34.05 RCW and RCW 80.36.400.

Summary: See Purpose above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Paul Curl, Secretary and Commission Staff, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, (206) 753-6451.

Name of Proponent: Washington Utilities and Transportation Commission, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: No comments are submitted inasmuch as the proposal is pursuant to legislative authorizations in RCW 80.01.040.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose above.

Proposal Changes the Following Existing Rules: See Purpose above.

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

The proposal will not affect the required number of businesses to come within the impact statement requirements of chapter 19.85 RCW.

Hearing Location: Commission Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, on August 5, 1992, at 9:00 a.m.

Submit Written Comments to: Paul Curl, Secretary, Washington Utilities and Transportation Commission,

1300 South Evergreen Park Drive S.W., P.O. Box 47250, Olympia, WA 98504-7250, by July 15, 1992.

Date of Intended Adoption: August 5, 1992.

June 17, 1992

Paul Curl
Secretary

APPENDIX "A"

AMENDATORY SECTION (Amending Order R-310, Docket No. U-89-2966-R, filed 10/12/89, effective 11/12/89)

WAC 480-09-140 EX PARTE COMMUNICATIONS. (1) General. After the commencement of an adjudicative proceeding and prior to a final determination therein, no party to the proceeding, or its counsel or other person on behalf of a party, shall discuss the merits of the proceeding with the commissioners, the presiding officer or the commissioners' staff assistants assigned to advise the commissioners in the decisional process in that proceeding, unless reasonable notice is given to all parties who have appeared therein, to enable them to be present at the conference. When a party initiates correspondence with a presiding or reviewing officer regarding ~~((the merits of))~~ any pending proceeding, the party shall serve a copy of the correspondence upon all parties of record and furnish proof of such service to the commission.

(2) Communications necessary to procedural aspects of maintaining an orderly process, such as scheduling, are not ex parte communications prohibited by RCW 34.05.455 or by this rule.

(3) The commission may prescribe appropriate sanctions, including default, for any violation of RCW 34.05.455 or this section.

AMENDATORY SECTION (Amending Order R-368, Docket No. A-910530, filed 3/5/92, effective 4/5/92)

WAC 480-09-210 RULE MAKING—NOTICE OF PROPOSED RULE—RULES COORDINATOR. (1) In any proposed rule making, the commission may solicit comments from the public on the subject of possible rule making under active consideration within the agency by causing notice to be published in the state register of the subject matter and indicating where, when, and how persons may comment.

(2) At least twenty days before the rule-making hearing at which the agency receives public comment regarding adoption of a rule, the agency shall cause notice of the hearing to be published in the State Register. The publication shall contain information as provided in RCW 34.05.320 and shall constitute the proposal of a rule.

(3) Within a reasonable time after the publication of the notice of a proposed rule in the State Register, any person may request a copy of the notice by writing to the secretary of the commission.

(4) Petitions for adoption, amendment, or repeal of a rule shall be made pursuant to WAC 480-09-220.

(5) Upon filing notice of a proposed rule with the code reviser, the commission shall have copies of the ~~((statement))~~ proposal on file and available for public inspection. The commission will mail a copy to each industry association or trade group, whose members may be affected, that has asked to receive such notices.

(6) Inquiries regarding rules being proposed or being prepared within the commission for proposal may be made to Office of the Secretary, Rules Coordinator, Washington Utilities & Transportation Commission, 1300 S Evergreen Park Dr SW, PO Box 47250, Olympia WA 98504-7250.

(7) Persons may receive notice of proposed rule makings for all commission rules, or for those affecting specific industries, by sending a request in writing to the rules coordinator. The commission may establish a fee for this service based on the estimated actual cost of providing the service. It may decline to establish a fee for specific groupings, and it may group industries together, for efficiency or administrative convenience.

AMENDATORY SECTION (Amending Order R-310, Docket No. U-89-2966-R, filed 10/12/89, effective 11/12/89)

WAC 480-09-400 APPLICATIONS FOR ADJUDICATIVE PROCEEDINGS. (1) Persons involved in an actual case or controversy within the jurisdiction of the commission to resolve may apply to the commission for an adjudicative proceeding to secure an order resolving matters at issue. Each application should specify every issue to be adjudicated in the proceeding.

(2) Petitions, formal complaints, protests, and requests for review of the denial of unprotested authority, when properly and timely filed, constitute applications for adjudicative proceedings except when specified to the contrary in statute or rule, when the document is presented during an existing adjudication, or when the subject is not required to be resolved in an adjudication as defined in chapter 34.05 RCW.

(3) The commission may, in its discretion, treat unprotested applications for authority as applications for adjudicative proceedings.

(4) Within thirty days after receipt of an application for an adjudicative proceeding, the commission shall notify the applicant of any obvious errors or omissions, request any additional information it requires and is permitted by law to require regarding the application for adjudicative proceeding, and notify the applicant of the name, mailing address, and telephone number that may be contacted regarding the application.

(5) Within ninety days after receipt of the application or receipt of the response to a timely request made under subsection (2) of this section, the commission shall:

(a) Approve or deny the petition or protest on the basis of brief or emergency adjudicative proceedings;

(b) Commence an adjudicative proceeding by serving the parties with a notice of hearing pursuant to RCW 34.05.434 and WAC 480-09-700; or

(c) Decide not to conduct an adjudicative proceeding and furnish the applicant with a copy of its decision in writing, with a brief statement of its reasons for doing so and of any administrative review available.

AMENDATORY SECTION (Amending Order R-310, Docket No. U-89-2966-R, filed 10/12/89, effective 11/12/89)

WAC 480-09-420 PLEADINGS—APPLICATIONS FOR AUTHORITY—PROTESTS. Pleadings before the commission include formal complaints, petitions, answers, replies, and written motions.

(1) Legibility; service. All pleadings shall be legible and, unless otherwise required for a specific pleading, a copy shall be served upon each party to the proceeding.

(2) Errors in pleadings. When it finds a pleading to be defective or insufficient, the commission may return the pleading to the party filing it for correction. Typographical errors or errors in captions or spelling of names of parties may be corrected by the commission.

(3) Form. Every pleading before the commission shall generally conform with the following form.

At the top of the page shall appear the phrase, "Before the Washington Utilities and Transportation Commission." On the left side of the page, next below, the caption of the proceeding shall be set out or, if no caption exists, the following: "In the Matter of the (Petition, Motion, Answer, etc.) of (name of the pleading party) for (identify relief sought)." Opposite the foregoing caption shall appear the word (Petition, Motion, Reply, etc., of [role of party: e.g., petitioner, respondent, protestant, etc., and name the party if more than one party has the same role in the proceeding]).

The body of the pleading shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the pleading party. The second paragraph shall state all rules or statutes that may be brought into issue by the pleading. Succeeding paragraphs shall set out the statement of facts relied upon in form similar to that applicable to complaints in civil actions before the superior courts of this state. The concluding paragraphs shall contain the prayer of the pleading party.

(4) Number of copies; size. Unless, in a particular case, the commission specifies a different number of copies, the original and three legible copies of each pleading in transportation matters, ~~((twenty))~~ and nineteen copies in all other matters, shall be filed with the commission. Copies shall be on three-hole punched white paper, 8-1/2" x 11" in size.

(5) Complaints.

(a) Defined. Formal complaints are those complaints filed in accordance with RCW 80.04.110 and 81.04.110, complaints filed pursuant to RCW 80.54.030, or complaints in proceedings designated by the commission as formal proceedings. Commission final orders on complaints filed pursuant to RCW 80.54.030 shall be entered within three hundred sixty days after the filing of such complaints.

(b) Contents. Formal complaints must be in writing setting forth clearly and concisely the ground of complaint and the relief requested. Facts constituting the basis of the complaint, including relevant dates, should be stated, together with citations of the statutes or rules of the

commission involved. The name and address of the person complained against must be stated in full. The name and address of the complainant and the name and address of complainant's attorney, if any, must appear upon the complaint.

In a proceeding under RCW 80.04.110 or 81.04.110, the provisions of the respective statute shall also apply.

(6) **Protests.** A person whose interests would be adversely affected by the granting of an application or by a rate change may file a protest. Protests to applications must conform to the requirements of any special rules relative to the type of the application being protested. A protestant must serve a copy of the protest upon the applicant or person requesting a rate change. Protestants are not entitled, as a matter of right, to a hearing upon the matter being protested, but a protest may contain a request for a hearing. The commission may, whether or not a protest contains such a request, set the matter in question for hearing.

(7) **Petitions.**

(a) **Defined.** All pleadings seeking relief (other than complaints or answers) shall be styled "petitions."

(b) **Petitions - contents.** A petition shall set forth all facts upon which the request for relief is based, with the dates of all relevant occurrences and a citation of the statutes, rules, and regulations of the commission upon which the petition is based.

(8) **Motions.** The practice respecting motions shall conform insofar as possible with the practice in the superior court of Washington.

Motions shall be filed separately from any other filing.

(9) **Responsive pleadings.**

(a) **Answer.** Except as otherwise provided in WAC 480-09-425, any party who desires to respond to a complaint, motion, or petition shall file with the commission and serve upon all other parties an answer. If an answer is not filed, the complaint or petition shall be deemed to be denied by the respondent. Answers shall fully and completely disclose the nature of the defense and shall admit or deny specifically and in detail all material allegations of the complaint or petition. Matters alleged by way of affirmative defense shall be separately stated and numbered.

(b) **Reply.** The response to an answer is styled a reply. Unless otherwise specified, replies may not be filed without authorization by the commission upon a showing of cause.

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.

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

AMENDATORY SECTION (Amending Order R-351, Docket No. A-910835, filed 10/30/91, effective 11/30/91)

WAC 480-09-425 PLEADINGS—VERIFICATION, TIME FOR FILING, RESPONSIVE PLEADINGS, AMENDMENTS. (1) **Verification.** All pleadings, except motions and complaints brought upon the commission's own motion, shall be dated and signed by at least one attorney or representative of record in his or her individual name, stating his or her address, or by the party if the party is not represented.

Pleadings of a party who is not represented by an attorney shall contain a statement that the pleading is true and correct to the best of the signer's belief.

(2) ~~((Time for motion:))~~ **Motions.** Any motion directed toward a pleading must be submitted in writing and, unless good cause is shown for a delay, filed no later than the time the responsive pleading is due. If no responsive pleading is provided for, the motion must be filed within ten days after service of the pleading. Motions shall be filed separately from any other filing. Motions on procedural issues may be argued orally during a hearing pursuant to WAC 480-09-736.

(3) **Time for answer; reply.**

(a) An answer must be filed within twenty days(;) after the service of the pleading against which it is directed. The filing of an answer is not mandatory. During a hearing, the time for answers to interlocutory pleadings is governed by WAC 480-09-736 and the discretion of the presiding officer.

(b) A request to reply to an answer must be filed within ten days after service of the answer to which it is directed. A request to file a reply is deemed denied unless specifically granted by the commission. If the commission allows a reply, it will set the time for filing.

(c) Whenever the commission believes that the public interest so requires, it may alter the time allowed for any answer.

(4) **Liberal construction.** All pleadings shall be liberally construed with a view to effect justice among the parties. The commission will, at every stage of any proceeding, disregard errors or defects in the pleadings or proceeding which do not affect the substantial rights of the parties.

(5) **Amendments.** The commission may allow amendments to the pleadings or other relevant documents at any time upon such terms as may be lawful and just.

AMENDATORY SECTION (Amending Order R-310, Docket No. U-89-2966-R, filed 10/12/89, effective 11/12/89)

WAC 480-09-460 PREHEARING CONFERENCES. (1) **General.** When issues are joined in any formal proceeding the commission may, by written notice, request all interested persons to attend a prehearing or other conference for the purpose of determining the feasibility of settlement, or of formulating the issues in the proceeding and determining other matters to aid in its disposition. A commissioner, an administrative law judge, or an employee of the commission designated by the commission, shall preside at such conference, to consider:

(a) Simplification of the issues;

(b) The necessity or desirability of amendments to the pleadings;

(c) The possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof;

(d) Limitations on the number and consolidation of the examination of witnesses;

(e) The procedure at the hearing;

(f) The need for and timing of distribution of written testimony and exhibits to the parties prior to the hearing;

(g) Such other matters as may aid in the disposition of the proceeding, or settlement thereof.

The disposition of petitions for leave to intervene in the proceeding filed pursuant to WAC 480-09-430 may be ruled upon at a prehearing conference.

(2) A statement describing the action taken at the conference and the agreements made by the parties concerning all of the matters considered shall be made orally on the record or in writing, and served upon the parties, for approval. If no objection to the oral statement is made on the record, or no objection to the written statement is filed within ten days after the date the statement is served, it shall be deemed to be approved, subject to commission review. The result of the prehearing conference will control the subsequent course of the proceeding unless rejected by the commission or modified to prevent manifest injustice.

(3) **Recessing hearing for conference.** In any proceeding the presiding officer may, in his or her discretion, call the parties together for a conference prior to the taking of testimony, or may recess the hearing for such a conference, with a view to carrying out the purpose of this section. The presiding officer shall state on the record the results of such conference.

AMENDATORY SECTION (Amending Order R-351, Docket No. A-910835, filed 10/30/91, effective 11/30/91)

WAC 480-09-480 METHODS FOR OBTAINING DATA IN ADJUDICATIVE PROCEEDINGS. (1) **General.** The only discovery procedure available in adjudicative proceedings before the commission is the subpoena. "Subpoena" as used in this section includes subpoena duces tecum: **PROVIDED,** That in the following proceeding(s) discovery will be available as provided by this section according to a schedule established by prehearing order:

(a) Any proceeding involving a change in the rate levels of a utility company or a segment of the motor carrier industry;

(b) Any proceeding that the commission declares to be of a pre-
cedential nature; or

(c) ~~((Any proceeding in which a commission policy of general applicability is to be reconsidered;~~

~~(d))~~ Any complaint proceeding involving claims of discriminatory and/or anticompetitive conduct.

Nothing in this section shall be construed as imposing any limitation whatsoever on the commission's ability to audit and/or obtain the books and records of public service companies, and the public service companies' obligation to provide information to the commission, whether or not in the context of an adjudicative proceeding. Parties in

an adjudicative proceeding may agree on informal discovery procedures in addition to or in place of the procedures contained in this section.

(2) Definitions.

(a) Party. Any party as defined by WAC 480-09-410: PROVIDED, That a person who has filed a petition to intervene shall be deemed to be a party for purposes of this section pending a ruling on the petition.

(b) Data. As used in this section, data means information of any type in any form.

(c) Data request. A request for data issued by a party in an adjudicative proceeding. The request may be in writing or may be made by oral motion at a conference or hearing. Generally, data requests seek extant documents, an analysis, compilation or summary of extant documents into a requested format, or a narrative explaining a policy, position or document. If a party relies on a cost study, it is expected that the party will, upon request, rerun the study based on different assumptions, subject to the standards in (5)(a)(iii) of this section. Parties will not be ordered to respond to a data request which seeks production of a new cost study unless the commission so orders, based upon a compelling need for such production.

(d) Depositions. Depositions are described in (5)(b) of this section.

(3) When available. The data requests and the deposition procedure described in this section shall be available in the context of an adjudicative proceeding when the commission, on its own motion or on motion of a party declares that the adjudicative proceeding meets one of the criteria set forth in subsection (1) of this section.

(4) Procedure. At a prehearing conference, a data request and deposition schedule shall be established, and set forth in a prehearing order. The schedule must provide for deadlines sufficient to allow a timely opportunity for disputes to be resolved by an administrative law judge, and by subsequent commission order if necessary. In a proceeding initiated by commission complaint, the commission staff shall not be required to respond to data requests prior to the filing of the commission staff direct evidence. Unless a different schedule is adopted, motions involving disputes arising from use of the procedures in this section will be heard by an administrative law judge on Wednesday mornings at the hour of 9:00 a.m. If commission review is required, such review will take place on the same day, if possible, as soon as the commission is available to hear argument.

(5) Methods available. Unless otherwise specified in the prehearing order, the following procedures will apply:

(a) Data requests.

(i) To whom sent. Written data requests shall be sent to the party of whom the request is made, with copies to all other parties. The commission staff copy shall be sent to the assistant attorney general representing the commission staff. Neither the commissioners nor the secretary of the commission should receive copies of such requests, except upon the filing of a motion to compel or an objection to the request, at which time the specific request or requests shall be attached to the motion or objection. Data requests may also be made on the record, at hearing or conference. Each party shall number its data requests sequentially as submitted.

(ii) Receipt of responses. Responses to data requests shall be sent to the requesting party and to any other party who shall have requested a copy, so long as such responses are consistent with the terms of any protective order which may be entered in the proceeding.

The party responding to the data request shall provide the response to the data requested to the requesting party within ten days of receipt of the request. In the event the data cannot be supplied within ten days, the responding party shall notify the requesting party, in writing and within five days of receipt of the request, of the reasons why the ten-day limit cannot be met. In this event, the responding party shall also provide a schedule for producing the requested data or shall explain why portions of the data will not be supplied. Weekends and holidays will be excluded in calculating these time limits. Time limits may be modified by prehearing order to the extent necessary to conform to the commission's hearing schedule.

No response to a data request shall be considered or treated as evidence until it is entered into the record.

(iii) Scope of request. The scope of any request for data shall be for data relevant to the issues identified in the notices of hearing or orders in the adjudicative proceeding. It is not grounds for objection that the information sought will be inadmissible at the hearing, if the information sought appears reasonably calculated to lead to discovery of admissible evidence. The frequency, extent, or scope of discovery shall be limited by the commission if it determines that the discovery sought is unreasonably cumulative or duplicative, or is obtainable from some

other source that is more convenient, less burdensome, or less expensive; the party seeking discovery has had ample opportunity to obtain the information sought; or, the discovery is unduly burdensome or expensive, taking into account the needs of the adjudicative proceeding, limitations on the parties' resources, scope of the responding party's interest in the proceeding, and the importance of the issues at stake in the adjudicative proceeding.

(b) Depositions. Depositions will be available during one or more conferences scheduled in the prehearing order. A party who intends to depose a witness will give at least five days notice to the commission and all parties prior to the scheduled conference. The conference will be convened at Olympia by an administrative law judge who will, thereafter, withdraw from further participation in the deposition unless requested by the parties to remain. Should all parties request the administrative law judge to participate in the deposition portion of the conference, or should no party object prior to such participation, the parties will be deemed to have waived the right to argue that the deposition constitutes a "hearing" within the meaning of RCW 34.12-.060. Only witnesses who have been identified by a party as a prospective witness will be subject to deposition: PROVIDED, That an individual compelled to appear as an adverse witness will not be deemed to be a "prospective witness" for purposes of this subsection.

(i) Depositions—How conducted. Depositions will be conducted by the parties, using Rule 30 of the Civil Rules of Procedure as a guide. At the request of a party, the deposition may be interrupted for purposes of presenting to an administrative law judge or the commission a dispute regarding the deposition process. However, to avoid interruption, such disputes should, if possible, be reserved to the conclusion of the deposition. The scope of questioning will be the same standard set forth in (5)(a)(iii) of this section. The deposition will be recorded by a court reporter provided by the commission. Each party will be responsible for arranging for the attendance of those of its prospective witnesses who have been asked to be deposed.

(ii) Use of depositions. Except as provided in this subsection, depositions may be used for any purposes. If a witness is available, and a party seeks to offer that witness' deposition into evidence for other than impeachment purposes, that party must do the following:

(A) Offer only those portions of the deposition upon which it intends to rely; and

(B) Provide five working days' written notice (prior to the hearing at which the witness will appear) to other parties of its intent to offer the specified portions of the deposition into evidence.

At hearing, if portions of a deposition are admitted into evidence, other parties shall have the right of offer other portions of the deposition. Time limits may be modified by prehearing order to the extent necessary to conform to the commission's hearing schedule. The portions of the deposition moved into evidence shall be admitted as testimony if the testimony is otherwise admissible, and if admitting the testimony would substantially reduce repetitive questioning.

(6) Procedure for resolving disputes. If a responding party refuses to produce the data requested or refuses to comply with a request for deposition, or if a witness fails to respond to a question at deposition, and the parties have failed in good faith efforts to resolve the dispute, the matter may be brought upon motion filed with the secretary of the commission and presented to an administrative law judge for resolution.

Motions shall be timely filed. Responses to the motion shall be filed within five working days of the receipt of the motion, and shall be served on all parties. Time limits may be imposed or modified by prehearing order to the extent necessary to conform to the commission's hearing schedule.

Argument on motions under this section will typically be heard at the commission's offices in Olympia, on Wednesdays, beginning at 9:00 a.m. The administrative law judge will notify the parties to the motion of the specific time and place of the argument. The notification may be by telephone or by letter. Oral arguments will be transcribed or tape recorded. The administrative law judge will rule on the motion.

If the ruling of the administrative law judge is unsatisfactory to a party, the administrative law judge, upon oral request at the time the motion is ruled upon, shall refer the matter to the commission for resolution. Oral arguments will be transcribed or tape recorded. If possible, the commission will hear the matter on the same day as soon as the commission is available to hear argument. If this is not possible, the commission will advise the parties, by telephone or by letter, of the time and place of the argument.

If a party fails or refuses to comply with a commission order resolving a dispute under this section, the commission may impose sanctions

including but not limited to dismissal, striking of testimony, evidence, or cross-examination, or penalties as provided by law.

AMENDATORY SECTION (Amending Order R-336, Docket No. A-900700, filed 2/22/91, effective 3/25/91)

WAC 480-09-500 BRIEF ADJUDICATIVE PROCEEDINGS.

(1) Pursuant to RCW 34.05.482, the commission may use brief adjudicative proceedings where not violative of law and where protection of the public interest does not require the commission to give notice and an opportunity to participate to persons other than the parties. Those circumstances may include:

- (a) Review of denials or partial denials of applications that are not protested;
- (b) Contested applications for temporary authority;
- (c) Proceedings which could lead to suspension, cancellation, or revocation of authority for failure to maintain tariffs, pay fees, or file required documents; and
- (d) Formal complaints in which notice and an opportunity to participate in the proceeding need not be given to persons other than the parties.

In exercising its discretion to conduct a brief adjudication, the commission will consider the benefits for the parties and the commission to be gained from a brief adjudication, the nature of issues involved and whether the commission desires to consider further or in depth an issue that is raised, the likelihood that review in a brief adjudication will provide a more sound decision than considering the issues without the brief adjudication, and whether alternative means of resolving the issues are sufficient to satisfy the parties' and the commission's interests.

(2) Application may be made for a brief adjudicative proceeding by filing a letter of request and certificate of service with the secretary of the commission. If it grants the request, the commission shall designate either a review judge, the director of its transportation division, or the director of its utilities division as a presiding officer in specified brief adjudicative proceedings. The commission may set a matter for brief adjudication on its own motion when doing so will not prejudice the rights of any party. Each applicant for a brief adjudicative proceeding shall submit a written explanation of its view of the matter along with its application. ~~((Other))~~ Parties may file ~~((a))~~ written ~~((response within ten days after service of the application for a))~~ submissions as provided in the commission's notice that it will conduct the brief adjudicative proceeding. In the discretion of the commission or the presiding officer, oral comments offered by parties may be considered.

(a) If a party to a brief adjudicative proceeding desires an opportunity to make an oral statement, the request should be made in the application or in the response to the application.

(b) A request to make an oral statement may be granted if the presiding officer believes such a statement would benefit him or her in reaching a decision. ~~The ((presiding officer shall notify the parties within a reasonable time of the decision to grant or deny the request to hear oral comments, and, if the request is granted, shall notify the parties of the time and place for hearing comments))~~ commission shall serve upon the parties a notice of the time and place for the brief adjudicative proceeding and the name and telephone number of the scheduled presiding officer at least seven days before the proceeding.

(3) If the party is present at the time any unfavorable action is taken, the presiding officer shall make a brief statement of the reasons for the decision. The action on the application shall be expressed in a written order which shall be served upon all parties within ten days after entry of the order or the decision.

(4) The brief written statement is an initial order. If no review is taken of the initial order, it shall be the final order.

(5) Service of the initial order shall be made pursuant to WAC 480-09-120.

(6) The commission shall conduct a review of an initial order resulting from a brief adjudicative proceeding upon the written or oral request of a party if the commission receives the request within twenty-one days after service of the initial order. If no request is timely filed, the commission may adopt, modify, or reject the initial order.

(7) A request for review of an initial order shall contain an explanation of the party's view of the matter, with a statement of reasons why the initial order is incorrect, and a certificate of service. Responses to a request for review of an initial order shall be filed with the commission and served upon the other parties within ten days after service of the request for review.

(8) The order on review must be in writing, must include a brief statement of the reasons for the decision, and must be entered within

thirty days after the date of the initial order or of the request for review, whichever is later. The order shall include a description of any further available administrative review or, if none is available, a notice that judicial review may be available.

(9) A request for administrative review is deemed to have been denied if the agency does not make a disposition of the matter within thirty days after the request is filed.

(10) The record in a brief adjudicative proceeding shall consist of any documents regarding the matter that were considered or prepared by the presiding officer for the brief adjudicative proceeding or by the reviewing officer for any review.

AMENDATORY SECTION (Amending Order R-310, Docket No. U-89-2966-R, filed 10/12/89, effective 11/12/89)

WAC 480-09-700 HEARINGS—NOTICE AND FAILURE TO APPEAR. (1) Notice.

(a) Initial hearing notice. The time and place of hearings will be set by the commission and notice thereof served upon all parties at least twenty days in advance of the initial hearing date, unless the commission finds that good cause exists for the hearing to be held upon shorter notice. An effort will be made to set all hearings sufficiently in advance so that all parties will have a reasonable time to prepare their cases, and so that need for continuances will be minimized.

(b) Continued hearing sessions. The time and place of continued hearing sessions may also be set:

- (i) Upon the record without further written notice to the parties; or
- (ii) By letter from the secretary of the commission; or
- (iii) By letter from the presiding officer.

In such instances, twenty days' prior notice is not required.

(2) The initial notice of hearing shall state that, if a limited English-speaking or hearing-impaired party needs an interpreter, a qualified interpreter will be appointed at no cost to the party or witness. The notice shall include a form for a party to indicate whether he or she needs an interpreter and to identify the primary language or hearing impaired status of the party.

(3) Failure to appear - default - dismissal.

(a) At the time and place set for hearing, if a party fails to appear, the presiding officer may recess the hearing for a brief period to enable the party to attend the hearing, but if at the time set for the resumption of the hearing the party is not present or represented, the commission may dismiss the party or find the party in default.

(b) Default shall be implemented by a default order or by a default provision in the order disposing of the issues in the proceeding, pursuant to RCW 34.05.440. Default may be appropriate in instances where the party is the initiator of the proceeding, such as an applicant, a petitioner, or a complainant.

(c) Dismissal shall be implemented by a dismissal provision in the order disposing of the issues in the proceeding. Dismissal may be contested by the filing of a petition for reopening until the close of the time for filing a petition for administrative review of an initial order or, if no initial order is entered, until the close of the period for filing a petition for reconsideration. The person who is dismissed may support the petition for reopening by showing good cause for failure to appear, for failure to seek a continuance, and for failure to earlier seek an excuse for failure to appear.

(4) Sanctions for failure to appear. Except when a hearing is otherwise required by law, an applicant for operating authority or for transfer or acquisition of control of operating authority, ~~((or))~~ a protestant to such an application, or an applicant for a rate change under WAC 480-12-295 shall appear at any scheduled hearing pursuant to this chapter unless:

(a) The application or protest is withdrawn at least five days prior to the date set; or

(b) Appearance is otherwise excused by the commission or presiding officer in writing.

Failure to comply with this subsection may result in assessment of civil penalties.

AMENDATORY SECTION (Amending Order R-310, Docket No. U-89-2966-R, filed 10/12/89, effective 11/12/89)

WAC 480-09-735 ORDER OF PROCEDURE. (1) General. Evidence will ordinarily be received in the following order:

(a) Upon investigation on motion of the commission:

- (i) Commission's staff;
- (ii) Respondent; and
- (iii) Rebuttal by commission's staff.

- (b) In investigation and suspension proceedings:
- (i) Respondent;
 - (ii) Commission's staff;
 - (iii) Protestants against suspended schedules; and
 - (iv) Rebuttal by respondent.
- (c) Upon applications and petitions:
- (i) Applicants or petitioners;
 - (ii) ~~((Commission's staff))~~ Protestants;
 - (iii) ~~((Protestants))~~ Commission's staff; and
 - (iv) Rebuttal by applicant or petitioner.
- (d) Upon formal complaints:
- (i) Complainant;
 - (ii) Respondent;
 - (iii) Commission's staff; and
 - (iv) Rebuttal by complainant.
- (e) Upon order to show cause:
- (i) Commission's staff;
 - (ii) Respondent; and
 - (iii) Rebuttal by commission's staff.
- (f) In docket hearings: At the discretion of presiding officer (~~or examiner~~).

(2) Modification of procedure. The order of presentation prescribed above for hearings shall be followed, except when the presiding officer directs otherwise. When hearing several proceedings upon a consolidated record, the presiding officer shall designate who shall open and close. Intervenors shall follow the party in whose behalf the intervention is made. If the intervention is not in support of any original party, the presiding officer shall designate at what stage the intervenor shall be heard. When two causes are set for hearing at the same time and place, the cause having the lowest number shall be heard first, if all parties are ready: PROVIDED, That the presiding officer may direct a different order to suit the convenience of the parties.

AMENDATORY SECTION (Amending Order R-310, Docket No. U-89-2966-R, filed 10/12/89, effective 11/12/89)

WAC 480-09-780 ENTRY OF INITIAL AND FINAL ORDERS—ADMINISTRATIVE REVIEW. (1) General. Whenever the presiding officer enters an order in accordance with the provisions of RCW 34.05.461, each party of record and the party's attorney, or other authorized representative shall be served with a copy of the order pursuant to the provisions of WAC 480-09-120(2).

(2) Petitions for administrative review – time for filing – who may file – required copies – provision of transcript.

(a) Any party may within twenty days after entry of the initial order file either a petition for administrative review or a notice of petition for administrative review, certifying that the party has ordered a transcript and intends to petition for administrative review. If the petitioner orders a transcript, the petition shall be due within twenty days after the date the transcript is sent to the petitioner.

(b) Unless a different number is directed by the commission, an original and three copies of petitions for administrative review of an initial order in transportation matters and nineteen copies in all other matters must be filed with the secretary of the commission and one copy served upon each other party ~~((and the party's attorney within twenty days after the service of the initial order. The commission may designate a different time for filing petitions for administrative review of initial orders))~~. Proof of service must be made in accordance with WAC 480-09-120(2).

(c) Unless the commission has previously ordered or received the original transcript, a petitioner for administrative review shall instruct the court reporter to file the original transcript, certified by the court reporter to be a true and correct transcript of the proceeding, with the commission at the petitioner's expense when the reporter provides the petitioner's copy. If the issues on review are substantially of a legal nature, the parties may present an agreed statement of facts. The commission may require the petitioner for administrative review to provide a transcript at the petitioner's expense, despite such an agreement, if the commission deems the transcript necessary to its review.

(3) ~~((Petitions for administrative review – who may file. Any party to an adjudicative proceeding may file a petition for administrative review of an initial order.~~

~~((4))~~ Petitions for administrative review – contents. Petitions must clearly identify the nature of the challenge to the initial order, the evidence relied upon to support the challenge, and the nature of the remedy urged by the petition. Petitions for review of initial orders shall be specific and separate contentions must be separately stated and numbered. Petitions for review of findings of fact must be supported by a

reference to the pertinent page or part of the record or by a statement of the evidence relied upon to support the petition, and should be accompanied by a recommended finding of fact. Petitions for review of conclusions of law should be supported by reference to the appropriate statute, rule, or case involved and should be accompanied by a recommended conclusion of law. When a petition challenges the summary portion of an initial order, the petition shall include a statement showing the legal or factual justification for the challenge, together with a statement of how the alleged defect in the summary affects the findings of fact, the conclusions of law, or the ultimate decision.

~~((5))~~ (4) Answers.

(a) Answers to a petition for administrative review may be filed by any party.

(b) Unless a different number is required, three copies of answers to petitions for review in transportation matters and ~~((twenty))~~ nineteen copies in all other matters must be filed with the secretary of the commission, and a copy served upon each other party to the proceeding within ten days after the service of the petition. The commission may designate a different time for filing answers to petitions.

(c) A party who did not file a petition for administrative review of an initial order may challenge the order or portions thereof in its answer to the petition of another party.

~~((6))~~ (5) Oral argument. The commission may in its discretion hear oral argument upon a petition for review at a time and place to be designated by it upon notice to all parties to the proceeding. A party who desires to present oral argument may move for argument, stating why the oral argument will assist the commission in making its decision and why written presentations will be insufficient.

~~((7))~~ (6) Final order. After reviewing the initial order and any petitions for review, answers, replies, briefs, and oral arguments, and the record or such portions thereof as may be cited by the parties, the commission may by final order adopt, modify, or reject an initial order. The statutory time for judicial review proceedings shall not commence until the date of the commission's final order or, if a petition for reconsideration has been filed, the date the petition is deemed denied or is otherwise disposed of.

AMENDATORY SECTION (Amending Order R-310, Docket No. U-89-2966-R, filed 10/12/89, effective 11/12/89)

WAC 480-09-800 STAY. A party may file with the commission a petition for stay of effectiveness of a final order within ten days after its service unless otherwise provided by statute or stated in the final order. The commission may stay the effect of a final order on its own motion.

AMENDATORY SECTION (Amending Order R-310, Docket No. U-89-2966-R, filed 10/12/89, effective 11/12/89)

WAC 480-09-810 RECONSIDERATION. (1) General. Any party to an adjudicative proceeding may file a petition for reconsideration of a final order of the commission within ten days after the date the order is served.

(2) Number of copies – filing – service. Unless a different number has been ordered by the commission, an original and three copies of the petition in transportation matters and ~~((twenty))~~ nineteen copies in all other matters shall be filed with the commission and a copy of the petition shall be served by petitioner upon each party of record.

(3) Contents. The petition shall state with particularity each portion or portions of the challenged order contended to be erroneous or incomplete, and shall cite those portions of the record and the laws or rules of the commission relied upon to support the petition, together with brief argument.

(4) Answers. No party shall file an answer unless requested by the commission: PROVIDED, That if the commission determines that reconsideration may be appropriate, involving more than the correction of obvious error and involving a possible change in a significant term of the order, it shall request answers from the other affected parties.

(5) Except upon specific direction of the commission, no oral argument shall be permitted on petitions for reconsideration.

(6) Disposition. The petition is deemed denied if, within twenty days from the date the petition is filed, the commission does not either:

(a) Dispose of the petition; or

(b) Serve the parties with a written notice specifying the date by which it will act on the petition.

If the petition is granted, the commission may modify its prior order or take such other action as it may deem appropriate. No petition for reconsideration of an order on reconsideration will be accepted by the

commission. No petition for reconsideration may stay the effectiveness of an order.

AMENDATORY SECTION (Amending Order R-265, Cause No. U-86-106, filed 11/17/86)

WAC 480-120-087 TELEPHONE SOLICITATION. (1) As used in this section, "telecommunications company" is limited to telecommunications companies providing local exchange telephone service.

(2) Telecommunications companies shall notify their customers of their rights under chapter 277, Laws of 1986, with respect to telephone solicitation. Notice shall be provided by conspicuous publication of the notice in the consumer information pages of local telephone directories. The notice shall clearly inform subscribers of their rights under the law and shall, at a minimum, include the following information:

(a) Under Washington law residential subscribers have the right to keep telephone solicitors from calling back. A solicitor is someone who calls you to ask you to buy something or donate something.

(b) The law requires that solicitors identify themselves, their company or organization, and the purpose of the call within the first thirty seconds. If at anytime during the conversation you say you do not want to be called again or want to have your name and number removed from the calling list, the company or organization may not have a solicitor call you for at least one year and may not sell or give your name and number to another company or organization.

(c) The attorney general's office is given the authority to enforce this law. In addition, individuals may sue the solicitor for a minimum of one hundred dollars per violation. If the suit is successful, the individual will be able to recover money spent on court and attorney's fees.

To file a complaint, or request more information on the law, please write to the Fair Practices Office listed below, or between 12:00 noon and 5:00 p.m., weekdays, call the Attorney General's Office, Fair Practices Division, at its toll-free number: 1-800-551-4636. If you are filing a complaint, please include as much information as possible about the name and address of the company or charity, the time you received the calls, and the nature of the calls.

Attorney General's Office
~~((+360-Dexter-Horton-Building))~~
900 Fourth Avenue, Suite 2000
Seattle, Washington ~~((98104))~~ 98164

Table of WAC Sections Affected

Table with 6 columns: WAC #, WSR #, WAC #, WSR #, WAC #, WSR #. The table lists affected WAC sections across three columns, with corresponding WSR numbers and codes (e.g., AMD-E, REP-P, NEW-P).

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
131-28-025	AMD-E	92-10-033	132H-105-170	REP-P	92-09-057
131-28-025	AMD-P	92-10-042	132H-105-170	REP	92-13-093
131-28-026	AMD-E	92-10-033	132H-106-010	NEW-E	92-07-071
131-28-026	AMD-P	92-10-042	132H-106-010	NEW-P	92-09-057
131-28-028	NEW-E	92-10-033	132H-106-010	NEW	92-13-093
131-28-028	NEW-P	92-10-042	132H-106-020	NEW-E	92-07-071
131-32-040	AMD-P	92-09-140	132H-106-020	NEW-P	92-09-057
131-32-040	AMD	92-13-020	132H-106-020	NEW	92-13-093
132B-104	NEW-C	92-07-064	132H-106-030	NEW-E	92-07-071
132B-104-010	NEW	92-08-043	132H-106-030	NEW-P	92-09-057
132B-108	NEW-C	92-07-063	132H-106-030	NEW	92-13-093
132B-108-010	NEW	92-09-041	132H-106-040	NEW-E	92-07-071
132B-108-020	NEW	92-09-041	132H-106-040	NEW-P	92-09-057
132B-108-030	NEW	92-09-041	132H-106-040	NEW	92-13-093
132B-108-040	NEW	92-09-041	132H-106-050	NEW-E	92-07-071
132B-108-050	NEW	92-09-041	132H-106-050	NEW-P	92-09-057
132B-108-060	NEW	92-09-041	132H-106-050	NEW	92-13-093
132B-108-070	NEW	92-09-041	132H-106-060	NEW-E	92-07-071
132B-108-080	NEW	92-09-041	132H-106-060	NEW-P	92-09-057
132B-130	NEW-C	92-07-065	132H-106-060	NEW	92-13-093
132B-130-010	NEW	92-08-044	132H-112-003	REP-E	92-07-074
132B-130-020	NEW	92-08-044	132H-112-003	REP-P	92-09-058
132B-131	NEW-C	92-07-065	132H-112-003	REP	92-13-094
132B-131-010	NEW	92-08-044	132H-112-006	REP-E	92-07-074
132B-132	NEW-C	92-07-065	132H-112-006	REP-P	92-09-058
132B-132-010	NEW	92-08-044	132H-112-006	REP	92-13-094
132B-133	NEW-C	92-07-064	132H-112-009	REP-E	92-07-074
132B-133-010	NEW	92-08-043	132H-112-009	REP-P	92-09-058
132B-133-020	NEW	92-08-043	132H-112-009	REP	92-13-094
132G-152-040	NEW-P	92-04-055	132H-112-012	REP-E	92-07-074
132G-152-040	NEW	92-08-040	132H-112-012	REP-P	92-09-058
132H-105-010	REP-E	92-07-071	132H-112-012	REP	92-13-094
132H-105-010	REP-P	92-09-057	132H-112-015	REP-E	92-07-074
132H-105-010	REP	92-13-093	132H-112-015	REP-P	92-09-058
132H-105-020	REP-E	92-07-071	132H-112-015	REP	92-13-094
132H-105-020	REP-P	92-09-057	132H-112-018	REP-E	92-07-074
132H-105-020	REP	92-13-093	132H-112-018	REP-P	92-09-058
132H-105-030	REP-E	92-07-071	132H-112-018	REP	92-13-094
132H-105-030	REP-P	92-09-057	132H-112-021	REP-E	92-07-074
132H-105-030	REP	92-13-093	132H-112-021	REP-P	92-09-058
132H-105-040	REP-E	92-07-071	132H-112-021	REP	92-13-094
132H-105-040	REP-P	92-09-057	132H-112-024	REP-E	92-07-074
132H-105-040	REP	92-13-093	132H-112-024	REP-P	92-09-058
132H-105-050	REP-E	92-07-071	132H-112-024	REP	92-13-094
132H-105-050	REP-P	92-09-057	132H-112-027	REP-E	92-07-074
132H-105-050	REP	92-13-093	132H-112-027	REP-P	92-09-058
132H-105-060	REP-E	92-07-071	132H-112-027	REP	92-13-094
132H-105-060	REP-P	92-09-057	132H-112-030	REP-E	92-07-074
132H-105-060	REP	92-13-093	132H-112-030	REP-P	92-09-058
132H-105-070	REP-E	92-07-071	132H-112-030	REP	92-13-094
132H-105-070	REP-P	92-09-057	132H-112-033	REP-E	92-07-074
132H-105-070	REP	92-13-093	132H-112-033	REP-P	92-09-058
132H-105-090	REP-E	92-07-071	132H-112-033	REP	92-13-094
132H-105-090	REP-P	92-09-057	132H-112-036	REP-E	92-07-074
132H-105-090	REP	92-13-093	132H-112-036	REP-P	92-09-058
132H-105-100	REP-E	92-07-071	132H-112-036	REP	92-13-094
132H-105-100	REP-P	92-09-057	132H-112-039	REP-E	92-07-074
132H-105-100	REP	92-13-093	132H-112-039	REP-P	92-09-058
132H-105-110	REP-E	92-07-071	132H-112-039	REP	92-13-094
132H-105-110	REP-P	92-09-057	132H-112-042	REP-E	92-07-074
132H-105-110	REP	92-13-093	132H-112-042	REP-P	92-09-058
132H-105-120	REP-E	92-07-071	132H-112-042	REP	92-13-094
132H-105-120	REP-P	92-09-057	132H-112-045	REP-E	92-07-074
132H-105-120	REP	92-13-093	132H-112-045	REP-P	92-09-058
132H-105-130	REP-E	92-07-071	132H-112-045	REP	92-13-094
132H-105-130	REP-P	92-09-057	132H-112-048	REP-E	92-07-074
132H-105-130	REP	92-13-093	132H-112-048	REP-P	92-09-058
132H-105-140	REP-E	92-07-071	132H-112-048	REP	92-13-094
132H-105-140	REP-P	92-09-057	132H-112-051	REP-E	92-07-074
132H-105-140	REP	92-13-093	132H-112-051	REP-P	92-09-058
132H-105-150	REP-E	92-07-071	132H-112-051	REP	92-13-094
132H-105-150	REP-P	92-09-057	132H-112-054	REP-E	92-07-074
132H-105-150	REP	92-13-093	132H-112-054	REP-P	92-09-058
132H-105-160	REP-E	92-07-071	132H-112-054	REP	92-13-094
132H-105-160	REP-P	92-09-057	132H-112-057	REP-E	92-07-074
132H-105-160	REP	92-13-093	132H-112-057	REP-P	92-09-058
132H-105-170	REP-E	92-07-071	132H-112-057	REP	92-13-094

Table of WAC Sections Affected

Table with 6 columns: WAC #, WSR #, WAC #, WSR #, WAC #, WSR #. It lists affected WAC sections and their corresponding WSR numbers across three main groups of entries.

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
326-08-080	AMD-E 92-11-019	326-20-092	AMD-E 92-07-102	326-20-171	AMD 92-11-007
326-08-090	AMD-E 92-07-001	326-20-092	AMD-P 92-07-103	326-20-172	AMD-E 92-07-001
326-08-090	AMD-P 92-11-018	326-20-092	AMD 92-11-007	326-20-172	RESCIND 92-07-102
326-08-090	AMD-E 92-11-019	326-20-093	REP-E 92-07-001	326-20-172	AMD-E 92-07-102
326-08-095	AMD-E 92-07-001	326-20-093	RESCIND 92-07-102	326-20-172	AMD-P 92-07-103
326-08-095	AMD-P 92-11-018	326-20-093	REP-E 92-07-102	326-20-172	AMD 92-11-007
326-08-095	AMD-E 92-11-019	326-20-093	REP-P 92-07-103	326-20-173	AMD-E 92-07-001
326-08-100	AMD-E 92-07-001	326-20-093	REP 92-11-007	326-20-173	RESCIND 92-07-102
326-08-100	AMD-P 92-11-018	326-20-094	AMD-E 92-07-001	326-20-173	AMD-E 92-07-102
326-08-100	AMD-E 92-11-019	326-20-094	RESCIND 92-07-102	326-20-173	AMD-P 92-07-103
326-08-105	NEW-E 92-07-001	326-20-094	AMD-E 92-07-102	326-20-173	AMD 92-11-007
326-08-105	NEW-P 92-11-018	326-20-094	AMD-P 92-07-103	326-20-180	AMD-E 92-07-001
326-08-105	NEW-E 92-11-019	326-20-094	AMD 92-11-007	326-20-180	RESCIND 92-07-102
326-08-110	AMD-E 92-07-001	326-20-094	AMD-E 92-07-001	326-20-180	AMD-E 92-07-102
326-08-110	AMD-P 92-11-018	326-20-095	RESCIND 92-07-102	326-20-180	AMD-P 92-07-103
326-08-110	AMD-E 92-11-019	326-20-095	AMD-E 92-07-102	326-20-180	AMD 92-11-007
326-08-120	AMD-E 92-07-001	326-20-095	AMD-P 92-07-103	326-20-185	AMD-E 92-07-001
326-08-120	AMD-P 92-11-018	326-20-095	AMD 92-11-007	326-20-185	RESCIND 92-07-102
326-08-120	AMD-E 92-11-019	326-20-096	AMD-E 92-07-001	326-20-185	AMD-E 92-07-102
326-08-130	AMD-E 92-07-001	326-20-096	RESCIND 92-07-102	326-20-185	AMD-P 92-07-103
326-08-130	AMD-P 92-11-018	326-20-096	AMD-E 92-07-102	326-20-185	AMD 92-11-007
326-08-130	AMD-E 92-11-019	326-20-096	AMD-P 92-07-103	326-20-190	AMD-E 92-07-001
326-08-140	NEW-E 92-07-001	326-20-096	AMD 92-11-007	326-20-190	RESCIND 92-07-102
326-08-140	NEW-P 92-11-018	326-20-097	REP-E 92-07-001	326-20-190	AMD-E 92-07-102
326-08-140	NEW-E 92-11-019	326-20-097	RESCIND 92-07-102	326-20-190	AMD-P 92-07-103
326-20-010	AMD-E 92-07-001	326-20-097	REP-E 92-07-102	326-20-190	AMD 92-11-007
326-20-010	RESCIND 92-07-102	326-20-097	REP-P 92-07-103	326-20-200	REP-E 92-07-001
326-20-010	AMD-E 92-07-102	326-20-097	REP 92-11-007	326-20-200	RESCIND 92-07-102
326-20-010	AMD-P 92-07-103	326-20-098	AMD-E 92-07-001	326-20-200	REP-E 92-07-102
326-20-010	AMD 92-11-007	326-20-098	RESCIND 92-07-102	326-20-200	REP-P 92-07-103
326-20-020	REP-E 92-07-001	326-20-098	AMD-E 92-07-102	326-20-200	REP 92-11-007
326-20-020	RESCIND 92-07-102	326-20-098	AMD-P 92-07-103	326-20-220	AMD-E 92-07-001
326-20-020	REP-E 92-07-102	326-20-098	AMD 92-11-007	326-20-220	RESCIND 92-07-102
326-20-020	REP-P 92-07-103	326-20-110	AMD-E 92-07-001	326-20-220	AMD-E 92-07-102
326-20-020	REP 92-11-007	326-20-110	RESCIND 92-07-102	326-20-220	AMD-P 92-07-103
326-20-030	AMD-E 92-07-001	326-20-110	AMD-E 92-07-102	326-30	AMD 92-11-007
326-20-030	RESCIND 92-07-102	326-20-110	AMD-P 92-07-103	326-30-010	AMD-P 92-09-151
326-20-030	AMD-E 92-07-102	326-20-110	AMD 92-11-007	326-30-010	AMD-P 92-09-151
326-20-030	AMD-P 92-07-103	326-20-115	AMD-E 92-07-001	326-30-020	AMD-P 92-09-151
326-20-030	AMD 92-11-007	326-20-115	RESCIND 92-07-102	326-30-030	AMD-P 92-09-151
326-20-040	AMD-E 92-07-001	326-20-115	AMD-E 92-07-102	326-30-035	REP-P 92-09-151
326-20-040	RESCIND 92-07-102	326-20-115	AMD-P 92-07-103	326-30-036	REP-P 92-09-151
326-20-040	AMD-E 92-07-102	326-20-115	AMD 92-11-007	326-30-037	REP-P 92-09-151
326-20-040	AMD-P 92-07-103	326-20-120	AMD-E 92-07-001	326-30-038	REP-P 92-09-151
326-20-040	AMD 92-11-007	326-20-120	RESCIND 92-07-102	326-30-039	REP-P 92-09-151
326-20-050	AMD-E 92-07-001	326-20-120	AMD-E 92-07-102	326-30-03901	REP-P 92-09-151
326-20-050	RESCIND 92-07-102	326-20-120	AMD-P 92-07-103	326-30-03902	REP-P 92-09-151
326-20-050	AMD-E 92-07-102	326-20-120	AMD 92-11-007	326-30-03903	REP-P 92-09-151
326-20-050	AMD-P 92-07-103	326-20-130	AMD-E 92-07-001	326-30-040	REP-P 92-09-151
326-20-050	AMD 92-11-007	326-20-130	RESCIND 92-07-102	326-30-041	NEW-P 92-09-151
326-20-060	AMD-E 92-07-001	326-20-130	AMD-E 92-07-102	326-30-046	NEW-P 92-09-151
326-20-060	RESCIND 92-07-102	326-20-130	AMD-P 92-07-103	326-30-050	REP-P 92-09-151
326-20-060	AMD-E 92-07-102	326-20-130	AMD 92-11-007	326-30-051	NEW-P 92-09-151
326-20-060	AMD-P 92-07-103	326-20-140	AMD-E 92-07-001	326-30-060	REP-P 92-09-151
326-20-060	AMD 92-11-007	326-20-140	RESCIND 92-07-102	326-30-070	REP-P 92-09-151
326-20-070	AMD-E 92-07-001	326-20-140	AMD-E 92-07-102	326-30-080	REP-P 92-09-151
326-20-070	RESCIND 92-07-102	326-20-140	AMD-P 92-07-103	326-30-090	REP-P 92-09-151
326-20-070	AMD-E 92-07-102	326-20-140	AMD 92-11-007	326-30-100	REP-P 92-09-151
326-20-070	AMD-P 92-07-103	326-20-150	AMD-E 92-07-001	326-30-110	AMD-P 92-09-151
326-20-070	AMD 92-11-007	326-20-150	RESCIND 92-07-102	326-40-010	AMD-P 92-09-151
326-20-080	AMD-E 92-07-001	326-20-150	AMD-E 92-07-102	326-40-020	AMD-P 92-09-151
326-20-080	RESCIND 92-07-102	326-20-150	AMD-P 92-07-103	326-40-030	NEW-P 92-09-151
326-20-080	AMD-E 92-07-102	326-20-150	AMD 92-11-007	326-40-040	NEW-P 92-09-151
326-20-080	AMD-P 92-07-103	326-20-160	AMD-E 92-07-001	326-40-050	NEW-P 92-09-151
326-20-080	AMD 92-11-007	326-20-160	RESCIND 92-07-102	326-40-060	NEW-P 92-09-151
326-20-081	AMD-E 92-07-001	326-20-160	AMD-E 92-07-102	326-40-070	NEW-P 92-09-151
326-20-081	RESCIND 92-07-102	326-20-160	AMD-P 92-07-103	326-40-075	NEW-P 92-09-151
326-20-081	AMD-E 92-07-102	326-20-160	AMD 92-11-007	326-40-080	NEW-P 92-09-151
326-20-081	AMD-P 92-07-103	326-20-170	AMD-E 92-07-001	326-40-090	NEW-P 92-09-151
326-20-081	AMD 92-11-007	326-20-170	RESCIND 92-07-102	326-40-100	AMD-P 92-09-151
326-20-091	REP-E 92-07-001	326-20-170	AMD-E 92-07-102	332-18-170	AMD-P 92-12-074
326-20-091	RESCIND 92-07-102	326-20-170	AMD-P 92-07-103	332-18-010	AMD-W 92-10-068
326-20-091	REP-E 92-07-102	326-20-170	AMD 92-11-007	332-18-130	NEW-W 92-10-068
326-20-091	REP-P 92-07-103	326-20-171	AMD-E 92-07-001	332-22-020	AMD 92-06-003
326-20-091	REP 92-11-007	326-20-171	RESCIND 92-07-102	332-22-050	AMD-W 92-12-075
326-20-092	AMD-E 92-07-001	326-20-171	AMD-E 92-07-102	332-22-070	NEW-W 92-12-075
326-20-092	RESCIND 92-07-102	326-20-171	AMD-P 92-07-103	332-22-100	AMD-W 92-12-075

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
332-22-105	AMD-W	92-12-075	365-80-030	REP-E	92-09-147	383-07-080	AMD-P	92-04-077
332-22-160	NEW	92-06-003	365-80-040	REP-P	92-09-146	383-07-080	AMD	92-09-048
332-22-170	NEW	92-06-003	365-80-040	REP-E	92-09-147	383-07-090	AMD-P	92-04-077
332-22-180	NEW	92-06-003	365-80-050	REP-P	92-09-146	383-07-090	AMD	92-09-048
332-22-190	NEW	92-06-003	365-80-050	REP-E	92-09-147	383-07-100	AMD-P	92-04-077
332-22-200	NEW	92-06-003	365-80-060	REP-P	92-09-146	383-07-100	AMD	92-09-048
332-22-210	NEW	92-06-003	365-80-060	REP-E	92-09-147	383-07-115	NEW-P	92-04-077
332-22-220	NEW	92-06-003	365-80-070	REP-P	92-09-146	383-07-115	NEW	92-09-048
332-22-230	NEW	92-06-003	365-80-070	REP-E	92-09-147	383-07-120	AMD-P	92-04-077
332-22-240	NEW	92-06-003	365-80-080	REP-P	92-09-146	383-07-120	AMD	92-09-048
332-24-201	AMD-P	92-11-075	365-80-080	REP-E	92-09-147	383-07-130	AMD-P	92-04-077
332-24-205	AMD-P	92-11-075	365-80-090	REP-P	92-09-146	383-07-130	AMD	92-09-048
332-24-211	AMD-P	92-11-075	365-80-090	REP-E	92-09-147	388-11	AMD-C	92-04-021
332-24-215	REP-P	92-11-075	365-80-100	NEW-P	92-09-146	388-11-015	AMD-P	92-08-001
332-24-217	NEW-P	92-11-075	365-80-100	NEW-E	92-09-147	388-11-015	AMD-W	92-13-025
332-24-221	AMD-P	92-11-075	365-80-110	NEW-P	92-09-146	388-11-032	NEW-P	92-08-001
332-24-231	REP-P	92-11-075	365-80-110	NEW-E	92-09-147	388-11-032	NEW	92-13-026
332-24-232	REP-P	92-11-075	365-80-120	NEW-P	92-09-146	388-11-040	AMD-P	92-08-001
332-24-234	REP-P	92-11-075	365-80-120	NEW-E	92-09-147	388-11-040	AMD	92-13-026
332-24-236	REP-P	92-11-075	365-80-130	NEW-P	92-09-146	388-11-043	NEW-P	92-08-001
332-24-238	REP-P	92-11-075	365-80-130	NEW-E	92-09-147	388-11-043	NEW-W	92-13-025
332-24-240	REP-P	92-11-075	365-80-140	NEW-P	92-09-146	388-11-048	NEW-P	92-08-001
332-24-242	REP-P	92-11-075	365-80-140	NEW-E	92-09-147	388-11-048	NEW	92-13-026
332-24-244	REP-P	92-11-075	365-80-150	NEW-P	92-09-146	388-11-055	AMD	92-08-034
332-24-271	NEW-P	92-11-075	365-80-150	NEW-E	92-09-147	388-11-060	AMD-P	92-08-001
332-24-656	REP-P	92-11-075	365-80-160	NEW-P	92-09-146	388-11-060	AMD	92-13-026
332-26-080	NEW-E	92-09-061	365-80-160	NEW-E	92-09-147	388-11-065	AMD-P	92-08-001
332-26-081	NEW-E	92-13-057	365-80-170	NEW-P	92-09-146	388-11-065	AMD	92-13-026
332-52-065	AMD	92-05-036	365-80-170	NEW-E	92-09-147	388-11-140	AMD	92-08-034
332-130-010	AMD	92-03-007	365-80-180	NEW-P	92-09-146	388-11-155	AMD-P	92-08-001
332-130-020	AMD	92-03-007	365-80-180	NEW-E	92-09-147	388-11-155	AMD	92-13-026
332-130-025	NEW	92-03-007	365-80-190	NEW-P	92-09-146	388-11-195	REP	92-08-034
352-32-011	AMD	92-04-072	365-80-190	NEW-E	92-09-147	388-11-200	REP	92-08-034
352-32-235	AMD-P	92-12-080	365-80-200	NEW-P	92-09-146	388-11-205	AMD	92-08-034
352-32-250	AMD-P	92-07-083	365-80-200	NEW-E	92-09-147	388-11-210	AMD	92-08-034
352-32-250	AMD	92-10-018	365-180-030	AMD	92-03-019	388-14-020	AMD-P	92-08-001
352-32-25002	AMD	92-05-002	365-180-060	AMD	92-03-019	388-14-020	AMD	92-13-026
352-32-260	AMD-P	92-12-012	365-180-090	AMD	92-03-019	388-14-200	AMD-P	92-08-001
352-32-265	AMD-P	92-09-160	365-200-010	NEW	92-06-005	388-14-200	AMD	92-13-026
352-32-265	AMD-W	92-11-081	365-200-020	NEW	92-06-005	388-14-203	NEW-P	92-08-001
352-32-270	AMD-P	92-09-159	365-200-030	NEW	92-06-005	388-14-203	NEW	92-13-026
352-32-270	AMD-W	92-12-052	365-200-040	NEW	92-06-005	388-14-205	AMD-P	92-08-001
352-32-270	AMD-P	92-12-081	365-200-050	NEW	92-06-005	388-14-205	AMD	92-13-026
352-32-295	AMD-P	92-09-158	365-200-060	NEW	92-06-005	388-14-270	AMD-P	92-08-001
352-32-295	AMD-W	92-11-025	365-200-070	NEW	92-06-005	388-14-270	AMD	92-13-026
352-32-295	AMD-P	92-12-082	374-50-010	NEW-P	92-06-060	388-14-273	NEW-P	92-08-001
352-40-090	AMD-P	92-07-062	374-50-010	NEW	92-09-091	388-14-273	NEW	92-13-026
352-40-090	AMD	92-10-019	374-50-020	NEW-P	92-06-060	388-14-275	AMD-P	92-08-001
356-05-214	NEW	92-03-099	374-50-020	NEW	92-09-091	388-14-275	AMD	92-13-026
356-05-355	AMD-P	92-04-034	374-50-030	NEW-P	92-06-060	388-14-300	AMD-P	92-08-001
356-05-355	AMD	92-08-009	374-50-030	NEW	92-09-091	388-14-300	AMD	92-13-026
356-06-055	AMD-P	92-06-089	374-50-040	NEW-P	92-06-060	388-14-310	AMD-P	92-08-001
356-06-055	AMD-C	92-10-011	374-50-040	NEW	92-09-091	388-14-310	AMD	92-13-026
356-06-055	AMD-C	92-12-030	374-50-050	NEW-P	92-06-060	388-14-415	AMD-P	92-08-001
356-15-060	AMD-P	92-06-090	374-50-050	NEW	92-09-091	388-14-415	AMD	92-13-026
356-15-060	AMD-C	92-10-012	374-50-060	NEW-P	92-06-060	388-14-425	AMD-P	92-08-001
356-15-060	AMD-C	92-12-029	374-50-060	NEW	92-09-091	388-14-425	AMD	92-13-026
356-15-063	AMD-P	92-08-092	374-50-070	NEW-P	92-06-060	388-14-460	NEW-P	92-08-001
356-15-063	AMD-C	92-12-031	374-50-070	NEW	92-09-091	388-14-460	NEW	92-13-026
356-18-060	AMD	92-03-098	374-50-080	NEW-P	92-06-060	388-14-470	NEW-P	92-08-001
356-18-116	AMD	92-03-101	374-50-080	NEW	92-09-091	388-14-470	NEW-W	92-13-025
356-18-220	AMD-P	92-08-091	374-50-090	NEW-P	92-06-060	388-14-480	NEW-P	92-08-001
356-18-220	AMD	92-12-033	374-50-090	NEW	92-09-091	388-14-480	NEW	92-13-026
356-22-035	NEW-P	92-10-066	383-07-020	AMD-P	92-04-077	388-14-490	NEW-P	92-08-001
356-22-036	NEW-P	92-10-066	383-07-020	AMD	92-09-048	388-14-490	NEW	92-13-026
356-34-010	AMD-P	92-08-096	383-07-030	AMD-P	92-04-077	388-15-170	AMD-E	92-08-029
356-34-010	AMD-W	92-12-032	383-07-030	AMD	92-09-048	388-15-170	AMD-P	92-08-030
356-34-060	AMD-P	92-04-034	383-07-040	AMD-P	92-04-077	388-15-170	AMD	92-11-062
356-34-060	AMD	92-08-009	383-07-040	AMD	92-09-048	388-22-030	AMD-P	92-07-051
356-47-040	AMD	92-03-100	383-07-045	AMD-P	92-04-077	388-22-030	AMD	92-10-050
356-47-045	AMD-P	92-10-065	383-07-045	AMD	92-09-048	388-24-074	AMD-C	92-04-024
356-47-060	AMD-P	92-10-065	383-07-050	AMD-P	92-04-077	388-24-074	AMD	92-08-041
365-80-010	REP-P	92-09-146	383-07-050	AMD	92-09-048	388-24-074	AMD-P	92-10-034
365-80-010	REP-E	92-09-147	383-07-060	AMD-P	92-04-077	388-24-125	AMD-P	92-08-005
365-80-020	REP-P	92-09-146	383-07-060	AMD	92-09-048	388-24-125	AMD-E	92-08-006
365-80-020	REP-E	92-09-147	383-07-070	AMD-P	92-04-077	388-24-125	AMD	92-11-056
365-80-030	REP-P	92-09-146	383-07-070	AMD	92-09-048	388-24-250	AMD-P	92-03-113

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
388-24-250	AMD	92-09-021	388-49-110	AMD-P	92-05-044	388-73-030	AMD	92-08-056
388-24-252	NEW-P	92-03-114	388-49-110	AMD-E	92-05-046	388-73-034	AMD	92-08-056
388-24-252	NEW	92-09-022	388-49-110	AMD	92-09-032	388-73-036	AMD	92-08-056
388-24-253	AMD-P	92-03-115	388-49-180	AMD-P	92-07-047	388-73-038	AMD	92-08-056
388-24-253	AMD	92-09-023	388-49-180	AMD	92-09-116	388-73-042	AMD	92-08-056
388-24-254	AMD-P	92-03-116	388-49-310	AMD-P	92-10-028	388-73-052	AMD	92-08-056
388-24-254	AMD	92-09-024	388-49-310	AMD-E	92-10-029	388-73-054	AMD	92-08-056
388-24-255	AMD-P	92-03-117	388-49-330	AMD-P	92-08-012	388-73-056	AMD	92-08-056
388-24-255	AMD	92-09-025	388-49-330	AMD-E	92-08-015	388-73-057	AMD	92-08-056
388-24-265	AMD-P	92-03-118	388-49-330	AMD	92-11-058	388-73-060	AMD	92-08-056
388-24-265	AMD	92-09-026	388-49-410	AMD-P	92-06-042	388-73-060	AMD-P	92-12-009
388-28-430	REP-P	92-13-031	388-49-410	AMD-E	92-06-045	388-73-062	AMD	92-08-056
388-28-430	REP-E	92-13-033	388-49-410	AMD	92-09-117	388-73-064	AMD	92-08-056
388-28-435	AMD-P	92-13-031	388-49-470	AMD	92-03-119	388-73-069	AMD-P	92-12-009
388-28-435	AMD-E	92-13-033	388-49-470	AMD-P	92-08-108	388-73-070	AMD	92-08-056
388-28-438	AMD-P	92-13-031	388-49-470	AMD-E	92-08-109	388-73-077	AMD	92-08-056
388-28-438	AMD-E	92-13-033	388-49-470	AMD	92-11-063	388-73-078	AMD	92-08-056
388-28-439	AMD-P	92-13-031	388-49-500	AMD-P	92-05-043	388-73-080	AMD	92-08-056
388-28-439	AMD-E	92-13-033	388-49-500	AMD-E	92-05-045	388-73-100	AMD	92-08-056
388-28-440	AMD-P	92-13-031	388-49-500	AMD	92-09-031	388-73-102	AMD	92-08-056
388-28-440	AMD-E	92-13-033	388-49-520	AMD	92-03-086	388-73-102	AMD-P	92-12-009
388-28-450	AMD-P	92-13-031	388-49-520	AMD-P	92-13-051	388-73-103	AMD	92-08-056
388-28-450	AMD-E	92-13-033	388-49-530	AMD-P	92-13-052	388-73-104	AMD	92-08-056
388-28-473	AMD-P	92-13-031	388-49-560	AMD-P	92-12-041	388-73-106	AMD	92-08-056
388-28-473	AMD-E	92-13-033	388-49-580	AMD-C	92-04-020	388-73-108	AMD	92-08-056
388-28-474	AMD-P	92-13-031	388-49-580	AMD	92-08-035	388-73-108	AMD-P	92-12-009
388-28-474	AMD-E	92-13-033	388-49-590	AMD-P	92-09-066	388-73-110	AMD	92-08-056
388-28-475	AMD-P	92-13-031	388-49-590	AMD	92-12-042	388-73-112	AMD	92-08-056
388-28-475	AMD-E	92-13-033	388-49-630	AMD-P	92-13-053	388-73-116	AMD	92-08-056
388-28-481	AMD-P	92-13-031	388-49-640	AMD-P	92-09-037	388-73-118	AMD	92-08-056
388-28-481	AMD-E	92-13-033	388-49-640	AMD	92-12-043	388-73-118	AMD-P	92-12-009
388-28-482	AMD-P	92-13-031	388-49-660	AMD-P	92-09-028	388-73-120	AMD	92-08-056
388-28-482	AMD-E	92-13-033	388-49-660	AMD	92-12-044	388-73-126	AMD	92-08-056
388-28-484	AMD-P	92-13-031	388-49-700	AMD-P	92-09-066	388-73-128	AMD	92-08-056
388-28-484	AMD-E	92-13-033	388-49-700	AMD	92-12-042	388-73-130	AMD	92-08-056
388-28-535	AMD	92-03-090	388-51-010	AMD-P	92-04-013	388-73-132	AMD	92-08-056
388-28-570	AMD-P	92-04-013	388-51-010	AMD-E	92-04-014	388-73-134	AMD	92-08-056
388-28-570	AMD-E	92-04-014	388-51-010	AMD	92-08-033	388-73-136	AMD	92-08-056
388-28-570	AMD	92-08-033	388-51-100	REP-P	92-04-013	388-73-138	AMD	92-08-056
388-28-575	AMD-P	92-05-005	388-51-100	REP-E	92-04-014	388-73-140	AMD	92-08-056
388-28-575	AMD-E	92-05-008	388-51-100	REP	92-08-033	388-73-142	AMD	92-08-056
388-28-575	AMD	92-09-029	388-51-110	NEW-P	92-04-013	388-73-143	AMD	92-08-056
388-28-590	AMD-P	92-13-031	388-51-110	NEW-E	92-04-014	388-73-144	AMD	92-08-056
388-28-590	AMD-E	92-13-033	388-51-110	NEW	92-08-033	388-73-146	AMD	92-08-056
388-29-001	AMD-P	92-07-050	388-51-115	NEW-P	92-04-013	388-73-202	AMD	92-08-056
388-29-001	AMD	92-10-048	388-51-115	NEW-E	92-04-014	388-73-208	AMD	92-08-056
388-29-005	REP-P	92-11-002	388-51-115	NEW	92-08-033	388-73-210	AMD	92-08-056
388-29-270	AMD-P	92-05-035	388-51-120	NEW-P	92-04-013	388-73-210	AMD-P	92-12-009
388-29-270	AMD	92-09-033	388-51-120	NEW-E	92-04-014	388-73-212	AMD	92-08-056
388-33-015	AMD-P	92-07-049	388-51-120	NEW	92-08-033	388-73-212	AMD-P	92-12-009
388-33-015	AMD	92-10-047	388-51-123	NEW-P	92-04-013	388-73-213	NEW	92-08-056
388-33-377	REP-P	92-11-002	388-51-123	NEW-E	92-04-014	388-73-214	AMD	92-08-056
388-33-379	NEW-P	92-11-002	388-51-123	NEW	92-08-033	388-73-216	AMD	92-08-056
388-33-389	AMD-P	92-11-002	388-51-125	NEW-P	92-04-013	388-73-216	AMD-P	92-12-009
388-33-460	AMD	92-03-089	388-51-125	NEW-E	92-04-014	388-73-302	AMD	92-08-056
388-33-480	REP	92-03-085	388-51-125	NEW	92-08-033	388-73-304	AMD	92-08-056
388-37-031	REP-P	92-07-048	388-51-130	NEW-P	92-04-013	388-73-306	AMD	92-08-056
388-37-031	REP	92-10-049	388-51-130	NEW-E	92-04-014	388-73-308	AMD	92-08-056
388-37-038	AMD-P	92-02-102	388-51-130	NEW	92-08-033	388-73-310	AMD	92-08-056
388-37-038	AMD-C	92-04-023	388-51-132	NEW-P	92-04-013	388-73-312	AMD	92-08-056
388-37-038	AMD	92-08-036	388-51-132	NEW-E	92-04-014	388-73-400	AMD-P	92-12-009
388-37-039	NEW-P	92-07-048	388-51-135	NEW-P	92-04-013	388-73-409	AMD	92-08-056
388-37-039	NEW	92-10-049	388-51-135	NEW-E	92-04-014	388-73-414	AMD	92-08-056
388-37-135	AMD	92-03-047	388-51-135	NEW	92-08-033	388-73-420	REP-P	92-12-009
388-42-020	AMD-P	92-13-041	388-51-140	NEW-P	92-04-013	388-73-422	REP-P	92-12-009
388-42-020	AMD-E	92-13-044	388-51-140	NEW-E	92-04-014	388-73-423	REP-P	92-12-009
388-42-025	AMD-P	92-13-041	388-51-140	NEW	92-08-033	388-73-424	REP-P	92-12-009
388-42-025	AMD-E	92-13-044	388-73	AMD-C	92-04-035	388-73-426	REP-P	92-12-009
388-42-030	AMD-P	92-13-041	388-73	AMD-C	92-06-011	388-73-428	REP-P	92-12-009
388-42-030	AMD-E	92-13-044	388-73-012	AMD	92-08-056	388-73-450	REP-P	92-12-009
388-42-150	AMD-P	92-13-041	388-73-014	AMD	92-08-056	388-73-452	REP-P	92-12-009
388-42-150	AMD-E	92-13-044	388-73-016	AMD	92-08-056	388-73-454	REP-P	92-12-009
388-47-115	AMD-P	92-09-081	388-73-018	AMD	92-08-056	388-73-458	REP-P	92-12-009
388-47-115	AMD	92-12-045	388-73-01950	AMD-P	92-12-009	388-73-460	REP-P	92-12-009
388-49-020	AMD-P	92-08-010	388-73-024	AMD	92-08-056	388-73-504	AMD	92-08-056
388-49-020	AMD-E	92-08-014	388-73-026	AMD	92-08-056	388-73-506	AMD	92-08-056
388-49-020	AMD	92-11-059	388-73-028	AMD	92-08-056	388-73-512	AMD	92-08-056

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
388-73-602	AMD	92-08-056	388-86-098	AMD-W	92-13-001	388-96-763	AMD-E	92-13-043
388-73-604	AMD	92-08-056	388-86-100	AMD-W	92-13-001	388-99-030	AMD-P	92-03-111
388-73-606	AMD	92-08-056	388-86-120	AMD-W	92-13-001	388-99-030	AMD-E	92-03-122
388-73-608	REP	92-08-056	388-87-032	NEW-P	92-08-107	388-99-030	AMD	92-07-027
388-73-610	AMD	92-08-056	388-87-032	NEW	92-11-003	388-99-060	AMD-W	92-13-001
388-73-702	AMD	92-08-056	388-88-001	AMD-P	92-03-015	388-100-035	AMD-W	92-13-001
388-73-704	AMD	92-08-056	388-88-001	AMD	92-08-074	388-320-110	REP-W	92-09-038
388-73-706	AMD	92-08-056	388-88-075	AMD-P	92-03-015	388-320-135	REP-W	92-09-038
388-73-708	AMD	92-08-056	388-88-075	AMD	92-08-074	388-330-030	AMD-P	92-02-101
388-73-710	AMD	92-08-056	388-88-080	AMD-P	92-03-015	388-330-030	AMD-E	92-03-148
388-73-712	AMD	92-08-056	388-88-080	AMD	92-08-074	388-330-030	AMD-C	92-04-022
388-73-714	AMD	92-08-056	388-88-081	AMD-P	92-03-015	388-330-030	AMD	92-08-038
388-73-716	REP	92-08-056	388-88-081	AMD	92-08-074	390-05-215	NEW	92-05-081
388-73-720	AMD	92-08-056	388-88-082	REP-P	92-03-015	390-05-300	AMD	92-05-080
388-73-722	AMD	92-08-056	388-88-082	AMD	92-08-074	390-05-305	AMD	92-05-080
388-73-804	AMD	92-08-056	388-88-083	REP-P	92-03-015	390-12-040	AMD-W	92-03-005
388-73-815	NEW	92-08-056	388-88-083	REP	92-08-074	390-16-011	AMD-P	92-12-084
388-73-820	AMD	92-08-056	388-88-083	REP-P	92-03-015	390-16-012	AMD-P	92-12-084
388-73-901	NEW	92-08-056	388-88-084	REP	92-08-074	390-16-041	AMD	92-05-080
388-73-901	AMD-P	92-12-009	388-88-084	REP	92-08-074	390-16-041	AMD-P	92-12-084
388-73-902	AMD	92-08-056	388-88-095	AMD-P	92-03-015	390-16-125	AMD	92-05-079
388-77-256	REP	92-04-003	388-88-095	AMD	92-08-074	390-16-125	AMD-P	92-12-084
388-80-005	AMD-W	92-04-019	388-88-097	AMD-P	92-03-015	390-16-310	AMD	92-05-079
388-80-005	RESCIND	92-04-019	388-88-097	AMD	92-08-074	390-18-040	AMD-P	92-08-104
388-80-005	AMD-P	92-13-054	388-88-098	AMD-P	92-03-015	390-18-040	AMD	92-12-037
388-81-017	NEW	92-05-050	388-88-098	AMD	92-08-074	390-24-202	NEW-S	92-05-078
388-81-038	NEW	92-03-084	388-88-099	AMD-P	92-03-015	390-24-202	NEW-E	92-05-082
388-81-047	AMD-P	92-03-112	388-88-099	AMD	92-08-074	390-24-202	NEW	92-08-105
388-81-047	AMD-E	92-03-121	388-88-100	REP-P	92-03-015	390-28-025	AMD	92-05-080
388-81-047	AMD	92-07-029	388-88-100	REP	92-08-074	390-32-020	AMD-P	92-12-084
388-81-050	AMD-P	92-03-042	388-88-101	REP-P	92-03-015	392-100	AMD	92-03-138
388-81-050	AMD-E	92-03-044	388-88-101	REP	92-08-074	392-100-100	NEW	92-03-138
388-81-050	AMD	92-07-028	388-88-102	AMD-P	92-03-015	392-100-101	NEW	92-03-138
388-82-115	AMD	92-03-046	388-88-102	AMD	92-08-074	392-100-102	NEW	92-03-138
388-82-140	AMD-P	92-08-080	388-88-125	NEW-P	92-03-015	392-105-007	NEW-P	92-06-052
388-82-140	AMD-E	92-08-081	388-88-125	NEW	92-08-074	392-105-007	NEW	92-10-016
388-82-140	AMD	92-11-057	388-88-130	NEW-P	92-03-015	392-105-013	REP-P	92-06-052
388-82-160	AMD-P	92-08-080	388-88-130	NEW	92-08-074	392-105-013	REP	92-10-016
388-82-160	AMD-E	92-08-081	388-88-135	NEW-P	92-03-015	392-105-013	REP	92-10-016
388-82-160	AMD	92-11-057	388-88-135	NEW	92-08-074	392-105-015	AMD-P	92-06-052
388-83-012	AMD-P	92-08-013	388-88-140	NEW-P	92-03-015	392-105-015	AMD	92-10-016
388-83-012	AMD-E	92-08-017	388-88-145	NEW-P	92-03-015	392-105-020	AMD-P	92-06-052
388-83-012	AMD	92-11-061	388-88-145	NEW	92-08-074	392-105-020	AMD	92-10-016
388-83-013	AMD	92-03-087	388-92-025	AMD-P	92-11-053	392-105-025	AMD-P	92-06-052
388-83-032	AMD-P	92-08-080	388-92-025	AMD-E	92-12-046	392-105-025	AMD	92-10-016
388-83-032	AMD-E	92-08-081	388-92-034	AMD-P	92-08-011	392-105-025	AMD	92-10-016
388-83-032	AMD	92-11-057	388-92-034	AMD-E	92-08-016	392-105-030	AMD-P	92-06-052
388-83-033	AMD	92-03-083	388-92-034	AMD	92-11-060	392-105-030	AMD	92-10-016
388-83-033	AMD-P	92-08-080	388-92-045	AMD-C	92-04-025	392-105-035	AMD-P	92-06-052
388-83-033	AMD-E	92-08-081	388-92-045	AMD	92-08-035	392-105-035	AMD	92-10-016
388-83-033	AMD-E	92-09-019	388-95-337	AMD	92-03-088	392-105-040	NEW-P	92-06-052
388-83-033	AMD	92-11-057	388-95-360	AMD	92-03-147	392-105-040	NEW	92-10-016
388-83-036	AMD-P	92-11-054	388-95-360	AMD-E	92-03-149	392-105-045	NEW-P	92-06-052
388-83-036	AMD-E	92-12-047	388-95-360	AMD-C	92-07-053	392-105-045	NEW-P	92-06-052
388-83-041	AMD-P	92-05-006	388-95-360	AMD	92-08-082	392-105-050	NEW	92-10-016
388-83-041	AMD-E	92-05-007	388-95-360	AMD-E	92-08-083	392-105-050	NEW-P	92-06-052
388-83-041	AMD	92-09-030	388-95-360	AMD	92-10-046	392-105-055	NEW	92-10-016
388-86-005	AMD	92-03-084	388-96-026	AMD-P	92-13-042	392-105-060	NEW-P	92-06-052
388-86-00901	REP-P	92-10-074	388-96-026	AMD-E	92-13-043	392-105-060	NEW	92-10-016
388-86-00901	REP-E	92-10-076	388-96-032	AMD-P	92-13-042	392-122-201	NEW	92-03-045
388-86-00901	REP	92-13-029	388-96-032	AMD-E	92-13-043	392-122-202	NEW	92-03-045
388-86-00902	NEW-P	92-10-074	388-96-101	AMD-P	92-13-042	392-122-205	AMD	92-03-045
388-86-00902	NEW-E	92-10-076	388-96-110	AMD-E	92-13-043	392-122-206	AMD	92-03-045
388-86-00902	NEW	92-13-029	388-96-101	AMD-P	92-13-042	392-122-207	NEW	92-03-045
388-86-011	NEW-P	92-08-107	388-96-110	AMD-E	92-13-042	392-122-210	NEW	92-03-045
388-86-011	NEW	92-11-003	388-96-113	AMD-P	92-13-043	392-122-211	NEW	92-03-045
388-86-019	AMD	92-03-120	388-96-113	AMD-E	92-13-042	392-122-212	NEW	92-03-045
388-86-021	AMD-W	92-13-001	388-96-505	AMD-P	92-13-043	392-122-213	NEW	92-03-045
388-86-047	AMD-P	92-10-075	388-96-505	AMD-E	92-13-042	392-122-214	NEW	92-03-045
388-86-047	AMD-E	92-10-077	388-96-710	AMD-P	92-13-042	392-122-220	NEW	92-03-045
388-86-047	AMD	92-13-030	388-96-710	AMD-E	92-13-043	392-122-221	NEW	92-03-045
388-86-073	AMD-W	92-13-001	388-96-716	AMD-P	92-13-042	392-122-225	NEW	92-03-045
388-86-080	AMD-P	92-03-041	388-96-716	AMD-E	92-13-043	392-122-230	AMD	92-03-045
388-86-080	AMD-E	92-03-043	388-96-722	AMD-P	92-13-042	392-122-255	AMD	92-03-045
388-86-080	AMD	92-07-026	388-96-722	AMD-E	92-13-043	392-122-260	AMD	92-03-045
388-86-090	AMD-W	92-13-001	388-96-745	AMD-P	92-13-042	392-122-265	AMD	92-03-138
388-86-09601	AMD	92-03-120	388-96-745	AMD-E	92-13-043	392-122-270	AMD	92-03-045
			388-96-763	AMD-P	92-13-042	392-122-275	AMD	92-03-045

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
392-163-580	NEW-P	92-10-062	434-28-060	NEW-S	92-09-112	434-53-050	NEW	92-12-083
392-163-585	NEW-P	92-10-062	434-28-060	NEW	92-12-083	434-53-060	NEW-S	92-09-112
392-163-590	NEW-P	92-10-062	434-30-010	NEW	92-10-038	434-53-060	NEW	92-12-083
392-163-595	NEW-P	92-10-062	434-30-020	NEW	92-10-038	434-53-070	NEW-S	92-09-112
392-163-600	NEW-P	92-10-062	434-30-030	NEW	92-10-038	434-53-070	NEW	92-12-083
392-163-605	NEW-P	92-10-062	434-30-040	NEW	92-10-038	434-53-080	NEW-S	92-09-112
392-163-610	NEW-P	92-10-062	434-30-050	NEW	92-10-038	434-53-080	NEW	92-12-083
392-163-615	NEW-P	92-10-062	434-30-060	NEW	92-10-038	434-53-090	NEW-S	92-09-112
392-163-620	NEW-P	92-10-062	434-30-070	NEW	92-10-038	434-53-090	NEW	92-12-083
392-163-625	NEW-P	92-10-062	434-30-080	NEW	92-10-038	434-53-100	NEW-S	92-09-112
392-163-630	NEW-P	92-10-062	434-30-090	NEW	92-10-038	434-53-100	NEW	92-12-083
392-163-635	NEW-P	92-10-062	434-30-100	NEW	92-10-038	434-53-110	NEW-S	92-09-112
392-163-640	NEW-P	92-10-062	434-30-110	NEW	92-10-038	434-53-110	NEW	92-12-083
392-163-645	NEW-P	92-10-062	434-30-120	NEW	92-10-038	434-53-120	NEW-S	92-09-112
392-165-105	AMD-P	92-11-028	434-30-130	NEW	92-10-038	434-53-120	NEW	92-12-083
392-165-115	AMD-P	92-11-028	434-30-140	NEW	92-10-038	434-53-130	NEW-S	92-09-112
392-165-120	AMD-P	92-11-028	434-30-150	NEW	92-10-038	434-53-130	NEW	92-12-083
392-165-130	AMD-P	92-11-028	434-30-160	NEW	92-10-038	434-53-140	NEW-S	92-09-112
392-165-170	AMD-P	92-11-028	434-30-170	NEW	92-10-038	434-53-140	NEW	92-12-083
392-165-240	REP-P	92-11-028	434-30-180	NEW	92-10-038	434-53-150	NEW-S	92-09-112
392-165-260	AMD-P	92-11-028	434-30-190	NEW	92-10-038	434-53-150	NEW	92-12-083
392-165-304	AMD-P	92-11-028	434-30-200	NEW	92-10-038	434-53-160	NEW-S	92-09-112
392-165-310	AMD-P	92-11-028	434-30-210	NEW	92-10-038	434-53-160	NEW	92-12-083
392-165-320	AMD-P	92-11-028	434-30-220	NEW	92-10-038	434-53-170	NEW-S	92-09-112
392-165-322	AMD-P	92-11-028	434-34-010	NEW-S	92-09-112	434-53-170	NEW	92-12-083
392-165-325	AMD-P	92-11-028	434-34-010	NEW	92-12-083	434-53-180	NEW-S	92-09-112
392-165-327	REP-P	92-11-028	434-34-015	NEW-S	92-09-112	434-53-180	NEW	92-12-083
392-165-330	AMD-P	92-11-028	434-34-015	NEW	92-12-083	434-53-190	NEW-S	92-09-112
392-165-332	REP-P	92-11-028	434-34-020	NEW-S	92-09-112	434-53-190	NEW	92-12-083
392-165-340	AMD-P	92-11-028	434-34-020	NEW	92-12-083	434-53-200	NEW-S	92-09-112
392-165-342	REP-P	92-11-028	434-34-025	NEW-S	92-09-112	434-53-200	NEW	92-12-083
392-165-345	AMD-P	92-11-028	434-34-025	NEW	92-12-083	434-53-210	NEW-S	92-09-112
392-165-347	NEW-P	92-11-028	434-34-030	NEW-S	92-09-112	434-53-210	NEW	92-12-083
392-165-360	AMD-P	92-11-028	434-34-030	NEW	92-12-083	434-53-220	NEW-S	92-09-112
392-165-362	NEW-P	92-11-028	434-34-035	NEW-S	92-09-112	434-53-220	NEW	92-12-083
392-165-415	NEW-P	92-11-028	434-34-035	NEW	92-12-083	434-53-230	NEW-S	92-09-112
392-165-420	NEW-P	92-11-028	434-34-040	NEW-S	92-09-112	434-53-230	NEW	92-12-083
392-165-425	AMD-P	92-11-028	434-34-040	NEW	92-12-083	434-53-240	NEW-S	92-09-112
392-165-430	AMD-P	92-11-028	434-34-045	NEW-S	92-09-112	434-53-240	NEW	92-12-083
392-165-460	AMD-P	92-11-028	434-34-045	NEW	92-12-083	434-53-250	NEW-S	92-09-112
392-165-500	AMD-P	92-11-028	434-34-050	NEW-S	92-09-112	434-53-250	NEW	92-12-083
392-165-510	NEW-P	92-11-028	434-34-050	NEW	92-12-083	434-53-260	NEW-S	92-09-112
392-175-001	NEW-P	92-06-053	434-34-055	NEW-S	92-09-112	434-53-260	NEW	92-12-083
392-175-005	NEW-P	92-06-053	434-34-055	NEW	92-12-083	434-53-270	NEW-S	92-09-112
392-175-010	NEW-P	92-06-053	434-34-060	NEW-S	92-09-112	434-53-270	NEW	92-12-083
392-175-015	NEW-P	92-06-053	434-34-060	NEW	92-12-083	434-53-280	NEW-S	92-09-112
392-175-020	NEW-P	92-06-053	434-34-065	NEW-S	92-09-112	434-53-280	NEW	92-12-083
392-175-025	NEW-P	92-06-053	434-34-065	NEW	92-12-083	434-53-290	NEW-S	92-09-112
392-196-005	AMD	92-05-068	434-34-070	NEW-S	92-09-112	434-53-290	NEW	92-12-083
392-196-045	AMD	92-05-068	434-34-070	NEW	92-12-083	434-53-300	NEW-S	92-09-112
392-196-080	AMD	92-05-068	434-34-075	NEW-S	92-09-112	434-53-300	NEW	92-12-083
392-196-085	AMD	92-05-068	434-34-075	NEW	92-12-083	434-53-310	NEW-S	92-09-112
392-196-090	REP	92-05-068	434-34-080	NEW-S	92-09-112	434-53-310	NEW	92-12-083
392-196-100	AMD	92-05-068	434-34-080	NEW	92-12-083	434-53-320	NEW-S	92-09-112
392-202-110	AMD-W	92-03-063	434-34-085	NEW-S	92-09-112	434-53-320	NEW	92-12-083
392-202-115	AMD-W	92-03-063	434-34-085	NEW	92-12-083	434-53-330	NEW-S	92-09-112
392-202-120	AMD-W	92-03-063	434-34-090	NEW-S	92-09-112	434-53-340	NEW-W	92-12-076
399-30-030	AMD	92-03-052	434-34-090	NEW	92-12-083	434-61-010	NEW	92-10-038
399-30-040	AMD	92-03-052	434-34-095	NEW-S	92-09-112	434-61-020	NEW	92-10-038
399-30-042	AMD	92-03-052	434-34-095	NEW	92-12-083	434-61-030	NEW	92-10-038
399-30-045	AMD	92-03-052	434-34-100	NEW-S	92-09-112	434-61-040	NEW	92-10-038
399-30-050	AMD	92-03-052	434-34-100	NEW	92-12-083	434-61-050	NEW	92-10-038
399-30-060	AMD	92-03-052	434-34-105	NEW-S	92-09-112	434-61-060	NEW	92-10-038
399-30-065	AMD	92-03-052	434-34-105	NEW	92-12-083	434-62-150	NEW-S	92-09-112
399-40-020	AMD	92-03-051	434-34-110	NEW-S	92-09-112	434-62-150	NEW	92-12-083
415-108-670	NEW-E	92-11-027	434-34-110	NEW	92-12-083	434-62-160	NEW-S	92-09-112
415-112-560	NEW-E	92-11-027	434-34-115	NEW-S	92-09-112	434-62-160	NEW	92-12-083
415-115-080	AMD-E	92-11-027	434-34-115	NEW	92-12-083	434-62-170	NEW-S	92-09-112
415-115-080	AMD-P	92-12-048	434-53-010	NEW-S	92-09-112	434-62-170	NEW	92-12-083
415-115-110	REP-E	92-11-027	434-53-010	NEW	92-12-083	434-62-180	NEW-S	92-09-112
415-115-110	REP-P	92-12-048	434-53-020	NEW-S	92-09-112	434-62-180	NEW	92-12-083
434-28-012	AMD-S	92-09-112	434-53-020	NEW	92-12-083	434-62-190	NEW-S	92-09-112
434-28-012	AMD	92-12-083	434-53-030	NEW-S	92-09-112	434-62-190	NEW	92-12-083
434-28-020	AMD-S	92-09-112	434-53-030	NEW	92-12-083	434-62-200	NEW-S	92-09-112
434-28-020	AMD	92-12-083	434-53-040	NEW-S	92-09-112	434-62-200	NEW	92-12-083
434-28-050	NEW-S	92-09-112	434-53-040	NEW	92-12-083	434-75-240	AMD-P	92-05-023
434-28-050	NEW	92-12-083	434-53-050	NEW-S	92-09-112	434-75-240	AMD	92-08-032

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
434-75-250	AMD-P	92-05-023	434-166-260	NEW-E	92-02-103	458-16-013	AMD-P	92-04-079
434-75-250	AMD	92-08-032	434-166-260	NEW-P	92-02-104	458-16-013	AMD-E	92-06-039
434-166-010	NEW-E	92-02-103	434-166-260	NEW	92-10-023	458-16-020	PREP	92-04-069
434-166-010	NEW-P	92-02-104	434-166-270	NEW-E	92-02-103	458-16-020	AMD-P	92-04-079
434-166-010	NEW	92-10-023	434-166-270	NEW-P	92-02-104	458-16-020	AMD-E	92-06-039
434-166-020	NEW-E	92-02-103	434-166-270	NEW	92-10-023	458-18-010	PREP	92-04-068
434-166-020	NEW-P	92-02-104	434-166-280	NEW-E	92-02-103	458-18-010	AMD-P	92-04-078
434-166-020	NEW	92-10-023	434-166-280	NEW-P	92-02-104	458-18-010	AMD-E	92-06-038
434-166-030	NEW-E	92-02-103	434-166-280	NEW	92-10-023	458-18-020	PREP	92-04-068
434-166-030	NEW-P	92-02-104	434-166-290	NEW-E	92-02-103	458-18-020	AMD-P	92-04-078
434-166-030	NEW	92-10-023	434-166-290	NEW-P	92-02-104	458-18-020	AMD-E	92-06-038
434-166-040	NEW-E	92-02-103	434-166-290	NEW	92-10-023	458-20-105	AMD-P	92-03-066
434-166-040	NEW-P	92-02-104	434-166-300	NEW-E	92-02-103	458-20-105	AMD	92-06-082
434-166-040	NEW	92-10-023	434-166-300	NEW-P	92-02-104	458-20-132	AMD	92-05-066
434-166-050	NEW-E	92-02-103	434-166-300	NEW	92-10-023	458-20-164	AMD-P	92-03-067
434-166-050	NEW-P	92-02-104	434-166-310	NEW-E	92-02-103	458-20-166	AMD	92-05-064
434-166-050	NEW	92-10-023	434-166-310	NEW-P	92-02-104	458-20-18601	NEW-P	92-03-065
434-166-060	NEW-E	92-02-103	434-166-310	NEW	92-10-023	458-20-18601	NEW	92-06-081
434-166-060	NEW-P	92-02-104	434-166-320	NEW-E	92-02-103	458-20-18801	AMD	92-05-065
434-166-060	NEW	92-10-023	434-166-320	NEW-P	92-02-104	458-20-199	AMD	92-03-026
434-166-070	NEW-E	92-02-103	434-166-320	NEW	92-10-023	458-20-228	AMD	92-03-025
434-166-070	NEW-P	92-02-104	434-166-330	NEW-E	92-02-103	458-20-229	AMD-P	92-05-017
434-166-070	NEW	92-10-023	434-166-330	NEW-P	92-02-104	458-20-260	NEW-E	92-04-015
434-166-080	NEW-E	92-02-103	434-166-330	NEW	92-10-023	458-20-260	PREP	92-05-052
434-166-080	NEW-P	92-02-104	434-166-340	NEW-E	92-02-103	458-20-260	NEW-P	92-07-092
434-166-080	NEW	92-10-023	434-166-340	NEW-P	92-02-104	458-20-260	NEW	92-10-006
434-166-090	NEW-E	92-02-103	434-166-340	NEW	92-10-023	458-30-262	AMD	92-03-068
434-166-090	NEW-P	92-02-104	434-166-350	NEW-E	92-02-103	458-40-615	NEW-E	92-08-018
434-166-090	NEW	92-10-023	434-166-350	NEW-P	92-02-104	458-40-615	PREP	92-10-060
434-166-100	NEW-E	92-02-103	434-166-350	NEW	92-10-023	458-40-650	AMD-E	92-06-040
434-166-100	NEW-P	92-02-104	434-166-360	NEW-E	92-02-103	458-40-650	AMD-E	92-06-057
434-166-100	NEW	92-10-023	434-166-360	NEW-P	92-02-104	458-40-650	AMD-P	92-10-061
434-166-110	NEW-E	92-02-103	434-630-010	NEW	92-09-017	458-40-660	PREP	92-06-037
434-166-110	NEW-P	92-02-104	434-630-020	NEW-P	92-09-017	458-40-660	AMD-E	92-06-040
434-166-110	NEW	92-10-023	434-630-030	NEW-P	92-09-017	458-40-660	AMD-E	92-06-057
434-166-120	NEW-E	92-02-103	434-630-040	NEW-P	92-09-017	458-40-660	AMD-P	92-10-061
434-166-120	NEW-P	92-02-104	434-630-050	NEW-P	92-09-017	458-40-670	PREP	92-06-037
434-166-120	NEW	92-10-023	434-630-060	NEW-P	92-09-017	458-40-670	AMD-E	92-06-040
434-166-130	NEW-E	92-02-103	434-635-010	NEW-P	92-09-018	458-40-670	AMD-E	92-06-057
434-166-130	NEW-P	92-02-104	434-635-020	NEW-P	92-09-018	458-40-670	AMD-P	92-10-061
434-166-130	NEW	92-10-023	434-635-030	NEW-P	92-09-018	458-40-684	AMD-P	92-10-061
434-166-140	NEW-E	92-02-103	434-635-040	NEW-P	92-09-018	463-06-020	AMD-P	92-02-099
434-166-140	NEW-P	92-02-104	434-635-050	NEW-P	92-09-018	463-06-020	AMD	92-09-013
434-166-140	NEW	92-10-023	434-635-060	NEW-P	92-09-018	463-06-030	AMD-P	92-02-099
434-166-150	NEW-E	92-02-103	434-640-010	NEW	92-05-060	463-06-030	AMD	92-09-013
434-166-150	NEW-P	92-02-104	434-640-020	NEW	92-05-060	463-06-040	AMD-P	92-02-099
434-166-150	NEW	92-10-023	434-640-030	NEW	92-05-060	463-06-040	AMD	92-09-013
434-166-160	NEW-E	92-02-103	434-677-010	NEW-P	92-04-026	463-06-050	AMD-P	92-02-099
434-166-160	NEW-P	92-02-104	434-677-010	NEW	92-08-020	463-06-050	AMD	92-09-013
434-166-160	NEW	92-10-023	434-677-020	NEW-P	92-04-026	463-06-070	AMD-P	92-02-099
434-166-170	NEW-E	92-02-103	434-677-020	NEW	92-08-020	463-06-070	AMD	92-09-013
434-166-170	NEW-P	92-02-104	434-677-030	NEW-P	92-04-026	463-06-150	AMD-P	92-02-099
434-166-170	NEW	92-10-023	434-677-030	NEW	92-08-020	463-06-150	AMD	92-09-013
434-166-180	NEW-E	92-02-103	434-677-040	NEW-P	92-04-026	463-26-030	REP-P	92-02-099
434-166-180	NEW-P	92-02-104	434-677-040	NEW	92-08-020	463-26-030	REP	92-09-013
434-166-180	NEW	92-10-023	434-677-050	NEW-P	92-04-026	463-39-005	NEW-P	92-02-099
434-166-190	NEW-E	92-02-103	434-677-050	NEW	92-08-020	463-39-005	NEW	92-09-013
434-166-190	NEW-P	92-02-104	434-677-060	NEW-P	92-04-026	463-39-010	AMD-P	92-02-099
434-166-190	NEW	92-10-023	434-677-060	NEW	92-08-020	463-39-010	AMD	92-09-013
434-166-200	NEW-E	92-02-103	434-677-070	NEW-P	92-04-026	463-39-030	AMD-P	92-02-099
434-166-200	NEW-P	92-02-104	434-677-070	NEW	92-08-020	463-39-030	AMD	92-09-013
434-166-200	NEW	92-10-023	434-677-080	NEW-P	92-04-026	463-39-040	REP-P	92-02-099
434-166-210	NEW-E	92-02-103	434-677-080	NEW	92-08-020	463-39-040	REP	92-09-013
434-166-210	NEW-P	92-02-104	446-16	PREP	92-13-012A	463-39-050	REP-P	92-02-099
434-166-210	NEW	92-10-023	446-16-025	AMD-P	92-11-051	463-39-050	REP	92-09-013
434-166-220	NEW-E	92-02-103	446-16-030	AMD-P	92-11-051	463-39-060	REP-P	92-02-099
434-166-220	NEW-P	92-02-104	446-16-080	AMD-P	92-11-051	463-39-060	REP	92-09-013
434-166-220	NEW	92-10-023	446-16-090	AMD-P	92-11-051	463-39-080	REP-P	92-02-099
434-166-230	NEW-E	92-02-103	446-20-285	AMD-P	92-11-052	463-39-080	REP	92-09-013
434-166-230	NEW-P	92-02-104	446-20-290	AMD-P	92-11-052	463-39-110	REP-P	92-02-099
434-166-230	NEW	92-10-023	446-20-300	AMD-P	92-11-052	463-39-110	REP	92-09-013
434-166-240	NEW-E	92-02-103	446-20-420	AMD-P	92-11-052	463-39-115	AMD-P	92-02-099
434-166-240	NEW-P	92-02-104	446-20-440	AMD-P	92-11-052	463-39-115	AMD	92-09-013
434-166-240	NEW	92-10-023	446-20-520	AMD-P	92-11-052	463-39-120	AMD-P	92-02-099
434-166-250	NEW-E	92-02-103	446-30	PREP	92-13-012A	463-39-120	AMD	92-09-013
434-166-250	NEW-P	92-02-104	446-50	PREP	92-13-012A	463-39-150	REP-P	92-02-099
434-166-250	NEW	92-10-023	458-16-013	PREP	92-04-069	463-39-150	REP	92-09-013

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
463-42-055	AMD-P	92-02-099	478-160-065	AMD-P	92-08-065	480-04-040	REP	92-07-006
463-42-055	AMD	92-09-013	478-160-065	AMD	92-12-011	480-04-050	AMD	92-07-006
463-42-165	AMD-P	92-02-099	478-160-085	AMD-P	92-08-065	480-04-060	AMD	92-07-006
463-42-165	AMD	92-09-013	478-160-085	AMD	92-12-011	480-04-065	NEW	92-07-006
463-42-195	AMD-P	92-02-099	478-160-090	REP-P	92-08-065	480-04-070	AMD	92-07-006
463-42-195	AMD	92-09-013	478-160-090	REP	92-12-011	480-04-080	REP	92-07-006
463-42-225	AMD-P	92-02-099	478-160-105	AMD-P	92-08-065	480-04-090	AMD	92-07-006
463-42-225	AMD	92-09-013	478-160-105	AMD	92-12-011	480-04-095	NEW	92-07-006
463-42-265	AMD-P	92-02-099	478-160-115	AMD-P	92-08-065	480-04-110	AMD	92-07-006
463-42-265	AMD	92-09-013	478-160-115	AMD	92-12-011	480-04-120	AMD	92-07-006
463-42-345	AMD-P	92-02-099	478-160-120	AMD-P	92-08-065	480-04-130	AMD	92-07-006
463-42-345	AMD	92-09-013	478-160-120	AMD	92-12-011	480-09-100	AMD	92-07-006
463-42-445	AMD-P	92-02-099	478-160-130	AMD-P	92-08-065	480-09-140	AMD-P	92-13-101
463-42-445	AMD	92-09-013	478-160-130	AMD	92-12-011	480-09-210	AMD	92-07-006
463-42-455	AMD-P	92-02-099	478-160-140	AMD-P	92-08-065	480-09-210	AMD-P	92-13-101
463-42-455	AMD	92-09-013	478-160-140	AMD	92-12-011	480-09-400	AMD-P	92-13-101
463-42-465	AMD-P	92-02-099	478-160-150	AMD-P	92-08-065	480-09-420	AMD-P	92-13-101
463-42-465	AMD	92-09-013	478-160-150	AMD	92-12-011	480-09-425	AMD-P	92-13-101
463-42-595	AMD-P	92-02-099	478-160-155	REP-P	92-08-065	480-09-460	AMD-P	92-13-101
463-42-595	AMD	92-09-013	478-160-155	REP	92-12-011	480-09-480	AMD-P	92-13-101
463-42-625	AMD-P	92-02-099	478-160-160	AMD-P	92-08-065	480-09-500	AMD-P	92-13-101
463-42-625	AMD	92-09-013	478-160-160	AMD	92-12-011	480-09-700	AMD-P	92-13-101
463-42-685	NEW-P	92-02-099	478-160-200	REP-P	92-08-065	480-09-735	AMD-P	92-13-101
463-42-685	NEW-P	92-06-070	478-160-200	REP	92-12-011	480-09-780	AMD-P	92-13-101
463-42-685	NEW-W	92-07-002	478-160-205	REP-P	92-08-065	480-09-800	AMD-P	92-13-101
463-42-685	NEW	92-10-001	478-160-205	REP	92-12-011	480-09-810	AMD-P	92-13-101
463-42-690	NEW-P	92-02-099	478-160-210	AMD-P	92-08-065	480-12-375	AMD-P	92-05-092
463-42-690	NEW	92-09-013	478-160-210	AMD	92-12-011	480-12-375	AMD	92-09-014
463-47-051	AMD-P	92-02-099	478-160-215	REP-P	92-08-065	480-70-350	AMD	92-03-082
463-47-051	AMD	92-09-013	478-160-215	REP	92-12-011	480-80-047	AMD-W	92-10-067
463-47-090	AMD-P	92-02-099	478-160-216	REP-P	92-08-065	480-80-048	NEW	92-07-010
463-47-090	AMD	92-09-013	478-160-216	REP	92-12-011	480-80-049	NEW-P	92-05-089
468-51-010	NEW-P	92-10-041	478-160-220	REP-P	92-08-065	480-80-049	NEW	92-08-075
468-51-020	NEW-P	92-10-041	478-160-220	REP	92-12-011	480-92-011	NEW	92-03-050
468-51-030	NEW-P	92-10-041	478-160-225	REP-P	92-08-065	480-92-021	NEW	92-03-050
468-51-040	NEW-P	92-10-041	478-160-225	REP	92-12-011	480-92-031	NEW	92-03-050
468-51-050	NEW-P	92-10-041	478-160-230	AMD-P	92-08-065	480-92-050	NEW	92-03-050
468-51-060	NEW-P	92-10-041	478-160-230	AMD	92-12-011	480-92-060	NEW	92-03-050
468-51-070	NEW-P	92-10-041	478-160-231	AMD-P	92-08-065	480-92-070	NEW	92-03-050
468-51-080	NEW-P	92-10-041	478-160-231	AMD	92-12-011	480-92-080	NEW	92-03-050
468-51-090	NEW-P	92-10-041	478-160-232	REP-P	92-08-065	480-92-090	NEW	92-03-050
468-51-100	NEW-P	92-10-041	478-160-232	REP	92-12-011	480-92-100	NEW	92-03-050
468-51-110	NEW-P	92-10-041	478-160-240	AMD-P	92-08-065	480-92-110	NEW	92-03-050
468-51-120	NEW-P	92-10-041	478-160-240	AMD	92-12-011	480-93-002	AMD-P	92-06-086
468-51-130	NEW-P	92-10-041	478-160-246	AMD-P	92-08-065	480-93-005	AMD-P	92-06-086
468-51-140	NEW-P	92-10-041	478-160-246	AMD	92-12-011	480-93-010	AMD-P	92-06-086
468-51-150	NEW-P	92-10-041	478-160-256	AMD-P	92-08-065	480-93-015	NEW-P	92-06-086
468-66-010	AMD-P	92-06-010	478-160-256	AMD	92-12-011	480-93-017	NEW-P	92-06-086
468-66-010	AMD	92-09-043	478-160-260	AMD-P	92-08-065	480-93-018	NEW-P	92-06-086
468-66-090	AMD-P	92-06-010	478-160-260	AMD	92-12-011	480-93-020	AMD-P	92-06-086
468-66-090	AMD	92-09-043	478-160-265	AMD-P	92-08-065	480-93-030	AMD-P	92-06-086
468-66-140	AMD-P	92-06-010	478-160-265	AMD	92-12-011	480-93-082	NEW-P	92-06-086
468-66-140	AMD	92-09-043	478-160-270	AMD-P	92-08-065	480-93-110	AMD-P	92-06-086
478-138-010	AMD-P	92-09-154	478-160-270	AMD	92-12-011	480-93-111	NEW-P	92-06-086
478-138-020	AMD-P	92-09-154	478-160-271	NEW-P	92-08-065	480-93-112	NEW-P	92-06-086
478-138-030	AMD-P	92-09-154	478-160-271	NEW	92-12-011	480-93-115	NEW-P	92-06-086
478-138-040	AMD-P	92-09-154	478-160-275	AMD-P	92-08-065	480-93-120	AMD-P	92-06-086
478-138-050	REP-P	92-09-154	478-160-275	AMD	92-12-011	480-93-124	NEW-P	92-06-086
478-138-060	NEW-P	92-09-154	478-160-280	AMD-P	92-08-065	480-93-140	AMD-P	92-06-086
478-160-020	AMD-P	92-08-065	478-160-280	AMD	92-12-011	480-93-155	NEW-P	92-06-086
478-160-020	AMD	92-12-011	478-160-285	AMD-P	92-08-065	480-93-161	NEW-P	92-06-086
478-160-025	AMD-P	92-08-065	478-160-285	AMD	92-12-011	480-93-175	NEW-P	92-06-086
478-160-025	AMD	92-12-011	478-160-290	AMD-P	92-08-065	480-93-180	AMD-P	92-06-086
478-160-030	AMD-P	92-08-065	478-160-290	AMD	92-12-011	480-93-183	NEW-P	92-06-086
478-160-030	AMD	92-12-011	478-160-295	AMD-P	92-08-065	480-93-185	AMD-P	92-06-086
478-160-035	AMD-P	92-08-065	478-160-295	AMD	92-12-011	480-93-18601	AMD-P	92-06-086
478-160-035	AMD	92-12-011	478-160-305	AMD-P	92-08-065	480-93-187	AMD-P	92-06-086
478-160-040	AMD-P	92-08-065	478-160-305	AMD	92-12-011	480-93-188	AMD-P	92-06-086
478-160-040	AMD	92-12-011	478-160-310	AMD-P	92-08-065	480-93-190	AMD-P	92-06-086
478-160-045	AMD-P	92-08-065	478-160-310	AMD	92-12-011	480-93-200	AMD-P	92-06-086
478-160-045	AMD	92-12-011	478-160-320	AMD-P	92-08-065	480-93-210	AMD-P	92-06-086
478-160-050	AMD-P	92-08-065	478-160-320	AMD	92-12-011	480-93-230	AMD-P	92-06-086
478-160-050	AMD	92-12-011	479-01-020	AMD-P	92-08-095	480-110-018	NEW-P	92-05-091
478-160-055	AMD-P	92-08-065	479-01-020	AMD	92-12-014	480-110-018	NEW	92-09-078
478-160-055	AMD	92-12-011	480-04-010	REP	92-07-006	480-110-021	AMD-P	92-05-090
478-160-060	AMD-P	92-08-065	480-04-020	AMD	92-07-006	480-110-021	AMD	92-13-056
478-160-060	AMD	92-12-011	480-04-030	AMD	92-07-006	480-110-066	AMD-P	92-05-090

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #
495D-120-030	NEW-P 92-12-049	495D-300-040	NEW-P 92-12-049
495D-120-040	NEW-P 92-12-049	495D-325-010	NEW-P 92-12-049
495D-120-045	NEW-P 92-12-049	508-12-280	REP-P 92-06-091
495D-120-050	NEW-P 92-12-049	508-12-280	REP 92-12-055
495D-120-060	NEW-P 92-12-049	508-12-290	REP-P 92-06-091
495D-120-070	NEW-P 92-12-049	508-12-290	REP 92-12-055
495D-120-080	NEW-P 92-12-049	508-12-300	REP-P 92-06-091
495D-120-090	NEW-P 92-12-049	508-12-300	REP 92-12-055
495D-120-100	NEW-P 92-12-049	508-12-310	REP-P 92-06-091
495D-120-110	NEW-P 92-12-049	508-12-310	REP 92-12-055
495D-120-120	NEW-P 92-12-049	508-12-320	REP-P 92-06-091
495D-120-130	NEW-P 92-12-049	508-12-320	REP 92-12-055
495D-120-140	NEW-P 92-12-049	508-12-330	REP-P 92-06-091
495D-120-150	NEW-P 92-12-049	508-12-330	REP 92-12-055
495D-120-160	NEW-P 92-12-049	508-12-340	REP-P 92-06-091
495D-120-170	NEW-P 92-12-049	508-12-340	REP 92-12-055
495D-120-180	NEW-P 92-12-049	508-12-350	REP-P 92-06-091
495D-120-190	NEW-P 92-12-049	508-12-350	REP 92-12-055
495D-120-200	NEW-P 92-12-049	508-12-360	REP-P 92-06-091
495D-122-010	NEW-P 92-12-049	508-12-360	REP 92-12-055
495D-122-020	NEW-P 92-12-049	508-12-370	REP-P 92-06-091
495D-122-030	NEW-P 92-12-049	508-12-370	REP 92-12-055
495D-130-010	NEW-P 92-12-049	508-12-380	REP-P 92-06-091
495D-130-015	NEW-P 92-12-049	508-12-380	REP 92-12-055
495D-130-020	NEW-P 92-12-049	516-12-400	AMD 92-06-068
495D-131-010	NEW-P 92-12-049	516-12-430	AMD 92-06-068
495D-132-010	NEW-P 92-12-049	516-13-080	AMD 92-06-068
495D-133-020	NEW-P 92-12-049	516-13-090	NEW 92-06-068
495D-134-010	NEW-P 92-12-049		
495D-140-010	NEW-P 92-12-049		
495D-140-020	NEW-P 92-12-049		
495D-140-030	NEW-P 92-12-049		
495D-140-040	NEW-P 92-12-049		
495D-140-050	NEW-P 92-12-049		
495D-140-060	NEW-P 92-12-049		
495D-140-070	NEW-P 92-12-049		
495D-140-080	NEW-P 92-12-049		
495D-140-090	NEW-P 92-12-049		
495D-140-100	NEW-P 92-12-049		
495D-140-110	NEW-P 92-12-049		
495D-168-010	NEW-P 92-12-049		
495D-168-020	NEW-P 92-12-049		
495D-168-030	NEW-P 92-12-049		
495D-168-040	NEW-P 92-12-049		
495D-168-050	NEW-P 92-12-049		
495D-168-060	NEW-P 92-12-049		
495D-276-010	NEW-P 92-12-049		
495D-276-020	NEW-P 92-12-049		
495D-276-030	NEW-P 92-12-049		
495D-276-040	NEW-P 92-12-049		
495D-276-050	NEW-P 92-12-049		
495D-276-060	NEW-P 92-12-049		
495D-276-070	NEW-P 92-12-049		
495D-276-080	NEW-P 92-12-049		
495D-276-090	NEW-P 92-12-049		
495D-276-100	NEW-P 92-12-049		
495D-276-110	NEW-P 92-12-049		
495D-276-120	NEW-P 92-12-049		
495D-276-130	NEW-P 92-12-049		
495D-276-140	NEW-P 92-12-049		
495D-280-010	NEW-P 92-12-049		
495D-280-015	NEW-P 92-12-049		
495D-280-020	NEW-P 92-12-049		
495D-280-030	NEW-P 92-12-049		
495D-280-040	NEW-P 92-12-049		
495D-280-050	NEW-P 92-12-049		
495D-280-060	NEW-P 92-12-049		
495D-280-070	NEW-P 92-12-049		
495D-280-080	NEW-P 92-12-049		
495D-280-090	NEW-P 92-12-049		
495D-280-100	NEW-P 92-12-049		
495D-280-110	NEW-P 92-12-049		
495D-280-120	NEW-P 92-12-049		
495D-300-010	NEW-P 92-12-049		
495D-300-015	NEW-P 92-12-049		
495D-300-020	NEW-P 92-12-049		
495D-300-030	NEW-P 92-12-049		

Subject/Agency Index

(Citations in **bold type** refer to material in this issue)

ACCOUNTANCY, BOARD OF		AGRICULTURE, DEPARTMENT OF—cont.	
Experience requirement for license	92-03-062	Hop commission assessments	92-06-071 92-09-068
AGRICULTURE, DEPARTMENT OF		board member activities	92-06-071 92-09-068
Alfalfa certification	92-09-150 92-13-027	meetings	92-01-063
Annual bluegrass quarantine	92-09-150 92-13-027	Inspection and/or weighing fees	92-11-073
Apparatus display signs	92-11-077	Landscape applications	
Apple advertising commission meetings	92-01-024	apparatus display signs	92-11-077
Apples		Livestock markets, public brand inspection work area standards	92-01-111 92-06-013
apple ermine moth quarantine	92-02-071 92-06-024	Noxious weed seed and plant quarantine	92-03-106 92-07-025
apple maggot survey and detection program funds	92-02-069 92-04-032 92-06-022	Nurseries	
grade standards	92-11-074	dealer license fees	92-10-040 92-13-034
Aquatic and wetland weed quarantine	92-03-105 92-07-024	research projects, fee surcharge to support	92-10-040 92-13-034
Azalea flower spot quarantine	92-09-074 92-13-050	Organic foods	
Bean seed		meat and dairy products, production standards	92-07-052 92-11-001
bean seedborne viral disease quarantine	92-06-048 92-06-049 92-06-050 92-09-075 92-12-025 92-09-075	packers	
certification standards	92-09-075	certification standards	92-13-100
Beef commission meetings	92-03-034	fee schedule	92-13-100
Blueberry commission meetings	92-04-031	recordkeeping requirements	92-13-100
Bulb commission meetings	92-01-017	packing facilities	
Caneberries		certification standards	92-13-100
certification fees	92-12-056	vendors	
Corn		certification standards	92-13-099
negotiating session between producers and processors, recordkeeping	92-03-069 92-03-070 92-07-030	fee schedule	92-13-099
Egg commission meetings	92-03-123	recordkeeping requirements	92-13-099
Eggs		Peaches	
grading and packing facilities, standards	92-01-091	grade standards	92-08-106 92-11-076
Fees and charges for department services	92-03-104 92-07-023 92-11-073	Pesticides	
Food distributors		penalty matrix schedule	92-03-064 92-06-083 92-10-008 92-03-134 92-07-005 92-07-059 92-07-060 92-08-026 92-08-027 92-13-035
licenses	92-07-070	restrictions	
Food processors		violations, rights of persons aggrieved by	92-06-084 92-10-009 92-09-150 92-13-027
licenses	92-07-070	Phytosanitary certification	
Fruits and vegetables		Potatoes	
movement from production area inspection requirements	92-01-121 92-06-085	negotiating session between producers and processors, recordkeeping	92-03-069 92-03-070 92-07-030
small quantities sold through fruit stands and farmers' markets inspection requirements, exemption	92-13-064	Rapeseed	
Fryer commission meetings	92-06-026	off type varieties, registration	92-08-055 92-11-013
Grain and commodity inspection points	92-11-073	Red raspberry commission commodity board membership	92-05-070 92-12-003 92-05-070 92-12-003 92-03-007
Grass		powers and duties	
certification	92-09-150 92-13-027	meetings	92-03-007
sod quality standards	92-09-150 92-13-027	Seeds	
sudangrass certification	92-09-150 92-13-027	assessment fees	92-09-150 92-13-027
Herbicides		Strawberries	
restrictions	92-08-028	plant certification fees	92-12-056

Subject/Agency Index
(Citations in **bold type** refer to material in this issue)

AGRICULTURE, DEPARTMENT OF—cont.

Strawberry commission
commodity board
assessments 92-05-071
92-12-004
92-12-006
term limitations 92-05-071
92-12-004
92-12-006
92-03-058
meetings
Tree fruit research commission
assessment rates 92-01-009
Varroa mite quarantine 92-01-013
92-02-070
92-06-023
Weeds
aquatic and wetland, quarantine 92-03-105
92-07-024
noxious weed seed and plant
quarantine 92-03-106
92-07-025
Weights and measures
national type evaluation program
uniform regulations 92-03-018
Wetland and aquatic weed quarantine 92-03-105
92-07-024
Wine commission
meetings 92-02-048
92-09-036
Wood destroying organisms
inspection and reporting criteria 92-03-133
92-07-084

**ASIAN AMERICAN AFFAIRS,
COMMISSION ON**

Meetings 92-02-028

ATTORNEY GENERAL'S OFFICE

Motor vehicles
arbitration special master, powers
and duties 92-11-037
consumer rights notice 92-11-036
lemon law arbitration 92-11-036
subsequent transferee, definition 92-11-037
Opinions
collection agencies, dishonored check
notice (1992, No. 2) 92-06-061
launch service operations (1992, No. 7) 92-12-039
presumptive death certificate,
when authorized (1992, No. 6) 92-12-016
rent control, local government authority
to impose (1992, No. 5) 92-10-035
school district real estate purchase
(1991, No. 34) 92-02-005
substitute care citizen review boards,
records (1992, No. 9) **92-13-048**
trust requirement, land granted to
Washington Territory (1992, No. 3) 92-06-062
water district commissioners,
insurance benefits (1992, No. 8) **92-13-012**
92-13-060
weed control, authority of counties
(1991, No. 1) 92-06-051
wildlife regulations (1992, No. 4) 92-07-032

BASIC HEALTH PLAN

Advisory council
meetings 92-12-024
Benefits schedules 92-09-157
Disenrollment 92-09-157
Enrollment 92-09-157
Premiums and copayments 92-09-157

BATES TECHNICAL COLLEGE

Board of trustees 92-07-101
92-08-004
92-12-017

BATES TECHNICAL COLLEGE—cont.

Debts, services withheld for outstanding
debts 92-07-101
92-08-004
92-12-017
Discrimination 92-07-101
92-08-004
92-12-017
Facilities use 92-07-101
92-08-004
92-12-017
Financial aid 92-07-101
92-08-004
92-12-017
Grievance procedures 92-07-101
92-08-004
92-12-017
Meetings 92-01-043
Organization and operation 92-07-101
92-08-004
92-12-017
Practice and procedure 92-07-101
92-08-004
92-12-017
Public records, availability 92-07-101
92-08-004
92-12-017
Rules coordinator 92-07-101
92-08-004
92-12-017
Scholarships 92-07-101
92-08-004
92-12-017
State Environmental Policy Act compliance 92-07-101
92-08-004
92-12-017
Student conduct code 92-07-101
92-08-004
92-12-017
Tuition and fee schedule 92-07-101
92-08-004
92-12-017

BELLEVUE COMMUNITY COLLEGE

Affirmative action policy 92-07-073
92-09-060
92-13-096
Bargaining agent selection 92-07-074
92-09-058
92-13-094
Bylaws and standing orders 92-07-071
92-09-057
92-13-093
Meetings 92-02-037
Parking and traffic rules 92-09-062
92-09-063
92-13-097
Reduction in force policy 92-07-072
92-09-059
92-13-095

BELLINGHAM TECHNICAL COLLEGE

Meetings 92-01-046
92-03-035
92-03-059
92-04-016
92-05-031
92-07-020
92-07-082
92-09-012
92-09-040
92-10-059
92-11-034
92-13-028
92-13-066

Subject/Agency Index
(Citations in **bold type** refer to material in this issue)

BLIND, DEPARTMENT OF SERVICES FOR THE		CLOVER PARK TECHNICAL COLLEGE—cont.	
Administrative procedures	92-06-036	Library use	92-12-050
	92-09-090	Meetings	92-04-038
Eligibility for services	92-06-036		92-10-037
	92-09-090	Organization and operation	92-12-050
Vending facilities		Parking and traffic	92-12-050
vendor or licensee selection	92-07-011	Practice and procedure	92-12-050
	92-07-012	Public records, availability	92-12-050
	92-10-024	Rules coordinator	92-04-038
Vocational rehabilitation	92-06-036		92-12-050
	92-09-090	Scholarships	92-12-050
		State Environmental Policy Act compliance	92-12-050
BLIND, WASHINGTON STATE SCHOOL FOR THE		Student conduct code	92-12-050
Rules coordinator	92-01-021	Tuition and fee schedule	92-12-050
BOILER RULES, BOARD OF		CODE REVISER'S OFFICE	
(See LABOR AND INDUSTRIES, DEPARTMENT OF)		Rules coordinator	92-01-001
BUILDING CODE COUNCIL		COLUMBIA RIVER GORGE COMMISSION	
Barrier-free facilities regulations	92-01-130	Alterations to existing structures	92-07-057
	92-01-145		92-09-020
	92-09-110	Management plan amendment process	92-09-095
	92-01-140		92-11-005
Energy code		Urban area boundary revision application procedures	92-05-009
Fueling tanks			92-11-006
motor vehicle refueling	92-09-156	COMBINED FUND DRIVE COMMITTEE, WASHINGTON STATE EMPLOYEE	
Housing for indigent persons		(See GOVERNOR, OFFICE OF THE)	
building code exemptions	92-01-069	COMMUNITY AND TECHNICAL COLLEGES, BOARD FOR	
Indoor air quality maintenance requirements	92-01-129	Course and enrollment information, dissemination	92-09-140
Plumbing fixtures			92-13-020
water conservation performance standards	92-01-068	Meetings	92-01-054
Rules coordinator	92-12-010	Organization and operations	92-09-138
Tank trucks			92-13-019
motor vehicle refueling	92-09-156	Retirement plan	
Uniform codes		options for members terminating employment	92-09-139
building code	92-01-145		92-12-085
	92-05-086	Tuition and fees	92-10-033
	92-09-110		92-10-042
	92-01-065	COMMUNITY DEVELOPMENT, DEPARTMENT OF	
	92-05-087	Affordable housing program	92-06-005
	92-09-156	Development loan fund	
	92-01-064	meetings	92-03-081
	92-01-066	Energy matchmakers program	92-03-019
Water conservation performance standards	92-01-067	Fire protection services	
Wildland/urban interface areas	92-01-068	state facilities in cities and towns	92-09-146
building and fire standards	92-01-128		92-09-147
BUSINESS ASSISTANCE CENTER		Fire protection policy board	
(See TRADE AND ECONOMIC DEVELOPMENT, DEPARTMENT OF)		meetings	92-06-014
CENTRAL WASHINGTON UNIVERSITY			92-10-003
Affirmative action		Low-income home energy assistance program	92-13-085
grievance procedure	92-02-006	Low-income weatherization assistance	92-03-019
policy	92-02-006	Public hearings	
Meetings	92-04-010	natural resources of state-wide significance	92-01-134
	92-13-092	Public works board	
	92-01-107	loan and financing guarantees	92-03-052
Rules coordinator		meetings	92-01-108
CENTRALIA COLLEGE			92-06-032
Meetings	92-01-088	State Environmental Policy Act compliance	92-03-051
CLARK COLLEGE		CONVENTION AND TRADE CENTER	
Meetings	92-02-008	Meetings	92-01-025
CLEMENCY AND PARDONS BOARD			92-02-078
Meetings	92-03-038		92-03-009
CLOVER PARK TECHNICAL COLLEGE			92-05-063
Board of trustees	92-12-050		92-07-056
Debts, services withheld for outstanding	92-12-050		92-09-049
Facilities use	92-12-050		92-11-029
Financial aid	92-12-050		92-13-007
Grievance procedures	92-12-050		92-13-073

Subject/Agency Index
(Citations in **bold type** refer to material in this issue)

COUNTY ROAD ADMINISTRATION BOARD

Organization and operation 92-08-068
92-13-036
 Public records, availability 92-08-069
92-13-037
 Rules coordinator 92-02-047
 92-04-017
 Rural arterial programs
 design standards 92-08-072
 92-12-005
 funds allocation 92-08-071
92-13-039
 project prioritization 92-08-070
92-13-038

CRIMINAL JUSTICE TRAINING COMMISSION

Firearms certification
 instructors 92-02-042
 private detectives 92-02-041
 private security guards 92-02-040
 records 92-02-042

DAIRY PRODUCTS COMMISSION

Assessment rate 92-10-031
 Promotional hosting expenditures 92-10-032

DEAF, WASHINGTON STATE SCHOOL FOR THE

Rules coordinator 92-01-020

EASTERN WASHINGTON UNIVERSITY

Adjudicative proceedings 92-04-084
 92-05-053
 92-05-056
 92-09-100
 92-09-102
 92-09-105

Alcoholic beverages
 use by students twenty-one and older
 in student housing 92-05-054
 92-09-103

Employees
 assessed financial obligations 92-05-053
 92-09-102
 paycheck deductions 92-05-053
 92-09-102

Meetings 92-02-031
 92-04-085
 92-09-101

Organization and operation 92-04-083
 92-09-099
 Rules coordinator 92-02-030
 92-04-054
 92-11-024

Scholarships 92-02-052
 State Environmental Policy Act compliance 92-05-055
 92-09-104

Student records, availability 92-02-053
 Students
 assessed financial obligations 92-05-056
 92-09-105

ECOLOGY, DEPARTMENT OF

Air quality
 motor vehicle emission inspection 92-09-133
 open burning 92-12-026
 oxygenated gasoline standards 92-06-088
 92-11-043
 Boatyard permit 92-07-086
 Carbon monoxide emissions
 oxygenated gasoline standards 92-06-088
 92-11-043
 Chlorofluorocarbon refrigerants
 recycling requirements 92-11-045
 Conservation and renewable energy system
 approval of application to form 92-10-044
 notice of intention to consider
 application to form 92-06-046
92-13-090
 Dairy waste general discharge permit

ECOLOGY, DEPARTMENT OF—cont.

Dam safety regulations 92-06-091
 92-12-055

Dangerous waste
 spill and discharge reporting
 requirements 92-03-127
 92-11-040

Forest practices
 aquatic habitat protection 92-07-085
 92-11-068
 classification 92-05-084
 water quality protection 92-07-085
 92-11-068
 92-07-085
 92-11-068

Hazardous waste
 fees 92-05-083
 92-10-043

Mixed waste
 facilities, permit fees 92-10-021
 Motor vehicle emission inspection 92-09-133
 Motor vehicle fuel
 oxygenated gasoline standards 92-06-088
 92-11-043

Oil spills
 compensation schedule 92-01-095
 92-09-034
 92-10-005
 92-11-038
92-13-083

facility oil spill prevention plan
 standards 92-06-087
 natural resource damage assessment 92-01-095
 92-09-034
 92-10-005
 92-11-038
92-13-083

Open burning
 permits 92-12-026
 prohibited materials 92-12-026
 violations 92-12-026
 Organization offices **92-13-049**
 Pesticide use 92-05-084

Public records
 availability **92-13-049**
 fees **92-13-049**

Refrigerants
 recycling requirements 92-11-045
 Rules coordinator 92-01-094
 92-06-047

Rules review
 small business impact 92-11-067
 Shoreline master programs
 Bellevue, city of 92-07-090
92-13-080

Bremerton, city of 92-04-081
 Bridgeport, city of 92-03-132
 Clallam County 92-07-091
92-13-081
 Island County 92-04-080
 92-09-135

Kent, city of 92-07-087
92-13-082
 Mercer Island, city of 92-03-128
 92-09-131
 92-11-044

Normandy Park, city of 92-01-096
 Pateros, city of 92-01-097
 Port Orchard, city of 92-03-129
 92-09-127
 92-12-054
92-13-084

San Juan County 92-11-042
 Seattle, city of 92-07-088
 92-09-128
92-13-079
 Snoqualmie, city of 92-09-132

Subject/Agency Index
(Citations in **bold type** refer to material in this issue)

ECOLOGY, DEPARTMENT OF—cont.		EDUCATION, STATE BOARD OF—cont.	
Tumwater, city of	92-03-130	teacher contact hours requirements, waiver	92-01-124 92-05-047 92-13-075
Wahkiakum County	92-09-134 92-07-089 92-13-078	Schools for the twenty-first century application contents	92-13-058
Small business impacts rules review	92-11-067	Special study activities state reimbursement	92-01-123 92-04-043
Solid fuel burning devices masonry fireplaces, retail sales fee	92-01-098 92-09-035 92-10-022 92-01-098 92-09-035 92-10-022	Teachers certification requirements	92-01-126 92-01-127 92-04-044 92-06-027 92-09-108 92-01-126 92-01-127 92-04-044 92-06-027 92-09-108
retail sales fee		teacher preparation programs	92-01-126 92-01-127 92-04-044 92-06-027 92-09-108
State/environmental protection agency agreement	92-09-054	Vocational instructors certification standards	92-01-125 92-05-039
Storm water permit for industries and construction	92-13-070	EMPLOYMENT SECURITY DEPARTMENT	
Waste mixed waste facilities permit fees	92-10-021	Employer notice and separation determination	92-03-145
Wastewater dairy waste general discharge permit	92-13-090	Timber impact areas dislocated workers	92-02-076 92-05-051
discharge permit fee schedule	92-03-131	Unemployment insurance benefit charge relief predecessor/successor relationship	92-07-104 92-07-104
Water boatyard permit	92-07-086	ENERGY FACILITY SITE EVALUATION COUNCIL	
storm water permit for industries and construction	92-13-070	Air pollution sources	92-02-099 92-07-002 92-09-013 92-02-099 92-07-002 92-09-013 92-06-070 92-10-001 92-02-099 92-07-002 92-09-013 92-10-001
surface water quality standards	92-11-041	Environmental regulations	
Water rights Columbia River water withdrawal Snake River water withdrawal	92-07-055 92-07-054	Federal, state, and local requirements	92-06-070 92-10-001 92-02-099 92-07-002 92-09-013 92-02-099 92-07-002 92-09-013 92-10-001
Watershed analysis implementation	92-05-084	Organization and operation	
Woodstove regulation	92-01-098 92-09-035	Site certification	
ECONOMIC DEVELOPMENT FINANCE AUTHORITY		ENERGY OFFICE	
Operations and procedures	92-03-055 92-03-056 92-09-002	Energy efficiency services account	92-01-120
EDMONDS COMMUNITY COLLEGE		ENGINEERS AND LAND SURVEYORS	
Meetings	92-01-002 92-05-040 92-07-081 92-09-052 92-12-001 92-13-072 92-04-067 92-09-055	Evaluation of license candidates Examinations	92-01-101 92-01-100 92-01-101 92-04-008 92-09-089 92-12-053 92-01-101
Parking and traffic		Experience records	92-01-099
EDUCATION, STATE BOARD OF		Seals usage	
Appeal procedures	92-08-077	ENVIRONMENTAL HEARINGS OFFICE	
Certification general requirements	92-01-126 92-04-044 92-13-021 92-01-125 92-05-039 92-08-077 92-01-022 92-05-067 92-08-078	Rules coordinator	92-03-008
vocational instructors		EVERETT COMMUNITY COLLEGE	
Internship certificate		Meetings	92-01-133
Meetings		FAMILY INDEPENDENCE PROGRAM	
Physical education requirement		(See SOCIAL AND HEALTH SERVICES, DEPARTMENT OF)	
School bus drivers certificate issuance standards and qualifications	92-13-098 92-13-098	FISHERIES, DEPARTMENT OF	
School construction funding assistance, priority system	92-13-047 92-13-059	Commercial baitfish seasons beam trawl, definition	92-08-022 92-13-040
School districts with restructuring plan program hour requirements, waiver	92-01-124 92-05-047 92-13-075		

Subject/Agency Index
(Citations in **bold type** refer to material in this issue)

FISHERIES, DEPARTMENT OF—cont.

FISHERIES, DEPARTMENT OF—cont.

bottomfish
 coastal bottomfish
 catch limits 92-02-058
 92-03-030
 92-03-150
 92-07-008
 92-08-007
 92-09-084
 92-11-021
 92-12-018
 gear 92-02-058
 92-03-150
 92-07-008
 92-11-004
 hold inspections
 nontreaty fish receiving tickets 92-11-004
 seasons 92-10-064
 Puget Sound bottomfish,
 catch limits and gear 92-06-092
 92-08-079
 92-09-073
 92-11-011
 commercial fisheries permits
 emerging 92-09-129
 experimental 92-09-129
 trial 92-09-129
 crabs, seasons and areas 92-01-034
 92-02-039
 salmon
 Columbia River and tributaries 92-09-047
 92-09-106
 Columbia River
 above Bonneville, seasons 92-04-051
 92-07-007
 below Bonneville, seasons 92-05-004
 Puget Sound
 net fisheries 92-09-137
 92-11-083
 restrictions and closures 92-01-033
 troll, seasons and gear 92-09-130
 Willapa Bay, seasons 92-10-081
 sea urchins, seasons and areas 92-06-054
 shad
 Columbia River, seasons and gear 92-11-066
 shrimp
 areas **92-13-040**
 Hood Canal 92-10-020
 92-11-065
 Puget Sound fishery 92-10-002
 92-11-008
 sturgeon
 Columbia River
 above Bonneville, seasons 92-03-022
 92-07-007
 92-08-090
 below Bonneville, seasons 92-05-004
 maximum size 92-10-081
 personal retention 92-10-081
 Hydraulic project regulations 92-11-082
Personal use
 abalone
 bag limit 92-03-151
 92-09-083
 92-11-012
 size limit 92-03-151
 92-09-083
 92-11-012
 carp
 gear 92-07-015
 clams
 areas and seasons
 hardshell 92-03-151
 92-09-083
 92-11-012
 razor 92-03-151
 92-09-083
 92-11-012

crabs, areas and seasons 92-01-035
 92-03-151
 92-09-083
 92-11-012
 92-03-151
 92-11-012
 crayfish, gear
 food fish
 species identification 92-03-151
 92-11-012
 halibut
 areas and seasons 92-10-039
 92-12-002
 bag limits 92-10-039
 92-12-002
 lingcod, areas and seasons 92-03-151
 92-09-083
 92-11-012
 oysters
 areas and seasons 92-03-151
 92-09-083
 92-11-012
 river mouth definitions 92-08-031
 rockfish, areas and seasons 92-03-151
 92-09-083
 92-11-012
 salmon
 areas and seasons 92-03-151
 92-11-012
 92-12-013
92-13-071
 bag limits 92-03-151
 92-11-012
 92-12-013
92-13-071
 Canadian origin 92-09-083
 Columbia River 92-04-050
 92-08-059
 92-09-047
 92-09-083
 Cowlitz River
 gear 92-09-083
 92-03-151
 92-11-012
 Hood Canal 92-04-011
 Icicle River 92-11-020
 Klickitat River 92-08-031
 Little White Salmon River 92-08-031
 Quillayute River 92-07-035
 Soleduck River 92-07-035
 Strait of Juan de Fuca 92-10-017
 Wind River 92-08-031
 shellfish
 gear 92-09-083
 shrimp
 Hood Canal 92-11-065
 sturgeon
 areas and seasons 92-09-083
 Columbia River below Bonneville
 sanctuary 92-03-151
 92-11-012

FOREST PRACTICES BOARD

Archaeological and historical sites 92-11-069
 92-12-038
 Chemical handling, storage, and application 92-07-093
 92-11-069
 92-07-093
 Cumulative effects
 Environmental review
 forest practices subject to review 92-06-004
 92-11-069
 92-12-038
 "Forest trees" defined 92-03-028
 Meetings 92-01-117
 92-04-005
 92-07-013
 92-09-065
 92-10-080

Subject/Agency Index
(Citations in **bold type** refer to material in this issue)

FOREST PRACTICES BOARD—cont.		GOVERNOR, OFFICE OF THE—cont.	
Pesticides application	92-11-069	Log export regulations	92-08-060
	92-12-038		92-11-017
Road construction and maintenance	92-07-093	Support enforcement office	
	92-11-069	criminal justice agency,	
	92-12-038	limited designation	92-13-005
Rules coordinator	92-01-118	GRAYS HARBOR COLLEGE	
State Environmental Policy Act		Adjudicative proceedings	92-01-056
forest practices subject to review	92-06-004		92-07-063
	92-07-093		92-09-041
	92-11-069	Board of trustees	92-01-057
	92-12-038		92-07-064
Stream shade cover	92-07-093		92-08-043
	92-11-069	Financial aid	92-01-058
Timber harvest rate monitoring	92-02-055		92-07-065
	92-08-025		92-08-044
Timber harvest size and timing	92-07-093	Meetings	92-01-047
	92-11-069		92-01-057
Watershed analysis system	92-01-119		92-07-064
	92-07-093	Organization and operation	92-01-057
	92-09-064		92-07-064
	92-11-069		92-08-043
Wetlands typing system	92-07-093	Scholarships	92-01-058
	92-11-069		92-08-044
Wildlife		Tuition and fees	92-01-058
critical wildlife habitats	92-11-069		92-07-065
tree and log retention for habitat	92-11-069		92-08-044
GAMBLING COMMISSION		GREEN RIVER COMMUNITY COLLEGE	
Adjudicative proceedings		Meetings	92-02-033
forms	92-06-033	GROWTH PLANNING HEARINGS BOARDS	
Amusement games		Practice and procedure	92-12-023
wager and prize limitations	92-08-057	Rules coordinator	92-12-022
Meetings	92-03-037	HARDWOODS COMMISSION	
Rules coordinator	92-03-036	(See TRADE AND ECONOMIC	
GENERAL ADMINISTRATION,		DEVELOPMENT, DEPARTMENT OF)	
DEPARTMENT OF		HEALTH, BOARD OF	
Banking, division of		(See HEALTH, DEPARTMENT OF)	
check cashiers and sellers		HEALTH CARE AUTHORITY	
regulation	92-02-105	Eligibility	
investment in investment companies	92-01-092	employees, retirees, and dependents	92-04-001
	92-04-027		92-07-046
			92-08-003
mutual holding companies		Eligible entities	92-03-040
establishment and operation	92-01-093	Rules coordinator	92-06-001
	92-06-041		92-07-061
Capitol grounds		HEALTH, DEPARTMENT OF	
parking fee payments	92-01-143	Adult residential rehabilitation centers	
	92-04-037	fees	92-10-014
skateboarding prohibited on	92-01-144	Alcoholism treatment facilities	
	92-09-076	fee schedule	92-07-097
	92-11-039		92-12-028
traffic and parking regulations	92-01-142	Boarding homes	
	92-04-036	fee schedule	92-07-097
Local government			92-12-086
self-insurance	92-09-155	Cancer cases	
	92-12-092	identifying and reporting, criteria	
Office facilities, state-owned		and procedures	92-01-050
parking fees	92-10-082	information access standards	92-01-050
Rules coordinator	92-05-037	Certificate of need	
Self-insurance		open heart surgery services review	92-09-086
local government entities	92-09-155		92-09-087
	92-12-092		92-12-015
Skateboarding on state capitol grounds	92-01-144	Chiropractic disciplinary board	
	92-09-076	meetings	92-03-097
	92-11-039	peer review	92-01-070
State-owned office facilities		peer review committee	
parking fees	92-10-082	fees	92-06-065
Surplus property			92-06-066
disposal priorities	92-05-042	meetings	92-11-009
	92-09-016	rules coordinator	92-04-049
			92-05-058
GOVERNOR, OFFICE OF THE			92-01-048
Combined fund drive committee,			
state employee	92-09-096		
public nonprofit charities, inclusion	92-10-036		
Drug-free work place policy	92-01-109		
Electronic message systems	92-13-006		
Intergovernmental review process			

Subject/Agency Index
(Citations in **bold type** refer to material in this issue)

HEALTH, DEPARTMENT OF—cont.

scope of practice	92-09-080 92-12-007 92-12-008
Chiropractic examiners, board of	
chiropractic x-ray technicians	
preceptorship program	92-02-022
reciprocity	92-02-022
regulation	92-02-022
temporary permits	92-02-022
continuing education	92-12-090
examinations	92-12-090
fees	92-03-140 92-07-017
meetings	92-01-008
preceptor or supervisory doctor	92-12-090
rules coordinator	92-01-048
temporary permits	92-12-090
Community health clinics	
eligibility determination and funds distribution	92-07-077
Dental disciplinary board	
amalgam restoration practice standards	92-02-044 92-02-098 92-06-007 92-06-063 92-06-064 92-09-069 92-05-085 92-01-048 92-05-012
infection control in dental offices	
mandatory reporting requirements	
rules coordinator	
rules update	
Dental examiners, board of	
examinations	92-01-122
licensure	92-01-122
rules coordinator	92-01-048
Dental hygienists	
expanded functions education program	
application procedures	92-03-126
requirements	92-03-006
practical examination review	
procedures	92-11-014
Dentists	
University of Washington residents	
licensing fees	92-13-009 92-13-010
Drinking water certification	92-07-078
Drug manufacturing or storage sites, illegal, contractor certification for decontamination of	92-02-017 92-03-143 92-04-071 92-10-027
Health, board of	
drug manufacturing or storage sites, illegal, contractor certification for decontamination of	92-02-017 92-03-143 92-04-071
food service rules and regulations	92-03-142 92-08-112
food worker permits	
fees	92-09-144
local health officers	
drug manufacturing or storage sites	
contractor certification for decontamination	92-03-143 92-04-071 92-10-027
responsibilities	92-03-143
public water systems	
coliform monitoring and follow-up	92-04-070
rules coordinator	92-01-048
rules, housekeeping changes	92-02-019 92-02-021
temporary worker housing standards	92-04-082
water recreation facilities	92-02-020
water safety teaching stations	92-02-020

HEALTH, DEPARTMENT OF—cont.

Health care information	
acquisition, retention, and security	92-01-061 92-01-062 92-07-080
Hearing aid council	
licenses	
activities requiring	92-09-109
rules coordinator	92-01-048
Home care agencies	
licensing fees	92-10-013
Home health agencies	
licensing fees	92-10-013
Hospice agencies	
licensing fees	92-10-013
Hospitals	
fee schedules	92-07-097 92-12-028
Housing	
temporary worker housing standards	92-04-082
Mammography	
quality assurance standards	92-05-011
Massage board	
educational institutions	
approval	92-03-139
curriculum	92-03-139
national educational institutions	92-03-139
educational requirements	92-03-139
rules coordinator	92-01-048
Medical disciplinary board	
cooperation with investigation	92-07-058 92-07-096 92-10-069 92-01-048
rules coordinator	
Medical examiners, board of	
meetings	92-02-045
physicians assistants	
adjudicative proceedings	92-08-063 92-12-089 92-08-063 92-12-089 92-08-063 92-12-089 92-08-063 92-12-089 92-08-063 92-12-089 92-08-063 92-12-089 92-08-063 92-12-089 92-08-063 92-12-089
AIDS prevention and information education	
certified physician assistants	
continuing medical education	
disciplinary actions	
licensure	
prescriptions	
supervision or sponsorship	
utilization	
physicians and surgeons	
temporary permits	
fees	92-01-072 92-08-062 92-01-049 92-08-021 92-01-049 92-08-021 92-01-048
issuance and duration	
recognized jurisdictions	
rules coordinator	
surgical assistants	
duties	92-08-063 92-12-089 92-08-063 92-12-089 92-08-063 92-12-089
supervision	
utilization	
Naturopathic physicians	
medications, authority to use, prescribe, dispense, and order	92-02-097 92-06-020
Nursing, board of	
catheterization in the schools	92-01-023

Subject/Agency Index
(Citations in **bold type** refer to material in this issue)

HEALTH, DEPARTMENT OF—cont.

rules coordinator	92-01-048
supervision of care and delegation of tasks	92-02-023
Nursing home administrators, board of examiners for	
rules coordinator	92-01-048
Nursing homes	
ethnic minority nursing home beds certificate of need review	92-01-110 92-05-057
Occupational therapy practice board examinations	92-09-153
licenses	
applicants licensed in other states	92-09-153
continuing competency	92-09-153
exemptions	92-09-153
expired license, reinstatement	92-09-153
inactive status	92-09-153
initial applicants	92-09-153
rules coordinator	92-01-048
substance abuse monitoring programs	92-09-153
temporary practice permits	92-09-153
Open heart surgery services, certificate of need review	92-09-086 92-09-087 92-12-015
Optometry board	
contact lens	
"prescription" defined	92-03-032
records retention	92-03-032
continuing education	92-02-095 92-06-030
fees	92-01-071 92-06-029
prescriptions	
identification	92-03-032
rules coordinator	92-01-048
substance abuse monitoring programs	92-02-095 92-06-030
temporary practice permit	92-02-095 92-06-030
Osteopathic medicine and surgery, board of examination and licensure	92-02-095 92-13-065
licenses	
denials	92-13-065
fees	92-06-028
inactive and reactivation	92-13-065
permits	
temporary practice	92-13-065
rules coordinator	92-01-048
Pharmacy, board of	
anabolic steroids	92-04-029
continuing education requirements	92-03-029
controlled substances	
anabolic steroids	92-04-029
registration, recordkeeping, and storage requirements	92-04-029
schedule	92-04-029
facsimile prescription order transmission	92-03-095
legend drugs	
identification	92-03-096 92-09-001 92-09-070
restrictions	92-03-096 92-09-001 92-09-070
samples	
distribution	92-04-041 92-09-072
distribution reports	92-04-042 92-09-071

HEALTH, DEPARTMENT OF—cont.

licenses	
fees	92-03-124 92-07-099 92-08-061 92-03-124 92-07-099 92-08-061 92-04-029
renewal	
nonnarcotic stimulant drugs	
pharmaceutical wholesalers	
licenses	92-10-070
record retention requirements	92-10-070
regulation	92-10-070
standards	92-10-070
pharmacist's professional responsibilities	92-04-040 92-08-058 92-07-098 92-10-026 92-12-035
practice and procedure	
record retention requirements	92-07-098 92-10-026 92-12-035
rules coordinator	92-01-048
rules update	92-07-098 92-10-026 92-12-035
State Environmental Policy Act compliance	92-07-098 92-12-035
Physical therapy, board of	
aide supervision ratio	92-08-039
examination appeal procedures	92-08-039 92-08-111 92-08-110 92-08-111
examination scores	92-01-078 92-08-039 92-08-039 92-01-048
meetings	
professional conduct	
records, requirements	
rules coordinator	
standards for appropriateness of care	92-08-039
temporary permits	92-08-111
unapproved schools, applicants from	92-08-039
Podiatric medical board	
fees	92-06-058
rules coordinator	92-01-048
Practical nursing board	
approved substance abuse monitoring program	92-02-046
curriculum standards in approved program	92-02-046 92-12-088
definitions	92-02-046
discipline, standards of conduct	92-12-088 92-02-046
documents indicating authorization to practice	92-02-046
examinations	92-12-088
executive secretary, qualifications	92-12-088
rules coordinator	92-01-048
Psychology, examining board of health care information acquisition and retention	92-03-107 92-03-141 92-07-016 92-03-107 92-03-141 92-07-016
release	92-03-144 92-09-088 92-01-048
meetings	
rules coordinator	92-01-048
Radiation protection, general provisions	92-06-008 92-13-074
Radiologic technologists	
x-ray technicians, registration	92-05-010

Subject/Agency Index
(Citations in **bold type** refer to material in this issue)

HEALTH, DEPARTMENT OF—cont.

Residential treatment facilities for psychiatrically impaired children and youth fees	92-10-014
Respiratory care practitioners educational programs fees	92-10-071
temporary practice permits	92-10-071
Rules coordinator	92-01-048
Rules, housekeeping changes	92-02-018
Scoliosis screening	92-02-096 92-06-067
Sex offender treatment providers continuing education requirements	92-07-079 92-12-027
Veterinary board of governors animal technicians applications	92-02-057
examination eligibility	92-02-056
post high school courses registration fees	92-03-125 92-07-036 92-03-125 92-07-036
renewal	92-02-057
supervision of board investigations	92-02-056 92-03-074 92-03-074
examinations licenses fees	92-03-125 92-07-036
renewal	92-03-125 92-07-036
retired active speciality rules coordinator	92-03-074 92-01-048
Water, drinking water certification	92-07-078
Water recreation facilities	92-02-020
Water safety teaching stations	92-02-020
Water system evaluation and project review and approval fees	92-10-025
X-ray technicians registration	92-05-010

HIGHER EDUCATION COORDINATING BOARD

American Indian endowed scholarship program	92-04-018
Award for excellence in education academic grant program	92-13-077
Health professional loan repayment and scholarship program	92-03-002
State need grant program cost of attendance	92-08-076 92-09-141 92-11-022 92-11-023
Washington state scholars program	92-13-076

HIGHER EDUCATION PERSONNEL BOARD

Appeals certified records' transmission to superior court	92-09-125 92-13-062
receipt procedure	92-09-124 92-13-063
rights of applicants	92-02-062 92-05-028 92-07-018 92-09-126 92-13-008
Director's responsibilities	92-09-123 92-13-055 92-13-061

HIGHER EDUCATION PERSONNEL BOARD—cont.

Eligible lists	92-01-028 92-01-081 92-02-025 92-05-034 92-02-060 92-02-063 92-05-026 92-05-029 92-07-018 92-09-120 92-09-122 92-13-008
Examination process	92-02-061 92-05-027 92-07-018 92-09-121 92-13-008
Layoff options	92-02-059 92-02-064 92-03-079 92-05-072 92-07-019
Lead employee, definition	92-02-066 92-05-025
Leave of absence without pay, excepted work period	92-01-029 92-01-028 92-01-081 92-02-025 92-05-034
Meetings	92-02-060 92-07-018
Overtime	92-01-031 92-01-030 92-06-069 92-01-028 92-01-081 92-02-025 92-05-034
Position requirements	92-01-028 92-01-081 92-02-025 92-05-034
Reemployment, reasonable accommodation	92-01-028 92-01-081 92-02-024 92-02-065 92-03-079 92-05-073 92-07-019 92-05-075 92-07-019
Rules coordinator	
Schedule changes	
Supervisor, definition	
Supervisor, premium pay	
HIGHLINE COMMUNITY COLLEGE	
Administrative procedures	92-09-152
Admission and registration	92-09-152
Athletes, loss of eligibility for unlawful drug use, procedure	92-09-152
Board of trustees	92-09-152
Debts, services withheld for outstanding debts	92-09-152
Disciplinary hearings	92-09-152
Discrimination	92-09-152
Facilities use	92-09-152
Financial aid	92-09-152
Organization	92-09-152
Parking and traffic rules	92-09-152
Policies and procedures	92-09-152
Public records, availability	92-09-152
Rules coordinator	92-09-152
Scholarships	92-09-152
Sexual harassment	92-09-152
State Environmental Policy Act compliance	92-09-152
Student records	92-09-152
Student rights and responsibilities	92-09-152
Tuition and fee schedule	92-09-152
HISPANIC AFFAIRS, COMMISSION ON	
Meetings	92-03-014 92-08-046

Subject/Agency Index
(Citations in **bold type** refer to material in this issue)

HORSE RACING COMMISSION		LABOR AND INDUSTRIES,	
Appeals	92-12-068 92-13-089	DEPARTMENT OF—cont.	
Racing facility		Chiropractic services	
applicant, defined	92-12-066 92-13-087	treatment limitation	92-07-100 92-08-097
license applications	92-12-067 92-13-088	Construction	
management, disclosure	92-12-067 92-13-088	safety standards	92-03-137 92-08-099 92-09-148 92-12-087
Stewards		Crime victim compensation	
decisions	92-12-066 92-13-087	allowed charges for hospital services	92-09-149 92-11-071
punishment, authority to award	92-12-068 92-13-089	Electrical inspections	
		fees	92-03-136 92-08-102 92-08-103 92-09-010 92-09-011
HUMAN RIGHTS COMMISSION		Electricians	
Meetings	92-01-075 92-01-076 92-02-077 92-05-074 92-06-031 92-07-094 92-09-082 92-10-073 92-12-077 92-13-067	contractor licensing fees	92-03-136 92-08-102 92-08-103 92-09-010 92-09-011 92-03-136 92-08-102 92-08-103 92-09-010 92-09-011
		fees	92-03-136 92-08-102 92-08-103 92-09-010 92-09-011
INDUSTRIAL INSURANCE APPEALS,		Explosives	
BOARD OF		safety standards	92-12-087
Rules coordinator	92-04-002	Hazardous chemicals	
INFORMATION SERVICES, DEPARTMENT OF		safety standards	92-12-087
Information services board meetings	92-02-004	Indoor air quality standards	
Rules coordinator	92-01-039	solicitation of preproposal comment	92-03-135
INSURANCE COMMISSIONER, OFFICE OF		Medical services	
Health care service contractors		nursing services and attendant care	92-05-041
participating provider contracts	92-06-056 92-09-044	Minors	
Health maintenance organizations		nonagricultural employment	92-12-093
participating provider contracts	92-06-055 92-09-044A	Nonagricultural employment of minors	92-12-093
Mammograms		Occupational health standards	
coverage requirements and exceptions	92-13-013 92-13-014 92-13-086	general	92-03-137 92-08-100
Medicare supplement insurance		Prevailing wages	
standardized policy forms	92-01-045 92-06-021	terms and procedures used to determine	
Rules coordinator	92-01-032	for public works projects	92-01-104 92-08-101 92-05-038
INTEREST RATES		Rules coordinator	
(See inside front cover)		Safety and health standards	
INVESTMENT BOARD		construction work	92-12-087
Meetings	92-01-090 92-12-051	explosives	92-12-087
		general	92-12-087
JUDICIAL CONDUCT, COMMISSION ON		hazardous chemicals	92-12-087
Meetings	92-03-020 92-09-056	Workers' compensation	
Rules coordinator	92-02-029	labor/management cooperation program	92-03-053
LABOR AND INDUSTRIES,		reforestation industry	92-13-091
DEPARTMENT OF		rules, classifications, rates, and rating	
Agricultural labor		system revisions	92-06-034
emancipated minors	92-10-078	LAKE WASHINGTON TECHNICAL COLLEGE	
entry and inspection, department		Board of trustees	92-12-049
authority	92-10-078	Debts, services withheld for outstanding	92-12-049
Agricultural safety standards	92-08-098 92-11-072	Facilities use	92-12-049
Boiler rules, board of		Financial aid	92-12-049
definitions	92-08-087 92-11-070	Grievance procedures	92-12-049
meetings	92-01-006	Library use	92-12-049
new construction standards	92-08-087	Meetings	92-02-034
nonnuclear repairs and alterations	92-11-070 92-08-087	Organization and operation	92-12-049
rule interpretation and revision	92-11-070 92-08-087 92-11-070	Parking and traffic	92-12-049
		Practice and procedure	92-12-049
		Public records, availability	92-12-049
		Rules coordinator	92-12-049
		Scholarships	92-12-049
		State Environmental Policy Act compliance	92-12-049
		Student conduct code	92-12-049
		Tuition and fee schedule	92-12-049

Subject/Agency Index
(Citations in bold type refer to material in this issue)

LAW REVISION COMMISSION

Meetings 92-11-064
 Membership and duties 92-11-064
 Organization and operation 92-11-064
 Public records, availability 92-11-064
 Research projects 92-11-064

LEGAL FOUNDATION OF WASHINGTON

Meetings 92-08-008
 92-11-031

LICENSING, DEPARTMENT OF

Administrative procedures 92-05-061
 92-08-045

Aircraft fuel tax rules
 mitigation of penalties and interest 92-01-015
 Architects, board of registration for
 meetings 92-01-019
 92-05-062

Auctioneers
 records requirements 92-09-097
92-13-045
 suit or complaint notification 92-09-097
92-13-045

Business license services
 trade name searches, fees 92-07-095
 92-10-010

Cosmetology, barbers, manicurists,
 and estheticians 92-04-006
 92-10-079

Disabled persons
 parking privileges 92-03-076

Financial Responsibility Act
 administrative procedures 92-05-061
 92-08-045

For hire vehicles
 permits and certificates, fees 92-09-145
 92-12-036

Franchises
 accredited investor, defined 92-02-054
 selling agent record requirements 92-02-054
 uniform franchise offering circular 92-02-054

Landscape architects
 examinations 92-05-013
 92-10-030

Master license application
 trade name searches, fees 92-07-095
 92-10-010

Motor vehicles
 certificate of title 92-11-048
 destroyed vehicle rebuilt 92-11-047
 destroyed vehicle reporting 92-11-047
 disabled persons, parking privileges 92-03-076
 fleet vehicles

license fee and excise tax abatement 92-11-048
 registration 92-11-050

for hire vehicles
 permits and certificates, fees 92-09-145
 92-12-036

gross weight license 92-02-100

license fees
 monthly abatement 92-02-100

license renewals 92-11-050

off-road and nonhighway vehicle use
 permits 92-11-049
 registration 92-02-100
 92-11-048

snowmobiles
 registration 92-11-049

temporary permits, departmental 92-03-077

transit permits 92-11-050

travel trailers and campers
 title purpose only documents
 issuance 92-11-048

veterans
 free license 92-02-100

Motorcycle safety advisory board
 meetings 92-01-011

LICENSING, DEPARTMENT OF—cont.

Public records
 disclosure 92-05-088
 92-09-107

Real estate commission
 meetings 92-03-016
 92-03-033

Rules coordinator
 Special fuel tax rules
 mitigation of penalties and interest 92-01-016
 user license 92-01-014

Title and registration advisory committee
 meetings **92-13-046**

Vessel registration
 confidential vessel registration
 exemptions 92-11-046
 92-03-075

ownership transfer 92-03-075
 temporary permit to operate 92-06-009
 title or registration application 92-03-075
 title transfer 92-06-009

LIQUOR CONTROL BOARD

Alcohol raffle permit 92-01-079
 Bad order claims, procedures 92-09-143

Banquet permit functions
 liquor sources, purchase, and delivery 92-01-080

Beer
 bad order claims, procedures 92-09-143
 label approval 92-03-109

Conduct on licensed premises, regulation 92-01-105

Licenses
 applicant certification 92-08-085
 class A and/or D criteria 92-08-089
 class H criteria 92-08-086
 92-08-088

Licensed premises
 managers 92-08-084

Meetings 92-09-142

Operations and procedure 92-09-142

Rules coordinator 92-03-017

Wholesalers
 stock movement 92-02-014

Wine
 label approval 92-03-110

LOTTERY COMMISSION

Beat the State
 definitions 92-03-146
 92-05-069

drawings 92-08-002
 92-03-146
 92-05-069
 92-08-002

92-12-091
 play 92-03-146
 92-05-069
 92-08-002

price 92-03-146
 92-05-069
 92-08-002

prizes 92-03-146
 92-05-069

purchases 92-03-146
 92-05-069
 92-08-002

suspension or termination 92-03-146
 92-05-069
 92-08-002

Daily Game
 drawings 92-08-093
 92-11-033
 92-12-091

Instant game number 69 – Gold Rush
 criteria 92-03-048

Instant game number 71 – Lucky 7's II
 criteria 92-03-048

definitions 92-03-048

ticket validation 92-03-048

Subject/Agency Index

(Citations in bold type refer to material in this issue)

LOTTERY COMMISSION—cont.

<u>Instant game number 73 – Whirlwin</u>	
criteria	92-03-048
definitions	92-03-048
ticket validation	92-03-048
<u>Instant game number 74 – Grand Slam II</u>	
criteria	92-03-048
definitions	92-03-048
ticket validation	92-03-048
<u>Instant game number 75 – Movie Mania</u>	
criteria	92-03-146
	92-05-069
definitions	92-03-146
	92-05-069
ticket validation	92-03-146
	92-05-069
<u>Instant game number 75 – Wildcard</u>	
criteria	92-08-002
definitions	92-08-002
ticket validation	92-08-002
<u>Instant game number 76 – Gold & Glory</u>	
criteria	92-03-146
	92-08-002
definitions	92-03-146
	92-08-002
ticket validation	92-03-146
	92-08-002
<u>Instant game number 77 – Wildcard</u>	
criteria	92-03-146
definitions	92-03-146
ticket validation	92-03-146
<u>Instant game number 77 – Three Cards Up</u>	
criteria	92-08-093
	92-11-033
definitions	92-08-093
	92-11-033
ticket validation	92-08-093
	92-11-033
<u>Instant game number 78 – Applebucks</u>	
criteria	92-08-093
	92-11-033
definitions	92-08-093
	92-11-033
ticket validations	92-08-093
	92-11-033
<u>Instant game number 79 – Movie Money</u>	
criteria	92-08-093
	92-11-033
definitions	92-08-093
	92-11-033
ticket validation	92-08-093
	92-11-033
<u>Instant game number 80 – Bowling for Bucks</u>	
criteria	92-08-093
	92-11-033
definitions	92-08-093
	92-11-033
ticket validation	92-08-093
	92-11-033
<u>Instant game number 81 – Joker Poker</u>	
criteria	92-12-091
definitions	92-12-091
ticket validation	92-12-091
<u>Instant game number 82 – 10th Anniversary Game</u>	
criteria	92-12-091
definitions	92-12-091
ticket validation	92-12-091
<u>Instant game number 83 – Surprise Package</u>	
criteria	92-12-091
definitions	92-12-091
ticket validation	92-12-091
<u>Instant game number 84 – Fat Cat</u>	
criteria	92-12-091
definitions	92-12-091
ticket validation	92-12-091

LOTTERY COMMISSION—cont.

<u>Instant game number 85 – 7-11-21</u>	
criteria	92-12-091
definitions	92-12-091
ticket validation	92-12-091
Lotto	
definitions	92-08-093
	92-11-033
play prize	92-08-093
	92-11-033
prizes	92-03-146
	92-07-014
	92-08-093
	92-11-033
On-line games	
criteria	92-08-093
	92-11-033
definitions	92-08-093
	92-11-033
drawings	92-08-093
	92-11-010
	92-11-033
<u>Paper scratch game number 501 – Jackpot</u>	
criteria	92-03-048
definitions	92-03-048
ticket validation	92-03-048
<u>Paper scratch game number 502 – Lucky Charm</u>	
criteria	92-03-048
definitions	92-03-048
ticket validation	92-03-048
<u>Paper scratch game number 503 – Jacks-R-Better</u>	
criteria	92-03-048
definitions	92-03-048
ticket validation	92-03-048
<u>Paper scratch game number 504 – Treasure Hunt</u>	
criteria	92-03-146
	92-08-094
definitions	92-03-146
	92-08-094
ticket validation	92-03-146
	92-08-094
<u>Paper scratch game number 505 – Rooster Tail</u>	
criteria	92-03-146
	92-08-094
definitions	92-03-146
	92-08-094
ticket validation	92-03-146
	92-08-094
<u>Paper scratch game number 506 – Criss Cross</u>	
criteria	92-03-146
	92-08-094
definitions	92-03-146
	92-08-094
ticket validation	92-03-146
	92-08-094
Paper scratch games	
authorization	92-03-048
criteria	92-03-048
definitions	92-03-048
retailer settlement	92-03-048
ticket validation	92-03-048
Quinto	
definitions	92-08-093
	92-11-033
drawings	92-12-091
play price	92-08-093
	92-11-033
LOWER COLUMBIA COLLEGE	
Adjudicative proceedings	92-04-058
	92-09-005
Admission, registration and graduation	92-04-062
	92-09-008
Athletes, loss of eligibility for unlawful drug use	92-04-060
	92-09-006
Discrimination, grievance procedure	92-04-064
	92-09-092

Subject/Agency Index
(Citations in **bold type** refer to material in this issue)

LOWER COLUMBIA COLLEGE—cont.		NATURAL RESOURCES, DEPARTMENT OF—cont.	
Facilities use	92-04-063	Rules coordinator	92-01-026
	92-09-009	Surface mining	
Grievance procedure for discriminatory conduct	92-04-064	"segment" defined	92-10-068
	92-09-092	OLYMPIC AIR POLLUTION CONTROL AUTHORITY	
Records index	92-04-057	Solid fuel burning devices	
	92-09-004	requirements if failure to meet attainment	92-03-012
Sexual harassment, grievance procedure	92-04-064	Violations	
	92-09-092	civil penalties	92-05-048
Student records access	92-04-065		92-09-079
	92-09-093	notice and hearing	92-05-048
Student rights and responsibilities	92-04-059		92-09-079
	92-09-094	Woodstoves	
Tenure	92-04-061	requirements if failure to meet attainment	92-03-012
	92-09-007	OUTDOOR RECREATION, INTERAGENCY COMMITTEE FOR	
MARINE SAFETY, OFFICE OF		Meetings	92-01-005
Marine overnight board meetings	92-12-069		92-04-052
Regional marine safety committees meetings	92-12-070		92-04-053
	92-12-071		92-05-030
	92-12-072		92-12-078
	92-12-073	PARKS AND RECREATION COMMISSION	
	92-13-068	Environmental learning centers	92-07-083
	92-13-069		92-10-018
Rules coordinator	92-05-014	Field operations	
MARITIME COMMISSION		staff dress standards	92-01-106
Assessments			92-04-072
rates and terms	92-03-061	Fort Worden	
Meetings	92-02-027	reservation system	92-01-038
	92-08-073		92-05-002
Rules coordinator	92-05-003	Land exchange	
MINORITY AND WOMEN'S BUSINESS ENTERPRISES, OFFICE OF		fee	92-09-158
Adjudicative proceedings	92-11-018		92-11-025
	92-11-019	Meetings	92-12-082
Administrative procedures	92-07-001	Metal detectors	92-01-036
	92-07-102	use in state parks	92-12-080
	92-07-103	Public records	
	92-11-007	copying fees	92-07-062
Bid specifications	92-09-151		92-10-019
Contract substitutions	92-09-151	Rules coordinator	92-01-037
Goals and goal setting	92-09-151	Sno-park permit	
Joint ventures	92-09-151	decal display	92-09-160
Reporting requirements	92-09-151		92-11-081
Meetings	92-02-084		92-12-012
NATURAL RESOURCES, DEPARTMENT OF		fees	92-09-159
Adjudicative proceedings	92-01-027		92-12-052
Burning permit program		PERSONNEL APPEALS BOARD	92-12-081
requirements and exceptions	92-11-075	Briefing schedules	92-05-049
Fees		Motions	
public records, copying	92-12-074	filing deadlines	92-05-049
Forest closures		Rules coordinator	92-03-027
closed season	92-09-061	Service requirements	92-05-049
Forest practices board		PERSONNEL BOARD	
see FOREST PRACTICES BOARD		Career executive program	
Geothermal resources development	92-06-003	employee selection	92-10-065
Land boundary surveys and geodetic control surveys, standards	92-03-007	position nomination procedures	92-03-100
Land descriptions, guidelines	92-03-007	removal from program	92-10-065
Leasing of state-owned lands		Certification	
geothermal resources development	92-06-003	errors and correction	92-02-009
performance security	92-06-003	classified and exempt service, movement between	92-06-089
procedure	92-12-075		92-10-011
Milwaukee road corridor, recreational use	92-05-036		92-12-030
Natural heritage advisory council meetings	92-10-072	College recruitment program	92-10-066
Natural resources, board of meetings	92-03-054	Disciplinary actions	92-08-096
	92-13-004		92-12-032
Outdoor burning		Dismissal	
suspension	92-13-057	unauthorized leave, procedures	92-04-034
Public records			92-08-009
copying fees	92-12-074		

Subject/Agency Index
(Citations in **bold type** refer to material in this issue)

PERSONNEL BOARD—cont.		PUBLIC DISCLOSURE COMMISSION—cont.	
Exempt and classified service, movement between	92-06-089 92-10-011 92-12-030	reporting, abbreviated	92-05-079 92-12-084
Family care requirements	92-03-098 92-03-101	Compensation sales commissions, reporting	92-05-078 92-05-082 92-08-105
Leave		Contributions contribution and expenditure form	92-01-131 92-05-080 92-12-084 92-05-079
family care needs	92-03-098 92-03-101	limitations	92-05-079
without pay, effects	92-08-091 92-12-033	"receipt" defined	92-05-081
"Manager" defined	92-03-099	Disclosure petition form	92-01-131 92-05-080
Nurses		Organization	92-03-005
shift premium provisions	92-08-092 92-12-031	Redistricting	
Paid sick leave	92-03-098	"reelect," "retain," or "return" used in political advertising	92-08-104 92-12-037
Part-time employees, promotional rights	92-02-010	Reporting requirements	
Promotional rights, part-time employees	92-02-010	hearing to modify	92-01-131 92-05-080
Reinstatement following appeal	92-04-034 92-08-009	suspension of	92-01-131 92-05-080
Shift premium provisions and compensation	92-06-090 92-08-092 92-10-012 92-12-029 92-12-031	Sales commissions reporting requirements	92-05-078 92-05-082 92-08-105
Sick leave, paid			
family care requirements	92-03-098	PUBLIC INSTRUCTION, SUPERINTENDENT OF	
Unauthorized leave		Allocations, 1991-93	
presumption of abandonment, procedures	92-04-034 92-08-009	early intervention services	92-02-026
		special	92-03-023
PERSONNEL, DEPARTMENT OF		Budget extension, filing deadline	92-03-024
Rules coordinator	92-01-087	Early intervention services	
PIERCE COLLEGE		allocations	92-02-026
Meetings	92-01-003	Elementary and secondary school amendments	
Personnel rules	92-01-085 92-03-031	of 1988 compliance	92-11-028
Rules coordinator	92-01-004	Excellence in education awards	92-03-063
PILOTAGE COMMISSIONERS, BOARD OF		Financial assistance to local	
Licenses		school districts	
pilots	92-08-049 92-08-053	compliance with federal regulations	92-10-062 92-11-028
reinstatement	92-08-050	Institutional education program	92-03-045
renewal	92-03-108 92-04-073 92-08-050 92-03-108	Learning assistance programs	
retired pilots	92-03-108	waiver of regulations	92-06-053
New pilots		Local school districts	
licensing	92-08-049 92-08-053	financial assistance, state compliance	
limitations	92-04-075 92-08-051 92-08-054	with federal regulations	92-10-062
qualifications	92-07-075 92-12-079	Public records, availability	92-06-052 92-10-016
Pilotage tariff rates		Special education	
Grays Harbor pilotage district	92-08-048 92-11-035	waiver of regulations	92-06-053
Puget Sound pilotage district	92-07-076	Teacher assistance program	92-01-082 92-05-068
Vessel certification form	92-04-074 92-08-052	Traffic safety education program	
		low-income student tuition	
POLLUTION LIABILITY INSURANCE AGENCY		assistance	92-03-138
Eligibility assessment reimbursement	92-06-060 92-09-091	minimum hour requirements	92-03-138
Rules coordinator	92-04-033	Transportation	
PUBLIC DISCLOSURE COMMISSION		allocations for operations	92-04-009 92-08-024
Advertising		PUBLIC WORKS BOARD	
"reelect," "retain," or "return" used in political advertising	92-08-104 92-12-037	(See COMMUNITY DEVELOPMENT, DEPARTMENT OF)	
Campaigns		PUGET SOUND AIR POLLUTION CONTROL AGENCY	
contributions and expenditures form	92-12-084	Acceptable source impact levels	92-03-092
filing	92-12-084	Aerators and sterilizers	
registration statements	92-12-084	ethylene oxide emission control	92-03-091
		Chromic acid plating and anodizing	92-03-091
		Compliance dates	92-03-102
		Definitions	92-03-092 92-03-102
		Fees	92-01-089

Subject/Agency Index
(Citations in **bold type** refer to material in this issue)

PUGET SOUND AIR POLLUTION CONTROL AGENCY—cont.		REVENUE, DEPARTMENT OF—cont.	
Gasoline		Penalties and interest	92-03-025
loading terminals	92-03-073	Persons engaging in business, definition	92-02-001
stations	92-03-073		92-03-066
Outdoor fires			92-06-082
exemptions from prohibitions	92-04-056	Property tax	
	92-09-098	deferral of assessments and/or tax	92-04-068
prohibited areas	92-04-056		92-04-078
	92-09-098	disabled persons, exemption	92-06-038
prohibited types	92-04-056		92-04-069
	92-09-098	senior citizens, exemption	92-04-079
Perchloroethylene dry cleaner	92-03-092		92-06-039
Registration program, fee schedule	92-01-089	Refunds for overpayment of taxes	92-04-069
Sterilizers and aerators		Rules coordinator	92-04-079
ethylene oxide emission control	92-03-091	Sales tax	92-06-039
PUGET SOUND WATER QUALITY AUTHORITY		legend drugs, exemption	92-05-017
Meetings	92-07-004		92-01-055
	92-09-015	prosthetic and orthotic devices,	
Water quality management plan programs	92-01-141	ostomic items, and medically	
		prescribed oxygen, exemption	92-01-042
RENTON TECHNICAL COLLEGE			92-05-065
Meetings	92-13-003	Special assessments	
Rules coordinator	92-13-003	deferral	92-04-068
RETIREMENT SYSTEMS, DEPARTMENT OF			92-04-078
Early retirement	92-11-027		92-06-038
Fees		Timber excise tax	
untimely or inaccurate reports		stumpage sales reporting	92-10-060
by employees	92-11-027	stumpage values	92-02-067
	92-12-048		92-06-037
Rules coordinator	92-01-077		92-06-040
	92-11-026		92-06-057
			92-08-018
REVENUE, DEPARTMENT OF			92-10-061
Accounting		Use tax	
accrual method, tax reporting		automobile dealers	
duties	92-03-026	demonstrator and executive vehicles	92-01-044
cash receipts reporting	92-03-026		92-05-066
Agricultural land valuation	92-03-068	legend drugs, exemption	92-01-042
Business and occupation tax			92-05-065
life insurance agents, brokers,		prosthetic and orthotic devices,	
and solicitors, definition	92-02-002	ostomic items, and medically	
	92-03-067	prescribed oxygen, exemption	92-01-042
Cigarette vendor licenses	92-02-003		92-05-065
	92-03-065	RULES COORDINATORS	
	92-06-081	Bates Technical College	92-07-101
Computer software		Blind, Washington state school for the	92-01-021
definitions	92-01-132	Building code council	92-12-010
valuation and taxation	92-01-132	Central Washington University	92-01-107
Cosmetologists, barbers, and manicurists		Chiropractic disciplinary board	92-01-048
"engaging in business" defined	92-03-066	Chiropractic examining board	92-01-048
	92-06-082	Clover Park Technical College	92-04-038
Employees distinguished from persons			92-12-050
engaging in business	92-02-001	Code reviser's office	92-01-001
	92-03-066	County road administration board	92-02-047
	92-06-082		92-04-017
Hotels and motels		Deaf, Washington state school for the	92-01-020
telephone service, taxation on	92-01-041	Dental disciplinary board	92-01-048
	92-05-064	Dental examining board	92-01-048
Interest and penalties	92-03-025	Eastern Washington University	92-02-030
Life insurance agents, brokers, and			92-04-054
solicitors			92-11-024
"employee" defined	92-03-066	Ecology, department of	92-01-094
	92-03-067		92-06-047
	92-06-082	Environmental hearings office	92-03-008
taxability of amounts received by	92-02-002	Forest practices board	92-01-118
Lodging, persons selling		Gambling commission	92-03-036
services and other business		General administration, department of	92-05-037
activities, taxation on	92-01-041	Growth planning hearings boards	92-12-022
	92-05-064	Health, board of	92-01-048
Oil spill response and administration		Health care authority	92-06-001
tax			92-07-061
offloading crude oil or petroleum		Health, department of	92-01-048
product from vessel	92-04-015	Hearing aids council	92-01-048
	92-07-092		
	92-10-006		
solicitation of preproposal comment	92-05-052		

Subject/Agency Index
(Citations in **bold type** refer to material in this issue)

RULES COORDINATORS—cont.		SECRETARY OF STATE—cont.	
Higher education personnel board	92-01-030	security microfilm storage	92-04-026 92-08-020
Highline Community College	92-06-069	Elections	
Industrial insurance appeals, board of	92-09-152	absentee ballot procedures	92-05-023
Information services, department of	92-04-002	presidential preference primary	92-05-023
Insurance commissioner, office of	92-01-039	procedures	92-08-032 92-09-112 92-10-038 92-12-083
Judicial conduct, commission on	92-01-032		
Labor and industries, department of	92-02-029		
Lake Washington Technical College	92-05-038	International student exchange agencies	
Licensing, department of	92-12-049	registration	92-02-103 92-02-104 92-10-023
Liquor control board	92-03-001		
Marine safety, office of	92-03-017	Local records committee	
Maritime commission	92-05-014	membership and duties	92-09-017
Massage board	92-05-003	records, disposition authorization	92-09-018
Medical disciplinary board	92-01-048	Presidential preference primary	
Medical examiners, board of	92-01-048	absentee ballot procedures	92-05-023 92-08-032
Medical resources, department of	92-01-048		
Natural resources, department of	92-01-026	Productivity board	
Nursing, board of	92-01-048	teamwork incentive program	92-04-077 92-09-048
Nursing home administrators, board	92-01-048	Security microfilm storage	92-04-026 92-08-020
of examiners for	92-01-048		
Occupational therapy practice, board of	92-01-048	SHORELINE COMMUNITY COLLEGE	
Optometry board	92-01-048	Hepatitis B immunization for health	
Osteopathic medicine and surgery board	92-01-048	occupations students	92-04-055 92-08-040
Parks and recreation commission	92-01-037	Immunization for health occupations	
Personnel appeals board	92-03-027	students	92-04-055 92-08-040
Personnel, department of	92-01-087	Meetings	
Pharmacy, board of	92-01-048	Rules coordinator	92-03-057 92-02-043
Physical therapy, board of	92-01-048		
Pierce college	92-01-004	SKAGIT VALLEY COLLEGE	
Podiatric medical board	92-01-048	Meetings	92-01-102 92-05-032 92-03-060
Pollution liability insurance agency	92-04-033	Rules coordinator	
Practical nursing, board of	92-01-048		
Psychology, examining board of	92-01-048	SOCIAL AND HEALTH SERVICES, DEPARTMENT OF	
Renton Technical College	92-13-003	Adult family homes	
Retirement systems, department of	92-01-077	licensing requirements	92-04-035 92-06-011 92-08-056 92-12-009
Revenue, department of	92-11-026	Aid to families with dependent children	
Shoreline Community College	92-01-055	child day care services	92-08-029 92-08-030 92-11-062 92-08-005 92-08-006 92-10-034 92-11-056
Skagit Valley College	92-02-043	eligibility	
Social and health services,	92-03-060	emergent situations	
department of	92-03-072	requirements	92-05-035 92-09-033
Tax appeals, board of	92-01-060	fair hearing process	92-11-002
Trade and economic development,		income and resources disregard	92-05-005 92-05-008 92-09-029
department of	92-03-071	income assistance child care program	92-01-136
Traffic safety commission	92-04-066	JOBS program participation	92-10-034
Transportation commission	92-03-003	medical programs eligibility	92-05-006 92-05-007 92-09-030
Transportation improvement board	92-05-059	quarter of work, definition	92-02-072 92-02-074 92-04-024 92-08-041
Transportation, department of	92-03-004	registration with public employment	
University of Washington	92-02-036	agency	92-10-034
Utilities and transportation commission	92-01-113	Alcohol or drug addiction	
Veterinary board of governors	92-01-048	program eligibility	92-03-047
Washington state patrol	92-01-010	referral criteria	92-03-047
Washington State University	92-06-016		
Whatcom Community College	92-03-011		
Wildlife, department of	92-12-021		
SEATTLE COMMUNITY COLLEGES			
Meetings	92-02-032		
	92-04-012		
	92-06-025		
	92-08-019		
	92-09-003		
SECRETARY OF STATE			
Absentee ballot procedures	92-05-023		
Archives and records management,			
division of			
archives/public records access	92-12-076		
local records, disposition			
authorization	92-09-018		
local records committee,			
membership and duties	92-09-017		
public records, disposal methods	92-02-068 92-05-060 92-02-068 92-05-060		
recycling, disposal of records by			

Subject/Agency Index
(Citations in **bold type** refer to material in this issue)

**SOCIAL AND HEALTH SERVICES,
DEPARTMENT OF—cont.**

Child care
 day care
 general and seasonal services 92-08-029
 92-08-030
 92-11-062
 licensing requirements 92-04-035
 92-06-011
 92-08-056
 92-12-009
 disqualification from authority to
 care for children 92-02-101
 92-04-022
 92-08-038
 providers
 criminal history inquiry 92-03-148
Child support
 assignment of support rights 92-08-001
 92-13-025
 92-13-026
 eligibility for services 92-08-001
 92-13-025
 92-13-026
 enforcement 92-08-001
 92-13-025
 92-13-026
 obligations 92-02-049
 92-02-050
 92-04-021
 92-08-001
 92-08-034
 92-13-025
 92-13-026
 responsibilities of office of
 support enforcement 92-08-001
 92-13-025
 92-13-026
Developmentally disabled
 eligibility for services 92-04-004
 family support services 92-05-076
 92-05-077
 92-09-113
 92-09-114
 92-09-119
 92-13-024
 funds distribution to counties 92-09-045
 92-09-046
 92-09-051
 92-13-032
 plan development and submission 92-06-059
 92-09-115
 service need levels 92-05-076
 92-05-077
 92-09-114
Drug or alcohol addiction
 program eligibility 92-03-047
 referral criteria 92-03-047
Family independence program
 employability reassessment 92-04-003
 medical programs eligibility 92-05-006
 92-05-007
 92-09-030
 92-01-138
 meetings 92-01-138
Food stamp program
 alien eligibility 92-10-028
 92-10-029
 benefits, restoration of lost 92-01-139
 92-04-020
 92-08-035
 coupons
 issuance 92-12-041
 food coupon authorization
 use during validity period 92-12-041
 general assistance clients,
 categorical eligibility 92-07-047
 92-09-116

**SOCIAL AND HEALTH SERVICES,
DEPARTMENT OF—cont.**

homeless shelter deduction 92-05-043
92-05-044
92-05-045
92-05-046
92-09-031
92-09-032
income budgeting
 prospective **92-13-051**
 retrospective **92-13-052**
income exclusions 92-03-119
92-08-108
92-08-109
92-11-063
income reporting **92-13-053**
intentional program violations 92-09-028
92-12-044
92-09-066
92-12-042
overissuances 92-09-037
92-12-043
prospective income budgeting **92-13-051**
resources exemptions 92-06-042
92-06-045
92-09-117
retrospective income budgeting **92-13-052**
"student" defined 92-08-010
92-08-014
92-11-059
student eligibility 92-08-012
92-08-015
92-08-108
92-08-109
92-11-058
92-11-063
General assistance
 alcoholism or drug addiction
 program eligibility 92-03-047
 assistance units
 composition 92-07-048
 92-10-049
 definitions 92-07-050
 92-07-051
 92-10-048
 92-10-050
 persons included 92-07-049
 92-10-047
 eligibility **92-13-031**
 92-13-033
 fair hearing process 92-11-002
 food stamps, categorical eligibility 92-07-047
 92-09-116
 incapacity, waiver of medical
 documentation 92-02-102
 92-04-023
 92-08-036
 resource eligibility **92-13-031**
 92-13-033
Income assistance
 child care program 92-01-136
 92-04-013
 92-04-014
 92-08-033
 consolidated emergency assistance
 program 92-03-118
 assistance units 92-09-026
 92-03-117
 benefit amounts 92-09-025
 92-03-113
 eligibility 92-09-021
 92-03-115
 exempt income and resources 92-09-023
 income determination 92-03-116
 92-09-024

Subject/Agency Index
(Citations in **bold type** refer to material in this issue)

**SOCIAL AND HEALTH SERVICES,
DEPARTMENT OF—cont.**

persons included in grant 92-03-114
92-09-022

direct rental payments to
landlords, pilot program 92-03-085
earned income disregards 92-03-090
funeral and interment
expenses **92-13-041**
92-13-044

prospective income budgeting 92-03-086

Index of interpretive and policy
statements 92-09-038

Job opportunities and basic skills
training program (JOBS)
aid to families with dependent children
employable parent, JOBS participation 92-10-034
funding approval priority
groups 92-09-081
92-12-045

Medicaid
advance directives 92-05-050
children to eighteen years
of age, eligibility 92-03-083
cooperation in securing
medical support 92-03-087
restitution 92-03-042
92-03-044
92-07-028

Medical assistance
advance directives 92-05-050
advanced registered nurse practitioners
services provided 92-08-107
92-11-003
allocation of excess income, spenddown 92-03-111
92-03-122
92-07-027

allocation of income
institutionalized recipient 92-03-147
92-03-149
92-07-053
92-08-082
92-08-083
92-10-046
assignment of rights 92-08-013
92-08-017
92-11-061
availability of resources 92-03-088
92-08-011
92-08-016
92-11-060
categorically needy, eligibility
definitions 92-03-046
92-04-019
92-13-054
financial responsibility of relatives 92-11-053
92-12-046

hospice services
eligibility 92-10-075
92-10-077
92-13-030

Kitsap Physicians Service—Sound Care Plan 92-10-074
92-10-076
92-13-029

mandatory prepaid health care plans
eligibility 92-10-074
92-10-076
92-13-029

medical care programs
definitions 92-04-019
92-13-054
eligibility 92-05-006
92-05-007
92-08-080
92-08-081
92-09-019
92-11-053
92-11-057

**SOCIAL AND HEALTH SERVICES,
DEPARTMENT OF—cont.**

excluded resources 92-02-073
92-02-075
92-04-025
92-08-037
services provided 92-01-137
92-08-107
92-11-003
92-13-001
92-03-084

medical services requests
medically indigent
scope of care 92-01-137
92-03-120
92-13-001

medically needy
scope of care **92-13-001**

monthly maintenance standard for
client not in own home 92-11-054
92-12-047
92-03-041
92-03-043
92-07-026
92-03-112
92-03-121
92-07-029

oxygen service

recovery from estates

Mental health
definitions 92-07-033
92-07-034
92-11-055
92-07-033
92-07-034
92-11-055
92-06-043
92-06-044
92-09-118

regional support networks
community support services 92-07-033
92-07-034
92-11-055

Nursing facilities
admission and screening 92-03-015
92-08-074
contract noncompliance 92-03-015
92-08-074

contractors
projected budget **92-13-042**
92-13-043
reimbursement rate **92-13-042**
92-13-043
reports **92-13-042**
92-13-043
termination of contract **92-13-042**
92-13-043

placement 92-03-015
92-08-074

resident assessment 92-03-015
92-08-074

utilization review 92-03-015
92-08-074

Nursing homes
pharmaceutical services 92-03-015
92-08-074
physician services 92-03-015
92-08-074
residential care units 92-03-015
92-08-074

Public records
availability 92-09-038
disclosure exemptions 92-09-038
fees 92-09-038
Rules coordinator 92-03-072

Supplemental security income
medical programs eligibility 92-05-006
92-05-007
92-09-030

Subject/Agency Index
(Citations in **bold type** refer to material in this issue)

SOCIAL AND HEALTH SERVICES, DEPARTMENT OF—cont.		TRADE AND ECONOMIC DEVELOPMENT, DEPARTMENT OF	
Support enforcement, office of assignment of support rights eligibility for services enforcement responsibilities of office support obligation	92-08-001 92-08-001 92-08-001 92-08-001 92-02-049 92-02-050 92-04-021 92-08-001 92-08-034 92-03-089	Business assistance center meetings	92-03-080 92-08-047 92-12-040 92-02-015
Vendor payments		Child care facility fund	92-06-012
SOUTH PUGET SOUND COMMUNITY COLLEGE		Community economic revitalization board meetings	92-09-067 92-11-015 92-13-002 92-03-071
Meetings	92-07-003 92-07-044 92-11-016	Rules coordinator	
SOUTHWEST AIR POLLUTION CONTROL AUTHORITY		TRAFFIC SAFETY COMMISSION	
Fee schedules	92-03-078 92-04-030 92-06-015	Rules coordinator	92-04-066
SPOKANE, COMMUNITY COLLEGES OF		TRANSPORTATION COMMISSION	
Adjudicative procedures	92-10-054	Meetings	92-01-018 92-01-103 92-02-011 92-02-012 92-04-028 92-06-035 92-10-015 92-12-034 92-03-003
Employees classified employment and dismissal	92-10-056	Rules coordinator	
Employer-employee relations representing organization, election	92-10-058	TRANSPORTATION, DEPARTMENT OF	
Legislative liaisons	92-10-055	Billboard relocation	92-06-010 92-09-043
Parking and traffic	92-10-051	Highway access management access permits	92-10-041
Student records, availability	92-10-057	Highway advertising control	92-06-010 92-09-043 92-03-004
Student rules of conduct	92-10-053	Rules coordinator	
Student suspension	92-10-052	TRANSPORTATION IMPROVEMENT BOARD	
SPOKANE COUNTY AIR POLLUTION CONTROL AUTHORITY		Meetings	92-02-051 92-07-031 92-08-095 92-09-027 92-10-063 92-12-014 92-13-011 92-05-059
Confidential information	92-04-046 92-07-067 92-04-048 92-07-069	Rules coordinator	
Penalties	92-04-045 92-07-066 92-04-047 92-07-068	UNIVERSITY OF WASHINGTON	
Policy		Admission and registration procedures	92-08-065 92-12-011 92-01-074 92-02-038 92-02-079 92-03-021 92-03-093 92-03-094 92-03-103 92-08-042 92-02-036 92-08-065 92-12-011 92-09-154
Violations		Meetings	
SUPREME COURT		Stadium boat moorage facilities	
Admission to practice APR 6(a)	92-06-002	USURY RATES	
Arrest without warrant	92-13-016	(See inside front cover)	
Bar examination qualification	92-13-017	UTILITIES AND TRANSPORTATION COMMISSION	
Cameras in the courtroom (GR 16)	92-01-040	Address of commission	92-07-006
Continuing education (APR 12)	92-13-018	Administrative hearing guidelines	92-01-135 92-02-080 92-05-001 92-07-009 92-02-082
Courts of limited jurisdiction infraction rules	92-13-015	Affiliated transactions, reporting of	
Criminal traffic offense cases	92-13-018	Auto transportation companies	92-02-082
Evidence admissibility	92-13-017	Brokers and forwarders bond requirements	92-05-092 92-09-014
Justice court traffic infraction rules	92-13-015	Contract carriers new contracts with shippers	92-01-053
Law clerk program fee schedule (APR 6(a))	92-07-021		
Lawyer discipline	92-13-017		
Limited practice board Rule 19 for APR 12	92-07-022		
Probable cause determination	92-13-016		
Procedures	92-13-017		
Professional conduct	92-13-017		
Trial, extensions of time for	92-13-016		
TACOMA COMMUNITY COLLEGE			
Meetings	92-01-007		
TAX APPEALS, BOARD OF			
Meetings	92-01-059		
Rules coordinator	92-01-060		

Subject/Agency Index
(Citations in **bold type** refer to material in this issue)

UTILITIES AND TRANSPORTATION COMMISSION—cont.

Electrical companies
affiliated transactions, reporting of 92-02-080
92-05-001
92-07-009

Forwarders and brokers
bond requirements 92-05-092
92-09-014

Gas companies
affiliated transactions, reporting of 92-02-080
92-05-001
92-07-009
gas safety rules 92-06-086

Local exchange companies
affiliated transactions, reporting of 92-02-080
92-05-001
92-07-009
92-01-051

Log shipments, intrastate rates

Low-level radioactive waste
disposal sites and site operators 92-03-050

Meetings 92-01-112

Motor carriers
regulations 92-01-116
92-02-016
92-02-082

Passenger charter carriers
Procedures **92-13-101**

Public records, availability 92-07-006

Public service companies
construction budget 92-02-083

Refusal of service 92-01-115

Rules coordinator 92-01-113

Solid waste
accounts, uniform system of 92-03-082
annual reports 92-03-082
collection companies 92-01-052
92-02-081

Telecommunications
access charges 92-07-010
92-10-067

automatic dialing and announcing
devices **92-13-101**
caller identification service 92-05-089
92-08-075
92-03-049

enhanced 911 services
interexchange telecommunications
companies deposit or security 92-01-114

Water companies
"control" defined 92-05-091
92-09-078
92-05-090
92-13-056

service installations and connections

VETERANS' AFFAIRS, DEPARTMENT OF

Advisory committee **92-13-022**

Washington soldiers home and colony
administration **92-13-023**
admission eligibility **92-13-023**
policies and procedures **92-13-023**
resident income and assets **92-13-023**
resident rights **92-13-023**

Washington veterans home administration
admission eligibility **92-13-023**
policies and procedures **92-13-023**
resident income and assets **92-13-023**
resident rights **92-13-023**

VOCATIONAL EDUCATION, COUNCIL ON

Meetings 92-09-077
92-10-007

WALLA WALLA COMMUNITY COLLEGE

Meetings 92-02-007

WASHINGTON STATE LIBRARY

Continuing education, council on
membership 92-04-076
92-08-023

WASHINGTON STATE LIBRARY—cont.

Library commission
meetings 92-05-033
92-09-085
92-10-045

WASHINGTON STATE PATROL

Approved traction tires 92-05-016

Conviction records 92-11-052
92-13-012A

fees

Deceleration warning lamps **92-13-012A**

Fingerprint background checks 92-11-052
fees

Hazardous materials response teams vehicles
flashing amber lights 92-05-015
92-11-032

Hazardous materials transportation
Identification section **92-13-012A**
92-11-051
92-13-012A
92-13-012A
92-01-010

Private carrier buses

Rules coordinator

School buses
hazard strobe lamp use 92-09-050

Snow removal vehicles
traction tire use exemption 92-05-016

Towing devices and methods **92-13-012A**

Traction tires, approved 92-05-016

Trailer tongue lamps **92-13-012A**

Vehicle disposition **92-13-012A**

WASHINGTON STATE UNIVERSITY

Meetings 92-01-086
92-09-111
92-10-004
92-06-016

Rules coordinator

WESTERN WASHINGTON UNIVERSITY

Bicycles
dismount zone, enforcement 92-01-073
92-06-068
92-06-006
92-07-045

Meetings

WHATCOM COMMUNITY COLLEGE

Meetings 92-03-010
92-04-039
92-09-039
92-03-011

Rules coordinator

WILDLIFE, COMMISSION AND DEPARTMENT

Field identification
game species and sex evidence 92-02-086
92-05-018
92-12-057
92-12-064
92-02-086
92-05-018
92-12-057
92-12-064

taxidermists and furdealers, records

Fishing
bass daily catch limits 92-05-020
92-06-073
92-11-079

game fish seasons and catch limits
adoption of 1992-94
regulations 92-01-084
repeal of 1990-92 regulations 92-01-083

game fish seasons and catch limits,
1990-92

Big White Salmon River 92-05-022
Carbon River 92-05-024
Cascade River 92-02-035
Cedar River 92-02-013
Deep Creek 92-05-021
Green River 92-02-013
92-05-019
92-08-067
92-05-022
92-02-013

Hamilton Creek
Lake Sammamish

Subject/Agency Index
(Citations in **bold type** refer to material in this issue)

WILDLIFE, COMMISSION AND DEPARTMENT—cont.

Lake Washington 92-02-013
 Lake Washington Ship Canal 92-02-013
 Lewis River 92-05-022
 Nisqually River 92-03-013
 Nooksack River 92-05-019
 Puyallup River 92-05-019
 Rock Creek 92-05-022
 Salmon Bay 92-02-013
 Salmon Creek 92-05-022
 Samish River 92-02-013
 92-05-019
 Sammamish River 92-02-013
 Sauk River 92-02-035
 92-05-019
 Skagit River 92-02-035
 92-05-019
 92-08-067
 Skykomish River 92-02-013
 Snohomish River 92-05-019
 Snoqualmie River 92-05-019
 Stillaguamish River 92-05-019
 Tokul Creek 92-02-013
 92-05-019
 92-05-022
 Washougal River
 game fish seasons and catch limits,
 1992-94
 bass 92-06-073
 92-11-079
 Carbon River 92-05-024
 Clear Lake 92-02-090
 92-07-037
 Columbia River 92-08-064
 Deep Creek 92-09-136
 92-12-020
 Echo Lake 92-02-090
 92-07-037
 Green River 92-05-019
 92-08-067
 Kettle River 92-06-074
 92-11-080
 Lake Desire 92-02-088
 92-07-038
 Morton Lake 92-02-090
 92-07-037
 Nooksack River 92-05-019
 Pipers Creek 92-02-089
 92-07-039
 Puyallup River 92-05-019
 Samish River 92-05-019
 Sauk River 92-05-019
 Serene Lake 92-02-090
 92-07-037
 Skagit River 92-05-019
 92-08-067
 Skykomish River 92-02-092
 92-07-041
 Snohomish River 92-05-019
 Snoqualmie River 92-05-019
 Stillaguamish River 92-05-019
 Tokul Creek 92-02-093
 92-05-019
 92-07-042
 92-02-091
 walleye 92-07-040
 lines and hooks, maximum number 92-06-072
 92-08-066
 92-11-078
 snagging and gaffing 92-06-072
 92-11-078
 steelhead fishing regulations 92-05-019
 92-05-022
 92-05-024
 92-08-064
 92-08-067

WILDLIFE, COMMISSION AND DEPARTMENT—cont.

Furdealers records 92-02-086
 92-05-018
 92-12-057
 92-12-064
 Game
 import and retention of game
 and nonresident wildlife 92-02-086
 92-05-018
 92-12-057
 92-12-064
 taxidermists and furdealers, records 92-02-086
 92-05-018
 92-12-057
 92-12-064
 Game management units
 boundary descriptions 92-02-085
 92-06-017
 92-09-042
 92-12-065
 Hunting seasons
 bear, 1991-92, 1992-93, 1993-94 92-06-075
 92-12-058
 92-01-012
 92-06-075
 92-06-079
 92-12-058
 92-12-062
 92-06-076
 92-06-079
 92-12-019
 92-12-059
 92-12-062
 92-06-077
 92-12-060
 92-06-078
 92-12-061
 92-06-080
 92-12-063
 turkey seasons
 1991 spring season 92-02-094
 92-06-019
 92-02-087
 92-06-018
 92-12-021
 Canada goose season, early closure
 deer, 1991-92, 1992-93, 1993-94
 92-06-079
 92-12-058
 92-12-062
 92-06-076
 92-06-079
 92-12-019
 92-12-059
 92-12-062
 92-06-077
 92-12-060
 92-06-078
 92-12-061
 92-06-080
 92-12-063
 elk, 1991-92, 1992-93, 1993-94 92-06-075
 92-06-076
 92-06-079
 92-12-019
 92-12-059
 92-12-062
 92-06-077
 92-12-060
 92-06-078
 92-12-061
 92-06-080
 92-12-063
 small game, 1991-92, 1992-93, 1993-94 92-06-075
 92-12-058
 92-12-062
 92-06-076
 92-06-079
 92-12-019
 92-12-059
 92-12-062
 92-06-077
 92-12-060
 92-06-078
 92-12-061
 92-06-080
 92-12-063
 special closure areas, 1991-92, 1992-93 92-06-075
 92-12-058
 92-12-062
 92-06-076
 92-06-079
 92-12-019
 92-12-059
 92-12-062
 92-06-077
 92-12-060
 92-06-078
 92-12-061
 92-06-080
 92-12-063
 special species, 1991-92, 1992-93 92-06-075
 92-12-058
 92-12-062
 92-06-076
 92-06-079
 92-12-019
 92-12-059
 92-12-062
 92-06-077
 92-12-060
 92-06-078
 92-12-061
 92-06-080
 92-12-063
 turkey seasons
 1991 spring season 92-02-094
 92-06-019
 92-02-087
 92-06-018
 92-12-021
 Rules coordinator 92-12-021
 Taxidermists
 identification of game species
 and sex 92-02-086
 92-05-018
 92-12-057
 92-12-064
 import and retention of game
 and nonresident wildlife 92-02-086
 92-05-018
 92-12-057
 92-12-064
 records 92-02-086
 92-05-018
 92-12-057
 92-12-064

WINE COMMISSION

(See AGRICULTURE, DEPARTMENT OF)

WORKFORCE TRAINING AND EDUCATION COORDINATING BOARD

Meetings 92-03-039
 92-09-053
 92-11-030

WASHINGTON STATE REGISTER Subscriptions

To: Subscription Clerk
WASHINGTON STATE REGISTER
Code Reviser's Office
PO Box 40552
Olympia, WA 98504-0552

I would like to order _____ subscription(s) to the WASHINGTON STATE REGISTER, at an annual rate of \$161.85, sales tax included (\$150 for state agencies). Enclosed is my check or money order for \$_____. Please start my subscription with the January issue of 19____.

NAME _____

ADDRESS _____

THE WASHINGTON STATE REGISTER, published pursuant to RCW 34.08.020, is distributed on the first and third Wednesdays of each month. The Register contains the full text of proposed, emergency, and permanently adopted rules of state agencies, executive orders of the governor, notices of public meetings of state agencies, rules of the state supreme court, summaries of attorney general opinions, and juvenile disposition standards which have been filed in the code reviser's office prior to the pertinent closing date for that issue of the Register. A cumulative table of existing sections of the Washington Administrative Code (WAC) affected by a particular agency action guides the user to the proper volume of the Register.

The code reviser's office has established an annual subscription price of \$150 for the Register, and single copies will cost \$7. Sales tax of 7.9% now applies to all sales other than to state agencies. State law requires payment in advance. To subscribe to the Register, please complete the order form above and forward it to the address indicated, accompanied by your check or money order in the amount of \$161.85 (\$150 for state agencies) payable to the code reviser's office.

Send Address Changes to:

WASHINGTON STATE REGISTER

(ISSN 0164-6389)

Code Reviser's Office

PO Box 40552

OLYMPIA, WA 98504-0552



Second-Class Postage Paid At Olympia, WA
--

S E C O N D C L A S S