

Washington State Register

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filed not later than March 20, 1996

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 (360) 753-7470.

REPLICATION 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 April 1996 pursuant to RCW 19.52.020 is twelve point zero percent (12.00%).

NOTICE: FEDERAL LAW PERMITS FEDERALLY INSURED FINANCIAL INSTITUTIONS IN THE STATE TO CHARGE THE HIGHEST RATE OF INTEREST THAT MAY BE CHARGED BY ANY FINANCIAL INSTITUTION IN THE STATE. THE MAXIMUM ALLOWABLE RATE OF INTEREST SET FORTH ABOVE MAY NOT APPLY TO A PARTICULAR TRANSACTION.

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

Mary F. Gallagher Dille
Chair, Statute Law Committee

Dennis W. Cooper
Code Reviser

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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

The Register is arranged in the following six sections:

- (a) **PREPROPOSAL**-includes the Preproposal Statement of Inquiry that will be used to solicit public comments on a general area of proposed rule making before the agency files a formal notice.
- (b) **PROPOSED**-includes the full text of formal proposals, continuances, supplemental notices, and withdrawals.
- (c) **PERMANENT**-includes the full text of permanently adopted rules.
- (d) **EMERGENCY**-includes the full text of emergency rules and rescissions.
- (e) **MISCELLANEOUS**-includes notice of public meetings of state agencies, rules coordinator notifications, summaries of attorney general opinions, executive orders and emergency declarations of the governor, rules of the state Supreme Court, and other miscellaneous documents filed with the code reviser's office under RCW 34.08.020 and 42.30.075.
- (f) **TABLE**-includes a cumulative table of the WAC sections that are affected in the current year.
- (g) **INDEX**-includes a combined subject matter and agency index.

Documents are arranged within each section 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 with a section's material.

2. 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 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**.

3. MISCELLANEOUS MATERIAL NOT FILED UNDER THE ADMINISTRATIVE PROCEDURE ACT

Material contained in the Register other than rule-making actions taken under the APA (chapter 34.05 RCW) 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.

4. EFFECTIVE DATE OF RULES

- (a) Permanently adopted agency rules normally take effect thirty-one 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.

5. 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].

1995 - 1996
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		
<i>For Inclusion in--</i>	<i>File no later than 12:00 NOON--</i>			<i>Count 20 days from--</i>	<i>For hearing on or after</i>
95-16	Jul 5	Jul 19	Aug 2	Aug 16	Sep 5
95-17	Jul 26	Aug 9	Aug 23	Sep 6	Sep 26
95-18	Aug 9	Aug 23	Sep 6	Sep 20	Oct 10
95-19	Aug 23	Sep 6	Sep 20	Oct 4	Oct 24
95-20	Sep 6	Sep 20	Oct 4	Oct 18	Nov 7
95-21	Sep 20	Oct 4	Oct 18	Nov 1	Nov 21
95-22	Oct 4	Oct 18	Nov 1	Nov 15	Dec 5
95-23	Oct 25	Nov 8	Nov 22	Dec 6	Dec 26
95-24	Nov 8	Nov 22	Dec 6	Dec 20	Jan 9, 1996
96-01	Nov 22	Dec 6	Dec 20, 1995	Jan 3, 1996	Jan 23
96-02	Dec 6	Dec 20, 1995	Jan 3, 1996	Jan 17	Feb 6
96-03	Dec 27, 1995	Jan 10, 1996	Jan 24	Feb 7	Feb 27
96-04	Jan 10	Jan 24	Feb 7	Feb 21	Mar 12
96-05	Jan 24	Feb 7	Feb 21	Mar 6	Mar 26
96-06	Feb 7	Feb 21	Mar 6	Mar 20	Apr 9
96-07	Feb 21	Mar 6	Mar 20	Apr 3	Apr 23
96-08	Mar 6	Mar 20	Apr 3	Apr 17	May 7
96-09	Mar 20	Apr 3	Apr 17	May 1	May 21
96-10	Apr 3	Apr 17	May 1	May 15	Jun 4
96-11	Apr 24	May 8	May 22	Jun 5	Jun 25
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96-23	Oct 23	Nov 6	Nov 20	Dec 4	Dec 24
96-24	Nov 6	Nov 20	Dec 4	Dec 18	Jan 7, 1997

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.

REGULATORY FAIRNESS ACT

The Regulatory Fairness Act, chapter 19.85 RCW, was enacted in 1982 to minimize the impact of state regulations on small business. Amended in 1994, the act requires a small business economic impact analysis of proposed rules that impose more than a minor cost on twenty percent of the businesses in all industries, or ten percent of the businesses in any one industry. The Regulatory Fairness Act defines industry as businesses within a four digit SIC classification, and for the purpose of this act, small business is defined by RCW 19.85.020 as "any business entity, including a sole proprietorship, corporation, partnership, or other legal entity, that is owned and operated independently from all other businesses, that has the purpose of making a profit, and that has fifty or fewer employees."

Small Business Economic Impact Statements (SBEIS)

A small business economic impact statement (SBEIS) must be prepared by state agencies when a proposed rule meets the above criteria. Chapter 19.85 RCW requires the Washington State Business Assistance Center (BAC) to develop guidelines for agencies to use in determining whether the impact of a rule is more than minor and to provide technical assistance to agencies in developing a SBEIS. All permanent rules adopted under the Administrative Procedure Act, chapter 34.05 RCW, must be reviewed to determine if the requirements of the Regulatory Fairness Act apply; if an SBEIS is required it must be completed before permanent rules are filed with the Office of the Code Reviser.

Mitigation

In addition to completing the economic impact analysis for proposed rules, state agencies must take reasonable, legal, and feasible steps to reduce or mitigate the impact of rules on small businesses when there is a disproportionate impact on small versus large business. State agencies are encouraged to reduce the economic impact of rules on small businesses when possible and when such steps are in keeping with the stated intent of the statute(s) being implemented by proposed rules. Since 1994, small business economic impact statements must contain a list of the mitigation steps taken, or reasonable justification for not taking steps to reduce the impact of rules on small businesses.

When is an SBEIS Required?

When:

The proposed rule has more than a minor (as defined by the BAC) economic impact on businesses in more than twenty percent of all industries or more than ten percent of any one industry.

When is an SBEIS Not Required?

When:

The rule is proposed only to comply or conform with a federal law or regulation, and the state has no discretion in how the rule is implemented;

There is less than minor economic impact on business;

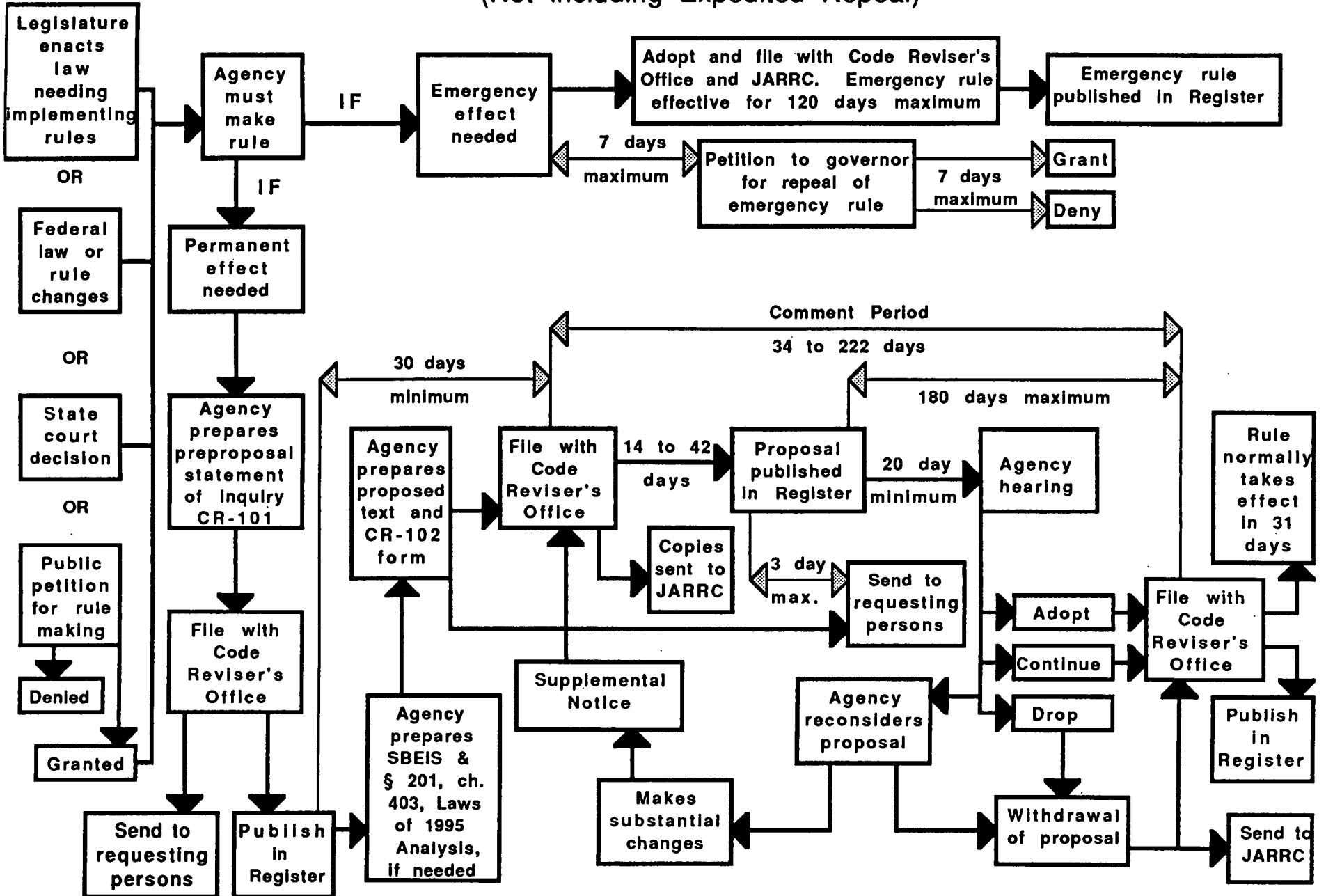
The rule REDUCES costs to business (although an SBEIS may be a useful tool for demonstrating this reduced impact);

The rule is adopted as an emergency rule, although an SBEIS may be required when an emergency rule is proposed for adoption as a permanent rule; or

The rule is pure restatement of state statute.

RULE-MAKING PROCESS

(Not including Expedited Repeal)



WSR 96-07-004
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Medical Assistance Administration)
 (Public Assistance)

[Order 100354—Filed March 7, 1996, 3:10 p.m.]

Subject of Possible Rule Making: WAC 388-519-1905 Base period and 388-522-2230 Eligibility reviews.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Administrative. Provide rules allowing twelve-month certification of MN when the client does not have spenddown.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: The department will distribute draft material for an internal and external review process. All comments are taken into consideration before issuance of final rule.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Joanie Scotson, Program Manager, Medical Assistance Administration, Mailstop 45530, Olympia, Washington 98504-5530, phone (360) 753-7462, FAX (360) 753-7315, TDD 1-800-848-5429.

March 7, 1996
 Merry A. Kogut, Supervisor
 Rules and Policies Assistance Unit

WSR 96-07-011
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
 [Filed March 11, 1996, 9:50 a.m.]

Subject of Possible Rule Making: Chapter 246-318 WAC, these rule changes pertain to regulations that govern the operation and construction of hospitals in Washington state. Their primary purpose is to promote safe and adequate care of individuals in hospitals through the development of minimum hospital standards for maintenance and operation.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.41.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The 1995 legislature passed HB 1445 which requires the Department of Health to review and revise hospital standards as stated "to make such minimum standards and rules consistent in format and general content with the applicable hospital survey standards of the joint commission on the accreditation of health care organizations." Rule making is necessary to promote safe and adequate care of individuals in Washington's hospitals. Without such rules Washington's patients may not be assured the safest and most adequate care. The hospital regulatory reform project seeks to describe the format and process for rule revision with resulting rules that help assure the health and safety of Washington's citizens. This reform is intended to meet the goal of eliminating regulatory

redundancy while preserving value added regulations. This scope incorporates the idea that rules must be based on common sense and relate to some measurable outcomes. The process also includes a broadened base of meaningful input from hospitals who are impacted by these rules.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The standards of the Joint Commission on Accreditation of Healthcare Organizations (JCAHO) overlap with the state rules. The project will include the JCAHO in this process so (as per HB 1445) rules are consistent in format and general content with the JCAHO.

Process for Developing New Rule: The project is designed around a team who will create ten work groups to carry out the rules reform. These work groups will be composed of people from organizations impacted by the proposed rules change. The work groups will hold meetings open to healthcare professionals and the public. Pilot rule making may be used to test certain sections of WAC before adoption.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Those individuals who may be contacted are Jon Davis, Project Manager, (360) 705-6785; Patti Larson, Team Member, (360) 705-6779; George Weed, Team Member, (360) 855-0915; Cindy Brewer, Team Member, (360) 705-6776; Department of Health, Facilities and Services Licensing Division, P.O. Box 47852, Olympia, WA 98504-7852. There will be work group meetings and as the project proceeds, public hearings to receive public input prior to rule adoption. Also, the project will work closely with the Hospital Association, Medical Association, N.W. Organization of Nurse Executives, and other hospital healthcare related groups.

February 8, 1996
 Bruce Miyahara
 Secretary

WSR 96-07-019
PREPROPOSAL STATEMENT OF INQUIRY
PARKS AND RECREATION
COMMISSION

[Filed March 12, 1996, 2:00 p.m.]

Subject of Possible Rule Making: Snowmobile registration fee increase.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.10.040, 46.10.210.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: ESB 6566 requires that the commission increase the annual snowmobile registration fee. Revenue from the fee increase will be used to support state parks snowmobile trail grooming public services.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Department of Licensing has been notified of the legislation requiring the fee increase. As provided by RCW 46.10.040, the Department of Licensing administers the snowmobile registration process.

Process for Developing New Rule: Agency study; and state parks conducted a user survey. The results support the rule change.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. (1) Write letters of comment to state parks. (2) Call state parks with comments. (3) Attend public hearing for adoption of the rule.

March 11, 1996
Sharon Howdeshell
Office Manager

WSR 96-07-024
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed March 13, 1996, 12:14 p.m.]

Subject of Possible Rule Making: Chapter 388-96 WAC, Nursing home accounting and reimbursement system.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 74.46 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To clarify intent of statute in regulations by codifying current policies and practices; editing previous codifications for substance and form; and implementing 1996 legislation that affects chapter 388-96 WAC, if any.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Health Care Financing Administration of the Department of Health and Human Services (HCFA). Within ninety days of the effective date of the revisions, the agency must submit a state plan amendment. The HCFA will notify the agency of acceptance or rejection of the plan.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Patricia Hague, Aging and Adult Services Administration, P.O. Box 45600, Olympia, WA 98504-5600, (360) 493-2969 or FAX (360) 493-9484.

March 13, 1996
Merry A. Kogut, Supervisor
Rules and Policies Assistance Unit

WSR 96-07-032
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed March 14, 1996, 2:22 p.m.]

Subject of Possible Rule Making: Disclosure of Social Security number by retirement system members.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Federal law and rules regarding disclosure of Social Security numbers require disclosure where the information is necessary for correct

reporting of income to the Internal Revenue Service. An amendment to the department's rule on disclosure of Social Security numbers will bring the rule into compliance with federal law and allow the Department of Retirement Systems to provide notice regarding the mandatory requirement to disclose member Social Security numbers.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Internal Revenue Service deals with Social Security number disclosure. Because the contemplated clarification is consistent with federal law and would not result in any double regulation or contradicting regulation, there has been no formal coordination process with the Internal Revenue Service.

Process for Developing New Rule: Because the contemplated rule clarifies compliance with federal laws and regulations, no process has been initiated to seek input from persons outside the agency other than the attorney general's office.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Paul Neal, Rules Coordinator, Legal/Legislative Affairs, Department of Retirement Systems, Mailstop 48380, P.O. Box 48380, Olympia, WA 98504-8380, phone (360) 586-3368, FAX (360) 753-3166.

March 14, 1996
Paul Neal
Rules Coordinator

WSR 96-07-033
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed March 14, 1996, 2:23 p.m.]

Subject of Possible Rule Making: Determination of basic salary for members of the law enforcement officers' and fire fighters' retirement system.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.050, 41.50.055.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules clarifying the definition of basic salary for LEOFF are needed to provide guidance to members and to employers regarding what types of payment are to be used as a basis for reporting compensation and making contributions to LEOFF Plan I and Plan II. The rules will be written in a plain English format including examples to make it easier for employers and members to correctly characterize payments.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Copies of the draft rule are being circulated and input solicited from representatives of the employer and member community.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Paul Neal, Rules Coordinator, Legal/Legislative Affairs, Department of Retirement Systems, Mailstop 48380, P.O. Box 48380, Olympia, WA 98504-8380, phone (360) 586-3368, FAX (360) 753-3166.

March 14, 1996
Paul Neal
Rules Coordinator

WSR 96-07-034
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
RETIREMENT SYSTEMS
[Filed March 14, 1996, 2:24 p.m.]

Subject of Possible Rule Making: Determination of compensation earnable for the public employees' retirement system members.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The new rules would replace the existing rules found at WAC 415-108-450 and 415-108-460. There would be some addition of new issues that have arisen since the adoption of those WACs in 1987, but the bulk of the new rules would restate the interpretations currently codified in the WAC. This restatement will be done in a more explanatory, plain English style and will include examples. The new rules will clarify the proper characterization of payments made from employers to the public employees' retirement system members for purposes of computing reportable compensation and contributions. The rules should help reduce reporting errors.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Copies of the draft rule will be circulated and input solicited from representatives of the employer and member community.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Paul Neal, Rules Coordinator, Legal/Legislative Affairs, Department of Retirement Systems, Mailstop 48380, P.O. Box 48380, Olympia, WA 98504-8380, phone (360) 586-3368, FAX (360) 753-3166.

March 14, 1996
Paul Neal
Rules Coordinator

WSR 96-07-035
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
RETIREMENT SYSTEMS
[Filed March 14, 1996, 2:25 p.m.]

Subject of Possible Rule Making: Determination of earnable compensation for the members of the teachers' retirement system.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The new rules would replace the existing rules found at WAC 415-112-410 and 415-112-411. There would be some addition of new issues that have arisen since the adoption of those WACs in 1987,

but the bulk of the new rules would restate the interpretations currently codified in the WAC. This restatement will be done in a more explanatory, plain English style and will include examples. The new rules will clarify the proper characterization of payments made from employers to the teachers' retirement system members for purposes of computing reportable compensation and contributions. The rules should help reduce reporting errors.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Copies of the draft rule are being circulated and input solicited from representatives of the employer and member community.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Paul Neal, Rules Coordinator, Legal/Legislative Affairs, Department of Retirement Systems, Mailstop 48380, P.O. Box 48380, Olympia, WA 98504-8380, phone (360) 586-3368, FAX (360) 753-3166.

March 14, 1996
Paul Neal
Rules Coordinator

WSR 96-07-036
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION
[Filed March 14, 1996, 3:51 p.m.]

Subject of Possible Rule Making: WAC 392-101-010 Conduct of administrative hearings.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 34.05.220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To conduct administrative hearings.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: To ensure compliance in professional certification appeals.

Process for Developing New Rule: Early solicitation of public comments and recommendations respecting new, amended or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, Legal Services, P.O. Box 47200, Olympia, WA 98504-7200, FAX (360) 753-4201, TDD (360) 664-3631. For telephone assistance contact Richard M. Wilson, (360) 753-2298.

March 13, 1996
Judith A. Billings
Superintendent of
Public Instruction

WSR 96-07-039
WITHDRAWAL OF PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FINANCIAL INSTITUTIONS
[Filed March 15, 1996, 2:54 p.m.]

The Department of Financial Institutions is withdrawing the Preproposal Statement of Inquiry, CR-101, filed On September 1, 1996 [1995], and published in WSR 95-18-080.

John L. Bley
Director

WSR 96-07-040
WITHDRAWAL OF PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF
FINANCIAL INSTITUTIONS
[Filed March 15, 1996, 2:55 p.m.]

The Department of Financial Institutions is withdrawing the Preproposal Statement of Intent, CR-101, filed on July 3, 1996 [1995], and published in WSR 95-14-127.

John L. Bley
Director

WSR 96-07-041
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed March 15, 1996, 3:47 p.m.]

Subject of Possible Rule Making: Chapter 388-200 WAC, Financial and medical assistance--General provisions, WAC 388-200-1300 Needs special assistance (NSA), and 388-200-1350 Dispute resolution for clients needing special assistance.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.05.322, 74.04.050, 28 CFR 35.104, 28 CFR 35.130-35.135, 28 CFR 35.160-35.164, 28 CFR 35.105-35.107, 28 CFR 35.150 (c) and (d).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Regulations are necessary to administer the requirements established under the ADA, Title II, nondiscrimination requirements for all state and local governments and all activities of those entities, regardless of receipt of federal financial assistance.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: All federal agencies, all state agencies, all county and municipal agencies, including most private agencies and businesses are subject to this act. The ADA requires that through "self-evaluation" that the agency determine the necessary steps to fully comply with the act.

Process for Developing New Rule: Negotiated rule making; and agency study, internal (management) and external (field staff) review process whereby draft material is distributed for review and comment. All comments are taken into consideration before the final rule is issued.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before

publication by contacting Val Ivey, Program Manager, Division of Employment and Social Service, P.O. Box 45470, Olympia, WA 98540-5470 [98504-5470], phone (360) 438-8435, FAX (360) 438-8379.

March 15, 1996
Merry Kogut, Supervisor
Rules and Policies Assistance Unit

WSR 96-07-042
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed March 15, 1996, 3:48 p.m.]

Subject of Possible Rule Making: To add payment methodology to medical assistance rules regarding durable medical equipment, chapter 388-543 WAC, Durable medical equipment.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To add payment methodology to Medical Assistance Administration durable medical equipment rules. As this will require extensive rewriting a new chapter is being established. Chapter 388-543 WAC will replace rules within chapters 388-86 and 388-87 WAC.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of Health.

Process for Developing New Rule: The department will draft the new rules and circulate copies to any interested party for comments. All comments will be considered before final adoption.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Bobbe J. Andersen, Program Manager or Anne DeJarnette, Regulation Analyst, Medical Assistance Administration, Mailstop 45530, P.O. Box 45530, Olympia, WA 98504-5530, phone (360) 753-0529 or (360) 664-2320, FAX (360) 753-7315, TDD 1-800-848-5429.

March 15, 1996
Merry Kogut, Supervisor
Rules and Policies Assistance Unit

WSR 96-07-043
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed March 15, 1996, 3:50 p.m.]

Subject of Possible Rule Making: To add payment methodology to Medical Assistance Administration transportation rules. To accomplish this will require extensive rewriting of present chapters 388-86 and 388-87 WAC, therefore, a new chapter 388-546 WAC, Transportation, will be added.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To add payment methodology to Medical Assistance Administration transportation rules.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of Health.

Process for Developing New Rule: The department will draft the new rules and circulate copies to any interested party for comments. All comments will be considered before final adoption.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Bobbe J. Andersen, Program Manager or Anne DeJarnette, Regulation Analyst, Medical Assistance Administration, Mailstop 45530, P.O. Box 45530, Olympia, WA 98504-5530, phone (360) 753-0529 or (360) 664-2320, FAX (360) 753-7315, TDD 1-800-848-5429.

March 15, 1996
Merry Kogut, Supervisor
Rules and Policies Assistance Unit

WSR 96-07-044
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed March 15, 1996, 3:51 p.m.]

Subject of Possible Rule Making: To add payment methodology to Medical Assistance Administration hospital rules. To accomplish this will require extensive rewriting of present chapters 388-86 and 388-87 WAC, therefore, a new chapter 388-550 WAC, Hospital services, will be added.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To add payment methodology to Medical Assistance Administration hospital rules.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of Health.

Process for Developing New Rule: The department will draft the new rules and circulate copies to any interested party for comments. All comments will be considered before final adoption.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Bobbe J. Andersen, Program Manager or Anne DeJarnette, Regulation Analyst, Medical Assistance Administration, Mailstop 45530, P.O. Box 45530, Olympia, WA 98504-5530, phone (360) 753-0529 or (360) 664-2320, FAX (360) 753-7315, TDD 1-800-848-5429.

March 15, 1996
Merry Kogut, Supervisor
Rules and Policies Assistance Unit

WSR 96-07-045
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Filed March 15, 1996, 3:55 p.m.]

Subject of Possible Rule Making: To add payment methodology to medical assistance rules regarding physicians, chapter 388-531 WAC, Physician services.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To add payment methodology to Medical Assistance Administration physician rules. As this will require extensive rewriting a new chapter is being established. Chapter 388-531 WAC will replace the physician rules in chapters 388-86 and 388-87 WAC.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of Health.

Process for Developing New Rule: The department will draft the new rules and circulate copies to any interested party for comments. All comments will be considered before final adoption.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Bobbe J. Andersen, Program Manager or Anne DeJarnette, Regulation Analyst, Medical Assistance Administration, Mailstop 45530, P.O. Box 45530, Olympia, WA 98504-5530, phone (360) 753-0529 or (360) 664-2320, FAX (360) 753-7315, TDD 1-800-848-5429.

March 15, 1996
Merry Kogut, Supervisor
Rules and Policies Assistance Unit

WSR 96-07-047
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING

[Filed March 18, 1996, 12:00 noon]

Subject of Possible Rule Making: Write rules for limo/for hire businesses. Revise rules for taxi cabs. Housekeeping revisions for master license service.

Statutes Authorizing the Agency to Adopt Rules on this Subject: HB 2551, Laws of 1996, chapters 308-300, 308-89 WAC.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To provide information and instruction to apply for a master license. To describe who is required to apply, what state agencies are required to participate, and the issuance and renewal of a master license and for hire certificate. To clean-up language of the existing rule.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of Licensing's Vehicle and Drivers Divisions, State Patrol, City of Seattle, King County, and the Port of Seattle. Work session regarding writing rules and revising existing rules to reflect how business will be conducted.

Process for Developing New Rule: Agency study; and public meeting.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested parties will be invited to attend a planning meeting. Information developed as a result of this meeting, will be sent to all interested parties for their comments.

March 18, 1996
Nell Benzschawel
Licensing Administrator

WSR 96-07-050
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed March 18, 1996, 3:42 p.m.]

Subject of Possible Rule Making: Amendments to chapter 392-320 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.415.300.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To bring current WAC into compliance with statutory revisions enacted by SSB 6267 during 1996 regular legislative session.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Early solicitation of public comments and recommendations respecting new, amended or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, Legal Services, P.O. Box 47200, Olympia, WA 98504-7200, FAX (360) 753-4201, TDD (360) 664-3631. For further assistance contact Alf Langland, (360) 753-3222.

March 15, 1996
Judith A. Billings
Superintendent of
Public Instruction

WSR 96-07-071
PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION

[Filed March 19, 1996, 4:03 p.m.]

Subject of Possible Rule Making: Amendments and additions to public and social card room rules in response to passage of SSB 6430 passed by the 1996 legislature authorizing rakes and player supported progressive prize schemes.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.0281 (as amended by SSB 6430, 1996 legislature); RCW 9.46.070 (1), (2), (4)-(8), (11), (12), (14), and (20).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: 1996 legislature passed SSB 6430 authorizing licensed public card rooms to either charge table time to play cards or rake the pot. SSB 6430 also authorizes licensed public card rooms to be custodians of

player supported progressive prize schemes, i.e., jackpot poker.

Process for Developing New Rule: Negotiated rule making; and agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Michael Aoki-Kramer, P.O. Box 42400, Olympia, WA 98504-2400, phone (360) 438-7654, FAX (360) 438-8652. Meetings: April 11 and 12, 1996, 10:00 a.m., The Inn at Semi-ah-moo, 9565 Semiahmoo Parkway, Blaine, WA 98230-9326; May 9 and 10, 1996, 10:00 a.m., Red Lion Inn at the Quay, 100 Columbia, Vancouver, WA 98660; June 13 and 14, 1996, La Conner Country Inn/Vantage Room, 107 South Second Street, La Conner, WA 98257. For further information, call.

March 19, 1996
Michael R. Aoki-Kramer
Rules and Policy Coordinator

WSR 96-07-085
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE

[Filed March 20, 1996, 8:44 a.m.]

Subject of Possible Rule Making: Raising fees for certification applications within the fiscal growth factor, on buckwheat - chick pea, field peas, lentil, millet, soybean, sorghum, and small grains. Setting isolation standards, and rewriting a subsection of chapter 16-316 WAC for clarity.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 15.49.310, [15.49].370(3).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Update fees to reflect current cost of operating that portion of the seed certification program delegated by the director to the Washington State Crop Improvement Association. Updating seed certification standards for small grains, making them more uniform with the state of Idaho. Uniformity with Idaho is prudent because seed companies and growers of both states produce seed in both states for a common market.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Respond to requests from the Washington Seed Council and the board of directors of the Washington State Crop Improvement Association. The seed program manager receives requests from industry and responds through consultation with their organizations and grower groups.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Max Long, Program Manager, Washington State Department of Agriculture, Seed Branch, 2015 South First Street, MS-3, Yakima, WA 98903, (509) 575-2750, FAX (509) 454-4395; or Keith Pfeifer, Manager, WSCIA, 414 South 46th Avenue, Yakima, WA 98908, (509) 966-2234, FAX (509) 966-2494. Contact Mr. Long to request to be placed on mailing lists to be contacted about any industry meetings to be held, and to receive notice of the public hearing. Also mail any suggestions and testimony to Mr. Long.

March 19, 1996
Julie C. Sandberg
Assistant Director

WSR 96-07-086
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE

[Filed March 20, 1996, 8:45 a.m.]

Subject of Possible Rule Making: Changes to alfalfa field tolerances and field standards for corn as foundation stock. Changes are being made to chapter 16-316 WAC. Change Idaho Department of Agriculture address in section 315 [WAC 16-316-315].

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 15.49 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Update corn seed standards to bring them in compliance with AOSCA minimum standards. We are responding to an industry request to update the alfalfa standards to make them more uniform with standards in Oregon, Idaho, and California.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None, changes would not affect compliance with the Federal Seed Act.

Process for Developing New Rule: Alfalfa: Discussions with seed companies involved in alfalfa seed production in Washington. Corn: Compliance with AOSCA standards and discussions with seed companies and growers.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Max Long, Program Manager, Washington State Department of Agriculture, Seed Branch, 2015 South First Street, MS-3, Yakima, WA 98903, (509) 575-2750, FAX (509) 454-4395. Call Mr. Long to be involved in discussions about these proposed changes. You may request to be placed on his mailing and meeting announcement list.

March 19, 1996
Julie C. Sandberg
Assistant Director

WSR 96-07-088
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF MINORITY AND
WOMEN'S BUSINESS ENTERPRISES

[Filed March 20, 1996, 9:51 a.m.]

Subject of Possible Rule Making: WAC 326-40-030 State agency and educational institution responsibilities.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 39.19.030(7), 39.19.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Clarity and consistency in documents used by state agencies in the contracting process may reduce the number of bid rejections based on technical problems.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Comments solicited from the affected agencies and educational institutions.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Juan Huey-Ray, Rules Coordinator, phone (360) 586-1228, FAX (360) 586-7079, Office of Minority and Women's Business Enterprises, P.O. Box 41160, Olympia, WA 98504-1160. All comments must be received by June 25, 1996, at 5:00 p.m.

March 20, 1996
Clarence Gillis
Deputy Director

WSR 96-07-089
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF MINORITY AND
WOMEN'S BUSINESS ENTERPRISES

[Filed March 20, 1996, 9:52 a.m.]

Subject of Possible Rule Making: WAC 326-30-041 Annual goals.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 39.19.030(7).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Goals provide benchmarks for determining whether the state's efforts are having the mandated result.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Comments from the effected business community and state organizations will be solicited directly.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Juan Huey-Ray, Rules Coordinator, phone (360) 586-1228, FAX (360) 586-7079, Office of Minority and Women's Business Enterprises, P.O. Box 41160, Olympia, WA 98504-1160. All comments must be received by June 25, 1996, at 5:00 p.m.

March 19, 1996
Clarence Gillis
Deputy Director

WSR 96-07-094
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed March 20, 1996, 9:45 a.m.]

Subject of Possible Rule Making: To change food stamp certification periods for monthly reporters with earned income, WAC 388-49-160 Certification periods.

Statutes Authorizing the Agency to Adopt Rules on this Subject: 7 CFR 273.10(f).

PREPROPOSAL

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule will allow financial workers to certify food stamp monthly reporters with earned income for up to twelve months. This will reduce paperwork and interview time for clients and financial workers.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Agency study, internal (management) and external (field staff) review process whereby draft material is distributed for review and comment. All comments are taken into consideration before the final rule is issued.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dana Beck, Program Manager, Food Stamp Program Section, Division of Income Assistance, Mailstop 45400, phone (360) 438-8308, FAX (360) 438-8258.

March 20, 1996
Philip A. Wozniak
for Merry A. Kogut, Supervisor
Rules and Policies Assistance Unit

WSR 96-07-095
PREPROPOSAL STATEMENT OF INQUIRY
HIGHER EDUCATION
COORDINATING BOARD
[Filed March 20, 1996, 9:50 a.m.]

Subject of Possible Rule Making: Amending chapter 250-65 WAC, teaching service terms for the future teacher conditional scholarship.

Statutes Authorizing the Agency to Adopt Rules on this Subject: HB 2913, amending chapter 28B.102 RCW and chapter 250-65 WAC.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To implement amended statutory provisions for recipient teaching obligation. Amendments revise the basis for determining the duration of recipients teaching obligation and broaden the areas approved for teaching service.

Process for Developing New Rule: Amended rules, amendatory provisions will be imported into Title 250 WAC, directly from HB 2913.

March 12, 1996
John Klacik
Assistant Director
Student Financial Aid

WSR 96-07-096
PREPROPOSAL STATEMENT OF INQUIRY
HIGHER EDUCATION
COORDINATING BOARD
[Filed March 20, 1996, 9:52 a.m.]

Subject of Possible Rule Making: (1) Eliminate language in WAC 250-20-021(11) which declares that the minimum eligibility cutoff will not be less than sixty-five

percent of the state's median family income. (2) Permanently substitute language which requires the board and schools, to the best of their abilities, to serve state need grant eligible students, in order, from the lowest family income to the highest family income.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 28B.80 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In three out of the five years from 1992-93 to 1996-97, the legislature has, through budget provisos, overridden the board's existing policy on state need grant income cutoffs. This proposal will bring board policy into line with this continued expression of legislative intent.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested parties should contact either: John Klacik, (360) 753-7851, FAX (360) 753-7808, JOHNK@HECB.WA.COM, P.O. Box 43430, 917 Lakeridge Way, Olympia, WA 98504-3430, or Shirley Ort, (360) 753-7840, FAX (360) 753-7808, SHIRLEYO@HECB.WA.COM.

March 18, 1996
John Klacik
Associate Director
Student Financial Aid

WSR 96-07-097
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF REVENUE
[Filed March 20, 1996, 9:57 a.m.]

Subject of Possible Rule Making: New section WAC 458-20-14601 Apportionment of income earned by financial institutions and/or financial businesses.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 82.04.460(2), 82.32.300.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 82.04.460(2) directs the Department of Revenue to promulgate rules for the apportionment of income earned by financial institutions that are consistent with uniform rules for apportionment developed by the states. The Multistate Tax Commission adopted a uniform rule in 1994. An apportionment formula specifically tailored to the financial industry would promote uniformity and equity between in-state financial institutions and those that do business both in-state and out-of-state.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Federal - Comptroller of the Currency Bureau of the Treasury Department; Federal Reserve; Federal Deposit Insurance Corporation; Federal Financial Institutions Examination Council; Department of Justice; Securities and Exchange Commission; Federal Trade Commission. The department has extensively reviewed the requirements of the above federal agencies and is not aware that any of the requirements of the proposed new section would be in conflict with any existing federal requirements.

State - Department of Financial Institutions (DFI): The department has been coordinating this action regarding apportionment with DFI and a cross section of industry representatives as part of a working group exploring the subject of interstate banking and branching.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Written comments should be submitted by the public meeting date to ensure full consideration, but will be accepted until the date of adoption. Written comments on and/or requests for copies of the rule may be directed to: Kerry J. Breen, Legislation and Policy, P.O. Box 47467, Olympia, WA 98504-7467, (360) 664-0087, FAX (360) 664-0693. Location and Date of Public Meeting: Evergreen Plaza Building, 2nd Floor Conference Room, 711 Capitol Way, Olympia, WA, on May 2, 1996, at 9:30 a.m. Written comments should be submitted by the public meeting date to ensure full consideration, but will be accepted to date of adoption.

Assistance for Persons with Disabilities: Contact Sandra Yuen by April 25, 1996, TDD 1-800-451-7985, or (360) 753-7795.

March 20, 1996
Russell W. Brubaker
Assistant Director

WSR 96-07-099

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF CORRECTIONS

[Filed March 20, 1996, 10:42 a.m.]

Subject of Possible Rule Making: Rules are being drafted to amend provisions of the Department of Corrections public records regulations, chapter 137-08 WAC. These rules contain the process for obtaining or reviewing public records from correctional facilities within the Department of Corrections.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.17.250 Public Records Act.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rules are required by the Public Disclosure Act, chapter 42.17 RCW, as amended. Once adopted, these rules will apply on a state-wide basis, to all institutions and other correctional facilities within the Department of Corrections. Goal of amended rule: To bring the agency in full compliance with RCW 42.17.250.

Process for Developing New Rule: Negotiated rule making. Negotiated rule making and agency study. Public comments and recommendations in the course of drafting amended rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kay Wilson-Kirby, (360) 753-2345, FAX (360) 664-2009, Department of Corrections, Mailstop 41114, Olympia, Washington 98504-1114. The proposed WAC will be distributed to persons expressing interest. All comments will be considered before final adoption.

March 19, 1996
Chase Riveland
Secretary

WSR 96-07-102

PREPROPOSAL STATEMENT OF INQUIRY STATE BOARD OF EDUCATION

[Filed March 20, 1996, 11:02 a.m.]

Subject of Possible Rule Making: WAC 180-78-160 Evidence of compliance with candidate admission and retention policies program standard.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.410.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The amendment to this rule is needed so the rule will reflect the amendment to RCW 28A.410.020 passed by the 1996 legislature. The rule requires demonstration of competency in the basic skills prior to admission to a teacher preparation program.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other federal or state agency regulates this subject.

Process for Developing New Rule: Early solicitation of public comments and recommendations respecting new, amended or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, FAX (360) 586-2357, TDD (360) 664-3631. For telephone assistance contact Larry Davis, (360) 753-6715.

March 20, 1996
Larry Davis
Executive Director



WSR 96-06-051
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Public Assistance)
 [Filed March 6, 1996, 8:58 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-15-01.

Title of Rule: Minimum licensing requirements for secure group care facilities (crisis residential centers) for youth. Amending WAC 388-73-012 Definitions, 388-73-014 Persons and organizations subject to licensing, 388-73-01950 Fire standards, 388-73-020 Certification of juvenile detention facility and exempt agency, 388-73-048 Corporal punishment, 388-73-054 Client records and information—All agencies, 388-73-606 Required positions, 388-73-800 Crisis residential centers and 388-73-815 Group crisis residential centers—Staffing; and new sections WAC 388-73-803 Crisis residential center—Admission, 388-73-805 Crisis residential center administrator requirements—Multidisciplinary teams, 388-73-821 Behavior management—Secure crisis residential centers, 388-73-822 Secure crisis residential centers—Staff training, 388-73-823 Secure crisis residential centers—Program requirements, and 388-73-825 Secure crisis residential center—Physical facility.

Purpose: RCW 74.13.032 directs the Department of Social and Health Services to promulgate rules under which secure crisis residential group care facilities, as defined in Section 3, Subpart 12, shall be licensed. Currently, no minimum licensing requirements exist for this type of facility.

Statutory Authority for Adoption: Chapter 74.15 RCW.
Statute Being Implemented: RCW 74.13.032 and E2SSB 5439 (BECCA) bill.

Summary: Provides minimum licensing requirements for secure crisis residential centers and creates rules for additional requirements legislation added via chapter 74.13 RCW.

Reasons Supporting Proposal: RCW 74.13.032(2), states the department shall contract for secure crisis residential services with private vendors who offer the services in facilities licensed under rules adopted by the department.

Name of Agency Personnel Responsible for Drafting: Tammi Erickson, Child Welfare Planning Team, P.O. Box 45745, Olympia, (360) 586-8868; **Implementation:** Regional Licensors, Fire Marshalls, Department of Health, DCFS Regions, Children's Administration, various; and **Enforcement:** Regional Licensors, Local Fire Marshalls, Department of Health, Attorney General.

Name of Proponent: Child Welfare Planning Team, Children's Administration, 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: This rule provides the minimum licensing requirements for a new type of facility as directed in section 60, chapter 312, Laws of 1995 as passed in the 1995 legislative session. These rules will allow the department to license facilities for this new service.

Proposal Changes the Following Existing Rules: Only amends chapter 388-73 WAC to include the new facility or exclude the new facility. Other changes are new sections which reflect changed duties or reporting requirements for all crisis residential centers as directed by chapter 312, Laws of 1995. (Sections amended or created are listed under Title of Rule above.)

No small business economic impact statement has been prepared under chapter 19.85 RCW. This section adds minimum licensing requirements for a new class of facility to serve youth. These facilities do not exist at this time. Juvenile detention centers are not required to be secure crisis residential centers by the department. If they choose to contract with the department for this service, they must abide by the same licensing requirements as a private provider. Nothing, however, compels them to take on this service provision.

Section 201, chapter 403, Laws of 1995, applies to this rule adoption. The Department of Social and Health Services is not a named agency within RCW 34.05.328.

Hearing Location: OB-2 Auditorium, 1115 Washington Street South, Olympia, WA 98504, on April 23, 1996, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Merry A. Kogut, Supervisor, by April 9, 1996, TDD (360) 753-4542, or SCAN 234-4542.

Submit Written Comments to and Identify WAC Numbers: Merry A. Kogut, Supervisor, Rules and Policies Assistance Unit, P.O. Box 45800, Olympia, WA 98504-5800, FAX (360) 664-0118, by April 16, 1996.

Date of Intended Adoption: April 24, 1996.

March 6, 1996

Merry A. Kogut, Supervisor
 Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 92-08-056, filed 3/26/92, effective 4/26/92)

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

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

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

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

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

(6) ("~~Home of community concern~~" means a ~~non-traditional family home whose composition or culture is sufficiently diverse from the standards of the community at large so that a mishap or scrutiny of the license might raise concerns about the appropriateness of licensing and plac-~~

ment of children, and might subject the department to notoriety.

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

~~((8))~~ (7) "Premises" means the buildings wherein the facility is located and the adjoining grounds over which the operator of the facility has direct control.

~~((9))~~ (8) "School-age child" means a child five years of age through twelve years of age enrolled in a kindergarten or elementary school.

~~((10))~~ (9) "Secure detention facility" and "juvenile detention facility" means a facility, primarily for the care of juvenile offenders, operated so as to ensure all entrances and exits from the facility are locked, barred, or otherwise controlled so as to prevent escapes.

~~((11))~~ (10) "Semisecure facility" means any facility, including but not limited to crisis residential centers or specialized foster homes, operated in a manner to reasonably assure youth placed there will not run away: *Provided*, That such facility shall not be a secure institution or facility as defined by the federal Juvenile Justice and Prevention Act of 1974 and regulations and clarifying instructions promulgated thereunder. A child shall not be locked in the facility or any part thereof, nor be otherwise controlled by the use of physical restraints except as provided in WAC 388-73-048.

~~((12))~~ (11) "Severely and multiply-handicapped child" is a child diagnosed as primarily dependent for most activities of daily living, except for persons requiring the services of skilled health care providers.

(12) "At-risk youth" means a juvenile:

(a) Who is absent from home for at least seventy-two consecutive hours without consent of his or her parent;

(b) Who is beyond the control of his or her parent such that the child's behavior endangers the health, safety, or welfare of the child or any other person; or

(c) Who has a substance abuse problem for which there are no pending criminal charges related to the substance abuse.

(13) "Child in need of services" means a juvenile:

(a) Who is beyond the control of his or her parent such that the child's behavior endangers the health, safety, or welfare of the child or other person;

(b) Who has been reported to law enforcement as absent without consent for at least twenty-four consecutive hours from the parent's home, a crisis residential center, an out-of-home placement, or a court-ordered placement on two or more separate occasions; and

(i) Has exhibited a serious substance abuse problem; or

(ii) Has exhibited behaviors that create a serious risk of harm to the health, safety, or welfare of the child or any other person; or

(c)(i) Who is in need of necessary services, including food, shelter, health care, clothing, educational, or services designed to maintain or reunite the family;

(ii) Who lacks access, or has declined, to utilize these services; and

(iii) Whose parents have evidenced continuing but unsuccessful efforts to maintain the family structure or are unable or unwilling to continue efforts to maintain the family structure.

(14) "Multidisciplinary team" means a group formed to provide assistance and support to a child who is an at-risk youth or a child in need of services and his or her parent.

(15) "Out-of-home placement" means a placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or placement in a home, other than that of the child's parent, guardian, or legal custodian, not required to be licensed pursuant to chapter 74.15 RCW.

(16) "Secure facility" means a crisis residential center, or portion thereof, that has locking doors, locking windows, or a secured perimeter, designed and operated to prevent a child from leaving without permission of the facility staff.

(17) "Temporary out-of-home placement" means an out-of-home placement of not more than fourteen days ordered by the court at a fact-finding hearing on a child in need of services petition.

AMENDATORY SECTION (Amending Order 3918, filed 11/8/95, effective 12/9/95)

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

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

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

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

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

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

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

(i) Disruptive behavior;

(ii) Family stress;

(iii) Learning disabilities; or

(iv) Other serious emotional or social handicaps.

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

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

(7) "Crisis residential center" means an agency operating under contract with the department to provide temporary,

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protective care to children in a semisecure or secure residential facility in the performance of duties specified and in the manner provided in RCW 13.32A.010 through 13.32A.200 and 74.13.032 through 74.13.036. Separate requirements are adopted for the following subcategories of crisis residential centers:

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

(b) A group care facility functioning partially or exclusively as a crisis residential center;

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

(d) "Secure crisis residential center" means a facility operating under department contract to provide temporary, protective care to children in a secure residential facility designed and operated to control ingress and egress.

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

(9) "Staffed residential home for children or expectant mothers" means a home providing twenty-four-hour care for less than seven children or expectant mothers. The home employs staff to care for children and may or may not be a family residence.

AMENDATORY SECTION (Amending Order 3418, filed 7/9/92, effective 8/9/92)

WAC 388-73-01950 Fire standards. All group care facilities, mini-day care centers, and maternity centers shall conform to the rules and regulations adopted by the Washington state fire marshal's office establishing minimum standards for the prevention of fire and for the protection of life and property against fire. The Washington state fire marshal's standards are ~~((found in chapter 212-55 WAC))~~ contained in the 1995 state building code as amended.

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

WAC 388-73-020 Certification of juvenile detention facility and exempt agency. (1) An agency legally exempt from licensing may not be licensed. However, at the agency's request, such agency may be certified by the department as meeting licensing and other pertinent requirements, if investigation proves such to be the case, to enable the agency to be eligible for the receipt of funds or for other legitimate purposes. In such cases, unless otherwise clearly evident from the text, requirements and procedures for licensing apply equally to certification.

(2) Juvenile detention facilities operated by juvenile courts, shall be certified in accord with the provision of RCW 74.13.034, and requirements promulgated pursuant thereto. Except as otherwise indicated by the text, the requirements for licensing group care facilities also apply to the certification of juvenile detention facilities.

(3) A secure crisis residential center operating within a juvenile detention facility shall be subject to secure crisis

residential center requirements, unless otherwise indicated, under chapter 388-73 WAC.

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

WAC 388-73-048 Corporal punishment. (1) Corporal punishment is prohibited.

(2) The use of such amounts of physical restraint as may be reasonable and necessary to:

(a) Protect persons on the premises from physical injury,

(b) Obtain possession of a weapon or other dangerous object,

(c) Protect property from serious damage, shall not be construed to constitute corporal punishment.

(3) Mechanical restraints may not be used. These include but are not limited to: Handcuffs, belt restraints, and locked time-out rooms.

(4) Physical restraints which could be injurious are not to be used. These include but are not limited to: A large adult sitting on or straddling a small child, sleeper holds, arm twisting, hair holds, and throwing children and youths against walls, furniture, or other large immobile objects.

(5) The restrictions listed in subsections (3) and (4) of this section immediately preceding do not apply to juvenile detention facilities.

(6) Staff employed in group care facilities where it may be necessary to restrain children shall be trained in the use of appropriate restraining techniques.

(7) All licensees except secure crisis residential centers shall be subject to WAC 388-73-048. Secure crisis residential centers shall be subject to WAC 388-73-821.

AMENDATORY SECTION (Amending WSR 92-08-056, filed 3/26/92, effective 4/26/92)

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

(a) Identifying information, including:

(i) Name;

(ii) Birthdate;

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

(iv) For day care providers, daily attendance.

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

(i) Names;

(ii) Addresses; and

(iii) Telephone numbers, if any (home and business).

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

(ii) Medication and treatments prescribed;

(iii) Time given and by whom;

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) Appropriate information if the child has died including the time and date of death, apparent cause of death, appropriate notification of the physician and relevant others (including the coroner if necessary), and the disposition of the body and personal effects.

(3) Secure crisis residential centers shall maintain, at a minimum, hourly logs of client physical location. The facility shall:

(a) Have a policy on use and retention of client physical location logs which include, but are not limited to, staff briefings between shifts to verify client physical locations at each shift change and weekly inspections of any security devices; and

(b) Retain the logs for seven years.

(4) Secure crisis residential centers shall:

(a) Maintain a department-approved log of all incidents requiring physical restraint of a child; and

(b) Maintain a written report of each incident as specified in WAC 388-73-821.

(5) Secure crisis residential centers shall prepare a written summary upon discharge which includes, but is not limited to:

(a) Identification of community based referrals;

(b) Any assessment information on the family and child;

(c) Family reconciliation attempts;

(d) Contacts with families and professionals;

(e) Recommendations for all family members;

(f) Medical and health related issues; and

(g) Any other concerns such as legal issues and school problems.

(6) Secure crisis residential centers shall send the written summary to the department within seven days of the child's discharge and retain a written summary copy in the child's case record at the secure crisis residential center.

AMENDATORY SECTION (Amending WSR 92-08-056, filed 3/26/92, effective 4/26/92)

WAC 388-73-606 Required positions. An agency, except secure crisis residential centers, shall provide staff in accordance with the following requirements:

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

(a) Be twenty-one years of age or older;

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

(c) Work with representatives of appropriate agencies;

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

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

(i) Working in a group care facility; or

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

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

In addition, in crisis residential centers, no less than fifty percent of the child care staff shall have completed at least two years of college and one year of working with children in a group setting. Experience may be substituted for education on a year-for-year basis. A bachelor of arts degree in behavioral or social science may be substituted for experience. The remaining child care staff shall have at least a high school diploma (or equivalent) and one year of successful experience as a foster family parent for three or more children or working with children in a group setting. Two years of college may be substituted for the required experience.

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

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

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

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

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

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

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

WAC 388-73-800 Crisis residential centers. The rules in WAC 388-73-800 through ((388-73-820)) 388-73-825 apply exclusively to crisis residential centers and, unless otherwise indicated, apply to secure crisis residential centers operating within a juvenile detention facility. The crisis residential center may, in addition to being licensed as such, also be licensed as a family foster home or as a group care facility and may house juveniles assigned for regular foster family care or group care as well as juveniles receiving temporary protective care.

NEW SECTION

WAC 388-73-803 Crisis residential center—Admission. (1) The administrator shall immediately attempt to notify the parent of a child's admission. Within the first twenty-four hours after admission of a child to a secure crisis residential center, the facility administrator shall assess whether the child should remain in a secure crisis residential center or be transferred to a semi-secure crisis residential center. The administrator shall ensure the determination and decision making process is documented in writing in the child's file, and is based on the following criteria:

(a) Need for continued assessment, protection, and intervention of the child in a secure facility;

(b) The likelihood the child will remain at a semi-secure facility until the child's parents can take the child home or a child in need of services or at-risk youth petition can be filed; and

(c) In making the determination for subsection (1) (a) and (b) of this section, the administrator shall take into account the:

(i) Child's age and maturity;

(ii) The child's physical, mental, and emotional condition upon arrival at the center;

(iii) The circumstances that led to the child's placement at the facility;

(iv) Whether the child's behavior endangers the health, safety, or welfare of the child or any other person;

(v) The child's history of running away; and

(vi) The child's willingness to cooperate in conducting the assessment.

(2) The administrator shall immediately attempt to notify the parent of a child's admission. Within the first twenty-four hours after admission of a child to a semi-secure crisis residential center, the facility administrator shall assess whether the child is likely to leave the semi-secure crisis residential center. The administrator shall ensure the

determination and decision making process is documented in writing in the child's case record, and is based on the following criteria:

(a) Need for continued assessment, protection, and intervention of the child in a secure facility;

(b) The likelihood the child will remain at a semi-secure facility until:

(i) The child's parents can take the child home; or

(ii) A child in need of services or at-risk youth petition can be filed; and

(c) In making the determination for subsection (2) (a) and (b) of this section, the administrator shall take into account the:

(i) Child's age and maturity;

(ii) The child's physical, mental, and emotional condition upon arrival at the center;

(iii) The circumstances that led to the child's placement at the facility;

(iv) Whether the child's behavior endangers the health, safety, or welfare of the child or any other person;

(v) The child's history of running away; and

(vi) The child's willingness to cooperate in conducting the assessment.

(3) If the crisis residential center administrator determines the child is unlikely to remain in a semi-secure facility, the administrator shall keep the child in the secure facility for a minimum of twenty-four hours, unless released to the parent, or no more than five full days. If the child is in a semi-secure facility, has been determined likely to run away, and space is available in a secure facility within a reasonable distance, the child shall be transferred to the secure facility.

(4) If space is not available in the secure crisis residential center, the administrator of the secure facility may transfer another child to a semi-secure facility who:

(a) Has been in the secure facility for at least seventy-two hours; and

(b) Is determined likely to remain at a semi-secure facility.

(5) A child shall not be subject to the provisions in subsections (1), (2), (3) and (4) of this section if the child is:

(a) Returned to the home of the parent; or

(b) Placed in a semi-secure crisis residential center because of a temporary out-of-home placement order; or

(c) Placed by court order in an out-of-home placement; or

(d) Subject to an at-risk youth petition.

(6) As part of admission to a secure crisis residential center, staff shall:

(a) Give an orientation to a child which includes, but is not limited to:

(i) the physical facility;

(ii) A department-approved policy for the control of contraband, to include but not be limited to, guns and other weapons, alcohol, tobacco, and drugs within the facility; and

(iii) A department-approved policy on client visitation which includes access by the child's attorney.

(b) Include written documentation of this orientation in each child's file.

(7) The secure crisis residential center, by the next school day, shall:

(a) Attempt to notify the child's school district of the child's placement; and

(b) Assess the child for any educational needs as a part of the treatment plan referenced in WAC 388-73-823(1).

(8) The administrator shall coordinate and document all placement change activity by:

(a) Notifying the department of a child's proposed transfer from a semi-secure to a secure crisis residential center, or proposed transfer from a secure to a semi-secure crisis residential center, to:

(i) Obtain the department's concurrence with the transfer decision; and

(ii) Communicate to the department, the child's placement location.

(b) Communicating with the semi-secure crisis residential center prior to accepting a child from a semi-secure placement, and before transferring a child to a semi-secure placement, to:

(i) Assure mutual agreement with the transfer decision; and

(ii) Ascertain if space for the child is available to support the transfer.

(c) Documenting in writing in the child's file all communication episodes pertaining to the transfer of a child under care.

(9) On admission, a secure crisis residential center administrator or their designee shall ensure a child is assessed to identify any emergent or chronic health needs that require immediate attention during the child's stay in the crisis residential center.

(10) The secure crisis residential center administrator shall establish and maintain written:

(a) Transfer procedures for the transfer of children to semi-secure crisis residential centers; and

(b) Protocols/agreements with the semi-secure crisis residential center administrator to structure child transfers.

NEW SECTION

WAC 388-73-805 Crisis residential center administrator requirements—Multidisciplinary teams. (1) At the time of admission, the crisis residential center administrator shall advise the parent and the child of the right to request a multidisciplinary team be convened.

(2) The administrator may convene a multidisciplinary team if the parent or child makes the request.

(3) The administrator shall convene a multidisciplinary team:

(a) If the administrator has reasonable cause to believe that:

(i) A child is a "child in need of services" under RCW 13.32A.030; and

(ii) The parent is unavailable or unwilling to continue efforts to maintain the family structure.

(b) To assist the administrator in contacting the child's parents. If the administrator is unable to contact the child's parents within five days, the administrator shall:

(i) Contact the department and request the case be reviewed for a dependency filing under chapter 13.34 RCW or "child in need of services" filing under chapter 13.32A RCW; and

(ii) Document this contact in the child's case record.

(4) The administrator shall contact the designated department employee in the administrator's region who shall provide a list of the agencies that have agreed to participate in the multidisciplinary team.

(5) The administrator shall seek participation from local mental health and chemical dependency treatment providers, as appropriate.

(6) The administrator shall:

(a) Advise the child's parent(s) of the formation of a multidisciplinary team if the parent(s) did not make the initial request to form a team;

(b) Advise the parent of the parent's right to select additional members or disband the team twenty-four hours after receiving notice of a multidisciplinary team formation; and

(c) Assist in obtaining the prompt participation of additional persons the parent or child requests for the multidisciplinary team.

AMENDATORY SECTION (Amending WSR 92-08-056, filed 3/26/92, effective 4/26/92)

WAC 388-73-815 Group crisis residential centers—Staffing. (1) For regional crisis residential centers, the agency shall have a minimum of:

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

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

(2) For other group crisis residential centers:

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

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

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

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

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

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

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

(5) For secure crisis residential centers, the licensee shall:

(a) At a minimum, have one child care staff on duty for every three children during the waking and sleeping hours of the children. The licensee shall maintain a maximum average of three child care staff on duty for every eight children during the waking and sleeping hours of the children; and

(b) During sleeping hours, provide a minimum of at least one awake staff on duty.

(6) A secure crisis residential center shall provide the following required staff:

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

(i) Be at least twenty-one years of age or older;

(ii) Possess the ability to understand the agency role in meeting the children's needs;

(iii) Work cooperatively and effectively with representatives of appropriate agencies; and

(iv) Have one of the following:

(A) A master's degree from an accredited college or university in a social science or closely allied field and have a minimum of two years' experience, without disciplinary action, in the supervision and management of a residential care program for adolescents; or

(B) A bachelor's degree from an accredited college or university in a social science or closely allied field and have a minimum of five years' experience, without disciplinary action, in a residential care program for adolescents. A minimum of two of the five years' experience shall be in the supervision and management of a residential care program for adolescents.

(b) Counselor/child care staff whose primary duties are the care, supervision, and guidance of children. This person shall:

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

(ii) Have a bachelor's degree from an accredited college or university in a social science or closely allied field; or

(iii) Have an associate's degree from an accredited school, college or university or two full years of college and one year of experience, without disciplinary action, in a residential care program for adolescents.

(c) The agency shall provide relief staff to enable all staff to have the equivalent of two days off during each week.

NEW SECTION

WAC 388-73-821 Behavior management—Secure crisis residential centers. (1) The secure crisis residential center shall maintain in writing and implement behavior management policies and procedures. Licensee behavior management practices shall:

(a) Support the child's appropriate social behavior, self-control, and the rights of others;

(b) Foster dignity and self-respect for the child; and

(c) Reflect the ages and developmental levels of children in care.

(2) The secure crisis residential center shall use proactive, positive behavior support techniques to manage potential child behavior problems. The licensee's behavior management techniques shall include, but not be limited to:

(a) Organization of the physical environment and staffing patterns to reduce factors leading to behavior incidents;

(b) Intervention before behavior becomes disruptive, in the least invasive and least restrictive manner available;

(c) Emphasis on verbal de-escalation to calm the upset child; and

(d) Redirection strategies to present the child with alternative resolution choices.

(3) When an immediate crisis exists that requires the use of physical force, all proactive, nonphysical means must have been exhausted, and with the authorization of the center administrator or designee, the licensee may permit trained staff to use limited physical restraint, as a last resort behavior management technique, for the following emergency purposes to:

(a) Stabilize or secure a child who is an immediate danger of physical, bodily harm to oneself, or to another person;

(b) Protect a person from physical injury;

(c) Obtain possession of a weapon or other dangerous object; or

(d) Protect property from serious damage when the potential for damage may create a serious safety hazard to the occupants or jeopardize operation of the facility.

(4) The licensee shall:

(a) Ensure the child's physical restraint uses the least force necessary to stop the child's behavior;

(b) Stop the child's physical restraint when the immediate threat of physical bodily harm is resolved;

(c) Develop written physical restraint policies and procedures when the behavior management practices include use of physical restraint;

(d) Ensure the written physical restraint policies and procedures shall include, but are not limited to:

(i) Who can authorize the use of physical restraint; and

(ii) Under what circumstances the policies and procedures are used, including time limitations, re-evaluation procedures, and supervisory monitoring.

(e) Submit the physical restraint policies and procedures in writing to the department for prior approval before the policies and procedures are implemented.

(5) The licensee's physical restraint practices shall not include a technique that inflicts pain or causes bodily harm, including, but not limited to:

(a) Restricting body movement by placing pressure on joints, chest, heart, or vital organs;

(b) Using a sleeper or hair hold;

(c) Twisting a limb or the head;

(d) Throwing a child against a wall, furniture, or another large, immobile object;

(e) Chemical restraints, except prescribed medication, including but not limited to, pepper spray; and

(f) Mechanical restraints, including, but not limited to, handcuffs, a belt, cord, rope, cloth, or leather restraints, and a locked time-out room or area.

(6) The licensee shall prevent and prohibit the use of corporal punishment, including, but not limited to biting, hitting, jerking, kicking, shaking, slapping, spanking, or striking the child, and other means of inflicting pain or causing bodily harm.

(7) After use of physical restraint, the licensee shall:

(a) Comfort the child and reassure the child of one's well-being;

(b) Explain to the child why physical restraint was used and discuss the incident with the child to help the child learn from the experience; and

(c) Review the incident with the staff who used physical restraint to ensure the decision to use physical restraint and its application were appropriate.

(8) The licensee shall keep and maintain written documentation of each incident involving the use of physical restraint in a department-approved log and incident report. The licensee shall ensure this documentation includes, but is not limited to:

(a) What the behavior and immediate crisis was that required a child's physical restraint;

(b) What method of physical restraint was used;

(c) What less restrictive means were taken first to avoid physical restraint of a child;

(d) Rationale for the response chosen;

(e) A description of the situation, documentation of each injury of both staff and clients, in writing and with a photograph, and documentation of a medical examination of each injury as a result of the child's physical restraint; and

(f) A copy of the incident report, detailing the incident and including information listed in (a) through (e) above, is sent to the department of social and health services within twenty-four hours of the incident.

NEW SECTION

WAC 388-73-822 Secure crisis residential centers—Staff training. (1) A secure crisis residential center shall ensure all staff, prior to working in a secure crisis residential center, complete a minimum of sixteen hours of pre-service job orientation to include, but is not limited to:

(a) Presentation of the agency's standard operation procedures manual, describing all policies and procedures specific to the secure crisis residential center;

(b) Client management techniques;

(c) Crisis intervention techniques; and

(d) Family intervention techniques.

(2) A secure crisis residential center shall ensure all staff complete a minimum of twenty-four hours of on-going education and in-service training annually, which shall include, but is not limited to:

(a) Verbal de-escalation, positive behavior support, and physical response/restraint training as approved by the department;

(b) Client behavior management;

(c) Substance abuse;

(d) Suicide assessment and intervention;

(e) Crisis intervention techniques;

(f) Family intervention techniques;

(g) Cultural diversity;

(h) Mental health issues and interventions;

(i) Mediation skills;

(j) Conflict management/problem solving skills;

(k) Physical and sexual abuse; and

(l) Emergency procedures.

(3) A secure crisis residential center shall ensure all staff complete the following training once every two years

and the licensee shall conform to WAC 388-73-134 and WAC 388-73-143:

(a) First aid;

(b) CPR;

(c) HIV/blood borne pathogens.

(4) A secure crisis residential center shall provide to staff and volunteers individual supervision and training.

(5) The administrator shall ensure completion of training is documented in writing in each staff's personnel file.

NEW SECTION

WAC 388-73-823 Secure crisis residential centers—Program requirements. Secure crisis residential centers shall provide, at a minimum, intervention services which include the following and are documented, in writing, in the child's case record:

(1) Assessment of the family unit sufficient to develop a treatment plan;

(2) Family counseling focused on communication skills development and problem solving;

(3) Individual and/or group counseling; and

(4) Referral identification and assistance in transitioning the family to community-based services.

NEW SECTION

WAC 388-73-825 Secure crisis residential center—Physical facility. (1) A level-one facility shall:

(a) Be a free-standing facility, separate unit, or separate building within a campus with windows and exterior doors which prevent egress;

(b) Ensure no child is maintained in a locked room which isolates the youth from the general population and/or staff;

(c) When locking doors and windows prevent egress, meet or exceed the 1995 state building code as amended for group I, division three facilities; and

(d) Maintain a recreation area, within the secured facility or secured on the property of the facility, which can accommodate children's vigorous physical activity and utilization of large muscle groups. A fence used to secure the recreation area shall meet or exceed the specifications of the nonscalable fence referenced in the level two facility below.

(2) A level-two facility shall:

(a) Prevent unauthorized ingress and egress with a nonscalable fence around the perimeter of the facility property;

(b) Not prevent egress by locking facility doors or windows; and

(c) Design the nonscalable fence to not cause injury such as, but not limited to:

(i) Electrification,

(ii) Razor wire, or

(iii) Concertina wire.

(d) Design the nonscalable fence to allow all occupants to maintain a minimum distance of fifty feet from all portions of the physical facility in case of fire. This area of refuge shall provide at least three square feet per occupant;

(e) Ensure no child is maintained in a locked room which isolates the youth from the general population and/or staff; and

(f) Maintain a recreation area, within the perimeter of the nonscalable fence, which can accommodate children's vigorous physical activity and utilization of large muscle groups.

(3) A level-three facility shall:

(a) Be a free-standing facility, separate unit, or separate building within a campus with exterior doors which have special egress-control devices as cited in the 1995 state building code, as amended, section 1004.5;

(b) Meet or exceed the 1995 state building code for group I, division two facilities with section 1004.5 special-egress control devices; and

(c) Maintain a recreation area, within the secured facility or secured on the property of the facility, which can accommodate children's vigorous physical activity and utilization of large muscle groups. A fence used to secure the recreation area shall meet or exceed the specifications of the nonscalable fence referenced in the level two facility above.

(4) The licensee shall not allow children placed in a semi-secure facility to enter a secure area of the facility. The department shall not require the provider to collocate semi-secure and secure facilities within the same facility.

(5) The department shall prohibit a jail or juvenile detention center from operating as a secure crisis residential facility except when:

(a) The secretary of the department of social and health services, in consultation with applicable local legislative bodies, may make a written finding that location of a secure crisis residential center on the same grounds as another secure juvenile structure is the only practical location available; and

(b) The physical facility is modified, if necessary, and operated so that sight and sound contact cannot be made between a resident of the secure crisis residential center and a person held in the detention facility. Staff assigned to the secure crisis residential center children shall not be simultaneously assigned to the juvenile detention center residents on the same shift.

(6) A facility, licensed by the department of health, shall meet the construction and fire life safety standards for psychiatric hospital security rooms when establishing secure residential treatment or secure crisis residential centers within a physical structure licensed or certified by the department of health.

WSR 96-07-008

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Filed March 8, 1996, 1:54 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-24-011.

Title of Rule: WAC 388-250-1700 Standards of assistance—Supplemental security income.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: As required by the 1995 budget bill, the Department of Social and Health Services will adjust state

costs for the SSI state supplement in 1996 to meet total expenditures by increasing the payment in each category by 5.8 percent. The department will be able to increase state supplement payments in 1996 as we can use the entire twelve months to make adjustments for projected caseload increases. We plan to make no further changes to the SSI state supplement in 1996 unless actual expenditures exceed caseload projections or clearly will fall below 1995 expenditures.

Reasons Supporting Proposal: See above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Barbara Hargrave, SSI Program Manager, Division of Income Assistance, (360) 438-8317.

Name of Proponent: 1995 State Legislature, Department of Social and Health Services, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Required by 1995 budget bill. Small business economic impact statement not required as this rule does not impact small business... this change affects standards of assistance for recipients of SSI state supplement.

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: Same as above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposal affects only SSI clients.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Department of Social and Health Services is not a named agency listed within RCW 34.05.328.

Hearing Location: OB-2 Auditorium, 1115 Washington Street S.E., Olympia, WA 98504, on April 23, 1996, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Merry Kogut, Supervisor, by April 9, 1996, TDD (360) 753-0625.

Submit Written Comments to and Identify WAC Numbers: Merry Kogut, Supervisor, Rules and Policies Assistance Unit, P.O. Box 45800, Olympia, WA 98504, FAX (360) 664-0118, by April 16, 1996.

Date of Intended Adoption: April 24, 1996.

March 8, 1996

Philip A. Wozniak

for Merry A. Kogut, Supervisor
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 3903, filed 9/27/95, effective 10/28/95)

WAC 388-250-1700 Standards of assistance—Supplemental security income. Effective ~~((November))~~ January 1, ((1995)) 1996, the standards of SSI assistance paid to an eligible individual and couple are:

(1) Living alone (own household or alternate care, except nursing homes or medical institutions).

PROPOSED

	Standard	Federal SSI Benefit	State Supplement
Area I: King, Pierce, Snohomish, Thurston, and Kitsap Counties			
Individual	(\$481.80) <u>\$495.42</u>	\$458.00 <u>\$470.00</u>	\$ 23.80) <u>\$ 25.42</u>
Individual with one essential person	(705.70) <u>724.98</u>	687.00 <u>705.00</u>	18.70) <u>19.98</u>
Couple:			
Both eligible	(705.70) <u>724.98</u>	687.00 <u>705.00</u>	18.70) <u>19.98</u>
Includes one essential person	(705.70) <u>724.98</u>	687.00 <u>705.00</u>	18.70) <u>19.98</u>
Includes ineligible spouse	(600.97) <u>622.73</u>	458.00 <u>470.00</u>	142.97) <u>152.73</u>
Area II: All Counties Other Than the Above			
Individual	(464.42) <u>\$476.86</u>	458.00 <u>470.00</u>	6.42) <u>6.86</u>
Individual with one essential person	(687.00) <u>705.00</u>	687.00) <u>705.00</u>	<u>0</u>
Couple:			
Both eligible	(687.00) <u>705.00</u>	687.00) <u>705.00</u>	<u>0</u>
Includes one essential person	(687.00) <u>705.00</u>	687.00) <u>705.00</u>	<u>0</u>
Includes ineligible spouse	(575.51) <u>595.53</u>	458.00 <u>470.00</u>	117.51) <u>125.53</u>

Areas I and II:

Eligible individual with more than one essential person: ~~(\$458)~~ \$470.00 for eligible individual plus ~~(\$229)~~ \$235.00 for each essential person (no state supplement).

Eligible couple with one or more essential persons: ~~(\$687)~~ \$705.00 for eligible couple plus ~~(\$229)~~ \$235.00 for each essential person (no state supplement).

(2) Shared living (Supplied shelter): Area I and II

	Standard	Federal SSI Benefit	State Supplement
Individual	(\$310.28) <u>\$318.62</u>	\$305.34 <u>\$313.34</u>	\$ 4.94) <u>\$ 5.28</u>
Individual with one essential person	(463.35) <u>475.72</u>	458.00 <u>470.00</u>	5.35) <u>5.72</u>
Couple:			
Both eligible	(463.35) <u>475.72</u>	458.00 <u>470.00</u>	5.35) <u>5.72</u>
Includes one essential person	(463.35) <u>475.72</u>	458.00 <u>470.00</u>	5.35) <u>5.72</u>
Includes ineligible spouse	(393.54) <u>407.55</u>	305.34 <u>313.34</u>	88.20) <u>94.21</u>

Area I and II:

Eligible individual with more than one essential person: ~~(\$305.34)~~ \$313.34 for eligible individual plus ~~(\$152.66)~~ \$156.66 for each essential person (no state supplement).

Eligible couple with one or more essential persons: ~~(\$458)~~ \$470.00 for eligible couple plus ~~(\$152.66)~~ \$156.66 for each essential person (no state supplement).

(3) Residing in a medical institution: Area I and II

	Standard	Federal SSI Benefit	State Supplement
No change	\$41.62	\$30.00	\$11.62

Proposed

(4) Mandatory income level (MIL) for grandfathered claimant. ~~(Reduced)~~ Increased by ~~(five)~~ two dollars and ~~(sixty-one)~~ nineteen cents for all MIL clients, except for those converted in a "D" living arrangement (residing in a medical institution at the time of conversion).

**WSR 96-07-009
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed March 8, 1996, 1:56 p.m.]**

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-03-046 [96-03-096].

Title of Rule: WAC 388-215-1390 Deprivation—Redetermination of eligibility when deprivation ceases.

Purpose: Extends AFDC-E eligibility for up to a six-month period following full employment.

Statutory Authority for Adoption: RCW 74.12.036.

Statute Being Implemented: RCW 74.12.036.

Summary: Extends AFDC-E eligibility for up to a six-month period following full employment.

Reasons Supporting Proposal: The department is required under RCW 74.12.036 to file this rule to adopt a state plan amendment to eliminate the 100-hour rule for AFDC-E clients.

Name of Agency Personnel Responsible for Drafting and Implementation: Sandy Jsames, Division of Income Assistance, (360) 438-8313; and Enforcement: Carol Felton, Community Services Division, (360) 438-8408.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: The state legislature requires the department to eliminate the 100-hour rule for AFDC-E clients, through a state plan amendment or federal waiver. Chapter 388-201 WAC eliminates the 100-hour rule through a federal waiver for most (90%) AFDC-E clients. This rule will essentially eliminate the 100-hour rule for the rest of the AFDC-E clients—for up to six months—via a state plan amendment. The proposed rule is drawn in accordance with RCW 74.12.036, is reasonable, and the most cost-effective way to achieve regulatory objectives. The proposed rule neither affects the environment nor has any unauthorized fiscal consequence.

Proposal Changes the Following Existing Rules: Extends AFDC-E eligibility for up to a six-month period following full employment.

No small business economic impact statement has been prepared under chapter 19.85 RCW. See Explanation of Rule above.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Department of Social and Health Services is not a listed agency within RCW 34.05.328.

Hearing Location: OB-2 Auditorium, 1115 Washington Street South, Olympia, WA 98504, on April 23, 1996, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Merry Kogut, Supervisor, by April 9, 1996, TDD (360) 753-0625.

Submit Written Comments to and Identify WAC Numbers: Merry Kogut, Supervisor, Rules and Policies Assistance Unit, P.O. Box 45800, Olympia, WA 98504, FAX (360) 664-0118, by April 16, 1996.

Date of Intended Adoption: April 24, 1996.

March 8, 1996
Philip A. Wozniak
for Merry Kogut, Supervisor
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-215-1390 Deprivation—Redetermination of eligibility when deprivation ceases. When deprivation due to death, absence, incapacity, or unemployment ceases and the child remains in need, the department shall determine if another basis for deprivation exists.

(1) If it appears that another basis for deprivation may exist, but additional information or verification is needed to establish eligibility, the department shall:

(a) Request the necessary information or verification from the client following rules in chapter 388-212 WAC; and

(b) Continue assistance during the eligibility redetermination process.

(2) If deprivation ceases solely due to the qualifying parent working one-hundred hours or more a month, the department shall extend AFDC-E eligibility for up to an additional six-month period, if the child remains otherwise eligible.

(3) If no other basis for deprivation exists, the department shall:

(a) Determine the child ineligible for AFDC according to WAC 388-245-1510; and

(b) Terminate assistance following rules in chapter 388-245 WAC.

WSR 96-07-010
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed March 8, 1996, 1:58 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 94-21-065.

Title of Rule: Chapter 388-155 WAC, Family child day care homes.

Purpose: To clarify rule related to dual licensing of homes and to adopt fire safety requirements for family child care homes.

Statutory Authority for Adoption: RCW 74.12.340 and chapter 74.15 RCW.

Statute Being Implemented: RCW 74.12.340 and chapter 74.15 RCW.

Summary: The proposed rules largely reflect the Uniform Building Code and the National Life Safety Code.

Reasons Supporting Proposal: The State Fire Marshal's Office repealed the fire safety rules that it had adopted. The Office of the Child Care Policy has responsibility for doing fire safety inspections of family child care homes.

Name of Agency Personnel Responsible for Drafting and Implementation: Barry Fibel, Mailstop 45700, Olympia, (360) 753-0204; and Enforcement: Karen Tvedt, Mailstop 45700, Olympia, (360) 753-0204.

Name of Proponent: Office of Child Care Policy, Department of Social and Health Services, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Summary and Reasons Supporting Proposal above.

Proposal Changes the Following Existing Rules: See Summary and Reasons Supporting Proposal above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not needed because these WACs largely reflect the requirements of the Uniform Building Code, the state amendments to the Uniform Building Code, and the National Life Safety Code as they apply to family child care homes. They clarify that existing WAC 388-155-280 applies to homes licensed to care for six or fewer children. Moreover, these WACs were developed in conjunction with the State Family Child Care Association, the State Fire Marshal's Office, the Child Care Coordinating Committee and others as required by RCW 74.15.030(8) and as suggested in RCW 34.05.310.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Department of Social and Health Services is not a named agency within RCW 34.05.328.

Hearing Location: OB-2 Auditorium, 1115 Washington Street S.E., Olympia, WA 98504, on April 23, 1996, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Merry A. Kogut, Supervisor, by April 9, 1996, (360) 664-2954 or TDD (360) 753-0625.

Submit Written Comments to and Identify WAC Numbers: Merry A. Kogut, Supervisor, Rules and Policies Assistance Unit, P.O. Box 45800, Olympia, WA 98504-5800, FAX (360) 664-0118, by April 16, 1996.

Date of Intended Adoption: April 24, 1996.

March 8, 1996
Philip A. Wozniak
for Merry A. Kogut, Supervisor
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 3136, filed 2/1/91, effective 3/4/91)

WAC 388-155-060 Dual licensure. The department

~~((may either:~~

~~(+))) shall not issue a family child care home license to the applicant having a foster family home license or other license involving full-time care((:)) or~~

~~((+2))) permit simultaneous care for the child and ~~((adolescent or))~~ adult on the same premises. An exception may be granted if the applicant or licensee:~~

~~((a))~~ (1) Demonstrates evidence that care of one client category will not interfere with the quality of care provided to another category of clients;

~~((b))~~ (2) Requests and obtains a waiver permitting dual licensure;

(3) Maintains the most stringent maximum capacity limitation for the client categories concerned;

~~((e) Requests and obtains a waiver permitting dual licensure; and~~

~~(d) Requests and obtains a waiver to subsection (2)(b) of this section, if applicable;)) and~~

(4) Where the licensee desires to exceed the most stringent maximum capacity limitation, requests an additional waiver to subsection (3) above. This addition waiver request may be written on one form with the request for dual licensing.

AMENDATORY SECTION (Amending Order 3136, filed 2/1/91, effective 3/4/91)

WAC 388-155-070 Application and reapplication for licensure—Orientation, training and investigation. (1) The person, organization, or legal entity applying for a license or relicensure under this chapter and responsible for operating the home shall:

(a) Attend orientation and training programs provided, arranged, or approved by the department;

(b) Comply with application procedures the department prescribes; and

(c) Submit to the department:

(i) A completed department-supplied application for family child care home license, including required attachments, ninety or more days before the:

- (A) Beginning of licensed care;
- (B) Expiration of a current license;
- (C) Relocation of a home; or
- (D) Change of licensed capacity category.

(ii) A completed criminal history and background inquiry form for each applicant, assistant, volunteer, or member of the household sixteen years of age or older having unsupervised or regular access to the child in care; and

(iii) The licensing fee.

(2) In addition to the required application materials specified under subsection (1) of this section, the applicant for initial licensure shall submit to the department:

(a) A department-supplied employment and education resume of the applicant and assistant including a transcript or its equivalent documenting early childhood education class completion, where appropriate; and

(b) Three references for the applicant.

(3) The applicant for a license under this chapter shall be eighteen years of age or older.

(4) The department may, at any time, require additional information from the applicant, licensee, assistant, volunteer, member of their household and other person having access to the child in care as the department deems necessary, including, but not limited to:

- (a) Sexual deviancy evaluations;
- (b) Substance and alcohol abuse evaluations;
- (c) Psychiatric evaluations;
- (d) Psychological evaluations; and

(e) Medical evaluations.

(5) The department may perform investigations of the applicant, licensee, assistant, volunteer, member of their household, and other person having access to the child in care as the department deems necessary, including accessing criminal histories and law enforcement files.

~~((6) The applicant shall conform to rules and regulations adopted by the:~~

~~(a) Department of health, promoting the health of the child in care, contained in this chapter; and~~

~~(b) State fire marshal's office, establishing standards for fire prevention and protection of life and property from fire and other pertinent fire safety regulations adopted by the state fire marshal's office;))~~

NEW SECTION

WAC 388-155-600 Occupancy restrictions. (1) Any home used for child day care purposes for fewer than thirteen children is considered to be a Group R, Division 3 occupancy per the state building code. Family child day care homes must meet the minimum construction and fire and safety requirements for one and two family dwellings.

If a portion of the home is used for purposes other than a dwelling, such as a garage, automotive repair shop, cabinet and/or furniture making or refinishing or similar use, a fire wall is required between the dwelling and the other use.

(2) Only one exit door from a family child day care home need be of the pivoted or side hinged swinging type. Approved sliding doors may be used for other exits.

(3) In family child day care home, each floor level used for family child day care purposes shall be provided with two exits, usually located at opposite ends of the building or floor.

(4) Basements located more than four feet below grade level shall not be used for family child day care purposes unless one of the following conditions exists:

(a) Two exit stairways from the basement open directly to the exterior of the building without entering the first floor; or

(b) One of the two required exits discharges directly to the exterior from the basement level and the other exit is an interior stairway with a self-closing door installed at the top or bottom leading to the floor above; or

(c) One of the two required exits is an operable window or door, approved for emergency escape or rescue, that opens directly to a public street, public alley, yard or exit court and the other may be an approved interior or exterior stairway; or

(d) A residential sprinkler system is provided throughout the entire home in accordance with standards of the National Fire Protection Association.

(5) The family child care home licensee shall ensure that any floor located more than four feet above grade level is not occupied by children for family child day care purposes except for the use of toilet facilities while under supervision of a staff person.

Family child day care may be allowed on the second story if one of the following conditions exists:

(a) There are two exit stairways from the second story which open directly to the exterior of the building without entering the first floor; or

(b) There is an exit which discharges directly to the exterior from the second story level, and a second interior stairway with a self-closing door installed at the top or bottom of the interior stair leading to the floor below; or

(c) A residential sprinkler system is provided throughout the entire building in accordance with standards of the National Fire Protection Association.

(6) The maximum travel distance from any point in the home to an exterior exit door shall not exceed one hundred fifty feet.

(7) Every room used for child care (except bathrooms) shall have:

(a) At least one operable window or door approved for emergency escape or rescue which shall open directly into a public street, public alley, yard or exit court. The units shall be operable from the inside to provide a full clear opening without the use of separate tools.

All escape or rescue windows shall have a minimum net clear openable area of 5.7 square feet. The minimum net clear openable height dimension shall be twenty-four inches. The minimum net clear openable width dimension shall be twenty inches. When windows are provided as a means of escape or rescue, they shall have a finished sill height of not more than forty-four inches above the floor; or

(b) Doors leading to two separate exit ways; or

(c) A door leading directly to the exterior of the building.

(8) A stationary platform may be used under a window to attain the forty-four inches above the floor.

(9) Exit doors shall be easy to open to the full open position.

(10) Exit doors and windows shall be able to be opened from the inside without having to use a key. Night latches, dead bolts, security chains, manually operated edge or surface mounted flush bolts and surface bolts are prohibited.

The locking arrangement on outside exit doors shall be such that they will automatically unlock when the doorknob is turned from the inside.

(11) The licensee shall ensure that obstructions are not placed in corridors, aisles, doorways, doors, stairways or ramps.

(12) No space which is accessible only by ladder, folding stairs or trap doors, shall be used for family child day care purposes.

(13) Every bathroom door lock shall be designed to permit the opening of the locked door from the outside in an emergency. The opening device shall be readily accessible to the staff.

(14) Every closet door latch shall be such that children can open the door from inside the closet.

NEW SECTION

WAC 388-155-605 Hazardous areas. Rooms or spaces containing a commercial-type kitchen, boiler, maintenance shop, janitor closet, laundry, woodworking shop, flammable or combustible storage, painting operation, or parking garage shall be separated from the family child day care home or any exits by a fire wall.

NEW SECTION

WAC 388-155-610 Single station smoke detectors.

(1) Smoke detectors shall be located in all sleeping and napping rooms in family child day care homes.

(2) In family child day care homes with more than one story, and in family child day care homes with basements, a smoke detector shall be installed on each story and in the basement.

(3) In family child day care homes where a story or basement is split into two or more levels, the smoke detector shall be installed in the upper level, except that when the lower level contains a sleeping or napping area, a smoke detector shall be located on each level.

(4) When sleeping or napping rooms are on an upper level, the smoke detector shall be placed on the ceiling of the upper level in close proximity to the stairway and in each sleeping/napping room.

(5) In a family child day care home where the ceiling height of a room open to the hallway serving sleeping or napping rooms exceeds that of the hallway by twenty-four inches or more, smoke detectors shall be installed in both the hallway and the sleeping/napping room.

(6) Smoke detectors shall sound an alarm audible in all areas of the building.

(7) In new construction, required smoke detectors shall receive their primary power from the building wiring when such wiring is served from a commercial source. Wiring shall be permanent and without a disconnecting switch other than those required for overcurrent protection.

(8) Smoke detectors may be battery operated when installed in existing buildings or buildings without commercial power.

(9) Where battery operated smoke detectors are installed, at least one extra battery of the type and size specified for the battery operated smoke detector shall be maintained upon the premises.

(10) Single station smoke detectors shall be tested at monthly intervals or in a manner specified by the manufacturer. Records of such testing shall be maintained upon the premises.

NEW SECTION

WAC 388-155-620 Alternate means of sounding a fire alarm. In addition to single station smoke detectors, family child day care homes shall provide an alternate means for sounding a fire alarm. A police type whistle or similar device is adequate for meeting this requirement, provided that whatever method is selected is limited to an evacuation emergency only.

NEW SECTION

WAC 388-155-630 Fire extinguisher. (1) At least one approved 2A, 10B:C rated fire extinguisher shall be provided on each floor level occupied for day care use. Such extinguisher shall be located in the area of the normal path of egress. The maximum travel distance to an extinguisher shall not exceed seventy-five feet.

(2) Fire extinguishers shall be operationally ready for use at all times.

(3) Fire extinguisher shall be kept on a shelf or mounted in the bracket provided for this purpose so that the top of the extinguisher is not more than five feet above the floor.

(4) The licensee shall ensure that fire extinguishers receive annual maintenance certification by a firm specializing in and licensed to do such work. Maintenance means a thorough check of the extinguisher to include examination of:

- (a) Mechanical parts;
- (b) Extinguishing agent; and
- (c) Expelling means.

NEW SECTION

WAC 388-155-640 Fire prevention. (1) The licensee shall ensure that the local fire department is requested to visit the family child day care home to become familiar with the facility and to assist in planning evacuation or emergency procedures. Where a fire department does not provide this service, the licensee shall document this contact.

(2) Furnace rooms shall be maintained free of lint, grease and rubbish accumulations and other combustibles and suitably isolated, enclosed or protected.

(3) Flammable or combustible materials shall be stored away from exits and in areas which are not accessible to children. Combustible rubbish shall not be allowed to accumulate and shall be removed from the building or stored in closed, metal containers.

(4) The licensee shall keep all areas used for child care clean and neat, making sure that all waste generated daily is removed from the building and disposed of in a safe manner outside the building. All containers used for the disposal of waste material shall be of noncombustible materials with tops. Electrical motors shall be kept dust-free.

(5) Open-flame devices capable of igniting clothing shall not be left on, unattended or used in a manner which could result in an accidental ignition of children's clothing. Candles shall not be used.

(6) A flashlight shall be available for use as an emergency power source.

(7) All electrical circuits, devices and appliances shall be properly maintained. Circuits shall not be overloaded. Extension cords and multi-plug adapters shall not be used in lieu of permanent wiring and proper receptacles.

(8) The use of portable space heaters of any kind is prohibited.

(9) Approved numbers or addresses shall be placed on all new and existing homes and in the driveway to the house when the house is not visible from the road. The numbers or address shall be in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall contrast with their background.

(10) Fireplaces, woodstoves, similar devices and their connections shall be approved by the local building official. If the woodstove is used as a sole source of heat or is used during hours of operation, such devices shall be cleaned, maintained and inspected on at least an annual basis by a person or firm specializing in such work and licensed.

Where open flames and/or hot surfaces are accessible, approved barriers shall be erected to prevent children from coming in contact with the open flames and/or hot surfaces.

NEW SECTION

WAC 388-155-650 Sprinkler system maintenance. Sprinkler systems, if installed, shall be tested on an annual basis by a person or agency qualified by licensing. The results of the system test shall be documented on forms provided by the licensor and maintained at the home for inspection by the licensor.

NEW SECTION

WAC 388-155-660 Fire evacuation plan. Each home shall develop written fire evacuation plans. The evacuation plan shall include an evacuation floor plan, identifying exit doors and windows, that shall be posted at a point clearly visible to the assistant and parents. Plans shall include the following:

- (1) Action to be taken by the person discovering a fire;
- (2) Method to be used for sounding an alarm on the premises;
- (3) Action to be taken for evacuation of the building and assuring accountability of the children; and
- (4) Action to be taken pending arrival of the fire department.

NEW SECTION

WAC 388-155-670 Fire evacuation drill. A fire evacuation drill shall be conducted at least once each month. A written record, the fire safety record and evacuation plan, shall be maintained and posted on the premises indicating the date, time and other required entries on the form. Such forms are available from the office of child care policy.

NEW SECTION

WAC 388-155-680 Staff training. The licensee and each employee or assistant shall be familiar with all elements of the fire evacuation plan and must be capable of accomplishing the following:

- (1) Operation of fire extinguisher installed on the premises.
- (2) Testing smoke detectors (single station types).
- (3) Conducting frequent inspections of the home to identify fire hazards and take action to correct any hazards noted during the inspection. Such inspections should be conducted on a monthly basis and records kept on the premises for review by the licensor.

WSR 96-07-014
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)
 [Filed March 12, 1996, 9:38 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-06-035.

Title of Rule: WAC 388-219-3000 GA-U—Allocation of income.

Purpose: This section provides the rules for allocating (dividing) the income in general assistance unemployable

assistance units. This change specifically addresses allocation of units. This change specifically addresses allocation of income of a nonapplying spouse.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: This change is a correction to the current WAC. The GA-U earned income disregard was erroneously included in the WAC during the rewrite process.

Reasons Supporting Proposal: This is not a disregard which should be allowed for this type of income. The WAC needs to be corrected so that all procedures and computer applications are also correct.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Kay Havey, Division of Income Assistance, (360) 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: This portion of the rule currently includes an inaccurate earned income disregard. This item was incorrectly included at the time of the rewrite of the WAC. Removal of the disregard will correct the WAC, giving accurate reference for the procedures in the field and for the implementation of the ACES project.

Proposal Changes the Following Existing Rules: This change removes the earned income disregards for GA-U to the income of a nonapplying spouse.

No small business economic impact statement has been prepared under chapter 19.85 RCW. No business is affected. There is no actual change occurring to this process because the procedural manual material is correct and the field staff administer the program already.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Department of Social and Health Services is not a named agency in RCW 34.05.328.

Hearing Location: OB-2 Auditorium, 1115 Washington Street South, Olympia, WA 98504, on April 23, 1996, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Merry Kogut, Supervisor, by April 9, 1996, TDD (360) 753-0625, or (SCAN) 753-0625.

Submit Written Comments to and Identify WAC Numbers: Merry Kogut, Supervisor, Rules and Policies Assistance Unit, P.O. Box 45800, Olympia, WA 98504, FAX (360) 664-0118, by April 16, 1996.

Date of Intended Adoption: April 23, 1996.

March 12, 1996

Merry A. Kogut, Supervisor
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-219-3000 GAU allocation of income. The department shall allocate nonexempt net income to the assistance unit of which the person is a member, except when:

(1) The family contains two or more assistance units. In such case, the department shall equally divide the total

nonexempt net community income between the assistance units unless:

(a) The family prefers some other division; and

(b) The preferred division does not increase the total amount of assistance, excluding medical care.

(2) The person lives with a nonapplying spouse. In such case, the department shall consider the following available to the client:

(a) The nonapplying spouse's net income from wages, retirement benefits, or separate property to the extent that such income exceeds a one-person payment level. In computing the nonapplying spouse's net income, the department shall allow:

(i) GAU (~~earned income and~~) work expense disregards; and

(ii) Verified court or administratively ordered support payments made by the nonapplying spouse for legal dependents not living in the parent's home. The amount exempted shall be the amount paid up to the one person need standard for each such dependent. The department shall not apply the GAU earned income disregard to the spousal income computation.

(b) All the client's net income from wages, retirement benefits, or separate property; and

(c) Half of all other community income.

(3) The person is in a medical institution, alcohol/drug treatment center, congregate care facility, or adult family home. When a person in a medical institution, alcohol/drug treatment center, congregate care facility, or adult family home applies for or receives a general assistance grant, the department shall allocate income as follows:

(a) First to the appropriate payment level of the legal dependents in the family home as stated in chapter 388-250 WAC; and

(b) Then to the needs of the person according to the standards of assistance for each living arrangement.

(4) The person pays court or administratively ordered support for a legal dependent not living in the parent's home. In such case, the department shall allocate income to the assistance unit after deducting:

(a) Applicable earned income and work expense disregards; and

(b) Verified court or administratively ordered support payments made for a legal dependent not living in the parent's home. The amount exempted shall be the amount paid up to the one-person need standard for each legal dependent.

WSR 96-07-029

PROPOSED RULES

CLARK COLLEGE

[Filed March 13, 1996, 2:16 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-03[-101].

Title of Rule: Chapter 132N-276 WAC, Public records.

Purpose: To ensure compliance by the college with the provisions of the state law dealing with public records.

Statutory Authority for Adoption: RCW 28B.50.140.

Statute Being Implemented: RCW 42.17.250(1).

Summary: These amendments are for the purpose of editorial corrections and to incorporate a revised request for public records form.

Reasons Supporting Proposal: Editorial changes. Revised request for public records form.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Tony Birch, Clark College, (360) 992-2123.

Name of Proponent: Clark College, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The purpose of this rule is to ensure compliance by Clark College with the provisions of state law dealing with public records. The college does have in existence the necessary rules. The proposed amendments are for the purposes of editorial correction and to incorporate a revised request for public records form.

Proposal Changes the Following Existing Rules: Editorial changes only.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Not applicable to higher education.

Hearing Location: Clark College, Board Room, Baird Administration Building, on April 24, 1996, at 4:00 p.m.

Assistance for Persons with Disabilities: Contact Janelle Farley by April 19, 1996, (360) 992-2101.

Submit Written Comments to: Tony Birch, FAX (360) 992-2865, by April 19, 1996.

Date of Intended Adoption: April 24, 1996.

March 8, 1996
Earl P. Johnson
President

AMENDATORY SECTION (Amending Order 77-3 d, filed 8/29/77)

WAC 132N-276-005 Board policy statement—Public records. ~~((Clark))~~ The college shall be responsible for the efficient and proper disclosure of public records as required by the laws and regulations of the state of Washington. Public records information shall include fully detailed administrative procedures. However, the board has resolved that providing an index of all public records as specified in RCW 42.17.260 would be unduly burdensome and would interfere with the operations of the college. (The order was published as Clark College Resolution No. 97 by the board of trustees.) The board delegates to the president or designee the responsibility to appoint a public records officer who shall administer the process.

AMENDATORY SECTION (Amending Order 77-3 d, filed 8/29/77)

WAC 132N-276-010 Administrative procedures—Purpose. The purpose of this ~~((chapter))~~ section shall be to ensure compliance by the ~~((Community))~~ college ~~((District No. 14))~~ with the provisions of ~~((chapter 42.17 RCW as now existing or hereafter amended and in particular with RCW 42.17.250 through 42.17.340))~~ the state law dealing with public records.

AMENDATORY SECTION (Amending Order 77-3 d, filed 8/29/77)

WAC 132N-276-020 ~~((Administrative procedures—))~~Definitions. (1) ~~((Public records:))~~ "Public records" include~~((s))~~ any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.

(2) ~~((Writing:))~~ "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion pictures, film and video recordings, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated, magnetic or punched cards, ~~((dises))~~ disks, drums and other documents.

(3) ~~((Community College District No. 14—The))~~ Community College District ~~((No.))~~ 14 is an agency organized by statute pursuant to chapter 28B.50 RCW. ~~((The))~~ Community College District 14 shall hereinafter be referred to as the "~~((district))~~ college." Where appropriate, the term "board" refers to the board of trustees of the district.

AMENDATORY SECTION (Amending Order 77-3 d, filed 8/29/77)

WAC 132N-276-030 Description of central and field organization of ~~((Community))~~ the college ~~((District No. 14)).~~ ~~((District No. 14))~~ The college is a community college district organized under RCW 28B.50.040. The administrative office of the ~~((district))~~ college and its staff are located at Clark ~~((Community))~~ College, 1800 ~~((East))~~ E. McLoughlin ~~((Boulevard))~~ Blvd., Vancouver, WA 98663-3598.

AMENDATORY SECTION (Amending Order 77-3 d, filed 8/29/77)

WAC 132N-276-040 Operations and procedures. The ~~((district))~~ college is established under chapter 28B.50 RCW to implement the educational purposes established by chapter 28B.50 RCW. The ~~((district))~~ college is operated under the supervision and control of a board of trustees. The board of trustees is made up of five members, each appointed by the governor to a term of five years. The ~~((trustees))~~ board usually meets once a month in regular session on a date and at a time and place specified by public notice and at such special meetings as are announced by public notice. On occasion, the ~~((trustees))~~ board may not meet at all in a particular calendar month. At such time the trustees exercise the power~~((s))~~ and duties granted them under law.

AMENDATORY SECTION (Amending Order 77-3 d, filed 8/29/77)

WAC 132N-276-050 Public records available. All public records of the ~~((district))~~ college, as defined in WAC 132N-276-020 are ~~((deemed to be))~~ available for public

inspection and copying pursuant to these rules, except as otherwise provided by RCW 42.17.310 and WAC 132N-276-100.

AMENDATORY SECTION (Amending Order 77-3 d, filed 8/29/77)

WAC 132N-276-060 Public records officer. The ~~((district's))~~ college's public records shall be in the charge of the public records officer designated by the ~~((college))~~ president. The person so designated ~~((shall be located in))~~ is the dean of administrative ~~((office of the district))~~ services of the college. The public records officer shall be responsible for the ~~((following: The))~~ implementation of the ~~((district's))~~ college's rules and regulations regarding release of public records, coordinating the staff of the ~~((district))~~ college in this regard, and generally ~~((insuring))~~ ensuring compliance by the staff with the public records disclosure requirements of RCW 42.17.250 through 42.17.340.

AMENDATORY SECTION (Amending Order 89-01, Resolution No. 89-01, filed 5/31/89)

WAC 132N-276-070 Office hours. Public records shall be available for inspection and copying during the customary office hours of the ~~((district))~~ college. For the purpose~~(s)~~ of this ~~((chapter))~~ section, the customary office hours shall be from 9:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m., Monday through Friday, excluding ~~((legal holidays and published))~~ college holidays.

AMENDATORY SECTION (Amending Order 89-01, Resolution No. 89-01, filed 5/31/89)

WAC 132N-276-080 Requests for public records. In accordance with the requirements of RCW 42.17.250 through 42.17.340 that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records may be inspected ~~((or copied))~~ or copies of such records may be obtained, by members of the public, upon compliance with the following procedures:

(1) A request shall be made in writing ~~((upon))~~ by completing a request for public records form ~~((prescribed by the district))~~ which ~~((shall be))~~ is available at ~~((its))~~ administrative ~~((office))~~ services. The form shall be presented to the public records officer ~~((or to any member of the district's staff, if the public records officer is not available, at the administrative office of the district))~~ during customary office hours ~~((or))~~ or mailed to:

Administrative Services
Clark College
1800 E. McLoughlin Blvd.
Vancouver, WA 98663-3598

The request shall include the following information:

- (a) The name of the person requesting the ~~((record))~~ records or, alternatively, how the request should be directed.
 (b) The time of day and calendar date ~~((on which))~~ of the request ~~((was made))~~.
 (c) The nature of the request~~((s))~~.

(d) If the matter requested is referenced within ~~((a current))~~ an index maintained by the ~~((college))~~ public records officer, a reference to the requested ~~((record))~~ records as ~~((it is))~~ described in such ~~((current))~~ index~~((s))~~.

(e) If the requested matter is not identifiable by reference to ~~((a current))~~ an index, an appropriate description of the records is requested.

(2) The public records officer shall reply to written requests ~~((before the close of business on the day following the date of the request by providing copies of the requested records or by informing the requestee in writing of))~~ within five business days of receipt of the request by either:

(a) ~~((The availability))~~ Providing copies of the requested ~~((record(s); and))~~ records;

(b) ~~((A definite time and place (within five business days) when such requested record(s) may be inspected or copies provided.~~

(3) Acknowledging receipt of the request and providing a reasonable estimate of the time the college will require to respond; or

(c) Denying the public records request. Denials of requests for public records will be accompanied by a written statement specifying the reason for denial.

(3) Additional time to respond to a request should be based on the public records officer's need to ask that the requestor clarify the intent of the request, to locate and assemble the information, to notify third persons or agencies who are the subject of or affected by the request, or to determine whether any of the information requested is exempt. If the requestor fails to clarify the request, the college need not respond to it.

(4) In all cases in which a member of the public is making a request, it shall be the obligation of the public records officer or staff member to whom the request is made to assist the member of the public in appropriately identifying the public records requested.

AMENDATORY SECTION (Amending Order 77-3 d, filed 8/29/77)

WAC 132N-276-090 Copying. No fee shall be charged for the inspection of public records. The ~~((district shall))~~ college will charge a fee of ten cents per page of copy for providing copies of public records ~~((and for use of the district's copy equipment)).~~ This charge is the amount necessary to reimburse the ~~((district))~~ college for its actual costs ~~((incident to))~~ arising from such copying. If a particular request for copies requires an unusually large amount of time, or the use of any equipment not readily available, the ~~((district))~~ college will provide copies at a rate sufficient to cover any additional costs. All fees must be paid by money order, cashier's check, or cash in advance.

AMENDATORY SECTION (Amending Order 77-3 d, filed 8/29/77)

WAC 132N-276-100 Exemptions/exceptions. (1) The ~~((district))~~ college reserves the right to determine that ~~((a))~~ public records requested in accordance with the procedures outlined in WAC 132N-276-080 are exempt under the provisions of RCW 42.17.310.

(2) In addition, pursuant to RCW 42.17.260, the ~~((district))~~ college reserves the right to delete identifying

details when it makes available or publishes any public ~~((record-))~~ records in any cases when there is reason to believe that disclosure of such details would be an unreasonable invasion of personal privacy protected by state law or would impair a vital governmental interest. The public records officer will fully justify such deletion in writing.

(3) The release or disclosure of student educational records is governed by federal regulation (FERPA). Separate and different procedures are established by the college for student educational records.

AMENDATORY SECTION (Amending Order 89-01, Resolution No. 89-01, filed 5/31/89)

WAC 132N-276-110 Review of denials of public records requests. (1) Any person who objects to the denial of a request for ~~((a))~~ public records may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement by the public records officer or other staff member which constituted or accompanied the denial.

(2) Immediately after receiving a written request for review of a decision denying ~~((a))~~ public records, the public records officer or other staff member denying the request shall refer it to the president of the college. The president or ~~((his))~~ designee shall ~~((immediately))~~ consider the ~~((matter and either affirm or reverse such denial or consult with the attorney general to review the denial. In any case, the request shall be returned with a final decision within two business days following the original denial))~~ college's obligation to comply with the intent of chapter 42.17 RCW, the exemptions provided in RCW 42.17.310 or other pertinent statutes, and the statutory provisions which require the college to protect public records from damage or disorganization, prevent excessive interference with essential college functions, and prevent any unreasonable invasion of personal privacy by deleting identifying details. The president or designee shall complete the review within two business days after receiving the written request for review of the decision denying a public record.

(3) Administrative remedies shall not be considered exhausted until the ~~((district))~~ college has returned the petition with a decision, provided the requested records, or until the close of the second business day following the denial or inspection has been reached, whichever occurs first.

(4) Whenever the college concludes that a public record is exempt from disclosure and denies inspection and copying, the requestor may request a review of the matter by the office of the attorney general. A written request for review by the attorney general's office, along with a copy of the request and the college's written denial, should be sent to:

Office of Attorney General
Public Records Review
P.O. Box 40100
Olympia, Washington 98504-0100

The office of the attorney general will conduct a prompt and independent review of the request and the college's denial and provide a written opinion as to whether the record requested is exempt from disclosure. This review is not binding upon the college or the requestor.

AMENDATORY SECTION (Amending Order 77-3 d, filed 8/29/77)

WAC 132N-276-120 Protection of public records. Requests for public records shall be made ~~((in))~~ at the ~~((administration building))~~ administrative services office of ~~((Clark Community))~~ the college. Public records and a facility for their inspection will be provided by the public records officer. Such records shall not be removed from the place designed for their inspection. Copies shall be made at ~~((Clark Community))~~ the college. If copying facilities are not available at the college, the college will arrange to have copies made commercially ~~((according to the provision of WAC 132N-276-090)).~~

AMENDATORY SECTION (Amending Order 89-01, Resolution No. 89-01, filed 5/31/89)

WAC 132N-276-130 Records index. The college shall make available for public inspection and copying all indexes maintained for college use under the same rules and ~~((on))~~ the same conditions as ~~((are))~~ applied to public records.

The ~~((college))~~ board ~~((of trustees))~~ has adopted a formal order stating that providing a master index of all public records would be unduly burdensome and interfere with college operations.

AMENDATORY SECTION (Amending Order 77-3 d, filed 8/29/77)

WAC 132N-276-140 Adoption of form. The ~~((district))~~ college hereby adopts for use by all persons requesting inspection and/or copying or copies of its records, the form attached hereto as Appendix A, entitled "Request for public record(s)."

AMENDATORY SECTION (Amending Order 89-01, Resolution No. 89-01, filed 5/31/89)

WAC 132N-276-150 Appendix A—Form—Request for public record(s).

((Request for _____ Clark College
Public Record(s) _____ Administrative Services

This form is to be used to initiate a request for copying or inspection of public records as prescribed in RCW 42.17.250 through 42.17.340. The form is to be completed and sent to the Clark College Administrative Services Department.

.....
Name (Please Print) _____ Signature _____

.....
Name of Organization _____ Phone Number _____
— (If Applicable) _____

.....
Mailing Address _____

.....
Date and Time Request _____
— Made _____

PROPOSED

~~Record(s) Requested~~

.....
.....

~~Instructions for Receipt of Record(s)~~

.....
.....

~~Date and Time Request~~

~~—Received~~

~~Request: Approved~~ ~~Denied~~

~~Date~~ ~~Date~~

~~Reasons for Denial~~

.....
.....

~~Referred to:~~ ~~Date:~~

~~By:~~ ~~Public Records Officer~~

.....
~~Date and Time Public~~
~~—Record(s) Provided))~~

PROPOSED

Request for
Public Record(s)

Clark College
Administrative Services

This form is to be used to initiate a request for copying or inspection of public records as prescribed in RCW 42.17.250 through 340. The form is to be completed and sent to the Clark College Administrative Services Dept.

Name (Please Print) _____ Signature _____

Name of Organization (If Applicable) _____ Phone Number _____

Mailing Address _____

Date and Time Request Made _____

Record(s) Requested: _____

Will this information be used for commercial purposes? Yes ____ No ____

Instructions for Receipt of Record(s) _____

.....
(To be completed by Public Records Officer)

_____ Date and Time Request Received

- All records subject to the request are provided with this response.
- The College will need _____ days to respond to the request based on the following reason(s):
 - The intent of your request needs to be clarified: *(Specific questions should be included here: e.g., what time period? Does the request include personal information?)* _____
 - _____
 - Note: Failure to clarify the request will mean no further response).
 - To locate and assemble the records.
 - To notify third persons or agencies affected by the request.
 - To determine whether any of the information request is exempt and that a denial should be made as to all or part of the request.
- The request is denied based on the following exemption(s): _____
- _____
- _____

You may obtain review of the decision denying inspection by presenting a written request for review along with the written statement which sets forth the basis for denial to the President. The President's review shall be deemed completed at the end of the second business day following the denial of inspection and shall constitute final agency action for the purpose of judicial review.

_____, Public Records Officer

Date and Time of Response: _____

Acknowledgment of receipt: _____

Date: _____

ADB2233
10/23/95

PROPOSED

WSR 96-07-030
PROPOSED RULES
DEPARTMENT OF LICENSING
 [Filed March 14, 1996, 8:37 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-21-094.

Title of Rule: Chapter 308-93 WAC, Vessel registration and certificates of title.

Purpose: To memorialize consent decree entered in *United States v. Washington*, Civ. No. 9213-Phase I-Sub. 88-1 entered on November 28, 1994, and signed by the United States, the signatory tribes, and the state of Washington.

Statutory Authority for Adoption: RCW 88.02.100.

Statute Being Implemented: RCW 82.49.020 and chapter 88.02 RCW.

Summary: The consent decree set forth the provisions under which the signatory Indian Tribes are exempt from the state of Washington watercraft excise tax and for maintaining Indian tribal vessel registration requirements for vessels used in their treaty fisheries.

Reasons Supporting Proposal: Without admission or adjudication of any covered claims, the parties have agreed to the provisions as specifically set forth in the consent decree.

Name of Agency Personnel Responsible for Drafting: Jack L. Lince, HLB, 1125 Washington Street S.E., Olympia, WA, (360) 902-3773; Implementation: Sandra Britton, HLB, 1125 Washington Street S.E., Olympia, WA, (360) 902-3811; and Enforcement: Nancy Kelly, HLB, 1125 Washington Street S.E., Olympia, WA, (360) 902-3754.

Name of Proponent: State of Washington, signatory Indian Tribes, United States Department of Justice, United States Western District Court at Seattle, governmental.

Rule is necessary because of state court decision, *United States v. Washington*, Civ. No. 9213-Phase I-Sub. 88-1 entered on November 28, 1994.

Explanation of Rule, its Purpose, and Anticipated Effects: New sections WAC 308-93-700 through 308-93-770 proposed for adoption in chapter 308-93 WAC are proposed to implement the consent decree entered in *United States v. Washington*, Civ. No. 9213-Phase I-Sub. 88-1 entered on November 28, 1994, and signed by the United States, the signatory Indian tribes, and the state of Washington.

Proposal Changes the Following Existing Rules: WAC 308-93-010, correct punctuation error; and WAC 308-93-050, amendment to indicate vessels owned by Indian tribes and tribal members are exempt from registration, titling, and assessment of excise tax pursuant to chapters 82.49 and 88.02 RCW as provided in that certain consent decree proposed for adoption in proposed WAC 308-93-700 through 308-93-770.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rules do not impose costs on businesses in an industry.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. These rules are exempt from section 201, chapter 403, Laws of 1995 (RCW 34.05.328) pursuant to subsection (5)(b)(ii). The proposed rules relate only to

internal governmental operations and are not subject to violation by a nongovernment party.

Hearing Location: Room No. 303, Third Floor East, Highways-Licenses Building, 1125 Washington Street S.E., Olympia, WA, on April 30, 1996, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Jack Lince by April 26, 1996, TDD (360) 664-8885.

Submit Written Comments to: Jack Lince, Department of Licensing, P.O. Box 2957, Olympia, WA 98507-2957, FAX (360) 902-3773, by April 26, 1996.

Date of Intended Adoption: May 10, 1996.

March 13, 1996

Nancy Kelly
 Administrator

AMENDATORY SECTION (Amending WSR 92-24-035, filed 11/25/92, effective 12/26/92)

WAC 308-93-010 Definitions. Unless the context clearly indicates otherwise, the following definitions apply to the rules in this chapter:

(1) "Alien vessel" means a vessel owned by a resident of a country other than the United States.

(2) "Carpenter certificate" means a certificate issued by a manufacturer describing the vessel for which such certificate is issued and certifying the first conveyance of said vessel after its manufacture.

(3) "Commercial fishing vessel" means a vessel primarily used for commercial or charter fishing.

(4) "Declaration of value form" means the department of revenue form used to declare the value for purposes of assessing excise tax when a vessel is acquired by lease, trade, gift, homemade, or the most recent purchase price is not known to declare the value for purposes of assessing excise tax.

(5) "Director" means the director of the department of licensing.

(6) "Documented vessel" means a vessel that is documented by the United States Coast Guard and is issued a valid marine certificate.

(7) "Exclusively" means solely and without exception.

(8) "Foreign vessel" means a vessel owned by a resident of another state registered in accordance with the laws of the state in which the owner resides.

(9) "Legal owner" means a person, business, or institution having a security interest in a vessel perfected in accordance with RCW 46.12.095 or the registered owner of a vessel unencumbered by a security interest or the lessor of a vessel unencumbered by a security interest.

(10) "Lifeboat" means craft used exclusively for lifesaving purposes.

(11) "Manufacturer's statement of origin (MSO)" means a certificate issued by a manufacturer describing the vessel for which such certificate is issued and certifying the first conveyance of said vessel after its manufacture.

(12) "Overall length" means a straight line measurement of the overall distance from the foremost point of the vessel to the aftermost part of the vessel, measured parallel to the centerline. Bow sprits, bumpkins or boomkins, rudders, outboard motor brackets, outdrive units, propellers, and similar fittings or attachments are not included in the measurement.

(13) "Prebill" and "no bill" means the notice to renew a vessel registration that is mailed by the department to the registered owner.

(14) "Previous ownership document" means the last issued certificate of title and/or registration.

(15) "Primarily" means the principal purpose for which a vessel is used when considered in conjunction with all of its uses.

(16) "Propulsion machinery" means any device providing motion to a vessel through such means as combustion, steam, or electric machinery.

(17) "Registered owner, owner," synonymous terms used interchangeably, mean a person who has a lawful right to possession of a vessel, whether or not the vessel is subject to a security interest.

(18) "Tender" means a craft used exclusively to furnish transportation from a larger vessel to shore and return.

(19) "Use of waters" means to navigate, operate, employ, or moor any vessel upon the waters.

(20) "Valid marine document" means a document issued by the United States Coast Guard which declares a vessel to be a documented vessel of the United States.

(21) "Vessel data form" means the information application completed by the applicant showing all required description data for the vessel registration and title.

(22) "Waters of this state" means any waters within the territorial limits of this state.

(23) "Time share(=) charters" means leased vessels where none of the parties leasing the vessel under a "time share" option agreement are acquiring an equity in the vessel and there is no option to buy.

(24) "Houseboat" means any vessel as defined in RCW 88.02.010(1) and does not mean any building on a float used in whole or in part for human habitation as a single-family dwelling which is not designed for self propulsion by mechanical means, or for propulsion by means of wind, nor propelled by mechanical means or wind.

(25) "Cruising license" means an annual certificate issued by U.S. customs service pursuant to 19 C.F.R. Sec. 4.94, which exempts pleasure boats from certain countries from formal entry and clearance procedures, from payment of tonnage tax and clearance fees at all but the first port of entry.

AMENDATORY SECTION (Amending WSR 93-14-082, filed 6/30/93, effective 7/31/93)

WAC 308-93-050 Vessels exempted from registration, excise tax and titling. The following vessels are exempt from registration, titling, and the assessment of excise tax:

(1) Vessels exempt from registration (~~under~~) pursuant to RCW 88.02.030;

(2) Vessels that have been issued a valid number under federal law or by an approved issuing authority of the state of principal operation, unless the vessel is physically located in this state for a period of more than sixty days in any twelve-month period. A vessel that is validly registered in another state but is removed to this state for principal use is subject to titling, registration and assessment of excise taxes, unless otherwise exempt;

(3) Vessels primarily engaged in commerce which have or are required to have a valid marine document as a vessel of the United States, including but not limited to:

(a) Commercial fishing vessels;

(b) Barges;

(c) Charter vessels, including, bare boat and time share charters.

(4) Vessels owned by Indian tribes and tribal members as provided in WAC 308-93-700 through 308-93-770.

NEW SECTION

WAC 308-93-700 Purpose. WAC 308-93-700 through 308-93-770 are adopted to implement the Consent Decree entered in *United States v. Washington*, Civ. No. 9213 - Phase I - Sub. 88-1 entered on November 28, 1994, and signed by the United States, the signatory tribes, and the state of Washington. These rules do not repeat all of the sections of the Consent Decree and are not intended to set out all of the requirements and provisions of the Consent Decree. Nothing in these rules is intended to enact any rules inconsistent with the Consent Decree or to alter in any way the state of Washington's obligations under the Consent Decree. In the event of conflicting provisions, interpretations, or applications between these rules and the Consent Decree, resolution shall give precedence to the Consent Decree.

NEW SECTION

WAC 308-93-710 Definitions. The following terms used in WAC 308-93-700 through 308-93-770 shall have the meaning given to them in this section unless the context clearly indicates otherwise:

(1) "Indian tribe" and "tribal" means the Indian tribes which are signatory to the Consent Decree entered in *United State v. Washington*, Civ. No. 9213 - Phase I - Sub. 88-1 entered on November 28, 1994, including: Lower Elwha S'Klallam Tribe, Hoh Tribe, Jamestown S'Klallam Tribe, Lummi Nation, Makah Tribe, Muckleshoot Tribe, Nisqually Tribe, Nooksack Tribe, Port Gamble S'Klallam Tribe, Puyallup Tribe, Quileute Tribe, Quinault Indian Nation, Sauk-Suiattle Tribe, Skokomish Tribe, Squaxin Island Tribe, Stillaquamish Tribe, Suquamish Tribe, Swinomish Indian Tribal Community, Tulalip Tribes, Upper Skagit Tribe, and Yakama Nation.

(2) "Tribal member(s)" means those persons duly enrolled in the Indian tribes identified in subsection (1) of this section.

(3) The terms "vessels" or "boats" are synonymous and mean watercraft used in connection with the exercise of federally secured fishing rights.

(4) All other terms have the same meaning as used in chapter 88.02 RCW and chapter 308-93 WAC.

NEW SECTION

WAC 308-93-720 Indian tribe exempt vessels. (1) State ad valorem property and watercraft excise taxes shall not be imposed upon any vessel owned by a tribal member(s) and used in connection with the exercise of federally secured fishing rights, so long as the member's tribe imposes a treaty, fishing rights-related tax. The taxes also shall not

apply to tribally owned boats used in connection with or in activities related to the exercise of tribal fishing rights, including but not limited to, management, regulation or enforcement thereof.

(2) State registration, numbering, and fee requirements otherwise applicable to a nontreaty vessel, shall not be applied to any tribally owned vessel or vessel owned by a tribal member(s) which is used in the exercise of treaty fishing rights and is tribally registered.

NEW SECTION

WAC 308-93-730 Indian tribe vessel numbering system. (1) A tribal vessel number conforming to the specifications of 33 C.F.R. sections 173.27 and 174.23 and a certificate of number conforming to 33 C.F.R. section 174.19, shall be assigned, and a "decal" shall be issued for each Indian tribe and tribal member vessel and displayed thereon. Upon agreement of the Coast Guard and Indian tribes, different specification may be established for treaty fishing vessels.

(2) Each tribe shall be entitled to a block of numbers with a unique tribal suffix. Each tribe may select a unique, three-letter suffix for its state or tribally produced vessel number, unless otherwise agreed upon by the Coast Guard. The vessel numbers shall otherwise be of the same size and placed in the same location as specified for those vessels registered pursuant to chapter 88.02 RCW. The department shall not issue a plaque, sticker, or other form of number or annual registration to affix to a numbered vessel.

(3) The decal may be unique to each tribe, so long as otherwise conforming to the Coast Guard specifications regarding size and color. A tribe may choose to use department issued decals.

(4) By June 1st of each year, the department will provide each Indian tribe a list of vessel numbers, and state decals if the Indian tribe so requests, in the quantity, and with any particular three-letter suffix specified by the Indian tribe. Such quantity shall be sufficient to enable each Indian tribe to issue a vessel number to each of its tribal fishers for the vessels they use in the treaty fishery. Notwithstanding the foregoing, the department need not provide an Indian tribe the list of vessel numbers and decals sooner than thirty days after the Indian tribe has advised the department of its number and decal requirement.

(5) Failure of the department to provide a list of vessel numbers requested by an Indian tribe in the time frames outlined in this section shall not preclude the Indian tribe or tribal fishermen from lawfully fishing pursuant to the treaty fishing right, and shall be a complete defense in any action by the state to enforce its tax or vessel registration laws until the state complies with the terms of this section.

NEW SECTION

WAC 308-93-740 Indian tribe vessel registration. Tribal and treaty fishing vessels shall be deemed by the state and Coast Guard to be properly registered so long as the following conditions are met:

(1) The individual tribal member has provided the Indian tribe of which he or she is a member, on forms satisfactory to the Indian tribe and the state information listed in subsection (3) of this section; and

(2) The appropriate Indian tribe has approved registration of the vessel and so advised the department, on agreed to forms, containing all the information about the vessel and its owner which the Indian tribe is required to collect pursuant to subsection (3) of this section;

(3) Contents of form for registration of Indian tribe vessel:

(a) Name and address of the owner, including zip code;

(b) State in which vessel is or will be principally used;

(c) The number previously issued by an issuing authority for the vessel, if any;

(d) Whether the application is for a new number, renewal of a number, or transfer of ownership;

(e) Whether the vessel is used for pleasure, rent or lease, dealer or manufacturer demonstration, commercial passenger carrying, commercial fishing, or other commercial use;

(f) Make of vessel;

(g) Year vessel was manufactured or model year;

(h) Manufacturer's hull identification number, if any;

(i) Overall length of vessel;

(j) Type of vessel (open, cabin, house, or other);

(k) Whether the hull is wood, steel, aluminum, fiberglass, plastic, or other;

(l) Whether the propulsion is inboard, outboard, inboard-outdrive, sail, or other;

(m) Whether the fuel is gasoline, diesel, or other;

(n) The signature of the owner;

Application made by a manufacturer or dealer for a number that is to be temporarily affixed to a vessel for demonstration or test purposes may omit (f) through (m) of this subsection. An application made by a person who intends to lease or rent the vessel without propulsion machinery may omit (l) and (m) of this subsection;

(4) The registering Indian tribe may issue a vessel number from the list obtained from the department, upon tribal approval of a tribal member's registration application; and such registration, which shall be for a term of one year, shall be in immediate effect and remain in effect until suspended or revoked by the tribe, or until it expires, unless, pursuant to WAC 308-93-750, it is determined the registration should be withdrawn.

NEW SECTION

WAC 308-93-750 Improper Indian tribe registration. (1) The department may object to and/or seek revocation of tribal issuance of a registration only if it appears that:

(a) Inaccurate or false information has been submitted; or

(b) Information required pursuant to WAC 308-93-740(3) is omitted; or

(c) The department obtains information that the vessel is stolen or otherwise is not beneficially owned by the registrant.

(2) The department shall serve notice upon the Indian tribe that the registration appears to be improper and the department's objection thereto either in person or by certified mail, return receipt requested. The Indian tribe shall within thirty days of receipt of the notice provide the information requested, take the requested action, clarify any misunderstanding, or inform the department that the tribe does not

intend to take the action requested or provide the requested information.

(3) The department may request a tribally issued registration and number be revoked at any time should information demonstrate the information originally submitted was false, inaccurate, the vessel is stolen or not beneficially owned by the registrant. The registrant and Indian tribe shall have a reasonable opportunity to correct inaccurate information.

(4) Nothing herein shall act to revoke, nor shall any Indian tribe be required to revoke, the registration, number, and vessel decal issued by the Indian tribe to the tribal member until all dispute resolution procedures have been exhausted. If the state establishes the registration is improper, the Indian tribe shall revoke the registration, plaque, and decal.

NEW SECTION

WAC 308-93-760 Indian tribe vessel computer data base. (1) Each Indian tribe shall forward the proper forms and documentation to the department, attention: Vehicle licensing, within five working days after approval of the registration. The department shall store the registration data in a computer system, with twenty-four-hour availability, and procedures which will limit access to civil or criminal law enforcement entities seeking information for law enforcement purposes.

(2) If an Indian tribe becomes aware that information regarding a vessel authorized by that tribe to participate in the treaty fishery, and contained in the department vessel identification system, or the vessel identification system of another Indian tribe, may be erroneous or incomplete and should be corrected, the tribe will promptly notify the department or the tribe which operates the identification system. The notice to the department and the other Indian tribe shall state the reasons why it is believed the system information is incorrect or incomplete. The notifying tribe shall also identify the correct or additional information the tribe believes should be entered into the system. The department shall respond promptly to each such notice regarding inaccurate or incomplete information, explaining what, if any, changes or corrections have been made.

NEW SECTION

WAC 308-93-770 Disclosure of Indian tribal vessel data. (1) Indian tribes and tribal member vessel registration data shall be stored in the department's computer system, with twenty-four-hour availability, and procedures which will limit access to civil or criminal law enforcement entities seeking information for law enforcement purposes. Unless ordered by a court of competent jurisdiction, no access by business persons or other private individual shall be permitted unless the treaty fisher or tribe has authorized such release of information in writing. Release of information may be made to other persons or groups when specifically authorized in writing by all persons identified in the information to be released.

(2) Access to Indian tribe information shall be available via a modem, or other suitable electronic format, to all state, tribal, federal, and foreign law enforcement agencies. Information available by computer shall not be considered in

the possession or control of any other party. On-line access is authorized between and among all parties' vessel registration information systems to permit state, tribal, and federal enforcement personnel to directly obtain vessel registration information from the various governments' vessel information systems, regarding treaty and nontreaty vessels. No altering of another party's information shall be made without that party's consent.

(3) The state shall defend against any private party's attempt to establish a legal right to obtain tribal registration data, shall notify the affected Indian tribe of any such private party claim at the time the claim is made, and shall keep the Indian tribe informed as to the status of the matter.

WSR 96-07-037

PROPOSED RULES

DEPARTMENT OF LICENSING

(Board of Engineers and Land Surveyors)

[Filed March 15, 1996, 10:57 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-15-119.

Title of Rule: WAC 196-24-058 Retired status certificate of registration, establishes new licensing status for persons retired from practice.

Purpose: To adopt and implement provisions of section 5, chapter 356, Laws of 1995.

Statutory Authority for Adoption: RCW 18.43.035, 18.43.075.

Statute Being Implemented: RCW 18.43.075.

Summary: Rule defines who is eligible, how to apply, privileges of status, restrictions and other conditions for those persons who exercise the option of applying for this status.

Reasons Supporting Proposal: This rule and the adopted law establishing the authority to write this rule are widely supported throughout the engineering and land surveying professions. It gives specific recognition to those engineers and land surveyors who have retired from practice.

Name of Agency Personnel Responsible for Drafting: George Twiss, 405 Black Lake Boulevard, 586-3363; Implementation and Enforcement: Alan E. Rathbun, 405 Black Lake Boulevard, 753-3634.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: Creates and defines the criteria, eligibility, application, provisions and exemptions for individual engineers and land surveyors to obtain a waiver of license renewal fees and obtain recognition of retirement from active practice. Those individuals who qualify and apply, will be granted a waiver from further license renewal fees.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule, when adopted, is not mandatory. It only affects those persons who apply for a retired certificate of registration. A survey on "probable cost/probable benefit" was distributed to all parties

who had shown interest in the development of this rule. Of the over one hundred fifty surveys distributed, seventy-eight were returned as of March 11, 1996. In all seventy-eight surveys no financial burden was found to exist. Most looked upon the rule as a financial benefit.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The proposed rule is optional. No one is required to apply for retired status after the effective date of implementation.

Hearing Location: Wyndham Garden Hotel, 18118 Pacific Highway South, Seattle, WA 98188, on May 3, 1996, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Shanan Rennaker by April 24, 1996, TDD (360) 586-2788, or (360) 753-6966.

Submit Written Comments to: George Twiss, P.O. Box 9649, Olympia, WA 98507, FAX (360) 664-2551, by May 1, 1996, at 5:00 p.m.

Date of Intended Adoption: May 3, 1996.

March 14, 1996

Alan E. Rathbun

Executive Director

NEW SECTION

WAC 196-24-058 Retired status certificate of registration. In accordance with RCW 18.43.075, any individual who has been issued a certificate of registration, in accordance with chapter 18.43 RCW, as a professional engineer or professional land surveyor, having reached at least the age of sixty-five and having discontinued active practice as an engineer and/or land surveyor, may be eligible to obtain a "retired certificate of registration." If granted, further certificate of registration renewal fees are waived. For the purpose of this provision, "active practice" is defined as exercising direct supervision and control over the development and production of an engineering or land surveying document as provided in WAC 196-24-097 and/or any related activities pertaining to the offer of and/or the providing of professional engineering or land surveying services as defined in RCW 18.43.020.

(1) Applications. Those persons wishing to obtain the status of a retired registration shall complete an application on a form as provided by the board. Applications shall be sent to the executive director at the address of the board. Upon receipt of said application and, if deemed eligible by the board, the retired status would become effective on the first scheduled renewal date of the certificate of registration that occurs on or after the applicant reaches the age of sixty-five. It shall not be necessary that an expired certificate of registration be renewed to be eligible for this status. The board will not provide refund of renewal fees if the application for "retired" status is made and granted before the date of expiration of the certificate of registration.

(2) Privileges. In addition to the waiver of the renewal fee, a retired registrant is permitted to:

(a) Retain the board issued wall certificate of registration;

(b) Use the title professional engineer (PE) or professional land surveyor (PLS), provided that it is supplemented by the term retired, or the abbreviation "Ret";

(c) Work as an engineer or land surveyor in a volunteer capacity, provided that the retired registrant does not create an engineering or land surveying document, and does not use their seal, except as provided for in (d) of this subsection;

(d) Provide experience verifications and references for persons seeking registration under chapter 18.43 RCW. If using their professional seal the retired registrant may place the word "retired" in the space designated for the date of expiration;

(e) Serve in an instructional capacity on engineering and/or land surveying topics;

(f) Provide services as a technical expert before a court, or in preparation for pending litigation, on matters directly related to engineering or land surveying work performed by the registrant before they were granted a retired registration;

(g) Serve in a function that supports the principles of registration and/or promotes the professions of engineering and land surveying, such as members of commissions, boards or committees;

(h) Serve in an engineering or land surveying capacity as a "good samaritan," as set forth in RCW 38.52.195 and 38.52.1951, provided said work is otherwise performed in accordance with chapter 18.43 RCW.

(3) Restrictions. A retired registrant is not permitted to:

(a) Perform any engineering or land surveying activity, as provided for in RCW 18.43.020, unless said activity is under the direct supervision of a Washington state professional engineer or professional land surveyor who has a valid/active registration in the records of the board;

(b) Act as the designated engineer or the engineer in responsible charge for a Washington engineering corporation or Washington engineering partnership;

(c) Apply their professional engineers or land surveyors seal, as provided for in chapter 196-24 WAC, to any plan, specification, plat or report, except as provided for in subsection (2)(d) of this section.

(4) Certificate of registration reinstatement. A retired registrant, upon written request to the board and payment of the current renewal fee, may resume active engineering or land surveying practice. At that time the retired registrant shall be removed from retired status and placed on valid/active status in the records of the board. All rights and responsibilities of a valid/active registration will be in effect. At the date of expiration of the reinstated certificate of registration, the registrant may elect to either continue active registration or may again apply for retired registration in accordance with the provisions of this chapter.

(5) Exemptions. Under no circumstances shall a registrant be eligible for a retired registration if their certificate of registration has been revoked, surrendered or in any way permanently terminated by the board under RCW 18.43.110. Registrants who are suspended from practice and/or who are subject to terms of a board order at the time they reach age sixty-five shall not be eligible for a retired registration until such time that the board has removed the restricting conditions.

(6) Penalties for noncompliance. Any violations of this section shall be considered "misconduct and/or malpractice" as defined in RCW 18.43.105. Such violations are subject to penalties as provided for in RCW 18.43.110 and 18.43.120.

WSR 96-07-046
PROPOSED RULES
STATE BOARD OF EDUCATION

[Filed March 18, 1996, 10:50 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-04-070.

Title of Rule: WAC 180-16-238 Assignment of persons providing instruction of braille to students.

Purpose: To establish teacher competencies in the instruction of braille to legally blind and visually impaired students.

Statutory Authority for Adoption: RCW 28A.410.010.

Statute Being Implemented: Chapter 18, Laws of 1995, E2PV.

Summary: This new section specifies the competencies and methods for demonstrating said competencies required of certificated and classified staff.

Reasons Supporting Proposal: Required by legislature.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, (360) 753-6715.

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: WAC 180-16-238 sets forth the level of competency and competency test options, one of which must be successfully completed before a certificated school district employee can be assigned to provide instruction of braille to students or a classified school district employee can produce braille material or provide instruction in the braille code while under the supervision of a certificated employee. This rule is necessary to meet the requirements of ESHB 1410 (chapter 18, Laws of 1995, E2PV) and is intended to ensure that providers of instruction of braille to students meet minimum competency standards.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not applicable.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Not applicable.

Hearing Location: Richland School District, Board Room, 615 Snow Avenue, Richland, WA 99352, on May 15, 1996, at 1 p.m.

Assistance for Persons with Disabilities: Contact Judy Rus by May 1, 1996, TDD (360) 664-3631, or (360) 753-6715.

Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, FAX (360) 586-2357, by May 13, 1996.

Date of Intended Adoption: May 17, 1996.

March 18, 1996

Larry Davis
Executive Director

NEW SECTION

WAC 180-16-238 Assignment of persons providing instruction of braille to students. (1) No certificated school district employee shall be assigned to provide instruction of braille to students who has not demonstrated competency with the grade two standard literary braille code by:

(a) Successful completion of the National Literary Braille Competency Test; or

(b) Successful completion of the braille competency test developed at Portland State University; or

(c) Successful completion of any other test approved for use by the state board of education.

(2) No classified school district employee working under the supervision of a certificated school district employee, which certificated employee meets the requirement of subsection (1) of this section, may produce braille material or provide instruction in the braille code unless the employee has demonstrated competency with the grade two standard literary braille code as provided under subsection (1) of this section.

(3) The state board shall establish a test review committee which shall be responsible for developing criteria to evaluate a test under subsection (1)(c) of this section. No test shall be considered for approval by the state board under subsection (1)(c) of this section unless it has been evaluated by the test review committee and a recommendation for approval or disapproval has been submitted to the board. At a minimum, the membership of the committee shall include persons representing:

(a) National Federation of the Blind of Washington;

(b) Washington council of the blind;

(c) Association of education and rehabilitation of the blind and visually impaired of Washington;

(d) Washington instructional resource center for the visually impaired;

(e) Washington state school for the blind; and

(f) Office of the superintendent of public instruction.

(4) A person who has met the requirement of subsection (1) of this section shall maintain their facility with the grade two standard literary braille code by:

(a) Completing ten hours every five years of continuing education; or

(b) Successful completion every five years of one of the tests under subsection (1) of this section.

(5) This section shall take effect September 1, 1997.

WSR 96-07-052

PROPOSED RULES

DEPARTMENT OF LICENSING

(Board of Engineers and Land Surveyors)

[Filed March 18, 1996, 4:35 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-15-120.

Title of Rule: Chapter 196-16 WAC, Registered professional land surveyors; chapter 196-20 WAC, Engineers-in-training; and chapter 196-21 WAC, Land surveyors-in-training.

Purpose: Implement changes made to chapter 18.43 RCW by the 1995 legislature (chapter 356, Laws of 1995).

Statutory Authority for Adoption: RCW 18.43.035.

Statute Being Implemented: Chapter 18.43 RCW.

Summary: The land surveyor rules define the amount and type of experience needed to become a licensed land surveyor and enrolled as a land surveyor-in-training. Chapter 196-20 WAC defines the requirements to become enrolled as an engineer-in-training.

Reasons Supporting Proposal: Some changes were mandated by the legislature. In addition the land surveyor rules provides a broader base of qualifying experience and education than currently exists. Chapter 196-20 WAC makes it easier for applicants to qualify for the fundamentals of engineering exam.

Name of Agency Personnel Responsible for Drafting: Rick Notestine, 405 Black Lake Boulevard, Olympia, 753-3634; Implementation and Enforcement: Alan E. Rathbun, 405 Black Lake Boulevard, Olympia, 753-3634.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: Chapter 196-16 WAC is an existing chapter that provides the guidelines for becoming licensed as a professional land surveyor. This includes qualifying experience granted for education and work experience together with the examinations that are required. The purpose is to permit a broad range of experience and education to qualify for licensure and to clearly describe the requirements for becoming licensed. Chapter 196-21 WAC is a new chapter that provides guidelines for becoming enrolled as a land surveyor-in-training. Chapter 196-20 WAC is an existing chapter that provides guidelines to become enrolled as an engineer-in-training. The anticipated effect for all of these rules is that applicants will find it easier to qualify for examination and certification/licensure.

Proposal Changes the Following Existing Rules: Chapter 356, Laws of 1995 made several changes to chapter 18.43 RCW that impact chapters 196-16 and 196-20 WAC. The amount of qualifying experience needed to become a licensed land surveyor increased from six to eight years. A land surveyor-in-training (LSIT) status was established; an applicant must achieve LSIT status by passing the fundamentals exam before they can take the licensing exam. Additionally, the amount of experience granted for teaching surveying increased from one to two years. Applicants for the fundamentals exams (land surveyor and engineer) will be able to take those exams in their senior year of an approved school or college. In addition to the legislative changes, knowledge, skill and ability requirements were substituted for strict time requirements.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Chapters 196-16 and 196-21 WAC, an analysis of the data found no financial burden on the surveying community. Of the 1600 probable cost vs. probable benefit questionnaires mailed, 101 were returned for a 6.3% response rate. Only four said there would be a financial burden. Two of those respondents gave no dollar figure or reasons for the burden. The other two were public entities. One said the burden was unknown but

estimated \$1000 to 100,000. The other public entity expressed concern over the provision that summer work experience for a full-time student would not be granted additional qualifying experience. Therefore, they anticipate not being able to attract student surveyors during the summer months resulting in contracting for surveying services at \$20,000-\$40,000 per year. However, the WAC provision they reference has been in effect for nine years. Chapter 196-20 WAC, the amendment makes it less burdensome to qualify for the fundamentals exam and there were no responses to the probable cost vs. probable benefit questionnaire that indicated a financial burden imposed by this rule.

Section 201, chapter 403, Laws of 1995, applies to this rule adoption. These proposed rules are classified as "significant legislative rules" as defined in RCW 34.05.328 (5)(c)(iii). Chapter 196-16 WAC both alters qualifications for the issuance of a license and makes significant amendments to a regulatory program. Chapter 196-20 WAC significantly amends a regulatory program and chapter 196-21 WAC is a new chapter.

Hearing Location: Wyndham Garden Hotel, 18118 Pacific Highway South, Seattle, WA 98188, on May 3, 1996, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Shanan Rennaker by April 24, 1996, TDD (360) 586-2788, or (360) 753-6966.

Submit Written Comments to: Rick Notestine, P.O. Box 9649, Olympia, WA 98507, FAX (360) 664-2551, by May 1, 1996, at 5:00 p.m.

Date of Intended Adoption: May 3, 1996.

March 14, 1996
Alan E. Rathbun
Executive Director

AMENDATORY SECTION (Amending Order PM 820, filed 2/10/89)

WAC 196-16-007 Applications. All applications must be completed on forms provided by the board and filed with the ~~((registrar))~~ executive director at the board's ~~((official))~~ address. The deadline for ~~((receipt of a))~~ properly completed applications accompanied by the ~~((required application fee))~~ appropriate fee and charge as listed in WAC 196-26-020 is four months prior to the date of the examination. ~~((Response from applicant's references must be in hand three months before the date of the examination.))~~ Late applications ~~((received after the deadline will be held for consideration))~~ will be considered for a later examination. ~~((Late responses from references will also cause the application to be held for consideration for a later examination. Those who have previously taken the))~~

Once an application has been approved, no further application is required. An applicant who has taken an examination and failed or ((those)) who qualified ((and did not appear for the examination are required to notify the board office in writing three months before the examination which they intend to take. A new application is not required where an applicant has taken the previous examination and failed or has filed and failed to appear for the previous)) for an examination but did not take it shall request to take or retake the examination at least three months prior to the examination date. A written request accompanied by the

applicable fee and charge as listed in WAC 196-26-020 is required to reschedule for an examination.

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

WAC 196-16-010 Experience records. ~~((The first requirement of the law for registration as a professional land surveyor is a minimum of six years of approved professional experience in land surveying. One year of the required experience must be in responsible charge of boundary surveying in the field and one year must be in a supervisory capacity in the office, which includes but is not limited to preparation of legal descriptions and record documents, survey and description research, computations and client/public contact.~~

(1)) The law requires eight years of experience in land surveying work of a character satisfactory to the board and passing the fundamentals of land surveying examination to be eligible for the professional land surveyor examination. The eight years of experience must be completed sixty days prior to the date of the examination.

The board shall evaluate all experience, which includes education, on a case-by-case basis and approve such experience as appropriate. The board will use the following criteria in evaluating an applicant's experience record.

(1) Education experience will be based on transcripts. Therefore, any transcripts not previously sent to the board's office should be submitted for maximum experience credit. Education may be approved as experience based on the following:

(a) Graduation with a baccalaureate degree in ((a)) land surveying from an approved curriculum ((of four years or more approved by the accreditation board for engineering and technology or approved by the board is)) shall be equivalent to four years of ((the)) required experience.

~~(((2)) Satisfactory completion of each year of such approved curriculum is equivalent to one year of experience.~~

~~(3) Satisfactory completion of each year of a non-approved land surveying curriculum may be granted up to a maximum of one half of one year of experience. Course work in such a curriculum must be equivalent to that of an approved curriculum to grant maximum experience credit.~~

~~(4) The normal educational sequence experience gained between semesters or quarters will not be considered as professional experience.~~

~~(5) In situations where the experience/educational track is intermixed with a degree attained late in the sequence, educational achievement will not be counted in addition to work experience in determining total experience. However, professional work experience will not necessarily be considered as starting subsequent to graduation but will be evaluated in total with consideration given to progression in level of technical complexity and responsibility.~~

~~(6) Land surveying teaching of a character satisfactory to the board may be recognized as surveying experience up to a maximum of one year.~~

~~(7) Construction staking shall not be applicable toward the required six years of experience.~~

(8)) (b) Graduation with an associate degree in land surveying from an approved curriculum shall be equivalent to two years of required experience.

(c) Each year completed of an approved curriculum without graduation shall be granted up to a year of required experience.

(d) A maximum of one year may be granted for postgraduate college courses approved by the board. Postgraduate education will count toward the eight years of required experience as described in subsection (2) of this section.

(e) Any other education will be taken into account and evaluated on its merits.

(f) Experience gained between semesters or quarters or during summers while enrolled in an approved curriculum will be considered as part of the educational process. The board grants one year of experience for a year of approved education including any associated work experience within that year.

(2) In evaluating work experience, the board will be looking for eight years of broad based, progressive field and office experience in surveying work under the direct supervision of a person authorized by chapter 18.43 RCW or other applicable statute to practice land surveying, a minimum of four years of which shall be in a position of making independent judgments and decisions under the general guidance and direct supervision of an authorized professional except as provided for in subsections (1)(d) and (3) of this section. This latter experience shall not be limited to, but must include the following:

(a) Applying state, federal and case law;

(b) Exercising sound judgment when making independent decisions regarding complex boundary, topographic, horizontal and vertical control, and mapping issues;

(c) Field identification and evaluation of boundary evidence, including monumentation, and the ability to use that evidence for boundary determination;

(d) Conducting research;

(e) Preparing and analyzing complex property descriptions; and

(f) Interacting with clients and the public in conformance with chapter 196-27 WAC.

The board may grant partial credit for experience that does not fully meet the requirements in (a) through (f) of this subsection.

(3) Teaching of a character satisfactory to the board may be recognized as surveying experience up to a maximum of two years.

(4) In evaluating combined education and experience the board will be looking at transcripts and work experience to determine knowledge in subsection (2)(a) through (f) of this section.

(5) Any work experience gained in a situation which violates the provisions of chapter 18.43 RCW or Title 196 WAC will not be credited towards the ((statutory)) experience requirement.

~~(((9)) The statutory experience requirement to qualify for examination must be completed sixty days prior to the date of examination. Furthermore, the applicant is to provide the necessary verification of said experience up to the sixty day limit.~~

(10)) (6) A registered professional engineer who applies ((to be examined)) to become registered as a professional land surveyor must meet the requirements stated within this section.

(7) An applicant meeting the requirements for six years of experience before the effective date of the law change on July 1, 1996, may be approved by the board to take the examination based on the rules in effect on January 1, 1996. This subsection expires on July 1, 1999.

AMENDATORY SECTION (Amending WSR 93-01-081, filed 12/15/92, effective 1/15/93)

WAC 196-16-020 Examinations. (1) ((The licensing examination is given in three parts; fundamentals)) To become licensed as a professional land surveyor the candidate must pass the fundamentals-of-land surveying examination, principles and practice examination, and law and ethics examination. A candidate must pass the fundamentals-of-land surveying examination before taking the principles and practice examination except a candidate approved under the six-year requirement in accordance with WAC 196-16-010(7) may elect to take the principles and practice and fundamentals examinations on two consecutive days. The fundamentals and principles and practice ((exams are each one day in length)) examinations are given at times and places designated by the board. The schedule of future examinations and an examination syllabus may be obtained from the board office. The law and ethics exam is a take-home examination((-

(a) The fundamentals of land surveying examination shall test knowledge areas including, but not limited to, the following: Mathematics, measurement techniques, field techniques, computation techniques, and record sources. The principles and practice examination shall test knowledge areas including, but not limited to, the following: Washington state law and judicial decisions, public land system, property descriptions, surveying principles procedures and standards, geometrics, error analysis together with ethics and professional conduct. Copies of the examination matrices are available from the board office upon request.

(b) A candidate may elect to sit for the fundamentals and principles and practice examinations on two consecutive days or they may sit for the fundamentals only, and take the principles and practice at a subsequent examination. The law exam shall be taken after the principles and practice exam.

(c) A candidate failing any one of the three parts of this examination must only repeat the part(s) failed.

(d) A candidate must pass all three parts of the examination to become licensed as a professional land surveyor.

(2) Applicants for a professional land surveyor (PLS) license, either by examination or comity, must take and pass the law portion of the examination effective as follows:

Examination

Starting with the April 16, 1993, examination, and continuing with future licensing examinations, PLS applicants being examined for initial licensure shall also take the law exam. Initial licensure, in the context of this section, means licensure for an applicant who has not previously obtained a professional license under chapter 18.43 RCW in the state of Washington.

Comity

Any applicant for licensure by comity whose application is postmarked on or after April 1, 1993, shall take the law examination.

(a) The law examination will cover the following sections of statute and administrative code:

Chapter 18.43 RCW;
Chapter 196-04 WAC;
Chapter 196-08 WAC;
Chapter 196-12 WAC;
Chapter 196-16 WAC;
Chapter 196-20 WAC;
Chapter 196-24 WAC;
Chapter 196-26 WAC;
Chapter 196-27 WAC.

(b) The law examination is multiple choice format and will be administered as a "take home" exam.

(c) Candidates failing the law examination may retake the examination upon notice that they did not pass)) covering chapter 18.43 RCW and Title 196 WAC. If one of these examinations is failed, only that examination must be retaken.

AMENDATORY SECTION (Amending WSR 93-01-081, filed 12/15/92, effective 1/15/93)

WAC 196-16-031 Comity—Registration of applicants qualified in other jurisdictions. (1) Applicants for registration as a land surveyor by comity ((will be exempt from the full sixteen-hour fundamentals and principles and practice examinations administered by this board provided)) must meet the following criteria:

((1) That) (a) The applicant's qualifications meet the requirements of chapter 18.43 RCW and ((the rules established by the board)) this chapter;

((2) That the applicant has been qualified by a written sixteen-hour examination determined by the board to be equivalent to the exam administered in Washington; and

(3) That) (b) The applicant is in good standing with the licensing agency in ((said)) a state, territory, possession, district, or foreign country. Good standing shall be defined as a currently valid license in the jurisdiction of original registration or the jurisdiction of most recent practice, if different from the jurisdiction of original registration.

((All candidates will be required to pass written examinations as prescribed by the board. The examinations shall test knowledge areas as described in WAC 196-16-020.)) (c) The applicant has been qualified by a written examination determined by the board to adequately test the fundamentals and principles and practice of land surveying and whose experience includes WAC 196-16-010 (2)(a) through (f).

(2) The applicant will be required to pass examinations to demonstrate competency in land surveying issues important to Washington, and law and ethics. Comity applicants will not be required to take the fundamentals-of-land surveying and full principles and practice examinations administered by the board.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 196-16-005 Definitions.

AMENDATORY SECTION (Amending Order PM 738, filed 5/27/88)

WAC 196-20-010 Applications. All applications must be completed on forms provided by the board and filed with the ~~((registrar))~~ executive director at the board's ~~((official))~~ address. The deadline for properly completed applications accompanied by the ~~((statutory fee))~~ appropriate fee and charge as listed in WAC 196-26-020 is four months prior to the date of the examination. Late applications ~~((received after the deadline))~~ will be ~~((held for consideration))~~ considered for a later examination.

~~((Official transcripts of college record, if not attached to the application, shall be forwarded to the board office as soon as they are available.))~~ All applicants should submit transcripts of degrees attained or college courses taken in order to obtain maximum experience credit except, applicants enrolled in a school or college that have achieved senior standing in a baccalaureate curriculum in engineering approved by the board will be eligible to take the fundamentals-of-engineering examination without submitting college transcripts.

Once an application has been approved, no further application is required. An applicant who has taken an examination and failed or who qualified for an examination but did not take it shall request to take or retake the examination at least three months prior to the examination date. A written request accompanied by the applicable fee and charge as listed in WAC 196-26-020 shall be submitted to the board's office.

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

WAC 196-20-020 Experience. The law requires the completion of four years of experience or having achieved senior standing in a school or college approved by the board prior to taking the ~~((engineer in training))~~ fundamentals-of-engineering examination. If the applicant has achieved senior standing, that standing must be certified by said school or college. The four years may be gained as: Four years of approved education; four years of experience approved by the board; four years of combined education and experience. The experience to qualify for the fundamentals-of-engineering examination must be completed sixty days prior to the date of the examination.

The board shall evaluate all experience on a case-by-case basis and approve such experience as appropriate. Partial credit may be granted for experience and/or education that does not fully meet the requirements. The board will use the following criteria ~~((will be used))~~ in evaluating an applicant's education and ~~((for work))~~ experience ~~((;-))~~:

(1) Graduation in an approved engineering curriculum of four years or more from a school or college recognized by the board, is equivalent to the four-year experience requirement.

(2) Four years or more of ~~((professional level))~~ broad based progressive experience in the fundamental knowledge of engineering ~~((work))~~ theory and practice, of a character acceptable to the board, under the direct supervision of a person authorized by chapter 18.43 RCW or other applicable statute to practice engineering is equivalent to the four-year experience requirement.

(3) The criteria established in WAC 196-12-020 will be used to evaluate the applicant's education and/or work experience.

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

WAC 196-20-030 Examinations. (1) The ~~((engineer-in-training))~~ fundamentals-of-engineering examination is given ~~((twice each year))~~ at times and places ~~((as will from time to time be))~~ designated by the board. The schedule of future examinations and an examination syllabus may be obtained from the board office. ~~((The examination is of one day's duration and consists of two sessions, one in the morning and one in the afternoon. It covers mathematics, physical sciences, and other general engineering related subjects.))~~

~~((2) Persons who may normally expect to graduate prior to the next regularly scheduled E.I.T. examination may sit for that examination. In cases where college graduation is claimed an applicant who passes the examination will not be enrolled as an E.I.T. until an official college transcript showing completion of the four year requirement is filed with the board office.))~~

~~((3) Those who pass this))~~ (2) An applicant passing the fundamentals-of-engineering examination will be enrolled as an engineer ~~((s))~~-in-training pursuant to RCW 18.43.020(3). ~~((An applicant must be enrolled as an E.I.T. before applying for the second stage or branch examination.))~~

Chapter 196-21 WAC LAND SURVEYORS-IN-TRAINING

NEW SECTION

WAC 196-21-010 Applications. All applications must be completed on forms provided by the board and filed with the executive director at the board's address. The deadline for properly completed applications accompanied by the appropriate fee and charge as listed in WAC 196-26-020 is four months prior to the date of examination. Late applications will be considered for a later examination.

All applicants should submit transcripts of degrees attained or college courses taken in order to obtain maximum experience credit except, applicants enrolled in a school or college that have achieved senior standing in a baccalaureate curriculum in land surveying approved by the board will be eligible to take the fundamentals-of-land surveying examination without submitting college transcripts.

Once an application has been approved, no further application is required. An applicant who has taken an examination and failed or who qualified for an examination but did not take it shall request to take or retake the examination at least three months prior to the examination date. A written request accompanied by the applicable fee and

charge as listed in WAC 196-26-020 shall be submitted to the board's office.

NEW SECTION

WAC 196-21-020 Experience. The law requires completing four years of experience or having achieved senior standing in a school or college approved by the board prior to taking the fundamentals-of-land surveying examination. If the applicant has achieved senior standing, that status must be certified by said school or college. The four years may be gained as: Four years of approved education; four years of experience approved by the board; four years of combined education and experience. The experience to qualify for the fundamentals-of-land surveying examination must be completed sixty days prior to the date of the examination.

The board shall evaluate all experience, which includes education, on a case-by-case basis and approve such experience as appropriate. The board will use the following criteria in evaluating an applicant's experience record.

(1) Education may be approved as experience based on the following:

(a) Graduation with a baccalaureate degree in land surveying from an approved curriculum shall be equivalent to four years of required experience.

(b) Graduation with an associate degree in land surveying from an approved curriculum shall be equivalent to two years of required experience.

(c) Each year completed of an approved curriculum without graduation shall be granted up to a year of required experience.

(d) A maximum of one year may be granted for post-graduate college courses approved by the board.

(e) Any other education will be taken into account and evaluated on its merits.

(f) Experience gained between semesters or quarters or during summers while enrolled in an approved curriculum will be considered as part of the educational process. The board grants one year of experience for a year of approved education including any associated work experience within that year.

(2) In evaluating four years of work experience, the board will be looking for broad based, progressive experience in the fundamental knowledge of surveying theory and practice under the direct supervision of a person authorized by chapter 18.43 RCW or other applicable statute to practice land surveying. This experience shall not be limited to, but must include the following:

- (a) Performing complex survey calculations;
- (b) Conducting boundary and corner research;
- (c) Preparing and using property descriptions;
- (d) Understanding and applying fundamental boundary and topographic principles;
- (e) Making and/or analyzing horizontal and vertical control measurements; and
- (f) Being skilled in survey equipment care and usage.

The board may grant partial credit for experience that does not fully meet the requirements in (a) through (f) of this subsection.

(3) In evaluating the four years of combined education and experience the board will be looking at transcripts and

work experience to determine knowledge in subsection (2)(a) through (f) of this section.

(4) In the judgment of the board, the applicant must have demonstrated increased levels of responsibility and a continuous gain in experience and knowledge such that at the time of being approved for the fundamentals-of-land surveying examination, the applicant is capable of making independent judgments and decisions under the general guidance and direct supervision of an authorized professional.

NEW SECTION

WAC 196-21-030 Examinations. (1) The fundamentals-of-land surveying examination is given at times and places designated by the board. The schedule of future examinations and an examination syllabus may be obtained from the board office.

(2) An applicant passing the fundamentals-of-land surveying examination will be enrolled as a land surveyor-in-training pursuant to RCW 18.43.020(8).

**WSR 96-07-055
PROPOSED RULES
DEPARTMENT OF
FINANCIAL INSTITUTIONS
(Securities Division)**

[Filed March 19, 1996, 11:45 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-03-125.

Title of Rule: Prospectus or offering circular, WAC 460-16A-125; and Imposition of impound condition, WAC 460-16A-150.

Purpose: Amend WAC 460-16A-125 and 460-16A-150 to delete references to rules which have been repealed.

Statutory Authority for Adoption: RCW 21.20.450.

Statute Being Implemented: Chapter 21.20 RCW.

Summary: WAC 460-16A-125(3) makes reference to WAC 460-32A-195. This rule was repealed in 1993. WAC 460-16A-150(2) makes reference to "cheap stock" and WAC 460-16A-105 and 460-16A-107. WAC 460-16A-105 was repealed in 1995 and WAC 460-16A-107 was repealed in 1988. "Cheap stock" is now an obsolete term.

Reasons Supporting Proposal: See above.

Name of Agency Personnel Responsible for Drafting: Nelda Shannon, 210 11th Avenue S.W., Olympia, (360) 902-8760; Implementation: John L. Bley, 210 11th Avenue S.W., Olympia, (360) 902-8760; and Enforcement: Deborah R. Bortner, 210 11th Avenue S.W., Olympia, (360) 902-8760.

Name of Proponent: Securities Division, Department of Financial Institutions, governmental.

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

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

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposal does not impose additional cost on business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Department of Financial Institutions is not one of the agencies listed in section 201.

Hearing Location: Department of Financial Institutions, Securities Division, Executive Conference Room, 300 General Administration Building, 210 11th Avenue S.W., Olympia, WA 98504, on April 23, 1996, at 2:00.

Assistance for Persons with Disabilities: Contact Darlene Bamer by April 16, 1996, TDD (360) 664-8126, or (360) 902-8760.

Submit Written Comments to: N. Shannon, P.O. Box 9033, Olympia, WA 98507-9033, FAX (360) 586-5068, by April 22, 1996.

Date of Intended Adoption: April 26, 1996.

March 19, 1996

John L. Bley
Director

AMENDATORY SECTION (Amending Order 304, filed 2/28/75, effective 4/1/75)

WAC 460-16A-125 Prospectus or offering circular.

(1) The administrator shall require the use of an offering circular or prospectus for each registration that is filed with the division.

(2) The prospectus or offering circular may be printed, mimeographed, lithographed, or typewritten, or prepared by any similar process which will result in clear legible copies. If printed, it shall be set in clear roman type at least as large as ten point modern type, with financial data or other statistical or tabular matter at least as large as eight point (all type shall be leaded at least two point).

(3) Every offering circular or prospectus must disclose all material facts affecting the sale of securities. ~~((Contents of prospectus for real estate programs are set out in WAC 460-32A-195 and should be used for other types of securities where appropriate.))~~

AMENDATORY SECTION (Amending Order SD-131-77, filed 11/23/77)

WAC 460-16A-150 Imposition of impound condition.

In a case where the offering of securities is not firmly underwritten, the administrator considers that one or more of the following circumstances require the imposition of an impound condition:

(1)(a) That a specific minimum amount of funds is necessary to finance the proposed undertaking as described in the application; and

(b) That it is inadvisable for the issuer to expend the proceeds from the sale of securities prior to receipt of such minimum amount.

(2)(a) That promotional shares ~~((and/or cheap stock))~~ will be issued in connection with the issue; and

(b) That it is inadvisable for the issuer to expend the proceeds from the sale of securities prior to receipt of an amount necessary to evidence compliance with the maximum amount of allowances for promotional shares ~~((and/or cheap stock as set forth in WAC 460-16A-105 and 460-16A-107)).~~

WSR 96-07-056
PROPOSED RULES
DEPARTMENT OF
FINANCIAL INSTITUTIONS
(Securities Division)

[Filed March 19, 1996, 11:50 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-03-124.

Title of Rule: WAC 460-33A-020 Optional registration procedures for mortgage paper securities.

Purpose: Amending WAC 460-33A-020 (regulating mortgage paper securities offerings) to reflect 1993 statutory change moving the Securities Division to the newly created Department of Financial Institutions, and 1994 statutory change increasing the threshold requirement for audited financial statements for offerings for securities registered by qualification.

Statutory Authority for Adoption: RCW 21.20.450.

Statute Being Implemented: RCW 21.20.210(14).

Summary: The present rule refers to registration applications prescribed by the director of the Department of Licensing, not the Department of Financial Institutions. Also in the present rule, certain audited financial statements are required if offering proceeds will exceed \$500,000 and \$750,000. The 1994 statutory change does not require audited statements unless the offering proceeds exceed \$1,000,000 and \$5,000,000, respectively.

Reasons Supporting Proposal: Promote consistency between this section and the statute it implements.

Name of Agency Personnel Responsible for Drafting: Nelda Shannon, 210 11th Avenue S.W., Olympia, (360) 902-8760; Implementation: John L. Bley, 210 11th Avenue S.W., Olympia, (360) 902-8760; and Enforcement: Deborah R. Bortner, 210 11th Avenue S.W., Olympia, (360) 902-8760.

Name of Proponent: Securities Division, Department of Financial Institutions, governmental.

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

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

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposal does not impose additional costs on business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Department of Financial Institutions is not one of the agencies listed in section 201.

Hearing Location: Department of Financial Institutions, Securities Division, Executive Conference Room, 300 General Administration Building, 210 11th Avenue S.W., Olympia, WA 98504, on April 23, 1996, at 2:00.

Assistance for Persons with Disabilities: Contact Darlene Bamer by April 16, 1996, TDD (360) 664-8126, or (360) 902-8760.

Submit Written Comments to: N. Shannon, P.O. Box 9033, Olympia, WA 98507-9033, FAX (360) 586-5068, by April 22, 1996.

Date of Intended Adoption: April 26, 1996.

March 19, 1996
John L. Bley
Director

AMENDATORY SECTION (Amending WSR 92-18-009, filed 8/21/92, effective 9/21/92)

WAC 460-33A-020 Optional registration procedures for mortgage paper securities. An applicant for registration of a mortgage paper securities offering may elect to register the offering under the rules of this chapter in lieu of following the registration procedure for debt securities under the Securities Act of Washington. Registration under this chapter requires the filing of a registration application as prescribed by the director of the department of ~~((licensing))~~ financial institutions accompanied by the following:

- (1) The general offering circular;
- (2) A sample specific offering circular;
- (3) The mortgage paper escrow and trust agreement;
- (4) The mortgage paper service agreement;
- (5) The mortgage broker-dealer's articles of incorporation and bylaws or articles of organization;
- (6) Sample documents to include any note, bond, mortgage, deed of trust, master deed of trust, real or personal property contract, indenture, guaranty, or other such instrument;
- (7) The financial statements of the mortgage broker-dealer, including a balance sheet, profit and loss statement, and statement of cash flow as set forth in RCW 21.20.210(14). Pursuant to RCW 21.20.210 (14)(c), if the estimated proceeds of the mortgage paper securities offering, together with the proceeds from registered offerings during the year preceding the date of filing of the mortgage paper securities offering, exceed ~~((five hundred thousand))~~ one million dollars, said financial statements shall be audited. If such proceeds exceed ~~((seven hundred fifty thousand))~~ five million dollars, said financial statements for the previous two fiscal years shall be audited;
- (8) The subscription and acknowledgement agreements;
- (9) An opinion of counsel, if requested, on the legality and validity of the mortgage paper securities being issued;
- (10) An opinion of counsel, if requested, regarding the application of the usury laws to the mortgage paper securities being offered;
- (11) Such other information as the director may prescribe or request.

WSR 96-07-057
PROPOSED RULES
DEPARTMENT OF
FINANCIAL INSTITUTIONS
(Securities Division)
[Filed March 19, 1996, 11:55 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-03-129.

Title of Rule: Appearance and practice before the Securities Division, WAC 460-16A-010; and Notice of termination of offering—Change of officers, WAC 460-16A-390.

Purpose: Amend WAC 460-16A-010 to reflect recodification of the Administrative Procedure Act (APA) from chapter 34.04 RCW to chapter 34.05 RCW, and amend WAC 460-16A-390 to reflect 1993 statutory change moving the Securities Division from the Department of Licensing to the Department of Financial Institutions.

Statutory Authority for Adoption: RCW 21.20.450.
Statute Being Implemented: Chapter 21.20 RCW.

Summary: Amend WAC 460-16A-010 to reflect recodification of the Administrative Procedure Act from chapter 34.04 RCW to chapter 34.05 RCW, and amend WAC 460-16A-390 to reflect 1993 statutory change moving the Securities Division to the Department of Financial Institutions.

Reasons Supporting Proposal: WAC 460-16A-010 now references "contested cases" as defined in RCW 34.04.010. The Administrative Procedure Act has been recodified into chapter 34.05 RCW, and the term "contested cases" has been replaced by "adjudicative proceeding." The present WAC 460-16A-390 references securities registered with the Department of Motor Vehicles. Both amendments will update rules to reflect current circumstances.

Name of Agency Personnel Responsible for Drafting: Nelda Shannon, 210 11th Avenue S.W., Olympia, (360) 902-8760; Implementation: John L. Bley, 210 11th Avenue S.W., Olympia, (360) 902-8760; and Enforcement: Deborah R. Bortner, 210 11th Avenue S.W., Olympia, (360) 902-8760.

Name of Proponent: Securities Division, Department of Financial Institutions, governmental.

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

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

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposal does not impose additional costs on business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Department of Financial Institutions is not one of the agencies listed in section 201.

Hearing Location: Department of Financial Institutions, Securities Division, Executive Conference Room, 300 General Administration Building, 210 11th Avenue S.W., Olympia, WA 98504, on April 23, 1996, at 2:00.

Assistance for Persons with Disabilities: Contact Darlene Bamer by April 16, 1996, TDD (360) 664-8126, or (360) 902-8760.

Submit Written Comments to: N. Shannon, P.O. Box 9033, Olympia, WA 98507-9033, FAX (360) 586-5068, by April 22, 1996.

Date of Intended Adoption: April 26, 1996.

March 19, 1996
John L. Bley
Director

PROPOSED

AMENDATORY SECTION (Amending Order 304, filed 2/28/75, effective 4/1/75)

WAC 460-16A-010 Appearance and practice before the securities division. In any proceeding before the division, any person may be represented by an attorney at law admitted to practice before the highest court of any state or territory of the United States, or the Court of Appeals or the District Court of the United States, or for the District of Columbia. Any individual may, however, appear before the division in his own behalf, an authorized member of a partnership may represent the partnership, and an authorized officer of a corporation, trust or association may represent such corporation, trust or association, however no such officer may participate in ~~((contested cases))~~ an adjudicative proceeding as defined in RCW ~~((34.04.010))~~ 34.05.010 unless such officer is also an attorney at law.

AMENDATORY SECTION (Amending Order 304, filed 2/28/75, effective 4/1/75)

WAC 460-16A-390 Notice of termination of offering—Change of officers. An issuer who has completed or discontinued the sale of securities registered with the department of ~~((motor vehicles))~~ financial institutions shall notify the administrator in writing to that effect. Until such notice has been given, notices of all withdrawals or changes of officers, directors, trustees, partners or other principal members of registrants shall be made to the administrator of securities as soon as possible, but within five days, after such withdrawals or changes in the personnel of such organization shall become effective.

WSR 96-07-058
PROPOSED RULES
DEPARTMENT OF
FINANCIAL INSTITUTIONS
 (Securities Division)
 [Filed March 19, 1996, 11:56 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-03-123.

Title of Rule: WAC 460-60A-015 Federal interstate offerings by coordination and 460-60A-020 Intrastate filings and federal filings not meeting the requirements of coordination.

Purpose: Amend the rules to reflect 1994 statutory change increasing the threshold requirement for certain audited financial statements for securities offering registered by coordination and qualification.

Statutory Authority for Adoption: RCW 21.20.450.

Statute Being Implemented: RCW 21.20.180(8), 21.20.210(14), and 21.20.450.

Summary: Prior to 1994, RCW 21.20.180(8) and 21.20.210(14) required securities registrants whose proposed offerings exceeded \$500,000 to obtain audited financial statements. In 1994, the legislature amended the statutes so that issuers would not need to obtain audited financial statements unless their offerings would exceed \$1 million. The rules need to be updated to reflect these amendments.

Name of Agency Personnel Responsible for Drafting: Nelda Shannon, P.O. Box 9033, Olympia, 98507, (360) 902-8760; Implementation: John L. Bley, 210 11th Avenue S.W., Room 300, (360) 902-8700; and Enforcement: Deborah R. Bortner, P.O. Box 9033, Olympia, 98507, (360) 902-8760.

Name of Proponent: Department of Financial Institutions, Securities Division, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: RCW 21.20.180(8) and 21.20.210(14) impose requirements for securities registrants to obtain audited financial statements if their securities offerings will exceed specified amounts. In 1994, the legislature increased the threshold amount which triggers the need for the audited statements. WAC 460-60A-015 and 460-60A-020 implement these statutes and currently contain information inconsistent with the statutes as amended. Changing the rule will eliminate this inconsistency and is beneficial to small issuers.

Proposal Changes the Following Existing Rules: The threshold for audited financial statements will increase from an aggregate offering amount of \$500,000 to \$1,000,000.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The amendments impose no additional costs on business. Costs are expected to decrease.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Department of Financial Institutions is not one of the agencies identified in section 201.

Hearing Location: Department of Financial Institutions, Executive Conference Room, General Administration Building, 210 11th Avenue S.W., Room 300, Olympia, WA 98504, on April 23, 1996, at 2:00 p.m.

Assistance for Persons with Disabilities: Contact Darlene Bamer by April 19, 1996, TDD (360) 664-8126, or (360) 902-9760.

Submit Written Comments to: FAX (360) 586-5068, by April 22, 1996.

Date of Intended Adoption: April 25, 1996.

March 19, 1996

John L. Bley
 Director

AMENDATORY SECTION (Amending Order SDO-37-80, filed 3/19/80)

WAC 460-60A-015 Federal interstate offerings by coordination. Financial statements meeting the requirements of the United States Securities and Exchange Commission and filed with the Washington securities division pursuant to the provisions of RCW 21.20.180 will be deemed to have met the financial disclosure requirements of the division: *Provided*, That if the aggregate sales price of the offering exceeds ~~(((\$500,000.00))~~ one million dollars, annual financial statements shall be audited and certified by an independent certified public accountant.

AMENDATORY SECTION (Amending Order SD-57-79, filed 8/14/79)

WAC 460-60A-020 Intrastate filings and federal filings not meeting the requirements of coordination. (1) For offerings (~~(\$500,000.00)~~) of one million dollars or under and filed pursuant to RCW 21.20.210 the requirements of WAC 460-60A-010 shall apply.

(2) For offerings over (~~(\$500,000.00)~~) one million dollars and filed pursuant to RCW 21.20.210 the annual financial statements must be audited. For specific requirements not contained in these rules refer to RCW 21.20-210(14).

WSR 96-07-059
PROPOSED RULES
DEPARTMENT OF
FINANCIAL INSTITUTIONS
 (Securities Division)
 [Filed March 19, 1996, 12:01 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-03-117.

Title of Rule: Limited registration of Canadian broker-dealers.

Purpose: To recognize a simplified procedure for registration of Canadian broker-dealers or agents for the limited purposes of accomplishing trades with preexisting customers.

Statutory Authority for Adoption: RCW 21.20.450.

Statute Being Implemented: RCW 21.20.040.

Summary: Proposals have been put forth by the North American Securities Administrators Association and by the state of Massachusetts regarding a simplified registration procedure for Canadian broker-dealers for transactions with existing clients. Drafts developed by NASAA committees made up of state regulators are circulated to all states, industry, and the federal Securities and Exchange Commission for comment. The state of Washington is considering adoption of one of these alternative proposals as a means of simplifying broker-dealer registration procedures for the broker-dealers conducting such limited activity.

Name of Agency Personnel Responsible for Drafting: Brad Ferber, 210 11th Avenue S.W., 3rd Floor West, (360) 902-8760; Implementation: John L. Bley, 210 11th Avenue S.W., 3rd Floor West, (360) 902-8700; and Enforcement: Deborah R. Bortner, 210 11th Avenue S.W., 3rd Floor West, (360) 902-8760.

Name of Proponent: Department of Financial Institutions, Securities Division, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Proposals have been put forth by the North American Securities Administrators Association and by the state of Massachusetts regarding a simplified registration procedure for Canadian broker-dealers for transactions with existing clients. Drafts developed by NASAA committees made up of state regulators are circulated to all states, industry, and the federal Securities and Exchange Commission for com-

ment. The state of Washington is considering adoption of a version of one of these alternative proposals as a means of simplifying broker-dealer registration procedures for the broker-dealers conducting such limited activity.

Proposal Changes the Following Existing Rules: Alternative proposals for simplified registration procedure for Canadian broker-dealers which do limited business with existing clients. Such procedures offer alternatives to full registration required of broker-dealers conducting more extensive business. The first alternative proposal utilizes language contained in the NASAA proposal and entails the adoption of a new section, WAC 460-20B-070, within provisions relating to broker-dealer registration. The second alternative proposal (with language comparable to that of the Massachusetts approach) instead provides an exclusion from the definition of a "broker-dealer" for such Canadian broker-dealers in the definitions section of WAC 460-20B-020.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The changes are anticipated to have no economic impact and will be beneficial to Canadian broker-dealers who conduct limited activity for existing clients.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Department of Financial Institutions is not among the agencies identified in the legislation and the agency has not applied it to this rule making.

Hearing Location: Third Floor West Conference Room, General Administration Building, 210 11th Avenue S.W., Olympia, WA 98504, on April 23, 1996, at 2:00 p.m.

Assistance for Persons with Disabilities: Contact Darlene Bamer by April 22, 1996, TDD (360) 664-8126, or (360) 902-8760.

Submit Written Comments to: FAX (360) 586-5068, by April 22, 1996.

Date of Intended Adoption: May 1, 1996.

March 19, 1996

John L. Bley

Director

NEW SECTION

WAC 460-20B-070 Limited registration of Canadian broker-dealers. (1) A broker-dealer which is resident in Canada and has no office or other physical presence in the United States and is not an office or branch of, or a natural person associated with, a broker-dealer otherwise registered in the United States may, provided the broker-dealer is registered in accordance with this section, effect transactions in securities with or for, or induce or attempt to induce the purchase or sale of any security by, a person who is a Canadian person temporarily present in this state, with whom the Canadian broker-dealer had a bona fide broker-dealer-client relationship before the person entered this state.

(2) An agent who will be representing a Canadian broker-dealer registered under this section may, provided the agent is registered in accordance with this section, effect transactions in securities in this state as permitted for the broker-dealer in subsection (1) of this section.

(3) A Canadian broker-dealer may register under this section provided that it:

(a) Files an application in the form required by the jurisdiction in which it has its head office;

(b) Files a consent to service of process;

(c) Is registered as a broker or dealer in good standing in the jurisdiction from which it is effecting transactions into this state and files evidence thereof; and

(d) Is a member of a self-regulatory organization or stock exchange in Canada.

(4) An agent who will be representing a Canadian broker-dealer registered under this section in effecting transactions in securities in this state may register under this section provided that he or she:

(a) Files an application in the form required by the jurisdiction in which the broker-dealer has its head office;

(b) Files a consent to service of process; and

(c) Is registered in good standing in the jurisdiction from which it is effecting transactions into this state and files evidence thereof.

(5) If no denial order is in effect and no proceeding is pending under RCW 21.20.110, registration becomes effective on the 30th day after an application is filed, unless earlier made effective.

(6) A Canadian broker-dealer registered under this section shall:

(a) Maintain its provincial or territorial registration and its membership in a self-regulatory organization or stock exchange in good standing;

(b) Provide the administrator upon request with its books and records relating to its business in the state as a broker-dealer;

(c) Inform the administrator forthwith of any regulatory, disciplinary or criminal action being taken against it; and

(d) Disclose to its clients in the state that the broker-dealer and its agents are not subject to the full regulatory requirements of the act.

(7) An agent of a Canadian broker-dealer registered under this section shall:

(a) Maintain his or her provincial or territorial registration in good standing; and

(b) Inform the administrator forthwith of any regulatory, disciplinary or criminal action being taken against him or her.

(8) Renewal applications for Canadian broker-dealers and agents under this section must be filed before December 1 each year and may be made by filing the most recent renewal application filed in the jurisdiction in which the broker-dealer has its head office.

(9) Every applicant for registration or renewal registration under this section shall pay the fee for broker-dealers and agents as required under RCW 21.20.340.

(10) A Canadian broker-dealer or agent registered under this section is exempt from RCW 21.20.040 through 21.20.300, and the requirements set out in this section.

(11) A Canadian broker-dealer or agent which is transacting business as a broker-dealer or agent in this state beyond what is permitted in subsection (1) or (2) of this section must be otherwise registered under RCW 21.20.040.

NOTICE RE CROSS BORDER TRADING BY BROKER-DEALERS

The state securities administrator has agreed not to make inquiries of any Canadian broker-dealer concerning any possible failure to register in relation to trading activities that may have been conducted in the state without registration prior to, 1996. This does not preclude the state

securities administrator from making inquiries where it comes to its attention that a Canadian broker-dealer may have been engaged in improper trading activities in the state in addition to failing to register.

The Canadian securities administrators have agreed not to make inquiries of any American broker-dealer on a reciprocal basis.

AMENDATORY SECTION (Amending WSR 95-24-002, filed 11/22/95, effective 12/23/95)

WAC 460-20B-020 Definitions. For the purposes of this chapter and chapters 460-21B, 460-22B, and 460-23B WAC:

(1) "Central Registration Depository" ("CRD") shall mean the national registration system operated by the National Association of Securities Dealers, Inc. pursuant to a contract with the North American Securities Administrators Association.

(2) "Balance sheet" shall mean a balance sheet prepared in accordance with generally accepted accounting principles.

(3) "Branch office," for the purpose of this chapter, shall mean any office, residence or other place or location in this state where the business of a registered broker-dealer is conducted and which is owned or controlled by, or operated directly or indirectly for the benefit of, the registered broker-dealer, and where the business of a broker-dealer is conducted by a principal, salesperson, or salespersons for such registered broker-dealer, except that the following are not considered branch offices:

(a) Any location identified in a telephone directory line listing or on a business card or letterhead, which listing, card, or letterhead also sets forth the address and telephone number of the office from which persons conducting business from the location are directly supervised;

(b) Any location referred to, in an advertisement by a broker-dealer, by its local telephone number or local post office box provided that such reference may not include the street address of the location and that such reference also sets forth the address and telephone number of the office from which persons conducting business at the location are directly supervised;

(c) Any location identified by address in a broker-dealer's sales literature, provided that the sales literature also sets forth the address and telephone number of the office from which persons conducting business at the location are directly supervised; or

(d) The principal office of the broker-dealer.

(4) "OTC non-NASDAQ equity securities" shall mean equity securities not traded on a national securities exchange or on NASDAQ. Equity securities quoted on the NASD's OTC Bulletin Board are OTC non-NASDAQ equity securities.

(5) "Broker-dealer" for the purpose of this chapter, shall exclude a person who is resident in Canada, has no office or other physical presence in this state, and complies with the following conditions:

(a) Only effects or attempts to effect transactions in a security exempted by RCW 21.20.320 unless otherwise expressly required by the terms of the exemption:

(i) With or for a person from Canada who is temporarily present in the state, with whom the Canadian person had a

bona fide business-client relationship before the person entered the state; or

(ii) With or for a person from Canada who is present in this state, whose transactions are in a self-directed tax advantaged retirement plan in Canada of which the person is the holder or contributor;

(b) Files a notice in the form of that person's current application for registration required by the jurisdiction in which that person's head office is located and a consent to service of process;

(c) Is a member of a self-regulatory organization or stock exchange in Canada;

(d) Maintains provincial or territorial registration and membership in a self-regulatory organization or stock exchange in good standing;

(e) Discloses to clients in this state that the person is not subject to the full regulatory requirements of the Securities Act of Washington; and

(f) Is not in violation of RCW 21.20.010 and all rules promulgated thereunder.

WSR 96-07-060
PROPOSED RULES
DEPARTMENT OF
FINANCIAL INSTITUTIONS
 (Securities Division)
 [Filed March 19, 1996, 12:04 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-03-122.

Title of Rule: Selling expenses.

Purpose: To repeal rule dealing with the limitation on selling expenses in connection with the sale of securities of an open-end investment company.

Other Identifying Information: WAC 460-40A-025.

Statutory Authority for Adoption: RCW 21.20.450.

Summary: Repeal of regulation dealing with the limitation of selling expenses of an open-end investment company.

Reasons Supporting Proposal: This rule is no longer necessary. The Securities and Exchange Commission and the National Association of Securities Dealers have appropriate rules dealing with the issues involved.

Name of Agency Personnel Responsible for Drafting: Kent G. Fie, 210 11th Avenue S.W., 3rd Floor West, (360) 902-8760; Implementation: John L. Bley, 210 11th Avenue S.W., 3rd Floor West, (360) 902-8700; and Enforcement: Deborah R. Bortner, 210 11th Avenue S.W., 3rd Floor West, (360) 902-8760.

Name of Proponent: Department of Financial Institutions, Securities Division, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This is for the repeal of a rule dealing with the limitation of selling expenses on open-end investment companies. The repeal of this rule will result in an unnecessary rule being eliminated.

Proposal Changes the Following Existing Rules: It repeals an existing rule.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The repeal of this rule does not impose additional costs on business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Department of Financial Institutions is not one of the agencies identified in section 201.

Hearing Location: Third Floor West Conference Room, General Administration Building, on April 23, 1996, at 2:00 p.m.

Assistance for Persons with Disabilities: Contact Darlene Bamer by April 22, 1996, TDD (360) 664-8126, or (360) 902-8760.

Submit Written Comments to: FAX (360) 586-5068, by April 22, 1996.

Date of Intended Adoption: May 1, 1996.

March 19, 1996

John L. Bley
 Director

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 460-40A-025 Selling expenses.

WSR 96-07-061
PROPOSED RULES
DEPARTMENT OF
FINANCIAL INSTITUTIONS
 (Securities Division)
 [Filed March 19, 1996, 12:05 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-03-130.

Title of Rule: Adoption of NASAA statements of policy on asset-backed securities.

Purpose: To update Washington law to make it current with national rules regarding the registration of securities that are backed by a pool of assets.

Other Identifying Information: WAC 460-16A-205 (1)(q).

Statutory Authority for Adoption: RCW 21.20.450.

Summary: Proposed adoption of NASAA statement of policy on asset-backed securities as adopted by NASAA on October 25, 1995.

Reasons Supporting Proposal: It is the division's intent to support uniformity of regulation, where appropriate, among different state security regulators. Adopting this rule will assist in this effort.

Name of Agency Personnel Responsible for Drafting: Kent G. Fie, 210 11th Avenue S.W., 3rd Floor West, (360) 902-8760; Implementation: John L. Bley, 210 11th Avenue S.W., 3rd Floor West, (360) 902-8700; and Enforcement: Deborah R. Bortner, 210 11th Avenue S.W., 3rd Floor West, (360) 902-8760.

Name of Proponent: Department of Financial Institutions, Securities Division, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule updates Washington law to make it current with national rules regarding the registration of securities that are backed by a pool of assets. Excluded from this rule are (a) the securities of an investment company subject to the Investment Company Act of 1940 and (b) equity interests in limited partnerships or other direct investment vehicles subject to other applicable registration guidelines. It is anticipated that uncertainty for registrants will be reduced and there will be more uniformity between states in reviews of asset-backed securities registrations.

Proposal Changes the Following Existing Rules: Washington has previously adopted several NASAA statements of policy. The proposed rule will add an additional subsection to WAC 460-16A-205 adopting the asset-backed securities guidelines.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule does not impose additional costs on business. The resulting uniformity will be beneficial to issuers.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Department of Financial Institutions is not one of the agencies identified in section 201.

Hearing Location: Third Floor West Conference Room, General Administration Building, on April 23, 1996, at 2:00 p.m.

Assistance for Persons with Disabilities: Contact Darlene Bamer by April 22, 1996, TDD (360) 664-8126, or (360) 902-8760.

Submit Written Comments to: FAX (360) 586-5068, by April 22, 1996.

Date of Intended Adoption: May 1, 1996.

March 19, 1996
John L. Bley
Director

AMENDATORY SECTION (Amending WSR 95-17-068, filed 8/16/95, effective 9/16/95)

WAC 460-16A-205 Adoption of NASAA statements of policy. (1) In order to promote uniform regulation, the administrator adopts the following North American Securities Administrators Association (NASAA) statements of policy for offerings registering pursuant to RCW 21.20.180 or 21.20.210:

- (a) Registration of publicly offered cattle feeding programs, as adopted September 17, 1980;
- (b) Registration of commodity pool programs, as adopted with amendments through August 30, 1990;
- (c) Equipment programs, as adopted with amendments through March 29, 1992;
- (d) Registration of oil and gas programs, as adopted with amendments through March 29, 1992;
- (e) Real estate investment trusts, as adopted with amendments through September 29, 1993;
- (f) Real estate programs, as adopted with amendments through March 29, 1992;
- (g) Loans and other material affiliated transactions, as adopted with amendments through April 25, 1993;
- (h) Options and warrants, as adopted with amendments through April 25, 1993;

(i) Registration of direct participation programs - omnibus guidelines, as adopted March 29, 1992;

(j) Registration of periodic payment plans, as adopted March 29, 1992;

(k) Church bonds, as adopted April 29, 1981;

(l) Health care facility offerings, pertaining to the offering of nonprofit health care facility bonds, as adopted April 5, 1985;

(m) Investment companies investing in debt securities rated below investment grade, as adopted April 17, 1994;

(n) Registration of master fund/feeder funds, as adopted September 15, 1992;

(o) Telephone transactions, as adopted September 29, 1993; and

(p) Promotional shares, as adopted September 3, 1987, except that the term promotional shares shall be limited to those equity securities which were issued within the last three years and that all promotional shares in excess of twenty-five percent of the shares to be outstanding upon completion of the offering may be required to be deposited in escrow absent adequate justification that escrow of such shares is not in the public interest and not necessary for the protection of investors; and

(q) Registration of asset-backed securities, as adopted October 25, 1995, except for offerings registering or required to register pursuant to chapter 460-33A WAC or RCW 21.20.705 through 21.20.855.

(2) An offering registering pursuant to RCW 21.20.180 or 21.20.210 that falls within one or more of the statements of policy listed in subsection (1) of this section must comply with the requirements of said statement of policy or policies.

(3) The statements of policy referred to in subsection (1) of this section are found in *CCH NASAA Reports* published by Commerce Clearing House. Copies are also available at the office of the securities administrator.

WSR 96-07-062
PROPOSED RULES
DEPARTMENT OF
FINANCIAL INSTITUTIONS
(Securities Division)
[Filed March 19, 1996, 12:45 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-03-126.

Title of Rule: Price variance.

Purpose: Revise rule to state: "Securities of the same class to be offered under the same registration statement should be offered and sold at the same price."

Other Identifying Information: WAC 460-16A-120.

Statutory Authority for Adoption: RCW 21.20.450.

Statute Being Implemented: Chapter 21.20 RCW.

Summary: Amend WAC 460-16A-120 to grant the securities administrator greater discretion to waive the prohibition on securities in the same offering being sold at different prices.

Reasons Supporting Proposal: WAC 460-16A-120 presently provides that "no permit shall be issued" if the offering contains a price variance. The amended language would have the effect of providing greater discretion to the

administrator to waive the rule if otherwise meritorious securities offerings contained provisions for price variances.

Name of Agency Personnel Responsible for Drafting: Nelda Shannon, 210 11th Avenue S.W., Olympia, (360) 902-8760; Implementation: John L. Bley, 210 11th Avenue S.W., Olympia, (360) 902-8760; and Enforcement: Deborah R. Bortner, 210 11th Avenue S.W., Olympia, (360) 902-8760.

Name of Proponent: Securities Division, Department of Financial Institutions, governmental.

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

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

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposal does not impose additional costs on business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Department of Financial Institutions is not one of the agencies listed in section 201.

Hearing Location: Department of Financial Institutions, Securities Division, Executive Conference Room, 300 General Administration Building, 210 11th Avenue S.W., Olympia, WA 98504, on April 23, 1996, at 2:00 p.m.

Assistance for Persons with Disabilities: Contact Darlene Bamer by April 16, 1996, TDD (360) 664-8126, or (360) 902-8760.

Submit Written Comments to: N. Shannon, P.O. Box 9033, Olympia, WA 98507-9033, FAX (360) 586-5068, by April 22, 1996.

Date of Intended Adoption: April 26, 1996.

March 19, 1996

John L. Bley
Director

AMENDATORY SECTION (Amending Order 304, filed 2/28/75, effective 4/1/75)

WAC 460-16A-120 Price variance. ~~((No permit will be issued for the sale of securities pursuant to a contract whereby the price of the securities sold varies among different purchases of the same offering.))~~ Securities of the same class to be offered under the same registration statement should be offered and sold at the same price.

WSR 96-07-063
PROPOSED RULES
DEPARTMENT OF
FINANCIAL INSTITUTIONS
(Securities Division)
[Filed March 19, 1996, 12:49 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-03-127.

Title of Rule: Equity investment of promoters.

Purpose: Amend WAC 460-16A-111 to provide greater discretion to the securities administrator to waive the requirement that officers, directors, and promoters of the

issuer have invested an amount equal to at least 5% of the total equity investment resulting from the sale of the securities which are the subject of the proposed offering.

Statutory Authority for Adoption: RCW 21.20.450.

Statute Being Implemented: Chapter 21.20 RCW.

Summary: Amend WAC 460-16A-111 to provide greater discretion to the securities administrator to waive the requirement that officers, directors, and promoters of the issuer have invested an amount equal to at least 5% of the total equity investment resulting from the sale of the securities which are the subject of the proposed offering.

Reasons Supporting Proposal: Many companies in the developmental or promotional stage which seek public equity financing do business in industries such as technology or biotechnology, where they expect to incur significant R&D or other expenses over many years before having significant revenues. Granting the administrator greater discretion would allow otherwise meritorious offerings to be granted a registration permit.

Name of Agency Personnel Responsible for Drafting: Nelda Shannon, 210 11th Avenue S.W., Olympia, (360) 902-8760; Implementation: John L. Bley, 210 11th Avenue S.W., Olympia, (360) 902-8760; and Enforcement: Deborah R. Bortner, 210 11th Avenue S.W., Olympia, (360) 902-8760.

Name of Proponent: Securities Division, Department of Financial Institutions, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 460-16A-111 requires that officers, directors, and promoters of an issuer invest at least 5% of the total equity investment resulting from the sale of securities which are the subject of the proposed offering. Many companies in the developmental or promotional stage which seek public equity financing do business in industries such as technology or biotechnology, where they expect to incur significant R&D or other expenses over many years before having significant revenues. The proposed amendments deletes the clause which state that "it shall be considered unfair and inequitable to public investors" if the equity investment does not equal 5% of the company's net worth after the sale of the offering. Also deleted is the clause which restricts the administrator waiver of this provision only "if it is found in the public interest to grant such relief." These modifications will grant the administrator greater discretion to waive this provision in appropriate cases and will allow otherwise meritorious offerings to be granted a registration permit.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposal does not impose additional costs on business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Department of Financial Institutions is not one of the agencies listed in section 201.

Hearing Location: Department of Financial Institutions, Securities Division, Executive Conference Room, 300 General Administration Building, 210 11th Avenue S.W., Olympia, WA 98504, on April 23, 1996, at 2:00 p.m.

PROPOSED

Assistance for Persons with Disabilities: Contact Darlene Bamer by April 16, 1996, TDD (360) 664-8126, or (360) 902-8760.

Submit Written Comments to: N. Shannon, P.O. Box 9033, Olympia, WA 98507-9033, FAX (360) 586-5068, by April 22, 1996.

Date of Intended Adoption: April 26, 1996.

March 19, 1996

John L. Bley
Director

AMENDATORY SECTION (Amending Order SD-131-77, filed 11/23/77)

WAC 460-16A-111 Equity investment of promoters.

(1) ~~((The))~~ For an offering or proposed offering of an issuer which is in the promotional or developmental stage ~~((shall be considered unfair and inequitable to public investors unless)),~~ the fair value of the equity investment of the officers, directors, and promoters of such issuer, determined as of the offering date, shall equal((s)) at least five percent of the total equity investment resulting from the sale of all of the securities which are the subject of the offering or proposed offering.

(2) For purposes of this policy:

(a) An issuer which is in the "promotional or developmental stage" shall mean an issuer which has no significant record of operations or earnings prior to the proposed offering date or the offering of whose securities cannot be justified on the basis of such record.

(b) The "fair value of the equity investment" of the officers, directors and promoters shall mean and total of all sums contributed to the issuer in cash together with the reasonable value of all tangible assets contributed to the issuer, as determined by independent appraisal or otherwise, and as adjusted by the earned surplus or deficit of the issuer subsequent to the dates of contribution.

(c) The term "total equity investment" shall mean the total of

(i) The par or stated value of all securities outstanding or offered or proposed to be offered, and

(ii) The amount of capital contributed in excess of par or stated value, regardless of description and whether or not restricted.

(d) Upon the application and justification of the registrant, the director or administrator may waive, in whole or in part, the applicability of this rule ~~((if it is found in the public interest to grant such relief)).~~

**WSR 96-07-065
PROPOSED RULES
DEPARTMENT OF
FINANCIAL INSTITUTIONS
(Securities Division)
[Filed March 19, 1996, 12:50 p.m.]**

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-03-128.

Title of Rule: WAC 460-16A-015 Electronic or telephonic submissions.

Purpose: Amend the rule to designate the Securities Registration Depository, Inc. (SRD) to receive electronic filings of securities registrations on behalf of the Securities Division, and to add electronic transmission as an authorized means of sending messages to the division regarding the effectiveness of federal registration.

Statutory Authority for Adoption: RCW 21.20.190 and 21.20.450.

Statute Being Implemented: RCW 21.20.190 and 21.20.450.

Summary: Amend the rule to designate SRD to receive electronic filings of securities registrations on behalf of the Securities Division, and to add electronic transmission as an authorized means of sending messages to the division regarding the effectiveness of federal registration.

Reasons Supporting Proposal: Many issuers now file their offering documents electronically with the SEC, which eventually will be mandatory. The states collectively have designed SRD to coordinate with the SEC's computer system (EDGAR), providing for total electronic filing. This will improve the efficiency of file processing, while reducing mail, paper and file processing costs for both issuers and government.

Name of Agency Personnel Responsible for Drafting: Nelda Shannon, P.O. Box 9033, Olympia, 98507, (360) 902-8760; Implementation: John L. Bley, P.O. Box 41200, Olympia, 98504, (360) 902-8700; and Enforcement: Deborah R. Bortner, P.O. Box 9033, Olympia, 98507, (360) 902-8760.

Name of Proponent: Department of Financial Institutions, Securities Division, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Many issuers now file their offering documents electronically with the SEC, which eventually will be mandatory. The states collectively have designed SRD to coordinate with the SEC's computer system (EDGAR), providing for total electronic filing. This will improve the efficiency of file processing, while reducing mail, paper and file processing costs for both issuers and government. Changes to RCW 21.20.510 authorized the administrator to adopt rules designating depositories such as SRD for the receipt of filings.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed amendments do not impose additional costs on business. Filing by SRD is optional. Paper filings are still accepted. No additional registration fees are levied by the division for SRD filings.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Department of Financial Institutions is not one of the agencies listed section 201.

Hearing Location: Department of Financial Institutions, Executive Conference Room, General Administration Building, 210 11th Avenue S.W., Room 300, Olympia, WA 98504, on Tuesday, April 23, 1996, at 2:00 p.m.

Assistance for Persons with Disabilities: Contact Darlene Bamer by April 19, 1996, TDD (360) 664-8126, or (360) 902-8760.

Submit Written Comments to: N. Shannon, P.O. Box 9033, Olympia, WA 98507-9033, FAX (360) 586-5068, by April 22, 1996.

Date of Intended Adoption: April 25, 1996.
March 19, 1996
John L. Bley

AMENDATORY SECTION (Amending Order 304, filed 2/28/75, effective 4/1/75)

WAC 460-16A-015 ((Telephone transeceiving equipment)) Electronic or telephonic submissions. (1) Issuers filing by coordination may file electronically with the division. The Securities Registration Depository, Inc., its successors or assigns, is designated to receive electronic filings on behalf of the division.

(2) For issuers not filing electronically, messages directed to the division by means of ((Xerox Telecopier, Magnafax, or)) facsimile, other ((compatible)) telephone transeceiving equipment or electronic transmission will be accepted by the administrator as complying with the requirement of notification under RCW 21.20.190 of the Securities Act concerning the date and time ((unless)) a federal registration statement has become effective and with respect to the content of the price amendment, if any. Such notification must be followed up by filing of a post-effective amendment to the application containing the information and documents in the price amendment and ((telephone transeceiving equipment)) telephonic or electronic transmissions may not be utilized for that filing.

WSR 96-07-066
PROPOSED RULES
DEPARTMENT OF
FINANCIAL INSTITUTIONS
(Securities Division)
[Filed March 19, 1996, 12:52 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-03-118.

Title of Rule: Franchise cross reference sheets (repeal).

Purpose: Repeal WAC 460-80-160 Franchise cross reference sheets.

Statutory Authority for Adoption: RCW 19.100.250.

Statute Being Implemented: Chapter 19.100 RCW.

Summary: Repeal of WAC 460-80-160 concerning franchise cross reference sheets.

Reasons Supporting Proposal: Washington has adopted the 1993 version of the Uniform Franchise Offering Circular (New UFOC). Cross reference sheets are not required under the new UFOC as the form itself requires sufficient cross references.

Name of Agency Personnel Responsible for Drafting: William M. Beatty, 210 11th Avenue S.W., Olympia, (360) 902-8760; Implementation: John L. Bley, 210 11th Avenue S.W., Olympia, (360) 902-8700; and Enforcement: Deborah R. Bortner, 210 11th Avenue S.W., Olympia, (360) 902-8760.

Name of Proponent: Securities Division, Department of Financial Institutions, governmental.

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

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

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The repeal of this rule does not impose additional costs on business. The rule was previously made obsolete by the adoption of the new UFOC.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Department of Financial Institutions is not one of the agencies mentioned in section 201.

Hearing Location: Department of Financial Institutions, Securities Division, Executive Conference Room, 300 General Administration Building, 210 11th Avenue S.W., Olympia, WA 98504, on April 23, 1996, at 2:00 p.m.

Assistance for Persons with Disabilities: Contact Darlene Bamer by April 16, 1996, TDD (360) 664-8126, or (360) 902-8760.

Submit Written Comments to: Bill Beatty, P.O. Box 9033, Olympia, WA 98507-9033, FAX (360) 586-5068, by April 22, 1996.

Date of Intended Adoption: April 26, 1996.
March 19, 1996
John L. Bley
Director

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 460-80-160 Cross reference sheets.

WSR 96-07-067
PROPOSED RULES
DEPARTMENT OF
FINANCIAL INSTITUTIONS
(Securities Division)
[Filed March 19, 1996, 12:53 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-03-119.

Title of Rule: Employee plans (repeal).

Purpose: Repeal WAC 460-42A-010 Employee plans. Statutory Authority for Adoption: RCW 21.20.450, 21.20.310(10).

Statute Being Implemented: Chapter 21.20 RCW.

Summary: Repeal of WAC 460-42A-010 concerning employee benefit plans.

Reasons Supporting Proposal: This provision interprets RCW 21.20.310(10). This statute was amended during the 1995 legislative session. The rule is now inconsistent with the statute it interprets and should be repealed.

Name of Agency Personnel Responsible for Drafting: William M. Beatty, 210 11th Avenue S.W., Olympia, (360) 902-8760; Implementation: John L. Bley, 210 11th Avenue S.W., Olympia, (360) 902-8700; and Enforcement: Deborah R. Bortner, 210 11th Avenue S.W., Olympia, (360) 902-8760.

PROPOSED

Name of Proponent: Securities Division, Department of Financial Institutions, governmental.

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

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

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The repeal of this rule does not impose additional costs on business. The rule was previously made obsolete by a statutory change to the Securities Act, chapter 21.20 RCW.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Department of Financial Institutions is not one of the agencies mentioned in section 201.

Hearing Location: Department of Financial Institutions, Securities Division, Executive Conference Room, 300 General Administration Building, 210 11th Avenue S.W., Olympia, WA 98504, on April 23, 1996, at 2:00 p.m.

Assistance for Persons with Disabilities: Contact Darlene Bamer by April 16, 1996, TDD (360) 664-8126, or (360) 902-8760.

Submit Written Comments to: Bill Beatty, P.O. Box 9033, Olympia, WA 98507-9033, FAX (360) 586-5068, by April 22, 1996.

Date of Intended Adoption: April 26, 1996.

March 19, 1996

John L. Bley

Director

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 460-42A-010 Employee plans.

WSR 96-07-069

PROPOSED RULES

SECRETARY OF STATE

[Filed March 19, 1996, 2:58 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-24-107.

Title of Rule: International student exchange agency registration.

Purpose: To provide current registration information on international student exchange agencies to school administrators prior to the beginning of the school year and clarify procedures and deadlines for annual renewal of registrations.

Statutory Authority for Adoption: RCW 19.166.030, 19.166.040, 19.166.060.

Summary: Changes to WAC 434-166-260, 434-166-280, and 434-166-290 will require that current registration information on international student exchange agencies be provided to school administrators prior to the beginning of the school year and clarify procedures and deadlines for annual renewal of registrations.

Reasons Supporting Proposal: WAC 434-166-260, 434-166-280, and 434-166-290 need to be updated to be consis-

tent with the legislative amendments to chapter 19.166 RCW which were made in chapter 60, Laws of 1995.

Name of Agency Personnel Responsible for Drafting and Implementation: Karen Dick, 505 East Union, (360) 586-6782.

Name of Proponent: Office of the Secretary of State, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 434-166-260, 434-166-280, and 434-166-290 set forth registration and reregistration requirements for international student exchange agencies. The proposed amendments will ensure current registration information on international student exchange agencies is provided to school administrators prior to the beginning of the school year and clarifies procedures and deadlines for annual renewal of registrations.

Proposal Changes the Following Existing Rules: The changes made to the above rules clarifies registration deadlines international student exchange agencies and requires current registration information be provided to school administrators at the beginning of the school year. The annual renewal of registrations is also clarified.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This does not have an economic impact on small businesses.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Office of the Secretary of State is not one of the agencies listed under section 201.

Hearing Location: Cherberg Building, Capitol Campus, Senate Hearing Room 3, on April 23, 1996, at 9:00 a.m. - 11:00 a.m.

Assistance for Persons with Disabilities: Contact Barbara Simieon by April 18, 1996, TDD (360) 753-1485.

Submit Written Comments to: Karen Dick, FAX (360) 664-8781, by April 19, 1996.

Date of Intended Adoption: April 24, 1996.

March 19, 1996

Donald F. Whiting

Assistant Secretary of State

AMENDATORY SECTION (Amending WSR 92-10-023, filed 4/29/92, effective 5/30/92)

WAC 434-166-260 Requirement to register. Each organization operating in Washington is required to register with the secretary, if two or more students are placed in Washington public high schools within a five year period. Registration is due in the office of the secretary during the enrollment period of March 1st through June 15th preceding the beginning of the next school year.

Organizations governed by chapter 19.166 RCW and also registered as a nonprofit corporation under Title 24 RCW shall renew both registrations concurrently in the enrollment period specified in this section.

The secretary shall provide, annually, a list of all international student exchange agencies registered as of June 15th to the superintendent of public instruction on or before August 5th of the same year.

AMENDATORY SECTION (Amending WSR 92-10-023, filed 4/29/92, effective 5/30/92)

WAC 434-166-280 Application for registration. (1)

Any organization meeting the requirements set forth in chapters 19.166 RCW and 434-166 WAC shall register with the secretary of state. Such registration shall be made on a form prescribed by the secretary of state and filed with the secretary's office.

(2) The applicant must also provide evidence that they have met the established standards as an international student exchange visitor placement organization, by:

(a) Submitting a copy of the USIA's Designation Letter showing current registration; or

(b) Submitting a copy of the CSIET's Approval for Listing Letter showing current registration; or

(c) Submitting a notarized statement, on a form prescribed by the secretary of state, declaring that the organization has met all standards and obligations as required by chapters 19.166 RCW and 434-166 WAC.

(3) Registrations ~~((are effective for a period of one year from the date of filing))~~ filed during the enrollment period specified in WAC 434-166-260 are valid until June 15th of the next year. All other registrations expire June 15th of the next enrollment period.

AMENDATORY SECTION (Amending WSR 92-10-023, filed 4/29/92, effective 5/30/92)

WAC 434-166-290 Application for reregistration.

(1) Prior to the expiration of the registration period, organizations may seek reregistration ~~((for another one year period))~~ within the enrollment period specified in WAC 434-166-260 by completing the registration requirements as set forth in RCW 19.166.050 and WAC 434-166-280.

(2) The secretary may mail a reregistration form to the responsible officer/responsible officer address within forty-five days prior to the registration expiration ~~((date of the registration))~~.

(3) Failure of the secretary to notify the organization of reregistration does not relieve the organization's obligation for filing its' reregistration documents.

(4) Applications to reregister must be filed by the due date specified by RCW 19.166.050; no extensions will be granted by the secretary.

WSR 96-07-072
PROPOSED RULES
GAMBLING COMMISSION

[Filed March 19, 1996, 4:05 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-21-026.

Title of Rule: See Summary below.

Purpose: Rule changes to allow additional player selection games and to make various housekeeping amendments.

Statutory Authority for Adoption: RCW 9.46.070 (1), (8)-(11), (14), (20).

Summary: Amending WAC 230-08-080 Daily records—Bingo, housekeeping change to fix typographical error.

Amending WAC 230-08-105 Disposable bingo cards—Inventory control record, addition of language to introductory paragraph of subsection (3) clarifies when the information required to be kept by this rule must be recorded. Deletion of language from introductory paragraph of subsection (3) intended to clarify to what bingo products the subsection pertains. Addition of subsection (3)(h) requires every bingo hall not using combination receipting to assign a dollar value to each sheet or card packet when it is placed into play. Combination receipting provides complete accountability for the bingo product thereby allowing different sheets of the same packet to be sold at different prices.

Amending WAC 230-20-101 Income from bingo games—Receipting required, as amended, this rule generally requires that bingo income be received. The different types of receipting methods have been removed from this rule and been given their own rule. The rule also sets forth which receipting methods may be used by which license class to receipt for bingo income.

New section WAC 230-20-104 Cash register method of receipting bingo income, formerly WAC 230-20-101(1). Subsection (1)(b), requiring cash registers to be able to store and compute a total for each type of sale recorded, is a new requirement not found in the original rule. Language in subsections (1)(e) and (f) clarify an exception for machines providing alternative auditing functions.

New section WAC 230-20-105 Ticket method of receipting bingo income, formerly WAC 230-20-101(2). Subsection (1)(a) is a new requirement providing that Class F and above licensees may only use tickets with numbers on them that do not repeat in at least 999,999 occurrences. Most of subsection (2) was added to accommodate the use of tickets to receipt for additional player selection games authorized by WAC 230-20-246 (8)(c).

New section WAC 230-20-106 Electronically-generated bingo card method of receipting bingo income, formerly WAC 230-20-101(3). Adds the requirement that the permanent record printed at the end of each session include a total dollar amount for each type of sale.

New section WAC 230-20-107 Disposable (throwaway) bingo card method for receipting bingo income, formerly WAC 230-20-101(4). Adds the requirement that when disposable bingo cards are used, the disposable bingo card method of receipting bingo income must be used. Subsection (4) is intended to clarify that the rule pertains to "packets" of bingo card product regardless of the manner in which it is sold (individual packets or as part of a package deal).

New section WAC 230-20-108 Combination receipting method of receipting bingo income, formerly WAC 230-20-101(5). Amended language provides that tickets may be used in combination with a cash register receipt, instead of only disposable bingo cards or electronically-generated bingo cards. Adds language clarifying the use of the combination receipting method in conjunction with other methods and specifically provides that tickets may be used in combination with cash register receipting to account for games authorized by WAC 230-20-246 (8)(c). Also adds language to subsection (1) stating that combination receipting must be used

when dividing collations of packets or series of bingo card sheets into no more than ten "subgroups" for the purpose of issuing to bingo players. Also requires that Class F, instead of Class G licensees must use combination receipting in certain cases. Clarifies subsection (3)(b) and (c) per licensee comments regarding when consecutively issued cards must be used and how long they must be kept when they are not consecutively used. Subsection (4)(b) regarding totals from transaction records is added to subsections (3) and (5) to clarify that this requirement pertains to those subsections as well.

Amending WAC 230-20-240 Bingo equipment to be used, amendment requires Class F and above licensees to use disposable or electronically generated bingo cards instead of Class G and above licensees. Amendment requires distinguishable sets of bingo balls to be used when two or more sets of balls are used during a bingo session. Housekeeping changes to reflect change in WAC numbers.

Amending WAC 230-20-241 Player selection games, amendments set forth prize limitations for "instant winner" games.

Amending WAC 230-20-242 Activities conducted as part of bingo games—Authorization—Restrictions, housekeeping changes to reflect change in WAC numbers.

Amending WAC 230-20-246 Manner of conducting bingo, provides specific authorization and operational restrictions on additional player selection games such as Powerball. Provides a threshold under which instant winner prizes do not need to be validated by a neutral player. Also includes housekeeping changes to reflect changes in WAC numbers and changes to correct syntax.

Reasons Supporting Proposal: Negotiated rule-making request from a licensee organization.

Name of Agency Personnel Responsible for Drafting: Michael Aoki-Kramer, Lacey, (360) 438-7654 ext. 310; Implementation: Sherri Winslow, Lynnwood, (206) 776-6751; and Enforcement: Frank Miller, Lacey, (360) 438-7654 ext. 302.

Name of Proponent: Washington Charitable and Civic Gaming Association, private.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Summary above.

Proposal Changes the Following Existing Rules: See Summary above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Rule changes and additions proposed at the request of a licensee organization are intended to increase licensee revenues.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The agency does not choose to make section 201, chapter 403, Laws of 1995, apply to this rule adoption.

Hearing Location: Red Lion Inn at the Quay, 100 Columbia, Vancouver, WA 98668, on May 10, 1996, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Susan Green by May 7, 1996, TDD (360) 438-7638, or (360) 438-7654 ext. 302.

Submit Written Comments to: Michael Aoki-Kramer, P.O. Box 42400, Olympia, WA 98504-2400, FAX (360) 438-8652, by May 7, 1996.

Date of Intended Adoption: May 10, 1996.

March 19, 1996

Michael Aoki-Kramer
Rules and Policy Coordinator

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 96-08 issue of the Register.

WSR 96-07-073
PROPOSED RULES
GAMBLING COMMISSION
[Filed March 19, 1996, 4:07 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-03-086.

Title of Rule: WAC 230-40-010 Types of card games authorized; and 230-46-100 Bona fide charitable/nonprofit organizations—Limited social card games without obtaining a license—Conditions.

Purpose: To add "Bid Whist" and "Dominos" to the list of authorized social card games.

Statutory Authority for Adoption: RCW 9.46.0281, 9.46.070 (1), (2), (14), (20).

Summary: See Purpose above.

Reasons Supporting Proposal: Request from a community organization to add the games to the list of authorized social card games.

Name of Agency Personnel Responsible for Drafting: Michael Aoki-Kramer, Lacey, (360) 438-7654 ext. 310; Implementation: Sherri Winslow, Lynnwood, (206) 776-6751; and Enforcement: Frank L. Miller, Lacey, (360) 438-7654 ext. 302.

Name of Proponent: Southern Roots, Inc., private.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See subsections (a) and (c). Amendments are anticipated to enhance fund-raising activities of some charitable and nonprofit organizations and bring under commission purview such fund-raising activities that may be currently conducted illegally.

Proposal Changes the Following Existing Rules: Adds the games "Bid Whist" and "Dominos" to the list of authorized social card games found in WAC 230-40-010, and to the list of social card games that bona fide charitable/nonprofit organizations may allow to be played on their premises without obtaining a license.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Amendments expected to enhance business in public and social card rooms by allowing additional games to be played.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The agency does not choose to make section 201, chapter 403, Laws of 1995, apply to this rule adoption.

Hearing Location: Red Lion Inn at the Quay, 100 Columbia, Vancouver, WA 98668, on May 10, 1996, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Susan Green by May 7, 1996, TDD (360) 438-7638, or (360) 438-7654 ext. 302.

Submits Written Comments to: Michael Aoki-Kramer, P.O. Box 42400, Olympia, WA 98504-2400, FAX (360) 438-8652, by May 7, 1996.

Date of Intended Adoption: May 10, 1996.

March 18, 1996

Michael R. Aoki-Kramer
Rules and Policy Coordinator

AMENDATORY SECTION (Amending Order 252, filed 6/15/94, effective 7/16/94)

WAC 230-40-010 Types of card games authorized. Only card games that have been specifically authorized are allowed to be played in public or social card rooms licensed by the commission. The commission hereby authorizes the following card games:

(1) Poker - Any poker game described in *Hoyle's Modern Encyclopedia of Card Games*, by Walter B. Gibson, published by Doubleday and Company, Inc., April 1974, 1st edition, pages 219 through 277: Provided, That only a maximum of five betting rounds per hand are permitted.

(2) Hearts.

(3) Pinochle.

(4) Cribbage.

(5) Rummy.

(6) Mah-jongg (tiles).

(7) Pan.

(8) Pitch.

(9) Washington blackjack - as set forth in WAC 230-40-125.

(10) Pai-Gow poker.

(11) Pan-9.

(12) Bid-Whist.

(13) Dominos.

(14) Those games the director approves on a temporary, case by case basis upon application by a licensee for approval of a particular game. An application for approval of a game not specifically authorized must include the rules of play. Temporary approvals granted are valid for no more than six months or until adopted by the commission, whichever occurs first.

AMENDATORY SECTION (Amending WSR 94-23-007, filed 11/3/94, effective 1/1/95)

WAC 230-46-100 Bona fide charitable/nonprofit organizations—Limited social card games without obtaining a license—Conditions. Bona fide charitable or nonprofit organizations may, as defined by RCW 9.46.0209, allow limited social card games to be played upon their premises without obtaining a license under the conditions set out below:

(1) Only bona fide members of the organization and members of a chapter or unit organized under the same state, regional, or national chapter who are players, as defined by RCW 9.46.0265, are allowed to participate;

(2) No person is, directly or indirectly, charged a fee to participate;

(3) Only bona fide members of the organization and members of a chapter or unit organized under the same state, regional, or national charter, who are not compensated for such services, are permitted to perform any work or service in support of such card games;

(4) The types of card games played are limited to the following; Provided, That a charitable or nonprofit organization may petition the director for approval of additional games on a case by case basis, which would be effective for no longer than six months or until approved by the commission, whichever occurs first:

(a) Hearts;

(b) Rummy;

(c) Pitch;

(d) Pinochle;

(e) Cribbage; ~~((and))~~

(f) Bridge;

(g) Bid Whist; and

(h) Dominos; and

(5) All restrictions regarding the granting of credit, method and amount of wagers, and rules of play set out in this title and chapter 9.46 RCW are ~~((complied with))~~ followed.

WSR 96-07-074
PROPOSED RULES
GAMBLING COMMISSION
[Filed March 19, 1996, 4:08 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-19-034; and proposal is exempt under RCW 34.05.310(4).

Title of Rule: WAC 230-08-090 Daily records—Card games.

Purpose: Housekeeping change to reflect change in authorized card room operating hours in WAC 230-40-400.

Statutory Authority for Adoption: RCW 9.46.070 (1), (2), (14), (20).

Summary: Change card room hours from "6:00 a.m. to 2:00 a.m." to hours authorized by WAC 230-40-400.

Reasons Supporting Proposal: Housekeeping amendment.

Name of Agency Personnel Responsible for Drafting: Michael Aoki-Kramer, Lacey, (360) 438-7654 ext. 310; Implementation: Sherri Winslow, Lynnwood, (206) 776-6751; and Enforcement: Frank Miller, Lacey, (360) 438-7654 ext. 310.

Name of Proponent: Washington State Gambling Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: No effect, housekeeping amendment.

Proposal Changes the Following Existing Rules: Housekeeping amendment to make rules consistent.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Amendment anticipated to have no economic impact.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The agency does not choose to make section 201, chapter 403, Laws of 1995, apply to this rule adoption.

Hearing Location: Red Lion Inn at the Quay, 100 Columbia, Vancouver, WA 98660, on May 10, 1996, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Susan Green by May 7, 1996, TDD (360) 438-7638, or (360) 438-7654 ext. 310.

Submit Written Comments to: Michael Aoki-Kramer, P.O. Box 42400, Olympia, WA 98504-2400, FAX (360) 438-8652, by March 7, 1996.

Date of Intended Adoption: May 10, 1996.

March 19, 1996

Michael R. Aoki-Kramer
Rules and Policy Coordinator

AMENDATORY SECTION (Amending Order 238, filed 4/21/93, effective 7/1/93)

WAC 230-08-090 Daily records—Card games. In addition to any other requirements set forth in these rules, persons licensed to operate card rooms shall be required to prepare a detailed record covering each occasion. This record shall be maintained continuously during hours of operation and updated immediately following the collection of fees during all time periods. The commission shall provide to the licensee a consecutively prenumbered standard format record sheet. This form shall contain the following:

- (1) The date of the occasion;
- (2) The time that the half hour fee was charged;
- (3) The amount of half hour fee charged per table;
- (4) The number of players at each table at half hour intervals to include all nonpaying house players;
- (5) The names and time of play for each nonpaying house player (which may only include licensed card room employees and the licensee);
- (6) The amount of fees collected at each table each half hour;
- (7) The cumulative gross amount received from fees collected on each occasion and in total;
- (8) A reconciliation of chips and cash on a daily basis; and
- (9) A printed name, signature, and hours worked of the person who was responsible for the collection of fees.

All detailed record sheets issued to a licensee shall be numerically accounted for, and shall be maintained on the premises for a period of not less than three years from the date of the occasion which it records. An "occasion" for card rooms shall be defined as any consecutive 20 hour(±) period beginning ((at 6:00 a.m. one day and running continuously through 2:00 a.m. the following day)) when the card room first opens for business after observing the minimum four-hour closure period required by WAC 230-40-400.

**WSR 96-07-080
PROPOSED RULES
DEPARTMENT OF
RETIREMENT SYSTEMS**
[Filed March 19, 1996, 4:32 p.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: Providing for internal presiding officer.

Purpose: To specifically provide for the director to designate an employee as presiding officer with final order authority over adjudicative proceedings commenced under chapter 34.05 RCW.

Statutory Authority for Adoption: RCW 41.50.050, 41.50.060, 34.05.425.

Statute Being Implemented: RCW 34.05.425.

Summary: RCW 34.05.425 gives agency directors several options in designating a presiding officer to preside over adjudicative proceedings commenced under chapter 34.05 RCW. One of those options is to designate a person other than the agency head or an administrative law judge to enter final orders. RCW 41.50.060 gives the director statutory authority to make such a delegation. The proposed rules reflect and implement the director's decision to exercise her authority to appoint an internal presiding officer to hear most adjudicative proceedings involving the department.

Reasons Supporting Proposal: The benefits of this proposal will be: (1) Increased efficiency in the final order process. Removing the proposed order and subsequent review prior to filing a final order will reduce the time between filing an appeal to receiving a final order by an estimated three to six months; (2) increased retirement law expertise of the presiding officer will result in more consistent and fair decisions.

Name of Agency Personnel Responsible for Drafting: Paul Neal, 1025 East Union Avenue, Olympia, WA 98504-8380, (360) 586-3368; Implementation and Enforcement: Ceil Buddeke, 1025 East Union Avenue, Olympia, WA 98504-8380, (360) 438-0954.

Name of Proponent: Department of Retirement Systems, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: RCW 34.05.425 gives agency directors several options in designating a presiding officer to preside over adjudicative proceedings commenced under chapter 34.05 RCW. One of those options is to designate a person other than the agency head or an administrative law judge to enter final orders. RCW 41.50.060 gives the director statutory authority to make such a delegation. The proposed rules reflect and implement the director's decision to exercise her authority to appoint an internal presiding officer to hear most adjudicative proceedings involving the department. The purpose of the rule is to provide for a more efficient final order process. The anticipated effects of this proposal will be: (1) Increased efficiency in the final order process. Removing the proposed order and subsequent review prior to filing a final order will reduce the time between filing an appeal to receiving a final order by an estimated three to six months; (2) increased retirement law expertise of the

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presiding officer will result in more consistent and fair decisions.

Proposal Changes the Following Existing Rules: Amends WAC 415-08-010, 415-08-020, 415-08-025, 415-08-030, 415-08-040, 415-08-050, 415-08-080, 415-08-090, 415-08-100, 415-08-105, 415-08-280 and 415-08-420, to provide for presiding officer designated by director with final order authority. Most of the amendments revise existing rules to refer to a presiding officer rather than a "designated examiner."

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rules affect only governmental employers and governmental employees participating in one of the public retirement systems administered by the Department of Retirement Systems. Therefore there is no small business impact.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Department of Retirement Systems is not one of the agencies listed in RCW 34.05.328 (5)(a)(1)(i). The department does not elect to voluntarily bring itself within the application of that statute as allowed by RCW 34.05.328 (5)(a)(ii).

Hearing Location: Boardroom, 2nd Floor, 1025 East Union Avenue, Olympia, WA 98504-8380, on April 26, 1996, at 1:30 - 2:30 p.m.

Assistance for Persons with Disabilities: Contact Paul Neal by April 19, 1996, TDD (360) 586-5450, or (360) 586-3368.

Submit Written Comments to: Paul Neal, P.O. Box 48380, Olympia, WA 98504-8380, FAX (360) 753-3166.

Date of Intended Adoption: April 26, 1996.

April [March] 19, 1996

Paul Neal
Rules Coordinator

AMENDATORY SECTION (Amending WSR 93-11-079, filed 5/18/93, effective 6/18/93)

WAC 415-08-010 Scope. This chapter governs the procedure ~~((for))~~ the department follows in conducting adjudicative proceedings ~~((as defined in RCW 34.05.010))~~ under chapter 34.05 RCW. The department adopts the model rules of procedure contained in chapter 10-08 WAC to the extent that those provisions are not contrary to the provisions of this chapter. These rules shall govern all ~~((hearings))~~ adjudicative proceedings before the ~~((director of retirement systems))~~ department. ~~((These rules shall also govern requests for the promulgation, amendment or repeal of any rule of the director. Where the context requires, reference to a board shall be construed to include the director of retirement systems.))~~

AMENDATORY SECTION (Amending WSR 93-11-079, filed 5/18/93, effective 6/18/93)

WAC 415-08-020 Time limit for filing appeals— Procedure. (1) Any ~~((person))~~ party aggrieved by a petition decision rendered pursuant to chapter 415-04 WAC ~~((must, before he or she appeals to the superior court, invoke the jurisdiction of the director by filing with the director personally or by mail,))~~ may appeal the decision by filing a notice of appeal within sixty days from the date such decision was communicated to ~~((such person, a notice of~~

appeal before the board or director)) the party. ~~((The notice of appeal must contain:~~

~~((a) The name and mailing address of the member or beneficiary, and the employer of the member;~~

~~((b) The name and legal residence of the appealing party, together with the mailing address of his or her representative, if any;~~

~~((c) In the case of disability claims:~~

~~((i) The date and nature of the accident, injury or disease, the place it occurred and location of the employer, in the case of disability claims; and~~

~~((ii) If the injury or disease did not occur in the county where the member or beneficiary resides, the name of the county in which the appealing party desires to have the hearing held and a city or town most convenient within the county where hearing is to be held;~~

~~((d) A statement identifying the decision or award appealed from and that portion of the decision or award considered to be unjust or unlawful;~~

~~((e) A clear and concise statement of facts in support of the grounds stated including, where applicable, a description of the physical facts constituting the claimant's present disability and how it is manifested;~~

~~((f) The type of relief sought, including specific dates at which time the appealing party believes the benefit accrued; and~~

~~((g) A statement that the appealing party has read the notice of appeal and believes the contents to be true, followed by his or her signature and the signature of his or her representative, if any.))~~

(2) The appealing parties shall file ~~((with the department by mail or otherwise,))~~ the original and two copies of the notice of appeal ~~((and))~~ with the department. The department will acknowledge receipt of the copies filed. The department's stamp placed upon such copies shall be prima facie evidence of the date of receipt. The department may thereafter require additional copies to be filed if necessary.

(3) If a party fails to file a timely appeal the party waives the right to judicial review due to failure to exhaust administrative remedies as required by RCW 34.05.534.

NEW SECTION

WAC 415-08-023 Contents of the notice of appeal.

The notice of appeal must contain:

(1) The name and mailing address of the member or beneficiary, and the employer of the member;

(2) The name and legal residence of the appealing party, together with the mailing address of his or her representative, if any;

(3) In the case of disability claims:

(a) The date and nature of the accident, injury or disease, the place it occurred and location of the employer, in the case of disability claims; and

(b) If the injury or disease did not occur in the county where the member or beneficiary resides, the name of the county in which the appealing party desires to have the hearing held and a city or town most convenient within the county where the hearing is to be held;

(4) A statement identifying the decision appealed from and that portion of the decision considered to be unjust or unlawful;

(5) A clear and concise statement of facts in support of the grounds stated including, where applicable, a description of the physical facts constituting the claimant's present disability and how it is manifested;

(6) The type of relief sought, including specific dates at which time the appealing party believes the benefit accrued; and

(7) A statement that the appealing party has read the notice of appeal and believes the contents to be true, followed by his or her signature and the signature of his or her representative, if any.

AMENDATORY SECTION (Amending WSR 93-11-079, filed 5/18/93, effective 6/18/93)

WAC 415-08-025 (~~(Reviewing)~~) Presiding officer. The director will designate a presiding officer to issue an order. The director may issue a general or specific presiding officer designation.

(1) (~~Either the director or an employee of the department designated by the director, will serve as reviewing officer and render the department's final decision on the appeal.~~) If the director designates a (~~department employee to render a decision, such employee~~) presiding officer to issue a final order, that person shall be a different person than director's designee under chapter 415-04 WAC.

(2) (~~In general, an administrative law judge will be appointed to serve as~~) If the director designates a presiding officer (~~and to render~~) to issue a proposed order(-) the director, or (~~the employee~~) a person designated by the director, will (~~serve as~~) be the reviewing officer. (~~If the parties agree to stipulate to a record, a hearing before and initial decision by an administrative law judge may be waived by agreement of all parties. In the event of such a waiver, the reviewing officer will render the department's final decision on the stipulated record.~~) In that event, the reviewing officer will issue a final order.

NEW SECTION

WAC 415-08-027 Parties may stipulate to the record on appeal. If the parties stipulate to a record, a hearing before the presiding officer may be waived by agreement of all parties. The presiding officer will then issue a final order on the stipulated record.

AMENDATORY SECTION (Amending WSR 93-11-079, filed 5/18/93, effective 6/18/93)

WAC 415-08-030 Parties. The parties to an appeal shall be the appealing party(~~s~~) or parties and the department(~~; all persons who have filed a notice of appearance and made a proper showing of interest in the appeal. The director may exclude from the appeal any party who has unreasonably delayed the filing of a notice of appearance. Upon determination that a person has made a proper showing of interest the department will forthwith mail him or her a copy of the notice of appeal.~~). There is no obligation to serve notices, pleadings or correspondence upon any person who has not entered an appearance as (~~provided herein~~) a party. Service upon the representative of a party shall constitute service upon such party.

AMENDATORY SECTION (Amending WSR 93-11-079, filed 5/18/93, effective 6/18/93)

WAC 415-08-040 (~~(Appearance and practice before the department—Who may appear.)~~) Representing another person before the presiding officer. (~~(No)~~) Only the following persons may appear in a representative capacity before the (~~department or its designated hearings examiner other than the following~~) presiding officer:

(1) Attorneys at law duly qualified and entitled to practice before the supreme court of the state of Washington.

(2) Attorneys at law duly qualified and entitled to practice before the highest court of record of any other state, if the attorneys at law of the state of Washington are permitted to appear in a representative capacity before administrative agencies of such other state, and if not otherwise prohibited by our state law.

(3) A legal intern authorized to practice law pursuant to Admission to Practice Rule (APR) 9 of the state supreme court and subject to the limitations contained in said rule. A legal intern shall not appear (~~before the department or its designated examiner~~) without the presence of the supervising attorney except in *ex parte* matters and noncontested cases.

(4) A bona fide officer, partner, or full-time employee of an individual firm, association, partnership, or corporation who appears (~~for such individual firm, association, partnership, or corporation~~) on behalf of the entity.

AMENDATORY SECTION (Amending Order 4, filed 7/27/77)

WAC 415-08-050 (~~(Appearance and practice before the board—)~~) Appearance in certain proceedings may be limited to attorneys. In all hearings involving the taking of testimony and the formulation of a record subject to review by the courts, where the (~~board or its examiner~~) presiding officer determines that representation in such hearing requires a high degree of legal training, experience, and skill, the board or its examiner may limit those who may appear in a representative capacity to attorneys-at-law.

AMENDATORY SECTION (Amending WSR 93-11-079, filed 5/18/93, effective 6/18/93)

WAC 415-08-080 (~~(Appearance and practice before the department—)~~) Withdrawal or substitution of representatives. An attorney or other representative withdrawing from a case shall immediately so notify the (~~department~~) presiding officer and all parties of record in writing, or shall state such withdrawal for the record at a conference or hearing. Any substitution of an attorney or representative shall be accomplished by written notification to the (~~department~~) presiding officer and to all parties of record.

AMENDATORY SECTION (Amending WSR 93-11-079, filed 5/18/93, effective 6/18/93)

WAC 415-08-090 (~~(Appearance and practice before the department—)~~) Ethical conduct required. All persons appearing in a representative capacity in proceedings before the (~~department or its designated examiner~~) presiding officer shall conform to the standards of ethical conduct required of attorneys before the courts of Washington. If

any such person does not conform to such standards, the ~~((examiner))~~ presiding officer may, in his/her discretion and depending on all the circumstances, admonish or reprimand such person, ~~((or))~~ exclude such person from further participation in the proceedings and adjourn the same, or report the matter to the department.

AMENDATORY SECTION (Amending WSR 93-11-079, filed 5/18/93, effective 6/18/93)

~~WAC 415-08-100 ((Appearance and practice before the department--))~~ Appearance by former employee of agency or former member of attorney general's staff. No former employee of the department or system or former member of the attorney general's staff may ~~((at any time after severing his/her employment with the department or the attorney general appear, except with the written permission of the department in compliance with RCW 42.22.040,))~~ appear in a representative capacity on behalf of other parties in a formal proceeding wherein he or she previously took an active part as a representative of the department. No such former employee shall appear where to do so would violate RCW ~~((42.18.224))~~ 42.52.080.

AMENDATORY SECTION (Amending WSR 93-11-079, filed 5/18/93, effective 6/18/93)

WAC 415-08-105 Prehearing and posthearing memoranda. A presiding officer shall grant all timely requests to submit prehearing and posthearing memoranda, and shall set a reasonable time for the submission of memoranda. ~~((In the event that posthearing briefs are filed,))~~ The department reserves the right to file a brief in response to any posthearing brief submitted by another party.

AMENDATORY SECTION (Amending WSR 93-11-079, filed 5/18/93, effective 6/18/93)

WAC 415-08-280 Discovery. Any party may obtain discovery in the manner~~((s))~~ specified in Superior Court Civil Rule 26(a). The attendance of witnesses may be compelled by the use of a subpoena. Such discovery shall be governed generally by the procedures established by Superior Court Civil Rules 26-37, inclusive.

AMENDATORY SECTION (Amending WSR 93-11-079, filed 5/18/93, effective 6/18/93)

~~WAC 415-08-420 ((Expert or opinion testimony number and qualifications of witnesses--Procedures at hearings--))~~ Presentation of evidence--Burden of proof. (1) ~~((Order of presentation of evidence.))~~ The presiding officer shall determine the proper order of presentation of evidence. ~~((As a general rule, the appealing party shall initially introduce all evidence in his/her case in chief. The adverse parties may then introduce the evidence necessary to their cases in chief. Rebuttal evidence will then be received. Witnesses may be called out of turn in contravention of this rule only by agreement of all parties.))~~

(2) The person appealing or requesting a hearing shall have the burden of proof in the matter.

WSR 96-07-081

PROPOSED RULES

INSURANCE COMMISSIONER'S OFFICE

[Filed March 19, 1996, 4:36 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-03-091.

Title of Rule: Transmittal form requirements.

Purpose: These rules require use of a prescribed transmittal form when insurers, health maintenance organizations, health care service contractors, or other insuring entities file forms or rates with the commissioner for approval or review.

Other Identifying Information: Insurance Commissioner Matter No. R 96-1.

Statutory Authority for Adoption: RCW 48.02.060, 48.44.050, 48.46.200.

Statute Being Implemented: RCW 48.18.100, 48.19.040, 48.19.050, 48.19.070, 48.20.012, 48.21.045(2), 48.29.140, 48.43.055, 48.44.023(2), 48.44.040, 48.44.070, 48.46.030, 48.46.060, 48.46.066(2), 48.46.243, 48.96.025, 48.102.020.

Summary: These rules require every filing to be submitted with a prescribed transmittal form. The form will be available from the commissioner.

Reasons Supporting Proposal: In 1995, WAC 284-14-020 was repealed. These rules replace that section.

Name of Agency Personnel Responsible for Drafting: Melodie Bankers, Olympia, Washington, (360) 586-3574; Implementation and Enforcement: Patrick Musick, Olympia, Washington, (360) 664-2093.

Name of Proponent: Deborah Senn, Insurance Commissioner, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These rules require use of a prescribed transmittal form when insurers, health maintenance organizations, health care service contractors, or other insuring entities file forms or rates with the commissioner for approval or review. These rules require every filing to be submitted with a prescribed transmittal form. The form will be available from the commissioner. In 1995, WAC 284-14-020 was repealed. These rules replace that section.

Proposal Changes the Following Existing Rules: In 1995, WAC 284-14-020 was repealed. These rules replace that section.

No small business economic impact statement has been prepared under chapter 19.85 RCW. There is no significant fiscal impact on any entity filing forms or rates for review or approval by the commissioner whether that entity is large or small. These rules will not impose more than minor costs on a business. (See RCW 19.85.030 (1)(a).)

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. These are not "significant legislative rules." These rules are exempt from the "section 201" requirements as "rules relating only to internal governmental operations" at RCW 34.05.328 (5)(b)(ii).

Hearing Location: Insurance Building's 4th Floor Conference Room, 14th and Water, Olympia, Washington 98504, on April 30, 1996, at 9:30 a.m.

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Assistance for Persons with Disabilities: Contact Lori Villaflores by March 26, 1996, TDD (360) 664-3154.

Submit Written Comments to: Kacy Brandeberry, P.O. Box 40255, Olympia, WA 98504-0255, electronically at incomr@aol.com, FAX (360) 586-3535, by April 26, 1996.

Date of Intended Adoption: May 1, 1996.

March 19, 1996
Patrick Musick
Deputy Commissioner

AMENDATORY SECTION (Amending Order R 81-3, filed 7/21/81, effective 10/1/81)

WAC 284-44-140 General contents of all filings. Each filing required to be made pursuant to WAC 284-44-130 shall ~~((include:))~~ be submitted with the filing transmittal form prescribed by and available from the commissioner.

(1) The information required on the filing documents set forth in WAC 284-44-210 for nonnegotiated forms and rate schedules or as set forth in WAC 284-44-220 for negotiated forms and rate schedules~~((;))~~.

(2) The anticipated loss ratio over the lesser of three years or the period for which the underlying assumptions are expected to remain reasonable~~((;))~~.

(3) With respect to revisions of a previously filed contract, rider or endorsement form, the magnitude of any change in the amount charged during the latest three rate periods or the latest three contract years, whichever is greater~~((, and))~~.

(4) Certification by an actuary, a corporate officer or other qualified designated individual that the filing is in compliance with the applicable laws and regulations of the state of Washington and that the benefits and services to be provided are reasonable in relation to the amount charged.

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WAC 284-46-025 General contents of all rate or forms of contract filings. Each filing made of a rate or contract form shall be submitted with the filing transmittal form prescribed by and available from the commissioner.

AMENDATORY SECTION (Amending Order R 82-5, filed 11/5/82)

WAC 284-58-030 General contents of all life and disability form and disability rate filings. Each life or disability insurance form filing submitted to the commissioner, whether for approval or by certification, shall ~~((contain the following materials arranged in this order:~~

~~((1) The appropriate filing fee as prescribed by WAC 284-14-010, and the filing transmittal information required by WAC 284-14-020 separately attached to each form being filed;))~~ be submitted with the filing transmittal form prescribed by and available from the commissioner. In addition, the filing shall include:

~~((2))~~ (1) One filing report as required by WAC 284-58-040 and, if applicable, a certification prepared pursuant to WAC 284-58-190 or 284-58-210, as appropriate~~((;))~~.

~~((3))~~ (2) The printed form or forms, completed in John Doe fashion if appropriate~~((;))~~.

~~((4))~~ (3) Rates, manuals of classification, manuals of rules and rates and modifications thereof, if appropriate~~((;))~~.

~~((5))~~ (4) Actuarial memorandum of nonforfeiture values, if appropriate~~((;))~~.

~~((6))~~ (5) Actuarial demonstration of anticipated loss ratio, if appropriate~~((, and))~~.

~~((7))~~ (6) Any additional ~~((required enclosure))~~ data or information requested by the commissioner.

AMENDATORY SECTION (Amending Order R 82-5, filed 11/5/82)

WAC 284-58-250 General contents of a form filing for property and casualty insurance and kinds of insurance other than life and disability. Each form filing for property and casualty insurance or kinds of insurance other than life and disability, whether for approval or by certification, shall ~~((contain the following:~~

~~((1) A completed filing transmittal information form as prescribed in WAC 284-14-020. (If the form being filed is a revision or replacement of an existing form, include or attach a summary of the change being made.)~~

~~((2))~~ be submitted with the filing transmittal form prescribed by and available from the commissioner. In addition, the filing shall include, if applicable, a completed certification form as prescribed in WAC 284-58-270~~((,~~

~~((3))~~ and the printed form or forms, in duplicate.

~~((4) The appropriate filing fee as prescribed by WAC 284-14-010;))~~

**WSR 96-07-083
PROPOSED RULES
DEPARTMENT OF
FINANCIAL INSTITUTIONS
(Securities Division)**

[Filed March 20, 1996, 8:07 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-03-120.

Title of Rule: Small company offering registration (SCOR), chapter 460-17A WAC.

Purpose: Amend the provisions of chapter 460-17A WAC to change the name from uniform limited offering registration (ULOR) to small company offering registration (SCOR); to allow limited liability companies (LLCs) to utilize SCOR registration; and to lower the minimum offering price per share of corporate common stock from \$5.00 to \$1.00.

Statutory Authority for Adoption: RCW 21.20.450.

Statute Being Implemented: Chapter 21.20 RCW.

Summary: WAC 460-17A-010 through 460-17A-070 are proposed to be amended to: (1) Change the name of the chapter and program to small company offering registration (SCOR); (2) expand the availability of SCOR registration to include LLC offerings; and (3) lower the minimum offering price per share of corporate common stock in a SCOR offering from \$5.00 to \$1.00.

Reasons Supporting Proposal: The proposed amendment will make the program available to more small businesses by permitting LLC offerings and requiring minimum offering price of only \$1.00 per share. The name change

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makes the program consistent with SCOR programs in approximately forty other states.

Name of Agency Personnel Responsible for Drafting: William M. Beatty, 210 11th Avenue S.W., Olympia, (360) 902-8760; Implementation: John L. Bley, 210 11th Avenue S.W., Olympia, (360) 902-870 [902-8700]; and Enforcement: Deborah R. Bortner, 210 11th Avenue S.W., Olympia, (360) 902-8760.

Name of Proponent: Securities Division, Department of Financial Institutions, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The title of chapter 460-17A WAC and WAC 460-17A-010 through 460-17A-070 are proposed to be amended to: (1) Change the name of the chapter and program to small company offering registration (SCOR); (2) expand the availability of SCOR registration to include LLC offerings; and (3) lower the minimum offering price per share of corporate common stock in a SCOR offering from \$5.00 to \$1.00.

Chapter 460-17A WAC, currently known as uniform limited offering registration (ULOR) was adopted in 1988. ULOR is designed to foster small business capital formation through the use of a fill-in-the-blanks offering circular, currently known as the ULOR form. The form is designed so that the small business owner may complete, or substantially assist in the completion of, his own offering circular, thereby reducing the cost associated with a securities offering.

Name Change: Following Washington's adoption of the program, approximately forty additional states adopted the program using the name small corporate offering registration (SCOR). The proposed change from ULOR to small company offering registration will help eliminate confusion for issuers desiring to conduct a multistate offering using the SCOR program, while at the same time accommodating an expansion of the program to allow limited liability company (LLC) issuers (see below).

Limited Liability Companies: WAC 460-17A-020 currently limits the program to corporate issuers. The amendments [in] this section and the other section in the chapter would allow LLCs to utilize the SCOR program. Many small businesses are using the LLC entity. Allowing LLC issuers increases the number of businesses that can utilize the program.

Offering Price: WAC 460-17A-020 currently requires that offerings of corporate common stock be priced at no less than \$5.00 per share. This provision was designed to prevent the secondary market manipulation of low priced securities ("penny stock") that was prevalent in the 1980s. Subsequently, the Securities and Exchange Commission enacted regulations that have successfully curbed these abuses. Therefore, the \$5.00 per share minimum is no longer necessary. The proposed revision lowers the minimum offering price to \$1.00 per share.

Proposal Changes the Following Existing Rules: See Explanation of Rule above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed amendments do not impose additional costs on business and benefit small business by allowing limited liability companies to

utilize the program and by decreasing the minimum price per share of corporate common stock to \$1.00 per share.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Department of Financial Institutions is not one of the agencies listed in section 201.

Hearing Location: Department of Financial Institutions, Securities Division, Executive Conference Room, 300 General Administration Building, 210 11th Avenue S.W., Olympia, WA 98504, on April 23, 1996, at 2:00 p.m.

Assistance for Persons with Disabilities: Contact Darlene Bamer by April 16, 1996, TDD (360) 664-8126, or (360) 902-8760.

Submit Written Comments to: Bill Beatty, P.O. Box 9033, Olympia, WA 98507-9033, FAX (360) 586-5068, by April 22, 1996.

Date of Intended Adoption: April 26, 1996.

March 19, 1996

John L. Bley

Director

**Chapter 460-17A WAC
(~~UNIFORM LIMITED~~) SMALL COMPANY OF-
FERING REGISTRATION**

AMENDATORY SECTION (Amending Order SDO-048-88, filed 8/8/88)

WAC 460-17A-010 (~~ULOR-C~~) SCOR registration. These rules are intended to encourage investment in small businesses. The rules in this chapter offer an optional method of registration for (~~corporations~~) companies issuing securities exempt from registration with the Securities and Exchange Commission under Rule 504 of Regulation D or under Section 3(a)(11) of the Securities Act of 1933. The administrator recognizes that small issuers raising small amounts of money face special problems not faced by issuers raising larger amounts, and that standards appropriate to registrations of larger offerings may become unduly burdensome when applied to registrations of small offerings. The optional registration method offered by these rules is intended to reduce the costs and burdens of raising capital for small business without sacrificing investor protection, and to maximize the amount of offering proceeds available to the issuer for investment in the business. Issuers eligible for this method of registration shall use the SCOR registration form (~~ULOR-C~~) as the disclosure document for the offering. This method of registration shall be known as (~~ULOR-C~~) SCOR registration.

AMENDATORY SECTION (Amending Order SDO-048-88, filed 8/8/88)

WAC 460-17A-020 Application. (1) The rules in this chapter shall apply to (~~ULOR-C~~) SCOR registrations. While applications not conforming to the standards contained herein shall be looked upon with disfavor, where good cause is shown certain rules may be modified or waived by the administrator.

(2) Where individual characteristics of specific offerings warrant modification from these standards, they will be accommodated, insofar as possible, while still being consistent with the spirit of these rules.

AMENDATORY SECTION (Amending WSR 91-04-009, filed 1/25/91, effective 2/25/91)

WAC 460-17A-030 Availability. (1) ~~((ULOR-C))~~ SCOR is intended to allow small ~~((corporations))~~ companies to conduct limited offerings of securities. ~~((ULOR-C))~~ SCOR uses a simplified offering format designed to provide adequate disclosure to investors concerning the issuer, the securities offered, and the offering itself. Certain issuers may not be able to make adequate disclosure using the ~~((ULOR-C))~~ SCOR format and will, therefore, be unable to utilize ~~((ULOR-C))~~ SCOR. The administrator finds that ~~((ULOR-C))~~ SCOR is generally unsuitable for the following issuers and programs and that, therefore, they will not be allowed to utilize ~~((ULOR-C))~~ SCOR unless written permission is obtained from the administrator based upon a showing that adequate disclosure can be made to investors using the ~~((ULOR-C))~~ SCOR format:

(a) Holding companies, companies whose principal purpose is owning stock in, or supervising the management of, other companies;

(b) Portfolio companies, such as a real estate investment trusts as defined in Section (1)(q) of the North American Securities Administrators Association's Statement of Policy regarding real estate investment trusts as adopted by the administrator in WAC 460-16A-205 (1)(e);

- (c) Issuers with complex capital structures;
- (d) Commodity pools;
- (e) Equipment leasing programs; and
- (f) Real estate programs.

(2) These rules are available only to the issuer of the securities and not to any affiliate of that issuer or to any other person for resale of the issuer's securities. In addition, each of the following requirements must be met:

(a) The issuer must be a corporation or limited liability company organized under the laws of one of the states or possessions of the United States.

(b) The issuer must engage in a business other than petroleum exploration or production or mining or other extractive industries.

(c) The offering is not a "blind pool" or other offering for which the specific business to be engaged in or property to be acquired by the issuer cannot be specified.

(d) The offering price for common stock (and the exercise price, if the securities offered are options, warrants or rights for common stock, and the conversion price if the securities are convertible into common stock) must be equal to or greater than ~~(((\$5.00))~~ \$1.00 per share. The offering price for common ownership interests in limited liability company (and the exercise price, if the securities are options, warrants, or rights for common ownership interests, and the conversion price if the securities are convertible into common ownership interests) must be equal to or greater than \$100.00 per unit of interest.

(e) The aggregate offering price of the securities offered (within or outside this state) shall not exceed \$1,000,000 less the aggregate offering price of all securities sold within the twelve months before the start of and during the offering of the securities under Securities and Exchange Commission Rule 504 in reliance on any exemption under section 3(b) of the Securities Act of 1933, in reliance on the exemption

under section 3 (a)(11) of that act, or in violation of section 5(a) of that act.

(3) ~~((ULOR-C))~~ SCOR registration is not available to investment companies subject to the Investment Company Act of 1940, nor is it available to issuers subject to the reporting requirements of section 13 or section 15(d) of the Securities Exchange Act of 1934.

AMENDATORY SECTION (Amending Order SDO-048-88, filed 8/8/88)

WAC 460-17A-040 Disqualification from use of ~~((ULOR-C))~~ SCOR registration. ~~((ULOR-C))~~ SCOR registration shall not be available for securities of any issuer if that issuer or any of its officers, directors, ten percent shareholders, promoters or any selling agents of the securities to be offered, or any officer, director, or partner of such selling agent:

(1) Has filed a registration statement which is the subject of a currently effective registration stop order entered pursuant to any federal or state securities law within five years prior to the filing of the ~~((ULOR-C))~~ SCOR registration application;

(2) Has been convicted within five years prior to the filing of the ~~((ULOR-C))~~ SCOR registration application of any felony or misdemeanor in connection with the offer, purchase or sale of any security or any felony involving fraud or deceit, including, but not limited to, forgery, embezzlement, obtaining money under false pretenses, larceny, or conspiracy to defraud;

(3) Is currently subject to any federal or state administrative enforcement order or judgment entered by any state securities administrator or the Securities and Exchange Commission within five years prior to the filing of the ~~((ULOR-C))~~ SCOR registration application or is subject to any federal or state administrative enforcement order or judgment in which fraud or deceit, including but not limited to making untrue statements of material facts and omitting to state material facts, was found and the order or judgment was entered within five years prior to the filing of the ~~((ULOR-C))~~ SCOR registration application;

(4) Is subject to any federal or state administrative enforcement order or judgment which prohibits, denies, or revokes the use of any exemption from registration in connection with this offer, purchase, or sale of securities;

(5) Is currently subject to any order, judgment, or decree of any court of competent jurisdiction temporarily or preliminarily restraining or enjoining, or is subject to any order, judgment, or decree of any court of competent jurisdiction, permanently restraining or enjoining such party from engaging in or continuing any conduct or practice in connection with the purchase or sale of any security or involving the making of any false filing with any state or with the Securities and Exchange Commission entered within five years prior to the filing of the ~~((ULOR-C))~~ SCOR registration application; provided, however, the prohibition of this subsection and subsections (1) through (3) of this section shall not apply if the person subject to the disqualification is duly licensed or registered to conduct securities related business in the state in which the administrative order or judgment was entered against such person or if the broker-dealer employing such party is licensed or registered

in this state and the Form BD filed in this state discloses the order, conviction, judgment, or decree relating to such person. No person disqualified under this section may act in any capacity other than that for which the person is licensed or registered. Any disqualification caused by this section is automatically waived if the state securities administrator or other state or federal agency which created the basis for disqualification determines upon a showing of good cause that it is not necessary under the circumstances that the exemption be denied.

AMENDATORY SECTION (Amending Order SDO-048-88, filed 8/8/88)

WAC 460-17A-050 Agreement by registrant on ((stock)) splits and ((stock)) dividends of stock or ownership interests. By filing for ((ULOR-C)) SCOR registration in this state, the registrant agrees with the administrator that the registrant will not split its common stock or common ownership interests, or declare a stock or ownership interest dividend, for two years after the effectiveness of the registration without the prior written approval of the administrator.

AMENDATORY SECTION (Amending Order SDO-048-88, filed 8/8/88)

WAC 460-17A-060 Documents to be filed with administrator by ((ULOR-C)) SCOR registrant. In addition to filing a properly completed form ((ULOR-C)) SCOR, applicants for ((ULOR-C)) SCOR registration shall file the following exhibits with the administrator:

- (1) Form of selling agency agreement;
- (2) The issuer's articles of incorporation, articles of organization, or other charter documents and all amendments thereto;
- (3) The issuer's bylaws or operating agreement, as amended to date;
- (4) Copy of any resolutions by directors setting forth terms and provisions of capital stock to be issued or by managers or managing members setting forth terms and or capital ownership interest to be issued;
- (5) Any indenture, form of note or other contractual provision containing terms of notes or other debt, or of options, warrants, or rights to be offered;
- (6) Specimen of security or ownership interest certificate to be offered (including any legend restricting resale);
- (7) Consent to service of process accompanied by appropriate corporate or company resolution;
- (8) Copy of all advertising or other materials directed to or to be furnished investors in the offering;
- (9) Form of escrow agreement for escrow of proceeds;
- (10) Consent to inclusion in disclosure document of accountant's report;
- (11) Consent to inclusion in disclosure document of any tax advisor's opinion or description of tax consequences;
- (12) Consent to inclusion in disclosure document of any evaluation of litigation or administrative action by counsel;
- (13) Form of any subscription agreement for the purchase of securities in this offering;
- (14) Opinion of attorney licensed to practice in a state or territory of the United States that the securities to be sold in the offering have been duly authorized and when issued upon payment of the offering price will be legally and

validly issued, fully paid and nonassessable and binding on the issuer in accordance with their terms;

(15) Schedule of residence street addresses of officers, directors, and principal stockholders or managers, managing members, and principal members.

AMENDATORY SECTION (Amending WSR 91-04-009, filed 1/25/91, effective 2/25/91)

WAC 460-17A-070 Application of chapter 460-16A WAC to registrations under this chapter. The provisions of chapter 460-16A WAC shall not apply to registrations under this chapter except:

- (1) The promotional shares rules ((contained in WAC 460-16A-101 through 460-16A-109)) adopted in WAC 460-16A-205 (1)(p) shall apply except that ((+ (a)) promotional shares need be escrowed ((pursuant to WAC 460-16A-104)) only to the extent that such shares exceed sixty percent of the shares to be outstanding upon the completion of the offering; ((and (b) WAC 460-16A-103 shall not apply;))
- (2) The impound provisions of WAC 460-16A-150 through 460-16A-175 shall apply;
- (3) WAC 460-16A-035 shall apply;
- (4) WAC 460-16A-075 shall apply except that for offerings with an aggregate offering price of under \$500,000 selling expenses which do not exceed twenty percent of the offering price will be considered reasonable so long as total compensation paid to any underwriter does not exceed fifteen percent;
- (5) WAC 460-16A-200 shall apply;
- (6) WAC 460-16A-210 shall apply;
- (7) The administrator reserves the right to apply chapter 460-16A WAC (or any provision therein) to offerings under this chapter if the administrator determines that such application, even in the small business offering context, is necessary for the protection of investors.

WSR 96-07-084
PROPOSED RULES
DEPARTMENT OF
FINANCIAL INSTITUTIONS
(Securities Division)

[Filed March 20, 1996, 8:12 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-03-121.

Title of Rule: Chapter 460-10A WAC, Definitions.

Purpose: Several of the current definitions in chapter 460-10A WAC are out-of-date and need to be revised for clarity and so they are consistent with definitions in other chapters of Title 460 WAC. The previous repeal of several WAC chapters has eliminated the need for several definitions. New definitions are needed to accommodate recent rule changes.

Statutory Authority for Adoption: RCW 21.20.450.

Statute Being Implemented: Chapter 21.20 RCW.

Summary: Repeal WAC 460-10A-035, 460-10A-055, 460-10A-065, 460-10A-075 through 460-10A-105, 460-10A-115 through 460-10A-125, 460-10A-135 through 460-10A-

155. Amend WAC 460-10A-050, 460-10A-060, 460-10A-110, 460-10A-130, 460-10A-170 and 460-10A-180. Add new definitional sections: WAC 460-10A-185 Control, WAC 460-10A-190 Equity security, 460-10A-195 Promotional or developmental stage corporation, WAC 460-10A-200 Public market, 460-10A-205 Significant earnings, and 460-10A-210 Unaffiliated institutional investor.

Reasons Supporting Proposal: The repeal WAC 460-10A-035, 460-10A-055, 460-10A-065, 460-10A-075 through 460-10A-105, 460-10A-115 through 460-10A-125, 460-10A-135 through 460-10A-155 is being proposed as these provisions define terms that either no longer or have been supplanted by subsequently adopted definitions in the substantive regulatory chapters administered by the securities administrator. These definitions pertained to the regulation of real estate programs and real estate investment trusts codified in former chapters 460-32A, 460-34A and 460-36A WAC. These chapters were repealed several years ago when the administrator adopted NASAA guidelines on these and other topics in WAC 460-16A-205. Since these definitions are obsolete, it is anticipated that their repeal will have no effect.

The amendments to WAC 460-10A-050, 460-10A-060, 460-10A-110, 460-10A-130, 460-10A-170, and 460-10A-180 are proposed to make the definitions of these terms consistent with the definitions used in other chapters of Title 460 WAC and to otherwise provide clarity:

WAC 460-10A-050 Promotional shares defined, 460-10A-060 Affiliate, 460-10A-130 Person, and 460-10A-180 Promoter are being amended so that they are consistent with the definitions of those same terms adopted pursuant to WAC 460-16A-205 (1)(p).

WAC 460-10A-170 Officer is being amended to clarify that persons with titles other than "president," "secretary," or "treasurer" may be officers of a corporation.

Material effects of these amendments are not anticipated.

New definitional sections are proposed as follows: WAC 460-10A-185 Control, 460-10A-190 Equity security, 460-10A-195 Promotional or developmental stage corporation, 460-10A-200 Public market, 460-10A-205 Significant earnings, and 460-10A-210 Unaffiliated institutional investor. These definitions are consistent with the definitions of those same terms previously adopted pursuant to WAC 460-16A-205 (1)(p). Similar definitions were formerly found in former WAC 460-16A-102, which was repealed when WAC 460-16A-205 (1)(p) was adopted. As these definitions are frequently referenced, they are being included in this chapter for convenience. As these new sections are consistent with current definitions codified in other chapters of Title 460 WAC, their adoption in this chapter is not anticipated to cause any material effects.

Name of Agency Personnel Responsible for Drafting: William M. Beatty, 210 11th Avenue S.W., Olympia, (360) 902-8760; Implementation: John L. Bley, 210 11th Avenue S.W., Olympia, (360) 902-8700; and Enforcement: Deborah R. Bortner, 210 11th Avenue S.W., Olympia, (360) 902-8760.

Name of Proponent: Securities Division, Department of Financial Institutions, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Reasons Supporting Proposal above.

Proposal Changes the Following Existing Rules: See Reasons Supporting Proposal above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed changes impose no additional costs on business. The definitions to be deleted have been obsolete since the substantive chapters to which they pertain were deleted several years ago. The amendments and new sections are proposed so that terms defined in chapter 460-10A WAC are consistent with those definitions used in previously adopted regulations, for clarity, and for the convenience of the users of Title 460 WAC.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Department of Financial Institutions is not one of the agencies identified in this section.

Hearing Location: Department of Financial Institutions, Securities Division, Executive Conference Room, 300 General Administration Building, 210 11th Avenue S.W., Olympia, WA 98504, on April 23, 1996, at 2:00 p.m.

Assistance for Persons with Disabilities: Contact Darlene Bamer by April 16, 1996, TDD (360) 664-8126, or (360) 902-8760.

Submit Written Comments to: Bill Beatty, P.O. Box 9033, Olympia, WA 98507-9033, FAX (360) 586-5068, by April 22, 1996.

Date of Intended Adoption: April 26, 1996.

March 19, 1996

John L. Bley

Director

AMENDATORY SECTION (Amending Order 304, filed 2/28/75, effective 4/1/75)

WAC 460-10A-050 Promotional shares defined. "Promotional shares" means any ~~((securities which are:~~

~~(1) Issued in consideration for services rendered in connection with the founding or organizing of a business enterprise, or~~

~~(2) Issued to a promoter in consideration for any tangible or intangible property, such as patents, copyrights or goodwill, to the extent that the value has not been satisfactorily established, or~~

~~(3) Issued to a promoter in the recent past or proposed to be issued at a price substantially lower than the price at which other securities of the same class or substantially similar class have been or are to be sold without any change in the conditions of the market or in the circumstances of the issuer which would justify such different prices)) equity securities which were, or are to be, issued to promoters for less than eighty-five percent of the proposed public offering price. Equity securities which were, or are to be, issued for services rendered, patents, copyrights or other intangibles are presumed to be promotional shares unless, and to the extent that, the value of such intangibles has been established to the satisfaction of the administrator pursuant to recognized standards of valuation acceptable to the administrator. Consideration for shares of equity securities may include out-of-pocket development and marketing expenses (excluding promoters' salaries) to the extent that such expenses are not reimbursed by the issuer.~~

AMENDATORY SECTION (Amending Order 304, filed 2/28/75, effective 4/1/75)

WAC 460-10A-060 Affiliate. Means ~~((1))~~ any person directly or indirectly controlling, controlled by or under common control with another person including, but not limited to:

~~((2))~~ (1) A person owning or controlling ~~((ten))~~ five percent or more of the outstanding voting securities of such other person~~(s)~~; or

~~((3))~~ (2) Any officer, director, partner or employee, or such person, and if such other person is an officer, director, partner or employee, any company for which such person acts in any such capacity.

AMENDATORY SECTION (Amending Order 304, filed 2/28/75, effective 4/1/75)

WAC 460-10A-110 Net worth. The excess of total assets over total liabilities as determined by generally accepted accounting ~~((practices))~~ principles.

AMENDATORY SECTION (Amending Order 304, filed 2/28/75, effective 4/1/75)

WAC 460-10A-130 Person. Any ~~((natural person, partnership, corporation, association or other legal entity))~~ individual, corporation, partnership, trust, or other legal entity, or any unincorporated association or organization including the following:

(1) Any relative, spouse, or relative of the spouse of the specified person;

(2) Any trust or estate in which the specified person or any of the persons specified in subsection (1) of this section, collectively own five percent or more of the total beneficial interest or of which any such persons serve as trustee, executor, or in any similar capacity; and

(3) Any corporation or other organization, other than the issuer, in which the specified person or any of the persons specified in subsection (1) of this section, are the beneficial owners collectively of five percent or more of any class of equity securities or five percent or more of the equity interest.

AMENDATORY SECTION (Amending Order SD-131-77, filed 11/23/77)

WAC 460-10A-170 Officer. The term "officer" means a president, ~~((treasurer or secretary))~~ vice-president in charge of a business unit or division, treasurer, secretary, chief executive officer, chief operating officer, chief financial officer, person who performs a principal policy making function for a principal business unit or division, or any person occupying a similar status and performing a similar function with respect to any organization, whether incorporated or unincorporated.

AMENDATORY SECTION (Amending Order SD-131-77, filed 11/23/77)

WAC 460-10A-180 Promoter. The term "promoter" includes, but is not limited to:

(1) Any person who, acting alone or in conjunction with one or more persons, directly or indirectly takes the initiative

in founding and organizing the business or enterprise of an issuer; ~~((or))~~

(2) Any person who, in connection with the founding or organizing of the business or enterprise of the issuer, directly or indirectly receives in consideration of services or property, ~~((ten))~~ or both services and property, five percent or more of any class of ~~((securities or))~~ equity security of the issuer or five percent or more of the proceeds from the sale of any class of ~~((securities))~~ equity security of the issuer. However, a person who receives such securities or proceeds ~~((either))~~ solely as underwriting commissions ~~((or solely in consideration of property,))~~ shall not be deemed a promoter within the meaning of this paragraph if such person does not otherwise take part in founding and organizing the enterprise;

(3) Any person who is an officer, director, or who beneficially owns, directly or indirectly, more than five percent of any class of equity security of the issuer, excluding equity securities purchased by any unaffiliated institutional investor more than one year prior to the filing date of the proposed offering; or

(4) Any person who is an affiliate of a person specified under subsection (1), (2), or (3) of this section.

NEW SECTION

WAC 460-10A-185 Control. Means the power to direct the management or policies of a person, directly or indirectly, whether it be through ownership of voting securities, by contract, or otherwise.

NEW SECTION

WAC 460-10A-190 Equity security. Means any common stock or similar security, or any instrument convertible, with or without consideration, into such a security, or a warrant, option or right to subscribe to or purchase such a security; or any such warrant, option or right.

NEW SECTION

WAC 460-10A-195 Promotional or developmental stage corporation. Means an issuer which has no public market for its shares and has no significant earnings.

NEW SECTION

WAC 460-10A-200 Public market. Excludes thin markets which do not result in reliable prices. If there is doubt as to the reliability of the market for an issuer's shares, the administrator may consider the market history, the public trading volume, the spread between the bid and asked prices, the number of market makers, public float, the pricing formula and other relevant factors.

NEW SECTION

WAC 460-10A-205 Significant earnings. Means annual earnings per share of at least five percent of the public offering price for the last two fiscal years, or average annual earnings per shares of at least five percent of the public offering price for the last five fiscal years. Where good cause is shown, the administrator may consider other factors in determining whether significant earnings exist.

NEW SECTION

WAC 460-10A-210 Unaffiliated institutional investor. Means any unaffiliated bank; investment company registered under, or business development company as defined in, the Investment Company Act of 1940; small business investment company licensed by the U.S. Small Business Administration under section 301 of the Small Business Investment Act of 1958; employee benefit plan within the meaning of Title I of the Employee Retirement Income Security Act of 1974; insurance company; private business development company as defined in section 202 (a)(22) of the Investment Advisors Act of 1940 or any comparable business entity engaged as a substantial part of its business in the purchase and sale of securities and which owns less than twenty percent of the securities to be outstanding upon the completion of the proposed public offering.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 460-10A-035	Seasoned corporation.
WAC 460-10A-055	Acquisition fee.
WAC 460-10A-065	Appraised value.
WAC 460-10A-075	Capital contribution.
WAC 460-10A-080	Cash flow.
WAC 460-10A-090	Cash available for distribution.
WAC 460-10A-095	Construction fee.
WAC 460-10A-100	Cost of property.
WAC 460-10A-105	Development fee.
WAC 460-10A-115	Nonspecified property program.
WAC 460-10A-120	Organization and offering expenses.
WAC 460-10A-125	Participant.
WAC 460-10A-135	Program.
WAC 460-10A-140	Program interest.
WAC 460-10A-145	Program management fee.
WAC 460-10A-150	Property management fee.
WAC 460-10A-155	Sponsor.

WSR 96-07-087**PROPOSED RULES****DEPARTMENT OF AGRICULTURE**

[Filed March 20, 1996, 8:47 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-04-057.

Title of Rule: Bean seed certification and phytosanitary rules.

Purpose: To update rules, allowing for planting certain varieties of beans under sprinklers. New varieties are more disease resistant and can be grown under sprinklers if alternated with rill irrigation. Make growing conditions the same as in Idaho.

Statutory Authority for Adoption: Chapter 15.49 RCW.
Statute Being Implemented: Chapter 15.49 RCW.

Summary: This rule allows growing disease resistant beans under sprinklers with rotation to rill irrigation and serology testing.

Reasons Supporting Proposal: Creates a level playing field with growers in Idaho, and for the same market.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Max Long, Yakima, (509) 575-2750.

Name of Proponent: Washington Seed Council and the bean seed industry, private.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Language drafted with industry, no fiscal impact.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule allows growing disease resistant bean seed under sprinkler irrigation for the first time. Such irrigation techniques usually wash disease organisms onto the plant parts and seed pods allowing contamination of the harvested seed. With new disease resistant varieties this is less likely. Also, rill irrigated land is at a premium and with water conservation it makes sense to use sprinkler systems when possible. Sufficient quantities of rill irrigated land are not available to plant the number of acres that are required to meet the bean seed market demand. The effect of the rule is: It allows growers to plant as much acreage as they can acquire contracts for. It levels the playing field with growers and seed companies in Idaho, and who are competing for the same market, and using sprinkler irrigation. The seed companies contract for seed in both Washington and Idaho.

Proposal Changes the Following Existing Rules: Existing rule language require that all bean seed be grown under rill irrigation.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rule does not impose any new monetary impact on the industry. It merely removes a prohibition against planting seed under sprinklers.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Washington State Department of Agriculture is not a listed agency in section 201.

Hearing Location: 2015 South First Street, Yakima, WA, on May 6, 1996, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Cathy Jensen by April 18, 1996, TDD (360) 902-1996, or (360) 902-1976.

Submit Written Comments to: Max Long, Program Manager, 2015 South First Street, Yakima, WA 98903, FAX (509) 454-4395, by May 6, 1996.

Date of Intended Adoption: June 4, 1996.

March 19, 1996
Julie C. Sandberg
Assistant Director

AMENDATORY SECTION (Amending Order 2092, filed 5/27/92, effective 5/27/92)

WAC 16-316-280 Field tolerances. Field tolerances shall be as follows:

(1)

	Field Producing		
	Found- ation	Regis- tered	Certi- fied
Other varieties or off-type plants	none found	0.1%	0.2%
Other crops	none found	0.1%	0.1%
Total seed-borne diseases	none found	none found	none found

Except as noted in subsection (6) of this section

(2) ~~Snap ((beans and kidney beans grown under sprinkler irrigation will not be eligible for certification. Further snap)) and kidney beans shall be isolated by 1320 feet from known bacterial blight.~~

(3)(a) Pintos, Red Mexicans, Pinks, Great Northerns, Small Whites, Navy Beans, Kidney Beans, and Black Turtles beans shall be grown and inspected for each of one generation under rill irrigation prior to, and for two generations under sprinkler irrigation. Subsequent generations of these varieties shall be grown and inspected in the same manner; and

(b) Cranberry types, Taylor hort. types, and Borlotto types of beans shall be grown and inspected for each of one generation under rill irrigation prior to, and for two generations under sprinkler irrigation. A maximum of three subsequent generations of these types of beans shall be grown and inspected in the same manner. Each lot being grown under sprinklers shall be officially sampled and serology tested, prior to replanting under sprinkler irrigation. Any lot grown under sprinkler irrigation for two consecutive generations shall be serology tested prior to replanting and shall be planted under rill irrigation for one generation.

(4) Fields must be rogued of weeds, off-type plants, volunteer plants, and plants showing symptoms of seed-borne diseases. Excessive night-shade shall be a cause for rejection.

~~((4))~~ (5) A field to be eligible for certification must have clean, cultivated boundaries at least ten feet wide.

~~((5))~~ (6) Excessive weeds, poor stands, lack of vigor, or any other condition which is apt to make inspection inaccurate may be cause for rejection of the field.

~~((6))~~ (7) Bean fields, including those planted with a dominant I-gene cultivar, showing virus-like mosaic symptoms will not be accepted as free of seedborne virus diseases until seed samples are tested serologically, or with serology and a grow out test and found to be free of seedborne virus diseases.

AMENDATORY SECTION (Amending Order 2093, filed 6/9/92, effective 7/10/92)

WAC 16-316-327 Phyto-sanitary certificate for beans. (1) Specific bacterial diseases of beans for which phyto-sanitary certificates may be issued are:

(a) *Halo Blight - Pseudomonas phaseolicola* (Burk.) Dows.

(b) *Common Bean Blight - Xanthomonas phaseoli* (E.F. Sm.) Dows.

(c) *Fuscous Blight - Xanthomonas phaseoli* var. *fuscans* (Burk.)

(d) *Bean Bacterial Wilt - Corynebacterium flaccumfaciens* (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-))~~ (a) To be eligible for phyto-sanitary certificates, Pintos, Red Mexicans, Pinks, Great Northerns, Small Whites, Navy Beans, Kidney Beans, and Black Turtles beans shall be grown and inspected for each of one generation under rill irrigation prior to, and for two generations under sprinkler irrigation. Subsequent generations of these varieties shall be grown and inspected in the same manner; and

(b) Cranberry types, Taylor hort. types, and Borlotto types of beans shall be grown and inspected for each of one generation under rill irrigation prior to, and for two generations under sprinkler irrigation. A maximum of three subsequent generations of these types of beans shall be grown and inspected in the same manner. Each lot being grown under sprinklers shall be officially sampled and serology tested, prior to replanting under sprinkler irrigation. Any lot grown under sprinkler irrigation for two consecutive generations shall be serology tested prior to replanting and shall be planted under rill irrigation for one generation.

(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 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.

WSR 96-07-090
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Institutions)

[Filed March 20, 1996, 9:22 a.m.]

Original Notice.

PROPOSED

Preproposal statement of inquiry was filed as WSR 95-21-042.

Title of Rule: Chapter 275-26 WAC, Community residential services and support.

Purpose: To establish in rule minimum certification requirements for nurse delegation to occur in certified community residential programs for the developmentally disabled.

Statutory Authority for Adoption: Chapters 18.88A, 71A.12 RCW.

Statute Being Implemented: Chapter 18.88A RCW.

Summary: With the passage of E2SHB 1908, the legislature directed the department to develop and adopt by rule basic core training which nursing assistants, registered or certified, must complete before commencing any specific nursing care tasks authorized under this law.

Reasons Supporting Proposal: Registered nurses are allowed, under specific guidelines, to delegate to nursing assistants selected nursing tasks for individuals in certified community residential programs for the developmentally disabled. These rules accommodate the directive from the legislature through E2SHB 1908 to implement nurse delegation in these settings. Implementation of this service will better ensure quality health care for persons with developmental disabilities and assist in preventing the need for people to move to nursing homes due to nursing care needs.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Colleen Erskine, P.O. Box 45310, Olympia, WA 98504, (360) 664-0122.

Name of Proponent: Department of Social and Health Services, Division of Developmental Disabilities; rules are being done in compliance with E2SHB 1908, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Summary and Reasons Supporting Proposal above.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Per RCW 34.05.310(4) this rule will adopt or incorporate by reference without material change Washington state statute chapter 18.88A RCW. Additionally, the Division of Developmental Disabilities will: (1) Reimburse contracted agencies for costs incurred for agency staff to complete nurse delegation core training; and (2) will either purchase directly or reimburse agencies for the cost of registered nurses to provide core training and to delegate nursing tasks per chapter 246-840 WAC, Nursing commission protocols.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Department of Social and Health Services is exempt from this provision as described under RCW 34.05.328.

Hearing Location: Olympia hearing on April 23, 1996, at 10:00 a.m., OB-2 Auditorium, 1115 Washington Street S.E., Olympia, WA 98504; and Spokane hearing on April 29, 1996, at 10:00 a.m., Spokane County Health District, 1101 West College Avenue, Spokane, WA 99201-2095.

Assistance for Persons with Disabilities: Contact Merry A. Kogut, Supervisor, by April 9, 1996, TDD (360) 65309525 [753-0625].

Submit Written Comments to and Identify WAC Numbers: Merry A. Kogut, Supervisor, Rules and Policies Assistance Unit, Mailstop 45800, Olympia, 98504, FAX (360) 664-0118, by April 16, 1996.

Date of Intended Adoption: April 30, 1996.

March 20, 1996

Merry A. Kogut, Supervisor
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 3230, filed 8/9/91, effective 9/9/91)

WAC 275-26-010 Definitions. (1) "Agency" means the department-certified entity providing residential instruction and support services to clients.

(2) "Certification" means the determination of satisfactory compliance with the rules and regulations outlined as referenced under this chapter.

(3) "Client" means a person the division determines under RCW 71A.16.040 and WAC 275-27-026 eligible for division-funded services.

(4) "Client/provider account" means an account in the name of one client where the client or client's provider has the authority to make deposits or withdrawals. The banking laws under RCW 30.22.040 refer to this as an "agency account."

(5) "Client services" means instruction and support activities promoting the following client-centered benefits:

- (a) Health and safety:
 - (i) Needing and using health services;
 - (ii) Dealing with illness and injury and first aid procedures;
 - (iii) Learning about basic nutrition;
 - (iv) Maintaining good health;
 - (v) Obtaining mental health services when needed;
 - (vi) Learning about human sexuality;
 - (vii) Being aware of fire evacuation plans;
 - (viii) Knowing emergency procedures, including how to use 911 or a local emergency number;
 - (ix) Being aware of burglary protection strategies; and
 - (x) Learning self-protection.
- (b) Personal power and choice:
 - (i) Securing housing and furnishings reflecting personal preferences, life style, and financial means;
 - (ii) Expressing opinions and making decisions;
 - (iii) Learning and exercising rights and responsibilities;
 - (iv) Improving communication skills;
 - (v) Participating in various activities, including new experiences;
 - (vi) Exercising a voter's rights;
 - (vii) Learning about available protection and advocacy services; and
 - (viii) Making career choices.
- (c) Positive recognition by self and others:
 - (i) Creating positive self-esteem and feelings of self-worth;
 - (ii) Choosing valued social roles; and
 - (iii) Having choices influencing valued perception of self and others.
- (d) Integration in the physical and social life of the community:

(i) Residing in areas convenient to shopping, banking, eating, worshiping, learning, making friends, and otherwise participating in community life;

(ii) Assisting people to use available transportation;

(iii) Meeting new people and participating with other members of the community in shared activities; and

(iv) Accessing educational and vocational opportunities.

(e) Positive relationships:

(i) Establishing, maintaining, expanding, and improving relationships by providing personal interaction opportunities with people;

(ii) Involving the client's family, guardian, or representative in planning and decision making which affect the client;

(iii) Resolving disagreements among clients or among clients and family, friends, neighbors, and co-workers;

(iv) Coping with the loss of a significant relationship, such as the death of a friend or family member, end of a relationship, loss of a job, or change of staff.

(f) Competence and self-reliance:

(i) Learning and using skills useful to the client, such as meal planning, grocery shopping, meal preparation, cleaning laundry, using household appliances, money management and budgeting, and use of leisure time in settings where the skills are needed;

(ii) Identifying situations in which the client needs or desires assistance from others;

(iii) Accomplishing tasks requiring the assistance of staff or others; and

(iv) Acquiring and using adaptive devices and equipment.

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

(7) "Depositor," when utilized in determining the rights of persons to funds in an account, means a person who owns the funds.

(8) "Division" means the division of developmental disabilities of the department of social and health services.

(9) "Exemption" means the department's approval of a written request for an exception to a rule in this chapter.

(10) "Facility based" means a residence which is owned, leased, or rented by an entity other than the client.

(11) "Frequency" means how often a designated event has occurred.

(12) "Group home" means a residence licensed by the applicable state authority and operated by an agency certified by the division of developmental disabilities.

~~((12))~~ (13) "Group training home" means a residence meeting the definition of RCW 71A.22.020(2) and which is operated by an agency certified by the division of developmental disabilities as defined under RCW 71A.22.040.

~~((13))~~ (14) "Imprest fund" means a petty cash fund which has a pre-established limit. The total of the cash in the fund and receipts from withdrawals from the fund equal the pre-established limit.

~~((14))~~ (15) "Individual account" means one account in the name of one client primarily managed by a provider.

~~((15))~~ (16) "Individual client cash" means one client's cash controlled by the provider.

~~((16))~~ (17) "Instruction" means goal-oriented teaching addressing skill acquisition and skill enhancement.

~~((17))~~ (18) "Nonfacility based" means the client owns, leases, sub-leases, or rents a residence although others, except the department, may guarantee the client's credit.

~~((18))~~ (19) "Nursing assistant" means a nursing assistant-registered under chapter 18.88A RCW, or a nursing assistant-certified under chapter 18.88A RCW.

(20) "Provider" means the agency or individual with which the department contracts for providing client instruction and support services.

~~((19))~~ (21) "Reprisal" means any negative action taken as retaliation against an employee. A rebuttable presumption is raised that reprisal has occurred if a negative action occurs within a year of a refusal to delegate or accept delegation. Occurring as a result of a lawful employee action, "reprisal" includes, but is not limited to:

(a) Harassment;

(b) Firing;

(c) Demotion; or

(d) Disciplinary action.

(22) "Residence" means the place or home where a client resides.

~~((20))~~ (23) "Residential service" means work or duties performed by the provider to meet clients' daily living needs and enhance clients' lives.

~~((21))~~ (24) "Secretary" means the secretary of social and health services or the secretary's designee.

~~((22))~~ (25) "Severity" means the seriousness of the occurrence as determined by the:

(a) Actual or potential negative outcomes for residents; or

(b) Extent to which the resident's physical, mental, or psychosocial well-being is compromised or threatened.

(26) "Support" means:

(a) Assistance to a client in performance of necessary functions or tasks; or

(b) The performance of a task on behalf of a client, that is, someone else does the client's task.

~~((23))~~ (27) "Trust account" means an account containing two or more clients' funds where the provider has the authority to make deposits or withdrawals.

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 275-26-074 Nurse delegation. (1) Before being authorized to perform a delegated nursing care task, staff shall:

(a) Be a nursing assistant-registered or nursing assistant-certified;

(b) Complete nurse delegation core training as approved by the department. The training includes but is not limited to:

(i) Nurse delegation laws and protocols;

(ii) Basic medical knowledge; and

(iii) Medication administration.

(c) The certified community residential services agency shall document this training activity and a certificate shall be issued to the nursing assistant upon completion of the required training.

(2) Nursing assistants delegated a nursing care task in compliance with the nursing care quality assurance commission requirements shall perform the task:

(a) In compliance with all requirements and protocols established by the commission in chapter 246.840 WAC;

(b) Only for the specific client who was the subject of the delegation; and

(c) Only with the consent of the client or a person authorized to provide consent for health care on behalf of the client under this section and RCW 7.70.065. "Persons authorized to provide consent for health care" shall be a member of one of the following classes of persons in the following order of priority:

(i) Legal guardian, if any;

(ii) An individual who holds a durable power of attorney for health care decisions;

(iii) The client's spouse;

(iv) The client's children who are at least eighteen years of age;

(v) The client's parents; and

(vi) The client's adult siblings.

(3) The nursing assistant shall not transfer delegated authority to perform the nursing care tasks to another nursing assistant.

(4) The nursing assistant:

(a) May consent or refuse to consent to perform a delegated nursing care task;

(b) Shall be responsible for the nursing assistant's own actions with regard to the decision to consent or refuse to consent to the performance of the delegated task; and

(c) The nursing assistant shall not be subject to any employer reprisal for refusing to accept delegation of a nursing care task.

(5) The agency shall post and keep posted in a conspicuous place or places where notices to employees are customarily posted, the toll free telephone number established by aging and adult services administration for receiving complaints regarding delegation of specific nursing tasks to nursing assistants.

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 275-26-076 Nurse delegation—Penalties. (1)

The department shall impose a civil fine of not less than two hundred fifty dollars and not more than one thousand dollars on any provider that knowingly performs or knowingly permits an employee to perform a nursing task except as delegated by a nurse under:

(a) Chapter 18.88A RCW; and

(b) Chapter 246-840 WAC (nursing care quality commission regulations).

(2) When assessing civil fines, the investigator shall consider:

(a) Severity of occurrence;

(b) Frequency of occurrence; and

(c) Other relevant factors relating to the occurrence.

(3) The department shall make technical assistance available to providers for purposes of education and assis-

stance in order to help providers comply with nurse delegation rules and protocols.

(a) The department's technical assistance program shall include:

(i) Requested or voluntarily accepted technical assistance visits during which or soon after which the department informs the provider of violation of law or agency rules;

(ii) How to access the technical assistance;

(iii) Printed information;

(iv) Information and assistance by phone;

(v) Training meetings;

(vi) Other appropriate methods to provide technical assistance; and

(vii) A list of organizations that provide technical assistance.

(b) The provider shall be given a reasonable period of time to correct violations identified during a technical assistance visit before any civil penalty provided by law is imposed for those violations except as provided in subsection (3)(c) of this section;

(c) A civil penalty may be issued during a technical assistance visit if:

(i) The provider has previously been:

(A) Subject to an enforcement action for the same or similar type of violation of the same statute or rule; or

(B) Given previous notice of the same or similar type of violation of the same statute or rule; or

(ii) The violation has a probability of placing a person in danger of death or bodily harm.

(d) Nothing in these rules obligates the department to conduct a technical assistance visit.

(4) Before imposition of a civil fine and for clarification purposes, the department may take substantially the following steps:

(a) Notify the agency of the concern;

(b) Give the agency an opportunity to explain circumstances or present additional information which may clarify concern;

(c) Request the agency to provide additional information if necessary;

(d) Nothing in this rule shall be construed to require the department to impose a fine if a determination is made that no unlawful delegation occurred.

NEW SECTION

WAC 275-26-077 Notice of fine and appeal rights.

(1) The department shall give the provider written notice of the civil fine. The department shall ensure the notice:

(a) States the amount and reasons for the fine and the applicable law under which the fine is imposed; and

(b) Informs the provider of the right to request an adjudicative hearing.

(2) A civil fine becomes due twenty-eight days after the service of the written notice of the fine unless the provider requests a hearing in compliance with chapter 34.05 RCW and RCW 43.20A.215. If a hearing is requested, the department shall stay the fine pending a final decision on the matter.

(3) A provider contesting the department's decision to impose a civil fine shall, within twenty-eight days of receipt of the decision:

(a) File a written application for an adjudicative proceeding by a method showing proof of receipt with the Office of Appeals, P.O. Box 2465, Olympia, WA 98504; and
 (b) Include in or with the application:

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

(ii) A copy of the contested department decision.

(4) Administrative proceedings shall be governed by chapter 34.05 RCW, RCW 43.20A.215, and chapter 388-08 WAC. If any provision in this section conflicts with chapter 388-08 WAC, the provision in this section governs.

(5) When a provider disagrees with the department's finding of a violation under this chapter, the provider shall have the right to have the violation reviewed under the department's dispute resolution process.

(6) Upon request by the provider, the department shall expedite the dispute resolution process to review the imposition of a civil fine.

(7) No agency may discriminate or retaliate in any manner against a person because the person made a complaint or cooperated in the complaint investigation.

WSR 96-07-091

PROPOSED RULES

PERSONNEL RESOURCES BOARD

[Filed March 20, 1996, 9:20 a.m.]

Continuance of WSR 96-04-053.

Title of Rule: Amending WAC 251-14-110 Arbitration—Collective bargaining impasse—Grievance disputes, 251-12-232 Prehearing conference, 251-12-099 Filing of prehearing statements, briefs, and written argument, 251-12-100 Hearings before the board, 251-12-102 Motion for continuance—Procedure and 251-12-180 Subpoenas—Issuance to parties; new sections WAC 251-14-130 Arbitration—Grievance—Procedure, 251-12-104 Prehearing procedures—Exhibits, 251-12-105 Scheduling of hearings and 251-12-106 Withdrawals—Default at hearings; and repealing WAC 251-12-101 Motion(s) for continuance.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on April 11, 1996, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by April 4, 1996, TDD (360) 753-4107, or (360) 586-0509.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, FAX (360) 586-4694, by April 9, 1996.

Date of Intended Adoption: April 11, 1996.

March 20, 1996
 Dennis Karras
 Secretary

WSR 96-07-092

PROPOSED RULES

PERSONNEL RESOURCES BOARD

[Filed March 20, 1996, 9:22 a.m.]

Continuance of WSR 96-02-070.

Title of Rule: WAC 356-15-060 Shift premium provisions and compensation.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on May 9, 1996, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by May 2, 1996, TDD (360) 753-4107, or (360) 586-0509.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, FAX (360) 586-4694, by May 7, 1996.

Date of Intended Adoption: May 9, 1996.

March 20, 1996
 Dennis Karras
 Secretary

WSR 96-07-098

PROPOSED RULES

DEPARTMENT OF

LABOR AND INDUSTRIES

[Filed March 20, 1996, 10:30 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-03-153 dated January 24, 1996.

Title of Rule: Workers' compensation insurance retrospective rating plan, WAC 296-17-919.

Purpose: Amend standard premium size ranges to reflect twenty-seven percent rate reduction effective April 1, 1996.

Statutory Authority for Adoption: RCW 51.16.035.

Statute Being Implemented: RCW 51.16.035.

Summary: Labor and industries is proposing to amend the standard premium size ranges to reflect a twenty-seven percent rate reduction which goes into effect April 1, 1996.

Reasons Supporting Proposal: The standard premium size range table WAC 296-17-919 was adopted on an emergency basis effective January 1, 1996. Unless this rule is permanently adopted, employers participating [in] the department's optional rating programs will be adversely impacted, as dividends and surcharges provided for in the rating plans are based in part on premiums paid by participating employers. Since premium rates have been reduced, it is necessary to reduce the standard premium ranges to reflect the new premium level.

Name of Agency Personnel Responsible for Drafting: Bill White, Senior Actuary, Tumwater, (360) 902-5014; Implementation and Enforcement: Kathleen Willis, Program Manager, Tumwater, (360) 902-4473.

Name of Proponent: 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 subject rule concerns the standard premium ranges applicable to the department's retrospective rating program. This filing proposes to reduce the premium size ranges to reflect an April 1, 1996, premium rate reduction.

Proposal Changes the Following Existing Rules: Existing rule is being amended to reflect a revised level of premium.

PROPOSED

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department has determined that this rule does not impose any adverse economic impact to participating employers.

Section 201, chapter 403, Laws of 1995, applies to this rule adoption.

Hearing Location: Labor and Industries Office Building, 7273 Linderson Way S.W., Room S-130, Tumwater, WA, on April 23, 1996, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Mark Matthies by April 19, 1996, (360) 902-4838.

Submit Written Comments to: Kathleen Willis, Labor and Industries, P.O. Box 44180, Olympia, WA 98504-4180, FAX (360) 902-4258, by April 23, 1996.

Date of Intended Adoption: April 24, 1996.

March 20, 1996

Michael Watson

for Mark O. Brown

Director

AMENDATORY SECTION (Amending WSR 95-23-080, filed 11/20/95, effective 1/1/96)

WAC 296-17-919 Table I.

RETROSPECTIVE RATING PLANS A, A1, A2, A3, AND B
STANDARD PREMIUM SIZE RANGES
Effective January 1, 1996

Size Group Number	Standard Premium Range
63	\$ 3,577 - \$ 4,323
62	4,324 - 5,189
61	5,190 - 6,175
60	6,176 - 7,307
59	7,308 - 8,600
58	8,601 - 10,056
57	10,057 - 11,712
56	11,713 - 13,588
55	13,589 - 15,681
54	15,682 - 18,040
53	18,041 - 20,694
52	20,695 - 23,640
51	23,641 - 24,912
50	24,913 - 26,812
49	26,813 - 28,887
48	28,888 - 31,179
47	31,180 - 33,714
46	33,715 - 36,501
45	36,502 - 39,598
44	39,599 - 43,049
43	43,050 - 46,864
42	46,865 - 51,137
41	51,138 - 55,936
40	55,937 - 61,281
39	61,282 - 67,319
38	67,320 - 74,162
37	74,163 - 81,850
36	81,851 - 90,623
35	90,624 - 100,670
34	100,671 - 112,075

33	112,076	121,287
32	121,288	132,172
31	132,173	144,339
30	144,340	158,147
29	158,148	173,884
28	173,885	191,683
27	191,684	212,168
26	212,169	235,863
25	235,864	263,056
24	263,057	294,891
23	294,892	332,415
22	332,416	376,273
21	376,274	428,770
20	428,771	492,160
19	492,161	568,056
18	568,057	661,606
17	661,607	778,298
16	778,299	922,687
15	922,688	1,244,645
14	1,244,646	1,694,769
13	1,694,770	2,054,617
12	2,054,618	2,485,083
11	2,485,084	3,138,975
10	3,138,976	4,512,171
9	4,512,172	6,622,189
8	6,622,190	9,415,438
7	9,415,439	13,872,904
6	13,872,905	21,576,453
5	21,576,454	& Over))
<u>63</u>	<u>\$ 2,853</u>	<u>\$ 3,447</u>
<u>62</u>	<u>3,448</u>	<u>4,138</u>
<u>61</u>	<u>4,139</u>	<u>4,924</u>
<u>60</u>	<u>4,925</u>	<u>5,827</u>
<u>59</u>	<u>5,828</u>	<u>6,858</u>
<u>58</u>	<u>6,859</u>	<u>8,019</u>
<u>57</u>	<u>8,020</u>	<u>9,340</u>
<u>56</u>	<u>9,341</u>	<u>10,835</u>
<u>55</u>	<u>10,836</u>	<u>12,505</u>
<u>54</u>	<u>12,506</u>	<u>14,387</u>
<u>53</u>	<u>14,388</u>	<u>16,503</u>
<u>52</u>	<u>16,504</u>	<u>18,853</u>
<u>51</u>	<u>18,854</u>	<u>19,867</u>
<u>50</u>	<u>19,868</u>	<u>21,382</u>
<u>49</u>	<u>21,383</u>	<u>23,037</u>
<u>48</u>	<u>23,038</u>	<u>24,865</u>
<u>47</u>	<u>24,866</u>	<u>26,887</u>
<u>46</u>	<u>26,888</u>	<u>29,109</u>
<u>45</u>	<u>29,110</u>	<u>31,578</u>
<u>44</u>	<u>31,579</u>	<u>34,331</u>
<u>43</u>	<u>34,332</u>	<u>37,373</u>
<u>42</u>	<u>37,374</u>	<u>40,781</u>
<u>41</u>	<u>40,782</u>	<u>44,609</u>
<u>40</u>	<u>44,610</u>	<u>48,871</u>
<u>39</u>	<u>48,872</u>	<u>53,687</u>
<u>38</u>	<u>53,688</u>	<u>59,143</u>
<u>37</u>	<u>59,144</u>	<u>65,274</u>
<u>36</u>	<u>65,275</u>	<u>72,272</u>
<u>35</u>	<u>72,273</u>	<u>80,283</u>
<u>34</u>	<u>80,284</u>	<u>89,379</u>
<u>33</u>	<u>89,380</u>	<u>96,725</u>
<u>32</u>	<u>96,726</u>	<u>105,405</u>
<u>31</u>	<u>105,406</u>	<u>115,109</u>

PROPOSED

30	115,110	-	126,120
29	126,121	-	138,671
28	138,672	-	152,865
27	152,866	-	169,201
26	169,202	-	188,099
25	188,100	-	209,785
24	209,786	-	235,173
23	235,174	-	265,098
22	265,099	-	300,074
21	300,075	-	341,941
20	341,942	-	392,493
19	392,494	-	453,020
18	453,021	-	527,625
17	527,626	-	620,686
16	620,687	-	735,835
15	735,836	-	992,593
14	992,594	-	1,351,565
13	1,351,566	-	1,638,540
12	1,638,541	-	1,981,833
11	1,981,834	-	2,503,306
10	2,503,307	-	3,598,419
9	3,598,420	-	5,281,140
8	5,281,141	-	7,508,733
7	7,508,734	-	11,063,524
6	11,063,525	-	17,207,040
5	17,207,041	-	& Over

WSR 96-07-100
PROPOSED RULES
LIQUOR CONTROL BOARD
 [Filed March 20, 1996, 10:57 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-01-124.

Title of Rule: WAC 314-24-220 Licensing and operation of bonded wine warehouses.

Purpose: Sets forth criteria for the operation of bonded wine warehouses.

Statutory Authority for Adoption: RCW 66.08.030 and 66.24.185.

Summary: The amendatory language being proposed was requested by the Washington Wine Institute to facilitate the removal of wine from such warehouses. The language also clarifies the tax paid status of some wines that may be stored on the premises.

Reasons Supporting Proposal: Removal of wine by winery representatives would help the wineries better serve their retail clients. Clarification of the storage of wine upon which taxes have been paid will ease the problems facing some wineries who need the storage facility because of limited space at the winery premises.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Rich Raico, MIW Supervisor, 1025 East Union, Olympia, (360) 664-2249.

Name of Proponent: Washington Wine Institute, private.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Rule governs the operation of bonded wine ware-

houses. The amendatory action would permit wineries to remove wine for delivery to retail accounts or special occasion licensees directly. In addition, the manner in which wine may be stored (tax paid or in federal bond) is further clarified to remove unnecessary restrictions and ease the storage problems for wineries.

Proposal Changes the Following Existing Rules: Makes it easier for wineries to remove small quantities of wine for delivery to retail accounts or special occasion licensees.

No small business economic impact statement has been prepared under chapter 19.85 RCW. No impact to business since the amendatory action will make it easier for small business to do business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Washington State Liquor Control Board was not identified in this statute.

Hearing Location: Washington State Liquor Control Board, 1025 East Union, Fifth Floor, Board Room, Olympia, WA 98504, on April 24, 1996, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact ATT TTY/TDD Relay by April 23, 1996, TDD (800) 833-6388.

Submit Written Comments to: M. Carter Mitchell, Washington State Liquor Control Board, P.O. Box 43080, Olympia, WA 98504-3080, FAX (360) 664-9689, by April 23, 1996.

Date of Intended Adoption: May 1, 1996.

March 20, 1996
 Nathan S. Ford, Jr.
 Chairman

[**AMENDATORY SECTION** (Amending Order 170, Resolution No. 179, filed 11/27/85)]

WAC 314-24-220 Licensing and operation of bonded wine warehouses.

(1) There shall be a license for bonded wine warehouses pursuant to RCW 66.24.185, and this type of license shall be known as a Class N license. Applications for a bonded wine warehouse license shall be on forms prescribed by the board and shall be accompanied by such information as the board may request including, but not limited to, a written description of the proposed method of shipping, receiving, inventory control, and security.

(2) The bonded wine warehouse shall be physically separated from any other use in such manner as prescribed by the board, and as a condition of license approval, the applicant must furnish the board appropriate documentation indicating the location of the bonded wine warehouse is properly zoned for the intended use. Wine not under federal excise tax bond shall be identified as federally tax-paid and physically separated on the premises to the extent required under the license holder's federal basic permit.

(3) A bonded wine warehouse may provide storage for a domestic winery and for a United States winery outside the state of Washington holding a Washington certificate of approval. The wine may or may not (~~must~~) be under federal bond, and the Washington wine tax provided in RCW 66.24.210 shall not be due until the wine is removed from bond and shipped to a licensed Washington wine wholesaler or, pursuant to RCW 66.12.020, to the liquor control board who will be responsible to pay the tax based on their purchases.

PROPOSED

(4) Every bonded wine warehouse licensee shall have on file and available for inspection records of all wine transactions, including receipts and shipments of wine and the total inventory on hand at the bonded warehouse.

(5) ~~((Shipments))~~ Removals of wine from ((the)) a bonded wine warehouse may be made only for ((be made)) shipment (a) to a licensed independent Washington wine wholesaler((s)); (b) to another licensed bonded wine warehouse; (c) to the liquor control board((s)); (d) out of state; (e) for return to the producing winery((s)); or (f) to a producing domestic winery licensee. ((another bonded wine warehouse or for export.)) For purposes of this section, "producing domestic winery licensee" means the licensed Washington winery that produced the wine and its licensed agents. For purposes of this section, a "licensed agent" shall be an accredited representative, licensed pursuant to WAC 314-44, of only one producing domestic winery at the time of removal by such agent. A producing domestic winery licensee may take possession of wine from a bonded wine warehouse, after accepting an order therefor, and deliver the wine to a purchasing retail or special occasion licensee only by transporting the wine directly from the bonded wine warehouse to the licensed premises of the purchasing retail or special occasion licensee; provided, however, that in no event may a producing domestic winery licensee remove, in the aggregate, during any one calendar year, more than two thousand cases of wine for delivery directly to retail and special occasion licensees. Producing domestic winery licensees shall maintain records of removals and deliveries of wine from bonded wine warehouses and shall file with the liquor control board annually reports of the quantity of wine removed and delivered directly to retail and special occasion licensees. Invoicing shall be by the titleholder. The titleholder shall report shipments to, and returns from the bonded wine warehouse and sales to Washington wine wholesalers, and/or the liquor control board on the twentieth day of the month following the month of shipment and/or sale on forms furnished by, or acceptable to, the board.

(6) At no time shall title to wine stored at the bonded wine warehouse pass to the operator of the bonded wine warehouse.

(7) "Storage of bottled wine only" as used in RCW 66.24.185(1) shall mean the storage of wine packaged for sale at retail (i.e., other than in bulk form).

(8) As a condition precedent to license issuance, a bonded wine warehouse licensee shall guarantee payment to the state of any and all taxes under RCW 66.24.210 in the event the winery or other entity storing wine in the bonded wine warehouse fails to immediately pay such tax when due. Such guarantee shall be in the form of the bond referred to in subsection (9) of this section.

(9) As required by RCW 66.24.185(5) every holder of a bonded wine warehouse license must, at all times when said license is in force, have in effect and on file with the board a bond executed by a surety authorized to do business in the state of Washington, in a form approved by the board and in the amount of five thousand dollars.

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 96-07-101
PROPOSED RULES
LIQUOR CONTROL BOARD

[Filed March 20, 1996, 11:00 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-01-123.

Title of Rule: WAC 314-20-100 and 314-24-190.

Purpose: Sets forth procedures wholesalers follow when filing beer and wine price postings.

Statutory Authority for Adoption: RCW 66.08.030, 66.28.180.

Summary: Amendatory language to both rules would permit beer and wine wholesalers serving Island County to file additional price postings to include costs over which the wholesaler has no control such as ferry tolls and travel time charges.

Reasons Supporting Proposal: Requested by wholesalers serving Island County in order to allow for recovery of additional costs for delivery of beer and wine by these wholesalers who must take ferries in order to arrive at retail locations.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Rich Raico, MIW Supervisor, 1025 East Union, Olympia, (360) 664-2249.

Name of Proponent: Washington State Liquor Control Board responding to requests from beer and wine wholesalers serving Island County, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Modification of the existing rules will allow those wholesalers who have additional costs for delivering beer and wine to Island County retailers to recoup those costs. By filing an additional set of price postings taking ferry tolls and labor costs for travel time into consideration, the wholesalers will be able to pass these costs along to the retailers rather than absorb the costs themselves.

Proposal Changes the Following Existing Rules: Allows for one wholesaler to submit additional price postings for sales of beer and wine to Island County retailers.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Any fiscal impact assessed by the wholesalers will be spread among the retailers selling the wholesalers products and will be reflected in a general increase in the price of beer and wine purchased by consumers. If distributed among the retailers, the actual costs per individual licensee would be small and would be offset by an increase in retail prices paid to the retailers by consumers.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Washington State Liquor Control Board is not one of the agencies designated by the language of section 201, chapter 403, Laws of 1995.

Hearing Location: Washington State Liquor Control Board, 1025 East Union, Fifth Floor, Board Room, Olympia, WA 98504, on April 24, 1996, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact ATT TTY/TDD Relay by April 23, 1996, TDD (800) 833-6388.

Submit Written Comments to: M. Carter Mitchell, Washington State Liquor Control Board, P.O. Box 43080, Olympia, WA 98504-3080, FAX (360) 664-9689, by April 23, 1996.

Date of Intended Adoption: May 1, 1996.

March 20, 1996

Nathan S. Ford, Jr.
Chairman

[**AMENDATORY SECTION** (Amending Order 173, Resolution No. 182, filed 8/5/86)]

WAC 314-20-100 Beer wholesale price posting. (1)

Every beer wholesaler shall file with the board at its office in Olympia a price posting showing the wholesale prices at which any and all brands of beer sold by such beer wholesaler shall be sold to retailers within the state. Beer wholesalers doing business in Inland County may file additional price postings for that area. These postings may include additional costs such as ferry tolls and travel time over which the wholesaler has no control.

(2) All price postings must be received by the board no later than the tenth day of the month, and if approved will become effective on the first day of the calendar month following the date of such filing. An additional period, not to exceed five days will be allowed for revision of such posting to correct errors, omissions, or to meet competitive prices filed during the current posting period, but a revised posting must be on file at the board office by not later than the fifteenth day of the month in order to become effective on the first day of the next calendar month: *Provided*, That the board may in individual cases, for good cause shown, extend the date on which the filings required by the rules are to be received by the board.

When any price posting to be filed with the board under the provisions of this rule has been deposited in the United States mail addressed to the board, it shall be deemed filed or received on the date shown by the post office cancellation mark on the envelope containing it or on the date it was mailed if proof satisfactory to the board establishes that the actual mailing occurred on an earlier date.

(3) Filing date exception—Whenever the tenth day of the month falls on Saturday, Sunday or a legal holiday, an original price posting may be filed not later than the close of business the next business day.

(4) In the event that a beer wholesaler determines to make no changes in any items or prices listed in the last filed and approved schedule, such prices listed in the schedule previously filed and in effect, shall remain in effect for each succeeding posting period until a revised or amended schedule is filed and approved, as provided herein.

Provision for filing of temporary price reductions—In the event a beer wholesaler elects to file postings listing selected items on which prices are temporarily reduced for one posting period only, such filing shall be made on special forms provided for such purpose and clearly reflect all items, the selling price thereof, and the posting period for which the

price reductions will be in effect. At the expiration of the posting period during which such reductions were effective the special filing will become void and the last regularly filed and effective price schedule shall again become effective until subsequently amended pursuant to regular filing dates.

(5) Each price posting shall be made on a form prepared and furnished by the board or a reasonable facsimile thereof, and shall set forth:

(a) All brands, types, packages and containers of beer offered for sale by such beer wholesaler.

(b) The wholesale prices thereof to retail licensees, including allowances, if any, for returned empty containers.

(6) No beer wholesaler shall sell or offer to sell any package or container of beer to any retail licensee at a price differing from the price for such package or container as shown in the price posting filed by the beer wholesaler and then in effect.

(7) Quantity discounts are prohibited. No price shall be posted which is below acquisition cost plus ten percent of acquisition cost.

(8) Wholesale prices on a "close-out" item shall be accepted by the board if the item to be discontinued has been listed on the state market for a period of at least six months, and upon the further condition that the wholesaler who posts such a close-out price shall not restock the item for a period of one year following the first effective date of such close-out price.

(9) If an existing written contract or memorandum of oral agreement between a licensed brewer, certificate of approval holder, beer importer or beer wholesaler and a beer wholesaler, on file in accordance with WAC 314-20-105, is terminated by either party, and a new written contract or memorandum of oral agreement is made by such a supplier with another beer wholesaler in the affected trade area, the board, after receiving such new contract or memorandum of oral agreement and a corresponding wholesale price posting from the newly-designated beer wholesaler, may put such filings into effect immediately: *Provided*, That prices and other conditions of such filings which are in effect at the time of such termination shall not be changed until subsequent filings are submitted to the board and become effective under regulatory procedures set forth in other subsections of this regulation and WAC 314-20-105.

(10) The board may reject any price posting which it deems to be in violation of this or any other regulation or portion thereof which would tend to disrupt the orderly sale and distribution of beer. Whenever the board shall reject any posting the licensee submitting said posting may be heard by the board and shall have the burden of showing that said posting is not in violation of regulation and/or does not tend to disrupt the orderly sale and distribution of beer. Thereupon if said posting is accepted it shall become effective at the time fixed by the board. If said posting is rejected, the last effective posting shall remain in effect until such time as an amended posting is filed and approved, in accordance with the provisions of this regulation.

(11) All price postings filed as required by this regulation shall at all times be open to inspection to all trade buyers within the state of Washington and shall not within any sense be considered confidential.

PROPOSED

(12) Any beer wholesaler or employee authorized by his wholesaler-employer may sell beer at the wholesaler's posted prices to any Class A, B, D, E, H, or G licensee upon presentation to such wholesaler or employee at the time of purchase of a special permit issued by the board to such licensee.

(a) Every Class A, B, D, E, H, or G licensee upon purchasing any beer from a wholesaler, shall immediately cause such beer to be delivered to his licensed premises, and he shall not thereafter permit such beer to be disposed of in any manner except as authorized by his license.

(b) Beer sold as provided herein shall be delivered by such wholesaler or his authorized employee either to such retailer's licensed premises or directly to such retailer at the wholesaler's licensed premises: *Provided, however, That a wholesaler's prices to retail licensees shall be the same at both such places of delivery.*

(13) When a new beer wholesaler's license is issued by the board, the holder thereof may file an initial price schedule and request that such posting be placed into effect immediately. The board may grant such approval, providing that such posting is in compliance with all other applicable regulatory requirements, and that contracts and memoranda are on file, in accordance with WAC 314-20-105.

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.

[AMENDATORY SECTION (Amending Order 222, Resolution No. 231, filed 7/22/87)]

WAC 314-24-190 Wine wholesale price posting. (1) Every wine wholesaler shall file with the board at its office in Olympia a wine price posting, showing the wholesale prices at which any and all brands of wine offered for sale by such wine wholesaler shall be sold to retailers within the state. Wine wholesalers doing business in Island County may file additional price postings for that county. These postings may include additional costs such as ferry tolls and travel time over which the wholesaler has no control.

(2) All price postings must be received by the board not later than the tenth day of the month, and if approved will become effective on the first day of the calendar month following the date of such filing. An additional period, not to exceed five days will be allowed for revision of such posting to correct errors, omissions, or to meet competitive prices filed during the current posting period, but a revised posting must be on file at the board office by not later than the fifteenth day of the month in order to become effective on the first day of the next calendar month: *Provided, That the board may in individual cases, for good cause shown, extend the date on which the filings required by the rules are to be received by the board.*

When any price posting to be filed with the board under the provisions of this rule has been deposited in the United States mail addressed to the board, it shall be deemed filed or received on the date shown by the post office cancellation mark on the envelope containing it or on the date it was

mailed if proof satisfactory to the board establishes that the actual mailing occurred on an earlier date.

(3) Filing date exception—Whenever the tenth day of any month falls on Saturday, Sunday or a legal holiday, an original price posting may be filed not later than the close of business the next business day.

(4) In the event that a wine wholesaler determines to make no changes in any items or prices listed in the last filed and approved schedule, such prices listed in the schedule previously filed and in effect, shall remain in effect for each succeeding calendar month until a revised or amended schedule is filed and approved, as provided herein.

Provision for filing of temporary price reductions—In the event a wine wholesaler elects to file postings listing selected items on which prices are temporarily reduced for a period of one calendar month only such filing shall be made on special forms provided for such purpose and clearly reflect all items, the selling price thereof, and the month for which the price reductions will be in effect. At the expiration of the month during which such reductions were effective the special filing will become void and the last regularly filed and effective price schedule shall again become effective until subsequently amended pursuant to regular filing dates.

(5) Postings shall be submitted upon forms prescribed and furnished by the board, or a reasonable facsimile thereof, and shall set forth:

(a) All brands, types and sizes of packages or containers of wine offered for sale in this state by such wine wholesaler, which packages or containers shall be limited to the sizes permitted in WAC 314-24-080.

(b) The wholesale prices thereof within the state, which prices shall include the state wine tax plus surcharge of \$0.2192 cents per liter imposed under RCW 66.24.210 and 82.02.030.

(6) No wine wholesaler shall sell or offer for sale any package or container of wine at a price differing from the price of such item as shown in the price posting then in effect.

(7) Quantity discounts are prohibited. No price shall be posted which is below acquisition cost plus ten percent of acquisition cost.

(8) Wholesale prices on a "close-out" item shall be accepted by the board when the item to be discontinued has been listed on the state market for a period of at least six months, and upon the further condition that the wholesaler who posts such a "close-out" price shall not restock the item for a period of one year following the first effective date of such "close-out" price.

(9) If an existing written contract or memorandum of oral agreement between a domestic winery, certificate of approval holder, wine importer, or wine wholesaler and a wine wholesaler, as filed in accordance with WAC 314-24-200, is terminated by either party, and a new written contract or memorandum of oral agreement is made by such a supplier with another wine wholesaler in the affected trade area, the board, after receiving such new written contract or memorandum of oral agreement, and a corresponding wholesale price posting from the newly designated wine wholesaler, may put such filings into effect immediately: *Provided, That prices and other conditions of any such filings which are in effect at the time of such termination*

shall not be changed prior to the next applicable filing period.

(10) When a new wine wholesaler's license is issued for the first time by the board, the holder thereof may file an initial price schedule and request that such posting be placed into effect immediately. The board may grant such approval, providing that such posting is in compliance with all other applicable regulatory requirements, and that contracts and memoranda are on file, in accordance with WAC 314-24-200.

(11) The board may reject any price posting or portion thereof which it deems to be in violation of this or any other regulation or which would tend to disrupt the orderly sale and distribution of wine. Whenever the board shall reject any posting the licensee submitting said posting may be heard by the board and shall have the burden of showing that the posting is not in violation of regulation and/or does not tend to disrupt the orderly sale and distribution of wine. Thereupon if said posting is accepted it shall become effective at a time fixed by the board. If said posting or portion thereof is rejected the last effective posting shall remain in effect until such time as an amended posting is filed and approved in accordance with the provisions of this regulation.

(12) Any wine wholesaler or employee authorized by his wholesaler-employer may sell wine at the wholesaler's posted prices to any Class C, F, H, or J licensee upon presentation to such wholesaler or employee at the time of purchase of a special permit issued by the board to such licensee.

(a) Every Class C, F, H, or J licensee, upon purchasing any wine from a wholesaler, shall immediately cause such wine to be delivered to his licensed premises, and he shall not thereafter permit such wine to be disposed of in any manner except as authorized by his license.

(b) Wine sold as provided herein shall be delivered by such wholesaler or his authorized employee either to such retailer's licensed premises or directly to such retailer at the wholesaler's licensed premises: *Provided, however, That a wholesaler's prices to retail licensees shall be the same at both places of delivery.*

(13) All price postings filed as required by this regulation shall at all times be open to inspection to all trade buyers within the state of Washington and shall not in any sense be considered confidential.

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

WSR 96-07-103
PROPOSED RULES
DEPARTMENT OF HEALTH
[Filed March 20, 1996, 11:07 a.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: Radiation protection—Fees, chapter 246-254 WAC, Fees for users of radioactive materials and x-ray registrants.

Purpose: This chapter establishes fees charged for licensing/registering and inspecting services rendered by the Division of Radiation Protection.

Other Identifying Information: WAC 246-254-053, 246-254-070, 246-254-080, 246-254-090, and 246-254-120.

Statutory Authority for Adoption: RCW 43.70.110 and [43.70.]250.

Statute Being Implemented: Chapter 70.98 RCW.

Summary: The proposed rule change will revise the current fee schedule for radioactive materials users and x-ray registrants.

Reasons Supporting Proposal: Additional revenue is necessary to maintain the radioactive materials and x-ray control programs as self-supporting.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: T. R. Strong, Tumwater, 586-8949.

Name of Proponent: Department of Health, Division of Radiation Protection, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: In 1982, the legislature authorized and the department instructed its radioactive materials and x-ray control programs to be funded by self-supporting fees. Periodic financial reviews of the program costs are done and it is now necessary to increase the program fees to reflect the department's most recent increase in the authorized level of indirect support.

Proposal Changes the Following Existing Rules: The fees for x-ray registration and for the radioactive materials annual license fees are proposed to be increased an average of 2.56% and 2.1% respectively.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required for rules described in RCW 34.05.310(4). These include "Rules that set or adjust fees or rates pursuant to legislative standards." However, in response to the Department of Health's intent to implement the spirit of regulatory reform, an economic impact analysis has been completed which describes the manner in which the Division of Radiation Protection has acted to mitigate the fiscal impact on small businesses.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Section 201, chapter 403, Laws of 1995, refers to the rule-making criteria of ESHB 1010. According to subsection (5)(b)(vi), section 201 criteria do not apply to "rules that set or adjust fees or rates pursuant to legislative standards."

Hearing Location: Department of Health, Cleanwater Lane, Airdustrial Center, Building 5 Conference Room, Olympia, 98504, on April 23, 1996, at 1:30.

Assistance for Persons with Disabilities: Contact Terry Frazee by April 16, 1996, (360) 753-3461.

Submit Written Comments to: T. R. Strong, Department of Health, Radiation Protection, Mailstop 7827, Olympia, 98504, FAX (360) 753-1496, by April 16, 1996.

Date of Intended Adoption: April 25, 1996.

March 19, 1996
Bruce Miyahara
Secretary

AMENDATORY SECTION (Amending WSR 95-12-004, filed 5/25/95, effective 6/25/95)

WAC 246-254-053 Radiation machine facility registration fees. (1) Persons owning and/or leasing and using radiation-producing machines shall submit an eighty-~~((five))~~ nine dollar registration fee to the department at the time of application and every two years thereafter. In addition:

- (a) For dentists, veterinarians, and podiatrists, add:
- (i) Ninety dollars for the first tube; and
 - (ii) Forty-two dollars for each additional tube.
- (b) For hospitals and medical or chiropractic facilities, add:
- (i) Two hundred fifty dollars for the first tube; and
 - (ii) One hundred ~~((fifteen))~~ twenty dollars for each additional tube.
- (c) For industrial, research, and other uses, add:
- (i) One hundred forty dollars for the first tube; and
 - (ii) Forty-two dollars for each additional tube.
- (2) The department shall charge a maximum total fee of five thousand five hundred dollars for any facility or group of facilities where an in-house, full-time staff of at least two or more is devoted entirely to in-house radiation safety.
- (3) A penalty fee of eighty-~~((five))~~ nine dollars shall be charged for late registration or late reregistration.
- (4) A fee of eighty-~~((five))~~ nine dollars shall be charged for review of medical x-ray shielding calculations and floor plans submitted under WAC 246-225-030. This fee shall be added to the registration fee described above.
- (5) A penalty fee of eighty-~~((five))~~ nine dollars shall be charged to a facility where submittal of medical x-ray shielding calculations and floor plans is not made before x-ray machine installation as required under WAC 246-225-030. This penalty fee shall be added to the registration fee described above.
- (6) Facilities electing to consolidate x-ray machine registrations into a single registration shall be able to demonstrate and document that their businesses are under one business license.
- (7) No additional tube fee shall be charged for electron microscopes, mammographic x-ray machines or airport baggage cabinet x-ray systems. Only the base registration fee described above is applicable.

AMENDATORY SECTION (Amending WSR 95-12-004, filed 5/25/95, effective 6/25/95)

WAC 246-254-070 Fees for specialized radioactive material licenses. (1) Persons licensed or authorized to possess or use radioactive material in the following special categories shall forward annual fees to the department as follows:

- (a) Four thousand ~~((two))~~ three hundred ~~((forty))~~ seventy dollars for operation of a single nuclear pharmacy.
- (b) Seven thousand ~~((two))~~ four hundred ~~((seventy))~~ sixty dollars for operation of a single nuclear laundry.
- (c) Seven thousand ~~((two))~~ four hundred ~~((seventy))~~ sixty dollars for a license authorizing a single facility to use more than one curie of unsealed radioactive material in the manufacture and distribution of radioactive products or devices containing radioactive material.

(d) Two thousand ~~((five))~~ six hundred ~~((fifty))~~ twenty dollars for a license authorizing a single facility to use less than or equal to one curie of unsealed radioactive material or any quantity of previously sealed sources in the manufacture and distribution of products or devices containing radioactive material.

(e) Six hundred ~~((sixty-five))~~ eighty dollars for a license authorizing the receipt and redistribution from a single facility of manufactured products or devices containing radioactive material.

(f) ~~((Four))~~ Five thousand ~~((eight hundred fifty))~~ dollars for a license authorizing decontamination services operating from a single facility.

(g) Two thousand three hundred seventy dollars for a license authorizing waste brokerage including the possession, temporary storage at a single facility, and over-packing only of radioactive waste.

(h) One thousand ~~((thirty))~~ sixty dollars for a license authorizing equipment servicing involving:

- (i) Incidental use of calibration sources;
- (ii) Maintenance of equipment containing radioactive material; or
- (iii) Possession of sealed sources for purpose of sales demonstration only.

(i) One thousand nine hundred ~~((forty))~~ eighty dollars for a license authorizing health physics services, leak testing, or calibration services.

(j) One thousand two hundred ~~((ten))~~ forty dollars for a civil defense license.

(k) Three hundred ~~((sixty-five))~~ seventy dollars for a license authorizing possession of special nuclear material as pacemakers or depleted uranium as shielding.

(2) Persons licensed or authorized to possess and use radioactive material in the following broad scope categories shall forward annual fees to the department as follows:

(a) Fourteen thousand ~~((five))~~ eight hundred ~~((forty-five))~~ dollars for a license authorizing possession of atomic numbers three through eighty-three with maximum authorized possession of any single isotope greater than one curie.

(b) Six thousand ~~((six))~~ eight hundred ~~((sixty-five))~~ forty dollars for a license authorizing possession of atomic numbers three through eighty-three with maximum authorized possession of any single isotope greater than 0.1 curie but less than or equal to one curie.

(c) Five thousand ~~((four))~~ five hundred ~~((fifty))~~ dollars for a license authorizing possession of atomic numbers three through eighty-three with maximum authorized possession less than or equal to 0.1 curie.

(3) Persons licensed or authorized to possess or use radioactive material which are not covered by any of the annual license fees described in WAC 246-254-070 through 246-254-100, shall pay fees as follows:

- (a) An initial application fee of one thousand dollars;
- (b) Billing at the rate of ninety dollars for each hour of direct staff time associated with issuing and maintaining the license and for the inspection of the license; and
- (c) Any fees for additional services as described in WAC 246-254-120.

(d) The initial application fee will be considered a credit against billings for direct staff charges but is otherwise nonrefundable.

(4) Persons licensed or authorized to possess or use radioactive material in a facility for radioactive waste processing, including resource recovery, volume reduction, decontamination activities, or other waste treatment, but not permitting commercial on-site disposal, shall pay fees as follows:

(a) A nonrefundable initial application fee for a new license of sixteen thousand dollars which shall be credited to the applicant's quarterly billing described in (b) of this subsection; and

(b) Quarterly billings for actual direct and indirect costs incurred by the department including, but not limited to, license renewal, license amendments, compliance inspections, a resident inspector for time spent on the licensee's premises as deemed necessary by the department, laboratory and other support services, and travel costs associated with staff involved in the foregoing.

AMENDATORY SECTION (Amending WSR 95-12-004, filed 5/25/95, effective 6/25/95)

WAC 246-254-080 Fees for medical and veterinary radioactive material licenses. (1) Persons licensed or authorized to possess or use radioactive material in the following medical or veterinary categories shall forward annual fees to the department as follows:

(a) Three thousand ~~((six))~~ seven hundred ~~((ten))~~ dollars for operation of a mobile nuclear medicine program from a single base of operation.

(b) Two thousand ~~((six))~~ seven hundred ~~((seventy))~~ dollars for a license authorizing groups II and III of WAC 246-235-120 for diagnostic nuclear medicine at a single facility.

(c) Two thousand three hundred ~~((five))~~ forty dollars for a license authorizing groups IV and V of WAC 246-235-120 for medical therapy at a single facility.

(d) Three thousand ~~((six))~~ seven hundred ~~((thirty))~~ twenty dollars for a license authorizing groups II or III and groups IV or V of WAC 246-235-120 for full diagnostic and therapy services at a single facility.

(e) ~~((One))~~ Two thousand ~~((nine hundred forty))~~ dollars for a license authorizing group VI of WAC 246-235-120 for brachytherapy at a single facility.

(f) One thousand two hundred ~~((five))~~ forty dollars for a license authorizing brachytherapy or gamma stereotactic therapy or teletherapy at a single facility.

(g) One thousand eight hundred ~~((twenty))~~ eighty dollars for a license authorizing medical or veterinary possession of greater than two hundred millicuries total possession of radioactive material at a single facility.

(h) One thousand ~~((four))~~ five hundred ~~((fifty-five))~~ dollars for a license authorizing medical or veterinary possession of greater than thirty millicuries but less than or equal to two hundred millicuries total possession of radioactive material at a single facility.

(i) One thousand ~~((eighty-five))~~ one hundred ten dollars for a license authorizing medical or veterinary possession of less than or equal to thirty millicuries total possession of radioactive material at a single facility.

(j) Nine hundred ~~((sixty))~~ eighty dollars for a license authorizing group I as defined in WAC 246-235-120 or in vitro uses of radioactive material at a single facility.

(k) Six hundred ten dollars for a license authorizing medical or veterinary possession of a sealed source for diagnostic use at a single facility.

(2) Persons with licenses authorizing multiple locations of use shall increase the annual fee by fifty percent for each additional location or base of operation.

AMENDATORY SECTION (Amending WSR 95-12-004, filed 5/25/95, effective 6/25/95)

WAC 246-254-090 Fees for industrial radioactive material licenses. (1) Persons licensed or authorized to possess or use radioactive material in the following industrial categories shall forward annual fees to the department as follows:

(a) Four thousand ~~((two))~~ three hundred ~~((ninety-five))~~ sixty dollars for a license authorizing the use of radiographic exposure devices in one or more permanent radiographic vaults in a single facility.

(b) Five thousand ~~((seven))~~ eight hundred ~~((five))~~ forty dollars for a license authorizing the use of radiographic exposure devices at temporary job sites but operating from a single storage facility.

(c) Two thousand ~~((seven))~~ eight hundred ~~((ninety))~~ sixty dollars for a license authorizing well-logging activities including the use of radioactive tracers operating from a single storage facility.

(d) Six hundred ~~((ten))~~ twenty dollars for a license authorizing possession of portable sealed sources including moisture/density gauges and excluding radiographic exposure devices operating from a single storage facility.

(e) Six hundred ~~((sixty-five))~~ eighty dollars for a license authorizing possession of any nonportable sealed source, including special nuclear material and excluding radioactive material used in a gas chromatograph at a single facility.

(f) Four hundred ~~((twenty))~~ thirty dollars for a license authorizing possession of gas chromatograph units containing radioactive material at a single facility.

(g) One thousand one hundred ~~((fifty))~~ eighty dollars for a license authorizing possession of any self-shielded or pool type irradiator with sealed source total quantity greater than one hundred curies at a single facility.

(h) Six thousand ~~((ninety))~~ two hundred forty dollars for a license authorizing possession of sealed sources for a walk-in type irradiator at a single facility.

(i) Five thousand ~~((three))~~ four hundred forty dollars for a license authorizing possession of greater than one gram of unsealed special nuclear material or greater than five hundred kilograms of source material at a single facility.

(j) One thousand ~~((six))~~ seven hundred ~~((ninety))~~ forty dollars for a license authorizing possession of less than or equal to one gram of unsealed special nuclear material or five hundred kilograms of source material at a single facility.

(k) Two hundred eighty dollars for a license authorizing possession of static elimination devices not covered by a general license.

(2) Persons with licenses authorizing multiple locations of permanent storage shall increase the annual fee by fifty percent for each additional location.

(3) Depleted uranium registrants required to file Form RHF-20 shall forward an annual fee of sixty dollars to the department.

AMENDATORY SECTION (Amending WSR 95-12-004, filed 5/25/95, effective 6/25/95)

WAC 246-254-100 Fees for laboratory radioactive material licenses. (1) Persons licensed or authorized to possess or use unsealed radioactive material in the following laboratory categories shall forward annual fees to the department as follows:

(a) Two thousand nine hundred (~~(fifteen)~~) eighty dollars for a license authorizing possession at a single facility of unsealed sources in amounts greater than:

- (i) One millicurie of I-125 or I-131; or
- (ii) One hundred millicuries of H-3 or C-14; or
- (iii) Ten millicuries of any single isotope.

(b) One thousand four hundred (~~(fifty)~~) eighty dollars for a license authorizing possession at a single facility of unsealed sources in amounts:

- (i) Greater than 0.1 millicurie and less than or equal to one millicurie of I-125 or I-131; or
- (ii) Greater than ten millicuries and less than or equal to one hundred millicuries of H-3 or C-14; or
- (iii) Greater than one millicurie and less than or equal to ten millicuries of any single isotope.

(c) One thousand two hundred (~~(five)~~) forty dollars for a license authorizing possession at a single facility of unsealed sources in amounts:

- (i) Greater than 0.01 millicurie and less than or equal to 0.1 millicurie of I-125 or I-131; or
- (ii) Greater than one millicurie and less than or equal to ten millicuries of H-3 or C-14; or
- (iii) Greater than 0.1 millicurie and less than or equal to one millicurie of any other single isotope.

(d) Four hundred (~~(twenty)~~) thirty dollars for a license authorizing possession at a single facility of unsealed or sealed sources in amounts:

- (i) Less than or equal to 0.01 millicurie of I-125 or I-131; or
- (ii) Less than or equal to one millicurie of H-3 or C-14; or
- (iii) Less than or equal to 0.1 millicurie of any other single isotope.

(e) Five hundred (~~(fifty-five)~~) seventy dollars for a license authorizing possession at a single facility of large quantities of naturally occurring radioactive material in total concentration not exceeding 0.002 microcurie per gram.

(2) Persons with licenses authorizing multiple locations of use shall increase the annual fee by fifty percent for each additional location.

(3) Persons registered to perform in vitro testing pursuant to Form RHF-15 shall forward an annual fee of sixty dollars to the department.

WSR 96-07-104
PROPOSED RULES
LOTTERY COMMISSION
[Filed March 20, 1996, 11:14 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-23-111 and 96-03-156.

Title of Rule: New sections WAC 315-11A-168 Instant Game Number 168 ("\$2 Instant Casino"), 315-11A-169 Instant Game Number 169 ("Aces High"), 315-11A-170 Instant Game Number 170 ("Lucky Charm"), 315-11A-171 Instant Game Number 171 ("\$5 Holiday Surprise"), 315-11A-172 Instant Game Number 172 ("Mistle Dough"), and 315-11A-173 Instant Game Number 173 ("Lucky Streak").

Purpose: To establish the game play rules and criteria for determining winners of Instant Game Nos. 168 ("\$2 Instant Casino"), 169 ("Aces High"), 170 ("Lucky Charm"), 171 ("\$5 Holiday Surprise"), 172 ("Mistle Dough"), and 173 ("Lucky Streak"); and to repeal WAC 315-10-050.

Statutory Authority for Adoption: RCW 67.70.040.

Statute Being Implemented: RCW 67.70.040.

Summary: See Purpose above.

Reasons Supporting Proposal: See Explanation of Rule below.

Name of Agency Personnel Responsible for Drafting: Judith Giniger, Rules Coordinator, Olympia, (360) 586-1088; Implementation and Enforcement: Evelyn P. Yenson, Director, Olympia, (360) 753-3330.

Name of Proponent: Washington State Lottery Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 315-11A-168, 315-11A-169, 315-11A-170, 315-11A-171, 315-11A-172 and 315-11A-173, for each game, certain terms must be defined in order to provide consistency in the game play rules. The play criteria will explain how the game functions to licensed retailers and players. Rigid validation requirements are set forth which will prevent the lottery or its retailers from paying out prize money on invalid tickets.

Proposal Changes the Following Existing Rules: The proposal repeals WAC 315-10-050, as this rule is not in compliance with current rule-making requirements.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The lottery has considered whether these rules are subject to the Regulatory Fairness Act, chapter 19.85 RCW, and has determined that they are not for the following reasons: (1) The rules have no economic impact on business' cost of equipment, supplies, labor or administrative costs. The rules are designed to establish rules and procedures for the playing of instant lottery games; and (2) the rules will have a negligible impact, if any, on business because they are interpretive. They have been promulgated for the purpose of stating policy, procedure and practice and do not include requirements for forms, fees, appearances or other actions by business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Said section does not apply to these proposed rules because they are not proposed by one of the listed agencies. As the rules are merely interpretive, the lottery does not voluntarily apply this section.

Hearing Location: Washington State Lottery, 5936 Corson Avenue South, Suite 106, Seattle, WA 98108, on May 3, 1996, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Judy Giniger by April 26, 1996, (360) 586-1088.

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Submit Written Comments to: Judith Giniger, Lottery,
 FAX (360) 586-6586, by May 2, 1996.

Date of Intended Adoption: May 3, 1996.

March 20, 1996
 Roger Wilson
 Deputy Director

NEW SECTION

WAC 315-11A-168 Instant Game Number 168 ("Instant Casino"). (1) Definitions for Instant Game Number 168.

(a) Play symbols: The "play symbols" are listed below in (b) of this subsection. Two playfields shall appear on the front of each ticket labeled "Roll 7 or 11" and "Lucky Wheel." Each playfield shall be covered by latex. The "Roll 7 or 11" playfield shall have three sets of two play spots. Each play spot shall have a play symbol beneath the latex covering, and each pair of play spots shall be followed by a prize symbol under the latex. The "Lucky Wheel" playfield shall have seven play spots with a play symbol in each of the seven play spots. One of the seven play spots shall be labeled "prize."

(b) Play symbol captions: The small printed characters appearing below each play symbol which correspond with and verify that play symbol. The caption is a spelling out, in full or abbreviated form, of the play symbol. One and only one of these captions appears under each play symbol. The three-digit ticket number shall appear before each play symbol caption. For Instant Game Number 168, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
1	ONE
2	TWO
3	THR
4	FOR
5	FIV
6	SIX
\$ 1.00	ONE DOL
\$ 2.00	TWO DOL
\$ 3.00	THR DOL
\$ 4.00	FOR DOL
\$ 5.00	FIV DOL
\$ 6.00	SIX DOL
\$ 10.00	TEN DOL
\$ 15.00	FTN DOL
\$ 25.00	TWF DOL
\$ 75.00	\$SVNTY5
\$100.00	ONEHUND
\$ 1000	ONETHOU
\$ 3000	THRTHOU

(c) Prize symbols: The following are the "prize symbols": "\$1.00," "\$2.00," "\$3.00," "\$4.00," "\$5.00," "\$6.00," "\$10.00," "\$15.00," "\$25.00," "\$75.00," "\$100.00," "\$1,000," and "\$3,000."

(d) Prize symbol captions: The small printed characters which appear below the prize symbol and verify and correspond with that prize symbol. The prize symbol caption is a spelling out, in full or abbreviated form, of the prize symbol. For Instant Game Number 168, the prize

symbol captions which correspond with and verify the prize symbols are:

<u>PRIZE SYMBOL</u>	<u>CAPTION</u>
\$ 1.00	ONE DOL
\$ 2.00	TWO DOL
\$ 3.00	THR DOL
\$ 4.00	FOR DOL
\$ 5.00	FIV DOL
\$ 6.00	SIX DOL
\$ 10.00	TEN DOL
\$ 15.00	FTN DOL
\$ 25.00	TWF DOL
\$ 75.00	\$SVNTY5
\$ 100.00	ONEHUND
\$ 1000	ONETHOU
\$ 3000	THRTHOU

(e) Validation number: The unique twenty-five-digit number on the front of the ticket. The number is covered by latex.

(f) Pack-ticket number: The thirteen-digit number of the form 168000001-1-000 printed on the back of the ticket. The first three digits are the game identifier. The first nine digits of the pack-ticket number for Instant Game Number 168 constitute the "pack number" which starts at 168000001; the last three digits constitute the "ticket number" which starts at 000 and continues through 199 within each pack of tickets.

(g) Retailer verification codes: Codes consisting of small letters found under the removable covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$600.00 or less. For Instant Game Number 168, the retailer verification code is a three-letter code, with each letter appearing in a varying three of six locations beneath the removable covering and among the play symbols on the front of the ticket. The retailer verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>
TWO	\$ 2.00 (\$1 AND \$1)
THR	\$ 3.00 (\$1, \$1 AND \$1; \$2 AND \$1)
SIX	\$ 6.00 (\$1, \$1, \$1, \$1, \$1 AND \$1; \$2, \$2 AND \$2)
NIN	\$ 9.00 (\$3, \$3 AND \$3; \$2, \$2, \$2, \$1, \$1 AND \$1)
EGN	\$ 18.00 (\$6, \$6 AND \$6; \$4, \$4, \$4, \$2, \$2 AND \$2)
FRF	\$ 45.00 (\$15, \$15 AND \$15; \$10, \$10, \$10, \$5, \$5 AND \$5)
TRN	\$300.00 (\$100, \$100 AND \$100; \$75, \$75, \$75, \$25, \$25 AND \$25)

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

(2) Criteria for Instant Game Number 168.

(a) The price of each instant game ticket shall be \$2.00.

(b) An instant prize winner is determined in the "Roll 7 or 11" playfield in the following manner:

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(i) When the two play symbols in any single pair total 7 or 11, the pair shall be a winning pair, and the bearer of the ticket shall be entitled to the prize next to the winning pair.

(ii) The bearer of a ticket which has more than one winning pair shall win the total of the prizes next to the winning pairs.

(c) An instant prize winner is determined in the "Lucky Wheel" playfield in the following manner:

(i) When any of the six play symbols within the "Lucky Wheel" playfield matches exactly the play symbol within that same playfield labeled "prize," the bearer of the ticket shall win the amount of the matching play symbol.

(ii) The bearer of a ticket which has more than one play symbol which matches the prize shall win the total of the matching play symbols.

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

(e) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 168 set forth in subsection (3) of this section, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

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

(i) Vary the length of Instant Game Number 168; and/or

(ii) Vary the number of tickets sold in Instant Game Number 168 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

(3) Ticket validation requirements for Instant Game Number 168.

(a) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 168 all of the following validation requirements apply:

(i) Exactly one play symbol must appear in each of the thirteen play spots on the front of the ticket.

(ii) Each play symbol must have a play symbol caption below it and each must agree with its caption.

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

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

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

(v) Each of the play symbols and each of the play symbol captions must be exactly one of those described in subsection (1)(b) of this section.

(vi) Each of the prize symbols must be exactly one of those described in subsection (1)(c) of this section and each

of the prize symbol captions must be exactly one of those described in subsection (1)(d) of this section.

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

NEW SECTION

WAC 315-11A-169 Instant Game Number 169 ("Aces High"). (1) Definitions for Instant Game Number 169.

(a) Play symbols. The play symbols are listed below in (b) of this subsection. One of the play symbols appears in each of the four play spots in the "your card" column and in each of the four play spots in the "dealer's card" column in the playfield on the front of the ticket.

(b) Play symbol captions: The small printed characters appearing below each play symbol which verify and correspond with that play symbol. The caption is a spelling out, in full or abbreviated form of the play symbol. One and only one of these captions appears under each play symbol. The number 1, 2, 3, or 4 precedes each play symbol caption to indicate the location of the play symbol in Game (row) 1, Game 2, Game 3, or Game 4. For Instant Game Number 169, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
4	FOR
5	FIV
6	SIX
7	SVN
8	EGT
9	NIN
10	TEN
J	JCK
Q	QUE
K	KNG
A	ACE

(c) Prize symbols: The following are the "prize symbols": "\$1.00," "\$2.00," "\$3.00," "\$4.00," "\$8.00," "\$10.00," "\$12.00," "\$60.00," "\$500.00," "\$1,000," and \$2,000." One of these prize symbols appears for each game in the prize column on the front of the ticket.

(d) Prize symbol captions: The small printed characters appearing below the prize symbol which verify and correspond with that prize symbol. The caption is a spelling out, in full or abbreviated form, of the prize symbol. Only one caption appears under each prize symbol. The number 1, 2, 3, or 4 precedes each prize symbol caption to indicate the location of the prize symbol in Game (row) 1, Game 2, Game 3, or Game 4. For Instant Game Number 169, the prize symbol captions which correspond with and verify the prize symbols are:

<u>PRIZE SYMBOL</u>	<u>CAPTION</u>
\$ 1.00	ONE DOL
\$ 2.00	TWO DOL
\$ 3.00	THR DOL
\$ 4.00	FOR DOL
\$ 8.00	EGT DOL
\$ 10.00	TEN DOL

\$ 12.00	TLV DOL
\$ 60.00	\$SIXTY\$
\$ 500.00	FIVHUND
\$ 1,000	ONETHOU
\$ 2,000	TWOTHOU

(e) Validation number: The unique twenty-five-digit number on the front of the ticket. The number is covered with latex.

(f) Pack-ticket number: The thirteen-digit number of the form 169000001-1-000 printed on the back of the ticket. The first three digits are the game identifier. The first nine digits of the pack-ticket number for Instant Game Number 169 constitute the "pack number" which starts at 169000001; the last three digits constitute the "ticket number" which starts at 000 and continues through 199 within each pack of tickets.

(g) Retailer verification codes: Codes consisting of small letters found under the removable latex covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$600.00 and less. For Instant Game Number 169, the retailer verification codes are three-letter codes, with each letter appearing in a varying three of six locations beneath the removable covering and among the play symbols on the front of the ticket. The retailer verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>
ONE	\$ 1.00
TWO	\$ 2.00 (\$1 AND \$1)
FOR	\$ 4.00 (\$1, \$1, \$1 AND \$1; \$2, \$1 AND \$1)
EGT	\$ 8.00 (\$4, \$3 AND \$1; \$4, \$2, \$1 AND \$1)
SXT	\$ 16.00 (\$8, \$4, \$2 AND \$2; \$4, \$4, \$4 AND \$4)
TTF	\$ 24.00 (\$8, \$8 AND \$8; \$10, \$10, \$2 AND \$2)
FTE	\$ 48.00 (\$12, \$12, \$12 AND \$12)
TFR	\$ 240.00 (\$60, \$60, \$60 AND \$60)

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

(2) Criteria for Instant Game Number 169.

(a) The price of each instant game ticket shall be \$1.00.

(b) Determination of prize winning tickets: An instant prize winner is determined in the following manner: The bearer of a ticket having a play symbol in the "your card" column that is superior to the play symbol in the "dealer's card" column in the same game shall win the prize shown in the prize column for that game. The bearer of a ticket which wins a prize in more than one game shall win the sum of the prizes in each winning game. Play symbols in different games may not be combined to win a prize.

(c) For purposes of this game, the "A" shall be the play symbol with the highest superiority followed by "K," "Q," "J," "10," "9," "8," "7," "6," "5," and "4" in that order.

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

(e) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 169 set forth in subsection (3) of this section, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

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

(i) Vary the length of Instant Game Number 169; and/or

(ii) Vary the number of tickets sold in Instant Game Number 169 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

(3) Ticket validation requirements for Instant Game Number 169.

(a) In addition to meeting all other requirements in these rules and regulations, a valid instant game ticket for Instant Game Number 169 shall comply with all of the following validation requirements.

(i) Exactly one play symbol must appear in each of the four play spots in the "your card" column and in each of the four play spots in the "dealer's card" column under the latex covering on the front of the ticket.

(ii) Each of the eight play symbols must have a caption below and each must agree with its caption.

(iii) Exactly one prize symbol for each of the four games must appear under the latex covering in the prize column on the front of the ticket.

(iv) Each of the four prize symbols must have a caption below it and each must agree with its caption.

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

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

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

(vii) Each of the play symbols and each of the play symbol captions must be exactly one of those described in subsection (1)(b) of this section; each of the prize symbols must be exactly one of those described in subsection (1)(c) of this section; and each of the prize symbol captions must be exactly one of those described in subsection (1)(d) of this section.

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













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NEW SECTION

WAC 315-11A-170 Instant Game Number 170 ("Lucky Charms"). (1) Definitions for Instant Game Number 170.

(a) Play symbols: The "play symbols" are listed below in (b) of this subsection. One of these play symbols appears in each of the six play spots under the latex covering on the front of the ticket. The latex covered area shall be known as the playfield. One of the six play spots shall be labeled "winning symbol."

(b) Play symbol captions: The small printed characters appearing below each play symbol which correspond with and verify that play symbol. The caption is a spelling out, in full or abbreviated form, of the play symbol. One and only one of these captions appears under each play symbol. The three-digit ticket number shall appear before each play symbol caption. For Instant Game Number 170, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
	LPRCN
	DIMND
	STARR
	BALLL
	RABBT
	HSHOE
	CLOVR
	PENNY
	RNBOW
	WBONE
	DOGGG
	SEVEN

(c) Prize symbols: The following are the "prize symbols": "\$1.00," "\$2.00," "\$3.00," "\$4.00," "\$5.00," "\$6.00," "\$7.00," "\$10.00," "\$11.00," "\$20.00," "\$100.00," "\$200.00," "\$777.00," "\$1,000," and "\$2,000." One of these prize symbols appears below each of the play symbol captions, except that no prize symbol appears below the caption of the play symbol labeled "winning symbol."

(d) Prize symbol captions: The small printed characters which appear below the prize symbol and verify and correspond with that prize symbol. The prize symbol caption is a spelling out, in full or abbreviated form, of the prize symbol. For Instant Game Number 170, the prize symbol captions which correspond with and verify the prize symbols are:

<u>PRIZE SYMBOL</u>	<u>CAPTION</u>
\$ 1.00	ONE DOL
\$ 2.00	TWO DOL
\$ 3.00	THR DOL
\$ 4.00	FOR DOL
\$ 5.00	FIV DOL
\$ 6.00	SIX DOL
\$ 7.00	SVN DOL
\$ 10.00	TEN DOL

\$ 11.00	ELV DOL
\$ 20.00	TWY DOL
\$ 100.00	ONEHUND
\$ 200.00	TWOHUND
\$ 777.00	SVNSVY7
\$ 1,000	ONETHOU
\$ 2,000	TWOTHOU

(e) Validation number: The unique twenty-five-digit number on the front of the ticket. The number is covered by latex.

(f) Pack-ticket number: The thirteen-digit number of the form 170000001-1-000 printed on the back of the ticket. The first three digits are the game identifier. The first nine digits of the pack-ticket number for Instant Game Number 170 constitute the "pack number" which starts at 170000001; the last three digits constitute the "ticket number" which starts at 000 and continues through 199 within each pack of tickets.

(g) Retailer verification codes: Codes consisting of small letters found under the removable covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$600.00 or less. For Instant Game Number 170, the retailer verification code is a three-letter code, with each letter appearing in a varying three of six locations beneath the removable covering and among the play symbols on the front of the ticket. The retailer verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>
ONE	\$ 1.00
TWO	\$ 2.00 (\$1 AND \$1)
THR	\$ 3.00 (\$1, \$1 AND \$1; \$2 AND \$1)
SVN	\$ 7.00 (\$3, \$1, \$1, \$1 AND \$1; \$4, \$1, \$1 AND \$1)
ELV	\$ 11.00 (\$5, \$3, \$1, \$1 AND \$1; \$6, \$2, \$2 AND \$1)
TTN	\$ 21.00 (\$11, \$7, \$1, \$1 AND \$1; \$10, \$6, \$2, \$2 AND \$1)
SVS	\$ 77.00 (\$20, \$20, \$20, \$10 AND \$7)

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

(2) Criteria for Instant Game Number 170.

(a) The price of each instant game ticket shall be \$1.00.

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

(i) When any of the five play symbols matches exactly the play symbol labeled "winning symbol," the matching play symbol shall be a winning play symbol, and the bearer of the ticket shall win the prize below the winning play symbol.

(ii) The bearer of a ticket which has more than one winning play symbol shall win the total of the prizes below each winning play symbol.

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

(d) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as

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set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 170 set forth in subsection (3) of this section, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

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

(i) Vary the length of Instant Game Number 170; and/or

(ii) Vary the number of tickets sold in Instant Game Number 170 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

(3) Ticket validation requirements for Instant Game Number 170.

(a) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 170 all of the following validation requirements apply:

(i) Exactly one play symbol must appear in each of the six play spots in the playfield on the front of the ticket.

(ii) Each play symbol must have a play symbol caption below it and each must agree with its caption.

(iii) Each of the play symbol captions, except for the "winning symbol" play symbol caption, shall have a prize symbol below it. Each of the prize symbols shall also have a prize symbol caption below it.

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

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

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

(vi) Each of the play symbols and each of the play symbol captions must be exactly one of those described in subsection (1)(b) of this section.

(vii) Each of the prize symbols must be exactly one of those described in subsection (1)(c) of this section and each of the prize symbol captions must be exactly one of those described in subsection (1)(d) of this section.

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
















NEW SECTION

WAC 315-11A-171 Instant Game Number 171 ("5 Holiday Surprise"). (1) Definitions for Instant Game Number 171.

(a) Play symbols: The "play symbols" are listed below in (b) of this subsection. Three playfields shall appear on the front of each ticket. Each playfield shall be covered by latex. One playfield shall contain six play spots, another playfield shall contain five play spots, and the third playfield shall consist of one play spot. One play symbol shall appear

in each of the play spots. In the playfield which contains six play spots, one of them shall be labeled "winning number." In the playfield which contains five play spots, one them shall be labeled "winning symbol."

(b) Play symbol captions: The small printed characters appearing below each play symbol which correspond with and verify that play symbol. The caption is a spelling out, in full or abbreviated form, of the play symbol. One and only one of these captions appears under each play symbol. The three-digit ticket number shall appear before each play symbol caption. For Instant Game Number 171, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
2	TWO
3	THR
4	FOR
5	FIV
6	SIX
7	SVN
8	EGT
9	NIN
10	TEN
12	TLV
13	THN
	MITEN
	SCARF
	CCAPP
	BOOTS
	SLEIH
	TREEE
	CCANE
	SNOMN
	CANDL
	FLAKE
	BELL
	SOLDR
	GIFTT
	MSLTO
	CHMNE

(c) Prize symbols: The following are the "prize symbols": "\$1.00," "\$2.00," "\$3.00," "\$4.00," "\$5.00," "\$8.00," "\$9.00," "\$10.00," "\$25.00," "\$100.00," "\$200.00," and "\$10,000."

(d) Prize symbol captions: The small printed characters which appear below the prize symbol and verify and correspond with that prize symbol. The prize symbol caption is a spelling out, in full or abbreviated form, of the prize symbol. For Instant Game Number 171, the prize symbol captions which correspond with and verify the prize symbols are:

PROPOSED

<u>PRIZE SYMBOL</u>	<u>CAPTION</u>
\$ 1.00	ONE DOL
\$ 2.00	TWO DOL
\$ 3.00	THR DOL
\$ 4.00	FOR DOL
\$ 5.00	FIV DOL
\$ 8.00	EGT DOL
\$ 9.00	NIN DOL
\$ 10.00	TEN DOL
\$ 25.00	TWF DOL
\$ 100.00	ONEHUND
\$ 200.00	TWOHUND
\$ 10,000	TENTHOU

(e) Validation number: The unique twenty-five-digit number on the front of the ticket. The number is covered by latex.

(f) Pack-ticket number: The thirteen-digit number of the form 171000001-1-000 printed on the back of the ticket. The first three digits are the game identifier. The first nine digits of the pack-ticket number for Instant Game Number 171 constitute the "pack number" which starts at 171000001; the last three digits constitute the "ticket number" which starts at 000 and continues through 199 within each pack of tickets.

(g) Retailer verification codes: Codes consisting of small letters found under the removable covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$600.00 or less. For Instant Game Number 171, the retailer verification code is a three-letter code, with each letter appearing in a varying three of six locations beneath the removable covering and among the play symbols on the front of the ticket. The retailer verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>	
FIV	\$ 5.00	(\$1, \$1, \$1, \$1 AND \$1)
TEN	\$ 10.00	(\$2, \$1, \$1, \$1, \$1, \$1, \$1, \$1 AND \$1; \$2, \$2, \$2, \$2 AND \$2)
FTN	\$ 15.00	(\$3, \$2, \$2, \$2, \$2, \$1, \$1, \$1 AND \$1; \$3, \$3, \$3, \$3 AND \$3)
TWF	\$ 25.00	
FTY	\$ 50.00	(\$25, \$4, \$3, \$3, \$3, \$3, \$3, \$3, \$2 AND \$1; \$10, \$10, \$5, \$5, \$5, \$5, \$5 AND \$5)
OHN	\$ 100.00	(\$25, \$9, \$9, \$9, \$8, \$8, \$8, \$8, \$8 AND \$8)
FVH	\$ 500.00	(\$100, \$100, \$100, \$100 AND \$100)

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

(2) Criteria for Instant Game Number 171.

(a) The price of each instant game ticket shall be \$5.00.

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

(i) In the playfield with six play spots, when any of the five play symbols within that playfield matches exactly the

play symbol within that same playfield labeled "winning number," the matching play symbol shall be a winning play symbol, and the bearer of the ticket shall win the prize below the winning play symbol.

(ii) In the playfield with five play spots, when any of the four play symbols within that playfield matches exactly the play symbol within that same playfield labeled "winning symbol," the matching play symbol shall be a winning play symbol, and the bearer of the ticket shall win the prize below the winning play symbol.

(iii) A " " play symbol with the caption "TREEE" in the playfield with one play spot shall be a winning play symbol, and the bearer of a ticket with this winning play symbol shall be entitled to a prize of \$25.00.

(iv) The bearer of a ticket which has more than one winning play symbol shall win the total of the prizes entitled to thereon.

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

(d) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 171 set forth in subsection (3) of this section, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

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

(i) Vary the length of Instant Game Number 171; and/or

(ii) Vary the number of tickets sold in Instant Game Number 171 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

(3) Ticket validation requirements for Instant Game Number 171.

(a) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 171 all of the following validation requirements apply:

(i) Exactly one play symbol must appear in each of the twelve play spots on the front of the ticket.

(ii) Each play symbol must have a play symbol caption below it and each must agree with its caption.

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

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

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

(v) Each of the play symbols and each of the play symbol captions must be exactly one of those described in subsection (1)(b) of this section.

PROPOSED

(vi) Each of the prize symbols must be exactly one of those described in subsection (1)(c) of this section and each of the prize symbol captions must be exactly one of those described in subsection (1)(d) of this section.

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

NEW SECTION

WAC 315-11A-172 Instant Game Number 172 ("Mistle Dough"). (1) Definitions for Instant Game Number 172.

(a) Play symbols: The "play symbols" are listed below in (b) of this subsection. One of these play symbols appears in each of the five play spots under the latex covering on the front of the ticket. The latex covered area shall be known as the playfield. One of the five play spots shall be labeled "winning number."

(b) Play symbol captions: The small printed characters appearing below each play symbol which correspond with and verify that play symbol. The caption is a spelling out, in full or abbreviated form, of the play symbol. One and only one of these captions appears under each play symbol. The three-digit ticket number shall appear before each play symbol caption. For Instant Game Number 172, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
2	TWO
3	THR
4	FOR
5	FIV
6	SIX
7	SVN
8	EGT
9	NIN
10	TEN
12	TLV
13	THN

(c) Prize symbols: The following are the "prize symbols": "\$1.00," "\$2.00," "\$3.00," "\$4.00," "\$5.00," "\$6.00," "\$10.00," "\$12.00," "\$16.00," and "\$250." One of these prize symbols appears below each of the play symbol captions, except that no prize symbol appears below the caption of the play symbol labeled "winning number."

(d) Prize symbol captions: The small printed characters which appear below the prize symbol and verify and correspond with that prize symbol. The prize symbol caption is a spelling out, in full or abbreviated form, of the prize symbol. For Instant Game Number 172, the prize symbol captions which correspond with and verify the prize symbols are:

<u>PRIZE SYMBOL</u>	<u>CAPTION</u>
\$ 1.00	ONE DOL
\$ 2.00	TWO DOL
\$ 3.00	THR DOL
\$ 4.00	FOR DOL
\$ 5.00	FIV DOL
\$ 6.00	SIX DOL
\$ 10.00	TEN DOL

\$ 12.00	TLV DOL
\$ 16.00	SXT DOL
\$ 250.00	TWOHFIF

(e) Validation number: The unique twenty-five-digit number on the front of the ticket. The number is covered by latex.

(f) Pack-ticket number: The thirteen-digit number of the form 172000001-1-000 printed on the back of the ticket. The first three digits are the game identifier. The first nine digits of the pack-ticket number for Instant Game Number 172 constitute the "pack number" which starts at 172000001; the last three digits constitute the "ticket number" which starts at 000 and continues through 199 within each pack of tickets.

(g) Retailer verification codes: Codes consisting of small letters found under the removable covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$600.00 or less. For Instant Game Number 172, the retailer verification code is a three-letter code, with each letter appearing in a varying three of six locations beneath the removable covering and among the play symbols on the front of the ticket. The retailer verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>
ONE	\$ 1.00
TWO	\$ 2.00 (\$1 AND \$1)
FOR	\$ 4.00 (\$1, \$1, \$1 AND \$1; \$2, \$1 AND \$1)
EGT	\$ 8.00 (\$5, \$1, \$1 AND \$1; \$3, \$2, \$2 AND \$1)
FRN	\$ 14.00 (\$5, \$5, \$2 AND \$2; \$4, \$4, \$4 AND \$2)
TTF	\$ 24.00 (\$6, \$6, \$6 AND \$6; \$10, \$10, \$2 AND \$2)
FTE	\$ 48.00 (\$16, \$16 AND \$16; \$12, \$12, \$12 AND \$12)

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

(2) Criteria for Instant Game Number 172.

(a) The price of each instant game ticket shall be \$1.00.

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

(i) When any of the four play symbols matches exactly the play symbol labeled "winning number," the matching play symbol shall be a winning play symbol, and the bearer of the ticket shall win the prize below the winning play symbol.

(ii) The bearer of a ticket which has more than one winning play symbol shall win the total of the prizes below each winning play symbol.

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

(d) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 172 set forth in subsection (3) of this section, to the confidential

PROPOSED

validation requirements established by the director, and to the requirements stated on the back of each ticket.

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

- (i) Vary the length of Instant Game Number 172; and/or
- (ii) Vary the number of tickets sold in Instant Game Number 172 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

(3) Ticket validation requirements for Instant Game Number 172.

(a) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 172 all of the following validation requirements apply:

- (i) Exactly one play symbol must appear in each of the five play spots in the playfield on the front of the ticket.
- (ii) Each play symbol must have a play symbol caption below it and each must agree with its caption.
- (iii) Each of the play symbol captions, except for the "winning number" play symbol caption, shall have a prize symbol below it. Each of the prize symbols shall also have a prize symbol caption below it.

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

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

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

(vi) Each of the play symbols and each of the play symbol captions must be exactly one of those described in subsection (1)(b) of this section.

(vii) Each of the prize symbols must be exactly one of those described in subsection (1)(c) of this section and each of the prize symbol captions must be exactly one of those described in subsection (1)(d) of this section.

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

NEW SECTION

WAC 315-11A-173 Instant Game Number 173 ("Lucky Streak"). (1) Definitions for Instant Game Number 173.

(a) Play symbols: The "play symbols" are listed below in (b) of this subsection. One of these play symbols appears in each of the six play spots under the latex covering on the front of the ticket. The latex covered area shall be known as the playfield. One of the six play spots shall be labeled "winning number."

(b) Play symbol captions: The small printed characters appearing below each play symbol which correspond with and verify that play symbol. The caption is a spelling out,

in full or abbreviated form, of the play symbol. One and only one of these captions appears under each play symbol. The three-digit ticket number shall appear before each play symbol caption. For Instant Game Number 173, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
2	TWO
3	THR
4	FOR
5	FIV
6	SIX
7	SVN
8	EGT
9	NIN
10	TEN
12	TLV
13	THN
14	FRN
15	FTN

(c) Prize symbols: The following are the "prize symbols": "\$1.00," "\$2.00," "\$3.00," "\$4.00," "\$5.00," "\$10.00," "\$20.00," "\$30.00," "\$50.00," "\$100.00," "\$500.00," "\$1,000," and "\$2,000." One of these prize symbols appears below each of the play symbol captions, except that no prize symbol appears below the caption of the play symbol labeled "winning number."

(d) Prize symbol captions: The small printed characters which appear below the prize symbol and verify and correspond with that prize symbol. The prize symbol caption is a spelling out, in full or abbreviated form, of the prize symbol. For Instant Game Number 173, the prize symbol captions which correspond with and verify the prize symbols are:

<u>PRIZE SYMBOL</u>	<u>CAPTION</u>
\$ 1.00	ONE DOL
\$ 2.00	TWO DOL
\$ 3.00	THR DOL
\$ 4.00	FOR DOL
\$ 5.00	FIV DOL
\$ 10.00	TEN DOL
\$ 20.00	TWY DOL
\$ 30.00	\$THIRTY
\$ 50.00	\$FIFTY\$
\$ 100.00	ONEHUND
\$ 500.00	FIVHUND
\$ 1,000	ONETHOU
\$ 2,000	TWOTHOU

(e) Validation number: The unique twenty-five-digit number on the front of the ticket. The number is covered by latex.

(f) Pack-ticket number: The thirteen-digit number of the form 173000001-1-000 printed on the back of the ticket. The first three digits are the game identifier. The first nine digits of the pack-ticket number for Instant Game Number 173 constitute the "pack number" which starts at 173000001; the last three digits constitute the "ticket number" which starts at 000 and continues through 199 within each pack of tickets.

PROPOSED

(g) Retailer verification codes: Codes consisting of small letters found under the removable covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$600.00 or less. For Instant Game Number 173, the retailer verification code is a three-letter code, with each letter appearing in a varying three of six locations beneath the removable covering and among the play symbols on the front of the ticket. The retailer verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>
ONE	\$ 1.00
TWO	\$ 2.00 (\$1 AND \$1; \$2)
THR	\$ 3.00 (\$1, \$1 AND \$1; \$2 AND \$1)
SIX	\$ 6.00 (\$2, \$1, \$1, \$1 AND \$1; \$3, \$1, \$1 AND \$1)
TEN	\$ 10.00 (\$2, \$2, \$2, \$2 AND \$2; \$4, \$3, \$1, \$1 AND \$1)
TWY	\$ 20.00 (\$4, \$4, \$4, \$4 AND \$4; \$10, \$5, \$3, \$1 AND \$1)
FTY	\$ 50.00 (\$30, \$10, \$5, \$3 AND \$2)
TWH	\$ 200.00 (\$100, \$50, \$20, \$20 AND \$10)

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

(2) Criteria for Instant Game Number 173.

(a) The price of each instant game ticket shall be \$1.00.

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

(i) When any of the five play symbols matches exactly the play symbol labeled "winning number," the matching play symbol shall be a winning play symbol, and the bearer of the ticket shall win the prize below the winning play symbol.

(ii) The bearer of a ticket which has more than one winning play symbol shall win the total of the prizes below each winning play symbol.

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

(d) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 173 set forth in subsection (3) of this section, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

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

(i) Vary the length of Instant Game Number 173; and/or

(ii) Vary the number of tickets sold in Instant Game Number 173 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

(3) Ticket validation requirements for Instant Game Number 173.

(a) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for

Instant Game Number 173 all of the following validation requirements apply:

(i) Exactly one play symbol must appear in each of the six play spots in the playfield on the front of the ticket.

(ii) Each play symbol must have a play symbol caption below it and each must agree with its caption.

(iii) Each of the play symbol captions, except for the "winning number" play symbol caption, shall have a prize symbol below it. Each of the prize symbols shall also have a prize symbol caption below it.

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

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

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

(vi) Each of the play symbols and each of the play symbol captions must be exactly one of those described in subsection (1)(b) of this section.

(vii) Each of the prize symbols must be exactly one of those described in subsection (1)(c) of this section and each of the prize symbol captions must be exactly one of those described in subsection (1)(d) of this section.

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

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 315-10-050 Notification to commission.

PROPOSED



WSR 96-07-012
PERMANENT RULES
DEPARTMENT OF HEALTH
 (Board of Pharmacy)
 [Filed March 11, 1996, 9:55 a.m.]

Date of Adoption: February 28, 1996.

Purpose: Prevents the sale of products sold in Washington that do not comply with chapter 69.60 RCW, Over-the-counter medications.

Statutory Authority for Adoption: RCW 18.64.005.

Adopted under notice filed as WSR 96-03-134 on January 23, 1996.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 1, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 1, amended 0, repealed 0.

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

February 28, 1996
 Art Yeoman, R.Ph
 Board Chair

NEW SECTION

WAC 246-885-030 Over-the-counter (OTC) drug imprint regulation. (1) Pursuant to the provisions of RCW 69.60.090, chapter 69.60 RCW will cease to exist in its entirety upon implementation by the federal Food and Drug Administration (FDA) of provisions regulating solid dosage imprinting of OTC medications and upon a finding by the Washington state board of pharmacy that the FDA regulations are substantially equivalent to those in chapter 69.60 RCW.

(2) The FDA adopted a final rule regarding OTC solid dosage imprinting, codified in 21 CFR 206.01-10. This rule became effective September 13, 1995. The applicability of the federal rule is limited to those products introduced into interstate commerce on or after the effective date of the regulation. The rule is inapplicable to those noncompliant products introduced into interstate commerce prior to the effective date and to those products pending FDA review and approval of applications submitted by the manufacturer.

(3) The board finds that the inapplicability of the FDA rule to noncompliant products introduced into interstate commerce before the effective date and to those products currently on the market would permit the sale of these products in the state of Washington and thus fails to adequately protect the citizens of the state of Washington.

(4) Therefore, notwithstanding the provisions of 21 CFR 206.1 et seq. no nonimprinted solid dosage form drug that is intended for OTC sale may be distributed into or sold in the

state of Washington unless it has been found by the board to be exempt from the provisions of this chapter or has received an exemption from the FDA pursuant to 21 CFR 206.7. Copies of official documents that support such exemptions shall be filed with the board prior to any distribution of the nonimprinted product(s).

WSR 96-07-015
PERMANENT RULES
LOTTERY COMMISSION
 [Filed March 12, 1996, 11:46 a.m.]

Date of Adoption: March 1, 1996.

Purpose: To establish the game play rules and criteria for determining winner of Instant Game Nos. 157 ("Summer Gold"), 162 ("\$2 Double Dollars"), 163 ("Apple Bucks"), 164 ("Blackjack"), 165 ("\$2 Bingo"), 166 ("Hit the Jackpot"), and 167 ("100 Grands").

Statutory Authority for Adoption: RCW 67.70.040.

Adopted under notice filed as WSR 96-03-157 on January 24, 1996.

Changes Other than Editing from Proposed to Adopted Version: In Game 157, the play symbol caption for "SWIMR" was changed to "DIVER." The title of Game 166 was changed from "Instant Jackpot" to "Hit the Jackpot."

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 7, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

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

March 11, 1996
 Roger Wilson
 Deputy Director












NEW SECTION

WAC 315-11A-157 Instant Game Number 157 ("Summer Gold"). (1) **Definitions for Instant Game Number 157.**

(a) Play symbols: The "play symbols" are listed below in (b) of this subsection. One of these play symbols appears in each of the five play spots under the latex covering on the front of the ticket. The latex covered area shall be known as the playfield. One of the five play spots shall be labeled "winning symbol."

(b) Play symbol captions: The small printed characters appearing below each play symbol which correspond with and verify that play symbol. The caption is a spelling out, in full or abbreviated form, of the play symbol. One and

only one of these captions appears under each play symbol. The three-digit ticket number shall appear before each play symbol caption. For Instant Game Number 157, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
	ARCHR
	CYCLE
	EQUEST
	SOCCR
	GYMNS
	DIVER
	TENNS
	WEGHT
	BASEB
	WPOLO
	TORCH

(c) Prize symbols: The following are the "prize symbols": "\$1.00," "\$2.00," "\$3.00," "\$4.00," "\$5.00," "\$6.00," "\$9.00," "\$10.00," "\$20.00," "\$30.00," and "\$2,000." One of these prize symbols appears below each of the play symbol captions, except that no prize symbol appears below the caption of the play symbol labeled "winning symbol."

(d) Prize symbol captions: The small printed characters which appear below the prize symbol and verify and correspond with that prize symbol. The prize symbol caption is a spelling out, in full or abbreviated form, of the prize symbol. For Instant Game Number 157, the prize symbol captions which correspond with and verify the prize symbols are:

<u>PRIZE SYMBOL</u>	<u>CAPTION</u>
\$ 1.00	ONE DOL
\$ 2.00	TWO DOL
\$ 3.00	THR DOL
\$ 4.00	FOR DOL
\$ 5.00	FIV DOL
\$ 6.00	SIX DOL
\$ 9.00	NIN DOL
\$ 10.00	TEN DOL
\$ 20.00	TWY DOL
\$ 30.00	\$THIRTY
\$ 2,000	TWOTHOU

(e) Validation number: The unique nineteen-digit number on the front of the ticket. The number is covered by latex.

(f) Pack-ticket number: The twelve-digit number of the form 15700001-1-000 printed on the back of the ticket. The first three digits are the game identifier. The first eight digits of the pack-ticket number for Instant Game Number 157 constitute the "pack number" which starts at 15700001; the last three digits constitute the "ticket number" which starts at 000 and continues through 199 within each pack of tickets.

(g) Retailer verification codes: Codes consisting of small letters found under the removable covering on the

front of the ticket which the lottery retailer uses to verify instant winners of \$600.00 or less. For Instant Game Number 157, the retailer verification code is a three-letter code, with each letter appearing in a varying three of six locations beneath the removable covering and among the play symbols on the front of the ticket. The retailer verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>
ONE	\$ 1.00
TWO	\$ 2.00 (\$1 AND \$1; \$2)
FOR	\$ 4.00 (\$1, \$1, \$1 AND \$1; \$3 AND \$1)
EGT	\$ 8.00 (\$2, \$2, \$2 AND \$2; \$5, \$1, \$1 AND \$1)
EGN	\$ 18.00 (\$6, \$6, \$4 AND \$2; \$9 AND \$9)
FRY	\$ 40.00 (\$10, \$10, \$10 AND \$10; \$30 AND \$10)
ETY	\$ 80.00 (\$20, \$20, \$20 AND \$20)

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

(2) Criteria for Instant Game Number 157.

(a) The price of each instant game ticket shall be \$1.00.

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

(i) When any of the four play symbols matches exactly the play symbol labeled "winning symbol," the matching play symbol shall be a winning play symbol, and the bearer of the ticket shall win the prize below the winning play symbol.

(ii) In Instant Game Number 157, the "🔥" play symbol with the caption "TORCH" shall always be a winning play symbol, and the bearer of a ticket which has a "🔥" play symbol with the caption "TORCH" shall be entitled to the prize shown below the "🔥" play symbol.

(iii) The bearer of a ticket which has more than one winning play symbol shall win the total of the prizes below each winning play symbol.

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

(d) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 157 set forth in subsection (3) of this section, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

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

(i) Vary the length of Instant Game Number 157; and/or

(ii) Vary the number of tickets sold in Instant Game Number 157 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

(3) Ticket validation requirements for Instant Game Number 157.

(a) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for

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Instant Game Number 157 all of the following validation requirements apply:

- (i) Exactly one play symbol must appear in each of the five play spots in the playfield on the front of the ticket.
- (ii) Each play symbol must have a play symbol caption below it and each must agree with its caption.
- (iii) Each of the play symbol captions, except for the "winning symbol" play symbol caption, shall have a prize symbol below it. Each of the prize symbols shall also have a prize symbol caption below it.
- (iv) The display printing and the printed numbers, letters, and symbols on the ticket must be regular in every respect and correspond precisely with the artwork on file with the director. The numbers, letters, and symbols shall be printed as follows:

3	THR
4	FOR
5	FIV
6	SIX
7	SVN
8	EGT
9	NIN
10	TEN
12	TLV
13	THN
14	FRN
15	FTN
16	DBL
TRY AGAIN	TRY

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

- (v) Each of the play symbols and its caption, the validation number, pack-ticket number, and retailer verification code must be printed in black ink.
- (vi) Each of the play symbols and each of the play symbol captions must be exactly one of those described in subsection (1)(b) of this section.
- (vii) Each of the prize symbols must be exactly one of those described in subsection (1)(c) of this section and each of the prize symbol captions must be exactly one of those described in subsection (1)(d) of this section.

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

NEW SECTION

WAC 315-11A-162 Instant Game Number 162 ("Double Dollars"). (1) Definitions for Instant Game Number 162.

(a) Play symbols: The "play symbols" are listed below in (b) of this subsection. Two playfields shall appear on the front of each ticket labeled "Game 1" and "Game 2." Each playfield shall be covered by latex and shall contain seven play spots. One play symbol shall appear in each of the play spots. One of the play spots in each of the two playfields shall be labeled "winning number." Each ticket shall also have a "bonus box" which shall be covered by latex and which shall apply to both playfields.

(b) Play symbol captions: The small printed characters appearing below each play symbol which correspond with and verify that play symbol. The caption is a spelling out, in full or abbreviated form, of the play symbol. One and only one of these captions appears under each play symbol. The three-digit ticket number shall appear before each play symbol caption. For Instant Game Number 162, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
1	ONE
2	TWO

(c) Prize symbols: The following are the "prize symbols": "\$1.00," "\$2.00," "\$3.00," "\$4.00," "\$5.00," "\$6.00," "\$7.00," "\$8.00," "\$10.00," "\$12.00," "\$20.00," "\$40.00," "\$50.00," and "\$2,000." One of these prize symbols appears below each of the play symbol captions, except that no prize symbol appears below the caption of the play symbols labeled "winning number" and "bonus box."

(d) Prize symbol captions: The small printed characters which appear below the prize symbol and verify and correspond with that prize symbol. The prize symbol caption is a spelling out, in full or abbreviated form, of the prize symbol. For Instant Game Number 162, the prize symbol captions which correspond with and verify the prize symbols are:

<u>PRIZE SYMBOL</u>	<u>CAPTION</u>
\$ 1.00	ONE DOL
\$ 2.00	TWO DOL
\$ 3.00	THR DOL
\$ 4.00	FOR DOL
\$ 5.00	FIV DOL
\$ 6.00	SIX DOL
\$ 7.00	SVN DOL
\$ 8.00	EGT DOL
\$ 10.00	TEN DOL
\$ 12.00	TLV DOL
\$ 20.00	TWY DOL
\$ 40.00	\$FORTY\$
\$ 50.00	\$FIFTY\$
\$ 2,000	TWOTHOU

(e) Validation number: The unique twenty-digit number on the front of the ticket. The number is covered by latex.

(f) Pack-ticket number: The thirteen-digit number of the form 162000001-1-000 printed on the back of the ticket. The first three digits are the game identifier. The first nine digits of the pack-ticket number for Instant Game Number 162 constitute the "pack number" which starts at 162000001; the last three digits constitute the "ticket number" which starts at 000 and continues through 199 within each pack of tickets.

(g) Retailer verification codes: Codes consisting of small letters found under the removable covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$600.00 or less. For Instant Game Number 162, the retailer verification code is a three-letter code, with each letter appearing in a varying three of six locations beneath the removable covering and among the

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play symbols on the front of the ticket. The retailer verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>	
TWO	\$ 2.00	(\$1 AND \$1)
FOR	\$ 4.00	(\$1, \$1, \$1 AND \$1; \$2 AND \$\$)
EGT	\$ 8.00	(\$3, \$2, \$1, \$1 AND \$1; \$3, \$1 AND \$\$)
TLV	\$ 12.00	(\$6, \$2, \$1, \$1, \$1 AND \$1; \$3, \$2, \$1 AND \$\$)
TTF	\$ 24.00	(\$4, \$4, \$4, \$4, \$4 AND \$4; \$5, \$4, \$3 AND \$\$)
ETY	\$ 80.00	(\$20, \$20, \$20, \$10 AND \$10; \$12, \$10, \$8, \$6, \$4 AND \$\$)
TFR	\$ 240.00	(\$40, \$40, \$40, \$40, \$40 AND \$40; \$50, \$40, \$20, \$7, \$3 AND \$\$)

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

(2) Criteria for Instant Game Number 162.

(a) The price of each instant game ticket shall be \$2.00.

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

(i) When any of the six play symbols within a playfield matches exactly the play symbol within that same playfield labeled "winning number," the matching play symbol shall be a winning play symbol, and the bearer of the ticket shall win the prize below the winning play symbol.

(ii) The bearer of a ticket which has more than one winning play symbol shall win the total of the prizes below each winning play symbol.

(iii) In Instant Game Number 162, the bearer of a ticket which has a "DBL" play symbol with the caption "DBL" in the bonus box shall be entitled to a prize which is double the amount of the prize(s) below each winning play symbol.

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

(d) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 162 set forth in subsection (3) of this section, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

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

(i) Vary the length of Instant Game Number 162; and/or

(ii) Vary the number of tickets sold in Instant Game Number 162 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

(3) Ticket validation requirements for Instant Game Number 162.

(a) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for

Instant Game Number 162 all of the following validation requirements apply:

(i) Exactly one play symbol must appear in each of the fifteen play spots on the front of the ticket.

(ii) Each play symbol must have a play symbol caption below it and each must agree with its caption.

(iii) Each of the play symbol captions, except for the "winning number" and "bonus box" play symbol captions, shall have a prize symbol below it. Each of the prize symbols shall also have a prize symbol caption below it.

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

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

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

(vi) Each of the play symbols and each of the play symbol captions must be exactly one of those described in subsection (1)(b) of this section.

(vii) Each of the prize symbols must be exactly one of those described in subsection (1)(c) of this section and each of the prize symbol captions must be exactly one of those described in subsection (1)(d) of this section.

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

NEW SECTION


WAC 315-11A-163 Instant Game Number 163 ("Apple Bucks"). (1) Definitions for Instant Game Number 163.

(a) Play symbols: The "play symbols" are listed below in (b) of this subsection. One of these play symbols appears in each of the six play spots under the latex covering on the front of the ticket. The latex covered area shall be known as the playfield. One of the six play spots shall be labeled "winning number."

(b) Play symbol captions: The small printed characters appearing below each play symbol which correspond with and verify that play symbol. The caption is a spelling out, in full or abbreviated form, of the play symbol. One and only one of these captions appears under each play symbol. The three-digit ticket number shall appear before each play symbol caption. For Instant Game Number 163, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
2	TWO
3	THR
4	FOR
5	FIV

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6	SIX
7	SVN
8	EGT
9	NIN
10	TEN
12	TLV
13	THN
14	FRN
	APL

<u>VERIFICATION CODE</u>	<u>PRIZE</u>	
ONE	\$ 1.00	
TWO	\$ 2.00	(\$1 AND \$1; \$2)
FIV	\$ 5.00	(\$1, \$1, \$1, \$1, AND \$1; \$2, \$2 AND \$1)
NIN	\$ 9.00	(\$3, \$3, \$1, \$1 AND \$1; \$5, \$1, \$1, \$1 AND \$1)
EGN	\$ 18.00	(\$5, \$4, \$3, \$3, AND \$3; \$6, \$6, \$4, \$1 AND \$1)
TWF	\$ 25.00	(\$10, \$9, \$4, \$1 AND \$1)
SXY	\$ 60.00	(\$20, \$12, \$10, \$10 AND \$8)
TRN	\$ 300.00	(\$60, \$60, \$60, \$60 AND \$60)

(c) Prize symbols: The following are the "prize symbols": "\$1.00," "\$2.00," "\$3.00," "\$4.00," "\$5.00," "\$6.00," "\$8.00," "\$9.00," "\$10.00," "\$12.00," "\$20.00," "\$1,000," and "\$3,000." One of these prize symbols appears below each of the play symbol captions, except that no prize symbol appears below the caption of the play symbol labeled "winning number."

(d) Prize symbol captions: The small printed characters which appear below the prize symbol and verify and correspond with that prize symbol. The prize symbol caption is a spelling out, in full or abbreviated form, of the prize symbol. For Instant Game Number 163, the prize symbol captions which correspond with and verify the prize symbols are:

<u>PRIZE SYMBOL</u>	<u>CAPTION</u>
\$ 1.00	ONE DOL
\$ 2.00	TWO DOL
\$ 3.00	THR DOL
\$ 4.00	FOR DOL
\$ 5.00	FIV DOL
\$ 6.00	SIX DOL
\$ 8.00	EGT DOL
\$ 9.00	NIN DOL
\$ 10.00	TEN DOL
\$ 12.00	TLV DOL
\$ 20.00	TWY DOL
\$ 1,000	ONETHOU
\$ 3,000	THRTHOU

(e) Validation number: The unique twenty-digit number on the front of the ticket. The number is covered by latex.

(f) Pack-ticket number: The thirteen-digit number of the form 163000001-1-000 printed on the back of the ticket. The first three digits are the game identifier. The first nine digits of the pack-ticket number for Instant Game Number 163 constitute the "pack number" which starts at 163000001; the last three digits constitute the "ticket number" which starts at 000 and continues through 199 within each pack of tickets.

(g) Retailer verification codes: Codes consisting of small letters found under the removable covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$600.00 or less. For Instant Game Number 163, the retailer verification code is a three-letter code, with each letter appearing in a varying three of six locations beneath the removable covering and among the play symbols on the front of the ticket. The retailer verification codes are:




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

(2) Criteria for Instant Game Number 163.

(a) The price of each instant game ticket shall be \$1.00.

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

(i) When any of the five play symbols matches exactly the play symbol labeled "winning number," the matching play symbol shall be a winning play symbol, and the bearer of the ticket shall win the prize below the winning play symbol.

(ii) In Instant Game Number 163, the "" play symbol with the caption "APL" shall always be a winning play symbol, and the bearer of a ticket which has a "" play symbol with the caption "APL" shall be entitled to the prize shown below the "" play symbol.

(iii) The bearer of a ticket which has more than one winning play symbol shall win the total of the prizes below each winning play symbol.

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

(d) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 163 set forth in subsection (3) of this section, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

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

(i) Vary the length of Instant Game Number 163; and/or

(ii) Vary the number of tickets sold in Instant Game Number 163 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

(3) Ticket validation requirements for Instant Game Number 163.

(a) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 163 all of the following validation requirements apply:

(i) Exactly one play symbol must appear in each of the six play spots in the playfield on the front of the ticket.

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(ii) Each play symbol must have a play symbol caption below it and each must agree with its caption.

(iii) Each of the play symbol captions, except for the "winning number" play symbol caption, shall have a prize symbol below it. Each of the prize symbols shall also have a prize symbol caption below it.

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

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

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

(vi) Each of the play symbols and each of the play symbol captions must be exactly one of those described in subsection (1)(b) of this section.

(vii) Each of the prize symbols must be exactly one of those described in subsection (1)(c) of this section and each of the prize symbol captions must be exactly one of those described in subsection (1)(d) of this section.





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










NEW SECTION

WAC 315-11A-164 Instant Game Number 164 ("Blackjack"). (1) Definitions for Instant Game Number 164.

(a) Play symbols: The "play symbols" are listed below in (b) of this subsection. One of these play symbols appears in each of the ten play spots under the latex covering on the front of the ticket. The latex covered area shall be known as the playfield. The ten play spots shall be arranged in five pairs of two spots each, labeled "Dealer's Hand," "Hand 1," "Hand 2," "Hand 3," and "Hand 4."

(b) Play symbol captions: The small printed characters appearing below each play symbol which correspond with and verify that play symbol. The caption is a spelling out, in full or abbreviated form, of the play symbol. One and only one of these captions appears under each play symbol. The three-digit ticket number shall appear before each play symbol caption. For Instant Game Number 164, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
	TWO
	THREE
	FOUR
	FIVE

	SIX
	SEVEN
	EIGHT
	NINE
	TEN
	JACK
	QUEEN
	KING
	ACE

(c) Prize symbols: The following are the "prize symbols": "\$1.00," "\$2.00," "\$3.00," "\$4.00," "\$5.00," "\$7.00," "\$10.00," "\$20.00," "\$40.00," "\$70.00," and "\$700.00." One of these prize symbols appears below each of the pairs, except that no prize symbol appears below the pair labeled "Dealer's Hand."

(d) Prize symbol captions: The small printed characters which appear below the prize symbol and verify and correspond with that prize symbol. The prize symbol caption is a spelling out, in full or abbreviated form, of the prize symbol. For Instant Game Number 164, the prize symbol captions which correspond with and verify the prize symbols are:

<u>PRIZE SYMBOL</u>	<u>CAPTION</u>
\$ 1.00	ONE DOL
\$ 2.00	TWO DOL
\$ 3.00	THR DOL
\$ 4.00	FOR DOL
\$ 5.00	FIV DOL
\$ 7.00	SVN DOL
\$ 10.00	TEN DOL
\$ 20.00	TWY DOL
\$ 40.00	\$FORTY\$
\$ 70.00	\$SVNTY\$
\$ 700.00	SVNHUND

(e) Validation number: The unique twenty-digit number on the front of the ticket. The number is covered by latex.

(f) Pack-ticket number: The thirteen-digit number of the form 164000001-1-000 printed on the back of the ticket. The first three digits are the game identifier. The first nine digits of the pack-ticket number for Instant Game Number 164 constitute the "pack number" which starts at 164000001; the last three digits constitute the "ticket number" which starts at 000 and continues through 199 within each pack of tickets.

(g) Retailer verification codes: Codes consisting of small letters found under the removable covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$600.00 or less. For Instant Game Number 164, the retailer verification code is a three-letter code, with each letter appearing in a varying three of six locations beneath the removable covering and among the play symbols on the front of the ticket. The retailer verification codes are:

FTY	\$ 50.00	
OHF	\$ 150.00	(\$25, \$25 AND \$100; \$150)
TWH	\$ 200.00	(\$25, \$25, \$50 AND \$100; \$50 AND \$150; \$200)
THF	\$ 250.00	
FVH	\$ 500.00	

The "X" must have the "free" space at its center.

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

(2) Criteria for Instant Game Number 165.

(a) The price of each instant game ticket shall be \$2.00.

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

(i) When the play symbols in any of the player's cards, which match exactly the play symbols in the Caller's Card, form the following configurations, the bearer of the ticket shall be entitled to a prize as follows:

-Card 1: Either five matching play symbols, or four matching play symbols and the free space, in a horizontal, vertical or diagonal line in Card 1 shall entitle the bearer to \$2.00.

- A matching play symbol in each and every corner space of Card 1 shall entitle the bearer to \$25.00.

- Eight matching play symbols forming an "X" on Card 1 shall entitle the bearer to \$150.00. The "X" must have the "free" space at its center.

-Card 2: Either five matching play symbols, or four matching play symbols and the free space, in a horizontal, vertical or diagonal line in Card 2 shall entitle the bearer to \$3.00.

- A matching play symbol in each and every corner space of Card 2 shall entitle the bearer to \$50.00.

- Eight matching play symbols forming an "X" on Card 2 shall entitle the bearer to \$250.00. The "X" must have the "free" space at its center.

-Card 3: Either five matching play symbols, or four matching play symbols and the free space, in a horizontal, vertical or diagonal line in Card 3 shall entitle the bearer to \$10.00.

- A matching play symbol in each and every corner space of Card 3 shall entitle the bearer to \$100.00.

- Eight matching play symbols forming an "X" on Card 3 shall entitle the bearer to \$500.00. The "X" must have the "free" space at its center.

-Card 4: Either five matching play symbols, or four matching play symbols and the free space, in a horizontal, vertical or diagonal line in Card 4 shall entitle the bearer to \$25.00.

- A matching play symbol in each and every corner space of Card 4 shall entitle the bearer to \$200.00.

- Eight matching play symbols forming an "X" on Card 4 shall entitle the bearer to \$20,000.

(ii) The bearer of a ticket which is entitled to a prize from more than one player's card shall be entitled to the total of the prizes won on all the cards, provided however, that where there is more than one prize on one player's card, only the highest prize on that player's card shall be paid.

(iii) Play symbols may not be combined, exchanged, or intermingled among or within one or more player's cards.

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

(d) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 165 set forth in subsection (3) of this section, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

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

(i) Vary the length of Instant Game Number 165; and/or

(ii) Vary the number of tickets sold in Instant Game Number 165 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

(3) Ticket validation requirements for Instant Game Number 165.

(a) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 165 all of the following validation requirements apply:

(i) Exactly 25 play symbols must appear in each of the player's cards on the front of the ticket. One of the play symbols shall be "free" which shall appear in the exact center of each player's card.

(ii) Exactly 24 play symbols must appear in the Caller's Card section on the front of the ticket.

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

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

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

(v) Each of the play symbols must be exactly one of those described in subsection (1)(a) of this section.

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

NEW SECTION

WAC 315-11A-166 Instant Game Number 166 ("Hit the Jackpot"). (1) Definitions for Instant Game Number 166.

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(a) Play symbols: The "play symbols" are listed below in (b) of this subsection. One of these play symbols shall appear in each of the twelve play spots under the latex covering on the front of the ticket. The twelve play spots shall be divided into four groups of three spots. Each group of three spots shall be a playfield and shall be labeled "Play 1," "Play 2," "Play 3," and "Play 4."

(b) Play symbol captions: The small printed characters appearing below each play symbol which correspond with and verify that play symbol. The caption is a spelling out, in full or abbreviated form, of the play symbol. One and only one of these captions appears under each play symbol. The three-digit ticket number shall appear before each play symbol caption. For Instant Game Number 166, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
	STAR
	LEMN
	CHRY
	CRWN
	SVEN
	BELL
	BNNA
	BARR
	SHOE
	DOLR
	WINN

(c) Prize symbols: The following are the "prize symbols": "\$1.00," "\$2.00," "\$3.00," "\$4.00," "\$5.00," "\$6.00," "\$7.00," "\$10.00," "\$15.00," "\$20.00," "\$60.00," "\$70.00," "\$1,000," and "\$2,000." One of these prize symbols appears to the right side of each playfield.

(d) Prize symbol captions: The small printed characters which appear below the prize symbol and verify and correspond with that prize symbol. The prize symbol caption is a spelling out, in full or abbreviated form, of the prize symbol. For Instant Game Number 166, the prize symbol captions which correspond with and verify the prize symbols are:

<u>PRIZE SYMBOL</u>	<u>CAPTION</u>
\$ 1.00	ONE DOL
\$ 2.00	TWO DOL
\$ 3.00	THR DOL
\$ 4.00	FOR DOL
\$ 5.00	FIV DOL
\$ 6.00	SIX DOL
\$ 7.00	SVN DOL
\$ 10.00	TEN DOL
\$ 15.00	FTN DOL
\$ 20.00	TWY DOL
\$ 60.00	\$SIXTY\$
\$ 70.00	\$SVNTY\$
\$ 1,000	ONETHOU
\$ 2,000	TWOTHOU

(e) Validation number: The unique twenty-digit number on the front of the ticket. The number is covered by latex.

(f) Pack-ticket number: The thirteen-digit number of the form 166000001-1-000 printed on the back of the ticket. The first three digits are the game identifier. The first nine digits of the pack-ticket number for Instant Game Number 166 constitute the "pack number" which starts at 166000001; the last three digits constitute the "ticket number" which starts at 000 and continues through 199 within each pack of tickets.

(g) Retailer verification codes: Codes consisting of small letters found under the removable covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$600.00 or less. For Instant Game Number 166, the retailer verification code is a three-letter code, with each letter appearing in a varying three of six locations beneath the removable covering and among the play symbols on the front of the ticket. The retailer verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>
ONE	\$ 1.00
TWO	\$ 2.00 (\$1 AND \$1; \$2)
THR	\$ 3.00 (\$1, \$1 AND \$1; \$2 AND \$1)
TEN	\$ 10.00 (\$4, \$4, \$1 AND \$1; \$3, \$3, \$3 AND \$1)
TWF	\$ 25.00 (\$10, \$5, \$5 AND \$5; \$7, \$6, \$6 AND \$6)
FTY	\$ 50.00 (\$20, \$15, \$10 AND \$5)
THF	\$ 250.00 (\$70, \$60, \$60 AND \$60)

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

(2) Criteria for Instant Game Number 166.

(a) The price of each instant game ticket shall be \$1.00.

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

(i) When the three play symbols appearing within one playfield match each other exactly, the three matching play symbols shall be winning play symbols, and the bearer of the ticket shall win the prize shown to the right of the winning play symbols in the same playfield.

(ii) In Instant Game Number 166, the "WIN" play symbol with the caption "WINN" shall always be a winning play symbol, and the bearer of a ticket which has a "WIN" play symbol with the caption "WINN" shall be entitled to the prize shown to the right of the "WIN" play symbol in the same row.

(iii) The bearer of a ticket which has more than one set of winning play symbols shall win the total of the prizes shown to the right of the winning play symbols in the same row.

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

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(d) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 166 set forth in subsection (3) of this section, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

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

(i) Vary the length of Instant Game Number 166; and/or

(ii) Vary the number of tickets sold in Instant Game Number 166 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

(3) Ticket validation requirements for Instant Game Number 166.

(a) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 166 all of the following validation requirements apply:

(i) Exactly three play symbols and one prize symbol must appear in each of the four playfields on the front of the ticket.

(ii) Each play symbol must have a play symbol caption below it and each must agree with its caption.

(iii) Each of the prize symbols shall have a prize symbol caption below it.

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

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

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

(vi) Each of the play symbols and each of the play symbol captions must be exactly one of those described in subsection (1)(b) of this section.

(vii) Each of the prize symbols must be exactly one of those described in subsection (1)(c) of this section and each of the prize symbol captions must be exactly one of those described in subsection (1)(d) of this section.

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

NEW SECTION

WAC 315-11A-167 Instant Game Number 167 ("100 Grands"). (1) Definitions for Instant Game Number 167.

(a) Play symbols: The "play symbols" are listed below in (b) of this subsection. One of these play symbols appears in each of the six play spots under the latex covering on the front of the ticket. The latex covered area shall be known as the playfield. One of the six play spots shall be labeled "winning number."

(b) Play symbol captions: The small printed characters appearing below each play symbol which correspond with and verify that play symbol. The caption is a spelling out, in full or abbreviated form, of the play symbol. One and only one of these captions appears under each play symbol. The three-digit ticket number shall appear before each play symbol caption. For Instant Game Number 167, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
2	TWO
3	THR
4	FOR
5	FIV
6	SIX
7	SVN
8	EGT
9	NIN
10	TEN
12	TLV

(c) Prize symbols: The following are the "prize symbols": "\$1.00," "\$2.00," "\$3.00," "\$4.00," "\$5.00," "\$9.00," "\$10.00," "\$12.00," "\$20.00," and "\$200." One of these prize symbols appears below each of the play symbol captions, except that no prize symbol appears below the caption of the play symbol labeled "winning number."

(d) Prize symbol captions: The small printed characters which appear below the prize symbol and verify and correspond with that prize symbol. The prize symbol caption is a spelling out, in full or abbreviated form, of the prize symbol. For Instant Game Number 167, the prize symbol captions which correspond with and verify the prize symbols are:

<u>PRIZE SYMBOL</u>	<u>CAPTION</u>
\$ 1.00	ONE DOL
\$ 2.00	TWO DOL
\$ 4.00	FOR DOL
\$ 5.00	FIV DOL
\$ 9.00	NIN DOL
\$ 10.00	TEN DOL
\$ 12.00	TLV DOL
\$ 20.00	TWY DOL
\$ 200	TWOHUND

(e) Validation number: The unique twenty-digit number on the front of the ticket. The number is covered by latex.

(f) Pack-ticket number: The thirteen-digit number of the form 167000001-1-000 printed on the back of the ticket. The first three digits are the game identifier. The first nine digits of the pack-ticket number for Instant Game Number 167 constitute the "pack number" which starts at 167000001; the last three digits constitute the "ticket number" which starts at 000 and continues through 199 within each pack of tickets.

(g) Retailer verification codes: Codes consisting of small letters found under the removable covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$600.00 or less. For Instant Game Number 167, the retailer verification code is a three-letter code, with each letter appearing in a varying three of six locations beneath the removable covering and among the

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play symbols on the front of the ticket. The retailer verification codes are:

VERIFICATION CODE	PRIZE
ONE	\$ 1.00
TWO	\$ 2.00 (\$1 AND \$1; \$2)
THR	\$ 3.00 (\$1, \$1 AND \$1; \$2 AND \$1)
NIN	\$ 9.00 (\$3, \$3, \$1, \$1 AND \$1; \$4, \$3, \$1 AND \$1)
EGN	\$ 18.00 (\$5, \$5, \$3, \$3 AND \$2; \$9, \$3, \$2, \$2 AND \$2)
SXY	\$ 60.00 (\$20, \$10, \$10, \$10 AND \$10; \$12, \$12, \$12, \$12 AND \$12)

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

(2) Criteria for Instant Game Number 167.

(a) The price of each instant game ticket shall be \$1.00.

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

(i) When any of the five play symbols matches exactly the play symbol labeled "winning number," the matching play symbol shall be a winning play symbol, and the bearer of the ticket shall win the prize below the winning play symbol.

(ii) The bearer of a ticket which has more than one winning play symbol shall win the total of the prizes below each winning play symbol.

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

(d) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 167 set forth in subsection (3) of this section, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

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

(i) Vary the length of Instant Game Number 167; and/or

(ii) Vary the number of tickets sold in Instant Game Number 167 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

(3) Ticket validation requirements for Instant Game Number 167.

(a) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 167 all of the following validation requirements apply:

(i) Exactly one play symbol must appear in each of the six play spots in the playfield on the front of the ticket.

(ii) Each play symbol must have a play symbol caption below it and each must agree with its caption.

(iii) Each of the play symbol captions, except for the "winning number" play symbol caption, shall have a prize symbol below it. Each of the prize symbols shall also have a prize symbol caption below it.

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

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

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

(vi) Each of the play symbols and each of the play symbol captions must be exactly one of those described in subsection (1)(b) of this section.

(vii) Each of the prize symbols must be exactly one of those described in subsection (1)(c) of this section and each of the prize symbol captions must be exactly one of those described in subsection (1)(d) of this section.

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

**WSR 96-07-021
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)**

[Order 3955—Filed March 13, 1996, 12:05 p.m.]

Date of Adoption: March 13, 1996.

Purpose: Amends the success through employment program (STEP), a ten-year demonstration project to conform with amendments to our federal waiver, granted under Section 1115 of the Social Security Act.

Citation of Existing Rules Affected by this Order: Amending WAC 388-201-200, 388-201-300, 388-201-400, 388-201-410, 388-201-420, 388-201-530, 388-201-440, 388-201-450, 388-201-460, 388-201-470, and 388-201-480.

Statutory Authority for Adoption: RCW 74.12.036, 74.12.420, 74.12.425, and 74.12.901.

Other Authority: Social Security Act, Section 1115.

Adopted under notice filed as WSR 96-04-034 on February 2, 1996.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 11, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making:

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New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 11, repealed 0.

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

March 13, 1996

Merry A. Kogut, Supervisor
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 3925, filed 11/22/95, effective 1/1/96)

WAC 388-201-200 Definitions. (1) "Child-only assistance unit" means ((all)) AFDC cases in which there are no adults in the assistance unit.

(2) "Hundred-hour control group" means a valid random sample of all AFDC-E cases.

(3) "Hundred-hour treatment group" means all AFDC-E cases not assigned to the hundred-hour control group.

(4) "Length-of-stay grant reduction" means a grant reduction resulting from the assistance unit's length of stay on AFDC.

~~((3))~~ (5) "STEP Length-of-stay control group" means a valid random sample of all AFDC cases with adults in the assistance unit.

~~((4))~~ (6) "STEP Length-of-stay earned income adjustment" means grant adjustments which allow members of the assistance unit to offset length-of-stay grant reductions with their earned income.

~~((5))~~ (7) "STEP Length-of-stay treatment group" means all remaining AFDC cases with an adult in the assistance unit, not assigned to ((child-only or STEP)) the length-of-stay control group((s)).

AMENDATORY SECTION (Amending Order 3925, filed 11/22/95, effective 1/1/96)

WAC 388-201-300 Participation. (1) Effective July 1, 1996, the department shall assign all AFDC-E assistance units at random to either the hundred-hour treatment group or the hundred-hour control group as the case is converted into the automated client eligibility system (ACES).

(a) AFDC-E child-only assistance units shall be included in STEP's hundred-hour demonstration.

(b) Pursuant to WAC 388-201-400, recipients in the hundred-hour treatment group shall not be subject to the definition of unemployment in WAC 388-215-1375.

(2) Effective January 1, ~~((1996)) 1999, the department shall assign all AFDC recipients with an adult in the assistance unit at random to either the ((STEP)) length-of-stay treatment group or the ((STEP)) length-of-stay control group.~~

(a) Child-only assistance units (AFDC-R and AFDC-E) shall be exempt from participation in STEP's length-of-stay demonstration.

(b) Recipients in the ((STEP)) length-of-stay control group shall not be subject to any of the ((STEP)) length-of-stay provisions, as delineated in WAC ~~((388-201-400)) 388-201-410 through 388-201-480.~~

(c) Recipients in the ((STEP)) length-of-stay treatment group shall be subject to the ((STEP)) length-of-stay provisions delineated in WAC ~~((388-201-400)) 388-201-410 through 388-201-480.~~

~~((2))~~ (3) For the purposes of assigning the assistance unit to a child-only, ((STEP)) hundred-hour treatment or

control group or a length-of-stay treatment or ((STEP)) length-of-stay control group, the department shall consider adults who are required to be in the assistance unit but are excluded due solely to JOBS or IV-D sanction as adult members of the assistance unit.

~~((3))~~ (4) When an adult enters or leaves an AFDC assistance unit, the department shall redetermine the assistance unit's child-only, ((STEP)) hundred-hour treatment or control status, and length-of-stay treatment or ((STEP)) length-of-stay control status.

AMENDATORY SECTION (Amending Order 3925, filed 11/22/95, effective 1/1/96)

WAC 388-201-400 Hundred-hour treatment group— Elimination of the one-hundred-hour rule. Effective ~~((January)) July 1, 1996, the department shall extend the definition of unemployed parent to include recipients in the ((STEP)) hundred-hour treatment group who are employed and working one hundred hours or more a month for longer than the six-month period delineated in WAC 388-215-1390(2).~~

AMENDATORY SECTION (Amending Order 3925, filed 11/22/95, effective 1/1/96)

WAC 388-201-410 Length-of-stay treatment group— Assessment of past AFDC receipt. Beginning January 1, 1996, the department shall determine the history of AFDC receipt for all assistance units ~~((in the STEP treatment group))~~ on a monthly basis. For the purposes of this section:

(1) The department shall not count any months of AFDC receipt prior to January 1, 1996;

(2) If there is more than one parent in the assistance unit, the department shall calculate the assistance unit's months on AFDC based on the parent with the longer history of AFDC receipt;

(3) The department shall only include months of AFDC receipt in which the assistance unit:

(a) Received an AFDC grant payment; or

(b) Did not receive a grant payment because the amount of the monthly grant following the budgeting of income or grant reductions was less than ten dollars per month, as specified in WAC 388-245-1400(1).

(4) Months of AFDC receipt shall not include any month in which the assistance unit's grant was suspended because the department has reason to believe ineligibility caused by income or other change of circumstance in the report month would be for one month only, as specified in WAC 388-245-1400(3).

AMENDATORY SECTION (Amending Order 3925, filed 11/22/95, effective 1/1/96)

WAC 388-201-420 Length-of-stay treatment group— Initial length-of-stay grant reductions. (1) The department shall apply the following provisions to any assistance unit in the ((STEP)) length-of-stay treatment group in which an adult has received AFDC benefits for forty-eight months of the last sixty months:

(a) The family shall be subject to an initial length-of-stay grant reduction;

(b) For each month the family is not exempt, as provided in WAC 388-201-450, the department shall impose the initial length-of-stay grant reduction, which is an amount equal to ten percent of the assistance unit's payment standard; and

(c) The department shall not apply a JOBS sanction to a family that is subject to length-of-stay grant reductions.

(2) For the purposes of determining the effect of length-of-stay grant reductions on the assistance unit's AFDC eligibility, the department shall:

(a) ~~((The department shall))~~ Treat length-of-stay grant reductions in the same manner as mandatory grant deductions; and

(b) As specified in WAC 388-270-1400(7), ~~((the department shall))~~ suspend ~~((an individual's))~~ a person's grant when the monthly length-of-stay grant reduction is equal to or more than the grant which would have been paid had no grant reduction occurred.

AMENDATORY SECTION (Amending Order 3925, filed 11/22/95, effective 1/1/96)

WAC 388-201-430 Length-of-stay treatment group—Additional length-of-stay grant reductions. Except as provided in WAC 388-201-450, once a family is subject to length-of-stay grant reductions:

(1) The department shall reduce monthly AFDC benefits by an additional length-of-stay grant reduction for each additional twelve months the assistance unit receives AFDC.

(2) Each additional length-of-stay grant reduction shall be equal to ten percent of the assistance unit's payment standard.

(3) The department shall only count months in which a length-of-stay grant reduction has been imposed toward the assistance unit's additional twelve months of AFDC receipt.

AMENDATORY SECTION (Amending Order 3925, filed 11/22/95, effective 1/1/96)

WAC 388-201-440 Length-of-stay treatment group—Redetermination of length-of-stay grant reductions. When a family that is subject to length-of-stay grant reductions terminates from AFDC for one calendar month or more and subsequently reapplies for AFDC, the department shall:

(1) Rescind any previously existing length-of-stay grant reductions; and

(2) Determine whether the re-applicant is subject to an initial length-of-stay grant reduction, based on the re-applicant's AFDC receipt during the last sixty months.

AMENDATORY SECTION (Amending Order 3925, filed 11/22/95, effective 1/1/96)

WAC 388-201-450 Length-of-stay treatment group—Families exempt from length-of-stay grant reductions. The department shall not impose length-of-stay grant reductions during any month in which an adult assistance unit member is:

(1) Unable to participate in job opportunities and basic skills (JOBS) training program due to incapacity, as specified in WAC ~~((388-47-100(2)(e)))~~ 388-300-400(2)(g);

(2) Needed in the home to care for an incapacitated household member;

(3) Needed in the home to care for a child who is two years of age or younger;

(4) Participating satisfactorily in JOBS and no present full-time, part-time, or unpaid work experience job is offered; or

(5) Participating in an unpaid work experience program.

AMENDATORY SECTION (Amending Order 3925, filed 11/22/95, effective 1/1/96)

WAC 388-201-460 Length-of-stay treatment group—((STEP)) Length-of-stay earned income adjustments. An assistance unit subject to a length-of-stay grant reduction shall be entitled to a ~~((STEP))~~ length-of-stay earned income adjustment, which is:

(1) Added to the assistance unit's grant to offset the length-of-stay grant reduction with the earned income of assistance unit members; and

(2) Equal to the amount of the length-of-stay grant reduction or the net nonexempt earned income, whichever is less.

AMENDATORY SECTION (Amending Order 3925, filed 11/22/95, effective 1/1/96)

WAC 388-201-470 Length-of-stay treatment group—Advance notice of impending length-of-stay grant reductions. Prior to the imposition of any length-of-stay grant reductions, the department shall give notice of potential length-of-stay grant reductions to recipient households in the ~~((STEP))~~ length-of-stay treatment group, which have received AFDC for thirty-six of the last sixty months, as follows:

(a) Send advance written notice of impending length-of-stay grant reductions; and

(b) Discuss potential length-of-stay grant reductions with the recipient during a face-to-face interview which is conducted during the recipient's periodic eligibility review.

AMENDATORY SECTION (Amending Order 3925, filed 11/22/95, effective 1/1/96)

WAC 388-201-480 Length-of-stay treatment group—Reducing the impact of cumulative length-of-stay grant reductions. As an assistance unit approaches imposition of a length-of-stay grant reduction of thirty percent or more, the department shall take steps to reduce the impact of the reduced grant on the children in the assistance unit, as follows:

(1) Offer the services of a social worker to discuss the grant reduction or for referrals to emergency food, housing, utility, or clothing resources;

(2) Remind recipients of their option to request a fair hearing to contest imposition of the length-of-stay grant reduction;

(3) Provide a needy nonparental caretaker relative with the option to remove oneself from the assistance unit;

(4) Assess whether a protective payee is required ~~((in order))~~ to ~~((meet))~~ ensure the needs of the child are met; and

(5) Review the case to determine whether the department needs to take further action to avoid harm to the children in the household.

WSR 96-07-022
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3953—Filed March 13, 1996, 12:07 p.m., effective May 1, 1996]

Date of Adoption: March 13, 1996.

Purpose: Amending WAC 388-49-410 Resources—Exempt, to incorporate a new food stamp program exclusion, adding and deleting existing policy.

Citation of Existing Rules Affected by this Order: Amending WAC 388-49-410 Resources—Exempt.

Statutory Authority for Adoption: RCW 74.04.510.

Other Authority: Admin. Order 95-62, P.L. 103-66, P.L. 103-436, and 7 CFR 273.8 (e)(4).

Adopted under notice filed as WSR 96-04-008 on January 25, 1996.

Number of Sections Adopted in Order to Comply with Federal Statute: New 1, amended 1, repealed 1; Federal Rules or Standards: New 0, amended 1, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 2, repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, amended 2, repealed 1.

Number of Sections Adopted using Negotiated Rule Making: New 1, amended 2, repealed 1; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: May 1, 1996.

March 13, 1996

Merry Kogut, Supervisor
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 3836, filed 2/22/95, effective 4/1/95)

WAC 388-49-410 Resources—Exempt. (1) The department shall exempt the following resources:

(a) An occupied home and surrounding property not separated by intervening property owned by others;

(b) An unoccupied home and surrounding property if the household:

(i) Is making a good faith effort to sell; or

(ii) Intends to return to the home and the house is unoccupied due to:

(A) Employment;

(B) Training for future employment;

(C) Illness; or

(D) Uninhabitability due to casualty or natural disaster.

(c) A piece of land where the household is building or intends to build a permanent home, if the household does not own another home. The land must not be separated by intervening property owned by others;

(d) Personal effects;

(e) Household goods;

(f) One burial plot per household member;

(g) Cash value of:

(i) Life insurance policies; and

(ii) Pension funds.

(h) Vehicles as provided under WAC 388-49-430;

(i) That portion of real or personal property directly related to the maintenance or use of a vehicle excluded under WAC 388-49-430 (1)(a), (b), and (g);

(j) Real property annually producing income consistent with its fair market value, even if only used on a seasonal basis;

~~((k))~~ ~~(k)~~ ~~(Rental homes used by household for vacation purposes during the year if the property annually produces income consistent with its fair market value;~~

~~((h))~~ ~~(h)~~ ~~Property essential to the employment or self-employment of a household member. Property excluded under this provision because the property is used by a self-employed farmer or fisherman shall retain its exclusion for one year from the date the household member terminates self-employment from farming or fishing;~~

~~((m))~~ ~~(l)~~ ~~Resources held separately by a nonhousehold member;~~

~~((n))~~ ~~(m)~~ ~~Indian lands:~~

(i) Held jointly with the tribe; or

(ii) Sold only with the approval of the Bureau of Indian Affairs.

~~((o))~~ ~~(n)~~ ~~Resources prorated as income for self-employed persons or eligible students. These funds, if commingled in an account with nonexcluded funds, shall retain their exclusion for the period of time they are prorated as income;~~

~~((p))~~ ~~(o)~~ ~~Cash value of resources not accessible to the household;~~

~~((q))~~ ~~(p)~~ ~~Funds in a trust and the income produced by that trust, to the extent they are not available;~~

~~((r))~~ ~~(q)~~ ~~Resources excluded by express provision of federal law from consideration in the food stamp program;~~

~~((s))~~ ~~(r)~~ ~~Installment contracts or agreements for the sale of land or other property when it is producing income consistent with its fair market value;~~

~~((t))~~ ~~(s)~~ ~~Value of the property sold under an installment contract;~~

~~((u))~~ ~~(t)~~ ~~The value of property held for security if the purchase price is consistent with fair market value;~~

~~((v))~~ ~~(u)~~ ~~Real or personal property when:~~

(i) Secured by a lien as a result of obtaining a business loan; and

(ii) The security or lien agreement prohibits the household from selling the asset or assets.

~~((w))~~ ~~(v)~~ ~~Governmental payments designated for restoration of a home damaged in a disaster. The household must be subject to legal sanction if the funds are not used as intended;~~

~~((x))~~ ~~(w)~~ ~~Energy assistance payments or allowances made under federal, state, or local laws;~~

~~((y))~~ ~~(x)~~ ~~Resources of persons residing in shelters for battered women and children if:~~

(i) The resources are jointly owned with members of the former household; and

(ii) Access to the resources depends on the agreement of the joint owner.

~~((z) Payments received under the Puyallup Tribe of Indians Settlement Act of 1989, P.L. 101-41, as follows:~~

~~(i) Payments from the annuity fund established by P.L. 101-41 made to a Puyallup Tribe member upon reaching twenty-one years of age;~~

~~(ii) The investments or purchases made directly with the annuity payment up to the amount from the annuity fund payment; and~~

~~(iii) Payments from the trust fund established by P.L. 101-41 made to a Puyallup Tribal member))~~

(y) Earned income tax credit for:

(i) The month of receipt and following month if the person was not a food stamp recipient when the credit payment was received; or

(ii) Twelve months if the person:

(A) Was a food stamp recipient when the credit payment was received; and

(B) Remains a food stamp recipient continuously through eleven months after receiving the first credit payment.

(2) The department shall continue to exempt a household's funds commingled in an account with nonexempt funds for up to six months from the date the funds are commingled.

(3) The department shall exempt a resource of a household member who receives a supplemental security income (SSI) or aid to families with dependent children (AFDC) grant.

(4) The department shall exempt a resource which:

(a) If sold, would net the household less than one-half of the applicable household resource limit; and

(b) Is other than stocks, bonds, negotiable financial instruments, or a vehicle.

WSR 96-07-023

**PERMANENT RULES
DEPARTMENT OF**

SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Order 3954—Filed March 13, 1996, 12:10 p.m.]

Date of Adoption: March 13, 1996.

Purpose: Adds language concerning the correct cross reference when an MI (medically indigent) client transfers a resource.

Citation of Existing Rules Affected by this Order: Amending WAC 388-507-0740 Special situations and 388-518-1820 LCP-MI resource availability.

Statutory Authority for Adoption: RCW 74.08.090.

Adopted under notice filed as WSR 96-04-037 on February 2, 1996.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 1, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 1, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 1, repealed 0.

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

March 13, 1996

Merry A. Kogut, Supervisor
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-507-0740 Special situations. (1) The department shall not allow the AFDC thirty dollars plus one-third earned income exemption for clients applying solely for medical assistance, unless the conditions under subsection (2) of this section apply.

(2) The department shall allow the exemption in subsection (1) of this section when the family has:

(a) Received AFDC cash assistance in one of the four preceding months; and

(b) Not already received the exemption for a maximum of four consecutive months; or

(c) Already received the exemption for the maximum period, but has subsequently not received AFDC cash assistance for at least twelve consecutive months.

(3) The department shall consider an AFDC client terminated from cash assistance as eligible for Medicaid when termination was solely due to an AFDC client:

(a) Ceasing to attend school; or

(b) Refusing to participate in the job opportunities and basic skills (JOBS) training program.

(4) The department shall not consider the transfer of a resource when determining ~~(Medicaid)~~ medical program eligibility for a person who is not institutionalized. For an institutionalized client, refer to WAC 388-513-1365.

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-518-1820 LCP-MI resource availability.

(1) The department shall use AFDC resource guidelines in chapter 388-216 WAC to determine availability of resources, except for provisions under WAC 388-216-2600.

(2) For the transfer of a resource, refer to WAC 388-507-0740(4).

WSR 96-07-025

**PERMANENT RULES
DEPARTMENT OF**

SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Order 3952—Filed March 13, 1996, 12:15 p.m., effective May 1, 1996]

Date of Adoption: March 13, 1996.

Purpose: Amendment will clarify the intent of the federal regulation which requires that AFDC applicants with recent employment history, not earning history, must

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complete monthly reports for two months following the month of opening.

Citation of Existing Rules Affected by this Order: Amending WAC 388-245-2020 Monthly reporting—Definitions.

Statutory Authority for Adoption: RCW 74.04.050.

Other Authority: RCW 74.08.090.

Adopted under notice filed as WSR 96-04-035 on February 2, 1996.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 1, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 1, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 1, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: May 1, 1996.

March 13, 1996

Merry A. Kogut, Supervisor
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-245-2020 Monthly reporting—Definitions.

(1) **"Disabled"** means a person who meets one of the following criteria:

((*) (a) Receives disability or blindness payments under Titles I, II, XIV, or XVI of the Social Security Act;

((*) or

(b) Is a veteran;

((*) (i) With service-connected or nonservice-connected disability rated or paid as total under Title 38 of the United States Code (USC); or

((*) (ii) Considered in need of regular aid and attendance, or permanently housebound under Title 38 of the USC((-

*) or

(c) Is a surviving spouse of a veteran and considered in need of aid and attendance, or permanently housebound; or a surviving child of a veteran and considered permanently incapable of self-support under Title 38 of the USC;

((*) or

(d) Is a surviving spouse or child of a veteran and entitled to compensation for service-connected death or pension benefits for a nonservice-connected death under Title 38 of the USC and has a disability considered permanent under section 221(i) of the Social Security Act;

((*) (e) Receives disability retirement benefits from a federal, state, or local government agency, because of a disability considered permanent under section 221(i) of the Social Security Act;

((*) (f) Receives an annuity payment as part of the Railroad Retirement Act of 1974 under:

((*) (i) Section 2 (a)(1)(iv) and is determined eligible to receive Medicare by the Railroad Retirement Board; or

((*) (ii) Section 2 (a)(1)(v) and is determined disabled based on the criteria under Title XVI of the Social Security Act.

((*) (g) Is a recipient of disability-related medical assistance under Title XIX of the Social Security Act.

(2) **"Elderly"** means a person sixty years of age or older.

(3) **"Homeless assistance unit"** means an assistance unit lacking a fixed and regular night-time residence ((of whose)) and where the primary night-time residence is a:

((*) (a) Supervised shelter designed to provide temporary accommodations;

((*) or

(b) Halfway house or similar institution providing temporary residence for persons needing institutionalization;

((*) or

(c) Temporary accommodation in the residence of another person; or

((*) (d) Place not designed for, or ordinarily used as, a regular sleeping accommodation for humans.

(4) **"Migrant assistance unit"** means an assistance unit that works in seasonal agricultural employment which requires the assistance unit to be absent from its permanent place of residence overnight.

(5) **"Recent work history"** means having ((received earnings)) been employed in one of the two months prior to the payment month.

WSR 96-07-049
PERMANENT RULES
LAKE WASHINGTON
TECHNICAL COLLEGE
[Filed March 18, 1996, 3:24 p.m.]

Date of Adoption: March 13, 1996.

Purpose: To provide for the implementation of SSB 5075 by establishing a hazing policy.

Statutory Authority for Adoption: RCW 28B.50.140.

Adopted under notice filed as WSR 96-03-60 [96-03-060] on January 16, 1996.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 1, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

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

March 13, 1996
Donald W. Fowler
President

**Chapter 495D-120 WAC
STUDENT CONDUCT CODE**

NEW SECTION

WAC 495D-120-085 Hazing prohibited. (1) Hazing is prohibited.

(2) Hazing means any method of initiation into a student organization or living group or any pastime or amusement engaged in with respect to such an organization or living group that causes, or is likely to cause, bodily danger or physical harm, or serious mental or emotional harm, to any student or other person attending any institution of higher education or post-secondary institution.

(3) Penalties.

(a) Any student organization, association or club that knowingly permits hazing shall:

(i) Be liable for harm caused to persons or property resulting from hazing and

(ii) Be denied recognition by Lake Washington Technical College as an official organization, association, or club on this campus. If the organization, association, or club is a corporation, whether for profit or non-profit, the individual directors of the corporation may be held individually liable for damages.

(b) A person who participates in the hazing of another shall forfeit any entitlement to state-funded grants, scholarships, or awards for (a period of one year).

(c) Forfeiture of state-funded grants, scholarships, or awards may include permanent forfeiture, based upon the seriousness of the violations.

(d) The Student Code of Conduct may be applicable to hazing violations.

(e) Hazing violations are also misdemeanors punishable under state criminal law according to RCW 9A.20.021.

(4) Sanctions for Impermissible Conduct not Amounting to Hazing.

(a) Impermissible conduct associated with initiation into a student organization or club or any pastime or amusement engaged in, with respect to the organization or club, will not be tolerated.

(b) Impermissible conduct which does not amount to hazing may include conduct which causes embarrassment, sleep deprivation or personal humiliation, or may include ridicule or unprotected speech amounting to verbal abuse.

(c) Impermissible conduct not amounting to hazing is subject to any sanctions available under the Student Code of Conduct, depending upon the seriousness of the violation.

Purpose: 7 CFR 273.5 establishes under which circumstances students may be eligible for food stamps. Now, food stamp program eligibility is allowed for a student who has parental control over a child under age twelve if the student is not living with his or her spouse and the child's natural, adoptive, or stepparent is not in the same household as the child.

Citation of Existing Rules Affected by this Order:
Amending WAC 388-49-330 Student.

Statutory Authority for Adoption: 7 CFR 273.5.

Other Authority: RCW 74.04.050.

Adopted under notice filed as WSR 96-04-036 on February 2, 1996.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 1, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 1, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 1, repealed 0.

Effective Date of Rule: May 1, 1996.

March 18, 1996
Merry Kogut, Supervisor
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 3777, filed 8/24/94, effective 10/1/94)

WAC 388-49-330 Student. (1) A student, as defined under WAC 388-49-020, shall meet one of the following criteria to receive food stamps:

(a) Work and receive payment for a minimum of twenty hours per week. A self-employed student's minimum weekly earnings shall at least be equal to the federal minimum hourly wage multiplied by twenty hours;

(b) Work and receive money from a federal or state work study program;

(c) Be responsible for the care of a dependent household member under six years of age;

(d) Participate in the Job Opportunities and Basic Skill Training (JOBS) program;

(e) Be responsible for the care of a dependent household member at least six years of age, but under twelve years of age, and the department has determined adequate child care is not available during the regular school year to allow the student to:

(i) Attend class and satisfy the twenty hour work requirement; or

(ii) Participate in a state or federally financed work study program.

(f) Be a single parent responsible for the care of a dependent child (~~twelve~~) eleven years of age or under regardless of the availability of adequate child care;

**WSR 96-07-053
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)**

[Order 3957—Filed March 18, 1996, 4:36 p.m., effective May 1, 1996]

Date of Adoption: March 16, 1996.

- (g) Receive benefits from the aid to families with dependent children program; ((€))
- (h) Attend an institution of higher education through:
- (i) The Job Training Partnership Act (JTPA);
- (ii) A Food Stamp Act employment and training program;
- (iii) Section 236 of the Trade Act of 1974; or
- (iv) An approved employment and training program operated by state or local government.

(i) Be an adult who has parental control of a child eleven years of age or under when neither the child's natural, adoptive, or stepparent nor the adult's spouse resides in the household.

- (2) Student status begins the first day of the school term.
- (3) Student status continues through normal periods of class attendance, vacation, and recess.
- (4) Student status is lost when a student:
- (a) Graduates;
- (b) Is suspended;
- (c) Is expelled;
- (d) Drops out; or
- (e) Does not intend to register for the next normal school term excluding summer school.

WSR 96-07-054

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

(Tree Fruit Research Commission)

[Filed March 19, 1996, 10:50 a.m.]

Date of Adoption: March 19, 1996.

Purpose: The rule will increase the assessment on cherries from \$2.00 per ton to \$4.00 per ton to fund research programs to benefit the planting, production, harvesting, handling, processing or shipment of tree fruit in this state.

Citation of Existing Rules Affected by this Order: Amending WAC 16-560-06001.

Statutory Authority for Adoption: RCW 15.26.110(2).

Adopted under notice filed as WSR 95-19-102 on September 20, 1995.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: Chapter 109, Laws of 1995, grants the Tree Fruit Research Commission authority to raise assessment on cherries in excess of the fiscal growth factor.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 1, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making:

New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 1, repealed 0.

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

March 19, 1996

George Ing
Manager

AMENDATORY SECTION (Amending WSR 92-01-009, filed 12/5/91, effective 1/5/92)

WAC 16-560-06001 Assessment rates. There is hereby levied on all commercial tree fruit produced in this state or held out as being produced in this state for fresh or processing use, an assessment of one dollar per ton on all such tree fruit: *Provided*, That such assessment for cherries shall be ~~((two))~~ four dollars per ton: *Provided*, That such assessment for apples for fresh shipment shall be at the rate of two and one-half cents per hundred pounds gross billing weight for the 1992 crop year, three and three-quarters cents per hundred pounds gross billing weight for the 1993 crop year, and five cents per hundred pounds gross billing weight for the 1994 crop year and each year thereafter: *Provided Further*, That such assessment for processed apples shall be at the rate of fifty cents per ton for the 1992 crop year, seventy-five cents per ton for the 1993 crop year, and one dollar per ton for the 1994 crop year, and each year thereafter.

There is hereby established pursuant to RCW 15.26.155 an additional assessment for an industry services fund for programs related to sanitation, planting, production, harvesting, handling, processing and shipping. The assessment shall be set annually by the commission, upon approval of two-thirds of the voting members of the commission, to create and maintain this fund at or near one hundred thousand dollars. If this fund should inadvertently exceed one hundred thousand dollars due to larger crops than estimated or the addition of interest earned, the excess shall be credited to the following year's fund.

In consideration of maintaining this industry services fund, the commission shall annually consult with the affected industry and grower organizations.

WSR 96-07-075

PERMANENT RULES

GAMBLING COMMISSION

[Filed March 19, 1996, 4:14 p.m., effective July 1, 1996]

Date of Adoption: March 15, 1996.

Purpose: To streamline license qualification review procedures and clarify qualification requirements; to more specifically define certain allowable expenses; and to reduce reporting requirements for certain classes of charitable/nonprofit licensees.

Citation of Existing Rules Affected by this Order: Amending WAC 230-02-278, 230-04-024, 230-04-040, 230-04-064, 230-08-095, 230-08-122, 230-08-255, and 230-20-064.

Statutory Authority for Adoption: RCW 9.46.070 (1), (8-11), (14), (16), (20).

Adopted under notice filed as WSR 96-03-077 on January 17, 1996.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 4, amended 8, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 4, amended 8, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 4, amended 8, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: July 1, 1996.

March 18, 1996

Michael Aoki-Kramer
Rules and Policy Coordinator

NEW SECTION

WAC 230-02-162 Functional expenses defined.

Functional expenses are those an organization incurs toward accomplishing its stated purposes. For purposes of calculation, this includes program service expenses, as defined by WAC 230-02-278, and supporting service expenses, as defined by WAC 230-02-279.

AMENDATORY SECTION (Amending WSR 94-01-035, filed 12/6/93, effective 1/6/94)

WAC 230-02-278 Program service((s)) expenses defined. ~~((For purposes of this title, ")))~~ Program service((s" means)) expenses are those relating to providing care, support, or assistance to individuals, and/or sponsoring or conducting activities that directly relate to ((a charitable or nonprofit)) the organization's stated purposes((, when such services/activities are)). These expenses are allocated as set forth in WAC 230-08-095. The following will be considered program service expenses:

(1) Services directly provided to the public or the organization's members through programs operated by the organization; or

(2) Services indirectly provided by:

(a) Making contributions to individuals or to other service-providing organizations ((for the charitable use of the public or the organization's members));

(b) Funding scholarships; or

(c) Sponsoring activities directly related to any organizational purposes set out in WAC 230-04-024 (1)(b).

NEW SECTION

WAC 230-02-279 Supporting service expenses defined. Supporting service expenses are those related to activities that are essential to the general operation of the organization's programs, but which are not directly identifiable to a specific program. These expenses are allocated as set forth in WAC 230-08-095. Supporting service expenses typically include management, general overhead, and any expenses related to the solicitation of contributions: *Provid-*

ed, That supporting service expenses do not include extraordinary items which are unusual and infrequent in nature. The following expenditures shall be considered supporting service expenses:

(1) Wages and benefits for general operation of the organization such as executive directors and other management or support personnel (secretarial, reception, bookkeeping, etc.);

(2) Expenses related to providing an administrative office, including rent, depreciation, interest, utilities, taxes, insurance, and supplies;

(3) General management functions of the organization such as planning (budget, etc.), recruiting and training staff, and procuring and distributing materials;

(4) Scheduling and conducting board, committee, and membership meetings;

(5) Publicizing the organization: *Provided,* That solicitation of new members or volunteers, or announcements and publications intended to educate the public regarding services provided by the organization, shall be deemed to be program service expenses;

(6) Outside supporting services such as accounting, audit, legal, etc.;

(7) General expenses related to the solicitation of contributions or grants; and

(8) Any net loss from nongambling fund-raising activities.

NEW SECTION

WAC 230-02-137 Excessive reserves defined. An organization has excessive reserves if the total amount of the organization's cash, cash equivalents, or other assets that would not normally be associated with providing programs or fund-raising activities is greater than the sum of:

(1) The licensee's current liabilities (debts due within one year); plus

(2) Total functional expenses during the most recently completed fiscal year; plus

(3) The average net income or loss from combined gambling and retail sales conducted in conjunction with gambling activities for a three-month period, calculated by dividing annual net gambling and retail sales income or loss by four: *Provided,* That funds reserved to start or expand specific programs will be excluded from the computation of excessive reserves, as authorized by WAC 230-08-255(3), with approval by the commission's director.

AMENDATORY SECTION (Amending WSR 94-01-035, filed 12/6/93, effective 1/6/94)

WAC 230-04-024 Bona fide charitable or nonprofit organizations—Minimum qualifications—Restrictions—Definitions. All ~~((applicants for certification))~~ organizations requesting to be certified to conduct gambling activities ((as)) for charitable or nonprofit ((organizations)) purposes must provide conclusive evidence ((upon initial application and annually thereafter)) that they are qualified under the requirements of RCW 9.46.0209 and formed and operated for purposes other than to conduct gambling activities. Each applicant shall comply with all of the following requirements and restrictions:

(1) An organization must be a bona fide charitable or nonprofit organization and have been formed and operated for the following purposes in order to conduct gambling activities:

(a) Any organization duly existing under the provisions of chapters 24.12, 24.20, or 24.28 RCW;

(b) Any organization, whether incorporated or not, which has been formed and operating exclusively for one or more of the purposes set out in WAC 230-02-155 and/or 230-02-161;

(c) Any corporation which has been incorporated under Title 36 U.S.C. and whose principal purposes are to furnish volunteer aid to members of the Armed Forces of the United States and to carry on a system of national and international relief to reduce the suffering caused by pestilence, famine, fire, floods, and other national calamities;

(d) An incorporated city or town in the state of Washington; or

(e) A branch or chapter of a parent organization, when such parent organization is itself eligible for licensure. A branch or chapter must demonstrate to the satisfaction of the commission that it has not been formed and operated for purposes of conducting gambling activities and is in its own right qualified to obtain the license sought. The director may require an affidavit signed by the chief executive officer of the parent organization certifying that the branch or chapter is a bona fide subdivision of the parent organization.

(2) An organization must have been organized and continuously operating for at least twelve months prior to ~~(submission of an initial or annual certification application)~~ submitting a request to be certified. For purposes of this section, "continuously operating" means that during the immediate twelve months preceding the ~~((application))~~ request, the organization has provided ~~((program))~~ services to members or the public which directly relate to its stated purposes ~~((or was actively involved in soliciting funds for providing program services from nongambling sources))~~: Provided, That if the organization's sole function during the immediate twelve months ~~((preceding the application))~~ has been fund-raising for purposes of providing future services, it may be deemed to have ~~((not))~~ been "continuously operating" for purposes of this section;

(3) An organization must have at least fifteen active members as defined by WAC 230-02-183, each with an equal vote in elections of officers or board members who determine the policies of the organization;

(4) An organization must have demonstrated that ~~((they have))~~ it has made significant progress, measured as set forth in WAC 230-08-255, toward meeting its stated purposes during the twelve consecutive month period preceding ~~((initial application or annual certification. For purposes of this section, "significant progress" means an organization has complied with requirements set out in its bylaws and/or articles of incorporation and has actively engaged in providing program services to the public or members during the entire period under consideration. Such activities will be deemed significant when an organization utilizes a majority of resources it has available, including gambling proceeds, for providing program services. Any organization requesting certification to operate gambling activities in Group II or Group III, as defined in WAC 230-04-040, shall demonstrate~~

~~it has made "significant progress" by meeting the requirements of WAC 230-08-255))~~ a request to be certified;

(5) An organization must ensure that salaries or wages, if paid, are:

(a) Necessary to economically conduct the activities of the organization; and

(b) Reasonable when compared to the local prevailing wage scale for similar positions ~~((Provided, That))~~. For purposes of this section, "similar position" means a type or classification of position that has a predominance of characteristics, duties, and/or responsibilities that closely approximate those of the position being compared and which the scope of duties and responsibilities are at the same approximate level. Organizations that pay salaries or wages, that are not reasonable when compared to similar positions in the general area of employment, shall be deemed as paying salaries and wages that are directly or indirectly based on gambling receipts received.

(6) An organization must take positive steps to ensure the assets of the organization are protected from misuse, dedicated solely to the purposes of the organization, and do not inure to the benefit of private individuals;

(7) An organization must provide in its bylaws or, if incorporated, in its articles of incorporation, a statement that upon dissolution all assets of the organization remaining after satisfaction of all its debts must be distributed to another bona fide nonprofit or charitable organization qualified under RCW 9.46.0209;

(8) An organization shall not accumulate excessive reserves ~~((in the form of cash or other assets, not directly related to its organizational purpose(s)))~~, as defined in WAC 230-02-137. Organizations ~~((demonstrating))~~ accumulating excessive reserves may be deemed as ~~((being))~~ organized primarily for purposes of gambling. ~~((For the purposes of this subsection, the following definitions apply:~~

(a) Organizational purpose(s) — one or more of the lawful purposes contained in RCW 9.46.0209 for which an organization is formed and operated;

(b) Excessive reserves — an amount that is greater than the sum of the licensee's current liabilities (debts due within one year), plus an amount that is not more than total expenditures for program services during the most recently completed fiscal year, plus an amount that is not more than the average net income from combined gambling activities, including any sales activities conducted in conjunction with the gambling activity, such as a snack bar, for a three-month period. ~~This computation shall be based on the most current financial data on file with the commission as required by WAC 230-08-122(2). Provided, That funds reserved with the director's approval, as authorized by WAC 230-08-255(3), will be excluded from the computation of excessive reserves. Provided further, That))~~ Reserves shall be computed by utilizing the most recently filed financial data, as required by WAC 230-08-122. Funds transferred to an endowment or specifically restricted trust fund will not be treated as reserves for purposes of this section if the following restrictions are observed:

~~((+))~~ (a) The endowment or specifically dedicated trust fund is either legally irrevocable or restricted in a manner that approval is required by a majority of the membership prior to use or transfer of the ~~((principle))~~ principal or corpus;

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~~((i+))~~ (b) The funds are expressly dedicated for funding new programs, capital projects, or to endow ~~((program))~~ service~~((s))-providing activities;~~

~~((i+))~~ (c) The funds are saved according to a plan that includes the amount to be reserved, the purpose for which the funds are being reserved, and the estimated time the reserves will be used;

~~((i+))~~ (d) The plan is approved by the organization's officers or board of directors and ~~((the commission))~~ documentation pertaining to the endowment or trust fund is submitted to the commission for review and approval; and

~~((+))~~ (e) The total amount of net gambling ((proceeds)) income that is transferred to endowment~~((s))~~ or trust funds, in combination, does not exceed two million dollars: *Provided*, That an organization may petition the director to exceed this limitation. The director may approve the petition as requested, disapprove with written comments, or approve a modified level based on facts presented. The director's decision may be appealed to the commission. Appeal of this decision will be heard at a regular public meeting of the commission under the requirements of WAC 230-50-850. The commission's decision shall be final. Petitions for relief under this section shall include: The reason for the request, including whether the increased reserves are for charitable or nonprofit purposes and planned time-lines for use; the total amount of reserves requested; the impact on programs if the petition is denied; and alternative sources of funding available;

~~((e))~~ ~~Cash—actual cash, demand deposits, certificates of deposit, money market funds, securities, or other liquid assets;~~

~~((d))~~ ~~Other assets not directly related to the purpose of the organization—any nonliquid, long-term investments or assets which would not be normally associated with providing program services or fund-raising activities.)~~

(9) An organization must maintain records to support compliance with the ~~((above))~~ requirements of this section. Such records shall be completed per WAC 230-08-010, and include details necessary to allow reasonable confirmation of compliance by commission staff. At least the following records shall be maintained:

(a) Official minutes of all membership and board meetings including issues discussed, decisions made, and members in attendance;

(b) A listing of the names of all members. Full names, addresses, telephone numbers, and the dates they became a member must be provided for all "active members";

(c) A copy of the most recently approved articles of incorporation and bylaws; and

(d) All correspondence with the Internal Revenue Service and the secretary of state regarding the organization's status as a nonprofit organization.

(10) Incorporated cities or towns, authorized by subsection (1)(d) of this section, are exempted from the requirements of subsections (5), (6), (7), (8), and (9) of this section.

AMENDATORY SECTION (Amending Order 240, filed 6/17/93, effective 7/18/93)

WAC 230-04-040 Certification procedure—Charitable and nonprofit organizations—Additional information required. ~~((1))~~ Any organization requesting a license to

~~conduct bingo in Group I or any organization requesting a license to conduct nonbingo activities with annual gross gambling receipts of less than \$500,000 shall submit the information required in the annual certification report pursuant to WAC 230-08-122(1) as a condition of certification.~~

~~(2) Any organization requesting a license or license upgrade to conduct bingo in Group II or III, or to conduct any other gambling activity in excess of \$500,000 gross gambling receipts, shall submit the information required in the annual certification report pursuant to WAC 230-08-122 (1), (2), and, if applicable, (3) as a condition of certification.~~

~~(3))~~ Any organization not currently licensed to conduct ~~((bingo in any class and applying for a class D or above license or applying for a bingo license for any class and))~~ gambling activities and requesting to be certified to conduct gambling activities in Group III, IV, or V, or planning to pay premises rent exceeding ((one)) two thousand dollars per month, including all terms, shall submit a pro forma plan of operations, including a market study. The plan shall be detailed enough to allow commission staff the ability to assess the profitability of the planned ((game)) gambling activity and potential for compliance with WAC 230-20-064 and 230-30-052(2). The plan shall include at least the following information, if applicable:

~~((a))~~ (1) Research procedures and planning assumptions used;

~~((b))~~ (2) Planned number of customers or attendance;

~~((e))~~ (3) Days and hours of operations;

(4) If planned activities include bingo, the following must be provided:

(a) Anticipated market area and map of competing organizations that operate similar gambling activities, along with their days of operation;

(b) Number of bingo sessions;

~~((d))~~ (c) Bingo card prices and estimated sales per player;

~~((e))~~ (d) Bingo prize payouts and game schedules;

~~((f))~~ (5) Estimated gross gambling receipts from each activity;

(6) Estimated expenses and net income;

~~((g))~~ ~~Other~~ (7) Details of income generating activities planned in conjunction with the ~~((game or premises, including the estimated))~~ gambling activity, such as snack bar operations or other retail sales and the anticipated net income from ((these)) such activities; and

~~((h))~~ (8) Other information requested by commission staff.

AMENDATORY SECTION (Amending Order 190, filed 4/18/89, effective 7/1/89)

WAC 230-04-064 Certification procedure—All licenses—Formal commission approval. The commission shall review and make a determination regarding the qualification of all persons or organizations requesting to operate gambling activities authorized by chapter 9.46 RCW. The following review procedures apply to applicants for a license:

(1) Charitable and nonprofit organizations - To ensure that only bona fide charitable or nonprofit organizations are granted the privilege of raising funds from authorized

gambling activities, the commission shall annually ~~((certify))~~ review the qualifications of each organization requesting a license to conduct such activities. As a part of this process, each organization shall ~~((affirmatively))~~ clearly demonstrate that progress has been made in meeting its purpose(s) by submitting required information and answering such inquiries as deemed necessary by ~~((the))~~ commission staff. The certification process shall be completed as follows:

(a) All organizations requesting ~~((certification for a license))~~ to be certified to conduct ~~((bingo))~~ any gambling activities in Group I, ~~((or to conduct any other gambling activity))~~ II, or III shall be reviewed by ~~((the))~~ commission staff and forwarded to the commission for review and ~~((certification))~~ approval at a public meeting: *Provided, That for any organization requesting to be certified to conduct gambling activities in Group III, the director may direct the staff to prepare a summary of qualifications, as required by subsection (1)(b) of this section, and provide such to the commission for review;*

(b) Any organization requesting ~~((certification or an upgrade for a license))~~ to be certified to conduct ~~((bingo))~~ gambling activities in Group ~~((H))~~ IV or V shall be reviewed by ~~((the))~~ commission staff and a ~~((qualification))~~ summary of the organization's qualifications shall be prepared and provided to the commission for review and ~~((certification))~~ approval. The commission may require additional information, or if warranted, call for a special review pursuant to WAC 230-12-060. In the event additional information or a special review is required, a temporary or conditional license shall be issued pending completion of the review process.

(c) In addition, any organization requesting ~~((certification))~~ approval or an upgrade ~~((for a license))~~ to conduct ~~((bingo))~~ gambling activities in Group ~~((H))~~ V shall ~~((complete a))~~ be scheduled for formal review as a condition of ~~((initial certification))~~ licensure and ~~((annually))~~ periodically thereafter~~((: *Provided, That an organization shall be exempted from this requirement if a formal review has been completed within the last two years. If exempted, the procedures in subparagraph (b) above shall apply*))~~ as determined by the director or the commission. The formal review shall be at a scheduled open meeting of the commission and, when possible, held in the general area which encompasses the organization's service area. The review will cover the organization's most recent annual ~~((certification and))~~ financial report as required by WAC 230-08-122~~((: *Provided,*))~~ If an organization desires to submit additional information, it must ~~((submit that information))~~ be submitted at least twenty days prior to the date of its scheduled review. The organization must be represented by at least ~~((a majority))~~ three members of its board of directors, its chief executive officer, and the primary ~~((bingo))~~ gambling manager. ~~((Provided, the majority requirement may be waived for good cause shown. Good cause includes economic hardship due to geographic proximity, or other factors outside a board member's control that would limit the ability to attend.))~~ The organization may solicit testimony from clients, local social and welfare providing agencies, ~~((other))~~ public agencies, and other charitable or nonprofit organizations. The commission may solicit information from the public or any other interested parties and shall notify local law enforcement agencies of the time and location of

the review. The formal review will include a ~~((thirty minute))~~ brief session for the organization to ~~((brief))~~ inform the commission on the progress made during its previous fiscal year in achieving its purposes, including the extent to which ~~((bingo))~~ gambling income was used for charitable as opposed to nonprofit services and planned uses for any ~~((bingo))~~ gambling income remaining from the previous fiscal year~~((:))~~;

(d) At the conclusion of the ~~((formal))~~ review of qualifications for a charitable or nonprofit organization, the commission will ~~((either formally certify))~~ approve the organization ~~((as qualified to be licensed, or))~~ requested or:

(i) Require the organization to submit additional information ~~((for further review. If warranted, the commission may))~~;

(ii) Return the application to the staff for further investigation;

(iii) Call for a special review~~((If the commission requires additional information, or calls for a special review, a temporary or conditional license will be issued pending completion of the review process.))~~; or

(iv) Grant a temporary or conditional license;

(2) Commercial, individual and all other ~~((licensees))~~ applicants - After the staff has completed its review of ~~((a new))~~ an application ~~((or a request for a recertification))~~, a recommendation shall be made to the commission. The commission shall ~~((certify))~~ review each application at a public meeting ~~((that))~~. Each applicant ~~((is))~~ found to be qualified ~~((to be licensed))~~ will be issued the license requested. If the commission does not approve the application, it shall be returned to commission staff for further investigation;

(3) If an organization is currently licensed and the commission does not approve the application, the application shall be returned to commission staff for further investigation. A temporary or conditional license will be issued pending completion of the review process.

AMENDATORY SECTION (Amending WSR 95-19-069, filed 9/18/95, effective 1/1/96)

WAC 230-08-095 Minimum standards for monthly and annual accounting records—Charitable or nonprofit organizations. Each charitable or nonprofit organization licensed to conduct bingo at Class D or above or authorized to receive more than five hundred thousand dollars gross gambling receipts from combined gambling activities during any calendar year shall maintain accounting records necessary to document all receipts and disbursements of the licensee, including but not limited to those related to gambling activities.

(1) This accounting system shall be double entry and conform to generally accepted accounting principles (GAAP), except as modified by other commission rules and instructions for activity reports.

(2) The accrual method of accounting shall be mandatory and all income shall be recorded when earned and all expenses recorded when incurred: *Provided, That the cash, modified cash, or tax basis accounting methods may be allowed if such method accurately represents the licensee's financial position and results of operations and the licensee does not have substantial liabilities or expenses not requiring*

a current outlay of cash, such as depreciation or amortization expenses.

(3) Organizations shall adopt a capitalization policy that is based on materiality and expected life of operating assets. Licensees shall use the following guidelines for determining a minimum level for capitalizing assets:

(a) Assets exceeding two thousand dollars and having a useful life that exceeds one year shall be capitalized and depreciated or amortized over the useful life of the asset;

(b) Preoperating start-up costs related to bingo games that exceed six thousand dollars shall be capitalized and amortized over sixty months, beginning with the first month that bingo games are conducted; and

(c) Leasehold improvements related to gambling activities, and activities conducted in conjunction with gambling activities, which exceed six thousand dollars shall be amortized over a period that does not exceed the life of the lease: *Provided*, That the amortization period may be extended to include any lease option periods if the organization's management states a reasonable expectation that the option will be exercised. All unamortized leasehold improvements shall be charged as an expense of the gambling activities in the year that the lease expires.

(4) The minimum accounting records required shall include:

(a) A cash disbursements journal and/or check register;

(b) A cash receipts and/or sales journal;

(c) A listing of all assets for which the organization paid or, if donated, valued at more than two hundred fifty dollars. If donated to the organization, the fair market value at the time of donation will be used as the determining value. Items shall be added to the listing no later than thirty days after receipt and removed only when the organization no longer has legal ownership. Regardless of whether an item has become obsolete or completely depreciated, it shall be removed only after appropriate management review has been completed and documented. A depreciation schedule shall suffice for this requirement for all capitalized items. Items converted from gambling merchandise prize inventory, required by WAC 230-08-110, to be used by the organization shall be added to this listing when converted. This listing shall include at least the following:

(i) A description of the item;

(ii) The date purchased, acquired by donation, or converted from the gambling prize pool;

(iii) The cost at the time of purchase or, if donated, the fair market value at the time received; and

(iv) The date and method of disposition of the item;

(d) A listing of all liabilities;

(e) A complete general ledger system must be maintained if the licensee has substantial assets and/or liabilities or if licensed to receive more than \$300,000 in gross gambling receipts; and

(f) Bank statements, related deposit slips, and cancelled checks.

(5) All expenditures by the licensee relating to gambling activities, shall be sufficiently documented. Cancelled checks and bank statements are not sufficient documentation without further support. Additional support for expenditures shall be provided in the following manner:

(a) Invoices or other appropriate supporting documents from commercial vendors or service agencies should contain at least the following details:

(i) The name of the person or entity selling the goods or providing the service;

(ii) A complete description of goods or services purchased;

(iii) The amount of each product sold or service provided;

(iv) The price of each unit;

(v) The total dollar amount billed; and

(vi) The date of the transaction.

(b) Disbursements, in excess of twenty-five dollars, made directly to individuals, who do not furnish normal, business type, invoices or statements, shall be made by check and supported by other written documentation indicating at least the following details:

(i) The name of the person receiving the payment;

(ii) The amount;

(iii) The date; and

(iv) The purpose.

(6) All expenditures by the licensee relating to nongambling activities shall be sufficiently documented to provide an audit trail satisfactory to allow verification that the funds were used for the organization's purpose(s) and conforms to generally accepted accounting principles.

(7) Expenditures that relate to more than one function shall be allocated to the various functions, for example program service expenses, supporting service expenses, etc. Methods of allocation shall be documented and available for commission staff review.

AMENDATORY SECTION (Amending Order 190, filed 4/18/89, effective 7/1/89)

WAC 230-08-122 Annual ((certification)) progress and financial report—All nonprofit and charitable organizations. ~~(((1) Every organization licensed to conduct gambling shall report on a standard form provided by the commission, for its last annual fiscal accounting period completed, the information required below: *Provided*, That if any applicant has provided such information on an application within the preceding twelve months, only those items requiring update must be reported. This report shall include at least the following information:~~

~~(a) A brief history of the organization, including its purpose(s); *Provided*, That only changes in the purposes and organizational structure need to be reported after the initial application;~~

~~(b) A written statement setting out the progress made in meeting its organizational purpose(s) during the period;~~

~~(c) Number of membership meetings conducted;~~

~~(d) Number of active members;~~

~~(e) Number of voting members;~~

~~(f) The nature, type, or kind of program services provided;~~

~~(g) The scope of their program services, including:~~

~~(i) Number of persons served by their charitable or nonprofit programs;~~

~~(ii) The extent of their service area;~~

~~(iii) Number of volunteer workers and estimation of hours worked;~~

(h) A list of contributions made that includes the following:

(i) The name of each organization and individual receiving a contribution. In the alternative, if a contribution was made to an individual, the term "individual contribution" may be used instead of the individual's name. *Provided*, the organization maintains necessary records to verify and identify the recipient for each individual contribution listed;

(ii) The amount(s);

(iii) Date(s) made; and

(iv) Whether the contribution was from gambling income or other funds.

(i) Gross income from all non-gambling sources including the source;

(j) Total disbursements to provide charitable services; and total disbursements to provide nonprofit services;

(k) The percentage or extent to which bingo income was used for charitable as distinguished from nonprofit purposes;

(l) Income and expenses for any nongambling sales activity must be presented separately when it is conducted primarily in conjunction with gambling activities. *Provided*, That if the gambling activity is not conducted in a rented premise and/or if employees are not used in the gambling activity, then separation is not required;

(m) Details of any loans, contracts, or other business transactions with related parties that accumulatively exceed \$1,000 during the period. "Related parties" is defined as officers, board members, or key employees, including spouses, parents, children, and brothers or sisters of each; and

(n) The names, duties performed, total hours worked, and total compensation paid for the following employees:

(i) All employees paid more than \$30,000 annually;

(ii) Part-time employees paid more than \$15 per hour; and

(iii) All officers receiving compensation for services rendered.

(2) In addition to information required in paragraph (1), Group II and III bingo licensees must submit the following information no later than 120 days following the end of its fiscal year accounting period. The information must be submitted in the form of complete financial statements, including all required footnotes and a "Statement of Cash Flow," and shall be prepared in accordance with generally accepted accounting principles:

(a) A complete balance sheet;

(b) Income and expenses for each gambling activity, separately;

(c) Income from all other sources, separately;

(d) Direct expenses for providing charitable services and direct expenses for providing nonprofit services; and

(e) Capital expenditures made during the period.

(f) Loans to or from officers, members, and employees must be presented separately in the Balance Sheet/Statement of Financial Position or disclosed in the footnotes. *Provided*, That employee salary advances of \$200.00 or less will not be considered as loans. Details of all terms, including interest rates and payment schedules must be disclosed;

(g) Income and expenses for each function or activity must be separately presented in the income statement/statement of operations. Material differences between amounts reported in gambling activity reports and the

financial statements must be reconciled and explained. *Provided*, That a consolidated income statement may be presented, if details of all activities are provided as supplemental information;

(h) All civil penalties, fines, bribes, or embezzlement discovered by the organization are considered material and must be disclosed; and

(i) An explanation of any adjustments made to prior period capital accounts or fund balances must be disclosed in the footnotes or provided as supplemental information.

(3) The commission may require additional information to ensure completeness of the information reported in subsection (1) or (2) above, including selected information covering the period from the end of the fiscal year reported and the license renewal date;

(4) The commission may grant additional time to submit the information required by subsection (1) or (2) above upon demonstration of undue hardship and a written request received prior to the due date. Any request for additional time shall be signed by the president and include a statement setting out the hardship necessitating the delay and the expected date the required report(s) will be submitted.) Each charitable or nonprofit organization licensed to conduct gambling activities shall report annually the progress made toward accomplishment of its stated purposes. This report shall be made on a standard form provided by the commission and explain the type and scope of activities that were conducted during the organization's last annual fiscal accounting period. If any applicant has provided such information on an application within the preceding twelve months, only those items that have changed must be reported. This report shall include at least the following information:

(1) A brief history of the organization, including its purpose(s). *Provided*, That only changes in the purposes and organizational structure need to be reported after the initial application;

(2) A written statement setting out the progress made in meeting its organizational purpose(s) during the period and its goals for the future;

(3) Number of membership meetings conducted;

(4) Number of active members, as defined by WAC 230-02-183;

(5) Number of voting members;

(6) The nature, type, or kind of programs provided to members or the public;

(7) The scope of the organization's programs, including:

(a) Number of persons served;

(b) The primary geographical service area; and

(c) Number of volunteer workers and estimation of hours worked;

(8) A list of contributions, scholarships, grants, or sponsorships made during the period. The list must include the following:

(a) The name of each organization or individual receiving a contribution. In the alternative, if a contribution was made to an individual for charitable purposes, the term "individual contribution" may be used instead of the individual's name. If individual names are omitted, the organization must maintain necessary records to verify and identify the recipient for each individual contribution;

(b) The amount(s);

(c) Date(s) made; and

(d) Whether funds awarded were from gambling income or other funds;

(9) Gross income from all nongambling activities, including the source;

(10) Total expenses for both charitable and nonprofit services;

(11) The percentage or extent to which net gambling income was used for charitable as distinguished from nonprofit purposes;

(12) Revenue and expenses for any nongambling sales activities must be presented separately when conducted primarily in conjunction with gambling activities;

(13) Details of any loans, contracts, or other business transactions with related parties that accumulatively exceed one thousand dollars during the period. "Related parties" is defined as officers, board members, key employees, or members of the organization, including spouses, parents, children, and brothers or sisters of each;

(14) The names, duties performed, total hours worked, and total compensation paid for the following employees:

(a) All employees paid more than forty thousand dollars annually;

(b) Part-time employees paid more than twenty dollars per hour; and

(c) All officers receiving compensation for services rendered;

(15) In addition to information required in subsection (1) of this section, any organization licensed to conduct gambling activities in Group III, IV, or V must submit complete financial statements prepared in accordance with generally accepted accounting principles and all required disclosures or footnotes. This information must be submitted no later than one hundred twenty days following the end of the organization's fiscal year. The financial statements must include:

(a) A statement of financial position;

(b) A statement of activities. This statement may be presented in a consolidated form if details of each component are provided as supplemental information. Revenue and expenses for each activity must be presented separately as follows:

(i) Each gambling activity;

(ii) Retail sales conducted in conjunction with gambling activities;

(c) A statement of cash flows;

(d) A statement of functional expenses;

(e) In addition to all disclosures required by generally accepted accounting principles, the financial statements must disclose the following:

(i) Loans to or from officers, board members, and employees: *Provided*, That employee salary advances of five hundred dollars or less will not be considered as loans. Details of all terms, including interest rates and payment schedules, must be disclosed;

(ii) All civil penalties, fines, bribes, or embezzlements; and

(iii) An explanation of any adjustments made to prior period capital accounts or net asset balances;

(f) An explanation of material differences between amounts reported on gambling activity reports and the financial statements;

(16) The commission may require additional information to ensure completeness of the information reported including selected information covering the period from the end of the fiscal year reported and the license renewal date;

(17) The commission may grant an organization additional time to submit the information required if a written request is received prior to the due date. Any request for additional time shall be signed by the president, include a statement setting out the hardship necessitating the delay, and the expected date the required report(s) will be submitted;

(18) The commission may request any organization licensed to conduct gambling activities in Group II to submit financial statements and other information required by this rule in order to evaluate the organization's qualification.

AMENDATORY SECTION (Amending WSR 94-01-035, filed 12/6/93, effective 1/6/94)

WAC 230-08-255 Bona fide charitable or nonprofit organizations—Significant progress~~((—Group II and Group III licensees))~~. Any charitable or nonprofit organization requesting ~~((certification))~~ to be certified to conduct gambling activities ~~((in Group II or Group III, as defined by WAC 230-04-040,))~~ must demonstrate it has made significant progress toward meeting its stated purpose(s) during the period under review. ~~((Compliance with the following requirements shall be prima facie evidence that an organization has made significant progress.))~~ "Significant progress" means an organization has complied with requirements set forth in its bylaws and articles of incorporation; has actively engaged in providing services to the public or its members during the entire period under consideration; and the services provided directly relate to the stated purposes of the organization. Such activities will be deemed significant when an organization utilizes a substantial portion of the resources it has available, including net gambling income, for providing services. Provided that: Any organization requesting to be certified to operate gambling activities in Group III, IV, or V, as defined in WAC 230-12-076, shall demonstrate it has made "significant progress" by meeting the following additional requirements:

(1) ~~((It held))~~ Elections to select officers were held at least once in the previous two years;

(2) ~~((It held))~~ A general membership meeting to conduct the business of the organization was held at least once in the previous two years;

(3) ~~((It expended))~~ At least sixty percent of the net gambling ~~((proceeds))~~ income earned in ~~((its))~~ the organization's most recently completed fiscal accounting year ~~((by either directly providing program services or by purchasing capital assets necessary to provide future program services.))~~ was utilized in the same period as functional expenses to provide services to members or the public. The following procedures apply for purposes of determining compliance with this ~~((subsection, the following provisions and procedures apply:~~

(a) An organization will be deemed to have complied with the requirements of this subsection if:

(i) It expends an amount equal to sixty percent or more of gambling proceeds earned during the current fiscal accounting period providing program services; or

(ii) It) subsection:

(a) Fees paid by members or the public to receive services or to participate in specific activities shall be classified as a reduction to expenses for providing such services and as income to the extent fees paid exceed the cost of providing such services;

(b) The amount of net gambling income used to provide services in the year under review shall be determined by the following procedure:

(i) Compute the amount of net gambling income that must be used for services by multiplying net gambling income for the period by sixty percent or six tenths (0.6);

(ii) Compute the ratio of net gambling income when compared to total net revenue from all sources for the period by dividing net gambling income by total net revenue from all sources;

(iii) Compute the amount of net gambling income that was used for services by multiplying total expenses of providing services for the period by the result of the computation in (b)(ii) of this subsection; and

(iv) The results of the computation in (b)(iii) of this subsection must be equal to or greater than the results of the computation in (b)(i) of this subsection;

(c) An organization may be exempted from this subsection for a limited time if it:

(i) Has a formal plan to ((spend)) utilize an amount that is equal to or greater than sixty percent of the net gambling ((proceeds)) income earned in the current period to provide ((program)) services in the ((immediately subsequent)) next fiscal accounting period and the plan is submitted to the commission as a part of its ((certification application-

(b) An organization may be exempted from this provision for up to three years if:

(i) It) annual progress and financial report required by WAC 230-08-122. Such services shall be in addition to those required for the next period; or

(ii) Is reserving funds to start or expand specific programs((s)). If funds are being reserved to start or expand specific programs, the organization must

((ii) It) expend((s)) at least twenty-five percent of net gambling ((proceeds)) income for providing ((program)) services in the current fiscal accounting period;

((iii) It has a formal plan regarding the funds reserved; and

(iv) The director approved the plan.

(e) The amount of gambling proceeds expended to provide program services shall be computed using the following guidelines:

(i) All reductions of the principal and interest expense related to loans used to purchase program service assets shall be treated as program service expenses during the period they are paid;

(ii) Noncash expenses, such as depreciation or amortization shall be subtracted from program service expenses;

(iii) For computation of ratios for compliance with this section, fees paid by members or the public to receive program services or to participate in specific activities shall be classified as a reduction to both program service expenses and income to the organization; and

(iv) The amount of gambling proceeds used to provide program services shall be computed by multiplying adjusted program services expenses by a ratio determined by dividing

gambling proceeds for the period by adjusted total income from all sources for the same period.))

(4) It does not expend more than thirty-five percent of ((the total amount spent providing program services)) functional expenses for ((administrative or)) supporting service((s or)) expenses. If more than fifty percent of ((program services)) functional expenses are provided through indirect methods such as contributions, scholarships, and/or sponsorships, services, then not more than twenty percent of ((the total amount spent for program services)) functional expenses shall be spent for supporting services((+ Provided, That unique, nonrepeating expenses may be factored out of the computation of administrative or supporting services expenditures for compliance with this section: Provided further, That expenditures that relate to more than one function shall be allocated to the various functions. Methods of allocation shall be documented and available for commission staff review. The director may grant an exemption to exceed the above limitation when an organization can demonstrate special circumstances. For purposes of this section, "administrative" or "supporting services" expenses shall include management and general overhead expenses which are essential to providing program services but which are not directly attributable to program services. At least the following expenditures shall be considered administrative or supporting services expenses:

(a) Wages and benefits for general operation of the organization such as executive directors and other management or support personnel (secretarial, reception, bookkeeping, etc.);

(b) Expenses related to providing an administrative office, including rent, depreciation, interest, utilities, taxes, insurance, and supplies;

(c) General management functions of the organization such as planning (budget etc.), recruiting and training staff, and procuring and distributing materials;

(d) Scheduling and conducting board, committee, and membership meetings;

(e) Publicizing the organization: *Provided, That solicitation of new members or volunteers, or announcements and publications intended to educate the public regarding services provided by the organization, shall be deemed to be program service expenses;*

(f) General expenses related to soliciting contributions and other nongambling fund raising activities. Direct expenses related to a specific fund raising activity shall be deducted from the receipts of the activity and will be treated as supporting services expenses only to the extent total expenses exceed receipts for the activity; and

(g) Outside supporting services such as accounting, audit, legal, etc.);

(5) Compliance with the requirements of this section shall be prima facie evidence that an organization has made significant progress towards accomplishing its stated purposes.

NEW SECTION

WAC 230-12-076 Regulation of charitable and nonprofit organizations—Assignment to regulatory groups. Each charitable or nonprofit organization shall comply with licensing and operating requirements applicable

to the scope of activity it has been authorized to conduct. Each organization will be assigned to a regulatory group that is based upon the authorized gambling gross receipts of all combined licenses issued to the organization. The following regulatory groups are established:

(1) Group I - Any organization requesting to be certified to conduct gambling activities with combined annual gross receipts up to three hundred thousand dollars;

(2) Group II - Any organization requesting to be certified to conduct gambling activities with combined annual gross receipts up to one million dollars;

(3) Group III - Any organization requesting to be certified to conduct gambling activities with combined annual gross receipts up to three million dollars;

(4) Group IV - Any organization requesting to be certified to conduct gambling activities with combined annual gross receipts up to five million dollars; and

(5) Group V - Any organization requesting to be certified to conduct gambling activities with combined annual gross receipts that exceed five million dollars.

AMENDATORY SECTION (Amending Order 284 [WSR 96-05-011], filed 2/9/96, effective 2/9/96)

WAC 230-20-064 Maximum receipts, prizes, and expenses for bingo games—Net income required. Bingo is to be conducted as a social pastime and for the raising of funds to support the purpose(s) of the organization only. Organizations licensed to conduct bingo games must comply with the following limitations:

(1) Gross receipts from the sale of bingo cards shall not exceed the limits by class of license for the organization's license year as set out in WAC 230-04-202, Table 1((-)), or as restricted by the commission under subsection (6) of this section.

(2) To prevent the payment of prizes in such amounts that would significantly reduce net income, prize payouts, as percentages of gross receipts, shall not exceed the percentages listed in Table 1((-)) by class of license, or as restricted by the commission under subsection (6) of this section.

(3) To insure that licensees meet the intent of RCW 9.46.010 and to prevent the payment of excessive expenses, combined net income from bingo games, punchboards/pull tabs, and food, drink or other retail sales activities conducted in conjunction with bingo games, as a percentage of bingo games gross receipts shall not be less than the percentage listed in Table 1((-)) by class of license for any annual license period, or as restricted by the commission under subsection (6) of this section: *Provided*, That local gambling taxes paid or accrued will be allowed as a credit when computing net income for bingo and punchboards and pull tabs.

(4) The director may allow a licensee to temporarily exceed the limitations set out in subsection (2) or (3) of this section, or Table 1((-)) of this section when unusual and/or uncontrollable conditions affect the licensee's ability to comply. Any licensee seeking relief from these requirements must petition the commission staff in writing. This petition must set forth the specific circumstances for which such relief is sought and include objective evidence regarding the

scope of the impact on the bingo operation. The director may authorize exceptions under the following conditions:

(a) When a new class D or above bingo licensee or any game not under the jurisdiction of the commission and which operates two or more days per week begins bingo activities within the market area of an operating game. For purposes of this section, "market area" is defined as:

(i) Primary market area - within the area encompassed by a measurement that starts at the premises of an operating class D or above bingo game and extends to a radius that is located five miles from such premises;

(ii) Secondary market area - within the area encompassed by a measurement that starts at a radius that is located five miles from the premises of an operating class D or above bingo game and extends to a radius that is located ten miles from the premises;

(iii) Rural market area - within the area starting at the premises of an operating class D or above bingo game and extending to the twenty-five mile radius from such premises when such premises is located in any county that the total population is less than one hundred thousand.

(b) When a class D or above game is forced to move its current operations outside their primary market area due to circumstances beyond the control of the organization. Examples of uncontrollable circumstances are:

(i) Premises destroyed or condemned;

(ii) Lease expiration without an option to renew;

(iii) Increases to rent that would put the licensee in jeopardy of being in violation of net income requirements;

(iv) Permanent interruption of customer flow, such as: Closure of arterial exit ramps; loss of customer parking; cancellation of public transportation; etc.; or

(v) Other circumstances as approved by the director.

(c) When an organization not previously licensed to conduct bingo at any class begins operations at the class D or above level;

(d) When a licensee is required to upgrade their license class in the last quarter of their annual license period; or

(e) When an organization incurs a temporary interruption of customer flow. A "temporary interruption of customer flow" is defined as an interruption that the licensee can not prevent but which will be corrected within a reasonable time period, such as street repairs, damage to premises, inclement weather, etc.

(5) Relief granted under subsection (4) of this section shall be limited to adjustment of the requirements in Table 1((-)) as follows:

(a) Relief for subsection (4)(a) of this section - new game operating within the primary market area. When a new class D or above or any game not under the jurisdiction of the commission and which operates two or more days per week begins operations within the primary market area of an operating class D or above bingo game and:

(i) The new game operates two or more occasions per week that are common to the currently operating game, the annual and calendar quarter prize payout limits shall be increased by two percentage points for the first twelve months of operation, and the annual minimum net income requirements shall be decreased by two percentage points for the first twelve months of operation of the new game; or

(ii) The new game operates one occasion or less per week that is common to the currently operating game, the

annual and calendar quarter prize payouts limits shall be increased by one percentage point for the first twelve months of operation, and the annual minimum net income requirements shall be decreased by one percentage point for the first twelve months of operation of the new game.

(b) Relief for subsection (4)(a) of this section - new game operating within the secondary or rural market area. When a new class D or above or any game not under the jurisdiction of the commission and which operates two or more days per week begins operations within the secondary or rural market area of an operating class D or above bingo game and:

(i) The new game operates on two or more occasions common to the current game, then the annual and calendar quarter prize payout limits shall be increased by one percentage point for the first twelve months of operation, and the annual minimum net income requirements shall be decreased by one percentage point for the first twelve months of operation of the new game; or

(ii) The new game operates on one or less occasion common to the current game, then the annual and calendar quarter prize payout limits shall be increased by one-half percentage point for the first twelve months of operation, and the annual minimum net income requirements shall be decreased by one-half percentage point for the first twelve months of operation of the new game.

(c) Relief for subsection (4)(b) of this section - organizations forced to move their game outside their primary market area shall be authorized an increase in the quarterly prize payout limit of one percentage point, and a decrease in the annual net income limit by one percentage point for the first twelve months of operation in the new location;

(d) Relief for subsection (4)(c) of this section - organizations not previously licensed to conduct bingo at any level shall be authorized a two percentage point reduction in the net income requirement and a two percentage point increase in the maximum prize payout requirement of Table 1(-) for the first annual license period;

(e) Relief for subsection (4)(d) of this section - organizations required to upgrade their license in the last quarter of their annual license period shall be measured for the entire annual license period based on the lower license class limits; and

(f) Relief for subsection (4)(e) of this section - organizations that have temporary interruption of customer flow shall be measured for the affected period, plus one month, based on performance with the interruption period factored out.

(6) Enforcement actions. The commission may impose the following corrective requirements and/or penalties on any licensee who fails to meet requirements of this section:

(a) Any licensee that exceeds the maximum calendar quarter prize payout limit or reports net income that is more than two percentage points lower than the annual minimum net income requirements during any quarter and whose net income falls below the annual minimum requirements when measured (~~license year to date~~) over the immediately preceding four calendar quarters shall:

(i) Take immediate steps to decrease prizes and/or expenses;

(ii) Report the violation to commission staff as soon as discovered, but in no case later than thirty days following the

end of the quarter. This notification shall be separate and additional to the quarterly activity report;

(iii) Provide a written plan of actions to gain compliance to the commission no later than forty-five days following the end of the quarter. This plan shall be evaluated by commission staff and input provided to the licensee no later than thirty days after receipt;

(iv) Provide the commission additional reports determined by the staff as necessary to monitor progress toward compliance; and

(v) Upon request, a committee of the licensee's management, including the chief executive officer, executive director, or equivalent manager responsible for supervising the primary bingo manager, and the primary bingo manager shall meet with commission staff to discuss the action plan.

(b) Any licensee who fails to achieve the minimum net income requirement for their annual measurement period shall be limited in license class for the next annual license period to the license class equal to the level of net income actually achieved, not to exceed a license class that authorizes at least one-half of the maximum gross gambling receipts of the current license class. For purposes of this section, the annual measurement period used shall be the licensee's annual fiscal accounting year: *Provided*, That the reduction for the first violation shall be a maximum of two license classes. A licensee limited under this section will not be granted an increase in their authorized license class until it has demonstrated the ability to maintain net income requirements at or above the minimum level for the class of license sought. Achieving net income requirements at or above the minimum level for at least two quarters, one of which may be the last quarter in the previous license year, shall be prima facie evidence of such ability: *Provided Further*, That a licensee may petition the commissioners for a license to operate at a higher level. Any such petition would be heard at a regular public meeting of the commission under the requirements of WAC 230-50-850. Petitions for relief under this section must include: The impact the reduction would have on their programs; what portion of their programs are charitable as compared to nonprofit; and income available from other sources to fund programs. The commission may take testimony from other parties that may be affected by approval of the petition. Any approval granted under this section may be made contingent upon future compliance or other issues as determined by the commission.

(c) The commission deems the responsibility for maintaining prize payouts at or below the maximum annual limit to be that of the primary (~~bingo~~) gambling manager. The organization's board of directors may relieve the primary (~~bingo~~) gambling manager of this responsibility by informing the commission in writing. Unless relieved by the board of directors, the primary manager shall be responsible for all penalties imposed under this section. If the board relieves the manager of responsibility for prizes, the commission shall consider the organization fully responsible for compliance with this section. In this case, prize payouts will be considered when reviewing violations of this section. The primary manager shall not be compensated in any manner during periods of license suspension imposed under this section. Any primary (~~bingo~~) gambling manager who fails to achieve the annual limit for the class of license issued to the organization, as set out in Table 1(-) below, shall:

(i) First violation - receive a written warning and be required to demonstrate in-depth knowledge of factors affecting prize payouts including, but not limited to, bingo game prize probabilities, expected payouts for each type of game, factors included in the computation, and methods for analysis of games. The scope and depth of their bingo management knowledge shall be demonstrated by requiring the manager to prepare and submit their current game schedules, records used to analyze games, and the expected payout for each game. The manager will be required to meet with commission staff to discuss the evaluation and other aspects of their game;

(ii) Second violation - three day suspension that includes at least one operating day;

(iii) Third violation - ten day suspension that includes at least four operating days;

(iv) Fourth violation - thirty-day suspension;

(v) Fifth violation - revocation of manager's license for at least one year.

(7) In order to study the possible impacts of factors beyond bingo licensees' control which may affect bingo licensees' ability to meet license class requirements and requirements of this section, the commission imposes an

immediate moratorium on the mandatory downgrade requirement of subsection (6) of this section. Any bingo licensee who fulfills the following requirements shall be allowed to operate at its current license class:

(a) The licensee informs the commission in writing that it wishes to participate in the study, the steps the licensee is taking to meet its license class requirements, and that it meets the requirements of this subsection;

(b) The bingo licensee is within 4.5% of the net income requirements for the licensee's license class; and

(c) The licensee freezes controllable expenses for the duration of the study.

(8) Licensees more than 4.5% out of compliance with their license class net income requirements may petition the director to participate in the moratorium and study as long as the licensee meets the other requirements of subsection (7) of this section. Denial may be appealed to the commission as in subsection (6)(b) of this section.

(9) The moratorium upon issuing mandatory downgrades as set forth in subsection (7) of this section ends when the commission completes the study or on January 1, 1997, whichever occurs first. The moratorium extends only to the issuing of downgrades while the moratorium is in effect; it does not affect any other licensee requirements.

Table 1.

((Group))	License Class	Annual Gross Receipts		Annual Prize Payout Limits	Calendar Quarter Prize Payout Limits	Annual Minimum Net Income Requirements - Bingo *	Annual Minimum Net Income Requirements - Bingo & Punchboards/Pull Tabs **
		From \$	To \$				
((#))	A	Up to \$	15,000	No Limits	No Limits	No Limits ***	No Limits ***
	B	\$ 15,000-	50,000	No Limits	No Limits	No Limits ***	No Limits ***
	C	50,001-	100,000	No Limits	No Limits	No Limits ***	No Limits ***
	D	100,001-	300,000	Max of 85.0%	Max of 86.5%	At least 1.0%	At least 2.0%
	E	300,001-	500,000	Max of 84.0%	Max of 85.0%	At least 2.0%	At least 3.0%
((##))	F	500,001-	1,000,000	Max of 83.0%	Max of 84.0%	At least 3.5%	At least 4.5%
	G	1,000,001-	1,500,000	Max of 80.0%	Max of 81.0%	At least 5.0%	At least 7.0%
	H	1,500,001-	2,000,000	Max of 78.0%	Max of 79.0%	At least 7.0%	At least 9.0%
	I	2,000,001-	2,500,000	Max of 76.0%	Max of 77.0%	At least 9.0%	At least 11.0%
	J	2,500,001-	3,000,000	Max of 74.0%	Max of 75.0%	At least 11.0%	At least 13.0%
((##))	K	3,000,001-	3,500,000	Max of 72.0%	Max of 73.0%	At least 12.5%	At least 15.0%
	L	3,500,001-	4,000,000	Max of 70.0%	Max of 71.0%	At least 13.5%	At least 16.0%
	M	Over	4,000,000	Max of 70.0%	Max of 71.0%	At least 14.5%	At least 17.0%

* = Net income measured for organizations that operate bingo only and do not hold a license for punchboards/pull tabs. It is the combined net income from bingo ((games)) activities and ((sales)) the sale of food, drink, or other retail items((, if applicable.)) as a percent of bingo gross receipts. Local gambling taxes are not considered an expense for computing net income.

** = Combined net income from punchboards/pull tabs, bingo ((games)), and ((sales)) sale of food, drink, or other retail items, if applicable, as a percent of bingo gross receipts. Local gambling taxes are not considered an expense for computing net income.

*** = Combined net income must be equal to or greater than zero ((#)) if wages or rent is paid to operate the activity. Local gambling taxes are not considered an expense for computing net income.

Note: Net income requirements for charitable or nonprofit organizations that operate pull tabs, but do not operate bingo, are detailed in WAC 230-30-052.

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 96-07-076
PERMANENT RULES
GAMBLING COMMISSION**

[Filed March 19, 1996, 4:15 p.m., effective July 1, 1996]

Date of Adoption: March 15, 1996.

Purpose: Housekeeping changes.

Citation of Existing Rules Affected by this Order:
Amending WAC 230-02-511 and 230-20-055.

Statutory Authority for Adoption: RCW 9.46.070.

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Adopted under notice filed as WSR 96-03-080 on January 17, 1996.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 2, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, amended 2, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: July 1, 1996.

March 18, 1996

Michael Aoki-Kramer
Rules and Policy Coordinator

AMENDATORY SECTION (Amending WSR 94-01-036, filed 12/6/93, effective 1/6/94)

WAC 230-02-511 Attended amusement game defined. Any amusement game conducted in a manner ~~((which requires))~~ requiring the presence or assistance of any natural person~~((s))~~ as an attendant~~((s))~~ in the regular operation of ~~((such))~~ the game~~((s))~~ shall be considered an attended amusement game. ~~((Regular operation shall include, but not be limited to: The collection of a valuable consideration from the player(s), providing equipment or components to the player(s) such as to allow participation in the game, and the delivery of merchandise prizes to any player who successfully achieves the state goal of the game. Regular operation shall not include any material assistance in the play of the game or any participation in the game by the attendant. Any such game shall be conducted in accordance with all other rules of the gambling commission and provisions of chapter 9.46 RCW.))~~

NEW SECTION

WAC 230-20-510 Attended amusement games—Operational restrictions. Regular operation of attended amusement games shall include, but not be limited to the following: Collection of valuable consideration from the player(s), providing equipment or components to the player(s) to allow participation in the game, and delivery of a merchandise prize(s) to any player successfully achieving the stated goal of the game. Regular operation shall not include material assistance in playing the game or participation in the game by the attendant. Any such game shall be conducted in accordance with all other rules of the gambling commission and provisions of chapter 9.46 RCW.

AMENDATORY SECTION (Amending Order 53, filed 5/25/76)

WAC 230-20-055 Use of proceeds from authorized activities by charitable or nonprofit organizations ~~((of proceeds from authorized activities))~~. All proceeds remaining after paying the necessary expenses of operating an activity authorized by RCW ~~((9.46.030))~~ 9.46.0311 shall be used by the organization conducting the activity only for those purposes which are set out in RCW ~~((9.46.020(3)))~~ 9.46.0209 and as it may be amended and, if a commission licensee, ~~((which have been))~~ only for those purposes disclosed to the commission in the application for a license.

WSR 96-07-077

PERMANENT RULES

GAMBLING COMMISSION

[Filed March 19, 1996, 4:17 p.m., effective July 1, 1996]

Date of Adoption: March 15, 1996.

Purpose: To amend rules relating to the conduct of raffles. RCW 9.46.0277 was amended by the 1995 legislature to authorize raffle tickets to be sold for up to \$25, rather than the previous limit of \$5.

Statutory Authority for Adoption: RCW 9.46.0277, 9.46.070.

Adopted under notice filed as WSR 96-03-076 on January 17, 1996.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 4, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 4, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 1, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: July 1, 1996.

March 18, 1996

Michael Aoki-Kramer
Rules and Policy Coordinator

AMENDATORY SECTION (Amending WSR 95-07-093, filed 3/17/95, effective 7/1/95)

WAC 230-20-325 Manner of conducting a raffle. All raffles shall be conducted by selling individual chances for not more than twenty-five dollars and awarding prizes by selecting winners by a random drawing from among all chances sold. The following operating procedures apply:

(1) All raffle chances shall be consecutively numbered tickets or other objects imprinted with letters or symbols that are not repeated within the population of all chances sold for a specific raffle;

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(2) Raffle chances sold to the general public or for raffles that do not require the winner to be present at the drawing shall consist of a ticket that includes a stub or other detachable section bearing a duplicate number, letter, or symbol corresponding to the number, letter, or symbol on the ticket or object representing the player's chance. The portion retained by the ~~((seller))~~ raffle operator shall include the participant's name, complete address, telephone number, and/or other information necessary to notify the winner;

(3) All participants in a raffle must be informed of all rules by which such prizes may be won at the time of sale of a chance. This information shall be provided by either imprinting such on the participant's portion of the ticket or otherwise providing such to each participant in writing. The following information shall be provided to each participant:

- (a) The cost of each chance;
- (b) All prizes available, whether cash or merchandise;
- (c) Date and time of drawing;
- (d) Location of drawing;
- (e) Whether an entrant is required to be present at a raffle drawing in order to be eligible to win a prize; and
- (f) Name of organization conducting raffle.

(4) No person shall be required to pay, directly or indirectly, more than twenty-five dollars in order to enter any raffle;

(5) Each raffle ticket must be sold for the same price as every other raffle ticket being used for that particular raffle;

(6) No free tickets, or any opportunity to participate in the drawing of any raffle, shall be awarded or given to a person as a prize or reward for selling raffle tickets or for purchasing a certain number of raffle tickets: *Provided*, That noncash incentive awards may be provided to members selling tickets if:

- (a) Individual awards do not exceed a fair market value of ten dollars;
- (b) The awards are based on the number of chances sold; and
- (c) The fair market value of the total amount awarded for an individual raffle does not exceed two percent of the gross gambling receipts of the raffle.

(7) No person shall be required to obtain more than one chance to enter a raffle;

(8) Each ticket seller shall return to the licensee the stubs or other detachable section of all tickets sold. The licensee shall then place each stub or other detachable section of each ticket sold into a receptacle ~~((out of))~~ from which the winning tickets are to be drawn;

(9) The ticket collection receptacle shall be designed so that each ticket ~~((placed therein))~~ has an equal opportunity ~~((with every other ticket to be the one withdrawn))~~ to be drawn: *Provided*, That an alternative drawing format to determine the winner may be utilized if such format is approved by the director before tickets are sold and the following requirements are complied with:

- (a) The organization must have a current raffle license;
- (b) The alternate format must meet the definition of a drawing as defined by WAC 230-02-500;
- (c) The random selection process used in the alternative format shall be fully disclosed to each player prior to selling a ticket;
- (d) Any alternate format utilized to determine the winners must be closely controlled by the licensee; and

~~((Each separate alternative format scheme shall be approved by the director in writing prior to a ticket being sold to participate in a raffle using such a scheme to determine winners.))~~ The written request to utilize an alternative drawing format shall contain, at a minimum, the following information:

- (i) The time, date and location of the drawing;
- (ii) The type of random selection process to be used and complete details of its operation;
- (iii) The name and telephone number of the raffles manager; and
- (iv) The signature of the organization's chief executive officer;

(10) The raffle license issued by the commission or a ~~((photostatic))~~ copy of the license shall be ~~((conspicuously))~~ posted ~~((and displayed))~~ in plain view at the location at all times during the occasion when a drawing is being conducted.

AMENDATORY SECTION (Amending WSR 95-07-093, filed 3/17/95, effective 7/1/95)

WAC 230-20-335 ~~((Raffles conducted among members of an organization))~~ Members-only raffles—Procedures—Restrictions. Organizations may conduct members-only raffles utilizing simplified procedures. For purposes of this section, "members-only raffle" means a raffle conducted by selling chances only to members of the organization and a limited number of guests, and determining the winners from among those members and guests that have purchased chances. The following procedures and restrictions supplement or modify WAC 230-08-070 and 230-20-325 and apply only to members-only raffles:

(1) In order to conduct raffles utilizing these simplified procedures, all phases of the raffle must be completed during a meeting of the members, and the meeting must be completed on the same day and at the same location without interruption;

(2) If guests are allowed to participate, the total number of guests, as a percentage of the total attendance of the meeting, shall not exceed twenty-five percent. Records shall be maintained that will allow commission staff to determine compliance with this requirement;

(3) All disclosures required to be imprinted on a raffle ticket or chance may be provided to participants by posting a sign at each ticket sales point;

(4) Chances to enter a raffle may be included as a part of a package that includes dues, entertainment, or other fund-raising activities if the value of each component of the package is disclosed to the purchaser and the value of each individual raffle chance does not exceed twenty-five dollars: *Provided*, That initial applications for membership and any fees paid for such shall not include chances to enter raffles or to participate in any gambling activities;

(5) The director may authorize an organization to deviate from the "same price" requirements of WAC 230-20-325(5). Chances to enter a raffle may be sold for different values, ranging from one cent to a maximum of ~~((five))~~ ten dollars, if the following conditions are met:

(a) The scheme for assigning the cost of the ticket must be disclosed to the player ~~((prior to))~~ before selling them a chance to participate. This disclosure shall include the total

number of tickets in the population and the number of tickets at each price level;

(b) Participants must be allowed to randomly select their ticket from the population of remaining tickets. Participants pay the amount imprinted upon the ticket they select;

(c) The scheme provides an adequate audit trail that will allow commission staff and taxing authorities to determine gross gambling receipts;

(d) The total gross gambling receipts available from raffles utilizing such schemes are limited to ~~((one))~~ five thousand ~~((three hundred))~~ five dollars each drawing;

(e) No more than two such drawings are conducted during a meeting of the members; and

(f) Approval must be obtained in writing from the director. Such approval shall be valid until revoked by commission staff;

(6) The following sales schemes may be used for members-only raffles:

(a) Multiple tickets to enter one or more drawings may be sold as a package as long as the total price of the package does not exceed twenty-five dollars; and

(b) Alternative sales methods may be used if specifically authorized by the commission. This authority will be issued on an individual basis and will require a detailed written request;

(7) Alternative drawing formats approved for members-only raffles shall be valid until revoked by the commission staff, if all the information required by this subsection is reported to the commission at least ten days ~~((prior to))~~ before any drawing using such schemes. Notification for members-only raffles may be signed by the designated raffle manager;

(8) The limitations on noncash incentive awards for an individual raffle, set forth in WAC 230-20-325 (6)(a) and (c), are modified to allow awards that do not exceed five percent of the combined gross gambling receipts for all raffles conducted during a membership meeting if a record of the name, address, and telephone number is maintained for all persons receiving awards valued in excess of fifty dollars;

(9) Raffle records, as required by WAC 230-08-070, are modified as follows:

(a) The threshold value for maintaining a record of the name, address, and telephone number of each winner of a prize is increased to include only prizes valued in excess of fifty dollars;

(b) Ticket disbursement records are not required; and

(c) Minimum record retention period is reduced to a period that is not less than one year following the date of each individual raffle drawing.

AMENDATORY SECTION (Amending Order 111, filed 9/15/81)

WAC 230-25-040 Fund-raising event—House rules to be developed and posted—Limitations on wagers. ~~((Prior to))~~ Before conducting a fund-raising event, each licensee shall develop a set of house rules which will govern the type, scope and manner of all gambling activities to be conducted in conjunction with the fund-raising event. Among other information, these rules shall establish the maximum amount of wagers ~~((which))~~ that may be placed by

persons participating in gambling activities ~~((which))~~ that in any event shall not exceed ten dollars being wagered upon the outcome of any one operation of an element of chance, except for raffles or other similar drawings, as set forth in RCW 9.46.0277.

In addition, the rules shall prohibit the giving of any thing of value to any person involved in the management or operation of the fund-raising event, and prohibit any person involved in the management or operation of the fund-raising event from accepting any thing of value.

A copy of the rules shall be posted conspicuously on the premises where the fund-raising event is being conducted at all times during the fund-raising event, and a copy thereof shall be made available, upon request, to any law enforcement officer or representative of the commission.

AMENDATORY SECTION (Amending Order 153, filed 8/12/85)

WAC 230-25-220 Raffles or similar ~~((lotteries))~~ drawings conducted at fund-raising events. Raffles or similar drawings may be conducted at fund-raising events so long as they meet the following requirements:

(1) No sales of tickets or drawing(s) in any raffle or similar ~~((lottery))~~ drawing wherein the winner or winners are chosen by the drawing of a ticket or other card or device shall be done at, or in connection with, a licensed fund-raising event unless all aspects of the raffle or similar ~~((lottery))~~ drawing are done only at the fund-raising event.

(2) If any ticket ~~((or))~~ card or other device for a raffle or similar ~~((lottery))~~ drawing is sold, or any drawing for a raffle or similar ~~((lottery))~~ drawing held, other than at and during a licensed fund-raising event, then no portion of the raffle or similar ~~((lottery))~~ drawing shall be conducted at or during any licensed fund-raising event, nor shall the raffle or similar ~~((lottery))~~ drawing be considered as being held under the fund-raising event license for any such fund-raising event.

(3) Raffles or other similar ~~((lotteries))~~ drawings wherein the winner or winners are chosen by the drawing of a ticket or other card or device conducted at, or as a part of, a licensed fund-raising event authorized ~~((under RCW 9.46.030(1)))~~ by RCW 9.46.0311 shall be treated as conducted ~~((solely pursuant to))~~ under the license to conduct that fund-raising event. All income, prizes awarded, and other expenses shall be accounted for, and reported to the commission, as required for fund-raising events ~~((and))~~ but shall not be reported, or accounted for, as required for raffles conducted under a raffle license issued by the commission, or under ~~((a))~~ different statutory authority: *Provided*, That the requirements of WAC 230-20-325 applicable to raffles shall be applicable to all such ~~((lotteries))~~ drawings conducted at a fund-raising event, except that single chances on ~~((lotteries))~~ drawings may be sold for up to ~~(((\$10))~~ twenty-five dollars per chance.

(4) Income from raffles or other ~~((lotteries))~~ drawings conducted at, or as a part of, such a fund-raising event shall be applied only against the maximum income permitted for fund-raising events and shall not be applied against other maximum income limits imposed by chapter 9.46 RCW or the commission's rules.

~~((4))~~ (5) All of the commission's rules applicable to the conduct of raffles, whether general or specific, shall apply to the conduct of raffles and to the conduct of other similar ~~(lotteries)~~ drawings wherein the winner or winners are chosen by the drawing of a ticket or similar card or device at, or as a part of, a fund-raising event, except as provided in subsection (3) ~~(above)~~ of this section and except the following rules which shall not be applicable:

- (a) WAC 230-08-070;
- (b) WAC 230-20-350;
- (c) WAC 230-12-020.

~~((5))~~ (6) Subsections (1) through ~~((4) above)~~ (5) of this section shall not ~~(be applicable where)~~ apply to a drawing ~~((is))~~ held during a fund-raising event ~~((for a))~~ if the raffle is conducted ~~((pursuant to))~~ under a raffle license issued by the commission ~~((subject to all the commission's rules applicable to such raffles))~~, and all tickets for ~~((said))~~ the raffle are sold ~~((r))~~ and deposited into the drawing container ~~((prior to))~~ before the beginning of the fund-raising event.

WSR 96-07-078
PERMANENT RULES
GAMBLING COMMISSION

[Filed March 19, 1996, 4:19 p.m., effective July 1, 1996]

Date of Adoption: March 15, 1996.

Purpose: To authorize charitable and nonprofit organizations to sell gift certificates and to provide transportation once a week to their location from points outside Washington state.

Citation of Existing Rules Affected by this Order: Amending WAC 230-20-050, 230-20-103, and 230-20-230.

Statutory Authority for Adoption: RCW 9.46.070 (1), (8)-(11), (14), (16), (20).

Adopted under notice filed as WSR 96-03-079 on January 17, 1996.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 2, amended 3, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 2, amended 3, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: July 1, 1996.

March 18, 1996
 Michael Aoki-Kramer
 Rules and Policy Coordinator

AMENDATORY SECTION (Amending Order 53, filed 5/25/76)

WAC 230-20-050 Use of proceeds. No part of the proceeds of any bingo game, raffle, or amusement game conducted by a bona fide charitable or bona fide nonprofit organization, except qualified agricultural fairs, shall be used for the benefit of any person other than the organization conducting the activity; except that if the activity is conducted by a licensee for the charitable benefit of a specific person or persons who have been listed as recipients of the proceeds, or a specified portion thereof, on the application for a license to conduct the activity, then the proceeds or specified portion thereof, may be used for the benefit of such specific person or persons so designated if commission approval has been obtained prior to the organization conducting the activity for that purpose: Provided, That for the purposes of this section, a licensee providing transportation to bingo players under the guidelines of WAC 230-20-052 shall not be deemed in violation of this rule.

NEW SECTION

WAC 230-20-052 Transportation provided to bingo players. Licensed bingo operators may provide transportation to players on one occasion per week from locations outside Washington state boundaries for the purpose of allowing players to attend and participate in Washington state bingo operations. Costs associated with transporting players will be treated as a bingo activity expense.

AMENDATORY SECTION (Amending Order 254, filed 7/20/94, effective 8/20/94)

WAC 230-20-103 Bingo cards to be sold upon the premises—Exceptions. Bingo cards shall be sold upon the licensed premises during or immediately preceding the session for which the cards are intended for play: Provided, That licensees may sell an entry guarantee to persons desiring to reserve the right to participate in special bingo games. Such shall not be deemed sales of bingo cards for purposes of this title if licensees comply with the following restrictions:

(1) ~~((Entry guarantee events are limited to four sessions each calendar year: Provided, That each separate event shall be completed in its entirety, including all refunds authorized by subsection (9) of this section, prior to beginning sales for another event;~~

~~((2)))~~ Tickets shall not be sold prior to sixty days in advance of the event;

~~((3)))~~ (2) Tickets must be used to document the sale of an entry guarantee. The following procedures and requirements apply to tickets used to document sale of entry guarantees:

(a) All requirements of WAC 230-20-101 (2)(a), (b), (c), and (d) shall be followed; and

(b) The following information must be imprinted on the tickets:

- (i) The name of the organization sponsoring the event;
- (ii) The time, date, and location of the event;
- (iii) The total number of tickets available for the event;
- (iv) The value of the ticket; and

PERMANENT

(v) Any conditions or contingencies related to redemption of the ticket, refunds, or cancellation of the event;

~~((4))~~ (3) The licensee shall record the name, mailing address, and phone number of each person purchasing an entry guarantee;

~~((5))~~ (4) The number of tickets sold shall not exceed the seating capacity of the premises;

~~((6))~~ (5) The value of an entry guarantee ticket shall not exceed fifty percent of the minimum "buy-in" for the event;

~~((7))~~ (6) Entry guarantee tickets shall be controlled as follows:

(a) All unaccounted for tickets shall be treated as a cash shortage at the redemption value;

(b) A record shall be maintained of all ticket disbursements;

(c) Tickets shall only be redeemed for bingo cards upon the licensed premises during the session noted on the ticket;

(d) Tickets redeemed for bingo cards shall be immediately cancelled by use of a hand stamp that imprints "REDEEMED" on each ticket;

(e) Tickets redeemed shall be treated as gross gambling receipts for bingo at the session they are redeemed, and the daily bingo records shall be modified in the cash reconciliation section of the approved record format to document the number and dollar value of tickets redeemed; and

(f) Gross receipts from the sale of tickets shall be deposited separately into the gambling account no later than two banking days after receipt. The ticket numbers relating to the funds deposited shall be a part of the deposit record;

~~((8))~~ (7) An event may be cancelled any time prior to the start of the scheduled bingo session. When an event is cancelled, the following procedures must be followed:

(a) The entire purchase price of the tickets must be refunded to the customer;

(b) All refunds must be made by check payable to the ticket purchaser. The ticket number must be recorded on the check; and

(c) The check must be mailed to the customer no later than three days following cancellation of the event;

~~((9))~~ (8) Licensees must refund the entire purchase price to a customer requesting such prior to the start of the scheduled bingo session. The following procedures and restrictions apply to refunds:

(a) Refunds must be made no later than thirty days following the event. After thirty days, all unredeemed tickets shall be considered void and recorded as contributions to the organization;

(b) All refunds must be made by check payable to the ticket purchaser. The ticket number must be recorded on the check;

(c) The person receiving the refund shall sign the back of the ticket; and

(d) All refunded tickets shall be retained as a part of the records for the event.

(9) Bingo licensees may sell gift certificates to persons desiring to give them to a potential player for use at a future date. The requirements set forth in WAC 230-20-115 apply when selling gift certificates.

NEW SECTION

WAC 230-20-115 Gift certificates—Requirements. Gift certificates may be sold or issued as prizes during bingo games and such shall not be deemed sales of bingo cards for purposes of this title if licensees comply with the following restrictions:

(1) If sold, gift certificates shall be paid for in full at the time they are issued;

(2) Gross receipts from the sale of certificates shall be deposited separately into the gambling account no later than five banking days after receipt. The certificate numbers relating to the funds deposited shall be a part of the deposit record;

(3) For gift certificates awarded as prizes, the value of the certificate is recorded as a bingo prize on the daily bingo records for the sessions in which the certificate was issued. The certificate will be supported by a bingo prize receipt;

(4) Gift certificates shall be purchased from a commercial printer or licensed distributor and shall be prenumbered, consecutively issued, and have a predetermined value with the following information imprinted:

(a) The name of the organization issuing the certificate;

(b) The date issued and an expiration date no later than three months from the date issued for awarded certificates; and one year for sold certificates;

(c) The dollar value of the certificate; and

(d) Any conditions or contingencies related to redemption of the certificate;

(5) If given as a prize, the value of the certificate shall be no more than forty dollars U.S. currency;

(6) Certificates shall only be redeemed for bingo cards, food, drink, merchandise, punchboards or pull tabs upon the licensed premises from which it was issued;

(7) Certificates redeemed shall be applied against bingo activity and daily bingo records shall be modified in the cash reconciliation section of the approved record format to document the number and dollar value of certificates redeemed;

(8) A reconciliation of gift certificate inventory to certificates issued shall be performed on a monthly basis and will include the following control features:

(a) Purchase invoices will be retained for gift certificates and they will include the organization name, date of purchase, and beginning and ending certificate numbers;

(b) Redeemed certificates will be maintained with the corresponding daily sales records;

(c) Certificates not redeemed within the expiration date shall be properly accounted for as a donation; and

(d) A certificate log will be maintained and will include the following:

(i) Certificate number;

(ii) Certificate value;

(iii) Date of issue;

(iv) Expiration date;

(v) Date of redemption; and

(vi) If awarded as a prize, the session and date the prize is awarded.

AMENDATORY SECTION (Amending Order 250, filed 3/16/94, effective 4/16/94)

WAC 230-20-230 Free games for winners ~~((prohibited))~~—**Restrictions.** ~~((No))~~ On only four occasions per year, a licensee may award free cards, or any opportunity to play in a bingo game, ((shall be awarded or given)) to a person as a prize for, or conditioned upon, winning a bingo game or games((, except)). Provided, those bingo games conducted under the authority of a Class A ((or)), B or C license ((issued by the commission)) or games conducted without a license under RCW 9.46.0321 may award free games without restrictions on the number of occasions. The restrictions set forth in WAC 230-20-115 will apply when awarding gift certificates that may include free games for winners.

WSR 96-07-093

PERMANENT RULES

PERSONNEL RESOURCES BOARD

[Filed March 20, 1996, 9:44 a.m., effective May 1, 1996]

Date of Adoption: March 14, 1996.

Purpose: These modifications were needed to clarify the board's existing practices, for clarification purposes and to allow the board or its designee to conduct prehearing conferences.

Citation of Existing Rules Affected by this Order: New WAC 356-37-160 and 356-37-170; and amending WAC 356-42-055, 356-37-020, 356-37-030, 356-37-040, 356-37-050, and 356-37-100.

Statutory Authority for Adoption: RCW 41.06.150.

Adopted under notice filed as WSR 96-04-052A on February 6, 1996.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 2, amended 6, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 2, amended 6, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 2, amended 6, repealed 0.

Effective Date of Rule: May 1, 1996.

March 20, 1996

Dennis Karras

Secretary

AMENDATORY SECTION (Amending WSR 90-08-020 (Order 340), filed 3/28/90, effective 5/1/90)

WAC 356-42-055 Arbitration—Grievance—Procedure. Whenever arbitration of a grievance is requested of the personnel resources board pursuant to an agreement

as authorized by WAC 356-42-050(2), the procedure set forth below shall apply:

(1) The request for arbitration shall be in the form of a complaint. It shall be filed on a form supplied by the ~~((personnel))~~ board, or in a writing containing the same information as required on the form within thirty calendar days or less from the date the director of personnel or designee indicates in writing that the mediation is at impasse. The request shall state the following:

(a) The name, address and telephone number of the party filing the request, and the name, address and telephone number of any principal representative.

(b) The name, address and telephone number of the opposing party, and, if known, the opposing party's principal representative.

(c) Clear and concise statements of the facts upon which the grievance is based, including times, dates, places and participants in occurrences.

(d) A listing of the applicable sections of the collective bargaining agreement, rules, policies, etc., upon which the grievance is based and which are claimed to be violated. A copy of the collective bargaining agreement or of the pertinent sections of the agreement shall be attached to the request for arbitration.

~~((e))~~ A statement of the specific issue(s) to be arbitrated.

~~((e))~~ ~~((f))~~ A statement of the relief sought.

~~((f))~~ ~~((g))~~ The signature and, if any, the title of the person filing the request for arbitration.

~~((g))~~ A copy of the original grievance and the agency's last written response to the grievance shall be attached to the request for arbitration.

(2) By mutual agreement the parties to the grievance may extend the thirty-day time frame for requesting arbitration established in subsection (1) of this section. Agreements to extend the time frame shall be reported in writing by the parties to the director of personnel.

~~((3))~~ A copy of the original grievance and the agency's last written response to the grievance shall be attached to the request for arbitration.

~~((4))~~ (3) The ((personnel)) board's hearings coordinator shall review the request for arbitration to determine compliance with subsection (1) of this section. If the ((personnel board's)) hearings coordinator determines the request ((to be)) is incomplete, ((he or she shall notify)) the person filing the request is notified of the portions ((of the request)) which need to be supplemented or changed to comply with subsection (1) of this section. When the ((personnel board's)) hearings coordinator ((is satisfied)) determines that the request substantially complies with subsection (1) of this section he or she shall mail, or otherwise cause to be served, the request on the opposing party(ies). Any refusal by the ((personnel board's)) hearings coordinator to serve the request for arbitration on the opposing party is reviewable by the ((personnel)) board upon motion of the requesting party.

~~((5))~~ (4) ((Within thirty calendar days of service of the request for arbitration, or within such longer period as the personnel board may allow, the party receiving the request may answer the allegations of fact and contentions set forth in the request by admitting, denying, or setting forth doubt as to the truth or falsity of any particular alleged fact or contention. The answer shall be served on the grievant or,

~~if represented, on the grievant's representative, at the same time it is filed with the personnel board. If no answer is filed within the stated time, it will be assumed that the claim is denied. Failure to file an answer shall not operate to delay the arbitration. At the discretion of the personnel board for good cause shown, the request or the answer may be amended at any time prior to the end of the arbitration hearing.)~~ After the request for arbitration is served on the opposing party(ies), the board or the board's designee may direct the parties or their representatives to engage in a prehearing conference(s) in accordance with WAC 356-37-160.

~~((6)) (5) (After receipt of the answer, or if no answer is timely filed, the personnel board's hearings coordinator shall set the matter for arbitration by the board or its designee. At least twenty days notice shall be given of the time and date of the arbitration unless both parties agree to a shorter time.)~~ The board's hearings coordinator shall schedule the arbitration for hearing pursuant to WAC 356-37-040.

~~((7)) (6) (Prior to the arbitration hearing the parties shall attempt to reach agreement on the issue(s) to be arbitrated. If successful they shall jointly stipulate to the issue(s). The department of personnel representative who mediated the grievance shall be available to assist if requested. If a joint stipulation is not reached, each shall submit a statement on what they believe the issue(s) to be. In such cases the board or its designee shall state the issue(s) at the beginning of the hearing.)~~ Within thirty calendar days from the date of service of the acknowledgment of the arbitration request, the respondent shall submit a written statement of issues(s) to be arbitrated. If no response is received, the petitioners' statement of issue(s) will be deemed to be the issue(s) at the arbitration hearing unless otherwise determined by the personnel resources board.

~~((8)) (7) Upon stipulation between the parties, the board or designee may grant the grievant's request to waive the right to an evidentiary hearing and thereafter require the parties to submit written evidence upon which the board or designee may act without a hearing.~~

~~((9)) (8) If the matter is heard directly by the board, a final and binding decision will be issued. If the matter is heard by the board's designee, a recommended decision will be issued. Within thirty calendar days of its service, either party may request the board to review the designee's decision. The review will be limited to specific areas of the decision to which the party takes exception. The requesting party must provide written argument in support of the exceptions. The board will consider the exceptions and may in its discretion hear oral argument. Thereafter, the board will issue a decision which shall be final and binding on the parties. The designee's decision will become final and binding forty calendar days after it was served on the parties if no exceptions are filed, unless the board calls a hearing to reconsider the decision.~~

~~((10)) (9) The grievant shall have the burden of proof and go forward with the evidence.~~

~~((11)) (10) The board or its designee shall be the judge of relevancy and materiality of evidence offered. Technical rules of evidence shall not apply to the proceedings.~~

~~((12)) (11) The provisions of chapter 356-37 WAC (Hearings—General procedures) shall apply to the conduct~~

of grievance arbitration hearings, except as otherwise provided in ~~((WAC 356-42-055 and 356-42-056))~~ this section.

NEW SECTION

WAC 356-37-160 Prehearing conference. (1) The personnel resources board or its designee may direct the parties or their representatives to engage in an informal prehearing conference(s) to address the following:

- (a) Statement of issue;
- (b) The possibility of obtaining stipulations, admissions of fact and admissions of the genuineness of documents which will avoid unnecessary proof;
- (c) Discovery, discovery methods and discovery deadlines;
- (d) The number of witnesses expected to be called and their names when possible;
- (e) The approximate time necessary for presentation of the evidence of the respective parties;
- (f) Whether or when motions may be brought;
- (g) Exhibits;
- (h) Affidavits;
- (i) Scheduling the hearing before the board; and
- (j) Such other matters as may aid in the prompt disposition of the petition.

(2) Prehearing conferences may be held by telephone conference call or at a time and place mutually agreed upon by the parties.

(3) The parties are encouraged where possible to resolve their disputes. To facilitate such resolution, the board or its designee may recess the conference at any time to give the parties time to discuss settlement. In the event settlement is reached, the grievant/petitioner or representative shall sign a request to withdraw the petition.

AMENDATORY SECTION (Amending WSR 90-07-057 (Order 342), filed 3/20/90, effective 5/1/90)

WAC 356-37-020 Prehearing procedures—Exhibits ~~((and possible stipulations—Witnesses))~~. (1) At any hearing before the personnel resources board when exhibits of a documentary character are offered into evidence, the party offering the exhibit shall provide a minimum of six copies: One each for the opposing parties, for the ~~((personnel))~~ board members, for the court reporter, if any, and for the ~~((personnel))~~ board's ~~((hearings coordinator))~~ official file.

(2) The parties shall arrive at the hearing location ~~((in sufficient time))~~ at least thirty minutes before the time scheduled for the hearing for the purpose of exchanging copies of exhibits to be introduced. ~~((Whenever practicable,))~~ ~~((€))~~ The parties shall ((have the)) pre-mark their exhibits ((which they intend to offer into evidence premarked)) for identification ((by the personnel board's hearings coordinator before the scheduled time for)) and present copies to other parties and the board's staff prior to commencement of the hearing.

~~((3) Whenever practicable, the parties should discuss the possibility of obtaining stipulations, admissions of facts and of documents prior to the hearing. If a particular matter appears from the file to be complex, or if the parties so request, the personnel board may request its hearings coordinator to meet with the parties prior to the day set for~~

~~the hearing to discuss the possibility of obtaining stipulations, admissions of fact and of documents, and simplification of issues. The personnel board will not make such a request on its own motion unless all parties are appearing through representatives.)~~

~~((4) Whenever practicable, the parties should exchange lists of witnesses prior to the day set for the hearing.)~~

AMENDATORY SECTION (Amending WSR 90-07-057 (Order 342), filed 3/20/90, effective 5/1/90)

WAC 356-37-030 ((Statement of position—Hearings)) Filing of prehearing statements. (1) Parties are encouraged to file prehearing statements of position with the personnel resources board. The board may request all parties to submit a prehearing statement. The statements should include a summary of the evidence the party intends to present; a listing of the rules, statutes, or contract provisions upon which the party intends to rely; a statement of the disposition requested; and an argument as to why the party is entitled to the requested disposition. Such documents shall be provided to the board and to the opposing party no later than fourteen calendar days prior to the scheduled hearing date. Any response by the opposing party shall be served no later than seven calendar days prior to the scheduled hearing date or at such time as set at the prehearing conference.

~~(2) ((If a party wishes to provide a prehearing statement of position, he or she must serve a copy of the statement on each opposing party, on each personnel board member, and on the personnel board's hearings coordinator. Service shall be accomplished either personally or by mail. However service is made, it must be timed so that the statement will be received by the persons upon whom service is to be made at least three business days prior to the hearing.)) A party submitting prehearing statement(s) shall provide the original and three copies to the board, and one copy to the opposing party.~~

~~(3) ((Statements of position filed at the time of the hearing will not be considered by the personnel board unless for good cause shown the personnel board directs otherwise.)) The board will determine whether to consider documents that are filed at the time of the hearing.~~

AMENDATORY SECTION (Amending WSR 90-07-057 (Order 342), filed 3/20/90, effective 5/1/90)

WAC 356-37-040 Scheduling of hearings((—Time allotted)). ((In all hearings before the personnel board, the personnel board's hearings coordinator will set the date of the hearing and the amount of time allotted to each party for the hearing. Prior to setting the matter, the hearings coordinator will consult with all parties as to available dates and length of hearing. At least twenty calendar days notice shall be given of the time and date of the hearing unless both parties agree to a shorter time.)) Prior to scheduling the hearing, the hearings coordinator will give the parties an opportunity to indicate preferred dates and amount of time allotted for the hearing. The hearings coordinator shall schedule all hearings before the personnel resources board with written notice, specifying the time, place, and length of the hearing. Notice of hearing shall be mailed not less than thirty calendar days prior to the date of the hearing, unless

all parties agree to a shorter notice period. Primary and/or secondary hearings may be scheduled.

AMENDATORY SECTION (Amending WSR 90-07-057 (Order 342), filed 3/20/90, effective 5/1/90)

WAC 356-37-050 Hearings—Motion for ((C))continuance((s))—Procedure. ((Upon receipt of a notice of hearing, or as soon thereafter as circumstances necessitating a continuance come to its knowledge, any party desiring to continue the hearing to a later date shall make a request for continuance to the personnel board. All continuance requests shall be in writing and, in detail, shall specify the reasons the continuance is necessary. In passing upon a request for continuance, the personnel board shall consider whether the request was promptly and timely made. For good cause shown, the personnel board may grant a continuance and may at any time order a continuance on its own motion.))

(1) Any party to a hearing may make a written motion(s) to the board to continue a hearing by showing good cause. The motion(s) shall state the specific reason(s) and the period of time for which a continuance is necessary.

(2) Any party desiring a continuance shall first contact the opposing party to determine whether agreement to a continuance can be reached. The requesting party will immediately notify, in writing, the board of the request, the reason(s) for the request, and the opposing party's response to the request.

(3) The party requesting the continuance shall submit the motion in writing. The motion shall be filed with the board and the opposing party at least fourteen calendar days prior to the scheduled hearing date. The board or its designee shall review the motion, make a decision whether or not to grant the continuance, and notify the parties of the decision within three working days of receipt of the motion.

(4) In unusual circumstances, and only where the reason(s) for the continuance could not have been foreseen, a motion for continuance may be made when the party seeking the continuance becomes aware of the facts upon which the request for continuance is based. The following will apply:

(a) The requesting party shall notify the other party of the desire for a continuance and obtain the other party's response.

(b) The requesting party shall notify the board or board's hearings coordinator in writing of the request, the reason(s) for the request, and the opposing party's response to the request.

(c) The board or its designee shall review the request, make a decision whether or not to grant the continuance, and notify the parties of the decision as soon as possible.

(5) The opposing party may submit a written statement in opposition or support of the motion for continuance to the board and other parties upon receipt of the motion.

AMENDATORY SECTION (Amending WSR 90-07-057 (Order 342), filed 3/20/90, effective 5/1/90)

WAC 356-37-100 Subpoenas—Issuance—Content—Service. (1) Subpoenas may be issued by any member of the board or its designee, or by the attorney of record of the party to the hearing in whose behalf the witness is required

to appear, and shall be subscribed by the signature of the issuing person. Parties desiring subpoenas which are to be signed by the members of the board or its designee shall submit a written request to the board or its designee at least ten calendar days prior to the hearing. The board or designee may allow less than ten calendar days under unusual circumstances.

(2) Every subpoena shall name the board and the title of the proceedings, if any, and shall command the person to whom it is directed to attend and give testimony or produce designated books, documents, or things under his/her control at a specified time and place.

(3) Parties requesting subpoenas shall make arrangements for service. Service of subpoena shall be made by delivering a copy of the subpoena to such person and by ~~((tendering him))~~ paying on demand, where entitled to make such a demand, the fees for one day's attendance and the mileage allowed by law.

NEW SECTION

WAC 356-37-170 Withdrawals—Default at hearings.

(1) Withdrawals requested by the grievant/petitioner or representative shall be filed with the board and each opposing party, in writing, no later than seven calendar days prior to the hearing date. Under unusual circumstances, the board may consider the request for withdrawal at a shorter time than the required seven calendar days.

(2) If a party fails to attend or participate in a hearing or other stage of a proceeding, the board may serve upon all parties a default or dismissal order which shall include a statement of the grounds for the order. Within seven calendar days after service of a default or dismissal order for failure to attend or participate, the party against whom it was entered may file a written motion requesting that the order be vacated, and stating the grounds relied upon.

WSR 96-07-105
PERMANENT RULES
PUBLIC EMPLOYMENT
RELATIONS COMMISSION
 [Filed March 20, 1996, 11:40 a.m.]

Date of Adoption: February 29, 1996.

Purpose: To correct typographical errors, include gender-neutral language, conform rules to statutes, clarify and update agency procedures, and to codify case precedents.

Citation of Existing Rules Affected by this Order:
 Repealing WAC 391-45-431, 391-55-260, 391-55-360, 391-55-400, 391-55-410, 391-55-415, 391-55-420, 391-55-425, 391-55-430, 391-55-435, 391-55-440, 391-55-445, 391-55-450 and 391-55-455; and amending WAC 391-08-001, 391-08-030, 391-08-040, 391-08-120, 391-08-180, 391-08-820, 391-25-001, 391-25-030, 391-25-050, 391-25-070, 391-25-090, 391-25-110, 391-25-130, 391-25-140, 391-25-170, 391-25-190, 391-25-220, 391-25-230, 391-25-250, 391-25-350, 391-25-370, 391-25-391, 391-25-410, 391-25-430, 391-25-470, 391-25-490, 391-25-510, 391-25-550, 391-25-590, 391-35-001, 391-35-010, 391-35-020, 391-35-030, 391-35-050, 391-35-080, 391-35-110, 391-35-170, 391-45-001, 391-45-030, 391-45-050, 391-45-110, 391-45-130, 391-45-170, 391-

45-190, 391-45-260, 391-45-270, 391-45-290, 391-45-330, 391-55-002, 391-55-010, 391-55-090, 391-55-200, 391-55-205, 391-55-210, 391-55-215, 391-55-220, 391-55-225, 391-55-230, 391-55-235, 391-55-240, 391-55-245, 391-55-255, 391-55-315, 391-55-345, 391-65-030, 391-65-050, 391-65-110, 391-65-130, 391-95-001, 391-95-090, 391-95-110, 391-95-170, 391-95-230, 391-95-260, and 391-95-270.

Statutory Authority for Adoption: RCW 28B.52.080, 41.56.090, 41.59.110, 41.58.050.

Other Authority: Additional statutory authority for the implementation of these rule changes are listed as follows: WAC 391-08-120 is RCW 34.05.010 (6) and (18); WAC 391-08-650 and 391-08-670 is RCW 34.05.220; WAC 391-25-011 is RCW 41.56.201; WAC 391-25-030, 391-25-050, 391-25-070 and 391-25-090 is RCW 28B.52.030, 34.05.413, 41.56.060, [41.56].070, 41.59.070 and [41.59].080; WAC 391-25-110 and 391-25-130 is RCW 41.56.070 and 41.59.070; WAC 391-25-140 is RCW 41.56.050; WAC 391-25-170 and 391-25-190 is RCW 28B.52.030, 41.56.070 and 41.59.070; WAC 391-25-220 is RCW 34.05.431; WAC 391-25-230 and 391-25-250 is RCW 28B.52.030, 41.56.060, [41.56].070, 41.59.070 and [41.59].080; WAC 391-25-350 is RCW 28B.52.030, 34.05.437, 41.56.060, [41.56].070, 41.59.070 and [41.59].080; WAC 391-25-391 and 391-25-410 is RCW 41.56.060; WAC 391-25-430 is RCW 28B.52.030, 41.56.060, [41.56].070 and 41.59.070; WAC 391-25-470, 391-25-490, 391-25-510, 391-25-550 and 391-25-590 is RCW 28B.52.030, 41.56.060 and 41.59.070; WAC 391-35-010, 391-35-020, 391-35-030 and 391-35-050 is RCW 34.05.413, 41.56.060 and 41.59.080; WAC 391-35-080 is RCW 34.05.431; WAC 391-35-110 is RCW 34.05.070; WAC 391-35-170 is RCW 34.05.437, 41.56.060 and 41.59.080; WAC 391-35-300 is RCW 41.59.010 and [41.59].020; WAC 391-35-310 is RCW 41.56.430; WAC 391-45-030 and 391-45-050 is RCW 28B.52.065, 34.05.413, 41.56.160 and 41.59.150; WAC 391-45-110 is RCW 28B.52.065, [28B.52].073, 34.05.419, 41.56.140, [41.56].150 and 41.59.140; WAC 391-45-130 is RCW 28B.52.065, 41.56.160 and 41.59.150; WAC 391-45-170 is RCW 28B.52.065, 34.05.434, 41.56.160 and 41.59.150; WAC 391-45-190 is RCW 28B.52.065, 41.56.160 and 41.59.150; WAC 391-45-260 is RCW 34.05.431, 41.56.160 and 41.59.150; WAC 391-45-290 is RCW 34.05.437, 41.56.160 and 41.59.150; WAC 391-45-431 is RCW 41.56.160; WAC 391-55-010 is RCW 28B.52.060, 34.05.413 and 41.56.100; WAC 391-55-090 is RCW 5.60.072; WAC 391-55-200 is RCW 41.56.450 and [41.56].492; WAC 391-55-205, 391-55-210, 391-55-215, 391-55-220, 391-55-225, 391-55-230, 391-55-235, 391-55-240, 391-55-245 and 391-55-255 is RCW 41.56.450; WAC 391-55-315 and 391-55-345 is RCW 41.59.120; WAC 391-65-030 and 391-65-050 is RCW 34.05.413 and 41.56.125; WAC 391-65-110 and 391-65-130 is RCW 41.56.125; WAC 391-95-090 and 391-95-110 is RCW 28B.52.045, 34.05.413, 41.56.122 and 41.59.100; WAC 391-95-170 is RCW 28B.52.045, 34.05.431, [34.05].434, 41.56.122 and 41.59.100; WAC 391-95-230 is RCW 28B.52.045, 34.05.437, 41.56.122 and 41.59.100; and WAC 391-95-270 is RCW 28B.52.045, 34.05.464, 41.56.122, and 41.59.100.

Adopted under notice filed as WSR 96-03-135 on January 23, 1996.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 5, amended 75, repealed 14.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 3, amended 50, repealed 2.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

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

March 19, 1996
Marvin L. Schurke
Executive Director

AMENDATORY SECTION (Amending WSR 90-06-070, filed 3/7/90, effective 4/7/90)

WAC 391-08-001 Application and scope of chapter 391-08 WAC. Chapter 391-08 WAC has been added to the Washington Administrative Code by the public employment relations commission pursuant to the authority of section 12, chapter 288, Laws of 1975 1st ex. sess. (RCW 41.59.110); sections 14 and 20, chapter 296, Laws of 1975 1st ex. sess. (RCW 28B.52.080 and 41.56.040); and section 3, chapter 5, Laws of 1975 2nd ex. sess. (RCW 41.58.050), to promulgate comprehensive and uniform rules for practice and procedure before the agency. The provisions of chapter 1-08 WAC shall not be applicable to proceedings before the agency. This chapter sets forth general rules applicable to all types of proceedings before the agency, and should be read in conjunction with the provisions of:

(1) Chapter 10-08 WAC, which contains rules promulgated by the chief administrative law judge governing the conduct of adjudicative proceedings under chapters 391-25, 391-35, 391-45 and 391-95 WAC, except:

(a) WAC 10-08-035, which is supplanted by detailed requirements in WAC 391-25-070, 391-25-090, 391-35-050, 391-45-050, and 391-95-110;

(b) WAC 10-08-050, which relates to procedures of the office of administrative hearings, and so is inapplicable to proceedings before the public employment relations commission;

(c) WAC 10-08-110, which is supplanted by detailed requirements in WAC 391-08-120;

(d) WAC 10-08-120, to the extent that it is further limited by WAC 391-08-040 and 391-08-310;

(e) WAC 10-08-140, to the extent that it is further limited by WAC 391-08-040 and 391-08-310;

(f) WAC 10-08-150, which is supplanted by detailed requirements in WAC 391-08-315;

(g) WAC 10-08-211, which is supplanted by detailed requirements in WAC 391-25-390, 391-25-590, 391-35-210, 391-35-230, 391-45-350, 391-45-370, 391-95-270, and 391-95-280; and

(h) WAC 10-08-230, which is supplanted by detailed requirements in WAC 391-25-150, 391-25-220, 391-25-230, 391-25-250, 391-25-270, 391-35-070, ((391-35-140)) 391-35-080, 391-45-070, 391-45-090, 391-45-260, and ((391-95-200)) 391-95-170.

(2) Chapter 391-25 WAC, which contains rules relating to proceedings on petitions for investigation of questions concerning representation of employees.

(3) Chapter 391-35 WAC, which contains rules relating to proceedings on petitions for clarification of an existing bargaining unit.

(4) Chapter 391-45 WAC, which contains rules relating to proceedings on complaints charging unfair labor practices.

(5) Chapter 391-55 WAC, which contains rules relating to the resolution of impasses occurring in collective bargaining.

(6) Chapter 391-65 WAC, which contains rules relating to arbitration of grievance disputes arising out of the interpretation or application of a collective bargaining agreement.

(7) Chapter 391-95 WAC, which contains rules relating to determination of union security disputes arising between employees and employee organizations certified or recognized as their bargaining representative.

In the event of a conflict between a general rule in this chapter and a special rule in another chapter applicable to a particular proceeding, the special rule shall govern.

AMENDATORY SECTION (Amending WSR 90-06-070, filed 3/7/90, effective 4/7/90)

WAC 391-08-030 Appearance and practice before agency—Appearance by former employee of agency or former member of attorney general's staff. No former member of the commission, former employee of the agency or former member of the attorney general's staff assigned to represent the agency shall, at any time after severing his or her employment with the agency or with the attorney general, appear in a representative capacity on behalf of any party in connection with any case or proceeding which was pending before the agency during the time of his or her employment with the agency.

AMENDATORY SECTION (Amending WSR 90-06-070, filed 3/7/90, effective 4/7/90)

WAC 391-08-040 Appearance and practice before agency—Former employee as witness. Except upon the express written consent of the commission, no former member of the commission, former employee of the agency or former member of the attorney general's staff assigned to represent the agency shall, at any time after severing his or her employment with the agency or with the attorney general, appear as a witness on behalf of any party in connection with any case or proceeding which was pending before the agency during the time of his or her employment with the agency.

AMENDATORY SECTION (Amending WSR 90-06-070, filed 3/7/90, effective 4/7/90)

WAC 391-08-120 ~~((Service of process—))~~ **Filing and service of papers.** ~~((+))~~

FILING OF PAPERS FOR ADJUDICATIVE PROCEEDINGS

(1) Filing of documents with the agency for adjudicative proceedings under the Administrative Procedure Act (cases under chapters 391-25, 391-35, 391-45 and 391-95 WAC) shall be deemed complete upon actual receipt of the original document and any required copies during office hours at the agency office designated in this rule. Electronic telefacsimile transmissions shall not be accepted as filing for such documents, unless RCW 34.05.010(6) or WAC 10-08-110 is amended to permit filings by electronic telefacsimile transmission.

(a) Petitions or complaints to initiate adjudicative proceedings shall be filed in the Olympia office;

(b) Documents to be filed with the executive director or with the agency generally shall be filed in the Olympia office;

(c) Documents to be filed with a presiding officer can be filed in the Olympia office or in the office of the presiding officer;

(d) Documents to be filed with the commission, including any petitions for review or objections, shall be filed in the Olympia office.

SUBMISSION OF PAPERS FOR NONADJUDICATIVE PROCEEDINGS

(2) Submission of papers to the agency for cases that are not adjudicative proceedings under the Administrative Procedure Act (cases under chapters 391-55 and 391-65 WAC) shall be deemed complete upon actual receipt of the original paper and any required copy during office hours at the Olympia office or at the office of the agency staff member assigned to process the case. Papers will also be accepted by electronic telefacsimile transmission in cases under this subsection, with the following limitations:

(a) The maximum length of papers acceptable for submission by electronic telefacsimile transmission is ten pages;

(b) The party sending papers by electronic telefacsimile transmission is responsible for confirming that the material was complete and legible when received by the agency;

(c) An agency staff member processing the case may require mailing of the original papers to the agency;

(d) Electronic telefacsimile transmission shall not be used to submit authorization cards for purposes of a showing of interest or cross-check under chapter 391-25 WAC.

SERVICE ON OTHER PARTIES

(3) All notices, pleadings, and other papers filed with the agency or the presiding officer shall be served upon all counsel and representatives of record and upon parties not represented by counsel or upon their agents designated by them or by law. Service shall be by one of the following methods:

(a) Service may be made personally, in the manner provided in RCW 4.28.080;

~~((2))~~ (b) Service ~~((shall be made personally or, unless otherwise provided by law,))~~ by first class, registered, or certified mail ~~((+))~~ shall be regarded as completed upon deposit in the United States mail properly stamped and addressed.

(c) Service by telegraph ~~((+ by electronic telefacsimile transmission and same day mailing of copies;))~~ or by commercial parcel delivery company ~~((+))~~

~~((3) Service by mail shall be regarded as completed upon deposit in the United States mail properly stamped and addressed. Service by telegraph))~~ shall be regarded as completed when deposited with a telegraph company or parcel delivery company properly addressed and with charges prepaid.

(d) Service by electronic telefacsimile transmission shall be regarded as completed upon production by the telefacsimile ~~((device))~~ device of confirmation of transmission, together with same day mailing of a copy postage prepaid and properly addressed to the person being served. ~~((Service by commercial parcel delivery shall be regarded as completed upon delivery to the parcel delivery company with charges prepaid.~~

~~((4) Papers required to be filed with the agency or with the presiding officer shall be deemed filed upon actual receipt during office hours at:~~

~~((a) The Olympia office of the commission for any papers required to be filed with the commission, the executive director, or the agency generally; or~~

~~((b) The office of the presiding officer or the Olympia office of the commission for any papers required to be filed with the presiding officer.))~~

PROOF OF SERVICE

~~((5))~~ (4) Where ~~((proof))~~ the sufficiency of service is ~~((required by statute or rule,))~~ contested, the timely filing of the papers ~~((with the presiding officer))~~ under this section, together with one of the following shall constitute proof of service:

(a) An acknowledgement of service by the person who accepted service.

(b) A certificate signed on the date of service, stating that the person signing the certificate ~~((did on the date of the certificate serve))~~ personally served the papers upon all parties of record in the proceeding by delivering a copy thereof in person to (names) at dates, times and places specified in the certificate.

(c) A certificate signed on the date of service, stating that the person signing the certificate ~~((did on the date of the certificate serve))~~ completed service of the papers upon all parties of record in the proceeding by:

(i) Mailing a copy thereof, properly addressed with postage prepaid, to each party to the proceeding or his or her attorney or authorized agent; or

(ii) ((Telegraphing a copy thereof)) Depositing a copy thereof with a telegraph or parcel delivery company named in the certificate, properly addressed with charges prepaid, to each party to the proceeding or to his or her attorney or authorized agent; or

(iii) Transmitting a copy thereof by electronic telefacsimile ~~((device))~~ device, and on the same day mailing a copy, to each party to the proceeding or his or her attorney or authorized agent ~~((+ or~~

(iv) ~~Depositing a copy thereof, properly addressed with charges prepaid, with a commercial parcel delivery company).~~

AMENDATORY SECTION (Amending WSR 90-06-070, filed 3/7/90, effective 4/7/90)

WAC 391-08-180 Service of process—Continuances.

(1) Postponements, continuances, extensions of time, and adjournments may be ordered by the presiding officer on his or her own motion or may be granted on timely request of any party, with notice to all other parties, showing good and sufficient cause therefor.

(2) A request for a continuance made prior to the hearing date may be oral or ~~(in writing)~~ **written** and shall state that the party seeking the continuance has notified all other parties of the request and that either all other parties agree to the continuance or that all parties do not agree to the continuance. If all parties do not agree to the continuance, the presiding officer shall promptly schedule a prehearing conference to receive argument and to rule on the request.

NEW SECTION

WAC 391-08-650 Case docketing and numbering.

The agency maintains a computerized case docketing system which is used to track and manage all requests for the dispute resolution service provided by the agency.

(1) Each case processed by the agency is identified by a unique number consisting of four components.

(a) The first component, consisting of a five-digit number, indicates the sequential number of cases docketed since the agency commenced operations on January 1, 1976.

(b) The second component, consisting of one alphabetic code, indicates the type of dispute being processed, as follows:

"A" indicates a grievance arbitration proceeding under chapter 391-65 WAC, wherein an agency staff member is to interpret or apply an existing collective bargaining agreement.

"C" indicates a unit clarification proceeding under chapter 391-35 WAC.

"D" indicates a declaratory ruling or declaratory order proceeding under the Administrative Procedure Act, and formerly included proceedings under chapter 391-95 WAC concerning assertion of the right of nonassociation by employees subject to union security obligations.

"E" indicates a representation proceeding under chapter 391-25 WAC.

"F" indicates a fact-finding proceeding under chapter 391-55 WAC, to recommend the terms of a collective bargaining agreement.

"G" indicates a grievance mediation proceeding under chapter 391-55 WAC after January 1, 1996, concerning the interpretation or application of an existing collective bargaining agreement.

"I" indicates an interest arbitration proceeding under chapter 391-55 WAC, to establish the terms of a collective bargaining agreement.

"M" indicates a mediation proceeding under chapter 391-55 WAC, limited after January 1, 1996, to disputes concerning the terms of a collective bargaining agreement.

"N" indicates a proceeding under chapter 391-95 WAC after January 1, 1996, concerning assertion of the right of nonassociation by employees subject to union security obligations.

"P" indicates a request for a list of arbitrators from the commission's dispute resolution panel for grievance arbitration proceedings under chapter 391-65 WAC.

"U" indicates an unfair labor practice proceeding under chapter 391-45 WAC.

(c) The third component, consisting of a two-digit number, indicates the calendar year in which the case is docketed.

(d) The fourth component, consisting of a five-digit number, indicates the sequential number of the case within the type of dispute identified in the second component, since the agency commenced operations on January 1, 1976.

(2) Cases involving various departments or divisions of an employer entity are docketed under the name of the employer entity.

(3) Cases filed by an employee organization or labor organization are docketed under the name of the organization, even if employees represented by that organization are named individually in the pleadings or are affected by the outcome of the proceedings.

(4) Cases filed by two or more individual employees are docketed separately for each employee.

(5) Cases filed by an individual employee involving multiple respondents are docketed separately for each respondent.

NEW SECTION

WAC 391-08-670 Decision numbering—Citation of cases—Indexing of decisions. (1) Each decision issued by the agency in an adjudicative proceeding under the Administrative Procedure Act is assigned a unique number consisting of two or three components, as follows:

(a) The first component, consisting of a number, indicates the sequential number of adjudicative proceedings in which one or more decisions has been issued since the agency commenced operations on January 1, 1976.

(b) The second component (where appropriate) consisting of an alphabetic code in ascending alphabetical order, indicates the second and subsequent decisions issued in the case to which the numerical component was originally assigned.

(c) The third component, consisting of a four-letter alphabetic code, indicates the statute under which the decision was issued:

"CCOL" indicates cases decided under chapter 28B.52 RCW, which is titled: "Collective Bargaining—Academic Personnel in Community Colleges."

"EDUC" indicates cases decided under chapter 41.59 RCW, which is titled: "Educational Employment Relations Act."

"MRNE" (no longer in use) was formerly used to indicate cases decided under chapter 47.64 RCW, relating to the Washington state ferries system.

"PECB" indicates cases decided under chapter 41.56 RCW, which is titled: "Public Employees' Collective Bargaining," including some cases involving port districts.

"PORT" indicates cases decided under chapter 53.18 RCW, which is titled: "Employment Relations—Collective Bargaining and Arbitration" relating to port districts.

"PRIV" (no longer in use) was formerly used to indicate cases decided under chapter 49.08 RCW, relating to private sector employers and employees.

(2) All citations of agency decisions in subsequent agency decisions, in publications of agency decisions, and in briefs and written arguments filed by parties with the agency shall conform to the formats specified in this section:

GENERAL RULE: Citations shall list only the name of the employer (underlined), the word "Decision" followed by the decision number, and the statute and year the decision was issued (in parenthesis). Examples:

City of Roe, Decision 1234 (PECB, 1992)

City of Roe, Decision 1234-A (PECB, 1993)

City of Roe, Decision 1234-B (PECB, 1994)

EXCEPTION 1: For decisions being cited within the first year following their issuance, the full date of issuance may be set forth. Example:

City of Roe, Decision 1234-C (PECB, December 15, 1995)

EXCEPTION 2: For decisions in which an employee organization or labor organization was named as the respondent in an unfair labor practice case, the citation shall list the name of the union (in parenthesis) following the name of the employer. Example:

City of Roe (Doe Union), Decision 2345 (PECB, 1995)

(3) The agency encourages the publication and indexing of its decisions by private firms, but does not contribute financial support to any such firm and declines to declare any private firm as the "official reporter" of agency decisions.

(4) The agency uses a commercially published index of its decisions, along with commercially produced computer assisted research tools, in its own operations. The agency makes those indexes available to the public in its offices, to satisfy the requirements of RCW 42.17.260(5).

AMENDATORY SECTION (Amending WSR 90-06-070, filed 3/7/90, effective 4/7/90)

WAC 391-08-820 Agency offices. (1) The agency maintains its principal office in the city of Olympia, Washington ((at ~~603 Evergreen Plaza, 711 Capitol Way, Olympia, Washington 98504.~~ The mailing address of the Olympia office is: ~~603 Evergreen Plaza, FJ 61, Olympia, Washington 98504.~~

(2) ~~The agency maintains a branch office at West 55 Mission, Suite 1, Spokane, Washington 99201).~~

(a) The street address of the Olympia office is:

Public Employment Relations Commission
603 Evergreen Plaza
711 Capitol Way
Olympia, Washington 98504-0919.

(b) The mailing address of the Olympia office is:

Public Employment Relations Commission
P.O. Box 40919
Olympia, Washington 98504-0919.

(2) The agency maintains a branch office at:

Public Employment Relations Commission
Suite 150
9757 Juanita Drive NE
Kirkland, Washington 98034.

AMENDATORY SECTION (Amending WSR 90-06-072, filed 3/7/90, effective 4/7/90)

WAC 391-25-001 Scope—Contents—Other rules. This chapter governs proceedings before the public employment relations commission on petitions for investigation of questions concerning representation of employees. The provisions of this chapter should be read in conjunction with the provisions of:

(1) Chapter 10-08 WAC, which contains rules promulgated by the chief administrative law judge governing the conduct of adjudicative proceedings under chapter 391-25 WAC, except:

(a) WAC 10-08-035, which is supplanted by detailed requirements in WAC 391-25-070 and 391-25-090;

(b) WAC 10-08-050, which relates to procedures of the office of administrative hearings, and so is inapplicable to proceedings before the public employment relations commission;

(c) WAC 10-08-211, which is supplanted by detailed requirements in WAC 391-25-390 and 391-25-590; and

(d) WAC 10-08-230, which is supplanted by detailed requirements in WAC 391-25-150, 391-25-220, 391-25-230, 391-25-250, and 391-25-270.

(2) Chapter 391-08 WAC, which contains rules of practice and procedure applicable to all types of proceedings before the public employment relations commission.

(3) Chapter 391-35 WAC, which contains rules relating to proceedings on petitions for clarification of an existing bargaining unit.

(4) Chapter 391-45 WAC, which contains rules relating to proceedings on complaints charging unfair labor practices.

(5) Chapter 391-55 WAC, which contains rules relating to resolution of impasses occurring in collective bargaining.

(6) Chapter 391-65 WAC, which contains rules relating to arbitration of grievance disputes arising out of the interpretation or application of a collective bargaining agreement.

(7) Chapter 391-95 WAC, which contains rules relating to determination of union security disputes arising between employees and employee organizations certified or recognized as their bargaining representative.

NEW SECTION

WAC 391-25-011 Special provision—Classified employees of institutions of higher education. The commission acquires jurisdiction over bargaining units of classified employees of institutions of higher education by a voluntary recognition process consisting of two stages.

(1) The commission acquires limited jurisdiction over a bargaining unit of classified employees of an institution of higher education as defined in RCW 41.56.030(8), upon the filing by the employer and an exclusive bargaining representative certified under chapter 41.06 RCW, of a notice of intent pursuant to RCW 41.56.201 (1)(a).

(a) The executive director shall docket a representation case to preserve a record of the transaction, but shall take no other steps to determine a question concerning representation under this chapter.

(b) The scope of bargaining and conduct of the parties in their negotiations for an initial collective bargaining agreement under chapter 41.56 RCW shall be regulated by the commission under chapter 391-45 WAC.

(c) During the parties' negotiations for an initial collective bargaining agreement under chapter 41.56 RCW, the Washington personnel resources board retains jurisdiction to determine appropriate bargaining units and to certify exclusive bargaining representatives under chapter 41.06 RCW.

(2) The commission acquires full jurisdiction over a bargaining unit of classified employees of an institution of higher education which has filed a notice of intent under this section, if the parties execute an initial collective bargaining agreement recognizing the notice of intent.

(a) The transfer of jurisdiction is effective on the first day of the month following the month during which the parties provide notice that they have executed an initial collective bargaining agreement under RCW 41.56.201 (1)(c).

(b) The executive director shall dismiss the representation case docketed upon the filing of the notice of intent, on the basis of "voluntary recognition."

(3) The jurisdiction of the commission ceases if the commission finds that the parties have reached an impasse in negotiations for an initial collective bargaining agreement under chapter 41.56 RCW.

(a) A finding of impasse shall not be made if unfair labor practice proceedings concerning the bargaining unit are pending under subsection (1)(b) of this section.

(b) The executive director shall dismiss the previously docketed representation case as "withdrawn."

AMENDATORY SECTION (Amending WSR 90-06-072, filed 3/7/90, effective 4/7/90)

WAC 391-25-030 Petition—Time for filing. In order to be timely filed:

(1) Where there is a valid written and signed collective bargaining agreement in effect covering an appropriate bargaining unit which includes any or all of the employees to be affected by the petition, a petition must be filed during the period not more than ninety nor less than sixty days prior to the expiration date of the collective bargaining agreement, or after the expiration thereof.

(2) Where a certification has been issued by the agency covering an appropriate bargaining unit which includes any or all of the employees to be affected by the petition, a petition must be filed:

(a) Not less than twelve months following the date of the certification of an exclusive bargaining representative; or

(b) Not less than twelve months following the date of the latest election or cross-check in which the employees failed to select an exclusive bargaining representative.

(3) Where neither subsections (1) nor (2) of this section are applicable, a petition may be filed at any time.

AMENDATORY SECTION (Amending WSR 90-06-072, filed 3/7/90, effective 4/7/90)

WAC 391-25-050 Petition form—Number of copies—Filing—Service. Each petition shall be prepared on a form furnished by the commission or on a facsimile thereof. The original and ~~((three copies))~~ one copy of the petition shall be filed with the agency at its Olympia office. The party filing the petition shall serve a copy on the employer and on each employee organization named in the petition as having an interest in the proceedings.

AMENDATORY SECTION (Amending WSR 90-06-072, filed 3/7/90, effective 4/7/90)

WAC 391-25-070 Contents of petition. Each petition shall contain:

(1) The name and address of the employer and, if known, the name, address and telephone number of the employer's principal representative in matters concerning relationships between the employer and its employees.

(2) ~~((A description of the bargaining unit which the petitioner claims to be appropriate, specifying inclusions and exclusions, and, if known, the approximate number of employees in such bargaining unit.))~~ The name and address of the petitioner, and the name, address and telephone number of its principal representative.

(3) ~~((names))~~ name of any organization which currently represents the employees involved and, if known, the ((addresses)) name, address and telephone number((s)) of the principal representatives of ((any organizations which may claim to represent any of the employees in the bargaining unit which the petitioner claims to be appropriate)) that organization.

(4) An indication that:

(a) There has never been a collective bargaining agreement covering the employees involved; or

(b) A copy of the current or most recent applicable collective bargaining agreement is attached.

(5) A statement that the original petition is accompanied by a showing of interest required by WAC 391-25-110.

(6) Identification of:

(a) The employer's principal business;

(b) The employer department or division involved;

(c) A description of the bargaining unit which the petitioner claims to be appropriate, specifying inclusions and exclusions; and

(d) The approximate number of employees in that bargaining unit.

(7) A statement that:

(a) ~~The ((employer declines, after having been requested to do so, to recognize the))~~ petitioner claims it represents a majority of the employees involved, and requests certification as the exclusive bargaining representative of the employees in the bargaining unit which the petitioner claims to be appropriate((;)); or

(b) The employees in the bargaining unit which the petitioner claims to be appropriate ((wish)) desire to change their exclusive bargaining representative, and to designate the petitioner as their exclusive bargaining representative; or

(c) The employees in the bargaining unit do not ((wish)) desire to be represented by ((an)) any employee organization.
~~((5))~~ (8) Any other relevant facts.

~~((6))~~ The name, address and affiliation, if any, of the petitioner and the name, address and telephone number of the principal representative, if any, of the petitioner.

~~((7))~~ (9) The signature and, if any, the title of the petitioner or its representative, and the date of signature.

AMENDATORY SECTION (Amending WSR 90-06-072, filed 3/7/90, effective 4/7/90)

WAC 391-25-090 Contents of petition filed by employer. ~~((Each))~~ (1) Where an employer has been presented with one or more demands for recognition of an exclusive bargaining representative of previously unrepresented employees, it may file a petition to obtain a determination of the question concerning representation. A petition filed by an employer under this subsection shall contain all of the information required by WAC 391-25-070, except ((for that required by WAC 391-25-070(4)), and shall conform to the following additional requirements:

~~((1))~~ Each petition filed by an employer)) as follows:

(a) The petition shall contain a statement that the employer has been presented with a demand by an organization seeking recognition as the exclusive bargaining representative of the employees in the bargaining unit described in the petition.

~~((2))~~ (b) WAC 391-25-110 shall not be applicable to ((such petitions).

~~((3))~~ Where the status of an incumbent exclusive bargaining representative is questioned,)) petitions filed under this subsection.

(c) The employer shall attach copies of any written demand(s) for recognition or other correspondence pertaining to the claimed question concerning representation.

(2) Where an employer has a good faith belief that a majority of its employees in an existing bargaining unit no longer desire to be represented by their incumbent exclusive bargaining representative, it may file a petition to obtain a determination of the question concerning representation. A petition filed by an employer under this subsection shall contain all of the information required by WAC 391-25-070 except as follows:

(a) The employer shall attach ((such)) affidavits and other documentation as may be available to it to demonstrate the existence of a good faith doubt concerning the representation of its employees.

(b) To constitute a basis for a good faith doubt under this paragraph, signature documents provided to the employer by employees must be in a form which would qualify as

supporting evidence under WAC 391-25-110 if filed by the employees directly with the commission.

AMENDATORY SECTION (Amending WSR 90-06-072, filed 3/7/90, effective 4/7/90)

WAC 391-25-110 Supporting evidence. The original petition shall be accompanied by a showing of interest indicating that the petitioner has the support of not less than thirty percent of the employees in the bargaining unit which the petitioner claims to be appropriate. The showing of interest must be timely filed under the same standards applicable to the petition, and must consist of original or legible copies of individual authorization cards or letters signed and dated by employees in the bargaining unit claimed appropriate. ((Such authorization cards)) Authorization documents shall not be valid unless signed and dated during the ninety-day period preceding the filing of the petition or the filing of such evidence with the agency, whichever is later.

AMENDATORY SECTION (Amending WSR 90-06-072, filed 3/7/90, effective 4/7/90)

WAC 391-25-130 List of employees. Within ten days following a request by the agency, the employer shall submit to the commission a list containing the names and last known addresses of all of the employees in the bargaining unit described in the petition. Following administrative determination that the petition is supported by a sufficient showing of interest, the employer shall, upon request, provide a copy of the list of names and addresses to the petitioner. Following granting of a motion for intervention, the employer shall, upon request, provide a copy of the list of names and addresses to the intervenor.

AMENDATORY SECTION (Amending WSR 90-06-072, filed 3/7/90, effective 4/7/90)

WAC 391-25-140 Notice to employees. The employer shall post a notice to employees, in the form specified by the commission, advising of the existence of proceedings under this chapter. The agency shall furnish the employer with copies of ~~((such))~~ the notice, and the employer shall post them in conspicuous places on its premises where notices to affected employees are usually posted. The notice shall remain posted until a certification or interim certification is issued in the proceeding.

AMENDATORY SECTION (Amending WSR 90-06-072, filed 3/7/90, effective 4/7/90)

WAC 391-25-170 Intervention—By incumbent representative. An organization which demonstrates that it has been the exclusive representative of all or any part of the bargaining unit involved in proceedings under this chapter during the year preceding the filing of the petition may, by motion, intervene in the proceedings and, upon granting of its motion for intervention, shall be entitled to participate in the proceedings and to have its name listed as a choice on the ballot in any election. No motion for intervention shall be considered if made:

(1) After the close of the hearing on the petition ((or));

(2) More than seven days after the filing and posting of an election agreement or cross-check agreement; or

(3) More than seven days after the posting of an investigation statement.

AMENDATORY SECTION (Amending WSR 90-06-072, filed 3/7/90, effective 4/7/90)

WAC 391-25-190 Intervention—By organization other than incumbent. An organization not covered by WAC 391-25-170 may, by motion, intervene in proceedings under this chapter and, upon granting of its motion for intervention, shall be entitled to participate in the proceedings and have its name listed as a choice on the ballot in any election. The motion for intervention shall be supported by a showing of interest indicating that the intervenor has the support of not less than ten percent of the employees in the bargaining unit which the petitioner claims to be appropriate or of not less than thirty percent of the employees in whatever different bargaining unit the intervenor claims to be appropriate. The showing of interest must consist of individual authorization cards or letters signed and dated by employees in the bargaining unit claimed appropriate. Such authorization cards shall not be valid unless signed and dated during the ninety-day period preceding the filing of the motion for intervention or the filing of such evidence with the agency, whichever is later. The showing of interest shall be made confidentially to the agency at or before the time the motion for intervention is made: *Provided, however,* That a motion for intervention may be granted conditionally subject to the subsequent furnishing of a showing of interest under such conditions as the agency may impose to avoid undue delay of the proceedings. No motion for intervention shall be considered if made:

(1) After the close of the hearing on the petition ((of));

(2) More than seven days after the filing and posting of an election agreement or cross-check agreement; or

(3) More than seven days after the posting of an investigation statement.

AMENDATORY SECTION (Amending WSR 90-06-072, filed 3/7/90, effective 4/7/90)

WAC 391-25-220 ((Prehearing)) Investigation conferences. (1) The ((commission)) agency routinely conducts ((prehearing)) conferences ((to discuss)) with the parties ((all contested)), to investigate a representation petition according to a checklist provided to the parties.

(a) The issues ((of law and fact)) which may properly arise in representation cases((-) include:

(i) The identification of the parties;

(ii) The jurisdiction of the commission;

(iii) The qualification of the petitioner and any intervenor(s) for certification as exclusive bargaining representative;

(iv) The existence of a question concerning representation;

(v) The timeliness of the petition;

(vi) The existence of blocking charges under WAC 391-25-370;

(vii) The propriety of the petitioned-for bargaining unit;

(viii) The list of employees eligible to vote or be considered in determining a question concerning representation, and cut-off date for eligibility; and

(ix) The method and arrangements for determining a question concerning representation.

(b) The investigation conference may be conducted by telephone conference call, or in-person by agency staff;

(c) The parties are encouraged to reach binding stipulations on all issues during the course of the ((prehearing)) investigation conference. ((Such))

(2) The stipulations ((are embodied)) made by the parties during an investigation conference may be set forth in an investigation statement issued in lieu of an election agreement or cross-check agreement.

(a) Immediately upon receipt of an investigation statement, the employer shall post it in conspicuous places on its premises where notices to affected employees are usually posted, and it shall remain posted for at least seven days thereafter.

(b) An investigation statement shall be binding on the parties unless written objections are filed with the agency and served on other parties within ten days following issuance of the statement.

(3) When all conditions precedent to an election or cross-check in an appropriate bargaining unit have been met, the executive director shall proceed with the determination of the question concerning representation. Objections by parties named in the investigation statement shall be limited to matters relating to specific conduct affecting the results of an election.

(4) The parties may set forth stipulations in election agreements, cross-check agreements, and/or supplemental agreements provided for in this chapter.

AMENDATORY SECTION (Amending WSR 90-06-072, filed 3/7/90, effective 4/7/90)

WAC 391-25-230 Election agreements. Where an employer and all other parties agree on a representation election, they may file an election agreement with the executive director. ((Such)) An election agreement shall contain:

(1) The name and address of the employer and the name, address and telephone number of its principal representative.

(2) The names and addresses of all other parties participating in the election agreement and the names, addresses and telephone numbers of their principal representatives.

(3) A description of the bargaining unit agreed to be appropriate, specifying inclusions and exclusions, and the number of employees in ((such)) that unit.

(4) A statement by ((all)) the parties that: (a) No organization is known which is or may be entitled to intervene as an incumbent representative, or (b) the incumbent representative is a party to the election agreement, or (c) the incumbent representative has abandoned the unit as evidenced by documentation attached to the election agreement.

(5) A statement by ((all)) the parties that no other organization is known which claims to represent any of the employees in the bargaining unit; that ((all)) the parties agree that a question concerning representation exists; that a hearing is waived; and that the agency is requested to proceed to conduct an election and certify the results.

(6) A list, attached to the election agreement as an appendix, containing the names of the employees eligible to vote in the election and the eligibility cut-off date for the election. If the ~~((parties request that the))~~ election is to be conducted by mail ballot, the list shall include the last known address of each of the employees eligible to vote. If no eligibility cut-off date is specified by the parties, the eligibility cut-off date shall be the date on which the election agreement is filed.

(7) The suggestions of the parties as to the ~~((location, the day or days of the week and the time or times of day for the conduct of))~~ arrangements for conducting the election ~~((or that the election be conducted by mail ballot))~~.

(8) The signatures and, if any, the titles of all parties or their representatives.

The original and one copy of the election agreement shall be filed with the agency at its Olympia office, and copies shall be posted by the employer in conspicuous places on the employer's premises where notices to affected employees are usually posted. The election agreement shall remain posted for at least seven days after it is filed with the agency ~~((ten days after it is deposited in the United States mail addressed to the agency))~~.

Upon the filing of an election agreement conforming to the foregoing requirements and seeking an election in an appropriate bargaining unit, the executive director shall proceed to conduct an election. Objections to the election by a party to the election agreement shall be limited to matters relating to specific conduct affecting the results of the election.

AMENDATORY SECTION (Amending WSR 90-06-072, filed 3/7/90, effective 4/7/90)

WAC 391-25-250 Cross-check agreements. Where only one organization is seeking certification as the representative of unrepresented employees, the employer and the organization may file a cross-check agreement with the executive director. ~~((Such))~~ A cross-check agreement shall contain:

(1) The name and address of the employer and the name, address and telephone number of its principal representative.

(2) The name and address of the organization and the name, address and telephone number of its principal representative.

(3) ~~((The))~~ A description of the bargaining unit agreed to be appropriate, specifying inclusions and exclusions, and the number of employees in ~~((such))~~ that unit.

(4) A statement by the parties that no other organization is known which claims to represent any of the employees in the bargaining unit; that the parties agree that a question concerning representation exists; that a hearing is waived; and that the agency is requested to conduct and certify the results of a cross-check of individually signed and dated authorization cards or membership records submitted by the organization against the employment records of the employer.

(5) A list, attached to the cross-check agreement as an appendix, containing the names of the employees in the bargaining unit.

~~((6) The suggestions of the parties as to the ((time and place where the records to be cross-checked can be made available to the agency))~~ arrangements for conducting the cross-check.

(7) The agreement of the parties to be bound by the results of the cross-check.

(8) The signatures and, if any, the titles of the representatives of the parties.

The original and one copy of the cross-check agreement shall be filed with the agency at its Olympia office, and copies thereof shall be posted by the employer in conspicuous places on the employer's premises where notices to affected employees are usually posted. The cross-check agreement shall remain posted for at least seven days after it is filed with the agency ~~((ten days after it is deposited in the United States mail addressed to the agency))~~.

Upon the filing of a cross-check agreement conforming to the foregoing requirements and seeking a cross-check in an appropriate bargaining unit, the executive director shall proceed with the cross-check of records. The cross-check may be conducted at any time following the execution of a cross-check agreement; but no certification shall be issued until seven days have elapsed following the filing and posting of the cross-check agreement. Where a motion for intervention is timely filed and granted, no certification shall be issued on the basis of the cross-check.

AMENDATORY SECTION (Amending WSR 90-06-072, filed 3/7/90, effective 4/7/90)

WAC 391-25-350 Hearings—Nature and scope. Hearings shall be public and shall be limited to matters concerning the determination of the existence of a question concerning representation, the appropriate bargaining unit and questions of eligibility. During the course of the hearing, the hearing officer may, upon motion by any party, or upon his or her own motion, sequester witnesses. It shall be the duty of the hearing officer to inquire fully into all matters in issue and to obtain a clear and complete factual record upon which the commission and the executive director may discharge their duties under the pertinent statutes and these rules. Once a hearing has been declared closed, it may be reopened only upon the timely motion of a party upon discovery of new evidence which could not with reasonable diligence have been discovered and produced at the hearing. A party which desires to have a brief or written argument considered shall file an original and one copy with the hearing officer, and shall serve copies on all other parties to the proceeding.

AMENDATORY SECTION (Amending WSR 90-06-072, filed 3/7/90, effective 4/7/90)

WAC 391-25-370 Blocking charges—Suspension of proceedings—Request to proceed. (1) Where representation proceedings have been commenced under this chapter and:

(a) A complaint charging unfair labor practices is filed under the provisions of chapter 391-45 WAC; and

(b) It appears that the facts as alleged may constitute an unfair labor practice; and

(c) Such unfair labor practice could improperly affect the outcome of a representation election; the executive

director may suspend the representation proceedings under this chapter pending the resolution of the unfair labor practice case.

(2) The complainant(s) in the unfair labor practice case may file a request to proceed, in writing, with the executive director. Such request to proceed shall identify, by case number, the representation proceedings for which it is made, shall request that those representation proceedings be continued notwithstanding the pending unfair labor practice case, and shall acknowledge that the commission will not entertain objections based on conduct alleged in the unfair labor practice case. Upon the filing of a request to proceed conforming to the foregoing requirements the executive director shall resume the processing of the representation petition and shall summarily dismiss any objections filed in conflict with the request to proceed.

(3) Where a complaint charging unfair labor practices is filed after the ~~((filing of an election agreement or))~~ issuance of a ~~((direction))~~ notice of election, the executive director shall proceed with the determination of the question concerning representation, subject to the right of any party to file objections as provided in WAC 391-25-590.

AMENDATORY SECTION (Amending WSR 90-06-072, filed 3/7/90, effective 4/7/90)

WAC 391-25-391 Special provision—Public employees. Where only one organization is seeking certification as the representative of unrepresented employees, and the showing of interest submitted in support of the petition indicates that ~~((such))~~ the organization has been authorized by ~~((a substantial majority))~~ in excess of seventy percent of the employees to act as their representative for the purposes of collective bargaining, ~~((and the executive director finds that the conduct of an election would unnecessarily and unduly delay the determination of the question concerning representation with little likelihood of altering the outcome,))~~ the executive director may issue a direction of cross-check. The direction of cross-check and any accompanying rulings shall not be subject to review by the commission except upon objections timely filed under WAC 391-25-590.

AMENDATORY SECTION (Amending WSR 90-06-072, filed 3/7/90, effective 4/7/90)

WAC 391-25-410 Cross-check of records. (1) Where a cross-check of records is to be conducted to determine a question concerning representation, the organization shall submit to the agency original or legible copies of individual cards or letters signed and dated by employees in the bargaining unit not more than ninety days prior to the filing of the petition and indicating that ~~((such))~~ the employees authorize the named organization to represent them for the purposes of collective bargaining, or shall submit to the agency membership records maintained by the organization as a part of its business records containing the names of employees and indicating those employees currently members in good standing.

(2) The agency shall honor a valid revocation of authorization contained in an individual card or letter signed by the employee and filed with the agency by the employee.

(3) The employer shall make available to the agency original or legible copies of employment records maintained

as a part of its business records containing the names and signatures of the employees in the bargaining unit.

(4) Prior to the commencement of the cross-check, the organization may file a request that the question concerning representation be determined by a representation election and such requests shall be honored. Where the organization files a disclaimer or a request for election after the commencement of the cross-check, the cross-check shall be terminated and the organization shall not seek to be certified in the bargaining unit for a period of at least one year thereafter.

(5) All cross-checks shall be by actual comparison of records submitted by the parties. The agency shall not disclose the names of employees giving representation authorization in favor of or appearing on the membership rolls of the organization. Upon the conclusion of the comparison of records, the agency officer conducting the cross-check shall prepare and furnish to the parties a tally sheet containing the number of employees in the bargaining unit, the number of employee records examined and the number of employee records counted as valid evidence of representation.

AMENDATORY SECTION (Amending WSR 90-06-072, filed 3/7/90, effective 4/7/90)

WAC 391-25-430 Notice of election. When an election is to be conducted, the agency shall furnish the employer with appropriate notices, and the employer shall post them in conspicuous places on its premises where notices to affected employees are usually posted. The notice shall contain:

(1) The description of the bargaining unit or voting group(s) in which the election is to be conducted.

(2) The deadline for return of mail ballots or the date(s), hours and polling place(s) for ((the)) an on-site election.

(3) The cut-off date, if any, or other criteria to be applied in establishing eligibility to vote in the election.

(4) A statement of the purpose of the election and the question to be voted upon or a sample ballot.

Notices of the election shall be posted for at least seven days ~~((prior to the opening of the polls)), and shall remain posted until a tally of ballots has been issued.~~ In computing such period, the day of posting shall be counted, but the day on which the polls are opened for an on-site election shall not be counted. ~~((The reproduction of any document purporting to suggest, either directly or indirectly, that the agency endorses a particular choice may constitute grounds for setting aside an election upon objections properly filed.))~~

AMENDATORY SECTION (Amending WSR 90-06-072, filed 3/7/90, effective 4/7/90)

WAC 391-25-470 Mail ballot election procedures—Electioneering—Objectionable conduct. ~~((1) Employers and organizations are prohibited from making))~~ The executive director shall have discretion to conduct elections by mail ballot procedures designed to preserve the secrecy of employee voting. Multiple questions, including unit determination elections, may be submitted to employees at the same time on separate ballots. A notice and ballot materials shall be mailed by the agency to each eligible voter, and no less than fourteen days shall be provided between the date on

which ballot materials are mailed to eligible employees and the deadline for return of the ballots.

(1) The following prohibitions apply to assure appropriate conditions for employees to cast their ballots:

(a) The reproduction of any document purporting to suggest, either directly or indirectly, that the agency endorses a particular choice in an election is prohibited.

(b) The use of deceptive campaign practices improperly involving the commission and its processes is prohibited.

(c) The use of forged documents is prohibited.

(d) Coercion or intimidation of eligible voters, or any threat of reprisal or force or promise of benefit to eligible voters, is prohibited.

(e) Changes of the status quo concerning wages, hours or other terms and conditions of employment of employees in the bargaining unit are prohibited during the period that a petition is pending before the commission under this chapter.

(f) Misrepresentations of fact or law are prohibited. To set aside an election, a misrepresentation must:

(i) Be a substantial misrepresentation of fact or law regarding a salient issue;

(ii) Be made by a person having intimate knowledge of the subject matter, so that employees may be expected to attach added significance to the assertion;

(iii) Occurring at a time which prevents others from effectively responding; and

(iv) Reasonably viewed as having had a significant impact on the election, whether a deliberate misrepresentation or not.

(g) Election speeches on the employer's time to massed assemblies of employees

~~((a) Within))~~ are prohibited during the period beginning twenty-four hours before the scheduled ~~((time for the opening of the polls for an election conducted under "in person" voting procedures; or~~

~~((b) Within the period beginning with))~~ date for the issuance of ballots to employees ~~((for an election conducted under "mail ballot" voting procedures))~~ and continuing through the tally of ballots.

(2) ~~((There shall be no electioneering at or about the polling place during the hours of voting.))~~ Each party may be represented by observers of its own choosing at the tally of ballots.

(3) Violations of this rule shall be grounds for setting aside an election upon objections properly filed.

AMENDATORY SECTION (Amending WSR 90-06-072, filed 3/7/90, effective 4/7/90)

WAC 391-25-490 On-site election procedures—~~((Balloting))~~ Electioneering—Objectionable conduct. ~~((All elections shall be by secret ballot.))~~ The executive director shall have discretion to conduct an election by on-site balloting procedures designed to preserve the secrecy of employee voting, if the circumstances of a particular case indicate that an on-site election would be more efficient or appropriate than a mail ballot election. Multiple questions, including unit determination elections, may be submitted to employees at the same time on separate ballots. Absentee balloting shall not be allowed. ~~((The agency may conduct elections by mail ballot when it appears that an election by~~

~~"in person" procedures would result in undue delay, or would effectively deprive some eligible employees of their opportunity to vote. If mail balloting is used, the notice required by these rules shall be mailed to each eligible voter and no less than ten days shall be provided between the date on which ballot materials are mailed to eligible employees and the deadline for return of the ballots.))~~

(1) The following prohibitions apply to assure appropriate conditions for employees to cast their ballots.

(a) The reproduction of any document purporting to suggest, either directly or indirectly, that the agency endorses a particular choice in an election is prohibited.

(b) The use of deceptive campaign practices improperly involving the commission and its processes is prohibited.

(c) The use of forged documents is prohibited.

(d) Coercion or intimidation of eligible voters, or any threat of reprisal or force or promise of benefit to eligible voters, is prohibited.

(e) Changes of the status quo concerning wages, hours or other terms and conditions of employment of employees in the bargaining unit are prohibited during the period that a petition is pending before the commission under this chapter.

(f) Misrepresentations of fact or law are prohibited. To set aside an election, a misrepresentation must:

(i) Be a substantial misrepresentation of fact or law regarding a salient issue;

(ii) Be made by a person having intimate knowledge of the subject matter, so that employees may be expected to attach added significance to the assertion;

(iii) Occurring at a time which prevents others from effectively responding; and

(iv) Reasonably viewed as having had a significant impact on the election, whether a deliberate misrepresentation or not.

(g) Election speeches on the employer's time to massed assemblies of employees are prohibited during the period beginning twenty-four hours before the scheduled time for the opening of the polls and continuing through the tally of ballots.

(h) There shall be no electioneering at or about the polling place during the hours of voting.

(2) Each party may be represented by observers of its own choosing, subject to such limitations as the executive director may prescribe: *Provided, however,* That no management official having authority over bargaining unit employees nor any officer or paid employee of an organization shall serve as observer.

(3) Violations of this rule shall be grounds for setting aside an election upon objections properly filed.

AMENDATORY SECTION (Amending WSR 90-06-072, filed 3/7/90, effective 4/7/90)

WAC 391-25-510 Challenged ballots. Any observer or the election officer may challenge, for good cause, the eligibility of any person seeking to cast a ballot in the election. No person shall be denied the right to cast a challenged ballot. The election officer shall not have authority to resolve challenges ~~((at the polls))~~, and the ballot of the challenged voter shall be placed in a sealed envelope identifying the voter and the observer or election officer

challenging the eligibility of the voter. The ballot shall not be opened until the challenge is resolved. Any party may withdraw a challenge previously made and, unless the eligibility of the voter is challenged by another party or by the election officer, the challenge shall thereby be resolved. If the challenged ballots are insufficient in number to affect the results of the election, they shall be impounded and no ruling shall be made thereon. If the challenged ballots are sufficient in number to affect the results of the election, the election officer shall ~~((, after the close of the polls,))~~ ascertain the position of each party as to each challenged ballot and shall include ~~((such))~~ the information in his or her report. If challenges raise material questions of fact which cannot be resolved without a hearing, there shall be issued and served on each of the parties a notice of hearing before a hearing officer. The rules relating to the conduct of hearings on petitions shall govern hearings on challenges, except that the scope of the hearing shall be limited to matters relevant to the disposition of the challenged ballots. The executive director shall have authority to rule on all challenges except those made by a party to preserve an objection to a ruling previously made by the executive director as to the eligibility of the challenged voter. If challenges of a type excepted from the authority of the executive director are sufficient in number to affect the results of the election, the matter shall be transferred to the commission for its determination under the provisions of WAC 391-25-670.

AMENDATORY SECTION (Amending WSR 90-06-072, filed 3/7/90, effective 4/7/90)

WAC 391-25-550 Tally sheet. ~~((Upon closing the polls,))~~ The election officer shall prepare and furnish to each of the parties a tally of the votes cast on unchallenged ballots and the number of challenged ballots. After the subsequent resolution of challenged ballots affecting the results of the election, a revised tally shall be issued and furnished to the parties. The tally shall indicate whether the results of the election were conclusive or inconclusive.

AMENDATORY SECTION (Amending WSR 90-06-072, filed 3/7/90, effective 4/7/90)

WAC 391-25-590 Filing and service of objections. Objections must be filed within seven days after the tally has been served under WAC 391-25-410 or under WAC 391-25-550 ~~((, any party may file objections with the commission)).~~

(1) Objections filed by the petitioner, the employer or any intervenor may consist of:

~~((1))~~ (a) Designation of specific conduct improperly affecting the results of the election ~~((, by violation of these rules, by the use of deceptive campaign practices improperly involving the commission and its processes, by the use of forged documents, or by coercion or intimidation of or threat of reprisal or promise of reward to eligible voters.))~~; and/or

~~((2))~~ (b) Designation of one or more previous rulings or directions in the matter which the objecting party desires to have reviewed by the commission.

(2) Objections filed by individual employees are limited to conduct or procedures which prevented them from casting a ballot.

(3) Objections shall contain, in separate numbered paragraphs, statements of the specific conduct, if any,

alleged to have improperly affected the results of the election and, in separate numbered paragraphs, the specific rulings or directions, if any, which the party filing the objections desires to have reviewed.

(4) The original and three copies of the objections shall be filed with the commission at its Olympia office, and the party filing the objections shall serve a copy on each of the other parties to the proceedings. Objections must be timely filed, whether or not challenged ballots are sufficient in number to affect the results of the election.

AMENDATORY SECTION (Amending WSR 90-06-073, filed 3/7/90, effective 4/7/90)

WAC 391-35-001 Scope—Contents—Other rules.

This chapter governs proceedings before the public employment relations commission on petitions for clarification of existing bargaining units. The provisions of this chapter should be read in conjunction with the provisions of:

(1) Chapter 10-08 WAC₂ which contains rules promulgated by the chief administrative law judge governing the conduct of adjudicative proceedings under chapter 391-35 WAC, except:

(a) WAC 10-08-035, which is supplanted by detailed requirements in WAC 391-35-050;

(b) WAC 10-08-050, which relates to procedures of the office of administrative hearings, and so is inapplicable to proceedings before the public employment relations commission;

(c) WAC 10-08-211, which is supplanted by detailed requirements in WAC 391-35-210 and 391-35-230; and

(d) WAC 10-08-230, which is supplanted by detailed requirements in WAC 391-35-070 and ~~((391-35-140))~~ 391-35-080.

(2) Chapter 391-08 WAC, which contains rules of practice and procedure applicable to all types of proceedings before the public employment relations commission.

(3) Chapter 391-25 WAC, which contains rules relating to proceedings on petitions for investigation of questions concerning representation of employees.

(4) Chapter 391-45 WAC, which contains rules relating to proceedings on complaints charging unfair labor practices.

(5) Chapter 391-55 WAC, which contains rules relating to resolution of impasses occurring in collective bargaining.

(6) Chapter 391-65 WAC, which contains rules relating to arbitration of grievance disputes arising out of the interpretation or application of a collective bargaining agreement.

(7) Chapter 391-95 WAC, which contains rules relating to determination of union security disputes arising between employees and employee organizations certified or recognized as their bargaining representative.

AMENDATORY SECTION (Amending WSR 90-06-073, filed 3/7/90, effective 4/7/90)

WAC 391-35-010 Petition for clarification of an existing bargaining unit—Who may file. ~~((In the absence of a question concerning representation,))~~ A petition for clarification of an existing bargaining unit may be filed by the employer, the exclusive representative₂ or their agents, or by the parties jointly.

AMENDATORY SECTION (Amending WSR 90-06-073, filed 3/7/90, effective 4/7/90)

WAC 391-35-020 Petition—Time for filing. (1) Disputes concerning status as a "confidential employee" may be filed at any time.

(2) ~~((Except as provided in subsection (1) of this section,))~~ Where there is a valid written and signed collective bargaining agreement in effect, a petition for clarification of the covered bargaining unit filed by a party to the collective bargaining agreement will be considered timely only if:

(a) The petitioner can demonstrate, by specific evidence, substantial changed circumstances during the term of the collective bargaining agreement which warrant a modification of the bargaining unit by inclusion or exclusion of a position or class; or

(b) The petitioner can demonstrate that, although it signed the current collective bargaining agreement covering the position or class at issue in the unit clarification proceedings(=);

(i) It put the other party on notice during negotiations that it would contest the inclusion or exclusion of the position or class via the unit clarification procedure(=); and

(ii) It filed the petition for clarification of the existing bargaining unit prior to signing the current collective bargaining agreement.

(3) Disputes concerning the allocation of employees or positions between two or more bargaining units may be filed at any time.

AMENDATORY SECTION (Amending WSR 90-06-073, filed 3/7/90, effective 4/7/90)

WAC 391-35-030 Petition form—Number of copies—Filing—Service. Each petition for clarification of an existing bargaining unit shall be prepared on a form furnished by the commission or shall be prepared in conformance with WAC 391-35-050. The original and ~~((three copies))~~ one copy of the petition shall be filed with the agency at its Olympia office. If the petition is filed other than as a jointly filed petition, the party filing the petition shall serve a copy on the other party to the collective bargaining relationship in which the disagreement arises.

AMENDATORY SECTION (Amending WSR 90-06-073, filed 3/7/90, effective 4/7/90)

WAC 391-35-050 Contents of petition. Each petition for clarification of an existing bargaining unit shall contain:

(1) Information identifying the parties and their relationships, including:

(a) The name and address of the employer and the name, address and telephone number of the employer's principal representative for the purposes of collective bargaining(=);

~~((2))~~ (b) The name, address and affiliation, if any, of the exclusive representative, and the name, address and telephone number of its principal representative(=);

~~((3))~~ (c) The employer's principal business;

(d) The parties' contractual relationship, indicating that:

(i) The parties' have never had a contract; or

(ii) A copy of the current or most recent applicable collective bargaining agreement is attached;

(e) The status of negotiations between the parties, indicating that:

(i) The parties' contract is closed; or

(ii) The parties are currently in contract negotiations;

(f) The description of the existing bargaining unit, specifying inclusions and exclusions ~~((and the))~~;

(g) The number of employees in ~~((such))~~ the bargaining unit(=);

~~((4) Identification of the proceeding in which any certification of representatives was issued or the date of the recognition agreement, and the))~~; and

(h) The history of ~~((any modifications of))~~ the bargaining unit ~~((subsequent thereto))~~, including at least the approximate date of its creation.

~~((5) A description))~~ (2) Identification of the issues of the proposed clarification, including listing the position(s), classification(s) or group(s) ~~((in))~~ at issue, the number of employees in each such position, classification or group, the present bargaining unit inclusion or exclusion status of each such position, classification or group, and identification of the party proposing that the present status be changed.

~~((6) The))~~ (3) Identification of other interested organizations, including names and addresses of any other employee organizations claiming to represent any employees affected by the proposed clarification(s), and brief description(s) of the contracts, if any, covering such employees.

~~((7) A statement of the reasons for the proposed clarification.~~

~~((8))~~ (4) Any other relevant facts.

~~((9))~~ (5) The signature(s) and, if any, the title(s) of the representative(s) of the petitioner(s), and the date of signature.

AMENDATORY SECTION (Amending WSR 90-06-073, filed 3/7/90, effective 4/7/90)

WAC 391-35-080 Prehearing conferences. The hearing officer has discretion to conduct a prehearing conference to discuss with the parties all issues of law, fact, and procedure which may arise in unit clarification cases. The prehearing conference shall be conducted pursuant to WAC 10-08-130. The parties are encouraged to reach binding stipulations on such matters during the course of the prehearing conference.

AMENDATORY SECTION (Amending WSR 90-06-073, filed 3/7/90, effective 4/7/90)

WAC 391-35-110 ~~((Consolidation))~~ Coordination of proceedings. (1) A unit clarification petition cannot be processed if a question concerning representation exists. If a ~~((proceeding initiated by a))~~ petition for clarification under ~~((WAC 391-35-010))~~ this chapter is pending at the same time as a ~~((proceeding))~~ petition under chapter 391-25 WAC involving all or any part of the same bargaining unit ~~((initiated by a petition for investigation of a question concerning representation filed pursuant to WAC 391-25-010)),~~ the proceedings under this chapter shall be ~~((consolidated))~~ suspended, and all issues concerning the description of the bargaining unit shall be resolved in the ~~((consolidated))~~ proceedings under chapter 391-25 WAC.

(2) A unit clarification proceeding may control or be controlled by an unfair labor practice proceeding. If a

petition for clarification under this chapter is pending at the same time as a complaint under chapter 391-45 WAC involving all or any part of the same bargaining unit, the executive director shall have discretion to withhold processing of one of the related proceedings pending the outcome of the other related proceeding.

AMENDATORY SECTION (Amending WSR 90-06-073, filed 3/7/90, effective 4/7/90)

WAC 391-35-170 Hearings—Nature and scope. Hearings shall be public and shall be limited to matters concerning the determination of the petition for clarification of an existing bargaining unit. During the course of the hearing, the hearing officer may, upon motion by any party, or upon his or her own motion, sequester witnesses. It shall be the duty of the hearing officer to inquire fully into all matters in issue and to obtain a full and complete factual record upon which the commission or the executive director may discharge their duties under the pertinent statutes and these rules. Once a hearing has been declared closed, it may be reopened only upon the timely motion of a party upon discovery of new evidence which could not with reasonable diligence have been discovered and produced at the hearing. A party which desires to have a brief or written argument considered shall file an original and one copy with the hearing officer, and shall serve copies on all other parties to the proceeding.

NEW SECTION

WAC 391-35-300 School district employees. A collective bargaining relationship cannot lawfully be maintained under the Educational Employment Relations Act, chapter 41.59 RCW, with respect to school district jobs for which a professional education certificate is not required by chapter 28A.410 RCW, as implemented through rules adopted by the state board of education and the office of the superintendent of public instruction, or by established practice or written policy of the employing school district. Any collective bargaining rights of employees performing school district jobs not requiring a professional education certificate are regulated by the Public Employees' Collective Bargaining Act, chapter 41.56 RCW.

NEW SECTION

WAC 391-35-310 Employees eligible for interest arbitration. Due to the separate impasse resolution procedures established for them, employees occupying positions eligible for interest arbitration shall not be included in bargaining units which include employees who are not eligible for interest arbitration.

AMENDATORY SECTION (Amending WSR 90-06-074, filed 3/7/90, effective 4/7/90)

WAC 391-45-001 Scope—Contents—Other rules. This chapter governs proceedings before the public employment relations commission on complaints charging unfair labor practices. The provisions of this chapter should be read in conjunction with the provisions of:

(1) Chapter 10-08 WAC, which contains rules promulgated by the chief administrative law judge governing the

conduct of adjudicative proceedings under chapter 391-45 WAC, except:

(a) WAC 10-08-035, which is supplanted by detailed requirements in WAC 391-45-050;

(b) WAC 10-08-050, which relates to procedures of the office of administrative hearings, and so is inapplicable to proceedings before the public employment relations commission;

(c) WAC 10-08-211, which is supplanted by detailed requirements in WAC 391-45-350 and 391-45-370; and

(d) WAC 10-08-230, which is supplanted by detailed requirements in WAC 391-45-070, 391-45-090, and 391-45-260.

(2) Chapter 391-08 WAC, which contains rules of practice and procedure applicable to all types of proceedings before the public employment relations commission.

(3) Chapter 391-25 WAC, which contains rules relating to proceedings on petitions for investigation of questions concerning representation of employees.

(4) Chapter 391-35 WAC, which contains rules relating to proceedings on petitions for clarification of existing bargaining units.

(5) Chapter 391-55 WAC, which contains rules relating to resolution of impasses occurring in collective bargaining.

(6) Chapter 391-65 WAC, which contains rules relating to arbitration of grievance disputes arising out of the interpretation or application of a collective bargaining agreement.

(7) Chapter 391-95 WAC, which contains rules relating to determination of union security disputes arising between employees and employee organizations certified or recognized as their bargaining representative.

AMENDATORY SECTION (Amending WSR 90-06-074, filed 3/7/90, effective 4/7/90)

WAC 391-45-030 Form—Number of copies—Filing—Service. Charges shall be in writing, in the form of a complaint of unfair labor practices. The original and ~~((three copies))~~ one copy shall be filed with the agency at its Olympia office. The party filing the complaint shall serve a copy on each party named as a respondent.

AMENDATORY SECTION (Amending WSR 90-06-074, filed 3/7/90, effective 4/7/90)

WAC 391-45-050 Contents of complaint charging unfair labor practices. Each complaint shall contain, in separate numbered paragraphs:

(1) Information identifying the parties and their relationships, including:

(a) The name and address of the employer and the name, address and telephone number of the employer's principal representative for the purposes of collective bargaining;

(b) The name and address of the employer, organization or other person charged with engaging in, or having engaged in, unfair labor practices (hereinafter referred to as the respondent) and, if known, the names, addresses and telephone numbers of the principal representatives of the respondent; and

(c) The name and address of the party filing the complaint((:)) (hereinafter referred to as the complainant), and

the name, address and telephone number of its principal representative.

~~(2) ((The name(s) and address(es) of the person(s) charged with engaging in, or having engaged in, unfair labor practices, hereinafter referred to as the respondent(s), and, if known, the names, addresses and telephone numbers of the principal representatives of the respondent(s)).~~

~~(3))~~ Clear and concise statements of the facts constituting the alleged unfair labor practices, including times, dates, places and participants in occurrences.

~~((4) A listing))~~ (3) A statement of the remedy sought by the complainant.

(4) The signature and, if any, the title of the person filing the complaint, and the date of signature.

(5) Information concerning the parties' relationships, including:

(a) The employer's principal business;

(b) Identification of the employer department or division in which the dispute arises;

(c) The parties' contractual relationship, indicating that:

(i) The parties have never had a contract; or

(ii) A copy of the current or most recent applicable collective bargaining agreement is attached;

(d) The status of related grievance proceedings between the parties, indicating that:

(i) No grievance has been filed on the dispute involved; or

(ii) A grievance on the dispute is being processed under the parties' collective bargaining agreement; or

(iii) An arbitration award has been issued on a related grievance;

(e) The description of the existing bargaining unit, specifying inclusions and exclusions; and

(f) The number of employees in the bargaining unit.

(6) Indication of the sections of the Revised Code of Washington (RCW) alleged to have been violated.

~~((5) A statement of the relief sought by the complainant.~~

~~(6) The signature and, if any, the title of the person filing the complaint.)~~

AMENDATORY SECTION (Amending WSR 90-06-074, filed 3/7/90, effective 4/7/90)

WAC 391-45-110 ((Initial processing)) Preliminary ruling by executive director. The executive director shall determine whether the facts as alleged may constitute an unfair labor practice within the meaning of the applicable statute.

(1) If it is determined that the facts as alleged do not, as a matter of law, constitute a violation, the executive director shall issue and cause to be served on all parties an order of dismissal containing the reasons ~~((therefor, otherwise;))~~ for that action. An order of dismissal issued pursuant to this section shall be subject to a petition for review as provided in WAC 391-45-350.

(2) If the complaint is found to state a cause of action for unfair labor practice proceedings before the commission, the executive director shall ((cause the contents of the charge to be issued and served as a complaint of unfair labor practices, shall assign the matter to an examiner and shall notify the parties of such assignment. An order of dismissal

~~issued pursuant to this section shall be subject to a petition for review as provided in WAC 391-45-350)) set a period for the respondent to file its answer, which shall be not less than ten days following the issuance of the preliminary ruling.~~

AMENDATORY SECTION (Amending WSR 90-06-074, filed 3/7/90, effective 4/7/90)

WAC 391-45-130 Examiner—Who may act. The executive director shall assign an examiner to conduct further proceedings in the matter, and shall notify the parties of that assignment. The examiner may be a member of the agency staff or any other individual designated by the commission or executive director. Upon notice to all parties, an examiner may be substituted for the examiner previously presiding.

AMENDATORY SECTION (Amending WSR 90-06-074, filed 3/7/90, effective 4/7/90)

WAC 391-45-170 Notice of ((right to answer)) hearing. The examiner shall issue and cause to be served on the parties a notice of hearing at a time and place specified therein. Attached to the notice of hearing shall be a copy of the complaint as approved by the executive director under WAC 391-45-110. ~~((The notice of hearing shall specify the date for the filing of an answer, which shall be not less than ten days prior to the date set for hearing.))~~ Any such notice of hearing may be amended or withdrawn before the close of the hearing.

AMENDATORY SECTION (Amending WSR 90-06-074, filed 3/7/90, effective 4/7/90)

WAC 391-45-190 Answer—Filing and service. The respondent(s) shall, on or before the date specified therefor in the preliminary ruling or a notice of hearing, file with the ((examiner)) agency the original and ((three copies)) one copy of its answer to the complaint, and shall serve a copy on the complainant.

AMENDATORY SECTION (Amending WSR 90-06-074, filed 3/7/90, effective 4/7/90)

WAC 391-45-260 Settlement conference. (1) Prior to hearing, the parties may be requested to participate in a settlement conference conducted by a member of the commission staff other than the assigned examiner. During the course of a settlement conference, the parties will be encouraged, on factual and legal grounds including precedent on the particular subject, to resolve the unfair labor practice dispute. Participation in the settlement conference is voluntary, and the refusal of a party to participate shall not prejudice the nonparticipating party in any manner.

(2) Whether or not a ((=))settlement conference((=)) has been held, the examiner may hold a ((=))prehearing conference((=)) to deal with procedural matters related to the hearing. The prehearing conference will be conducted pursuant to WAC 10-08-130. The parties are encouraged to reach binding stipulations on such matters during the course of the prehearing conference.

AMENDATORY SECTION (Amending WSR 90-06-074, filed 3/7/90, effective 4/7/90)

WAC 391-45-270 Hearings—Nature and scope. Hearings shall be public and shall be adversary in nature, limited to matters concerning the unfair labor practices alleged in the complaint. The complainant shall prosecute its own complaint and shall have the burden of proof. During the course of the hearing, the examiner may, upon motion by any party, or on his or her own motion, sequester witnesses. It shall be the duty of the examiner to inquire fully into the facts as to whether the respondent has engaged in or is engaging in an unfair labor practice so as to obtain a clear and complete factual record on which the examiner and commission may discharge their duties under these rules: *Provided, however,* That such duty of the examiner shall not be construed as authorizing or requiring the examiner to undertake the responsibilities of the complainant with respect to the prosecution of its complaint or of the respondent with respect to the presentation of its defense. Once a hearing has been declared closed, it may be reopened only upon the timely motion of a party upon discovery of new evidence which could not with reasonable diligence have been discovered and produced at the hearing.

AMENDATORY SECTION (Amending WSR 90-06-074, filed 3/7/90, effective 4/7/90)

WAC 391-45-290 Briefs and proposed findings. Any party shall be entitled, upon request made before the close of the hearing, to file a brief or proposed findings of fact, conclusions of law and order, or both, at such time as may be fixed by the examiner. The examiner may direct the filing of briefs when he or she deems such filing warranted by the nature of the proceeding or of particular issues therein. A party which desires to have a brief or written argument considered shall file an original and one copy with the examiner, and shall serve copies on all other parties to the proceeding.

AMENDATORY SECTION (Amending WSR 90-06-074, filed 3/7/90, effective 4/7/90)

WAC 391-45-330 Withdrawal or modification of examiner decision. On the examiner's own motion or on the motion of any party, the examiner may set aside, modify, change or reverse any findings of fact, conclusions of law or order at any time within ~~((twenty))~~ ten days following the issuance thereof, if any mistake is discovered therein ~~((or upon grounds of newly discovered evidence which could not with reasonable diligence have been discovered and produced at the hearing))~~: *Provided, however,* That this section shall be inoperative after the filing of a petition for review with the commission.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 391-45-431 Special provision—Public employees.

AMENDATORY SECTION (Amending Order 88-08, filed 5/31/88)

WAC 391-55-002 Sequence and numbering of rules—Special provisions. This chapter of the Washington Administrative Code is designed to regulate proceedings under a number of different chapters of the Revised Code of Washington. Special provisions required for conformity with a particular statute are set forth in separate rules numbered as follows:

(1) Special provisions relating to chapter 41.56 RCW (Public Employees' Collective Bargaining Act) and to chapter 53.18 RCW, port employees (Employment relations—Collective bargaining and arbitration), are set forth in WAC sections numbered one digit greater than the general rule on that subject matter ~~((and in subchapters of rules as follows:))~~.

~~((a))~~ Special provisions relating to interest arbitration for ~~((uniformed personnel within the meaning of RCW 41.56.020(7)))~~ bargaining units under chapter 41.56 RCW are set forth beginning with WAC 391-55-200~~((+ and~~

~~((b))~~ Special provisions relating to fact finding for state patrol personnel within the meaning of RCW 41.56.020 are set forth beginning with WAC 391-55-400).

(2) Special provisions relating to chapter 41.59 RCW (Educational Employment Relations Act) are set forth in WAC sections numbered two digits greater than the general rule on that subject matter and in a subchapter of rules beginning with WAC 391-55-300.

AMENDATORY SECTION (Amending Order 80-8, filed 9/30/80, effective 11/1/80)

WAC 391-55-010 Resolution of impasses—Request for mediation. A request for mediation may be made in writing, by electronic telefacsimile transmission, or by telephone, but shall be confirmed in writing if made by telephone. The party or parties requesting mediation shall provide the following information to the agency:

(1) The name and address of the employer and the name, address and telephone number of the employer's principal representative in the negotiations~~((;))~~.

(2) The name and address of the employee organization and the name, address and telephone number of the employee organization's principal representative in the negotiations~~((;))~~.

~~((3))~~ ~~((The name and address of the association or other organization, if any, filing the request on behalf of the employer or exclusive representative seeking mediation;))~~ Identification of the employer's principal business.

~~((4))~~ ~~((A clear and concise statement of the disputed issues and the parties' positions in relation thereto;))~~ The parties' contractual relationship, indicating that:

(a) The parties' have never had a contract; or

(b) A copy of the current or most recent applicable collective bargaining agreement is attached.

(5) A description of the ~~((size and composition of the))~~ bargaining unit involved~~((;))~~, specifying inclusions and exclusions.

~~((6))~~ ~~((The expiration date of any collective bargaining agreement then in effect or recently expired;~~

~~((7)) Any other relevant information; and~~

~~((8))~~ The number of employees in the bargaining unit.

(7) The history of the bargaining unit, including at least the approximate date of its creation.

(8) The history of the current negotiations, including at least the number of meetings held, the date of the first meeting and whether both parties concur in the request for mediation.

(9) Identification of the issues in dispute and the parties' positions on those issues.

(10) The name, signature, and capacity of each officer, attorney, or other individual acting for the filing party or parties, and the date of signature.

AMENDATORY SECTION (Amending Order 80-8, filed 9/30/80, effective 11/1/80)

WAC 391-55-090 Impasse resolution—Confidential nature of function. ~~((Information disclosed by the parties to the mediator in confidence during the course of mediation))~~ All communications between the mediator and the parties, and all materials submitted to or by the mediator, are privileged and confidential and shall not be divulged by the mediator outside of the mediation process. Mediation meetings shall be of an executive, private or nonpublic nature.

AMENDATORY SECTION (Amending Order 80-8, filed 9/30/80, effective 11/1/80)

WAC 391-55-200 ~~((Uniformed personnel—))~~ Interest arbitration—Onset of proceedings. If a dispute involving ~~((uniformed personnel within the meaning of))~~ a bargaining unit eligible for interest arbitration under RCW 41.56.030((6)) (7), 41.56.475 or 41.56.492 has not been settled after a reasonable period of mediation, and the mediator is of the opinion that his or her further efforts will not result in an agreement, the mediator shall notify the parties of ~~((intent to recommend))~~ his or her recommendation that the remaining issues in dispute be submitted to interest arbitration.

(1) If ((the)) a dispute for a bargaining unit covered by RCW 41.56.030(7) or 41.56.475 remains unresolved, the mediator shall forward his or her recommendation and a list of unresolved issues to the executive director, who shall consider the recommendation of the mediator and any statements of position filed by the parties as to the existence of an impasse warranting arbitration. The executive director may remand the matter for further mediation. If the executive director finds that the parties remain at impasse, ((written notice shall be given to both parties)) the executive director shall issue a written notice to the parties certifying the unresolved issues for interest arbitration.

(2) If a dispute for a bargaining unit covered by RCW 41.56.492 remains unresolved, the mediator shall forward a list of unresolved issues to the parties and shall consider any statements of position filed by the parties as to the existence of an impasse warranting arbitration. If the mediator finds that the parties remain at impasse, the mediator shall issue a written notice to the parties certifying the unresolved issues for interest arbitration.

AMENDATORY SECTION (Amending Order 83-05, filed 12/1/83, effective 1/1/84)

WAC 391-55-205 ~~((Uniformed personnel))~~ Interest arbitration—Appointment of partisan arbitrators. Within seven days following the issuance of ~~((the notice by the executive director))~~ a certification of issues for interest arbitration under WAC 391-55-200, each party shall name one person who is available and willing to serve as its member of the arbitration panel, and shall notify the opposite party and the executive director of the name, address and telephone number of the person so designated. The members so appointed shall proceed as provided in RCW 41.56.450.

AMENDATORY SECTION (Amending Order 83-05, filed 12/1/83, effective 1/1/84)

WAC 391-55-210 ~~((Uniformed personnel))~~ Interest arbitration—Selection of impartial arbitrator. (1) If the appointed members agree on the selection of a neutral chairman, they shall obtain a commitment to serve, and shall notify the executive director of the identity of the neutral chairman so selected.

(2) If the appointed members agree to have the commission appoint a neutral chairman, they shall file with the executive director a written joint request. The parties and the appointed members are not entitled to influence the designation of an arbitrator under this subsection and shall not, either in writing or by other communication, attempt to indicate any preference for or against any person as the neutral chairman to be appointed by the commission. Upon the filing of a request in compliance with this subsection, the executive director shall appoint a neutral chairman from the commission staff or the dispute resolution panel.

(3) If the appointed members desire to select a neutral chairman from a panel of arbitrators, they shall attempt to agree as to which of the agencies designated in RCW 41.56.450 will supply the list of arbitrators. If the choice of agency is agreed, either party or the parties jointly shall proceed forthwith to request a panel of five arbitrators. If the appointed members are unable to agree within seven days following their first meeting as to which agency is to supply the list of arbitrators, either of them may apply to the executive director for a list of five available neutral chairmen other than agency staff members and the neutral chairman shall be selected from the commission's dispute resolution panel. All requests for panels under this subsection shall specify: "For interest arbitration proceedings under RCW 41.56.450." The selection of the impartial arbitrator shall be made pursuant to the rules of the agency supplying the list of arbitrators, and the parties shall notify the executive director of the identity of the arbitrator so selected.

AMENDATORY SECTION (Amending Order 80-8, filed 9/30/80, effective 11/1/80)

WAC 391-55-215 ~~((Uniformed personnel))~~ Interest arbitration—Conduct of ((interest arbitration)) proceedings. Proceedings shall be conducted as provided in WAC 391-55-200 through ~~((391-55-260))~~ 391-55-255. The neutral chairman shall interpret and apply these rules insofar as they relate to the powers and duties of the neutral chairman. Any

party who proceeds with arbitration after knowledge that any provision or requirement of these rules has not been complied with and who fails to state its objection thereto in writing, shall be deemed to have waived its right to object.

AMENDATORY SECTION (Amending Order 80-8, filed 9/30/80, effective 11/1/80)

WAC 391-55-220 (~~(Uniformed personnel)~~) **Interest arbitration—Submission of proposals for arbitration.** At least seven days before the date of the hearing, each party shall submit to the members of the panel and to the other party written proposals on all of the issues it intends to submit to arbitration. Parties shall not be entitled to submit issues which were not among the issues (~~(before the mediator under WAC 391-55-070 and before the executive director)~~) certified under WAC 391-55-200.

AMENDATORY SECTION (Amending Order 80-8, filed 9/30/80, effective 11/1/80)

WAC 391-55-225 (~~(Uniformed personnel)~~) **Interest arbitration—Hearing.** The arbitration panel shall promptly establish a date, time, and place for a hearing and shall provide reasonable notice thereof to the parties. For good cause shown, the neutral chairman may adjourn the hearing upon the request of a party or upon his or her own initiative. The parties may waive oral hearing by written agreement.

AMENDATORY SECTION (Amending Order 80-8, filed 9/30/80, effective 11/1/80)

WAC 391-55-230 (~~(Uniformed personnel)~~) **Interest arbitration—Order of proceedings and evidence.** The order of presentation at the hearing shall be as agreed by the parties or as determined by the neutral chairman. The neutral chairman shall be the judge of the relevancy of the evidence. All evidence shall be taken in the presence of all parties, unless a party is absent in default or has waived its right to be present. Each documentary exhibit shall be filed with the neutral chairman and copies shall be provided to the appointed members and to the other parties. The exhibits shall be retained by the neutral chairman until an agreement has been signed or until any judicial review proceedings have been concluded, after which they may be disposed of as agreed by the parties or as ordered by the neutral chairman.

AMENDATORY SECTION (Amending Order 80-8, filed 9/30/80, effective 11/1/80)

WAC 391-55-235 (~~(Uniformed personnel)~~) **Interest arbitration—Arbitration in the absence of a party.** The neutral chairman may proceed in the absence of any party who, after due notice, fails to be present or fails to obtain an adjournment. Findings of fact and the determination of the issues in dispute shall not be made solely on the default of a party, and the neutral chairman shall require the participating party to submit such evidence as may be required for making of the findings of fact and determining the issues.

AMENDATORY SECTION (Amending Order 80-8, filed 9/30/80, effective 11/1/80)

WAC 391-55-240 (~~(Uniformed personnel)~~) **Interest arbitration—Closing of arbitration hearings.** The neutral chairman shall declare the hearing closed after the parties have completed presenting their testimony and/or exhibits and filing of briefs within agreed time limits.

AMENDATORY SECTION (Amending Order 80-8, filed 9/30/80, effective 11/1/80)

WAC 391-55-245 (~~(Uniformed personnel)~~) **Interest arbitration—Award.** The determination of the neutral chairman shall be controlling, and shall not require concurrence, but may be accompanied by the concurring and/or dissenting opinions of the appointed members. Such determinations shall not be subject to review by the commission, but the neutral chairman shall file a copy of the award with the executive director.

AMENDATORY SECTION (Amending Order 80-8, filed 9/30/80, effective 11/1/80)

WAC 391-55-255 (~~(Uniformed personnel)~~) **Interest arbitration—Expenses of arbitration.** Each party shall pay the expenses of presenting its own case and the expenses and fees of its member of the arbitration panel. The expenses of witnesses shall be paid by the party producing them. The fees and traveling expense of a neutral chairman appointed pursuant to WAC 391-55-210 (1) or (3), along with any costs for lists of arbitrators and for recording of the proceedings, shall be shared equally between the parties. The fees and traveling expense of a neutral chairman appointed by the commission pursuant to WAC 391-55-210(2), along with the costs of tapes for a tape recording of the proceedings but not a transcription thereof or the services of a court reporter, shall be paid by the commission.

AMENDATORY SECTION (Amending Order 80-8, filed 9/30/80, effective 11/1/80)

WAC 391-55-315 Educational employees—Conduct of fact finding proceedings. Proceedings shall be conducted as provided in WAC 391-55-300 through (~~391-55-360~~) 391-55-355. The fact finder shall interpret and apply these rules insofar as they relate to the powers and duties of the fact finder. Any party who proceeds with fact finding after knowledge that any provision or requirement of these rules has not been complied with and who fails to state its objection thereto in writing, shall be deemed to have waived its right to object.

AMENDATORY SECTION (Amending Order 81-01, filed 1/6/81)

WAC 391-55-345 Educational employees—Findings of fact and recommendations. The findings of fact and recommendations of the fact finder shall not be subject to review by the commission, but the fact finder shall file a copy of his or her written recommendations with the executive director. Fact finders shall rule only on the reasonability of the proposals advanced in the context of the whole of the negotiations between the parties and shall not

rule on whether or not a subject or proposal in dispute is a mandatory subject for collective bargaining.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 391-55-260 Uniformed personnel—Central filing of agreements.
- WAC 391-55-360 Educational employees—Central filing of agreements.
- WAC 391-55-400 State patrol personnel—Fact finding.
- WAC 391-55-410 State patrol personnel—Selection of fact finder.
- WAC 391-55-415 State patrol personnel—Conduct of fact finding proceedings.
- WAC 391-55-420 State patrol personnel—Submission of proposals for fact finding.
- WAC 391-55-425 State patrol personnel—Fact finding hearing.
- WAC 391-55-430 State patrol personnel—Order of proceedings and evidence.
- WAC 391-55-435 State patrol personnel—Fact finding in the absence of a party.
- WAC 391-55-440 State patrol personnel—Closing of fact finding hearings.
- WAC 391-55-445 State patrol personnel—Findings of fact and recommendations.
- WAC 391-55-450 State patrol personnel—Responsibility of parties after fact finding.
- WAC 391-55-455 State patrol personnel—Expenses of fact finding.

AMENDATORY SECTION (Amending Order 80-9, filed 9/30/80, effective 11/1/80)

WAC 391-65-030 Grievance arbitration—Filing—Service. ~~((Each))~~ A request for appointment of a grievance arbitrator ((shall be)) may be made in writing or by electronic telefacsimile transmission. The request shall be on a form furnished by the commission or ~~((shall be))~~ prepared by the party or parties filing the request in conformance with WAC 391-65-050. The original request shall be filed with the agency at its Olympia office. If the request is not filed jointly, the party filing the request shall serve a copy on the other party to the collective bargaining agreement under which the dispute arises.

AMENDATORY SECTION (Amending Order 88-09, filed 5/31/88)

WAC 391-65-050 Grievance arbitration—Contents of request. Each request for appointment of a grievance arbitrator shall contain:

- (1) Information identifying the parties to the dispute, including:

(a) The name, address and telephone number of the employer and the name, address and telephone number of the employer's principal representative for the purposes of collective bargaining((-);

~~((2))~~ (b) The name, address and telephone number of the exclusive representative and the name, address and telephone number of its principal representative;

(c) The employer's principal business;

(d) A copy of the applicable collective bargaining agreement;

(e) The description of the bargaining unit involved, specifying inclusions and exclusions;

(f) The number of employees in the bargaining unit;

(g) The agreement of the party or parties making the request to accept the decision of the arbitrator as final and binding; and

(h) The agreement of the party or parties making the request that there will be no strike or lockout on the matters submitted to arbitration.

(2) Identification of the grievance to be resolved in arbitration.

(3) ((Identification)) Designation of the request as:

(a) A request for appointment of a member of the agency staff as arbitrator; or

(b) A request for the submission of a list of names from the dispute resolution panel created by WAC 391-55-110.

~~(4) ((A description of the grievances or issues to be submitted to arbitration and the number of employees affected thereby.~~

~~(5) The agreement of the requesting party, or the parties jointly, that there will be no strike or lockout on any matter submitted to arbitration.~~

~~(6) The agreement of the requesting party, or the parties jointly, that the arbitration award be final and binding upon the parties.~~

~~(7))~~ The signature(s) and, if any, title(s) of the representative(s) of the requesting party (parties), and the date(s) of the signature(s).

AMENDATORY SECTION (Amending Order 80-9, filed 9/30/80, effective 11/1/80)

WAC 391-65-110 Grievance arbitration—Conduct of proceedings. The arbitrator assigned or selected shall conduct the arbitration proceedings in the manner provided in the collective bargaining agreement under which the dispute arises. All such arbitrators shall maintain compliance with the "Code of Professional Responsibility for Arbitrators of Labor-Management Disputes" adopted by the National Academy of Arbitrators, the American Arbitration Association and the Federal Mediation and Conciliation Service ~~((in effect on December 1, 1977))~~ on May 29, 1985: Provided, however, That arbitration matters handled by members of the agency staff shall be filed in the public files of the agency and shall not be accorded the privacy required by such code. The services of a member of the commission staff as arbitrator shall be subject to interruption for reassignment of such staff member to other functions of the agency having a higher priority.

PERMANENT

AMENDATORY SECTION (Amending Order 80-9, filed 9/30/80, effective 11/1/80)

WAC 391-65-130 Grievance arbitration—Award. Any arbitrator assigned or selected under this chapter for a dispute involving public employees shall, after submission of the arbitration award to the parties, file a copy with the executive director.

AMENDATORY SECTION (Amending WSR 90-06-075, filed 3/7/90, effective 4/7/90)

WAC 391-95-001 Scope—Contents—Other rules. This chapter governs proceedings before the public employment relations commission relating to union security disputes arising between employees and employee organizations certified or recognized as their bargaining representative. The provisions of this chapter should be read in conjunction with the provisions of:

(1) Chapter 10-08 WAC, which contains rules promulgated by the chief administrative law judge governing the conduct of adjudicative proceedings under chapter ~~(391-45)~~ 391-95 WAC, except:

(a) WAC 10-08-035, which is supplanted by detailed requirements in WAC ~~(391-95-050)~~ 391-95-110;

(b) WAC 10-08-050, which relates to procedures of the office of administrative hearings, and so is inapplicable to proceedings before the public employment relations commission;

(c) WAC 10-08-211, which is supplanted by detailed requirements in WAC 391-95-270 and 391-95-280; and

(d) WAC 10-08-230, which is supplanted by ~~(WAC 391-95-200)~~ detailed requirements in WAC 391-95-170.

(2) Chapter 391-08 WAC, which contains rules of practice and procedure applicable to all types of proceedings before the public employment relations commission.

(3) Chapter 391-25 WAC, which contains rules relating to proceedings on petitions for investigation of questions concerning representation of employees.

(4) Chapter 391-35 WAC, which contains rules relating to proceedings on petitions for clarification of an existing bargaining unit.

(5) Chapter 391-45 WAC, which contains rules relating to proceedings on complaints charging unfair labor practices.

(6) Chapter 391-55 WAC, which contains rules relating to the resolution of impasses occurring in collective bargaining.

(7) Chapter 391-65 WAC, which contains rules relating to arbitration of grievance disputes arising out of the interpretation or application of a collective bargaining agreement.

AMENDATORY SECTION (Amending WSR 90-06-075, filed 3/7/90, effective 4/7/90)

WAC 391-95-090 Union security—Petition form—Number of copies—Filing—Service. Each petition for declaratory ruling on union security obligations shall be prepared in conformance with WAC 391-95-110. The original and ~~(three copies)~~ one copy of the petition shall be filed with the commission at its Olympia office and the party filing the petition shall serve a copy on the other party to the dispute and on the employer.

AMENDATORY SECTION (Amending WSR 90-06-075, filed 3/7/90, effective 4/7/90)

WAC 391-95-110 Union security—Contents of petition. Each petition shall ~~((be headed "In the matter of the petition of (name of petitioning party) for a declaratory ruling concerning the union security obligations of (name of affected employee) under a collective bargaining agreement between (name of employer) and (name of exclusive bargaining representative)," and shall))~~ contain:

(1) Identification of the parties, including:

(a) The name and address of the employer and the name, address and telephone number of the employer's principal representative for the purposes of collective bargaining~~((:));~~

~~((2))~~ (b) The name, address and affiliation, if any, of the exclusive representative, and the name, address and telephone number of its principal representative, if any~~((:));~~ and

~~((3))~~ (c) The name, address and telephone number of the affected employee and the name, address and telephone number of his or her representative.

~~((4))~~ Statements, in additional numbered paragraphs;

(2) Indication of the matters in dispute~~((:))~~

~~((5))~~ A copy, attached to the petition as an exhibit, of the union security provision under which the dispute arises.

~~((6))~~ as including:

(a) The eligibility of the employee to assert a right of nonassociation; and/or

(b) The designation of the charity which is to receive the alternative payments.

(3) Indication of whether the petition is filed on behalf of:

(a) The employee; or

(b) The employee organization.

(4) The signature and, if any, title of the person filing the petition, and the date of signature.

(5) Information concerning the parties, including:

(a) The employer's principal business;

(b) A copy of the current or most recent applicable collective bargaining agreement;

(c) The description of the existing bargaining unit, specifying inclusions and exclusions; and

(d) The approximate number of employees in the bargaining unit.

(6) Indication of whether the claimed right of nonassociation is based upon personal religious belief, or upon the teachings of a church or religious body identified in the petition, including the name, address and telephone number of a contact person.

(7) Identification of the charity which the petitioner proposes to have receive alternative payments, including the name, address and telephone number of a contact person.

(8) Indication of whether disputed funds are being held in escrow by the employer.

(9) Any other relevant facts.

~~((7))~~ The signature(s) and, if any, the title(s) of the representative(s) of the petitioner(s).

AMENDATORY SECTION (Amending WSR 90-06-075, filed 3/7/90, effective 4/7/90)

WAC 391-95-170 Union security—Prehearing conference—Notice of hearing. There shall be issued and served on each of the parties to the dispute and on the employer a notice of hearing before an examiner at a time and place fixed therein. Any such notice may be amended or withdrawn prior to the close of the hearing. The examiner has discretion to conduct a prehearing conference to discuss with the parties all contested issues of fact, law, and procedure which may arise in union security cases. The prehearing conference will be conducted pursuant to WAC 10-08-130. The parties are encouraged to reach binding stipulations on all remaining issues during the course of the prehearing conference.

AMENDATORY SECTION (Amending WSR 90-06-075, filed 3/7/90, effective 4/7/90)

WAC 391-95-230 Hearings—Nature and scope. Hearings shall be public and shall be limited to matters concerning the determination of the eligibility of the employee to make alternative payments and the designation of an organization to receive such alternative payments. During the course of the hearing, the examiner may, upon motion by any party, or upon his or her own motion, sequester witnesses. The employee has the burden to make a factual showing, through testimony of witnesses and/or documentary evidence, of the legitimacy of his or her beliefs, as follows:

(1) In cases where the claim of a right of nonassociation is based on the teachings of a church or religious body, the claimant employee must demonstrate:

(a) His or her bona fide religious objection to union membership; and

(b) That the objection is based on a bona fide religious teaching of a church or religious body; and

(c) That the claimant employee is a member of such church or religious body.

(2) In cases where the claim of a right of nonassociation is based on personally held religious beliefs, the claimant employee must demonstrate:

(a) His or her bona fide religious objection to union membership; and

(b) That the religious nature of the objection is genuine and in good faith.

(3) Once a hearing has been declared closed, it may be reopened only upon the timely motion of a party upon discovery of new evidence which could not with reasonable diligence have been discovered and produced at the hearing.

(4) A party which desires to have a brief or written argument considered shall file an original and one copy with the examiner, and shall serve copies on all other parties to the proceeding.

AMENDATORY SECTION (Amending WSR 90-06-075, filed 3/7/90, effective 4/7/90)

WAC 391-95-260 Withdrawal or modification of examiner decision. On the examiner's own motion or on the motion of any party, the examiner may set aside, modify, change, or reverse any findings of fact, conclusions of law or order at any time within ~~((twenty))~~ ten days following the

issuance thereof, if any mistake is discovered therein ~~((or upon grounds of newly discovered evidence which could not with reasonable diligence have been discovered and produced at the hearing))~~: *Provided, however,* That this section shall be inoperative after the filing of a petition for review with the commission.

AMENDATORY SECTION (Amending WSR 90-06-075, filed 3/7/90, effective 4/7/90)

WAC 391-95-270 Proceedings before the commission—Petition for review. The final order of the examiner shall be subject to review by the commission on its own motion, or at the request of any party made within twenty days following the date of the order issued by the examiner. The original and three copies of the petition for review shall be filed with the commission at its Olympia office and the party filing the petition shall serve a copy on the other party to the proceeding and on the employer. The petition for review shall identify the actions or rulings claimed to be in error. Any party to the proceeding may, within fourteen days after the initiation of review, file briefs or written arguments for consideration by the commission. The original and three copies of any brief or written argument shall be filed with the commission at its Olympia office and a copy shall be served upon the other party. The commission, the executive director or the designee of the executive director may, for good cause, grant any party an extension of the time for filing of its brief or written argument where a request for additional time is made prior to the deadline previously established. The commission may request the parties to appear before it to make oral argument as to certain of the issues or all of the issues in the matter. If a party presents an issue which requires study of a statute, rule, regulation, or finding of fact, the party should set out the material portions of the text verbatim or include them by facsimile copy in the text or in an appendix to the brief. In the event no timely petition for review is filed, and no action is taken by the commission on its own motion within thirty days following the examiner's final order, the findings of fact, conclusions of law and order of the examiner shall automatically become the findings of fact, conclusions of law and order of the commission and shall have the same force and effect as if issued by the commission.

WSR 96-07-051
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

(Fisheries)

[Order 96-10—Filed March 18, 1996, 4:25 p.m., effective March 21, 1996, 12:01 a.m.]

Date of Adoption: March 18, 1996.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:

Repealing WAC 220-56-36000Q; and amending WAC 220-56-360.

Statutory Authority for Adoption: RCW 75.08.080.

Under 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: Test results show that adequate clams are available for harvest in Razor Clam Areas 1 and 2 and that portion of Razor Clam Area 3 specified above. Clams from these areas have been certified by the Department of Health as safe for human consumption.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: March 21, 1996, 12:01 a.m.

March 18, 1996

Robert Turner

Director

NEW SECTION

WAC 220-56-36000Q Razor clams—Areas and seasons. Notwithstanding the provisions of WAC 220-56-360, it is unlawful to dig for or possess razor clams taken for personal use from any beach in Razor Clam Areas 1, 2, 3, or except as provided for in this section:

(1) Effective 12:01 a.m. March 21 through 11:59 a.m. May 9, 1996, on odd numbered days, between 12:01 a.m. and 11:59 a.m. only, razor clam digging is allowed in Razor Clam Area 2.

(2) Effective 12:01 a.m. March 21 through 11:59 a.m. May 23, 1996, on odd numbered days, between 12:01 a.m. and 11:59 a.m. only, razor clam digging is allowed in the following area: that portion of Razor Clam Area 3 between Olympic National Park South Beach Campground access

road (Kalaloch area, Jefferson County) and Olympic National Park Beach Trail 3 (Kalaloch area, Jefferson County).

(3) Effective 12:01 a.m. May 3 through 11:59 a.m. May 9, 1996, on odd numbered days, between 12:01 a.m. and 11:59 a.m. only, razor clam digging is allowed in Razor Clam Area 1 and that portion of Razor Clam Area 3 located south of the Copalis River.

(4) It is unlawful to dig for razor clams at any time in Long Beach, Twin Harbors Beach or Copalis Beach Clam sanctuaries defined in WAC 220-56-372.

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

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:00 noon May 23, 1996:

WAC 220-56-36000Q Razor clams—Areas and seasons. (96-10)

WSR 96-07-079
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)

[Order 3956—Filed March 19, 1996, 4:29 p.m., effective April 1, 1996]

Date of Adoption: March 19, 1996.

Purpose: Chapter 74.13 RCW directs the department to promulgate rules which establish minimum licensing requirements.

Citation of Existing Rules Affected by this Order: Amending chapter 388-73 WAC, Minimum licensing requirements for crisis residential centers.

Statutory Authority for Adoption: Chapter 74.15 RCW.

Other Authority: RCW 74.13.032.

Under 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) The intent of the Becca Bill (E2SSB 5439) in the 1995 session, which requires these secure facilities, was to prevent injury or trauma for these at-risk youth.

(b) Any delay in adoption of these rules past April 1, 1996, puts the department out-of-compliance with legislative intent in RCW 74.13.032.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 6, amended 9, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 6, amended 9, repealed 0.

Effective Date of Rule: April 1, 1996.

March 17, 1996

Merry A. Kogut, Supervisor
Rules and Policies Assistance Unit

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 96-08 issue of the Register.

EMERGENCY

WSR 96-07-001
RULES COORDINATOR
WASHINGTON STATE LOTTERY
 [Filed March 6, 1996, 12:20 p.m.]

Effective March 5, 1996, Judith Giniger is designated as the rules coordinator for the Lottery Commission to replace Jeffrey Burkhardt. The office and address of the rules coordinator is: Washington State Lottery, P.O. Box 43025, Olympia, WA 98504-3025.

WSR 96-07-002
NOTICE OF PUBLIC MEETINGS
EDMONDS COMMUNITY COLLEGE
 [Memorandum—March 1, 1996]

NOTE MEETING TIME AND DATE CHANGE

The Edmonds Community College board of trustees will meet Wednesday, March 20, 1996, at 5:30 p.m. in the Sno-King Building Boardroom 103, located at 6600 196th S.W., Lynnwood.

This special meeting will replace the regular board meeting scheduled March 21, 1996, at 4:30 p.m.

An executive session may be held for any of those items for which an executive session may be held under the Open Public Meetings Act.

WSR 96-07-003
NOTICE OF PUBLIC MEETINGS
TRANSPORTATION IMPROVEMENT BOARD
 [Memorandum—March 1, 1996]

MARCH TIB MEETING CANCELLED

1996 TIB MEETING SCHEDULE REVISED

The March TIB meeting has been cancelled and rescheduled for April 25-26, 1996, in Vancouver. The September 26-27, 1996, board meeting scheduled in Redmond will now be in Tacoma. The following are the remaining TIB meetings scheduled for 1996:

April 26, 1996	Vancouver
May 23-24, 1996	Wenatchee
June 28, 1996	Seattle
July 26, 1996	Pasco
August 1996	No TIB Meeting
September 27, 1996	Tacoma
October 25, 1996	Port Angeles
November 22, 1996	Cheney

A notice with further detail of the April meeting will be mailed April 5, 1996.

WSR 96-07-005
NOTICE OF PUBLIC MEETINGS
COMMUNITY COLLEGES OF SPOKANE
 [Memorandum—March 6, 1996]

The location of the regular April 1996 and May 1996 meetings of the board of trustees of Community Colleges of Spokane has been changed.

The regular meeting of the board of trustees of the Community Colleges of Spokane (Washington Community College District 17) originally scheduled at Airway Heights Correction Center on April 23, 1996, has been moved to Spokane Community College Lair, Littlefoot Room, 1810 North Greene Street, Spokane, WA 99207. The meeting will convene at 1:30 p.m.

The regular meeting of the board of trustees of the Community Colleges of Spokane (Washington Community College District 17) originally scheduled at the Spokane Community College Lair on May 21, 1996, has been moved to Airway Heights Correction Center, 11919 West Sprague Avenue, Spokane, WA 99001-1899. The meeting will convene at 1:30 p.m.

WSR 96-07-006
NOTICE OF PUBLIC MEETINGS
OLYMPIC COLLEGE
 [Memorandum—March 6, 1996]

The board of trustees has changed the time for the regular board meeting scheduled to be held on March 26, 1996, from 7:30 p.m. [a.m.] to 1:30 p.m., at Olympic College, District No. 3, Bremerton, Washington.

WSR 96-07-007
NOTICE OF PUBLIC MEETINGS
SOUTH PUGET SOUND
COMMUNITY COLLEGE
 [Memorandum—March 6, 1996]

At their March 6, 1996, meeting, the board of trustees of Community College District 24 changed the regular May 2, 1996, board meeting to Friday, May 3, 1996, beginning at 3:00 p.m. to be held in the Boardroom of Building 25 on our campus.

WSR 96-07-013
NOTICE OF PUBLIC MEETINGS
SEATTLE COMMUNITY COLLEGES
 [Memorandum—March 6, 1996]

The Seattle Community College District board of trustees will hold a special meeting, on Tuesday, March 12, 1996, at the Seattle Community College District, Siegal Center, 1500 Harvard, Seattle, WA 98122.

The meeting will be held in the Tillikum Conference Room, beginning at 5:00 p.m.

MISCELLANEOUS

WSR 96-07-016
NOTICE OF PUBLIC MEETINGS
BELLINGHAM TECHNICAL COLLEGE
[Memorandum—March 12, 1996]

The regularly scheduled meeting of the board of trustees of Bellingham Technical College will be held on Thursday, March 21, 1996, 9-11 a.m., in the College Services Building Board Room on the Bellingham Technical College campus. Call 738-3105 extension 334 for information.

WSR 96-07-017
NOTICE OF PUBLIC MEETINGS
UNIVERSITY OF WASHINGTON
[Memorandum—March 8, 1996]

Following is the schedule(s) for regular meetings to be held by the University of Washington's College of Engineering Executive Committee.

College of Engineering
Executive Committee

Meeting Dates	Location	Time
January 3, 10, 17, 24, 31	355 Loew Hall	3:30 p.m.
February 7, 14, 21, 28	355 Loew Hall	3:30 p.m.
March 6, 13, 20, 27	355 Loew Hall	3:30 p.m.
April 3, 10, 17, 24	355 Loew Hall	3:30 p.m.
May 1, 8, 15, 22, 29	355 Loew Hall	3:30 p.m.
June 5, 12, 19, 26	355 Loew Hall	3:30 p.m.
July 3, 10, 17, 24, 31	355 Loew Hall	3:30 p.m.
September 4, 11, 18, 25	355 Loew Hall	3:30 p.m.
October 2, 9, 16, 23, 30	355 Loew Hall	3:30 p.m.
November 6, 13, 20, 27	355 Loew Hall	3:30 p.m.
December 4, 11, 18	355 Loew Hall	3:30 p.m.

WSR 96-07-018
NOTICE OF PUBLIC MEETINGS
UNIVERSITY OF WASHINGTON
[Memorandum—March 8, 1996]

Following is the schedule(s) for regular meetings to be held by the University of Washington's Women's Studies Faculty and Women's Studies General Department.

Women's Studies
Faculty

Meeting Dates	Location	Time
2nd and 4th Wednesday of each month	Padelford B1106	3:30

General Department

Meeting Dates	Location
2nd Wednesday of every month	Padelford B1106

WSR 96-07-020
NOTICE OF PUBLIC MEETINGS
INTERAGENCY COMMITTEE FOR
OUTDOOR RECREATION
[Memorandum—March 12, 1996]

Regular Meeting
March 25, 1996
Natural Resources Building - Room 175
1111 Washington Street
Olympia, WA

Note: If you need special accommodations to participate in this meeting, please notify us by March 11, 1996, at (360) 902-3000 or TDD (360) 902-1996.

Next Meeting: July 10-12, 1996, Water Resources Facility, Vancouver, Washington.

WSR 96-07-026
ATTORNEY GENERAL OPINION
Cite as: AGO 1996 No. 4
[February 29, 1996]

LIQUOR - LIQUOR CONTROL BOARD - WINERIES - BREWERIES - AUTHORITY OF LIQUOR CONTROL BOARD TO APPOINT VENDOR TO SELL LIMITED LINE OF SPIRITUOUS LIQUOR

The Liquor Control Board does not have the statutory authority to appoint a winery or brewery as a liquor vendor to sell only the spirituous liquor that the winery or brewery produces.

Requested by:

Joe McGavick, Chairman
Mike Murphy, Member
Jack Rabourn, Member
Washington State Liquor Control Board
P.O. Box 43075
Olympia, WA 98504-3075

WSR 96-07-027
ATTORNEY GENERAL OPINION
Cite as: AGO 1996 No. 5
[February 29, 1996]

PLATTING AND SUBDIVISIONS - COUNTIES - CITIES AND TOWNS - EFFECT OF 1969 PLATTING ACT ON LAND PLATTED BEFORE ENACTMENT.

1. The requirements of chapter 58.17 RCW, enacted in 1969 and relating to platting and subdivisions, apply to land platted before 1937 under chapter 58.08 RCW or its predecessor statutes.
2. Cities and towns may accept plats and subdivisions filed pursuant to the 1937 platting act (chapter 58.16 RCW, repealed in 1969), but are not obligated to do so.

Requested by:

The Honorable Mary Margaret Haugen
State Senator
P.O. Box 40482
Olympia, WA 98504-0482

MISCELLANEOUS

WSR 96-07-028
ATTORNEY GENERAL OPINION
Cite as: AGO 1996 No. 6
[March 1, 1996]

REAL PROPERTY - TAXATION - COUNTIES - HOMESTEADS - EFFECT OF HOMESTEAD DECLARATION AND DECLARATION OF ALLODIAL OWNERSHIP ON PROPERTY TAX LIABILITY.

1. A recorded declaration that a property owner holds real estate in "allodial freehold" is ineffective to exempt the real estate from property taxes levied under state law.
2. A declaration of homestead filed on real estate pursuant to chapter 6.13 RCW does not prevent the foreclosure and sale of real estate for unpaid property taxes, as property taxes are not "debts of the owner" and thus are not rendered exempt from execution by RCW 6.13.070.

Requested by:

The Honorable David Skeen
Prosecuting Attorney
Jefferson County
P.O. Box 1220
Port Townsend, WA 98368

WSR 96-07-031
NOTICE OF PUBLIC MEETINGS
CONVENTION AND TRADE CENTER
[Memorandum—March 13, 1996]

The Design Committee of the Washington State Convention and Trade Center (WSCTC) will meet on Wednesday, March 20 from 11:30 a.m. - 1:15 p.m. at LMN Architects, 801 Second Avenue, 5th Floor, Seattle, WA.

A regular meeting of the WSCTC board of directors will be held on Wednesday, March 20 at 1:30 p.m. in Room 201 of the Convention Center, 8th and Pike, Seattle.

The WSCTC Art Committee will meet on Monday, April 8 at 11:30 a.m. in Room 306 of the Convention Center.

If you have any questions regarding these meetings, please call 447-5000.

WSR 96-07-038
NOTICE OF PUBLIC MEETINGS
SEATTLE COMMUNITY COLLEGES
[Memorandum—March 8, 1996]

The Seattle Community College District board of trustees will hold a board retreat from 8:00 a.m. to noon, on Saturday, March 9, 1996, at the Battelle Conference Center, 4000 N.E. 41st Street, Seattle, WA 98105-5428.

WSR 96-07-048
NOTICE OF PUBLIC MEETINGS
EDMONDS COMMUNITY COLLEGE
[Memorandum—March 18, 1996]

Board of Trustees Meeting

March 20, 1996
Sno-King Building
Boardroom 103
(5:30 - 7:15)

An executive session may be held for any of those items for which an executive session may be held under the Open Public Meetings Act.

Action items as necessary in the discretion of the board as a result of any item properly considered in executive session.

The facilities for this meeting are free of mobility barriers and interpreters for deaf individuals and braille or taped information for blind individuals will be provided upon request when adequate notice is given.

WSR 96-07-068
NOTICE OF PUBLIC MEETINGS
UNIVERSITY OF WASHINGTON
[Memorandum—March 18, 1996]

The University of Washington is providing the following schedule(s) for governing bodies of schools, colleges, departments and programs at the university that maintain regular meeting schedules at the UW Public Records Office.

Scandinavian Language and Literature
Faculty Meeting

Meeting Dates	Location	Time
April 8, 1996	318 Raitt	3:30
May 13, 1996	318 Raitt	3:30
June 3, 1996	318 Raitt	3:30

WSR 96-07-070
ATTORNEY GENERAL'S OFFICE
[Filed March 19, 1996, 4:45 p.m.]

NOTICE OF REQUEST FOR ATTORNEY GENERAL'S OPINION
WASHINGTON ATTORNEY GENERAL

The Washington Attorney General issues formal published opinions in response to requests by the heads of state agencies, state legislators, and county prosecuting attorneys. When it appears that individuals outside the Attorney General's Office have information or expertise that will assist in the preparation of a particular opinion, a summary of that opinion request will be published in the state Register. If you are interested in commenting on a request listed in this volume of the Register, you should notify the Attorney General's Office of your interest by April 10, 1996. This is not the due date by which comments must be received. However, if you do not notify the Attorney General's Office of your interest in commenting on

MISCELLANEOUS

an opinion request by April 10, 1996, the opinion may be issued before your comments have been received. You may notify the Attorney General's Office of your intention to comment by calling (360) 753-4114, or by writing to the Solicitor General, Office of the Attorney General, P.O. Box 40100, Olympia, WA 98504-0100. When you notify the office of your intention to comment, you will be provided with a copy of the opinion request in which you are interested; information about the Attorney General's Opinion process; information on how to submit your comments; and a due date by which your comments must be received to ensure that they are fully considered.

The Attorney General's Office seeks public input on the following opinion requests.

96-03-01 Request by Brad Owen, Senator; Peggy Johnson, Representative; and, Tim Sheldon, Representative

Questions regarding prayer at school commencement exercises.

WSR 96-07-082

PUGET SOUND

WATER QUALITY AUTHORITY

[Filed March 20, 1996, 8:03 a.m.]

NOTICE OF PROPOSED PLAN

AMENDMENT AND PUBLIC HEARING

PUGET SOUND WATER QUALITY AUTHORITY

Title of Proposal: Amendment of the monitoring program of the 1994 Puget Sound water quality management plan.

Purpose: Change the institutional structure of the Puget Sound ambient monitoring program.

Statutory Authority for Adoption: Chapter 90.70 RCW and Section 320 of the federal Clean Water Act, as amended by P.L. 100-4, the Water Quality Act of 1987, 33 U.S.C. 1330.

Statute Being Implemented: Chapter 90.70 RCW and Section 320 of the federal Clean Water Act, as amended by P.L. 100-4, the Water Quality Act of 1987, 33 U.S.C. 1330.

State Environmental Policy Act Compliance: The Puget Sound Water Quality Authority will file a declaration of nonsignificance on this proposal. Public comment on the declaration is being accepted concurrently.

Summary: This proposal would change the institutional structure of the Puget Sound ambient monitoring program (PSAMP). The organization of PSAMP would be revised, including addition of roles for the Puget Sound action team, for a new management committee, and for cross-task topic groups. Also, the amendment would create a new cycle and process for program planning, implementation and review. The proposed organization would incorporate the new Puget Sound Water Quality Protection Act (ESHB 2875), strengthen involvement of PSAMP agency management in program decision making, better integrate PSAMP monitoring tasks, involve more regional scientists in the program, and build links with state, local, and federal resource management programs, academic institutions, and other interests. The Puget Sound Water Quality Authority encourages all

interested parties to review the full proposal. To obtain a copy, contact the authority (see below).

Name of Agency Person Responsible for Drafting and Implementation: Steve Tilley, Assistant Director of Planning and Compliance, Puget Sound Water Quality Authority, 300 Desmond Drive, Lacey, WA, mailing address P.O. Box 40900, Olympia, WA 98504-0900, phone (206) [(360)] 407-7300 or 1-800-54-SOUND, FAX (206) [(360)] 407-7333.

Name of Proponent: Puget Sound Water Quality Authority, a state agency.

Public Hearing: A public hearing on the proposal will be held on April 23, 1996, at 1:30 p.m., in Room 1S-16 at the Ecology Building, 300 Desmond Drive, Lacey, WA. If you plan to attend the hearing, please call the authority offices beforehand to check on any last-minute changes in the hearing date, place, or time.

Submit Written Comments to: Steve Tilley, at the address listed above. Comments must be RECEIVED by 5:00 p.m., April 26, 1996.

Date of Intended Adoption: The authority proposes to adopt the amendment on May 15, 1996.

March 20, 1996

Nancy McKay

Executive Director

Table of WAC Sections Affected

KEY TO TABLE

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

Symbols:
 AMD = Amendment of existing section
 A/R = Amending and recodifying a section
 DECOD = Decodification of an existing section
 NEW = New section not previously codified
 OBJEC = Notice of objection by Joint Administrative Rules Review Committee
 PREP = Preproposal comments
 RE-AD = Readoption of existing section
 RECOD = Recodification of previously codified section
 REP = Repeal of existing section
 RESCIND = Rescind previous emergency rule
 REVIEW = Review of previously adopted rule

Suffixes:
 -P = Proposed action
 -C = Continuance of previous proposal
 -E = Emergency action
 -S = Supplemental notice
 -W = Withdrawal of proposed action
 No suffix means permanent action

WAC # shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

WSR # shows the issue of the Washington State Register where the document may be found; the last three digits identify the document within the issue.

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4-25-722	PREP	96-05-082	16-400-040	AMD-P	96-05-071	50-20-110	AMD	96-04-013
4-25-750	PREP	96-05-083	16-400-100	AMD-P	96-05-071	50-20-110	DECOD	96-04-013
4-25-810	PREP	96-05-084	16-400-210	AMD-P	96-05-071	50-20-120	AMD	96-04-013
16-06-010	REP-P	96-06-082	16-529-150	AMD	96-03-151	50-20-120	DECOD	96-04-013
16-06-020	REP-P	96-06-082	16-532-010	AMD-P	96-05-086	50-20-130	AMD	96-04-013
16-06-030	REP-P	96-06-082	16-532-040	PREP	96-02-082	50-20-130	DECOD	96-04-013
16-06-040	REP-P	96-06-082	16-532-0402	NEW-P	96-05-086	50-20-140	AMD	96-04-013
16-06-050	REP-P	96-06-082	16-532-0404	NEW-P	96-05-086	50-20-140	DECOD	96-04-013
16-06-060	REP-P	96-06-082	16-532-0406	NEW-P	96-05-086	50-20-150	AMD	96-04-013
16-06-070	REP-P	96-06-082	16-532-0408	NEW-P	96-05-086	50-20-150	DECOD	96-04-013
16-06-080	REP-P	96-06-082	16-532-0410	NEW-P	96-05-086	50-20-160	AMD	96-04-013
16-06-090	REP-P	96-06-082	16-532-0412	NEW-P	96-05-086	50-20-160	DECOD	96-04-013
16-06-100	REP-P	96-06-082	16-532-0414	NEW-P	96-05-086	50-20-170	REP	96-04-013
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16-06-170	NEW-P	96-06-082	44-10-030	AMD	96-03-155	50-30-015	NEW	96-03-059
16-06-175	NEW-P	96-06-082	44-10-031	NEW	96-03-155	50-30-015	DECOD	96-03-059
16-06-180	NEW-P	96-06-082	44-10-040	AMD	96-03-155	50-30-020	AMD	96-03-059
16-06-185	NEW-P	96-06-082	44-10-050	AMD	96-03-155	50-30-020	DECOD	96-03-059
16-06-190	NEW-P	96-06-082	44-10-060	AMD	96-03-155	50-30-025	NEW	96-03-059
16-06-195	NEW-P	96-06-082	44-10-070	AMD	96-03-155	50-30-025	DECOD	96-03-059
16-06-200	NEW-P	96-06-082	44-10-080	AMD	96-03-155	50-30-030	AMD	96-03-059
16-06-205	NEW-P	96-06-082	44-10-090	AMD	96-03-155	50-30-030	DECOD	96-03-059
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16-06-215	NEW-P	96-06-082	44-10-110	AMD	96-03-155	50-30-035	DECOD	96-03-059
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16-06-235	NEW-P	96-06-082	44-10-150	AMD	96-03-155	50-30-050	DECOD	96-03-059
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16-168-060	NEW-P	96-05-027	44-10-210	AMD	96-03-155	50-30-068	DECOD	96-03-059
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50-60-035	DECOD	96-04-028	162-08-071	AMD-P	96-06-087	173-354-500	NEW-W	96-05-020
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50-60-210	DECOD	96-04-028	173-224-040	AMD	96-03-041	180-83-020	NEW	96-04-073
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55-01-050	AMD-E	96-03-104	173-330-010	REP-W	96-05-020	180-83-070	NEW	96-04-073
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82-05-030	NEW	96-03-048	173-330-060	REP-W	96-05-020	182-08-010	AMD-P	96-02-079
82-05-040	NEW	96-03-048	173-330-070	REP-W	96-05-020	182-08-015	NEW-P	96-02-079
82-05-050	NEW	96-03-048	173-330-900	REP-W	96-05-020	182-08-020	AMD-P	96-02-079
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132N-276-050	AMD-P	96-07-029	173-354-008	NEW-W	96-05-020	182-08-165	AMD-P	96-02-079
132N-276-060	AMD-P	96-07-029	173-354-010	NEW-W	96-05-020	182-08-170	REP-P	96-02-079
132N-276-070	AMD-P	96-07-029	173-354-020	NEW-W	96-05-020	182-08-180	AMD-P	96-02-079
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182-12-110	AMD-P	96-02-080	208-444-010	RECOD	96-06-011	208-660-030	RECOD	96-04-028
182-12-111	AMD-P	96-02-080	208-464-010	RECOD	96-06-011	208-660-035	RECOD	96-04-028
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182-12-117	NEW-P	96-02-080	208-464-030	RECOD	96-06-011	208-660-042	RECOD	96-04-028
182-12-119	NEW-P	96-02-080	208-464-040	RECOD	96-06-011	208-660-045	RECOD	96-04-028
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182-12-145	AMD-P	96-02-080	208-464-080	RECOD	96-06-011	208-660-080	RECOD	96-04-028
182-12-151	REP-P	96-02-080	208-464-090	RECOD	96-06-011	208-660-08005	RECOD	96-04-028
182-12-160	REP-P	96-02-080	208-472-010	RECOD	96-06-011	208-660-08010	RECOD	96-04-028
182-12-165	REP-P	96-02-080	208-472-012	RECOD	96-06-011	208-660-08015	RECOD	96-04-028
182-12-200	AMD-P	96-02-080	208-472-015	RECOD	96-06-011	208-660-08020	RECOD	96-04-028
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184-10-140	NEW-C	96-03-033	208-472-041	RECOD	96-06-011	208-660-08035	RECOD	96-04-028
192-12-300	PREP	96-03-158	208-472-045	RECOD	96-06-011	208-660-08040	RECOD	96-04-028
192-12-305	PREP	96-03-158	208-472-050	RECOD	96-06-011	208-660-085	RECOD	96-04-028
192-16-002	AMD-P	96-04-065	208-472-060	RECOD	96-06-011	208-660-090	RECOD	96-04-028
192-16-024	NEW-P	96-04-065	208-472-065	RECOD	96-06-011	208-660-09005	RECOD	96-04-028
192-16-051	AMD-P	96-04-065	208-472-070	RECOD	96-06-011	208-660-09010	RECOD	96-04-028
192-16-052	NEW-P	96-04-065	208-472-075	RECOD	96-06-011	208-660-09015	RECOD	96-04-028
192-28-105	PREP	96-03-159	208-472-080	RECOD	96-06-011	208-660-09020	RECOD	96-04-028
192-28-120	PREP	96-03-159	208-480-010	RECOD	96-06-011	208-660-100	RECOD	96-04-028
196-16-005	REP-P	96-07-052	208-480-020	RECOD	96-06-011	208-660-110	RECOD	96-04-028
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196-16-031	AMD-P	96-07-052	208-480-060	RECOD	96-06-011	208-660-140	RECOD	96-04-028
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196-20-020	AMD-P	96-07-052	208-620-010	NEW	96-04-013	208-660-150	RECOD	96-04-028
196-20-030	AMD-P	96-07-052	208-620-020	NEW	96-04-013	208-660-160	RECOD	96-04-028
196-21-010	NEW-P	96-07-052	208-620-030	NEW	96-04-013	208-660-165	RECOD	96-04-028
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196-21-030	NEW-P	96-07-052	208-620-050	NEW	96-04-013	208-660-190	RECOD	96-04-028
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208-08-040	NEW-P	96-06-085	208-620-110	RECOD	96-04-013	208-680A-030	RECOD	96-05-018
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208-08-070	NEW-P	96-06-085	208-620-140	RECOD	96-04-013	208-680B-010	RECOD	96-05-018
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230-40-055	AMD-P	96-03-080	232-28-61900M	REP-E	96-04-043	246-918-009	AMD	96-03-073
230-46-100	AMD-P	96-07-073	232-28-61900P	NEW-E	96-06-007	246-918-030	AMD	96-03-073
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232-28-02204	AMD	96-04-027	246-840-930	NEW	96-05-060	246-919-130	NEW	96-03-073
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232-28-02290	AMD	96-04-027	246-861-040	AMD-P	96-04-080	246-919-300	NEW	96-03-073
232-28-206	REP	96-04-027	246-869-240	REP	96-03-016	246-919-305	NEW	96-03-073
232-28-209	REP	96-04-027	246-883-020	PREP	96-03-012	246-919-310	NEW	96-03-073
232-28-21201	REP	96-04-027	246-885-030	NEW-P	96-03-134	246-919-320	NEW	96-03-073
232-28-215	REP	96-04-027	246-885-030	NEW	96-07-012	246-919-330	NEW	96-03-073
232-28-216	REP	96-04-027	246-915-030	AMD-E	96-03-050	246-919-340	NEW	96-03-073
232-28-225	REP	96-04-027	246-917-020	REP	96-03-073	246-919-350	NEW	96-03-073
232-28-240	AMD	96-04-027	246-917-025	REP	96-03-073	246-919-355	NEW	96-03-073
232-28-241	AMD	96-04-027	246-917-026	REP	96-03-073	246-919-360	NEW	96-03-073
232-28-241	AMD-P	96-06-068	246-917-030	REP	96-03-073	246-919-365	NEW	96-03-073
232-28-242	AMD	96-04-027	246-917-040	REP	96-03-073	246-919-370	NEW	96-03-073
232-28-246	AMD	96-04-027	246-917-050	REP	96-03-073	246-919-380	NEW	96-03-073
232-28-248	AMD	96-04-027	246-917-060	REP	96-03-073	246-919-390	NEW	96-03-073
232-28-249	AMD	96-04-027	246-917-070	REP	96-03-073	246-919-395	NEW	96-03-073
232-28-250	AMD-P	96-06-069	246-917-080	REP	96-03-073	246-919-400	NEW	96-03-073
232-28-251	AMD-P	96-06-070	246-917-090	REP	96-03-073	246-919-410	NEW	96-03-073
232-28-252	AMD-P	96-06-071	246-917-100	REP	96-03-073	246-919-420	NEW	96-03-073
232-28-253	AMD-P	96-06-072	246-917-110	REP	96-03-073	246-919-430	NEW	96-03-073
232-28-254	AMD-P	96-06-073	246-917-120	REP	96-03-073	246-919-440	NEW	96-03-073
232-28-256	AMD-P	96-06-074	246-917-121	REP	96-03-073	246-919-450	NEW	96-03-073
232-28-257	AMD	96-04-027	246-917-125	REP	96-03-073	246-919-460	NEW	96-03-073
232-28-260	NEW	96-04-027	246-917-126	REP	96-03-073	246-919-470	NEW	96-03-073
232-28-261	NEW-P	96-06-075	246-917-130	REP	96-03-073	246-919-480	NEW	96-03-073
232-28-262	NEW-P	96-06-076	246-917-135	REP	96-03-073	246-919-500	NEW	96-03-073
232-28-404	REP	96-04-027	246-917-140	REP	96-03-073	246-919-510	NEW	96-03-073
232-28-407	REP	96-04-027	246-917-150	REP	96-03-073	246-919-600	NEW	96-03-073
232-28-419	REP-P	96-06-077	246-917-160	REP	96-03-073	246-919-610	NEW	96-03-073
232-28-60101	REP	96-04-027	246-917-170	REP	96-03-073	246-919-620	NEW	96-03-073
232-28-60102	REP	96-04-027	246-917-180	REP	96-03-073	246-919-700	NEW	96-03-073
232-28-604	REP	96-04-027	246-917-190	REP	96-03-073	246-919-710	NEW	96-03-073
232-28-60415	REP	96-04-027	246-917-200	REP	96-03-073	246-919-720	NEW	96-03-073
232-28-605	REP	96-04-027	246-917-210	REP	96-03-073	246-919-730	NEW	96-03-073
232-28-60508	REP	96-04-027	246-917-220	REP	96-03-073	246-919-740	NEW	96-03-073
232-28-61610	REP	96-04-027	246-917-300	REP	96-03-073	246-919-750	NEW	96-03-073
232-28-619	AMD-C	96-05-044	246-917-990	REP	96-03-073	246-919-760	NEW	96-03-073
232-28-61900K	NEW-E	96-03-053	246-918	AMD	96-03-073	246-919-770	NEW	96-03-073

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
246-919-990	NEW	96-03-073	246-924-470	AMD-P	96-02-086	260-48-910	NEW-P	96-04-066
246-920-020	REP	96-03-073	246-924-500	NEW-P	96-02-086	260-48-920	NEW-P	96-04-066
246-920-030	REP	96-03-073	246-924-990	AMD-P	96-02-085	260-60	PREP	96-03-145
246-920-040	REP	96-03-073	246-976-010	AMD	96-03-052	260-70-010	REP-P	96-04-067
246-920-120	REP	96-03-073	246-976-045	NEW	96-03-052	260-70-021	REP-P	96-04-067
246-920-130	REP	96-03-073	246-976-076	PREP	96-06-049	260-70-025	REP-P	96-04-067
246-920-140	REP	96-03-073	246-976-077	PREP	96-06-049	260-70-026	REP-P	96-04-067
246-920-150	REP	96-03-073	246-976-140	PREP	96-06-049	260-70-027	REP-P	96-04-067
246-920-160	REP	96-03-073	246-976-165	NEW	96-03-052	260-70-028	REP-P	96-04-067
246-920-170	REP	96-03-073	246-976-181	PREP	96-06-049	260-70-029	REP-P	96-04-067
246-920-180	REP	96-03-073	250-20-021	AMD	96-04-019	260-70-031	REP-P	96-04-067
246-920-190	REP	96-03-073	250-20-021	PREP	96-07-096	260-70-032	REP-P	96-04-067
246-920-200	REP	96-03-073	250-65	PREP	96-07-095	260-70-040	REP-P	96-04-067
246-920-210	REP	96-03-073	251-12-099	AMD-P	96-04-053	260-70-050	REP-P	96-04-067
246-920-220	REP	96-03-073	251-12-099	AMD-C	96-07-091	260-70-060	REP-P	96-04-067
246-920-230	REP	96-03-073	251-12-100	AMD-P	96-04-053	260-70-070	REP-P	96-04-067
246-920-240	REP	96-03-073	251-12-100	AMD-C	96-07-091	260-70-080	REP-P	96-04-067
246-920-250	REP	96-03-073	251-12-101	REP-P	96-04-053	260-70-090	REP-P	96-04-067
246-920-260	REP	96-03-073	251-12-101	REP-C	96-07-091	260-70-100	REP-P	96-04-067
246-920-270	REP	96-03-073	251-12-102	AMD-P	96-04-053	260-70-110	REP-P	96-04-067
246-920-280	REP	96-03-073	251-12-102	AMD-C	96-07-091	260-70-120	REP-P	96-04-067
246-920-290	REP	96-03-073	251-12-104	NEW-P	96-04-053	260-70-130	REP-P	96-04-067
246-920-300	REP	96-03-073	251-12-104	NEW-C	96-07-091	260-70-140	REP-P	96-04-067
246-920-310	REP	96-03-073	251-12-105	NEW-P	96-04-053	260-70-150	REP-P	96-04-067
246-920-320	REP	96-03-073	251-12-105	NEW-C	96-07-091	260-70-160	REP-P	96-04-067
246-920-330	REP	96-03-073	251-12-106	NEW-P	96-04-053	260-70-170	REP-P	96-04-067
246-920-340	REP	96-03-073	251-12-106	NEW-C	96-07-091	260-70-180	REP-P	96-04-067
246-920-350	REP	96-03-073	251-12-180	AMD-P	96-04-053	260-70-190	REP-P	96-04-067
246-920-360	REP	96-03-073	251-12-180	AMD-C	96-07-091	260-70-200	REP-P	96-04-067
246-920-370	REP	96-03-073	251-12-232	AMD-P	96-04-053	260-70-210	REP-P	96-04-067
246-920-380	REP	96-03-073	251-12-232	AMD-C	96-07-091	260-70-220	REP-P	96-04-067
246-920-390	REP	96-03-073	251-14-110	AMD-P	96-04-053	260-70-230	REP-P	96-04-067
246-920-400	REP	96-03-073	251-14-110	AMD-C	96-07-091	260-70-240	REP-P	96-04-067
246-920-410	REP	96-03-073	251-14-130	NEW-P	96-04-053	260-70-250	REP-P	96-04-067
246-920-420	REP	96-03-073	251-14-130	NEW-C	96-07-091	260-70-260	REP-P	96-04-067
246-920-430	REP	96-03-073	251-17-010	AMD	96-02-072	260-70-270	REP-P	96-04-067
246-920-440	REP	96-03-073	251-17-170	AMD	96-02-072	260-70-280	REP-P	96-04-067
246-920-450	REP	96-03-073	251-19-105	REP-W	96-02-069	260-70-290	REP-P	96-04-067
246-920-460	REP	96-03-073	251-19-105	AMD-P	96-02-071	260-70-300	REP-P	96-04-067
246-920-470	REP	96-03-073	251-19-105	AMD	96-05-026	260-70-500	NEW-P	96-04-067
246-920-480	REP	96-03-073	251-22-270	AMD-W	96-02-069	260-70-510	NEW-P	96-04-067
246-920-490	REP	96-03-073	260-12	PREP	96-03-142	260-70-520	NEW-P	96-04-067
246-920-500	REP	96-03-073	260-20	PREP	96-03-143	260-70-530	NEW-P	96-04-067
246-920-510	REP	96-03-073	260-24	PREP	96-06-086	260-70-540	NEW-P	96-04-067
246-920-520	REP	96-03-073	260-34	PREP	96-03-144	260-70-550	NEW-P	96-04-067
246-920-530	REP	96-03-073	260-48-500	NEW-P	96-04-066	260-70-560	NEW-P	96-04-067
246-920-540	REP	96-03-073	260-48-510	NEW-P	96-04-066	260-70-570	NEW-P	96-04-067
246-920-550	REP	96-03-073	260-48-520	NEW-P	96-04-066	260-70-580	NEW-P	96-04-067
246-920-560	REP	96-03-073	260-48-530	NEW-P	96-04-066	260-70-590	NEW-P	96-04-067
246-920-570	REP	96-03-073	260-48-540	NEW-P	96-04-066	260-70-600	NEW-P	96-04-067
246-920-580	REP	96-03-073	260-48-550	NEW-P	96-04-066	260-70-610	NEW-P	96-04-067
246-920-590	REP	96-03-073	260-48-560	NEW-P	96-04-066	260-70-620	NEW-P	96-04-067
246-920-600	REP	96-03-073	260-48-570	NEW-P	96-04-066	260-70-630	NEW-P	96-04-067
246-920-610	REP	96-03-073	260-48-580	NEW-P	96-04-066	260-70-640	NEW-P	96-04-067
246-920-620	REP	96-03-073	260-48-590	NEW-P	96-04-066	260-70-650	NEW-P	96-04-067
246-920-630	REP	96-03-073	260-48-600	NEW-P	96-04-066	260-70-660	NEW-P	96-04-067
246-920-640	REP	96-03-073	260-48-610	NEW-P	96-04-066	260-70-670	NEW-P	96-04-067
246-920-650	REP	96-03-073	260-48-620	NEW-P	96-04-066	260-70-680	NEW-P	96-04-067
246-920-660	REP	96-03-073	260-48-630	NEW-P	96-04-066	260-70-690	NEW-P	96-04-067
246-920-670	REP	96-03-073	260-48-640	NEW-P	96-04-066	260-70-700	NEW-P	96-04-067
246-920-680	REP	96-03-073	260-48-650	NEW-P	96-04-066	260-70-710	NEW-P	96-04-067
246-920-690	REP	96-03-073	260-48-660	NEW-P	96-04-066	260-70-720	NEW-P	96-04-067
246-920-710	REP	96-03-073	260-48-670	NEW-P	96-04-066	260-70-730	NEW-P	96-04-067
246-920-720	REP	96-03-073	260-48-800	NEW-P	96-04-066	275-26-010	AMD-P	96-07-090
246-920-730	REP	96-03-073	260-48-810	NEW-P	96-04-066	275-26-074	NEW-P	96-07-090
246-920-740	REP	96-03-073	260-48-820	NEW-P	96-04-066	275-26-076	NEW-P	96-07-090
246-920-750	REP	96-03-073	260-48-830	NEW-P	96-04-066	275-26-077	NEW-P	96-07-090
246-920-760	REP	96-03-073	260-48-840	NEW-P	96-04-066	284-02-010	AMD-P	96-04-087
246-920-770	REP	96-03-073	260-48-850	NEW-P	96-04-066	284-02-020	AMD-P	96-04-087
246-920-780	REP	96-03-073	260-48-860	NEW-P	96-04-066	284-02-030	AMD-P	96-04-087
246-920-890	REP	96-03-073	260-48-870	NEW-P	96-04-066	284-02-040	AMD-P	96-04-087
246-924-080	AMD-P	96-02-086	260-48-890	NEW-P	96-04-066	284-02-050	AMD-P	96-04-087
246-924-250	AMD-P	96-02-086	260-48-900	NEW-P	96-04-066	284-02-060	AMD-P	96-04-087

TABLE

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
284-02-070	AMD-P	96-04-087	292-06-010	NEW-P	96-04-083	296-17-507	NEW-P	96-05-065
284-02-080	AMD-P	96-04-087	292-06-020	NEW-P	96-04-083	296-17-50703	NEW-P	96-05-065
284-02-100	AMD-P	96-04-087	292-06-030	NEW-P	96-04-083	296-17-508	AMD-P	96-05-064
284-07-050	AMD-P	96-05-091	292-06-040	NEW-P	96-04-083	296-17-508	AMD-P	96-05-065
284-07-070	AMD-P	96-05-091	292-06-050	NEW-P	96-04-083	296-17-50904	REP-P	96-05-064
284-10-140	NEW-C	96-03-033	292-06-060	NEW-P	96-04-083	296-17-50904	REP-P	96-05-065
284-10-140	NEW-C	96-03-075	292-06-070	NEW-P	96-04-083	296-17-50908	NEW-P	96-05-064
284-10-140	NEW	96-04-060	292-06-080	NEW-P	96-04-083	296-17-50908	NEW-P	96-05-065
284-44-140	AMD-P	96-07-081	292-06-090	NEW-P	96-04-083	296-17-50910	NEW-P	96-05-064
284-44-345	REP-P	96-05-091	292-06-100	NEW-P	96-04-083	296-17-50910	NEW-P	96-05-065
284-46-025	NEW-P	96-07-081	292-06-110	NEW-P	96-04-083	296-17-50912	NEW-P	96-05-064
284-46-060	REP-P	96-05-091	292-06-130	NEW-P	96-04-083	296-17-50912	NEW-P	96-05-065
284-54-170	NEW-W	96-04-018	292-06-140	NEW-P	96-04-083	296-17-50915	NEW-P	96-05-064
284-58-030	AMD-P	96-07-081	292-06-160	NEW-P	96-04-083	296-17-50915	NEW-P	96-05-065
284-58-250	AMD-P	96-07-081	292-06-170	NEW-P	96-04-083	296-17-50917	NEW-P	96-05-064
284-66-020	AMD-P	96-04-086	292-06-190	NEW-P	96-04-083	296-17-50917	NEW-P	96-05-065
284-66-063	AMD-P	96-04-086	292-06-200	NEW-P	96-04-083	296-17-510	AMD-P	96-05-064
284-66-077	AMD-P	96-04-086	292-06-210	NEW-P	96-04-083	296-17-510	AMD-P	96-05-065
284-66-110	AMD-P	96-04-086	292-06-220	NEW-P	96-04-083	296-17-511	AMD-P	96-05-064
284-66-120	AMD-P	96-04-086	292-06-230	NEW-P	96-04-083	296-17-511	AMD-P	96-05-065
284-66-130	AMD-P	96-04-086	292-06-240	NEW-P	96-04-083	296-17-51101	NEW-P	96-05-064
284-66-135	NEW-P	96-04-086	292-06-250	NEW-P	96-04-083	296-17-51101	NEW-P	96-05-065
284-66-142	AMD-P	96-04-086	292-06-270	NEW-P	96-04-083	296-17-512	AMD-P	96-05-064
284-66-203	AMD-P	96-04-086	292-06-280	NEW-P	96-04-083	296-17-512	AMD-P	96-05-065
286-04-010	AMD-P	96-04-054	292-08-010	REP-P	96-05-006	296-17-512	AMD-P	96-05-064
286-04-030	AMD-P	96-04-054	292-08-020	REP-P	96-05-006	296-17-513	AMD-P	96-05-065
286-04-060	AMD-P	96-04-054	292-08-030	REP-P	96-05-006	296-17-513	AMD-P	96-05-064
286-04-070	AMD-P	96-04-054	292-08-040	REP-P	96-05-006	296-17-51301	NEW-P	96-05-064
286-04-080	AMD-P	96-04-054	292-08-050	REP-P	96-05-006	296-17-51301	NEW-P	96-05-065
286-04-090	AMD-P	96-04-054	292-12-010	REP-P	96-05-006	296-17-517	AMD-P	96-05-064
286-13-010	AMD-P	96-04-054	292-12-020	REP-P	96-05-006	296-17-517	AMD-P	96-05-065
286-13-020	AMD-P	96-04-054	292-12-030	REP-P	96-05-006	296-17-519	AMD-P	96-05-064
286-13-030	AMD-P	96-04-054	292-12-040	REP-P	96-05-006	296-17-519	AMD-P	96-05-065
286-13-040	AMD-P	96-04-054	292-12-050	REP-P	96-05-006	296-17-52002	AMD-P	96-05-064
286-13-045	NEW-P	96-04-054	292-12-060	REP-P	96-05-006	296-17-52002	AMD-P	96-05-065
286-13-060	AMD-P	96-04-054	292-12-070	REP-P	96-05-006	296-17-52103	AMD-P	96-05-064
286-13-070	AMD-P	96-04-054	292-12-080	REP-P	96-05-006	296-17-52103	AMD-P	96-05-065
286-13-080	AMD-P	96-04-054	292-12-090	REP-P	96-05-006	296-17-52104	AMD-P	96-05-064
286-13-085	AMD-P	96-04-054	292-12-110	REP-P	96-05-006	296-17-52104	AMD-P	96-05-065
286-13-100	AMD-P	96-04-054	292-12-120	REP-P	96-05-006	296-17-52107	AMD-P	96-05-064
286-13-110	AMD-P	96-04-054	292-12-130	REP-P	96-05-006	296-17-52107	AMD-P	96-05-065
286-13-115	AMD-P	96-04-054	292-12-140	REP-P	96-05-006	296-17-52110	AMD-P	96-05-064
286-26-010	AMD-P	96-04-054	292-12-150	REP-P	96-05-006	296-17-52110	AMD-P	96-05-065
286-26-020	AMD-P	96-04-054	292-12-160	REP-P	96-05-006	296-17-52112	NEW-P	96-05-064
286-26-030	REP-P	96-04-054	292-12-170	REP-P	96-05-006	296-17-52112	NEW-P	96-05-065
286-26-080	AMD-P	96-04-054	292-12-180	REP-P	96-05-006	296-17-52113	NEW-P	96-05-064
286-26-100	AMD-P	96-04-054	292-100-010	NEW-E	96-03-072	296-17-524	AMD-P	96-05-064
286-26-110	NEW-P	96-04-054	292-100-020	NEW-E	96-03-072	296-17-524	AMD-P	96-05-065
286-27-010	AMD-P	96-04-054	292-100-030	NEW-E	96-03-072	296-17-526	AMD-P	96-05-064
286-27-030	REP-P	96-04-054	292-100-040	NEW-E	96-03-072	296-17-526	AMD-P	96-05-065
286-27-040	AMD-P	96-04-054	292-100-050	NEW-E	96-03-072	296-17-527	AMD-P	96-05-064
286-27-050	AMD-P	96-04-054	292-100-060	NEW-E	96-03-072	296-17-527	AMD-P	96-05-065
286-27-055	NEW-P	96-04-054	292-100-070	NEW-E	96-03-072	296-17-528	AMD-P	96-05-064
286-27-065	NEW-P	96-04-054	292-100-080	NEW-E	96-03-072	296-17-528	AMD-P	96-05-065
286-27-070	REP-P	96-04-054	292-100-090	NEW-E	96-03-072	296-17-529	AMD-P	96-05-064
286-27-075	NEW-P	96-04-054	292-100-100	NEW-E	96-03-072	296-17-529	AMD-P	96-05-065
286-27-080	REP-P	96-04-054	292-100-110	NEW-E	96-03-072	296-17-530	REP-P	96-05-064
286-30-010	AMD-P	96-04-054	296-17-420	AMD-P	96-05-064	296-17-530	REP-P	96-05-065
286-30-020	REP-P	96-04-054	296-17-420	AMD-P	96-05-065	296-17-534	AMD-P	96-05-064
286-30-030	AMD-P	96-04-054	296-17-440	AMD-P	96-05-064	296-17-534	AMD-P	96-05-065
286-35	AMD-P	96-04-054	296-17-440	AMD-P	96-05-065	296-17-53501	AMD-P	96-05-064
286-35-020	REP-P	96-04-054	296-17-45003	AMD-P	96-05-064	296-17-53501	AMD-P	96-05-065
286-35-030	AMD-P	96-04-054	296-17-45003	AMD-P	96-05-065	296-17-53502	AMD-P	96-05-064
286-35-040	AMD-P	96-04-054	296-17-501	AMD-P	96-05-064	296-17-53502	AMD-P	96-05-065
286-35-050	REP-P	96-04-054	296-17-501	AMD-P	96-05-065	296-17-536	AMD-P	96-05-064
286-35-060	AMD-P	96-04-054	296-17-502	REP-P	96-05-064	296-17-536	AMD-P	96-05-065
286-35-070	REP-P	96-04-054	296-17-502	REP-P	96-05-065	296-17-538	AMD-P	96-05-064
286-40-010	AMD-P	96-04-054	296-17-503	AMD-P	96-05-064	296-17-538	AMD-P	96-05-065
286-40-020	AMD-P	96-04-054	296-17-503	AMD-P	96-05-065	296-17-53802	NEW-P	96-05-064
286-40-030	AMD-P	96-04-054	296-17-505	AMD-P	96-05-064	296-17-53802	NEW-P	96-05-065
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292-06-001	NEW-P	96-04-083	296-17-50603	NEW-P	96-05-064	296-17-53803	AMD-P	96-05-065
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296-17-546	AMD-P	96-05-064	296-17-590	AMD-P	96-05-065	296-17-692	AMD-P	96-05-064
296-17-546	AMD-P	96-05-065	296-17-59201	AMD-P	96-05-064	296-17-692	AMD-P	96-05-065
296-17-55201	AMD-P	96-05-064	296-17-59201	AMD-P	96-05-065	296-17-693	AMD-P	96-05-064
296-17-55201	AMD-P	96-05-065	296-17-59202	AMD-P	96-05-064	296-17-693	AMD-P	96-05-065
296-17-555	AMD-P	96-05-064	296-17-59202	AMD-P	96-05-065	296-17-694	AMD-P	96-05-064
296-17-555	AMD-P	96-05-065	296-17-59205	NEW-P	96-05-064	296-17-694	AMD-P	96-05-065
296-17-556	REP-P	96-05-064	296-17-59205	NEW-P	96-05-065	296-17-695	AMD-P	96-05-064
296-17-556	REP-P	96-05-065	296-17-594	AMD-P	96-05-064	296-17-695	AMD-P	96-05-065
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296-17-561	AMD-P	96-05-065	296-17-599	AMD-P	96-05-064	296-17-699	AMD-P	96-05-065
296-17-56101	AMD-P	96-05-064	296-17-599	AMD-P	96-05-065	296-17-700	AMD-P	96-05-064
296-17-56101	AMD-P	96-05-065	296-17-604	AMD-P	96-05-064	296-17-700	AMD-P	96-05-065
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296-17-563	AMD-P	96-05-065	296-17-606	AMD-P	96-05-064	296-17-703	AMD-P	96-05-065
296-17-564	AMD-P	96-05-064	296-17-606	AMD-P	96-05-065	296-17-704	AMD-P	96-05-064
296-17-564	AMD-P	96-05-065	296-17-619	AMD-P	96-05-064	296-17-704	AMD-P	96-05-065
296-17-56401	AMD-P	96-05-064	296-17-619	AMD-P	96-05-065	296-17-706	AMD-P	96-05-064
296-17-56401	AMD-P	96-05-065	296-17-620	AMD-P	96-05-064	296-17-706	AMD-P	96-05-065
296-17-56402	AMD-P	96-05-064	296-17-620	AMD-P	96-05-065	296-17-707	AMD-P	96-05-064
296-17-56402	AMD-P	96-05-065	296-17-622	AMD-P	96-05-064	296-17-707	AMD-P	96-05-065
296-17-565	AMD-P	96-05-064	296-17-622	AMD-P	96-05-065	296-17-708	AMD-P	96-05-064
296-17-565	AMD-P	96-05-065	296-17-628	AMD-P	96-05-064	296-17-708	AMD-P	96-05-065
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296-17-56602	NEW-P	96-05-065	296-17-634	AMD-P	96-05-064	296-17-709	AMD-P	96-05-065
296-17-567	AMD-P	96-05-064	296-17-634	AMD-P	96-05-065	296-17-710	AMD-P	96-05-064
296-17-567	AMD-P	96-05-065	296-17-643	AMD-P	96-05-064	296-17-710	AMD-P	96-05-065
296-17-568	AMD-P	96-05-064	296-17-643	AMD-P	96-05-065	296-17-711	AMD-P	96-05-064
296-17-568	AMD-P	96-05-065	296-17-644	AMD-P	96-05-064	296-17-711	AMD-P	96-05-065
296-17-56901	AMD-P	96-05-064	296-17-644	AMD-P	96-05-065	296-17-712	AMD-P	96-05-064
296-17-56901	AMD-P	96-05-065	296-17-645	AMD-P	96-05-064	296-17-712	AMD-P	96-05-065
296-17-57001	AMD-P	96-05-064	296-17-645	AMD-P	96-05-065	296-17-717	AMD-P	96-05-064
296-17-57001	AMD-P	96-05-065	296-17-646	AMD-P	96-05-064	296-17-717	AMD-P	96-05-065
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296-17-58503	NEW-P	96-05-064	296-17-67601	AMD-P	96-05-065	296-17-870	AMD-P	96-05-064
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296-17-895	AMD-P	96-05-064	296-305-02003	NEW-C	96-03-026	296-306	PREP	96-06-034
296-17-895	AMD-P	96-05-065	296-305-02005	NEW-C	96-03-026	296-306	PREP	96-06-078
296-17-895	AMD	96-06-025	296-305-02007	NEW-C	96-03-026	304-12-010	REP	96-04-045
296-17-915	AMD-P	96-05-064	296-305-02009	NEW-C	96-03-026	304-12-020	REP	96-04-045
296-17-915	AMD-P	96-05-065	296-305-02011	NEW-C	96-03-026	304-12-025	REP	96-04-045
296-17-919	PREP	96-03-153	296-305-02013	NEW-C	96-03-026	304-12-145	AMD	96-04-045
296-17-919	AMD-P	96-07-098	296-305-02015	NEW-C	96-03-026	304-12-290	AMD	96-04-045
296-17-920	AMD-P	96-03-115	296-305-02017	NEW-C	96-03-026	304-12-350	REP	96-04-045
296-17-920	AMD-P	96-05-064	296-305-02019	NEW-C	96-03-026	304-25-010	REP	96-04-045
296-17-920	AMD-P	96-05-065	296-305-025	AMD-C	96-03-026	304-25-020	REP	96-04-045
296-17-920	AMD	96-06-025	296-305-02501	NEW-C	96-03-026	304-25-030	REP	96-04-045
296-18A-520	PREP	96-03-106	296-305-030	AMD-C	96-03-026	304-25-040	REP	96-04-045
296-20-010	AMD-P	96-05-066	296-305-03001	NEW-C	96-03-026	304-25-050	REP	96-04-045
296-20-132	AMD-P	96-05-066	296-305-035	AMD-C	96-03-026	304-25-060	REP	96-04-045
296-20-135	AMD-P	96-05-066	296-305-040	AMD-C	96-03-026	304-25-110	REP	96-04-045
296-23-180	AMD-P	96-05-066	296-305-04001	NEW-C	96-03-026	304-25-120	REP	96-04-045
296-23-185	AMD-P	96-05-066	296-305-045	AMD-C	96-03-026	304-25-510	REP	96-04-045
296-23-220	AMD-P	96-05-066	296-305-04501	NEW-C	96-03-026	304-25-520	REP	96-04-045
296-23-230	AMD-P	96-05-066	296-305-04503	NEW-C	96-03-026	304-25-530	REP	96-04-045
296-23A-400	AMD-P	96-05-066	296-305-04505	NEW-C	96-03-026	304-25-540	REP	96-04-045
296-24-084	AMD-P	96-03-024	296-305-04507	NEW-C	96-03-026	304-25-550	REP	96-04-045
296-24-092	AMD-P	96-03-024	296-305-04509	NEW-C	96-03-026	304-25-555	REP	96-04-045
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296-305-01509	NEW-C	96-03-026	296-305-08000	NEW-C	96-03-026	308-128A-020	DECOD	96-05-018
296-305-01511	NEW-C	96-03-026	296-305-085	AMD-C	96-03-026	308-128A-030	DECOD	96-05-018
296-305-01513	NEW-C	96-03-026	296-305-090	AMD-C	96-03-026	308-128A-040	DECOD	96-05-018
296-305-01515	NEW-C	96-03-026	296-305-095	AMD-C	96-03-026	308-128B	PREP	96-06-084
296-305-01517	NEW-C	96-03-026	296-305-100	AMD-C	96-03-026	308-128B-010	DECOD	96-05-018

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
308-128B-020	DECOD	96-05-018	315-11A-165	NEW	96-07-015	356-30-050	AMD	96-02-073
308-128B-030	DECOD	96-05-018	315-11A-166	NEW-P	96-03-157	356-30-065	AMD-W	96-02-069
308-128B-050	DECOD	96-05-018	315-11A-166	NEW	96-07-015	356-30-067	AMD-W	96-02-069
308-128B-070	DECOD	96-05-018	315-11A-167	NEW-P	96-03-157	356-30-230	AMD	96-02-073
308-128B-080	DECOD	96-05-018	315-11A-167	NEW	96-07-015	356-30-315	AMD	96-02-073
308-128B-090	DECOD	96-05-018	315-11A-168	NEW-P	96-07-104	356-30-330	AMD	96-02-073
308-128C	PREP	96-06-084	315-11A-169	NEW-P	96-07-104	356-37-020	AMD-P	96-04-052A
308-128C-020	DECOD	96-05-018	315-11A-170	NEW-P	96-07-104	356-37-020	AMD	96-07-093
308-128C-030	DECOD	96-05-018	315-11A-171	NEW-P	96-07-104	356-37-030	AMD-P	96-04-052A
308-128C-040	DECOD	96-05-018	315-11A-172	NEW-P	96-07-104	356-37-030	AMD	96-07-093
308-128C-050	DECOD	96-05-018	315-11A-173	NEW-P	96-07-104	356-37-040	AMD-P	96-04-052A
308-128D	PREP	96-06-084	317-21-020	AMD	96-03-070	356-37-040	AMD	96-07-093
308-128D-010	DECOD	96-05-018	317-21-030	AMD	96-03-070	356-37-050	AMD-P	96-04-052A
308-128D-020	DECOD	96-05-018	317-21-120	AMD	96-03-070	356-37-050	AMD	96-07-093
308-128D-030	DECOD	96-05-018	317-21-200	AMD	96-03-070	356-37-100	AMD-P	96-04-052A
308-128D-040	DECOD	96-05-018	317-21-205	AMD	96-03-070	356-37-100	AMD	96-07-093
308-128D-050	DECOD	96-05-018	317-21-210	AMD	96-03-070	356-37-160	NEW-P	96-04-052A
308-128D-060	DECOD	96-05-018	317-21-215	AMD	96-03-070	356-37-160	NEW	96-07-093
308-128D-070	DECOD	96-05-018	317-21-235	AMD	96-03-070	356-37-170	NEW-P	96-04-052A
308-128D-080	DECOD	96-05-018	317-21-245	AMD	96-03-070	356-37-170	NEW	96-07-093
308-128E	PREP	96-06-084	317-21-265	AMD	96-03-070	356-42-020	AMD-P	96-06-059
308-128E-011	DECOD	96-05-018	317-21-320	AMD	96-03-070	356-42-055	AMD-P	96-04-052A
308-128F	PREP	96-06-084	317-21-345	AMD	96-03-070	356-42-055	AMD	96-07-093
308-128F-010	DECOD	96-05-018	317-21-500	AMD	96-03-070	356-46-080	AMD	96-02-073
308-128F-020	DECOD	96-05-018	317-21-530	AMD	96-03-070	365-185-010	NEW-E	96-03-045
308-128F-040	DECOD	96-05-018	317-21-540	AMD	96-03-070	365-185-010	NEW	96-04-046
308-128F-050	DECOD	96-05-018	317-30-010	REP-P	96-03-071	365-185-020	NEW-E	96-03-045
308-128F-060	DECOD	96-05-018	317-30-020	REP-P	96-03-071	365-185-020	NEW	96-04-046
308-128F-070	DECOD	96-05-018	317-30-030	REP-P	96-03-071	365-185-030	NEW-E	96-03-045
314-12-020	AMD	96-03-004	317-30-040	REP-P	96-03-071	365-185-030	NEW	96-04-046
314-12-025	AMD	96-03-004	317-30-050	REP-P	96-03-071	365-185-040	NEW-E	96-03-045
314-12-035	AMD	96-03-004	317-30-060	REP-P	96-03-071	365-185-040	NEW	96-04-046
314-12-070	AMD	96-03-004	317-30-070	REP-P	96-03-071	365-185-050	NEW-E	96-03-045
314-12-080	AMD	96-03-004	317-30-080	REP-P	96-03-071	365-185-050	NEW	96-04-046
314-14-010	NEW	96-03-074	317-30-090	REP-P	96-03-071	365-185-060	NEW-E	96-03-045
314-14-020	NEW	96-03-074	317-30-100	REP-P	96-03-071	365-185-060	NEW	96-04-046
314-14-030	NEW	96-03-074	317-30-110	REP-P	96-03-071	374-60-030	AMD	96-04-005
314-14-040	NEW	96-03-074	317-30-120	REP-P	96-03-071	374-60-120	AMD	96-04-005
314-14-050	NEW	96-03-074	317-30-130	REP-P	96-03-071	388-11-010	REP-P	96-06-039
314-14-060	NEW	96-03-074	317-30-140	REP-P	96-03-071	388-11-011	AMD-P	96-06-039
314-14-070	NEW	96-03-074	317-30-150	REP-P	96-03-071	388-11-015	AMD-P	96-06-039
314-14-080	NEW	96-03-074	317-30-900	REP-P	96-03-071	388-11-030	REP-P	96-06-039
314-14-090	NEW	96-03-074	317-31-010	NEW-P	96-03-071	388-11-032	REP-P	96-06-039
314-14-100	NEW	96-03-074	317-31-020	NEW-P	96-03-071	388-11-035	REP-P	96-06-039
314-14-110	NEW	96-03-074	317-31-030	NEW-P	96-03-071	388-11-040	REP-P	96-06-039
314-14-120	NEW	96-03-074	317-31-100	NEW-P	96-03-071	388-11-045	AMD-P	96-06-039
314-14-130	NEW	96-03-074	317-31-110	NEW-P	96-03-071	388-11-048	AMD-P	96-06-039
314-14-140	NEW	96-03-074	317-31-120	NEW-P	96-03-071	388-11-055	REP-P	96-06-039
314-14-150	NEW	96-03-074	317-31-130	NEW-P	96-03-071	388-11-060	REP-P	96-06-039
314-14-160	NEW	96-03-074	317-31-140	NEW-P	96-03-071	388-11-065	AMD-P	96-06-039
314-16-196	AMD	96-03-005	317-31-200	NEW-P	96-03-071	388-11-120	AMD-P	96-06-039
314-20-100	AMD-P	96-07-101	317-31-210	NEW-P	96-03-071	388-11-140	AMD-P	96-06-039
314-24-190	AMD-P	96-07-101	317-31-220	NEW-P	96-03-071	388-11-150	AMD-P	96-06-039
314-24-220	AMD-P	96-07-100	317-31-230	NEW-P	96-03-071	388-11-210	AMD-P	96-06-039
314-70-010	AMD	96-03-004	317-31-240	NEW-P	96-03-071	388-11-215	AMD-P	96-06-039
314-70-030	AMD	96-03-004	317-31-250	NEW-P	96-03-071	388-11-220	AMD-P	96-06-039
315-04-220	AMD	96-03-039	317-31-300	NEW-P	96-03-071	388-11-280	NEW-P	96-06-039
315-10-050	PREP	96-03-156	317-31-310	NEW-P	96-03-071	388-11-285	NEW-P	96-06-039
315-10-050	REP-P	96-07-104	317-31-900	NEW-P	96-03-071	388-11-290	NEW-P	96-06-039
315-11A-157	NEW-W	96-03-038	326-30-041	PREP	96-07-089	388-11-295	NEW-P	96-06-039
315-11A-157	NEW-P	96-03-157	326-40-030	PREP	96-07-088	388-11-300	NEW-P	96-06-039
315-11A-157	NEW	96-07-015	332-24-720	AMD	96-03-003	388-11-305	NEW-P	96-06-039
315-11A-158	NEW	96-03-039	356-05-415	AMD-W	96-02-069	388-11-310	NEW-P	96-06-039
315-11A-159	NEW	96-03-039	356-14-240	AMD	96-02-073	388-11-315	NEW-P	96-06-039
315-11A-160	NEW	96-03-039	356-15-050	AMD	96-02-073	388-11-400	NEW-P	96-06-039
315-11A-161	NEW	96-03-039	356-15-060	AMD-P	96-02-070	388-11-405	NEW-P	96-06-039
315-11A-162	NEW-P	96-03-157	356-15-060	AMD-C	96-07-092	388-11-410	NEW-P	96-06-039
315-11A-162	NEW	96-07-015	356-15-070	AMD	96-02-073	388-11-415	NEW-P	96-06-039
315-11A-163	NEW-P	96-03-157	356-15-090	AMD	96-02-073	388-11-420	NEW-P	96-06-039
315-11A-163	NEW	96-07-015	356-15-110	AMD	96-02-073	388-11-425	NEW-P	96-06-039
315-11A-164	NEW-P	96-03-157	356-18-112	AMD-W	96-02-069	388-11-430	NEW-P	96-06-039
315-11A-164	NEW	96-07-015	356-18-116	AMD	96-02-073	388-15	PREP	96-06-009
315-11A-165	NEW-P	96-03-157	356-30-025	REP-W	96-02-069	388-15-145	AMD-P	96-06-014

TABLE

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
388-15-900	REP-P	96-04-084	388-76-050	REP-P	96-06-040	388-76-630	NEW-P	96-06-040
388-15-905	REP-P	96-04-084	388-76-060	REP-P	96-06-040	388-76-635	NEW-P	96-06-040
388-15-910	REP-P	96-04-084	388-76-070	REP-P	96-06-040	388-76-640	NEW-P	96-06-040
388-15-915	REP-P	96-04-084	388-76-080	REP-P	96-06-040	388-76-645	NEW-P	96-06-040
388-15-920	REP-P	96-04-084	388-76-085	REP-P	96-06-040	388-76-650	NEW-P	96-06-040
388-15-925	REP-P	96-04-084	388-76-087	REP-P	96-06-040	388-76-655	NEW-P	96-06-040
388-15-935	REP-P	96-04-084	388-76-090	REP-P	96-06-040	388-76-660	NEW-P	96-06-040
388-15-940	REP-P	96-04-084	388-76-095	REP-P	96-06-040	388-76-665	NEW-P	96-06-040
388-15-945	REP-P	96-04-084	388-76-100	REP-P	96-06-040	388-76-670	NEW-P	96-06-040
388-15-950	REP-P	96-04-084	388-76-110	REP-P	96-06-040	388-76-675	NEW-P	96-06-040
388-15-955	REP-P	96-04-084	388-76-130	REP-P	96-06-040	388-76-680	NEW-P	96-06-040
388-49-020	AMD-P	96-03-013	388-76-140	REP-P	96-06-040	388-76-685	NEW-P	96-06-040
388-49-020	AMD	96-06-031	388-76-155	REP-P	96-06-040	388-76-690	NEW-P	96-06-040
388-49-160	PREP	96-07-094	388-76-160	REP-P	96-06-040	388-76-695	NEW-P	96-06-040
388-49-330	AMD-P	96-04-036	388-76-170	REP-P	96-06-040	388-76-700	NEW-P	96-06-040
388-49-330	AMD	96-07-053	388-76-180	REP-P	96-06-040	388-76-705	NEW-P	96-06-040
388-49-410	AMD-P	96-04-008	388-76-185	REP-P	96-06-040	388-76-710	NEW-P	96-06-040
388-49-410	AMD	96-07-022	388-76-190	REP-P	96-06-040	388-76-715	NEW-P	96-06-040
388-49-500	AMD-P	96-03-097	388-76-200	REP-P	96-06-040	388-76-720	NEW-P	96-06-040
388-49-500	AMD	96-06-046	388-76-220	REP-P	96-06-040	388-76-725	NEW-P	96-06-040
388-49-670	AMD-P	96-03-095	388-76-240	REP-P	96-06-040	388-76-730	NEW-P	96-06-040
388-49-670	AMD	96-06-042	388-76-250	REP-P	96-06-040	388-76-735	NEW-P	96-06-040
388-55-006	NEW	96-05-009	388-76-260	REP-P	96-06-040	388-76-740	NEW-P	96-06-040
388-55-008	NEW	96-05-009	388-76-280	REP-P	96-06-040	388-76-745	NEW-P	96-06-040
388-55-010	AMD	96-05-009	388-76-290	REP-P	96-06-040	388-76-750	NEW-P	96-06-040
388-55-020	AMD	96-05-009	388-76-300	REP-P	96-06-040	388-76-755	NEW-P	96-06-040
388-55-024	NEW	96-05-009	388-76-310	REP-P	96-06-040	388-76-760	NEW-P	96-06-040
388-55-027	NEW	96-05-009	388-76-320	REP-P	96-06-040	388-76-765	NEW-P	96-06-040
388-55-030	AMD	96-05-009	388-76-325	REP-P	96-06-040	388-76-770	NEW-P	96-06-040
388-55-040	AMD	96-05-009	388-76-330	REP-P	96-06-040	388-76-775	NEW-P	96-06-040
388-55-050	NEW	96-05-009	388-76-340	REP-P	96-06-040	388-76-780	NEW-P	96-06-040
388-55-060	NEW	96-05-009	388-76-350	REP-P	96-06-040	388-76-785	NEW-P	96-06-040
388-73-012	AMD-P	96-06-051	388-76-360	REP-P	96-06-040	388-76-790	NEW-P	96-06-040
388-73-012	AMD-E	96-07-079	388-76-370	REP-P	96-06-040	388-76-795	NEW-P	96-06-040
388-73-014	AMD-P	96-06-051	388-76-380	REP-P	96-06-040	388-86	PREP	96-07-042
388-73-014	AMD-E	96-07-079	388-76-390	REP-P	96-06-040	388-86	PREP	96-07-043
388-73-01950	AMD-P	96-06-051	388-76-390	REP-P	96-06-040	388-86	PREP	96-07-044
388-73-01950	AMD-E	96-07-079	388-76-400	REP-P	96-06-040	388-86	PREP	96-07-045
388-73-020	AMD-P	96-06-051	388-76-405	REP-P	96-06-040	388-87	PREP	96-07-042
388-73-020	AMD-E	96-07-079	388-76-410	REP-P	96-06-040	388-87	PREP	96-07-043
388-73-020	AMD-C	96-03-105	388-76-420	REP-P	96-06-040	388-87	PREP	96-07-044
388-73-030	AMD-S	96-05-061	388-76-430	REP-P	96-06-040	388-87	PREP	96-07-045
388-73-030	RESCIND	96-05-067	388-76-435	REP-P	96-06-040	388-87	PREP	96-07-045
388-73-030	AMD-E	96-05-068	388-76-440	REP-P	96-06-040	388-96	PREP	96-07-024
388-73-036	AMD-S	96-05-061	388-76-450	REP-P	96-06-040	388-110-005	NEW-P	96-04-084
388-73-036	AMD-E	96-05-068	388-76-460	REP-P	96-06-040	388-110-010	NEW-P	96-04-084
388-73-048	AMD-P	96-06-051	388-76-465	REP-P	96-06-040	388-110-020	NEW-P	96-04-084
388-73-048	AMD-E	96-07-079	388-76-467	REP-P	96-06-040	388-110-030	NEW-P	96-04-084
388-73-054	AMD-P	96-06-051	388-76-470	REP-P	96-06-040	388-110-040	NEW-P	96-04-084
388-73-054	AMD-E	96-07-079	388-76-475	REP-P	96-06-040	388-110-050	NEW-P	96-04-084
388-73-606	AMD-P	96-06-051	388-76-480	REP-P	96-06-040	388-110-060	NEW-P	96-04-084
388-73-606	AMD-E	96-07-079	388-76-490	REP-P	96-06-040	388-110-070	NEW-P	96-04-084
388-73-800	AMD-P	96-06-051	388-76-500	REP-P	96-06-040	388-110-080	NEW-P	96-04-084
388-73-800	AMD-E	96-07-079	388-76-520	REP-P	96-06-040	388-110-090	NEW-P	96-04-084
388-73-803	NEW-P	96-06-051	388-76-530	REP-P	96-06-040	388-110-100	NEW-P	96-04-084
388-73-803	NEW-E	96-07-079	388-76-535	NEW-P	96-06-040	388-110-110	NEW-P	96-04-084
388-73-805	NEW-P	96-06-051	388-76-540	NEW-P	96-06-040	388-110-120	NEW-P	96-04-084
388-73-805	NEW-E	96-07-079	388-76-545	NEW-P	96-06-040	388-110-140	NEW-P	96-04-084
388-73-815	AMD-P	96-06-051	388-76-550	NEW-P	96-06-040	388-110-150	NEW-P	96-04-084
388-73-815	AMD-E	96-07-079	388-76-555	NEW-P	96-06-040	388-110-170	NEW-P	96-04-084
388-73-821	NEW-P	96-06-051	388-76-560	NEW-P	96-06-040	388-110-180	NEW-P	96-04-084
388-73-821	NEW-E	96-07-079	388-76-565	NEW-P	96-06-040	388-110-190	NEW-P	96-04-084
388-73-822	NEW-P	96-06-051	388-76-570	NEW-P	96-06-040	388-110-200	NEW-P	96-04-084
388-73-822	NEW-E	96-07-079	388-76-575	NEW-P	96-06-040	388-110-210	NEW-P	96-04-084
388-73-823	NEW-P	96-06-051	388-76-580	NEW-P	96-06-040	388-110-220	NEW-P	96-04-084
388-73-823	NEW-E	96-07-079	388-76-585	NEW-P	96-06-040	388-110-230	NEW-P	96-04-084
388-73-825	NEW-P	96-06-051	388-76-590	NEW-P	96-06-040	388-110-240	NEW-P	96-04-084
388-73-825	NEW-E	96-07-079	388-76-595	NEW-P	96-06-040	388-110-250	NEW-P	96-04-084
388-76-010	REP-P	96-06-040	388-76-600	NEW-P	96-06-040	388-110-260	NEW-P	96-04-084
388-76-020	REP-P	96-06-040	388-76-605	NEW-P	96-06-040	388-110-270	NEW-P	96-04-084
388-76-030	REP-P	96-06-040	388-76-610	NEW-P	96-06-040	388-110-280	NEW-P	96-04-084
388-76-040	REP-P	96-06-040	388-76-615	NEW-P	96-06-040	388-150-090	AMD-C	96-03-105
388-76-045	REP-P	96-06-040	388-76-620	NEW-P	96-06-040	388-150-090	AMD-S	96-05-061
			388-76-625	NEW-P	96-06-040	388-150-090	RESCIND	96-05-067

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
388-150-090	AMD-E	96-05-068	388-270-1125	PREP	96-06-008	391-08-650	NEW	96-07-105
388-151-090	AMD-C	96-03-105	388-290-135	AMD-P	96-06-026	391-08-670	NEW-P	96-03-135
388-151-090	AMD-S	96-05-061	388-330-010	AMD-C	96-03-105	391-08-670	NEW	96-07-105
388-151-090	RESCIND	96-05-067	388-330-010	AMD-S	96-05-061	391-08-820	AMD-P	96-03-135
388-151-090	AMD-E	96-05-068	388-330-010	RESCIND	96-05-067	391-08-820	AMD	96-07-105
388-155-060	AMD-P	96-07-010	388-330-010	AMD-E	96-05-068	391-25-001	AMD-P	96-03-135
388-155-070	AMD-P	96-07-010	388-330-035	NEW-C	96-03-105	391-25-001	AMD	96-07-105
388-155-090	AMD-C	96-03-105	388-330-035	NEW-S	96-05-061	391-25-011	NEW-P	96-03-135
388-155-090	AMD-S	96-05-061	388-330-035	RESCIND	96-05-067	391-25-011	NEW	96-07-105
388-155-090	RESCIND	96-05-067	388-330-035	NEW-E	96-05-068	391-25-030	AMD-P	96-03-135
388-155-090	AMD-E	96-05-068	388-501-0130	AMD-P	96-03-066	391-25-030	AMD	96-07-105
388-155-600	NEW-P	96-07-010	388-501-0130	AMD	96-06-041	391-25-050	AMD-P	96-03-135
388-155-605	NEW-P	96-07-010	388-503-0310	PREP	96-04-025	391-25-050	AMD	96-07-105
388-155-610	NEW-P	96-07-010	388-507-0710	AMD-P	96-06-010	391-25-070	AMD-P	96-03-135
388-155-620	NEW-P	96-07-010	388-507-0740	AMD-P	96-04-037	391-25-070	AMD	96-07-105
388-155-630	NEW-P	96-07-010	388-507-0740	AMD	96-07-023	391-25-090	AMD-P	96-03-135
388-155-640	NEW-P	96-07-010	388-509-0920	PREP	96-05-035	391-25-090	AMD	96-07-105
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388-155-680	NEW-P	96-07-010	388-513-1365	PREP	96-05-034	391-25-130	AMD	96-07-105
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391-55-210	AMD	96-07-105	392-109-065	AMD-P	96-04-033	392-140-497	AMD-P	96-02-078
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391-55-425	REP	96-07-105	392-127-011	AMD	96-05-022	419-36-030	DECOD	96-06-011
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460-10A-100	REP-P	96-07-084	468-86-060	NEW-W	96-05-032	495D-120-085	NEW	96-07-049
460-10A-105	REP-P	96-07-084	468-86-070	NEW-W	96-05-032	516-12	PREP	96-03-110
460-10A-110	AMD-P	96-07-084	468-86-080	NEW-W	96-05-032	516-22-005	REP	96-03-103
460-10A-115	REP-P	96-07-084	468-86-090	NEW-W	96-05-032	516-22-010	REP	96-03-103
460-10A-120	REP-P	96-07-084	468-86-100	NEW-W	96-05-032	516-22-015	REP	96-03-103
460-10A-125	REP-P	96-07-084	468-86-110	NEW-W	96-05-032	516-22-020	REP	96-03-103
460-10A-130	AMD-P	96-07-084	468-86-120	NEW-W	96-05-032	516-22-025	REP	96-03-103
460-10A-135	REP-P	96-07-084	468-86-130	NEW-W	96-05-032	516-22-030	REP	96-03-103
460-10A-140	REP-P	96-07-084	468-86-140	NEW-W	96-05-032	516-22-035	REP	96-03-103
460-10A-145	REP-P	96-07-084	468-86-150	NEW-W	96-05-032	516-22-040	REP	96-03-103
460-10A-150	REP-P	96-07-084	468-86-160	NEW-W	96-05-032	516-22-100	REP	96-03-103
460-10A-155	REP-P	96-07-084	468-86-170	NEW-W	96-05-032	516-22-120	REP	96-03-103
460-10A-170	AMD-P	96-07-084	468-86-180	NEW-W	96-05-032	516-22-124	REP	96-03-103
460-10A-180	AMD-P	96-07-084	468-86-190	NEW-W	96-05-032	516-22-130	REP	96-03-103
460-10A-185	NEW-P	96-07-084	468-86-200	NEW-W	96-05-032	516-22-134	REP	96-03-103
460-10A-190	NEW-P	96-07-084	468-86-210	NEW-W	96-05-032	516-22-138	REP	96-03-103
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460-17A-030	AMD-P	96-07-083	468-200-240	NEW	96-02-067	516-23-105	NEW	96-03-103
460-17A-040	AMD-P	96-07-083	468-200-250	NEW	96-02-067	516-23-110	NEW	96-03-103
460-17A-050	AMD-P	96-07-083	468-200-260	NEW	96-02-067	516-23-115	NEW	96-03-103
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