

Washington State Register

July 15, 1998

OLYMPIA, WASHINGTON

ISSUE 98-14



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CITATION

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

PUBLIC INSPECTION OF DOCUMENTS

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) 786-6697.

REPUBLICATION OF OFFICIAL DOCUMENTS

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

CERTIFICATE

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

DENNIS W. COOPER
Code Reviser

STATE MAXIMUM INTEREST RATE

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

The maximum allowable interest rate applicable for the month of July 1998 pursuant to RCW 19.52.020 is twelve point zero percent (12.00%).

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

WASHINGTON STATE REGISTER

(ISSN 0164-6389) is published twice each month by the Statute Law Committee, Office of the Code Reviser, Olympia, WA 98504-0552, pursuant to RCW 34.08.020. Subscription rate is \$210.60 per year, sales tax included, postpaid to points in the United States. Periodical postage paid at Olympia, Washington.

POSTMASTER: SEND ADDRESS CHANGES TO:

WASHINGTON STATE REGISTER
Code Reviser's Office
Legislative Building
P.O. Box 40552
Olympia, WA 98504-0552

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 Dilley
Chair, Statute Law Committee

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Code Reviser

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Editor

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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].

1997 - 1998
DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue No.	Closing Dates ¹			Distribution Date	First Agency Hearing Date ³	Expedited Adoption ⁴
	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>	<i>First Agency Adoption Date</i>
97-16	Jul 9	Jul 23	Aug 6	Aug 20	Sep 9	Oct 4
97-17	Jul 23	Aug 6	Aug 20	Sep 3	Sep 23	Oct 18
97-18	Aug 6	Aug 20	Sep 3	Sep 17	Oct 7	Nov 1
97-19	Aug 20	Sep 3	Sep 17	Oct 1	Oct 21	Nov 15
97-20	Sep 3	Sep 17	Oct 1	Oct 15	Nov 4	Nov 29
97-21	Sep 24	Oct 8	Oct 22	Nov 5	Nov 25	Dec 20
97-22	Oct 8	Oct 22	Nov 5	Nov 19	Dec 9	Jan 3, 1998
97-23	Oct 22	Nov 5	Nov 19	Dec 3	Dec 23	Jan 17, 1998
97-24	Nov 5	Nov 19	Dec 3	Dec 17, 1997	Jan 6, 1998	Jan 31
98-01	Nov 26	Dec 10	Dec 24, 1997	Jan 7, 1998	Jan 27	Feb 21
98-02	Dec 10	Dec 24, 1997	Jan 7, 1998	Jan 21	Feb 10	Mar 7
98-03	Dec 24, 1997	Jan 7, 1998	Jan 21	Feb 4	Feb 24	Mar 21
98-04	Jan 7	Jan 21	Feb 4	Feb 18	Mar 10	Apr 4
98-05	Jan 21	Feb 4	Feb 18	Mar 4	Mar 24	Apr 18
98-06	Feb 4	Feb 18	Mar 4	Mar 18	Apr 7	May 2
98-07	Feb 18	Mar 4	Mar 18	Apr 1	Apr 21	May 16
98-08	Mar 4	Mar 18	Apr 1	Apr 15	May 5	May 30
98-09	Mar 25	Apr 8	Apr 22	May 6	May 26	Jun 20
98-10	Apr 8	Apr 22	May 6	May 20	Jun 9	Jul 4
98-11	Apr 22	May 6	May 20	Jun 3	Jun 23	Jul 18
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98-13	May 20	Jun 3	Jun 17	Jul 1	Jul 21	Aug 15
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98-20	Sep 9	Sep 23	Oct 7	Oct 21	Nov 10	Dec 5
98-21	Sep 23	Oct 7	Oct 21	Nov 4	Nov 24	Dec 19
98-22	Oct 7	Oct 21	Nov 4	Nov 18	Dec 8	Jan 2, 1999
98-23	Oct 21	Nov 4	Nov 18	Dec 2	Dec 22	Jan 16, 1999
98-24	Nov 4	Nov 18	Dec 2	Dec 16, 1998	Jan 5, 1999	Jan 30

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.

⁴A minimum of forty-five days is required between the distribution date of the Register giving notice of the expedited adoption and the agency adoption date. No hearing is required, but the public may file written objections. See RCW 34.05.230, as amended by section 202, chapter 409, Laws of 1997.

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;

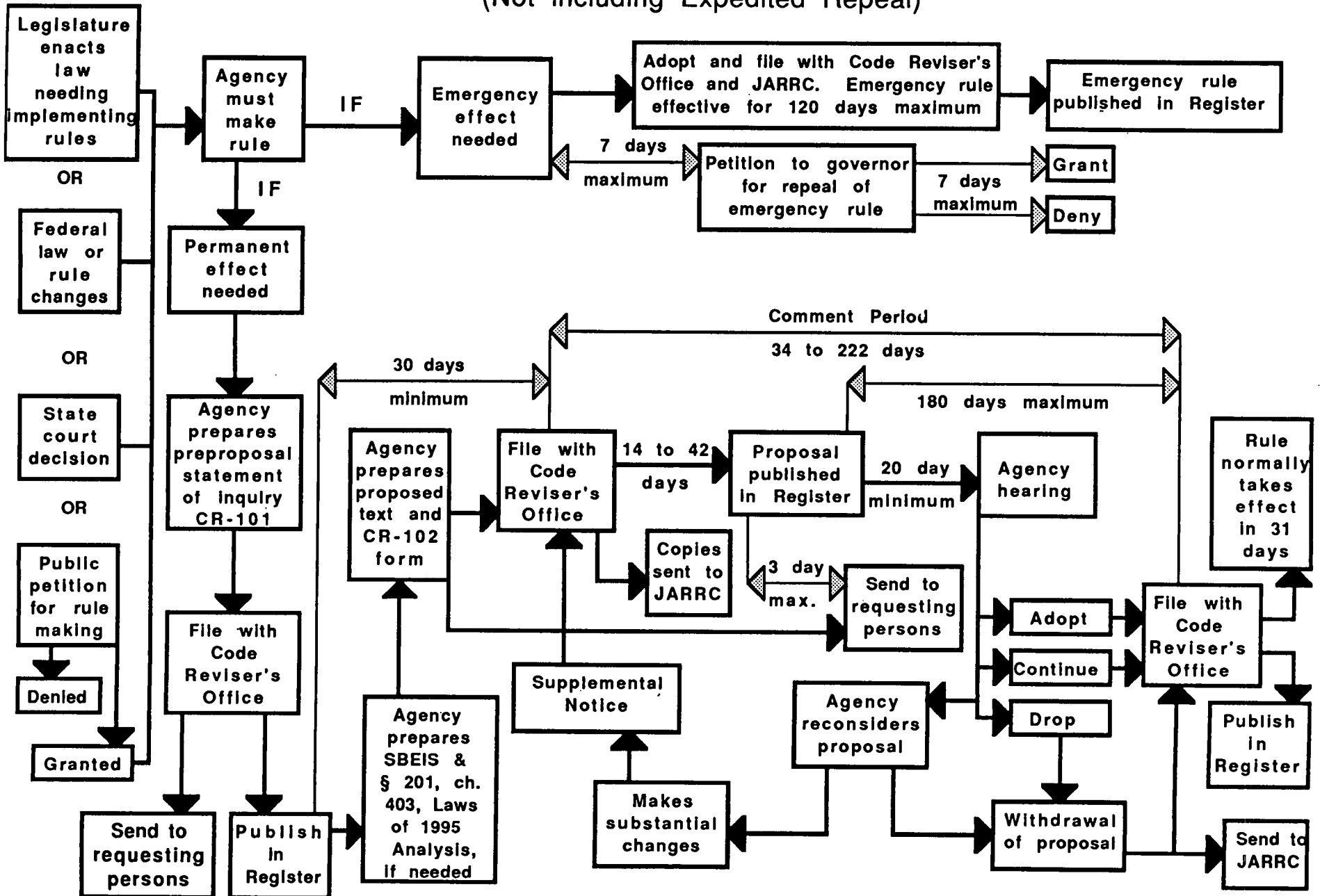
The rule REDUCES costs to business (although an SBEIS may be a useful tool for demonstrating this reduced impact);

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 98-14-018
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE
 [Filed June 19, 1998, 4:32 p.m.]

Subject of Possible Rule Making: Commercial shellfish rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 75.08.080.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Historical data show that fishing during the crab molt damages the resource because softshell crab are discarded at sea, and many discarded soft-shell crab do not survive. A deep water closure is needed to minimize the risk to fishers and processors of being cited for possessing crabs that do not meet the legal standard.

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 by contacting Bruce Crawford, Assistant Director, Fish Program, 600 Capitol Way North, Olympia, WA 98501, (360) 902-2325. Contact by October 20, 1998. Expected proposal filing October 21, 1998.

June 19, 1998

Evan Jacoby
 Rules Coordinator

WSR 98-14-029
PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION
 [Filed June 22, 1998, 3:10 p.m.]

Subject of Possible Rule Making: Location of bingo games.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule change clarifies the location a bingo game is to be conducted by an organization.

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

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 by contacting Ben Bishop, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 438-7640; Carrie Tellefson, Director of Policy, Support and Enforcement, P.O. Box 42400, Olympia, WA 98504-2400, (360) 438-7640; and Susan Arland, Public Information Officer, P.O. Box 42400, Olympia, WA 98504-2400, (360) 438-7654 ext. 374.

Meetings at the Double Tree Inn, 322 North Spokane Falls Court, Spokane, WA 99201, (509) 455-9600, on July 9 and 10; at the Inn at Gig Harbor, 3211 56th N.W., Gig Harbor, WA 98335, (253) 851-6665, on August 13 and 14; and at the Double Tree Inn, 1507 North First Street, Yakima, WA 98901, (509) 248-7850, on September 10 and 11.

June 22, 1998

Susan Arland
 Public Information Officer

WSR 98-14-040
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION
 [Filed June 24, 1998, 10:35 a.m.]

Subject of Possible Rule Making: Educational services to juveniles in adult correctional facilities.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Sections 4(4) and 9(2), chapter 244, Laws of 1998 and RCW 28A.150.290.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules are needed to implement an institutional education program for juveniles in adult correctional facilities pursuant to chapter 244, Laws of 1998.

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

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; Cal Brodie (360) 664-2117, Wayne Johnson (360) 753-6733, Allen Jones (360) 753-6708, fax (360) 664-3683.

June 24, 1998

Dr. Terry Bergeson
 Superintendent of
 Public Instruction

WSR 98-14-045
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF TRANSPORTATION
 [Filed June 24, 1998, 1:29 p.m.]

Subject of Possible Rule Making: Amending WAC 468-38-070 Maximums for special permits—Nonreducible and 468-38-071 Maximums for special permits—Reducible.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.44.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To bring WAC 468-38-070

and 468-38-071 into agreement with current practice, and thereby enhance the preservation of public safety. The rule expands reducible permits to include empty apple bins and certain qualifying loads of hay to be transported up to fifteen feet high. This was amended in April, however, the amendment was applied incorrectly to WAC 468-38-070, this filing will correct the application.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The WAC is enforced by the Washington State Patrol.

Process for Developing New Rule: Negotiated rule making; and rule has been adopted on an emergency basis to enhance public safety.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Barry Diseth, Motor Carrier Services, P.O. Box 47367, Olympia, WA 98504-7367, fax (360) 664-9440.

June 24, 1998

James P. Toohey

for Gerald E. Smith

Deputy Secretary, Operations

WSR 98-14-049

PREPROPOSAL STATEMENT OF INQUIRY WASHINGTON STATE PATROL

[Filed June 25, 1998, 4:24 p.m.]

Subject of Possible Rule Making: New chapter 204-46 WAC, Backup alert devices and rear crossview mirrors.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.37.005 and 46.37.400.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The 1998 legislature amended RCW 46.37.400, to require backup alert devices on specified delivery trucks. The amendment requires the Washington State Patrol to set standards.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington State Patrol is working in conjunction with the National Highway Traffic Safety Administration (NHTSA) to adopt the language for this rule.

Process for Developing New Rule: Pilot rule making; and the Washington State Patrol (WSP) is working in consultation with NHTSA and various stakeholders who will be required to comply with the rule. The WSP also viewed demonstrations from the manufacturers of these devices.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ms. Carol Morton, Washington State Patrol, P.O. Box 42635, Olympia, WA 98504-2635, phone (360) 412-8934, fax (360) 493-9090.

June 25, 1998

R. M. Leichner

for Annette M. Sandberg

Chief

Chapter 204-46 WAC

BACKUP ALERT DEVICES AND REAR CROSSVIEW MIRRORS

NEW SECTION

WAC 204-46-010 Promulgation. By authority of RCW 46.37.005 and 46.37.400 the Washington state patrol hereby adopts the following rules pertaining to backup alert devices and crossview mirrors.

NEW SECTION

WAC 204-46-020 Backup alert devices. Backup alert devices means any type of motion detection device, laser device, camera, or television device mounted on a truck with a cube-style, walk-in cargo box up to eighteen feet long, which will warn the driver of the detection of a human life form or object at a minimum of six feet to the rear of the vehicle and also encompass the width of the rear of the vehicle.

NEW SECTION

WAC 204-46-030 Rear crossview mirrors. Rear crossview mirrors mean any type of mirrors which, when mounted, will allow the driver of a truck with a cube-style, walk-in cargo box up to eighteen feet long, to view a minimum distance of six feet to the rear and encompass the width of the rear of the vehicle in order to be able to detect an object or human life form. These crossview mirrors shall be installed in a manner that will satisfy the above requirements.

WSR 98-14-057

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed June 29, 1998, 8:35 a.m.]

Subject of Possible Rule Making: Establish rules and fees for sale of microfilm, magnetic tape, and other information obtained from the UCC filing office; amend rules to include fee increase for filings, searches, and on-line access; review current rules for applicable amendments/deletions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 62A.9-409, 60.11.040, 60.13.040, 60.68.035, 43.24.086.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Place fees in rule for the sale of the UCC data mediums; microfilm, magnetic tape, and any other filing information obtained from the UCC filing office. Amend current rules to reflect fee increases for filing with and obtaining information from filing officers, and for on-line access to the UCC database.

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 by contacting Shirley Wheelock, Uniform Commercial Code, Department of Licensing, P.O. Box 9660, Olympia, WA 98504, phone (360) 753-2523, fax (360) 586-1404.

June 26, 1998

Shirley Wheelock
Administrator

WSR 98-14-070
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FINANCIAL INSTITUTIONS
(Securities Division)
[Filed June 30, 1998, 9:00 a.m.]

Subject of Possible Rule Making: Amendments to chapter 460-60A WAC, Financial statements and reports.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 21.20.180, 21.20.210, 21.20.450.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Update or repeal various sections to ensure consistency with the Securities Act, chapter 21.20 RCW, and to enhance clarity.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Financial statement requirements are also regulated by the SEC. Where possible, consistent with investor protection, the division attempts to make its requirements consistent with those of the SEC.

Process for Developing New Rule: Amendments to this chapter will be generated through the rules review process mandated by the Governor's Executive Order 97-02.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting William M. Beatty, Securities Division, Department of Financial Institutions, P.O. Box 9033, Olympia, WA 98507-9033, (360) 902-8760, fax (360) 704-6923, bbeatty@dfi.wa.gov, Securities Division Web Site <http://www.wa.gov/dfi/securities>.

June 25, 1998

Deborah R. Bortner
Director of Securities

WSR 98-14-080
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING
[Filed June 30, 1998, 1:15 p.m.]

Subject of Possible Rule Making: Chapter 308-56A WAC General procedures for making applications for ownership, WAC 308-56A-025, 308-56A-030, 308-56A-035, 308-56A-040, 308-56A-050, 308-56A-055, 308-56A-060, 308-56A-100, 308-56A-105, 308-56A-110, 308-56A-125, 308-56A-130, and 308-56A-135.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.01.110.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making may be required as a result of this review in accordance with Executive Order 97-02.

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

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. Interested parties are invited to participate in this rule making. Please contact Patrick J. Zlateff, Contracts Manager, Title and Registration Services, P.O. Box 2957, Olympia, WA 98507-2957, phone (360) 902-3718, fax (360) 664-0831, TDD (360) 664-8885.

June 30, 1998

Nancy Kelly, Administrator
Title and Registration Services

WSR 98-14-081
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING
[Filed June 30, 1998, 1:16 p.m.]

Subject of Possible Rule Making: Chapter 308-97 WAC, Vehicle license interstate and intrastate permits, WAC 308-97-010, 308-97-060, 308-97-090, 308-97-125, 308-97-175, 308-97-205, and 308-97-230.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.16.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making may be required as a result of this review in accordance with Executive Order 97-02.

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

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. Interested parties are invited to participate in this rule making. Please contact Patrick J. Zlateff, Rules Coordinator, Title and Registration Services, P.O. Box 2957, Olympia, WA 98507-2957, phone (360) 902-3718, fax (360) 664-0831, TDD (360) 664-8885.

June 30, 1998

Nancy S. Kelly, Administrator
Title and Registration Services

WSR 98-14-082**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed June 30, 1998, 1:17 p.m.]

Subject of Possible Rule Making: Chapter 308-93 WAC, Vessel registration and certificate of title, WAC 308-93-087, 308-93-088, 308-93-660, and 308-93-670.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 88.02.070, 88.02.100.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making may be required as a result of this review in accordance with Executive Order 97-02.

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

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. Interested parties are invited to participate in this rule making. Please contact Patrick J. Zlateff, Contracts Manager, Title and Registration Services, P.O. Box 2957, Olympia, WA 98507-2957, phone (360) 902-3718, fax (360) 664-0831, TDD (360) 664-8885.

June 30, 1998

Nancy Kelly, Administrator
Title and Registration Services

WSR 98-14-085**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Aging and Adult Services Administration)

[Filed June 30, 1998, 2:40 p.m.]

Subject of Possible Rule Making: Boarding home license fees, WAC 246-316-990.

Statutes Authorizing the Agency to Adopt Rules on this Subject: 2SSB 6544, chapter 272, Laws of 1998.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In the 1998 session, the legislature transferred responsibility for boarding home licensing to the Department of Social and Health Services. An integral piece of the transfer is to ensure the health and safety of boarding home residents through quality assurance activities. An immediate increase in license fees is needed to perform the quality assurance activities.

Process for Developing New Rule: The Department of Social and Health Services welcomes the public to take part in developing the rule(s). Anyone interested in participating should contact the staff person indicated below. After the rule(s) is drafted, the Department of Social and Health Services will file a copy with the Office of the Code Reviser with a notice of proposed rule making, and send a copy to everyone currently on the mailing list and anyone else who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Patricia Hague at (360) 753-0631 or fax at (360) 586-5923 or write to same at Home and Community Rates, P.O. Box 45819, Olympia, WA 98504-5819.

June 29, 1998

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

WSR 98-14-088**PREPROPOSAL STATEMENT OF INQUIRY
WORKFORCE TRAINING AND
EDUCATION COORDINATING BOARD**

[Filed June 30, 1998, 3:17 p.m.]

Subject of Possible Rule Making: Private vocational school regulation.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28C.10.040(2).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In response to Executive Order 97-02 and as part of the agency's quality improvement effort (Executive Order 97-01), the Workforce Training and Education Coordinating Board conducted a comprehensive review of chapter 490-100 WAC. That review resulted in proposed new rules which make chapter 490-100 WAC more accessible to users and more easily understood. The previous version will be repealed.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Workforce Training and Education Coordinating Board is the sole regulatory agency for private vocational schools; the following agencies, however, have responsibility for the content of programs that train individuals for certain occupations: Departments of Health (massage therapy and health care assistants), Licensing (chauffeurs), Financial Institutions (insurance agents and brokers), Labor and Industries (asbestos abatement) and Social and Health Services (nursing assistants). These agencies and the United States Department of Education were invited to review proposed revisions and provide comments during the review process.

Process for Developing New Rule: Agency study; and this action is in direct response to Executive Order 97-02, Regulatory Improvement.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Peggy Rudolph, Workforce Training and Education Coordinating Board, Building 17, Airdustrial Park, P.O. Box 43105, Olympia, WA 98504-3105, phone (360) 586-8682, fax (360) 586-5862, e-mail prudolph@wtb.wa.gov.

June 30, 1998

Ellen O'Brien Saunders
Executive Director

WSR 98-14-089**PREPROPOSAL STATEMENT OF INQUIRY****DEPARTMENT OF
FISH AND WILDLIFE**

[Filed June 30, 1998, 3:25 p.m.]

Subject of Possible Rule Making: Listing the fisher, margined sculpin and pygmy whitefish as endangered, threatened, or sensitive.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Update the endangered, threatened and sensitive species list to reflect the current status of the species.

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 by contacting Mike Kuttel, Assistant Director, Wildlife Management Program, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2504, fax (360) 902-2162.

June 30, 1998

Robin Ayers
for Evan Jacoby
Rules Coordinator

cial finding will allow the rule to be effective prior to the season start.

June 30, 1998

Robin Ayers
for Evan Jacoby
Rules Coordinator

WSR 98-14-110**PREPROPOSAL STATEMENT OF INQUIRY****BUILDING CODE COUNCIL**

[Filed July 1, 1998, 9:28 a.m.]

Subject of Possible Rule Making: Chapter 51-11 WAC, 1997 Washington State Energy Code, Section 503.7 Cooling with Outdoor Air (Economizer Cycle).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.27A.020, 19.27A.045, and 19.27.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The change corrects the residential economizer requirement which has an unintended consequence that would eliminate commonly used mechanical systems, would not always result in an energy savings benefit, and would ultimately result in undue expense. The proposed amendment reverts the code language back to the existing code language in the WSEC (1994 Second Edition).

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 attending a public hearing, Friday, September 18, 1998, at 9:00 a.m., Spokane City Hall, City Council Chambers, West 808 Spokane Falls Boulevard, Spokane, WA.

July 1, 1998

Mike McEnaney
Council Chair

WSR 98-14-090**PREPROPOSAL STATEMENT OF INQUIRY****DEPARTMENT OF
FISH AND WILDLIFE**

[Filed June 30, 1998, 3:26 p.m.]

Subject of Possible Rule Making: Set a whitetail deer season for 1998 in Game Management Units 248-284.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: A season needs to be set to create recreational opportunity and to help prevent possible damage 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: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mike Kuttel, Assistant Director, Wildlife Management Program, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2504, fax (360) 902-2162. This rule is proposed for adoption with a special finding at the October 2-3, 1998, commission meeting. The spe-

WSR 98-14-117**PREPROPOSAL STATEMENT OF INQUIRY****DEPARTMENT OF HEALTH**

[Filed July 1, 1998, 10:24 a.m.]

Subject of Possible Rule Making: Chapter 246-780 WAC, WIC farmers' market nutrition program, the sanctions section is being revised to comply with regulatory reform and the language is changed throughout to provide more clarity and consistency with the farmers' market contract, the grower's agreement, and the federal regulations. In addition, sections are rearranged for better flow and understanding.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.70.120.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule needs to be revised to comply with regulatory reform and to bring the rule, the farmers' market contract, the grower's agreement, and the federal regulations into accordance with one another.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agen-

cies: The United States Department of Agriculture establishes the federal regulations which govern the program. The Washington State Department of Agriculture provides some funding for the WIC farmers' market nutrition program in Washington state but has no rule regulating this subject. The Department of Health consults with the Washington State Department of Agriculture in development of all materials used in operating the program.

Process for Developing New Rule: The WIC farmers' market nutrition program plans to do mass mailings of the proposed rule revision to all farmers' markets, growers, local agency staff, Washington State Department of Agriculture staff and other interested or affected parties to solicit input.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Sheryl Pickering, WIC Program, P.O. Box 47886, Olympia, WA 98504-7886, voice (360) 236-3655, fax (360) 586-3890, e-mail sjp0303@hub.doh.wa.gov.

June 29, 1998
Kris Van Gorkom
Deputy Secretary

WSR 98-14-118
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
(Board of Pharmacy)
[Filed July 1, 1998, 10:25 a.m.]

Subject of Possible Rule Making: Electronic communication of prescription information.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.64.005, chapters 69.41, 69.50 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Legislation was enacted by the 1998 Legislature to allow the electronic communication of prescription information. Rules need to be developed to safeguard against the inappropriate access, modification or manipulation of confidential health care information through electronic prescription transfer programs.

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

Process for Developing New Rule: Collaborative rule making through public meetings and mailings.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lisa Salmi, Board of Pharmacy, P.O. Box 47863, Olympia, WA 98504-7863, phone (360) 586-3018, fax (360) 586-4359.

June 19, 1998
D. H. Williams
Executive Director

WSR 98-14-119
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
(Board of Pharmacy)
[Filed July 1, 1998, 10:26 a.m.]

Subject of Possible Rule Making: Medication assistance in community based settings such as adult family homes, boarding homes, residential care settings for developmentally disabled and individual's own homes.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.64.005, 69.41.010, and chapter 69.41 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making may be needed to clarify the intent of legislation passed by the 1998 legislature (SHB 2452) and to unify definitions across the different residential settings to provide guidance and eliminate confusion for residents, family members, providers and regulators.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of Social and Health Services regulates boarding homes and residential care facilities. Contact has been made with DSHS and they will participate in the drafting of rules.

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lisa Salmi, Board of Pharmacy, P.O. Box 47863, Olympia, WA 98504-7864, phone (360) 586-3018, fax (360) 586-4359. Interested persons may contact the board office to obtain information on the dates and location of stakeholder meetings.

June 19, 1998
D. H. Williams
Executive Director

WSR 98-14-120
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
(Medical Quality Assurance Commission)
[Filed July 1, 1998, 10:27 a.m.]

Subject of Possible Rule Making: Sexual misconduct and patient abuse. Sexual contact with patients and patient abuse are violations of the Uniform Disciplinary Act (RCW 18.130.180(24)). These proposed rules would define what constitutes sexual misconduct and patient abuse and establish minimum enforceable standards for physicians and physician assistants.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.130.180(24), 18.71.017.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: While RCW 18.130.180(24) has determined sexual contact with patients and patient abuse is unprofessional conduct, these terms are very broad and do not define what constitutes the violation. These rules would

establish definitions of behavior that would be defined as sexual misconduct and patient abuse. These rules are needed to ensure protection of the public.

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 commission has conducted two public meetings to allow interested persons to participate in the development of these rules. In addition, the Medical Quality Assurance Commission will solicit information through their publication, the "Update," which is published three times per year and sent to all physicians and physician assistants who hold active licenses in the state of Washington. Interested parties include licensees, the Washington State Medical Association, the University of Washington School of Medicine, all County Medical Societies, and several individual private citizens.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Susan Anthony, Program Manager, Department of Health, Medical Quality Assurance Commission, P.O. Box 47866, Olympia, WA 98504-7866, phone (360) 664-4376, fax (360) 586-4573.

June 19, 1998
Beverly A. Teeter
Administrator
for Bonnie King
Executive Director

WSR 98-14-125
PREPROPOSAL STATEMENT OF INQUIRY
BUILDING CODE COUNCIL

[Filed July 1, 1998, 10:42 a.m.]

Subject of Possible Rule Making: Chapter 51-40 WAC, Table 23-II-I-1 and Table 23-II-I-2, Allowable shear tables. Correct footnote 3 language to include general requirements from model codes.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.27.074, 19.27.031.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Footnote 3 for the allowable shear tables was incomplete as published in chapter 51-40 WAC and needs to be corrected. General requirements for structural framing need to be included in the footnote.

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. To receive notification of meetings and hearing dates related to this rule, please submit a letter of interest to Mike McEnaney, Chair, P.O. Box 48300, Olympia, WA 98504-8300, fax (360) 586-5880, e-mail sbcc@cted.wa.gov, or call council staff at (360) 753-5927.

July 1, 1998
Mike McEnaney
Council Chair

WSR 98-14-127
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF REVENUE

[Filed July 1, 1998, 10:50 a.m.]

Subject of Possible Rule Making: WAC 458-20-222 Veterinarians.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 82.32.300.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule explains the tax reporting responsibilities of veterinarians. The department has received a request to revise the current rule to provide clearer guidance to veterinarians and others in determining which tax is owed, by whom, and what classification of business and occupation tax (B&O) is appropriate. This proposed amendment to the existing rule provides clear language, along with examples, of the appropriate manner for collecting and paying B&O, retail sales, and use tax by veterinarians and others who provide services for live animals.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Although the Washington state Department of Licensing regulates veterinarians for purposes of professional competence, no other agency regulates veterinarians with respect to the state taxes involved in the rule. Veterinarians also may be subject to federal taxation, but the basis of the state taxation is different from that of the federal taxes.

Process for Developing New Rule: Modified 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 may be submitted by mail, fax, or at the public meeting. Oral comments will be accepted at the public meeting. A preliminary draft of the proposed changes is available upon request. Written comments on and/or requests for copies of the rule may be directed to James A. Winterstein, Legislation and Policy, P.O. Box 47467, Olympia, WA 98504-7467, phone (360) 586-4283, fax (360) 664-0693, e-mail JimWi@dor.wa.gov.

Location and Date of Public Meeting: Evergreen Plaza Building, 711 Capitol Way, 2nd Floor Conference Room, Olympia, WA, on August 12, 1998, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Arturo Haro by July 29, 1998, TDD 1-800-451-7985 or (360) 586-0721.

July 1, 1998
Claire Hesselholt
Rules Manager

WSR 98-14-137
PREPROPOSAL STATEMENT OF INQUIRY
UTILITIES AND TRANSPORTATION
COMMISSION

[Docket No. A-980084—Filed July 1, 1998, 11:27 a.m.]

Subject of Possible Rule Making: Rules relating to transfers of property for regulated utilities will be reviewed

for content and readability pursuant to Executive Order 97-02, with attention to the rules' need; effectiveness and efficiency; clarity; intent and statutory authority; coordination; cost; and fairness. All provisions currently codified in chapter 480-143 WAC might be affected. The review will include consideration of whether substantive changes or additions are required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 80.01.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Executive Order 97-02 requires agencies to review significant rules with attention to the standards set out above. This includes reviewing whether current rules provide the results that they were originally intended to achieve and whether the rules are consistent with laws and with appropriate and lawful policies.

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; and the commission will ask for initial written comments, and will provide the opportunity for additional comments if substantial disagreements are reflected in the comments. The commission is scheduling a workshop involving representatives of affected constituencies in a manner designed to develop consensus among affected interests regarding any rule proposal.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested persons may contact the Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, Olympia, WA 98504-7250, (360) 664-1174, fax (360) 586-1150. Such persons may submit comments, as specified below, or may ask to be included in the commission's list of interested persons for the proceeding.

Written Comments: Written comments in response to the CR-101 from persons interested in the subject matter of this proposed rule making may be filed with the commission secretary, referencing Docket No. A-980084, not later than July 31, 1998. All commenters are asked, but not required, to file an original and ten copies of the written comments. The commission also requests, but does not require, that comments be provided on a 3 1/2 inch IBM formatted high-density disk, in WordPerfect version 51. [5.1], 6.0 or 6.1, labeled with the docket number of this proceeding and the commenter's name and type of software used. The commission may offer additional opportunities to provide written comments. Interested persons may file additional written comments in response to any such invitation. Interested persons may also attend and participate in the workshop described below and in any other workshop that may be scheduled. The commission will provide written notice of any additional pre-proposal workshops to all commenters and to any other persons specifically asking to receive notice in this rule-making proceeding.

Notice of Workshop: A workshop will be held on August 31, 1998, beginning at 1:30 p.m., in the Commission's Hearing Room, Second Floor, Chandler Plaza, 1300 South Evergreen Park Drive S.W., Olympia, WA. The commission's teleconference bridge line will be available for this

workshop. A limited number of teleconference ports are available and will be assigned one to an organization, on a first come first served basis. Persons wishing to attend via the teleconference bridge line must contact Lynda Johnson at (360) 664-1282 no later than 5:00 p.m., Wednesday, August 26, 1998. Questions may be addressed to Kathy Folsom at (360) 664-1279 or e-mail at kathyf@wutc.wa.gov.

June 30, 1998

Terrence Stapleton
for Carole J. Washburn
Secretary

WSR 98-14-138

PREPROPOSAL STATEMENT OF INQUIRY UTILITIES AND TRANSPORTATION COMMISSION

[Docket No. A-980085—Filed July 1, 1998, 11:28 a.m.]

Subject of Possible Rule Making: Rules relating to securities, liens, affiliated interests, refunding of notes, lease of utility facilities for regulated utilities will be reviewed for content and readability pursuant to Executive Order 97-02, with attention to the rules' need; effectiveness and efficiency; clarity; intent and statutory authority; coordination; cost; and fairness. All provisions currently codified in chapter 480-146 WAC might be affected. The review will include consideration of whether substantive changes or additions are required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 80.01.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Executive Order 97-02 requires agencies to review significant rules with attention to the standards set out above. This includes reviewing whether current rules provide the results that they were originally intended to achieve and whether the rules are consistent with laws and with appropriate and lawful policies.

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; and the commission will ask for initial written comments, and will provide the opportunity for additional comments if substantial disagreements are reflected in the comments. The commission is scheduling a workshop involving representatives of affected constituencies in a manner designed to develop consensus among affected interests regarding any rule proposal.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested persons may contact the Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, Olympia, WA 98504-7250, (360) 664-1174, fax (360) 586-1150. Such persons may submit comments, as specified below, or may ask to be included in the commission's list of interested persons for the proceeding.

Written Comments: Written comments in response to the CR-101 from persons interested in the subject matter of

this proposed rule making may be filed with the commission secretary, referencing Docket No. A-980085, not later than July 31, 1998. All commenters are asked, but not required, to file an original and ten copies of the written comments. The commission also requests, but does not require, that comments be provided on a 3 1/2 inch IBM formatted high-density disk, in WordPerfect version 51. [5.1], 6.0 or 6.1, labeled with the docket number of this proceeding and the commenter's name and type of software used. The commission may offer additional opportunities to provide written comments. Interested persons may file additional written comments in response to any such invitation. Interested persons may also attend and participate in the workshop described below and in any other workshop that may be scheduled. The commission will provide written notice of any additional pre-proposal workshops to all commenters and to any other persons specifically asking to receive notice in this rule-making proceeding.

Notice of Workshop: A workshop will be held on August 31, 1998, beginning at 2:30 p.m., in the Commission's Hearing Room, Second Floor, Chandler Plaza, 1300 South Evergreen Park Drive S.W., Olympia, WA. The commission's teleconference bridge line will be available for this workshop. A limited number of teleconference ports are available and will be assigned one to an organization, on a first come first served basis. Persons wishing to attend via the teleconference bridge line must contact Lynda Johnson at (360) 664-1282 no later than 5:00 p.m., Wednesday, August 26, 1998. Questions may be addressed to Kathy Folsom at (360) 664-1279 or e-mail at kathyf@wutc.wa.gov.

June 30, 1998

Terrence Stapleton
for Carole J. Washburn
Secretary

WSR 98-14-140
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed July 1, 1998, 11:45 a.m.]

Subject of Possible Rule Making: Chapter 296-17 WAC, Workers' compensation premium rates, expected loss tables and experience rating plan.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.16.035 and 51.04.020(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Labor and Industries is required by law to establish and maintain a workers' compensation classification plan and set premium rates in accordance with recognized principles of insurance. By law the plan is to recognize the hazardous nature of each industry and assign insurance rates commensurate with the hazard of each industry. Labor and Industries is required to adjust these rates annually or more frequently if needed to ensure solvency of the insurance trust funds.

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

Process for Developing New Rule: Labor and Industries bases insurance rates for each industry on the loss and reporting information supplied by employers. Industries whose employers have had an improved loss record from the previous evaluation period will as a general rule experience a reduction in rates while industries whose employers experienced an increase in losses will generally see their insurance rates increase. Labor and Industries will also evaluate the need for an overall rate adjustment for all industries.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Labor and Industries has scheduled two formal public hearings. The first hearing is to be held at the Spokane Labor and Industries Office on November 2, 1998, at 10 a.m. The second hearing is to be held at the Labor and Industries Central Office Building in Tumwater, Washington on November 6, 1998, at 10 a.m. Inquires can be directed to Ken Woehl or Sandra Chakones of the Classification Services section at (360) 902-4776.

June 24, 1998

Gary Moore
Director

WSR 98-14-141
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed July 1, 1998, 11:46 a.m.]

Subject of Possible Rule Making: WAC 296-31-069 Independent assessments.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 7.68.030, 7.68.070, 51.04.020(1), 51.04.030, 51.32.110.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: (1) Victims need to know that their independent assessments are being ordered according to established criteria and not arbitrarily. The amendment informs victims of that criteria.

(2) Minimum requirements are needed for independent assessment reports so that the department obtains the information needed to act on mental health claims.

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

Process for Developing New Rule: Executive Order 97-02 priority review.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Cletus Nnanabu, CVC Program Manager, P.O. Box 44520, Olympia, WA 98504-4520, phone (360) 902-5340, fax (360) 902-5333, e-mail nnan235@Ini.wa.gov. Other opportunities for participation: (1) CVC

Advisory Committee; and (2) public hearing (to be scheduled).

June 25, 1998
Gary Moore
Director

AMENDATORY SECTION (Amending WSR 95-15-004, filed 7/5/95, effective 8/5/95)

WAC 296-31-069 ((Independent assessments:)) For what reasons may independent mental health or independent medical assessments be obtained? ~~((1))~~ Independent assessments may be ordered by the department or requested of the department by the attending provider. Such assessments are usually ordered or requested after consultations for one of the following purposes:

(a) To establish a diagnosis. Prior diagnoses may be controversial or ill-defined.

(b) To outline the treatment rationale, where treatment or progress is vague or controversial.

(c) To establish therapeutic data to determine if the condition requiring treatment is related to conditions sustained and allowed by the department as a result of a specific criminal act.

(d) To determine the extent and duration of aggravation of any preexisting mental health condition.

(e) To establish when the claimant has reached maximum benefit from treatment.

(f) To establish a percentage rating of any permanent impairment, for mental health conditions when maximum recovery is reached.

(g) To determine indications for reopening of a claim for further treatment on basis of the aggravation of the accepted condition.

(h) To determine eligibility qualifications of claimants applying under RCW 7.68.060(3), the repressed memory provision of the Crime Victims Act.

(2) Independent assessments for mental health conditions may be ordered by claims adjudicators without supervisory approval to rate permanent impairment when treatment has been completed, to determine the department's responsibility for treatment that has been rendered retroactively where significant causal relationship questions exist and to determine eligibility qualifications of claimants applying under RCW 7.68.060(3), the repressed memory provision of the Crime Victims Act. All other reasons for ordering independent assessments for mental health conditions require supervisory approval.

(3) The following shall be reported by the assessing practitioner:

(a) Independent assessments must be specific and factual.

(b) The claimant's medical and mental health history must be checked for accuracy, variation or exaggeration compared to documented history provided to the examiner for this assessment.

(c) ~~Diagnosis: Must be specific and describe the mental health condition and symptomatology found using DSM III-R, or DSM IV, and be substantiated by history.~~

~~(d) Conclusions: Must be specific and must definitely express an opinion concerning the purpose for which the assessment was requested, and should be consistent with the history and diagnosis reported.~~

~~(e) Permanent disability: Ratings must be supported by sufficient data to establish the category disability rating; also the report must demonstrate and articulate a definite causal relationship to the accepted condition(s) on a more probable than not basis:))~~ **What is required in independent assessment reports?**

(1) Independent mental health assessments may be obtained when requested by the provider, or on the department's initiative, for the following reasons:

(a) To rate permanent impairment when treatment has been concluded; or

(b) To evaluate an application to reopen a claim; or

(c) To determine if there are conditions related to the effects of the crime for which the claim was filed and if treatment remains necessary for those conditions; or

(d) To determine if crime-related treatment is still necessary and if present treatment is effective; or

(e) To determine if treatment is still leading to recovery; or

(f) To obtain other information that may be necessary for the department to make decisions on the victim's claim.

(2) Practitioners participating in an independent assessment ordered by the department must provide us with a report within thirty days following the last assessment date. The report must:

(a) Be identified as an independent assessment report;

(b) Be specific and factual;

(c) Specify the mental health condition(s) and symptoms found and their relationship to the crime for which the claim was filed. Use the codes contained in the currently accepted DSM;

(d) Provide specific conclusions drawn from the assessment and state opinions that respond to the questions included in the examination request;

(e) If applicable, include the category of permanent impairment that the assessor finds most nearly describes his or her findings.

WSR 98-14-142

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LABOR AND INDUSTRIES

[Filed July 1, 1998, 11:47 a.m.]

Subject of Possible Rule Making: This rule governs drugs and medications including prescriptions written for injuries and diseases covered under an accepted claim.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.04.030, 51.36.010, 51.04.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule governs drugs and medications. It provides information on coverage and guidelines for treatment with drugs and medications to ensure quality medical care for claimants in the worker compensa-

tion and crime victims programs. The purpose of the rule is to improve prescribing practices and give clear information to medical providers to allow for easier compliance with the rule.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Coordination will occur with: Department of Health, Drug Enforcement Agency, Board of Pharmacies. This will occur during meetings with these agencies and via e-mail and telephone consultations.

Process for Developing New Rule: Formal advisory committee-Washington State Medical Association, Workers' Compensation Advisory Committee, informal advisory committee-internal and external stakeholders.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested parties may participate by calling or e-mailing Amy Levinson, Department of Labor and Industries, (360) 902-6324, levb235@Ini.wa.gov.

June 24, 1998
Gary Moore
Director



WSR 98-14-015
EXPEDITED REPEAL
OFFICE OF FINANCIAL MANAGEMENT
 [Filed June 19, 1998, 2:07 p.m.]

The Following Sections are Proposed for Expedited Repeal: Chapter 82-44 WAC which includes WAC 82-44-010, 82-44-020, 82-44-030, 82-44-040, 82-44-050, 82-44-060, 82-44-070, 82-44-080, and 82-44-090.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Rule is no longer necessary because of changed circumstances.

Any person who objects to the repeal of the rule must file a written objection to the repeal within thirty days after publication of this preproposal statement of inquiry.

Address Your Objection to: Lynne McGuire, Rules Coordinator, Office of Financial Management, P.O. Box 43113, Olympia, WA 98504-3113.

Reason the Expedited Repeal of the Rule is Appropriate: While this rule references chapter 43.21C RCW, the State Environmental Policy Act, it is not required to support any part of the act. The rule actually describes policies and procedures related to the capital budgeting process. This information is now more appropriately provided in the predesign manual which guides agencies through the capital budgeting process.

June 19, 1998
 Lynne McGuire
 Rules Coordinator

WSR 98-14-016
EXPEDITED REPEAL
OFFICE OF FINANCIAL MANAGEMENT
 [Filed June 19, 1998, 2:10 p.m.]

The Following Sections are Proposed for Expedited Repeal: Chapter 82-36 WAC, which includes WAC 82-36-010, 82-36-020, 82-36-030, 82-36-033, 82-36-035, 82-36-040, 82-36-050, 82-36-060, 82-36-070, 82-36-080, 82-36-090, 82-36-120, 82-36-130, 82-36-140, and 82-36-150.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Rule is no longer necessary because of changed circumstances.

Any person who objects to the repeal of the rule must file a written objection to the repeal within thirty days after publication of this preproposal statement of inquiry.

Address Your Objection to: Lynne McGuire, Rules Coordinator, Office of Financial Management, P.O. Box 43113, Olympia, WA 98504-3113.

Reason the Expedited Repeal of the Rule is Appropriate: The statute upon which this rule is based, RCW 43.41.130, requires the agency to establish policies rather than rules. The Office of Financial Management now maintains a policy manual which includes the policies required to support this chapter. This rule is not necessary to comply with the statute.

June 19, 1998
 Lynne McGuire
 Rules Coordinator

WSR 98-14-017
EXPEDITED REPEAL
OFFICE OF FINANCIAL MANAGEMENT
 [Filed June 19, 1998, 2:12 p.m.]

The Following Sections are Proposed for Expedited Repeal: Chapter 82-40 WAC which includes WAC 82-40-010, 82-40-020, 82-49-030 [82-40-030], 82-40-040, 82-40-050, 82-40-060, and 82-40-070.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Statute on which the rule was based has been repealed and has not been replaced by another statute providing statutory authority for the rule.

Any person who objects to the repeal of the rule must file a written objection to the repeal within thirty days after publication of this preproposal statement of inquiry.

Address Your Objection to: Lynne McGuire, Rules Coordinator, Office of Financial Management, P.O. Box 43113, Olympia, WA 98504-3113.

Reason the Expedited Repeal of the Rule is Appropriate: The law upon which this rule is based, section 170(2), chapter 269, Laws of 1975 1st sp. sess., an appropriations bill, is no longer in effect. The rules were established to define the criteria for certain historic preservation grants available at that time. These grants no longer exist and the rule is no longer necessary.

June 19, 1998
 Lynne McGuire
 Rules Coordinator

WSR 98-14-023
EXPEDITED REPEAL
WASHINGTON STATE PATROL
 [Filed June 22, 1998, 9:39 a.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 446-20-620 Superintendent of Public Instruction—Current educational employees hired prior to June 11, 1992.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Statute on which the rule was based has been repealed and has not been replaced by another statute providing statutory authority for the rule.

Any person who objects to the repeal of the rule must file a written objection to the repeal within thirty days after publication of this preproposal statement of inquiry.

Address Your Objection to: Ms. Jannice T. Gordon, P.O. Box 42633, Olympia, WA 98504-2633, (360) 705-5102.

Reason the Expedited Repeal of the Rule is Appropriate: In 1996, the legislature, through passage of 2SSB 6272, required all school district employees and contractors hired before June 11, 1992, undergo a state and FBI background check. The legislature mandated these background checks be in process by June 30, 1997, and that the appropriation expire on March 31, 1998. This section also has an expiration date

of March 31, 1998. The repeal is being filed to eliminate the expired section of WAC.

June 19, 1998
Annette M. Sandberg
Chief

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 446-20-620 Superintendent of public instruction—Current educational employees hired prior to June 11, 1992.

WSR 98-14-065
EXPEDITED REPEAL
OFFICE OF FINANCIAL MANAGEMENT

[Filed June 29, 1998, 3:42 p.m.]

The Following Sections are Proposed for Expedited Repeal: Chapter 82-28 WAC which includes WAC 82-28-010, 82-28-020, 82-28-030, 82-28-040, 82-28-050, 82-28-060, 82-28-06001, 82-28-070, 82-28-080, 82-28-090, 82-28-100, 82-28-110, 82-28-120, 82-28-130, 82-28-135, 82-28-140, 82-28-150, 82-28-160, 82-28-170, 82-28-180, 82-28-190, 82-28-200, 82-28-210, 82-28-220, and 82-28-230.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Rule is no longer necessary because of changed circumstances.

Any person who objects to the repeal of the rule must file a written objection to the repeal within thirty days after publication of this preproposal statement of inquiry.

Address Your Objection to: Lynne McGuire, Rules Coordinator, Office of Financial Management, P.O. Box 43113, Olympia, WA 98504-3113.

Reason the Expedited Repeal of the Rule is Appropriate: These rule sections discuss travel and travel reimbursement policies for state officials, employees and members of boards, commissions and committees. As part of the Office of Financial Management's review of its rules under Executive Order 97-02, the agency has been working with customer agencies to identify improvements to travel policies. Customers concur with OFM's current practice of including the most current travel-related policies in the OFM Policy and Procedures Manual and they would rather have the policies in this manual than in the WAC. Because these policies are directed at the internal management of agencies and their inclusion in the WAC is duplicative at best and, if there are timing differences, contradictory at worst, we propose to repeal the policies in the WAC and continue to maintain the policies in the OFM Policy and Procedures Manual.

June 29, 1998
Lynne McGuire
Rules Coordinator

WSR 98-14-066

EXPEDITED REPEAL

OFFICE OF FINANCIAL MANAGEMENT

[Filed June 29, 1998, 3:45 p.m.]

The Following Sections are Proposed for Expedited Repeal: Chapter 82-24 WAC which includes WAC 82-24-010, 82-24-020, 82-24-030, 82-24-040, 82-24-050, 82-24-060, 82-24-070, 82-24-080, 82-24-090, 82-24-100, 82-24-110, 82-24-120, and 82-24-130.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Rule is no longer necessary because of changed circumstances.

Any person who objects to the repeal of the rule must file a written objection to the repeal within thirty days after publication of this preproposal statement of inquiry.

Address Your Objection to: Lynne McGuire, Rules Coordinator, Office of Financial Management, P.O. Box 43113, Olympia, WA 98504-3113.

Reason the Expedited Repeal of the Rule is Appropriate: These rule sections discuss policies related to moving expenses for new employees of state offices, commissions, departments and institutions. As part of the Office of Financial Management's review of its rules under Executive Order 97-02, the agency has been working with customer agencies to identify improvements to travel policies. Customers concur with OFM's current practice of including the most current travel-related policies in the OFM Policy and Procedures Manual and they would rather have the policies in this manual than in the WAC. Because these policies are directed at the internal management of agencies and their inclusion in the WAC is duplicative at best and, if there are timing differences, contradictory at worst, we propose to repeal the policies in the WAC and continue to maintain the policies in the OFM Policy and Procedures Manual.

June 29, 1998
Lynne McGuire
Rules Coordinator

WSR 98-14-071

EXPEDITED REPEAL

DEPARTMENT OF FINANCIAL INSTITUTIONS

(Securities Division)

[Filed June 30, 1998, 9:02 a.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 460-52A-010, 460-52A-030, 460-52A-040, 460-52A-050, and 460-52A-060.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Rule is no longer necessary because of changed circumstances.

Any person who objects to the repeal of the rule must file a written objection to the repeal within thirty days after publication of this preproposal statement of inquiry.

Address Your Objection to: William M. Beatty, Department of Financial Institutions, Securities Division, P.O. Box 9033, Olympia, WA 98507-9033, e-mail bbeatty@dfi.wa.gov, fax (360) 704-6923.

EXPEDITED REPEAL

Reason the Expedited Repeal of the Rule is Appropriate: The provisions cited above merely duplicate the enabling statute, RCW 21.20.310(11), and are therefore unnecessary.

June 22, 1998
Deborah Bortner
Director of Securities

sion, FAS Section, P.O. Box 44440, Olympia, WA 98507-4440.

Reason the Expedited Repeal of the Rule is Appropriate: During a recent revision of chapter 296-150M WAC, the content of WAC 296-150M-0720 was incorporated into WAC 296-150M-0610 (1)(h). Consequently, WAC 296-150M-0720 is redundant and should be repealed.

June 24, 1998
Gary Moore
Director

WSR 98-14-072
EXPEDITED REPEAL

DEPARTMENT OF FINANCIAL INSTITUTIONS
(Securities Division)
[Filed June 30, 1998, 9:03 a.m.]

The Following Sections are Proposed for Expedited Repeal: Chapter 460-70 WAC.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Rule is no longer necessary because of changed circumstances.

Any person who objects to the repeal of the rule must file a written objection to the repeal within thirty days after publication of this preproposal statement of inquiry.

Address Your Objection to: William M. Beatty, Department of Financial Institutions, Securities Division, P.O. Box 9033, Olympia, WA 98507-9033, e-mail bbeatty@dfi.wa.gov, fax (360) 704-6923.

Reason the Expedited Repeal of the Rule is Appropriate: Chapter 460-70 WAC, Commodity broker-dealers, was adopted pursuant to the Commodities Act, chapter 21.30 RCW, as passed in 1986. A subsequent amendment to that act expanded the exemptions to commodity broker-dealer registration. The Securities Division has not had an application for commodity broker-dealer registration in over ten years. It therefore appears that the exemptions in the Commodities Act have eliminated the requirement for commodity broker-dealer registration.

June 22, 1998
Deborah Bortner
Director of Securities

WSR 98-14-077
EXPEDITED REPEAL

DEPARTMENT OF LABOR AND INDUSTRIES
[Filed June 30, 1998, 11:46 a.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 296-150M-0720 Water heater relief lines.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

Any person who objects to the repeal of the rule must file a written objection to the repeal within thirty days after publication of this preproposal statement of inquiry.

Address Your Objection to: Dan Wolfenbarger, Chief Factory Assembled Structures Inspector, Department of Labor and Industries, Specialty Compliance Services Divi-

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-150M-0720 Water heater relief lines.

WSR 98-14-135
EXPEDITED REPEAL

UTILITIES AND TRANSPORTATION
COMMISSION
[Filed July 1, 1998, 11:25 a.m.]

The Following Sections are Proposed for Expedited Repeal: Chapter 480-63 WAC, Railroad companies—Weighing.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Statute on which the rule was based has been repealed and has not been replaced by another statute providing statutory authority for the rule.

Any person who objects to the repeal of the rule must file a written objection to the repeal within thirty days after publication of this preproposal statement of inquiry.

Address Your Objection to: Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, Olympia, WA 98504-7250, (360) 664-1174. Please reference Docket No. TR-980079 on all correspondence.

Reason the Expedited Repeal of the Rule is Appropriate: The legislature has transferred responsibilities for track scales and for weighing to another agency. The commission no longer has jurisdiction over the subject matter of these rules.

June 30, 1998
Terrence Stapleton
for Carole J. Washburn
Secretary

WSR 98-14-136
EXPEDITED REPEAL

UTILITIES AND TRANSPORTATION
COMMISSION
[Filed July 1, 1998, 11:26 a.m.]

The Following Sections are Proposed for Expedited Repeal: Chapter 480-95 WAC, Heat suppliers.

EXPEDITED REPEAL

Rules Proposed for Expedited Repeal Meet the Following Criteria: Statute on which the rule was based has been repealed and has not been replaced by another statute providing statutory authority for the rule.

Any person who objects to the repeal of the rule must file a written objection to the repeal within thirty days after publication of this preproposal statement of inquiry.

Address Your Objection to: Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, Olympia, WA 98504-7250, (360) 664-1174. Please reference Docket No. UG-980081 on all correspondence.

Reason the Expedited Repeal of the Rule is Appropriate: Chapter 80.62 RCW authorizing the provisions of this chapter of the WAC has been repealed.

June 30, 1998
Terrence Stapleton
for Carole J. Washburn
Secretary

EXPEDITED REPEAL

WSR 98-14-006
PROPOSED RULES
SECRETARY OF STATE
 [Filed June 19, 1998, 8:56 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR [98-11-009].

Title of Rule: Address confidentiality program (ACP).

Purpose: To implement chapter 138, Laws of 1998 (SHB 2351).

Statutory Authority for Adoption: RCW 40.24.090.

Statute Being Implemented: Chapter 138, Laws of 1998 (SHB 2351).

Summary: WAC 434-840-001, cites codified RCW instead of chapter laws of 1991.

WAC 434-840-005, cites codified RCW instead of chapter laws of 1991. Includes victims of sexual assault in ACP services provided by application assistants. Defines substitute mailing address.

WAC 434-840-010, clarifies that the substitute address may be used for work and school addresses as well as home address. Clarifies the effective date of program participation.

WAC 434-840-020, clarifies that the substitute address may be used for work and school addresses as well as home address. Clarifies existing language.

WAC 434-840-030, identifies the need for ACP to inform the county auditor when program participants renew their certification in the program.

WAC 434-840-040, removes current language that gives more authority to the program than is defined in RCW. Identifies the need for ACP to notify program participants that their certification has been terminated. Identifies the need for ACP to inform the county auditor when ACP terminates a program participant's certification.

WAC 434-840-060, removes language that gives more authority to the program than is defined in RCW.

WAC 434-840-070, cites codified RCW instead of chapter laws of 1991. Simplifies current language.

WAC 434-840-080, clarifies the methods by which program participants may be served legal documents. Cites codified RCW instead of chapter laws of 1991.

WAC 434-840-100, simplifies existing language regarding the methods used by program participants to apply for confidential records status.

WAC 434-840-110, allows authorized personnel to make a photocopy of a program participant's identification card.

WAC 434-840-200, simplifies existing language regarding the methods used by program participants to apply for confidential marriage license.

WAC 434-840-210, simplifies existing language regarding the methods used by program participants to apply for confidential marriage license.

WAC 434-840-220, clarifies the method for county auditors to maintain confidential marriage license application, certificate, or record for address confidentiality program participants who request it.

WAC 434-840-230, simplifies existing language regarding transmission of confidential marriage certificates to the Department of Health.

WAC 434-840-240, simplifies language describing the method by which a program participant may obtain a copy of their confidential certified marriage certificate.

WAC 434-840-310, simplifies language describing how program participants may apply for protected records voter status. Allows an ACP application for an "over-the-counter" absentee ballot to be made no later than the day before the election. Allows an ACP application for a "mail" ballot to be accepted no later than twenty days before the first election.

WAC 434-840-320, clarifies existing language regarding the county's protected records voter records.

WAC 434-840-330, requires county auditors to maintain a record of the ACP ballots issued and returned.

WAC 434-840-340, clarifies existing language for processing protected records voter ballots. Allows county auditors to notify protected records voter that they have neglected to sign the absentee ballot by mailing the voter a copy of their ballot envelope.

WAC 434-840-350, clarifies existing language for canvassing protected records voter ballots.

WAC 434-840-360, directs address confidentiality program to contact authorized personnel if protected records voter ballot is returned to the program by the post office.

Repeals WAC 434-840-050, 434-840-090, 434-840-120, 434-840-130, and 434-840-300.

Reasons Supporting Proposal: To implement chapter 138, Laws of 1998 (SHB 2351) and to simplify existing language regarding the administration of the address confidentiality program.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Margaret McKinney, Address Confidentiality Program, Program Manager, Olympia, Washington, (360) 586-4386.

Name of Proponent: Margaret McKinney, Address Confidentiality Program, Program Manager, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The purpose of the rule is to allow victims of sexual assault access to the address confidentiality program services. It is also designed to update program procedures. The administrative rules that currently govern the program have not been updated since they were originally written seven years ago (before the program began). The purpose is to clarify and simplify existing administrative procedures.

Proposal Changes the Following Existing Rules: See Summary above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The address confidentiality program has no jurisdiction over private companies or small businesses. These administrative rules have no impact on small businesses.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. These rules relate only to internal governmental operations of the Office of the Secretary of State. These operations are not subject to violations by nongovernmental parties.

Hearing Location: Office of the Secretary of State, Legislative Building, Olympia, Washington 98504-0220, on August 5, 1998, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Margaret McKinney by July 15, 1998, TDD (360) 664-0515, or (800) 664-9677.

Submit Written Comments to: FAX (360) 586-4388, by August 1, 1998.

Date of Intended Adoption: September 16, 1998.

Tracy Guerin
Assistant Secretary of State

AMENDATORY SECTION (Amending WSR 91-20-074, filed 9/26/91, effective 10/27/91)

WAC 434-840-001 Authority and purpose. These rules are adopted pursuant to ~~((chapter 40, RCW (sections 3(1), 3(3) and 9, chapter 23, Laws of 1991)))~~ RCW 40.24.030 and 40.24.090. The purpose of this chapter is to provide the administrative procedures necessary to implement chapter ~~((23, Laws of 1991))~~ 40.24 RCW; to provide a procedure for state and local agencies to respond to requests for public records without disclosing the location of a program participant; to provide a procedure to facilitate interagency cooperation in providing ~~((record))~~ address confidentiality for a program participant; to establish uniform state-wide procedures for maintaining the confidentiality of a program participant's name and address information in marriage and voting records; and to provide a procedure for state and local agencies to accept a program participant's use of a substitute mailing address.

AMENDATORY SECTION (Amending WSR 91-20-074, filed 9/26/91, effective 10/27/91)

WAC 434-840-005 Definitions. For the purposes of this chapter:

(1) "Address confidentiality program ~~((manager))~~" means the agency employee designated by the secretary of state with responsibility for developing and administering the program that implements the provisions of chapter ~~((23, Laws of 1991))~~ 40.24 RCW.

(2) "Agency" means an office, department, division, bureau, board, commission, or other statutory unit of state or local government or any functional subdivision of that agency.

(3) "Application assistant" means an employee of a state or local agency, or of a nonprofit program that provides counseling, referral, or shelter services to victims of sexual assault or domestic violence, who has been designated by the respective agency, and has been accepted and registered by the secretary of state to assist individuals in the completion of program participation applications.

(4) "Authorization card form" means the incomplete form for an authorization card on which no identifying program participant information has been entered.

(5) "Authorized personnel" means an employee of a county auditor's office, a county recording office, the Washington state department of health, or the office of the secre-

tary of state who has been designated by the chief executive officer of the respective agency, to process and have access to voter application, voting records, ~~((and))~~ marriage applications and records pertaining to program participants.

(6) "Bona fide statutory or administrative requirement" means that without possession of an individual's actual address the agency is unable to fulfill its statutory duties and obligations.

(7) "Protected records voter" means a program participant who has applied and qualified as a service voter, as provided under RCW 29.01.155, with ongoing absentee ballot voter status, as provided under RCW 29.36.013.

(8) "Record" means any information relating to the conduct or performance of a governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.

(9) "Substitute mailing address ~~((for voting purposes))~~" means ~~((a))~~ the mailing address designated ((on the program participant's service voter application as the address to which the program participant's absentee ballots shall be sent, but)) by the secretary of state which shall not be the program participant's residential address as ((designated)) documented on her or his application for program participation.

AMENDATORY SECTION (Amending WSR 91-20-074, filed 9/26/91, effective 10/27/91)

WAC 434-840-010 Application and certification process. (1) ~~((An applicant shall complete, date, sign, and))~~ The program applicant shall provide all the information required ((under section 3, chapter 23, Laws of 1991, and as requested on the standard application form and the authorization card form provided by the secretary of state)) on the certification application and date and sign the form. An applicant shall specify a Washington state residential address ~~((and the new address(es) in Washington state)), work, and school addresses, if any,~~ for which confidentiality is requested. The standard application form shall also include the application preparation date, and the signature ~~((and registration number))~~ of the application assistant ~~((who assisted the applicant in applying to be a program participant;))~~ as provided in ~~((section 8, chapter 23, Laws of 1991))~~ RCW 40.24.080.

(2) An individual who has filed a properly completed application shall be certified as a program participant and issued a program participant authorization card. The authorization card shall include the program participant's name, authorization code, substitute mailing address, certification expiration date, and applicant's signature.

(3) A properly completed application shall be ~~((filed))~~ effective on the day ~~((that))~~ it is received by the address confidentiality program ~~((manager)).~~

~~((3))~~ An individual who has filed a properly completed application shall be certified as a program participant and issued a program participant authorization card which includes the program participant's name, authorization code, substitute mailing address, certification expiration date, and applicant's signature.)

(4) The term of a program participant's certification shall be four years following the ~~((filing))~~ effective date of her or

his application unless the certification is withdrawn or invalidated before that date.

AMENDATORY SECTION (Amending WSR 91-20-074, filed 9/26/91, effective 10/27/91)

WAC 434-840-020 Exercise of program participant's privileges. (1) At the time any state or local government agency creates a new record or updates an existing record, a program participant may request(, at the time of creation of a new record,) that ((am) the agency use the substitute mailing address ((designated by the secretary of state as her or his)) as the participant's residence, work and/or school address.

(2) A program participant shall show her or his authorization card to the agency official creating a new record and request address confidentiality through the use of the ((designated address)) substitute mailing address as it appears on the authorization card, in lieu of her or his actual location. ((The designated address shall appear on the program participant's authorization card.))

(3) ((Authorized personnel)) The agency official creating a new record may make a file photocopy of the authorization card and shall immediately return the authorization card to the program participant.

(4) An agency shall accept the ((designated)) substitute mailing address unless the agency has received a written ((record)) exemption ((determination)) from the secretary of state pursuant to RCW 40.24.050 and WAC 434-840-070.

AMENDATORY SECTION (Amending WSR 91-20-074, filed 9/26/91, effective 10/27/91)

WAC 434-840-030 Certification renewal. (1) A program participant may renew her or his program ((participation)) certification by filing with the address confidentiality program ((manager)): (a) Her or his current authorization card; (b) a properly completed certification renewal form; and (c) a new authorization card form ((provided by the secretary of state)). The program participant shall ((complete, date, sign, and)) provide all the information required on the certification renewal form and date and sign the form.

(2) The address confidentiality program ((manager)) shall: (a) Certify a program participant, who has filed a properly completed certification renewal form, to participate in the program for an additional four year term unless the certification is withdrawn or invalidated before that date; (b) issue to the program participant a new authorization card which includes the program participant's name, authorization code, substitute mailing address, certification expiration date, and signature; ((and)) (c) if the participant is a protected records voter, notify in writing the authorized personnel of the appropriate county auditor's office((, county recording office, and department of health of the certification renewal of a program participant)); and (d) if the participant has a protected marriage license, notify in writing the authorized personnel of the department of health and the appropriate county auditor's office.

AMENDATORY SECTION (Amending WSR 91-20-074, filed 9/26/91, effective 10/27/91)

WAC 434-840-040 Certification withdrawal, invalidation, expiration, and termination. (1) A program participant may withdraw from program participation by submitting to the address confidentiality program ((manager)): ((a)) Written notification of withdrawal and ((b)) her or his current authorization card. Certification shall be terminated on the date of receipt of this notification.

(2) The address confidentiality program ((manager may)) shall terminate a program participant's certification and invalidate her or his authorization card if: (a) The program participant's certification term has expired and certification renewal has not been completed; (b) the address confidentiality program ((manager)) has determined that ((f)) false information was used in the application process ((or (f) participation in the program is being used as a subterfuge to avoid detection of illegal or criminal activity or apprehension by law enforcement; (c) the program participant no longer resides at the residential address listed on the application, and has not provided seven days' prior notice in writing of a change in address; (d) a service of process document or mail forwarded to the program participant by the address confidentiality program is returned as nondeliverable; (e)); or (c) the program participant obtains a legal name change((; (f) the program participant fails to attend a specified meeting or fails to meet agency regulatory compliance standards as provided in WAC 434-840-090; or (g) the program participant fails to submit program experience and information survey forms requested by the address confidentiality program manager)).

(3) The address confidentiality program may terminate a program participant's certification and invalidate her or his authorization card if: (a) The program participant no longer resides at the residential address listed on the application, and has not provided seven days' prior notice in writing of a change of address; or (b) first class mail, certified mail, or a service of process document forwarded to the program participant by the address confidentiality program is returned as nondeliverable or unclaimed.

(4) If termination is a result of subsection (2)((a), or (c) through (g)) or (3) of this section, the address confidentiality program ((manager)) shall send written notification of the ((intended)) termination to ((the program participant)) the participant's last known mailing or residential address. The program participant shall have five business days in which to appeal the termination under procedures developed by the secretary of state.

((4)) (5) The address confidentiality program shall notify the appropriate authorized personnel when a participant has been terminated from the program. The authorized personnel shall transmit to the address confidentiality program all appropriate administrative records pertaining to the participant. The transmitting agency is no longer responsible for maintaining record confidentiality for a terminated program participant under chapter 40.24 RCW.

(a) If the terminated participant had a protected marriage record, the address confidentiality program ((manager)) shall notify in writing authorized personnel of the department of health and the appropriate county auditor's office((, county

recording office, and department of health of the program participant's certification withdrawal, invalidation, expiration, or termination:

~~(5) Upon receipt of this termination notification: (a) Authorized personnel shall transmit to the address confidentiality program manager all appropriate administrative records pertaining to the program participant, using the confidential record transmission envelopes specially designed for this purpose; and (b) the record transmitting agency is no longer responsible for maintaining a terminated program participant's record confidentiality as provided under chapter 23, Laws of 1991.~~

~~(6) Following termination of program participant certification as a result of subsection (2)(b) of this section, the address confidentiality program manager may disclose information contained in the program participant's application) of the participant's termination.~~

~~(b) If the terminated participant was a protected records voter, the address confidentiality program shall notify in writing authorized personnel of the county auditor's office of the participant's termination.~~

AMENDATORY SECTION (Amending WSR 91-20-074, filed 9/26/91, effective 10/27/91)

WAC 434-840-060 Information release to law enforcement ((or upon court order)) agency. ~~((The disclosure of any marriage application or record, or voter application record, or information about a program participant, requested by a law enforcement agency or by direction of court order pursuant to sections 6, 7, and 12, chapter 23, Laws of 1991:~~

~~(1) Shall be in response to receipt of a written or faxed request directed to a county auditor, a county recording officer, the secretary of state, or the secretary of health: (a)) A request from a law enforcement agency for release of records in a program participant's file shall be in writing, on agency letterhead stationery, and shall contain ((i)) the signature of the agency's chief law enforcement officer as defined in RCW 10.98.040, ((ii)) the request date, ((iii)) and the name of the program participant((, iv) the cause or reason for the requested information disclosure, and (v) state the purpose which the requested information will serve; (b) the county auditor, county recording officer, secretary of state, secretary of health, or authorized personnel may disclose the requested information to the chief officer of the law enforcement agency or to the person identified in the court order; and (c) unless specifically prohibited by court order, the county auditor, county recording officer, secretary of health, or authorized personnel shall immediately notify the address confidentiality program manager and the program participant of this information disclosure and provide a copy of the information disclosure request; or~~

~~(2) May be made by the address confidentiality program manager in response to her or his determination that an emergency situation exists and that the safety or health of a program participant is imperiled by withholding this information:~~

~~(3) Program participant information disclosed to a law enforcement agency or to a person identified in a court order~~

~~shall be maintained in strict confidentiality by the party receiving information)).~~

AMENDATORY SECTION (Amending WSR 91-20-074, filed 9/26/91, effective 10/27/91)

WAC 434-840-070 Agency exemption request. (1) An agency requesting an exemption under ~~((section 5, chapter 23, Laws of 1991))~~ RCW 40.24.050, must provide in writing to the secretary of state: (a) Identification of the statute or administrative rule which demonstrates the agency's bona fide requirement and authority for the use of the actual address of an individual; (b) identification and description of the specific record or record series for which the exemption is requested; (c) ~~((description of the specific record or record series; (d)))~~ identification of the individuals who will have access to the record; ~~((e))~~ (d) explanation of how the agency's acceptance of a substitute address will prevent the agency from meeting its obligations under the statute or rule identified above; and ~~((f))~~ (e)(i) explanation of why the agency cannot meet its statutory or administrative obligations by a change in its internal procedures; and, where appropriate, (ii) description of any agency procedural change(s) that could be made that would allow it to accept the substitute address and meet its statutory or administrative obligations and an estimate of implementation time needed.

(2) The secretary of state shall file and review an agency's request for an exemption.

(3) During the review, evaluation and appeal of an agency's exemption request, the agency shall accept the use of a program participant's substitute address.

(4) The secretary of state's determination to grant or withhold a requested exemption shall be based on, but not limited to, an evaluation of the information provided under subsection (1) of this section in conformance with the statutory standard of a bona fide statutory or administrative requirement for the use of a program participant's actual address.

(5) If the secretary of state determines that an agency has a bona fide statutory or administrative requirement for the use of a program participant's actual address information and that the actual address information will be used only for those statutory and administrative purposes, the secretary may issue a written exemption ~~((determination))~~ for the agency. When granting an exemption, the secretary may include: (a) an agency's obligation to maintain the confidentiality of a program participant's address information; (b) limitations on use and access to that address information; (c) term during which the exemption is authorized for the agency; (d) designation of the record format on which the address information may be maintained; (e) designation of an address information disposition date after which the agency may no longer maintain a record of the address information; and (f) any other provisions and qualifications determined appropriate by the secretary of state.

(6) When a program participant requests use of the substitute address in a record, and the agency has received an exemption ~~((determination))~~ for that record, the agency shall immediately provide a copy of the written ~~((determination))~~ exemption to the requesting program participant. The agency

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shall notify the address confidentiality program (~~(manager)~~) of the occurrence and denial of the program participant's request.

(7) The secretary of state's denial of an agency exemption request shall be made in writing and include a statement of the specific reasons therefor.

(8) An agency may appeal the denial of its request by resubmitting its written request together with additional data, information, and an explanation of corrective action taken to alleviate concerns and considerations included in the secretary of state's denial determination.

AMENDATORY SECTION (Amending WSR 91-20-074, filed 9/26/91, effective 10/27/91)

WAC 434-840-080 Service of process. (1) The secretary of state shall be an agent of the program participant upon whom any summons, writ, notice, demand, or process may be served.

(2) Service on the secretary of state of any such summons, writ, demand, notice, or process shall be made by mailing to the substitute address or by delivering to ((the address confidentiality program manager of the office of the)) secretary of state at his/her office in the Legislative Building, Olympia, WA: (a) Two copies of the summons, writ, notice, demand, or process; and (b) twenty-five dollars service-of-process fee for each action or document filed.

(3) If a summons, writ, notice, demand, or process is served on the secretary of state, the secretary of state shall immediately (~~(cause)~~) forward a copy (~~(to be forwarded)~~) to the program participant at the participant's current mailing address ((as)) shown on the records (~~(of the address confidentiality program))~~.

(4) The secretary of state shall (~~(keep)~~) maintain in the program participant's file, a record of all summonses, writs, notices, demands, and processes served upon the secretary of state for that participant under ((section 3(b) of chapter 23, Laws of 1991, and shall record the time)) RCW 40.24.030 (1)(b), which shall include the date of such service and the secretary of state's action.

AMENDATORY SECTION (Amending WSR 91-20-074, filed 9/26/91, effective 10/27/91)

WAC 434-840-100 Acknowledgement for marriage and voting record confidentiality. (1) When a program participant requests (~~(name and address))~~ confidentiality for marriage records, both the program participant and her or his (~~(fiance(e))~~) intended spouse shall sign and date (~~(an acknowledgement form,))~~ a statement provided by the secretary of state, that (~~(specifies record))~~ describes access limitations on confidential marriage records.

(2) When a program participant requests (~~(name and address))~~ confidentiality for voting records, (~~(the program participant))~~ she or he shall sign (~~(an acknowledgement form,))~~ a statement provided by the secretary of state, that documents the date of this request and (~~(outlines))~~ the ongoing absentee ballot voting process to be used (~~(by protected record voters)).~~

(3) The (~~(county auditor, county recording officer, or))~~ authorized personnel shall keep the original copy of this signed acknowledgement, forward (~~(a duplicate))~~ one copy to the address confidentiality program (~~(in an envelope provided especially for that purpose,))~~ and give (~~(a duplicate))~~ one copy to the program participant.

AMENDATORY SECTION (Amending WSR 91-20-074, filed 9/26/91, effective 10/27/91)

WAC 434-840-110 Proof of program participant's authority. (1) When a program participant requests name and address confidentiality for marriage or voting records, authorized personnel shall check the authorization card to confirm that the term of program participation has not expired and that the program participant's signature ((of the program participant)) on the authorization card matches that on the acknowledgement form.

(2) Authorized personnel may make a photocopy of the program participant's authorization card. The authorization card shall be immediately returned to the program participant. The photocopy shall be kept with the confidential marriage or voting records for this program participant during the time the records are filed and maintained by the county auditor or county recording officer.

AMENDATORY SECTION (Amending WSR 91-20-074, filed 9/26/91, effective 10/27/91)

WAC 434-840-200 Notification for marriage record confidentiality. A program participant shall notify the appropriate county auditor or county recording officer of her or his request for (~~(name and address information))~~ confidentiality in marriage records by appearing in person with her or his (~~(fiance(e))~~) intended spouse before the county auditor or county recording officer.

AMENDATORY SECTION (Amending WSR 91-20-074, filed 9/26/91, effective 10/27/91)

WAC 434-840-210 Marriage application. (1) Authorized personnel shall verify that the application for a marriage license and certificate of marriage form are (~~(correctly))~~ completed in full. The certificate of marriage (~~(form))~~ shall contain the program participant's authorization code and expiration date.

(2) Authorized personnel shall provide the program participant with a "confidential records" envelope in which the program participant shall transmit all completed marriage documents to the county auditor or county recording officer.

AMENDATORY SECTION (Amending WSR 91-20-074, filed 9/26/91, effective 10/27/91)

WAC 434-840-220 Marriage record filing. (~~(Upon recording a completed marriage license application, certificate, or record, if the county auditor or county recording officer notes the presence of a confidential record in the recording index, this notation shall be made in a manner appropriate to maintaining the confidentiality of name and~~

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~~address information contained in that document.) Any notation of a confidential marriage license application, certificate, or record, by a county auditor or county recording officer shall be made in a manner that preserves the confidentiality of the information contained in that document.~~

AMENDATORY SECTION (Amending WSR 91-20-074, filed 9/26/91, effective 10/27/91)

WAC 434-840-230 Marriage record transmission to department of health. The county ~~((auditor, county recording officer, or))~~ authorized personnel shall transmit a ~~((correctly))~~ completed marriage certificate containing the name and address of a program participant, to the department of health in an envelope distinctly marked "confidential records."

AMENDATORY SECTION (Amending WSR 91-20-074, filed 9/26/91, effective 10/27/91)

WAC 434-840-240 Certified copy of marriage certificates. ~~((A certified copy of a marriage certificate containing the name of a program participant is only available through the address confidentiality program.)) Upon the request of a program participant, accompanied by the appropriate fee, the address confidentiality program ((manager)) may request in writing a certified copy of a program participant's marriage certificate. ~~((This written request may be directed to the originating county auditor, county recording office, or the department of health. The request shall accompany a complete application for certified copy and correspondent fee. The requested certified copy shall be provided to the address confidentiality program manager, who is responsible for its subsequent release)) from the agency maintaining that record and release it to the program participant. A certified copy of a marriage certificate containing the name of the program participant is only available through the address confidentiality program.~~~~

AMENDATORY SECTION (Amending WSR 91-20-074, filed 9/26/91, effective 10/27/91)

WAC 434-840-310 Protected records voter application. (1) ~~A program participant shall notify the appropriate county authorized personnel of her or his request for confidentiality in voting records by appearing in person before the appropriate county authorized personnel. The program participant shall:~~ (a) ~~Present her or his program authorization card;~~ (b) ~~cancel any previously existing voter registration;~~ and ~~((b))~~ (c) ~~apply to vote by providing all the information required on the address confidentiality program ongoing absentee ballot application.~~

(2) ~~((The program participant shall designate a substitute mailing address for voting purposes.~~

~~((3))~~ The program participant shall disclose the actual address of her or his residence only for the purpose of determining proper precinct and district designations.

~~((4))~~ (3) ~~An application for protected records voter status and an absentee ballot to be issued to the participant in person, may be made no later than the day before an election.~~

An application for ~~((*)~~ protected records voter status and an absentee ballot to be mailed to ~~((*)~~ the substitute mailing address ~~((for voting purposes))~~ shall be made no later than twenty working days before the first election in which the program participant wishes to vote.

AMENDATORY SECTION (Amending WSR 91-20-074, filed 9/26/91, effective 10/27/91)

WAC 434-840-320 Maintaining protected records voter information. All records pertaining to a protected records voter shall be ~~((confidentially))~~ maintained in a manner ensuring that these records are accessible only to authorized personnel ~~((, except as provided by WAC 434-840-060)).~~ A protected records voter shall not be included in any registered voter list, absentee ballot list, tape, label, or poll book. Information pertaining to a protected records voter shall not be publicly accessible regardless of the type of records management system ~~except as provided by RCW 40.24.060.~~

AMENDATORY SECTION (Amending WSR 91-20-074, filed 9/26/91, effective 10/27/91)

WAC 434-840-330 Mailing protected records voter ballots. At least twenty days before every special, primary, or general election, authorized personnel shall review all protected records voter files and forward the appropriate ongoing absentee ballot for each protected records voter via the ~~((designated))~~ substitute mailing address ~~((for voting purposes)).~~

~~The county authorized shall maintain a record of ballots sent to protected records voters and a record of ballots returned. This record shall be maintained in accordance with WAC 434-840-320.~~

AMENDATORY SECTION (Amending WSR 91-20-074, filed 9/26/91, effective 10/27/91)

WAC 434-840-340 Processing protected records voter ballot. (1) The ongoing absentee ballot for a protected records voter shall be ~~((processed by))~~ prepared by county authorized personnel in the following manner:

(a) The ballot ~~((;))~~ and corresponding ~~((reader))~~ voter's guide, ~~((or paper ballot))~~ shall be ~~((grouped and))~~ placed with ballot security envelope, return envelope with oath ~~((, mailing envelope, and protected records voter))~~ in an envelope addressed to the substitute address;

(b) The voter's name, and authorization code ~~((, and substitute mailing address for voting purposes))~~ shall be entered onto the ~~((mailing))~~ return envelope ~~((;~~

~~((c))~~ ~~The information shall be completed on the protected records voter envelope))~~ to ensure that the returned ballot will be segregated and routed to authorized personnel for processing;

~~((d))~~ (2) ~~The voted absentee ballot for a protected records voter shall be processed by county authorized personnel in the following manner:~~

(a) ~~The authorized personnel shall compare the signature on the returned ballot envelope ((shall be compared)) with~~

the signature on the ~~((service voter))~~ address confidentiality program ongoing absentee ballot application;

~~((e))~~ (b) If the signature does not correspond to the signature on file, indication of this discrepancy shall be entered onto the return envelope; and

~~((f) Whenever the signature on a protected records voter ongoing absentee ballot return envelope does not match the signature on the application on file the address confidentiality program manager shall (i) be notified of the discrepancy, (ii) locate the program participant and))~~ county authorized personnel shall notify the address confidentiality program.

(c) The address confidentiality program shall, upon receipt of a notice pursuant to (b) of this subsection attempt to determine the cause of the discrepancy, and ~~((iii))~~ notify the appropriate county ~~((auditor or county recording officer of the cause of the discrepancy))~~ authorized personnel of any relevant information, that should be considered by the county canvassing board.

(4) If the protected records voter neglects to sign the affidavit on the return envelope, the county authorized personnel shall notify the protected records voter by first class mail of that fact. The authorized personnel may provide the voter with a copy of the return envelope affidavit and require the voter to sign the copy of the affidavit and mail it back to the auditor so that it arrives not later than the day before the certification of the primary or election. Authorized personnel shall keep a record of the date on which the notice was mailed to the protected records voter as well as the date on which the voter signed the return envelope or the copy of the return envelope affidavit.

AMENDATORY SECTION (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

WAC 434-840-350 Canvassing procedure for a special ballot of a protected records voter. A special ballot, as defined in WAC 434-240-010(13), of a protected records voter shall be presented to the canvassing board ~~((, meeting))~~ in executive session. ~~((The canvassing board shall designate authorized personnel to verify the contents of the ballot. Authorized personnel shall remove the protected records voter envelope, prepare the ballot in the ballot security envelope, and verify the contents of the ballot for tabulation. The return envelope and the protected records voter envelope shall be placed in security with all other voting records for the program participant. The discardable envelopes may be destroyed under statutory provisions applicable to election materials.))~~

AMENDATORY SECTION (Amending WSR 91-20-074, filed 9/26/91, effective 10/27/91)

WAC 434-840-360 Undeliverable ballot. If any protected records voter's ongoing absentee ballot is declared undeliverable by the post office and returned, ~~((the county auditor or county recording officer shall notify))~~ to the address confidentiality program ~~((manager.))~~ the address confidentiality program ~~((manager))~~ shall attempt to determine the cause of this occurrence and inform the county ~~((auditor or county recording officer of))~~ authorized person-

nel of any relevant information regarding the reason for the ballot's return.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 434-840-050 Notification of program participant status.
- WAC 434-840-090 Program participant compliance with agency rules.
- WAC 434-840-120 Record confidentiality.
- WAC 434-840-130 Agency response to public disclosure requests.
- WAC 434-840-300 Notification for voting record confidentiality.

**WSR 98-14-009
WITHDRAWAL OF PROPOSED RULES
SECRETARY OF STATE**

[Filed June 19, 1998, 9:31 a.m.]

On June 17, 1998, I filed a CR-102 (WSR 98-13-111) for the Office of the Secretary of State, address confidentiality program. Since that time, some changes have been identified that require me to rescind the filing.

Please withdraw the address confidentiality program filing WSR 98-13-111 dated June 17, 1998. If you have questions regarding this withdrawal, please contact (360) 586-4386.

Margaret McKinney
Program Manager
Address Confidentiality Program

**WSR 98-14-011
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION**

[Filed June 19, 1998, 10:43 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-09-091.

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

Purpose: The purpose is to amend WAC 392-141-146, 392-141-148, 392-141-150, 392-141-160 and add a new section. These amendments will allow in some cases, basic education students to ride on school buses previously required to exclusively transport special students.

Statutory Authority for Adoption: RCW 28A.150.290.

Summary: The amendments more clearly define basic and special transportation and add a new section to define those transportation routes that are allowed to be combined.

Reasons Supporting Proposal: These amendments will allow school districts to more efficiently utilize their fleets of school buses and therefore reducing expenditure.

Name of Agency Personnel Responsible for Drafting: Rick Wilson, Office of Superintendent of Public Instruction, (360) 753-2298; Implementation: Tom Kelly, Office of Superintendent of Public Instruction, (360) 753-2298; and Enforcement: Roger Eastman, Office of Superintendent of Public Instruction, (360) 753-2298.

Name of Proponent: Office of Superintendent of Public Instruction, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: There should not be a fiscal impact to the state.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed changes more clearly define basic, kindergarten, and special transportation. The new section is a new definition of those routes that may be combined. The change in WAC 392-141-160 clarifies that the superintendent is the Superintendent of Public Instruction.

The anticipated effect of this rule change is to allow school districts more flexibility in routing their school buses and the possible savings in expenditures at no cost to the state.

Proposal Changes the Following Existing Rules: WAC 392-141-146, more clearly defines basic transportation; WAC 392-141-148, more clearly defines special transportation; WAC 392-141-150, more clearly defines midday transportation; new section WAC 392-141-152, defines combined transportation; and WAC 392-141-160, clarifies that the superintendent is the Superintendent of Public Instruction.

No small business economic impact statement has been prepared under chapter 19.85 RCW. There should not be an economic impact.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Wanamaker Conference Room, 2nd Floor, Old Capitol Building, P.O. Box 47200, Olympia, WA 98504-7200, on August 4, 1998, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Jim Rich by July 21, 1998, TDD (360) 664-3631, or (360) 753-6733.

Submit Written Comments to: Legal Services, Office of Superintendent of Public Instruction, P.O. Box 47200, 600 South Washington Street, Olympia, WA 98504-7200, FAX (360) 753-4201, by August 3, 1998.

Date of Intended Adoption: August 5, 1998.

June 19, 1998
Terry Bergeson
Superintendent of
Public Instruction

AMENDATORY SECTION (Amending Order 92-03, filed 3/23/92, effective 4/23/92)

WAC 392-141-146 Definition—Basic transportation. As used in this chapter, "basic transportation" means students transported from home to school for their basic education and

classified as either basic, transit tripper, in-lieu, private party contract or pass or token transportation. Basic transportation shall include those students who qualify under RCW 28A.155.020 for special services and are capable of protecting his or her own welfare while traveling to or from schools or agencies where special education services are provided and those students who qualify under RCW 28A.155.020 for gifted, bilingual, and homeless programs that do not require special transportation.

AMENDATORY SECTION (Amending Order 92-12, filed 10/2/92, effective 11/2/92)

WAC 392-141-148 Definition—Special transportation. As used in this chapter, "special transportation" means students transported from home to school (~~for their gifted, bilingual, or homeless programs, or~~) for special education programs pursuant to chapter 28A.155 RCW and (~~chapter 392-141 WAC~~) who are either not ambulatory or capable of protecting his or her own welfare while traveling to or from schools or agencies where special education services are provided. Also included are students who require special transportation to special education, gifted, bilingual, or homeless programs located outside their basic transportation service area or at an alternative program time.

AMENDATORY SECTION (Amending Order 92-03, filed 3/23/92, effective 4/23/92)

WAC 392-141-150 Definition—Midday transportation. As used in this chapter, "midday transportation" means a separate route exclusively used for kindergarten and/or basic preschool students, except special education students, that is operated to or from home and between the beginning and end of the regular school day.

NEW SECTION

WAC 392-141-152 Definition—Combined transportation route. As used in this chapter, "combined transportation route" means a special transportation route as defined in WAC 392-141-148 on which a student or students, who would otherwise qualify for basic transportation as defined in WAC 392-141-146, are allowed to ride. The number of basic transportation students allowed on a designated combined route shall not exceed thirty percent of the actual number of seating positions on a type A school bus, twenty percent of the actual number of seating positions on a type B school bus, or ten percent of the actual number of seating positions on a type C or D school bus used on the combined route. If the total number of seating positions multiplied by the appropriate percentage results in a fractional number of students, the result shall be rounded to the next highest whole number.

AMENDATORY SECTION (Amending Order 96-09, filed 7/25/96, effective 8/25/96)

WAC 392-141-160 District reporting and record-keeping requirements. Annual or supplementary reports shall be submitted by each school district to the superinten-

dent of public instruction prior to the third Monday in October. This report shall reflect to the extent practical the planned pupil transportation program for the entire school year and which is in operation during ridership count week. Reports shall be submitted with a cover letter signed by the chief school district administrator attesting to the completeness of the requirements below and the accuracy of the data contained therein. The superintendent of public instruction shall have the authority to make modifications or adjustments in accordance with the intent of RCW 28A.160.150, 28A.160.160, and 28A.160.170. Each district shall submit the data required on a timely basis as a condition to the continuing receipt of student transportation allocations. These reports shall be maintained for a period of three school years or until audited and include the following but are not limited to:

- (1) School bus route logs completed in ink by bus drivers for five consecutive days. These logs shall include state school bus numbers, each bus stop, the number of students boarding the bus at each stop, and destination schools, transfer points, learning centers, or agencies; and
 - (2) The number of kindergarten through fifth grade students enrolled during ridership count week and living one radius mile or less from their destination school; and
 - (3) Other operational data and descriptions, as required by the superintendent of public instruction to determine operation allocation requirements for each district; and
 - (4) An annual school bus mileage report including the beginning and ending year odometer reading, the total miles for each bus for the school year, an estimate of to and from school mileage for the upcoming school year, and miles for extended day routes, field trips, extracurricular, and other contractual uses of school buses; and
 - (5) Copies of any and all correspondence, publications, news articles, or campaign materials which encourage ridership during count week of the report that is beyond the normal activity experienced during the school year. School districts shall not utilize incentive programs that provide tangible gifts to reward increases in ridership counts.
- School districts shall maintain at least a weekly one-day route log containing the school bus driver's name, state bus number, route number, route type, day of the week, beginning and ending odometer readings, destinations, destination times and student counts. These route logs shall be maintained in the school district files for a period of three years or until audited.

WSR 98-14-012
PROPOSED RULES
DEPARTMENT OF LICENSING

[Filed June 19, 1998, 10:50 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-03-021.

Title of Rule: Chapter 308-96A WAC, Vehicle licensing, WAC 308-96A-010, 308-96A-015, 308-96A-021, 308-

96A-025, 308-96A-026, 308-96A-035, 308-96A-040, 308-96A-180, 308-96A-260, 308-96A-295, and 308-96A-300.

Purpose: To meet the criteria set forth in Governor Locke's Executive Order 97-02.

Statutory Authority for Adoption: RCW 46.01.110, 46.16.135, 46.16.225, 46.16.490, and 46.16.276.

Summary: Repealing WAC 308-96A-010 Certificate of registration required, 308-96A-025 No fee where incorrect plates issued, 308-96A-035 Annual license renewal, and 308-96A-040 Monthly abatement of license fees; and amending WAC 308-96A-015 Replacement certificate of registration—Documents required, 308-96A-021 Replacement plates—Requirements, 308-96A-026 Vehicle transit permit, 308-96A-180 Registration of rental cars, 308-96A-260 Assignment of original registration year, 308-96A-295 Display of tabs, and 308-96A-300 Changing assigned registration year.

Reasons Supporting Proposal: Meet criteria supporting Governor Locke's Executive Order 97-02.

Name of Agency Personnel Responsible for Drafting: Patrick Zlateff, 1125 Washington Street S.E., Olympia, (360) 902-3718; Implementation and Enforcement: Eric Anderson, 1125 Washington Street S.E., Olympia, (360) 902-4045.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The anticipated effects will be a clarification of the above mentioned requirements.

Proposal Changes the Following Existing Rules: Clarify sections needed and repeal those no longer required.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required pursuant to RCW 19.85.030 (1)(a). The proposed rule making does not impose more than a minor cost on businesses in an industry.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The content of the proposed rules are explicitly and specifically dictated by statute.

Hearing Location: Highways-Licenses Building, Conference Room 303, 1125 Washington Street, Olympia, WA 98507, on August 4, 1998, at 10:00.

Assistance for Persons with Disabilities: Contact Pat Zlateff by August 3, 1998, TDD (360) 664-8885, or (360) 902-3718.

Submit Written Comments to: Patrick Zlateff, Rules Coordinator, Title and Registration Services, P.O. Box 2957, Olympia, WA 98507-2957, FAX (360) 664-0831, by August 3, 1998.

Date of Intended Adoption: August 29, 1998.

June 19, 1998

Nancy S. Kelly, Administrator
 Title and Registration Services

AMENDATORY SECTION (Amending Order TL/RG 24, filed 5/5/86)

WAC 308-96A-015 ((Duplicate certificate of registration:)) Replacement certificate of registration—Documents required. ((If the current year's certificate of registration is lost, stolen, or destroyed, the registered owner must

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apply at once for a duplicate. The application must be accompanied by:

(1) An affidavit of loss signed by at least one owner of record. Such signature must be either certified by a Washington vehicle/vessel license agent or notarized; and

(2) A record of the licensing agent's verification of the vehicle record.)) (1) **How do I obtain a replacement certificate of registration?**

You obtain a replacement certificate of registration by applying, either in person or by mail, to a Washington vehicle licensing office.

(2) **When do I need to replace my certificate of registration?**

You need to replace your certificate of registration if it is lost, stolen, destroyed, or mutilated.

(3) **Who can apply for a replacement certificate of registration?**

One of the registered owners shall apply for a replacement certificate of registration.

(4) **What documentation do I need to apply for a replacement certificate of registration?**

You need an affidavit of loss or letter of request describing the vehicle by Washington license plate or vehicle identification number. The affidavit of loss or letter of request must be signed by at least one of the registered owners. The registered owner's signature must be either notarized by a notary public or certified by a Washington vehicle license agent or subagent.

AMENDATORY SECTION (Amending Order TL/RG-34, filed 5/28/87)

WAC 308-96A-021 Replacement plates—((Sworn statement)) Requirements. ((A sworn statement as to cause or reason for replacement plates shall not be required if the owner of record is the person buying replacement plates, provided, that a sworn statement will be required if someone other than the registered owner of record is purchasing replacement plates.)) (1) **How do I obtain replacement plate(s)?**

You obtain replacement plate(s) by applying, either in person or by mail, to a Washington vehicle licensing office.

(2) **When do I need to replace my plate(s)?**

You need to replace your plate(s) if:

(a) Your plate(s) are lost, stolen, destroyed, or mutilated; or

(b) The primary use of your vehicle has changed requiring new plate(s) designated for the new use of the vehicle. Example: A passenger car used to transport commodities, merchandise, produce, freight or animals for commercial purposes may be licensed as a commercial use truck.

(3) **Who can apply for replacement plate(s)?**

One of the registered owners shall apply for replacement plate(s).

(4) **What documentation do I need to apply for replacement plate(s)?**

(a) If your plate(s) are lost, stolen, destroyed, or mutilated, you need to submit an affidavit of loss or letter of request describing the vehicle by Washington license plate or

vehicle identification number. The affidavit of loss or letter of request must be signed by at least one of the registered owners. The registered owner's signature must be either notarized by a notary public or certified by a Washington vehicle license agent or subagent. A replacement plate fee will be charged.

(b) If the primary use of your vehicle has changed requiring new plate(s) designated for the new use of the vehicle, the department shall replace the plate(s) without the affidavit of loss or letter of request. A new plate fee will be charged.

(5) **What if the department issued incorrect plate(s) for my vehicle?**

When incorrect plate(s) have been issued due to departmental error, the department shall replace the plate(s) without the affidavit of loss or letter of request. No replacement plate fee will be charged.

AMENDATORY SECTION (Amending WSR 92-15-025, filed 7/6/92, effective 8/6/92)

WAC 308-96A-026 Vehicle transit permit. ((A vehicle transit permit may be issued to authorize an individual to operate a vehicle over and along a public highway of this state solely for the purpose of doing what is necessary to qualify the vehicle for a Washington certificate of ownership or registration. Such purposes are limited to the following:

(1) Obtaining a Washington state patrol inspection (if required);

(2) Obtaining a weight slip;

(3) Obtaining an emission test; or,

(4) Any other purpose which the director or designee in his or her discretion deems necessary.

The permit is valid for a maximum of two days and shall contain, but is not limited to, the following information:

(a) Signature and agency number of persons issuing the permit;

(b) Signature and address of person receiving the permit;

(c) Description, including make, model, model year, and vehicle identification number, of the vehicle for which the permit is issued;

(d) Specific purpose for which the permit is issued; and,

(e) The date or dates on which the permit is valid, for a maximum of two days.)) (1) **What is a vehicle transit permit?**

A vehicle transit permit is a document that authorizes an individual to operate a vehicle on a public highway of this state solely for the purpose of obtaining necessary documentation to complete an application for a Washington certificate of ownership or registration.

(2) **What may a vehicle transit permit be used for?**

A vehicle transit permit may be used to obtain:

(a) A Washington state patrol inspection;

(b) An unladed scale weight slip;

(c) An emission test; or

(d) Any other documentation that the department deems necessary.

(3) **Where do I obtain a vehicle transit permit?**

You may obtain a vehicle transit permit from:

(a) Vehicle licensing offices; or

(b) Drivers services-licensing services offices.

(4) How long is the vehicle transit permit valid?

The permit is valid for a maximum of two days.

(5) What information is required to issue the vehicle transit permit?

The following information is required to issue the vehicle transit permit:

(a) Description of the vehicle for which the permit is issued, which may include make, model, model year, and vehicle identification number;

(b) Name and address of person obtaining the permit;

(c) Specific purpose for which the permit is issued; and

(d) The date or dates on which the permit is valid, for a maximum of two days.

(6) How much does a vehicle transit permit cost?

There is no fee for the vehicle transit permit, however vehicle-licensing subagents may charge a service fee.

AMENDATORY SECTION (Amending WSR 95-15-028, filed 7/11/95, effective 8/11/95)

WAC 308-96A-180 Registration of rental cars. ((1) Rental car businesses, registered pursuant to RCW 46.87.023 and chapter 308-88 WAC, shall register their rental cars prior to the vehicles being operated upon the roadways of this state. Registrations must be maintained for the period in which the rental car is operated as part of the rental car business fleet.

(2) Rental cars properly registered in another jurisdiction may be operated in this state without being titled and registered in this state when:

(a) Rented by a customer at a location outside of the state of Washington;

(b) The vehicle was dropped off at a Washington rental car business by its previous renter and is being rented for a one-way trip out of Washington; or

(c) The vehicle is part of a properly registered International Registration Plan (IRP) rental car business fleet.

(3) If the rental car business is registered pursuant to the provisions of the IRP, the rental car business will allocate rental car registrations according to the provisions of section 1116 of the IRP, as now or hereafter amended. Franchised businesses, receiving vehicles from their franchiser who is a registered IRP rental car business, may engage in retail car rentals for one-way trips into the state when receiving the vehicle and out of the state when returning it to the franchiser.

(4) Rental car usage is restricted to operations by rental customers, except when the rental car is being moved by the business to another business site, to or from maintenance or repair facilities, or for testing purposes.

(5) Vehicles that cease to be used for rental car purposes shall be reregistered for the appropriate usage and pay the proper motor vehicle excise tax pursuant to RCW 82.44.023 prior to further operation on the public roadways of this state.)) (1) What is a rental car?

A rental car is defined in RCW 46.04.465.

(2) How is a rental car licensed?

Registrations shall be maintained for the period in which the rental car is operated as part of the rental car business fleet.

(3) Do rental cars operated in Washington need to be registered in Washington?

Rental cars must be registered in Washington unless:

(a) Rented by a customer at a location outside of the state of Washington; or

(b) The vehicle was dropped off at a Washington rental car business by its previous renter and is being rented for a one-way trip out of Washington.

(4) Does the current certificate of registration issued by the department need to be carried in the rental car?

A photocopy of the current certificate of registration may be carried in a rental car in lieu of the original certificate of registration.

(5) Who may operate a rental car?

Rental cars may only be used by rental customers, unless the rental car is being moved by the business to another business site, to or from maintenance or repair facilities, or for testing purposes.

(6) What does a rental car company do when they remove a rental car from their fleet?

When a rental car company removes a vehicle from their fleet, they shall alter the current month and year tab on the license plates. To alter these tabs, the rental car company will place blank tabs over both the month and year tab on the front and rear plate issued for that vehicle.

AMENDATORY SECTION (Amending WSR 92-02-100, filed 1/2/92, effective 2/2/92)

WAC 308-96A-260 Assignment of original registration year. ((Vehicles licensed for the first time in this state will have expiration dates assigned as follows:

(1) Fleet vehicles and prorated vehicles will have a registration year ending December 31. A full month's fees are charged for any partial month.

(2) Snowmobiles will have a registration year ending September 30. Snowmobile fees may not be abated.

(3) Exempt vehicles are not required to have their licenses renewed so will not have an expiration date assigned, except that exempt vehicles using propane, butane or natural gas will have a June 30 expiration date for special fuel billing purposes. This does not apply to federal exempt vehicles which are required to be registered annually and pay the liquefied petroleum gas (LPG) fee at the time of registration renewal.

(4) All other vehicles, including those issued amateur radio operator plates, personalized plates, and off-road vehicle use permits, will have a registration year beginning at 12:01 a.m. on the day which the vehicle is first licensed and ending at 12:00 midnight on the same date the succeeding year.

(5) A license purchased on February 29 will have an expiration date of March 1.

(6) In the event that the final day of a registration year falls on a Saturday, Sunday or legal holiday, such period shall

extend through the end of the next business day.) **How are registration years assigned?**

Vehicles licensed for the first time in this state will have expiration dates assigned under RCW 46.16.006 except as follows:

(1) Fleet vehicles will have a registration year ending December 31. A full month's fees are charged for any partial month.

(2) City, state and county exempt vehicles using propane, butane or natural gas will have a June 30 expiration date for special fuel billing purposes. This does not apply to federal exempt vehicles, which are required to be registered annually and pay the liquefied petroleum gas (LPG) fee at the time of registration renewal.

(3) Vehicles delivered on dealer temporary permits shall be assigned expiration dates based on date of delivery as documented by the dealer.

(4) A February 29 expiration date will be reassigned to March 1.

AMENDATORY SECTION (Amending WSR 93-14-083, filed 6/30/93, effective 7/31/93)

WAC 308-96A-295 Display of tabs. ~~((The department shall issue license plate tabs, or emblems to identify the month and year of the vehicle registration expiration. They may be displayed as soon as they are purchased. Tabs or emblems must be displayed starting with the first day of the current registration year. If tabs are issued, they shall be displayed on the front and rear license plates as indicated on the tab in the following manner:~~

~~(1) Motorcycle plates shall display the year tab in the upper right corner and the month tab lengthwise down the right side of the plate between the plate number and the outer frame of the plate.~~

~~(2) Plates with the state identification at the bottom of the plate shall have the month tab displayed in the lower left corner and the year tab in the lower right corner.~~

~~(3) Plates with the state identification at the top left of the plate shall have the month tab displayed immediately following the final "N" in Washington. The year tab shall be displayed to the immediate right of the month tab in the upper right corner.~~

~~(4) Plates with the state identification at the top center of the plate shall have the month tab displayed to the left of the "W" and the year tab displayed to the right of the final "N" in Washington.))~~ **(1) What is a tab?**

A tab is a decal that is affixed to the license plates and identifies the registration expiration date for a specific vehicle.

(2) Which tabs are valid to be displayed on the vehicle license plate?

Only the tabs depicting the current registration may be displayed on the vehicle license plates.

AMENDATORY SECTION (Amending WSR 92-02-100, filed 1/2/92, effective 2/2/92)

WAC 308-96A-300 Changing assigned registration year. ~~((1) If a vehicle remains unlicensed for a full registration year, a new registration expiration date shall be assigned in accordance with WAC 308-96A-260.~~

~~(2) If a vehicle license has expired at the time of title transfer, the new owner shall be assigned a new expiration date in accordance with WAC 308-96A-260.))~~ **When may the assigned registration year of a vehicle be changed?**

(1) The department will change the registration year of a vehicle if the vehicle remains unlicensed for more than a full registration year.

(2) The registered owner may request a change of registration expiration month. This can only be done at the time of renewal and require the registered owner to purchase more than twelve months of registration, limited to the vehicle field system constraints and tab availability.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 308-96A-010 Certificate of registration required.
- WAC 308-96A-025 No fee where incorrect plates issued.
- WAC 308-96A-035 Annual license renewal.
- WAC 308-96A-040 Monthly abatement of license fees.

**WSR 98-14-034
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Children's Administration)
[Filed June 23, 1998, 12:45 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-01-128.

Title of Rule: WAC 388-15-170 General and seasonal child day care services definitions, 388-15-171 Subsidized child care for teen parents, 388-15-174 Subsidized child care for seasonal workers, 388-15-175 Child care for child protective services (CPS) and child welfare services (CWS), and 388-15-176 In-home/relative child care.

Purpose: On November 1, 1997, working connections child care (WCCC) program began. It incorporated the four main DSHS child care subsidy programs (JOBS, income assistance, transitional, and employment child care). WCCC rules are covered in chapter 388-290 WAC. Changes needed to be made in chapter 388-15 WAC to ensure consistency with chapter 388-290 WAC and to comply with the governor's executive order on clear and consistent rule writing.

PROPOSED

Statutory Authority for Adoption: RCW 74.12.340, 74.04.050, 74.04.055, 74.08.090, and 74.13.0903.

Statute Being Implemented: RCW 74.12.340 and 74.13.085.

Summary: WAC 388-15-170 has been divided into five separate WACs for clarification. Employment child care rules are now covered in chapter 388-290 WAC so they have been removed from WAC 388-15-170. Subsidized child care for seasonal workers, WAC 388-15-174, and child care for child protective services (CPS), and child welfare services (CWS), WAC 388-15-175, have been updated with new program information.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Sally Reigel, Office of Child Care Policy, (360) 902-8046.

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: On November 1, 1997, working connections child care (WCCC) program began. It incorporated the four main DSHS child care subsidy programs (JOBS, income assistance, transitional, and employment child care). WCCC rules are covered in chapter 388-290 WAC. Changes needed to be made in chapter 388-15 WAC to ensure consistency with chapter 388-290 WAC and to comply with the criteria in the governor's executive order on clear and consistent rule writing.

Proposal Changes the Following Existing Rules: Amends WAC 388-15-170 to provide definitions for the child care subsidy WACs.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules do not directly affect small businesses.

RCW 34.05.328 does not apply to this rule adoption. This rule does not fit the definition of "significant legislative rule" as defined in RCW 34.05.328.

Hearing Location: Lacey Government Center (behind Tokyo Bento Restaurant), 1009 College Street S.E., Room 104-B, Lacey, WA 98503, on August 4, 1998, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Paige Wall by July 24, 1998, phone (360) 902-7540, TTY (360) 902-8324, e-mail pwall@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, Paige Wall, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 902-8292, by August 4, 1998.

Date of Intended Adoption: August 13, 1998.

June 12, 1998

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 93-10-021, filed 4/28/93, effective 5/29/93)

WAC 388-15-170 General and seasonal child ((day)) care services definitions. (((1)) The department may approve child day care funding to facilitate care, protection, and

~~related services for a)~~ **"Child"** means a person twelve years of age or younger ~~((The department may approve special needs child care for a child))~~ or a person nineteen years of age or younger who is physically ~~((or)),~~ mentally, or emotionally incapable of ~~((earing for himself or herself,))~~ self care as verified by ~~((the state, supported by))~~ a licensed medical ~~((documentation))~~ practitioner or masters level or above mental health professional.

~~((2)) The department shall only fund child day care during the portion of the twenty-four-hour day when neither of the child's parents or guardians are able to provide necessary care and supervision. The department may authorize child day care services for the following reasons:~~

~~(a) Parents, or parent in a single-parent household, are employed and are not aid to families with dependent children (AFDC) grant recipients;~~

~~(b) Parents, or parent in a single-parent household, are employed and receiving AFDC;~~

~~(c) Parents, or parent in a single-parent household, are receiving AFDC and are enrolled in job opportunity and basic skills (JOBS);~~

~~(d) School-aged parent is enrolled in an approved secondary education or GED program;~~

~~(e) Parent and/or child are in need of treatment or support as part of a child protective or child welfare services case plan. Such services may include, but are not limited to, those provided by a professional child welfare or educational agency; or~~

~~(f) The child is receiving an AFDC grant and lives with a nonresponsible relative who is not receiving an AFDC grant and is employed.~~

~~(3) The department shall limit goals for general child day care services as specified under WAC 388-15-010 (1)(a), (d), (e), and (2).~~

~~(4) The department may purchase child day care, except for seasonal farmworker child care, within available funds for families:~~

~~(a) With gross income equal to or below thirty-eight percent of the state median income adjusted for family size (SMIAFS). These families pay the provider a minimum monthly co-payment toward the cost of child day care;~~

~~(b) With gross income above thirty-eight and at or below fifty-two percent of the SMIAFS. The family shall pay to the child day care provider part of the family's gross monthly income above the thirty-eight percent SMIAFS toward the cost of child day care; and~~

~~(c) In need of child day care as an integral part of a child protective or child welfare service plan. The department shall provide such service without regard to family income up to seventy-five percent SMIAFS.~~

~~(5) The department may purchase seasonal child day care within available funds for children who are members of family units residing in Washington state where:~~

~~(a) Both parents, or the single parent (in the case of the one-parent family), are currently employed or seeking work in agriculturally related work;~~

~~(b) Fifty percent or more of the family's annual income is derived from agriculturally related work;~~

~~(c) In a two-parent household, the primary wage earner has more than one agricultural employer per year; in a one-~~

parent household, the single parent has more than one agricultural employer per year;

(d) Family gross income for the past twelve months does not exceed thirty-eight percent of the state median income adjusted for family size (SMIAFS). The family shall pay the provider a minimum monthly co-payment toward the cost of child day care. The family with gross income above thirty-eight percent and at or below fifty-two percent of the SMIAFS shall pay the child day care provider fifty percent of the family's average gross monthly income above the thirty-eight percent SMIAFS toward the cost of child day care; and

(e) Failure of parents to meet the requirements of subsection (5)(b) and (d) of this section due to status within the past year as an AFDC recipient shall not result in ineligibility for seasonal child care.

(6) The department shall establish waiting lists, if necessary, to ensure child day care services, under WAC 388-15-170, are provided within legislatively appropriated funds.

(7) The department shall consider in-home care or relative, relative's home care as the care and supervision of a child:

(a) By a relative in the child's own home or a relative's home; or

(b) In the child's own home with an unrelated person.

(8) When the parent or guardian chooses in-home care or relative, relative's home care, the parent or guardian shall make the following assurances:

(a) The in-home caretaker shall meet the following minimum qualifications:

(i) Be eighteen years of age or older;

(ii) Be free of communicable disease;

(iii) Be of sufficient physical, emotional, and mental health to meet the needs of the child in care. Subject to the discretion of the social worker, the parent or guardian shall provide written evidence to the department that the caretaker of the parent's or guardian's choice is in sufficient physical, emotional, and mental health to be a safe caretaker;

(iv) Be able to work with the child without using corporal punishment or psychological abuse;

(v) Be able to accept and follow instructions;

(vi) Be able to maintain personal cleanliness;

(vii) Be prompt and regular in job attendance; and

(viii) Meet the department's in-home caretaker registration requirement. Parents or guardians are required to provide the caretaker's name and address to the department. This registration is done at the time child care is authorized.

(b) The in-home caretaker's primary function while on duty is that of child caretaker. The in-home caretaker shall have the following responsibilities:

(i) Provide constant care and supervision of the child for whom the caretaker is responsible throughout the time the caretaker is on duty in accordance with the needs of the child; and

(ii) Provide developmentally appropriate activities for the child under the caretaker's care.

(c) The child is current on the immunization schedule as described in the National Immunization Guidelines, developed by the American Academy of Pediatrics and the Advisory Committee on Immunization Practices;

(d) The parent's or guardian's home or the relative's home is safe for the care of the child; and

(e) The in-home or relative caretaker is informed about basic health practices, prevention, and control of infectious disease, immunizations, and building and physical premises safety relevant to the care of the child.

The parent or guardian shall make assurances described under subsection (8) of this section at the time child care is authorized. The child care authorizing worker shall provide the parent or guardian with information about basic health practices, prevention, and control of infectious disease, immunizations, and building and physical premises safety relevant to the care of the child.

(9) Payment standards for child day care. The department shall establish maximum child care rates taking into consideration prevailing community rates.

(a) When the parent or guardian chooses in-home care or relative, relative's home care, the parent or guardian shall receive payment for the cost of child day care and shall pay the caretaker according to the amount specified in the approved child care plan.

(b) The in-home, or relative, relative's home caretaker shall sign a receipt at the time payment is received. The parent must retain the payment receipt for review by the authorizing worker at the time of the next eligibility determination.

(c) If total payments to an in-home provider are fifty dollars or more in any one quarter, the department shall add the employer's share of the Federal Insurance Contributions Act (FICA) tax to the amount authorized for in-home care.

(d) Payment for child day care by relative. The department shall not allow payment for child care services by the following relatives: Father, mother, brother, sister, stepfather, stepmother, stepbrother, or stepsister, except for adult siblings residing outside the child's home))

"Co-payment" means the amount of money the family is required to pay the child care provider toward the cost of child care each month.

"Income" means the gross earned income minus the average payroll and income tax paid at that income level, plus any unearned income.

"In-home/relative child care provider" see definition for "in-home/relative provider" under WAC 388-290-020.

"Parent" see definition for "parent" under WAC 388-290-020.

"Teen parent" means a parent twenty-one years of age or younger.

NEW SECTION

WAC 388-15-171 Subsidized child care for teen parents. (1) The department may authorize teen parent child care within available funds for parents who:

(a) Are twenty-one years of age or younger;

(b) Are enrolled in an approved secondary education or general equivalency diploma (GED) program;

(c) Are not receiving a temporary assistance for needy families (TANF) grant; and

(d) Have an income at or below one hundred seventy-five percent of the Federal Poverty Level (FPL).

(2) All teen parents contribute to the cost of child care by making a monthly co-payment to the child care provider which is:

- (a) Determined by the teen parent's income; and
- (b) Calculated by using the rules under WAC 388-290-090 (2)(a), (b), and (c)(i) and (ii).

(3) The department funds child care only during the portion of the day when the child's parent(s) is unable to provide necessary care and supervision due to the parents participation in DSHS approved activities.

NEW SECTION

WAC 388-15-174 Subsidized child care for seasonal workers. (1) The department may purchase seasonal child care within available funds for children residing in Washington state where:

- (a) Both parents, or the single parent (in the case of the one-parent family), are currently employed or seeking work in agriculturally related work;
- (b) Fifty percent or more of the family's annual income is derived from agriculturally related work;
- (c) In a two-parent household, the primary wage earner is employed in agricultural work for eleven months or less with any given employer, in the twelve months previous to the time of application;
- (d) In a one-parent household, the single parent is employed in agricultural work for eleven months or less with any given employer, in the twelve months previous to the time of application; and
- (e) The family's monthly income, averaged for the twelve months prior to the time of application, is at or below one hundred and seventy-five percent of the FPL.

(2) Failure of the parent(s) to meet the requirements of (b) of this subsection due to receipt of TANF within the past twelve months shall not result in ineligibility for seasonal child care.

(3) The parent(s) participates in the cost of child care by making a monthly co-payment to the child care provider which is:

- (a) Determined by the parent's income averaged for the twelve months prior to the time of application; and
- (b) Calculated by using the rules under WAC 388-290-090 (2)(a), (b), and (c)(i) and (ii).

(4) The department will fund child care during the portion of the day described under WAC 388-15-171(3).

NEW SECTION

WAC 388-15-175 Child care for child protective services (CPS) and child welfare services (CWS). The department may purchase CPS/CWS child care within available funds for children of families in need of support as part of a CPS/CWS case plan. This service is short-term and time-limited. Social workers must determine if other resources are available to meet this need before authorizing payment by the department.

NEW SECTION

WAC 388-15-176 In-home/relative child care. (1) When the parent(s) chooses in-home/relative child care, the parent(s) will give the in-home/relative child care provider's name and address to the department and make the following assurances at the time child care is authorized:

- (a) The in-home/relative provider is:
 - (i) Eighteen years of age or older;
 - (ii) Of sufficient physical, emotional, and mental health to meet the needs of the child in care. If requested by the department, the parent(s) must provide written evidence that the in-home child care provider of the parent's choice is of sufficient physical, emotional, and mental health to be a safe child care provider;
 - (iii) Able to work with the child without using corporal punishment or psychological abuse;
 - (iv) Able to accept and follow instructions;
 - (v) Able to maintain personal cleanliness; and
 - (vi) Prompt and regular in job attendance.
- (b) The child is current on the immunization schedule as described in the National Immunization Guidelines, developed by the American Academy of Pediatrics and the Advisory Committee on Immunization Practices;
- (c) The home where care is provided is safe for the care of the child; and
- (d) The in-home/relative child care provider is informed about basic health practices, prevention and control of infectious disease, immunizations, and home and physical premises safety relevant to the care of the child.

(2) The in-home/relative child care provider's primary function while on duty is to provide child care. The in-home/relative child care provider will have the following responsibilities:

- (a) Provide constant care and supervision of the child for whom the provider is responsible throughout the arranged time of care in accordance with the needs of the child; and
 - (b) Provide developmentally appropriate activities for the child who is under the in-home/relative child care provider's care.
- (3) The department provides the parent(s) with information about basic health practices, prevention and control of infectious diseases, immunizations, and building and physical premises safety relevant to the care of the child.

WSR 98-14-043

PROPOSED RULES

DEPARTMENT OF LICENSING

(Business and Professions Division)

[Filed June 24, 1998, 11:52 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-06-046 and 98-06-047.

Title of Rule: WAC 308-12-025 Application for examination and 308-12-115 Definitions.

Purpose: WAC 308-12-025 informs applicants for examination and subsequent license as an architect of the

PROPOSED

requirements set forth in RCW 18.08.350. This proposed amendment adds the information concerning the structured intern training program adopted by the board.

WAC 308-12-115 defines terms used in chapter 18.08 RCW and chapter 308-12 WAC. This proposed amendment adds the definition of intern development program (IDP).

Statutory Authority for Adoption: RCW 18.08.430(1).

Statute Being Implemented: RCW 18.08.350.

Summary: The completion of the intern training programs was added to RCW 18.08.350 Certificate of registration—Application—Qualifications, by the 1997 legislature. These amendments define the specific program and add the information about the program for the use of applicants and agency staff.

Reasons Supporting Proposal: The legislature added the requirement to complete the intern training program adopted by the board. The board is responsible to designate the program, define the program, and provide instructions for documenting the completion of the program in applications.

Name of Agency Personnel Responsible for Drafting: James D. Hanson, 405 Black Lake Boulevard, Olympia, WA, (360) 753-6967; Implementation and Enforcement: Jon M. Clark, 405 Black Lake Boulevard, Olympia, WA, (360) 753-6967.

Name of Proponent: Washington State Board of Registration for Architects and Department of Licensing, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 308-12-025 explains the procedures for making application to begin the examination process for registration as an architect in Washington. This rule specifies the application forms that are to be submitted, and the fees that must accompany the application. The proposed amendment adds the information for the required intern training record, and the creditable experience that is equivalent to completion of the intern training.

WAC 308-12-115 is a listing of definitions. The proposed amendment adds the definition for the intern development program (IDP) as it is used in RCW 18.08.350, and explains the purpose of the program. The amendment explains what organization maintains the training record and how records are validated.

Proposal Changes the Following Existing Rules: WAC 308-12-025 is changed by adding the information and explanation concerning the intern development program, and how this program record is provided to the board for application to begin the examination.

WAC 308-12-115 is changed by adding the definition of the training program to the current list of definitions. The amendment also adds the information concerning how training records are maintained and the equivalent creditable experience for completion of the training program.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The two amendments do not pertain to fees or charges. Both amendments are informative rules and pertain to administrative agency procedures.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Department of Licensing is not

subject to section 201, chapter 403, Laws of 1995 or RCW 34.05.328(5). Additionally, these amendments and sections relate only to internal governmental operations that are not subject to violation by a nongovernment party. The sections relate to filing requirements for applying to the agency for a license.

Hearing Location: DoubleTree Inn at the Quay, 100 Columbia Street, Vancouver, WA, on September 18, 1998.

Assistance for Persons with Disabilities: Contact Joan Robinson by September 18, 1998, phone (360) 586-8935, TDD (360) 586-2788, or fax (360) 664-2551.

Submit Written Comments to: Jon M. Clark, Board of Registration for Architects, P.O. Box 9045, Olympia, WA 98507-9045, phone (360) 753-6967, or fax (360) 664-2551, by August 14, 1998.

Date of Intended Adoption: September 18, 1998.

June 24, 1998

Jon M. Clark

Acting Program Administrator

AMENDATORY SECTION (Amending WSR 97-03-121, filed 1/21/97, effective 2/21/97)

WAC 308-12-025 Application for examination. (1) The application to begin the examination process must be submitted on forms approved by the board, accompanied by academic and/or practical experience verification to document eligibility under the provisions of RCW 18.08.350.

(2) The board has adopted the National Council of Architectural Registration Boards (NCARB) intern development training program (IDP training requirement) as the board approved structured intern training program. Completion of the training requirements of the intern development program must be validated by the NCARB in a council training record sent to the board office. Completion of the training requirements of the IDP is the equivalent of three years of practical work experience.

(3) Applications for the examination must be accompanied by the application fee for the examination as established by the director and published in chapter 308-12 WAC, architect fees. The application fee to begin the examination process will not be refunded.

~~((3) On subsequent attempts examinees may retake any divisions offered not passed on previous attempts.))~~

AMENDATORY SECTION (Amending WSR 91-12-061, filed 6/5/91, effective 7/6/91)

WAC 308-12-115 Definitions. (1) Accredited architectural degree—A professional degree received from the current list of accredited schools of architecture as published by the National Architectural Accrediting Board.

(2) Practical architectural work experience—Practical work experience performing activities involved in the practice of architecture, as defined in RCW 18.08.320, under the direct supervision of an architect. The board may approve similar practical work experience for full or partial credit and will accept intern development program experience as defined in the IDP training guidelines.

PROPOSED

(3) Intern development program (IDP)—~~((An)) A structured internship training program designed to provide a ((formal means of evaluating training, to recognize the intern architects' professional development by compiling a continuing, comprehensive record of their internship training and to ensure intern architects of a range of exposures that will help qualify them to take the professional examination)) profession-wide, comprehensive program that contributes to the development of competent architects. IDP consists of training requirements that must be satisfied in order to complete the program. The National Council of Architectural Registration Boards (NCARB) maintains and validates the continuing, comprehensive record of internship training.~~

(4) Supervision—The word "supervision" in RCW 18.08.320 means the periodic observation of materials and work in progress or completed work to observe the general compliance with plans, specifications, and design and planning concepts, and does not include responsibility for the superintendence of construction processes, site conditions, operations equipment, personnel, maintenance of a safe place to work, or any safety in, on, or about the site of the work.

(5) Principal—The word "principal" as used herein shall mean an architect who is registered in this state; who is a shareholder, if the practice is through a professional service corporation; or a partner if the practice is through a partnership; or the proprietor if the practice is through a proprietorship; or the designated architect of a stock corporation; and is the person in charge of the architectural practice, either alone or in concert with others who qualify as herein described.

(6) Direct supervision—The phrase, "under the direct supervision of an architect" as used in connection with architectural work experience for qualification and eligibility for the examination shall refer to any of the following conditions or situations.

(a) The supervising architect is an employer who is knowledgeable of the performance and competence of the applicant.

(b) The supervising architect works for the same employer as the applicant, and is either the direct superior of the applicant, or a co-worker knowledgeable and responsible for the efforts of the applicant.

(7) Design-build—A means of providing design and construction services in which a single entity is responsible for both services.

WSR 98-14-044

PROPOSED RULES

DEPARTMENT OF TRANSPORTATION

[Filed June 24, 1998, 1:27 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-10-037.

Title of Rule: WAC 468-38-160 Rear-view mirrors for overwidth loads (formerly: Side mirrors for overwide vehicles).

Purpose: To bring WAC 468-38-160 into compliance with RCW 46.37.400.

Statutory Authority for Adoption: RCW 46.44.090.

Summary: WAC and RCW are inconsistent with WAC having fewer requirements for rear-view vision appurtenances. The revision will place the WAC in compliance with RCW.

Reasons Supporting Proposal: Reduces risk to motoring public by adding consistency to RCW in the requirements for rear vision appurtenances.

Name of Agency Personnel Responsible for Drafting and Implementation: Barry Diseth, Washington State Department of Transportation, Olympia, (360) 664-9497; and Enforcement: Captain Marsh Pugh, Washington State Patrol, Olympia, (360) 753-0350.

Name of Proponent: Washington State Department of Transportation, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule provides minimum requirements for rear vision appurtenances (mirrors) which is consistent with RCW 46.37.400.

Proposal Changes the Following Existing Rules: Amended rule makes direct reference to RCW 46.37.400 as well as referencing requirements consistent with RCW.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Any costs associated with this amendment should be insignificant. Equipment described in the proposed rule should already be in use by existing operators.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Department of Transportation, Commission Board Room 1D2, Transportation Building, Olympia, Washington 98504, on August 4, 1998, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact TDD (360) 705-6980, by July 31, 1998.

Submit Written Comments to: Barry Diseth, Motor Carrier Services, P.O. Box 47367, Olympia, WA 98504-7367, fax (360) 664-9440, by July 31, 1998.

Date of Intended Adoption: August 4, 1998.

June 24, 1998

James P. Toohey

for Gerald E. Smith

Deputy Secretary, Operations

AMENDATORY SECTION (Amending Order 68, filed 11/22/89, effective 12/23/89)

WAC 468-38-160 ((Side)) Rear-view mirrors for ((overwide)) overwidth loads. ((Side)) Rear-view mirrors shall be ((so)) mounted ((on vehicles hauling overwide loads that the driver can see the highway for a distance of two hundred feet directly to the rear of the driver's side of the vehicle)) in compliance with RCW 46.37.400. Escort vehicles may be used in lieu of ((this)) the distance requirement.

All escort vehicles must be equipped with outside rear-view mirrors on each side of the vehicle ((to provide vision to the rear to ensure that the movement is progressing safely)).

WSR 98-14-059

PROPOSED RULES

JAIL INDUSTRIES BOARD

[Filed June 29, 1998, 11:31 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-11-103.

Title of Rule: Chapter 288-06 WAC, Prison industries enhancement certification program adjudicative proceedings.

Purpose: To provide an appeal process to board certification and decertification actions.

Statutory Authority for Adoption: RCW 36.110.060, chapter 34.05 RCW, Administrative Procedure Act.

Statute Being Implemented: RCW 36.110.060.

Summary: Establish new chapter 288-06 WAC to provide an appeal process to board decisions made under provisions of chapter 288-04 WAC.

Reasons Supporting Proposal: Necessary to comply with Administrative Procedure Act.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jill Will, 206 Tenth Avenue S.E., Olympia, WA 98501, (360) 586-1534.

Name of Proponent: Jail Industries Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Establishing new chapter 288-06 WAC, Prison industries enhancement certification program appeal process, specifies brief adjudicative proceedings as primary appeal process, and allows the board to conduct formal adjudicative proceedings if the board so desires.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule will not impose more than a minor cost on business in an industry and the proposal is consistent with existing procedures in use under the Administrative Procedure Act.

RCW 34.05.328 does not apply to this rule adoption. The Jail Industries Board does not fall under RCW 34.05.328 (5)(a)(i) or (ii).

Hearing Location: Washington Counties Building, 206 Tenth Avenue S.E., Olympia, WA 98501-1311, on August 5, 1998, at 10:00 a.m.-11:00 a.m.

Assistance for Persons with Disabilities: Contact Jill Will by July 29, 1998, e-mail jwill@wacounties.org.

Submit Written Comments to: Jill Will, e-mail jwill@wacounties.org, fax (360) 664-2812, by August 5, 1998.

Date of Intended Adoption: August 6, 1998.

June 29, 1998

Jill Will

Executive Director

Chapter 288-06 WAC

PRISON INDUSTRIES ENHANCEMENT CERTIFICATION PROGRAM ADJUDICATIVE PROCEEDINGS

NEW SECTION

WAC 288-06-010 Application of brief adjudicative proceedings. The board adopts the brief adjudicative proceedings procedures permitted by RCW 34.05.482 through 34.05.494 and WAC 10-08-080 computation of time for adjudicative proceedings requested by applicants who:

(1) Are denied certification; or

(2) Are the subject of decertification actions taken under the authority of board polices on the prison industries enhancement certification program and RCW 36.110.060.

The sole issue at the brief adjudicative proceeding shall be whether:

(a) The applicant meets the requirements for certification; or

(b) A certified program participant is out of compliance with program requirements and should be decertified.

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 288-06-020 Application of adjudicative proceedings. If the full board finds that the issue and interests raised in the request for adjudicative proceeding warrant the use of procedures of RCW 34.05.410 through 34.05.479, the board may conduct a formal adjudicative proceeding and hereby adopts the model rules of procedure as set forth in WAC 10-08-35 through 10-08-230 for the conduct of formal adjudicative proceedings.

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 288-06-030 Request for adjudicative proceeding. Requests for an adjudicative proceeding must be made in writing to the board within twenty-one days of receiving notice of a certification or decertification action. Requests may be made by:

(1) The correctional facility and/or business seeking certification; or

(2) The correctional facility and/or business being decertified.

NEW SECTION

WAC 288-06-040 Failure to apply or participate. Failure to apply for an adjudicative proceeding within the times set forth in WAC 288-06-020 shall result in the adoption of the board's initial determination as its final determina-

tion. Failure to attend or otherwise participate in an adjudicative proceeding may result in a finding of default.

NEW SECTION

WAC 288-06-050 Preliminary record in brief adjudicative proceedings. (1) The preliminary record with respect to an application for a prison industries enhancement certification program certification is:

- (a) The application for the certification and all associated documents;
- (b) All documents relied upon by the board in proposing to deny the application; and
- (c) All correspondence between the applicant for certification and the board regarding the application.

(2) The preliminary record with respect to decertification of a program is:

- (a) The existing certification file;
- (b) All reports or other documents submitted to the board by the certified program participant which is the subject of decertification; and
- (c) All correspondence between the participant and the board regarding compliance with program requirements.

NEW SECTION

WAC 288-06-060 Conduct of brief adjudicative proceedings. (1) Brief adjudicative proceedings shall be conducted by the chair of the board or other presiding officer for brief adjudicative proceedings as designated by the chair.

(2) The parties or their representatives may present written documentation. The presiding officer for brief adjudicative proceedings shall designate the date by which written documents must be submitted by the parties.

(3) The presiding officer for brief adjudicative proceedings may, in his or her discretion, entertain oral argument from the parties or their representatives.

(4) No witnesses may appear to testify and no discovery other than reproduction of the preliminary record as specified will occur.

(5) In addition to the record, the presiding officer for brief adjudicative proceedings may employ agency expertise as a basis for decision.

(6) The presiding officer for brief adjudicative proceedings shall not issue an oral order. Within ten days of the final date for submission of materials or oral argument, if any, the presiding officer for brief adjudicative proceedings shall enter a written initial order.

(7) Initial orders on brief adjudicative proceedings shall become final twenty-one days after service of the initial order.

(8) Further appeals to board decisions regarding certification and decertification issues can be made to superior court as specified in chapter 34.05 RCW, Administrative Procedure Act, Part V, Judicial Review and Civil Enforcement.

NEW SECTION

WAC 288-06-070 Agency record in brief proceedings. The agency record of brief adjudicative proceedings shall consist of:

- (1) The preliminary record as set forth in WAC 288-06-050;
- (2) All initiating documents including the notice of opportunity to defend;
- (3) The request for adjudicative proceeding;
- (4) All documents submitted in the proceeding;
- (5) Any transcript or recording of any testimony or arguments presented; and
- (6) All orders issued in the case.

**WSR 98-14-060
PROPOSED RULES
JAIL INDUSTRIES BOARD**

[Filed June 29, 1998, 11:33 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-11-102.

Title of Rule: Chapter 288-04 WAC, Policy and procedure on administration of the prison industries enhancement certification program (PIECP).

Purpose: To establish the policy and procedure under which the Jail Industries Board will certify private sector inmate employment programs per federal criteria and manage the program.

Statutory Authority for Adoption: RCW 36.110.060.

Statute Being Implemented: RCW 36.110.060.

Summary: Establish new chapter 288-04 WAC to provide program operating guidelines for the prison industries enhancement certification program.

Reasons Supporting Proposal: Necessary to implement RCW 36.110.060.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jill Will, 206 Tenth Avenue S.E., Olympia, WA 98501, (360) 586-1534.

Name of Proponent: Jail Industries Board, governmental.

Rule is necessary because of federal law, 18 U.S.C. 1761.

Explanation of Rule, its Purpose, and Anticipated Effects: Establishing new chapter 288-04 WAC, Policy and procedure on administration of prison industries enhancement certification program, to give operating guidelines to the Jail Industries Board, which is responsible for ensuring compliance with state and federal requirements for private sector jail inmate employment.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule will not impose more than a minor cost on business in an industry.

RCW 34.05.328 does not apply to this rule adoption. The Jail Industries Board does not fall under RCW 34.05.328 (5)(a)(i) or (ii).

Hearing Location: Washington Counties Building, 206 Tenth Avenue S.E., Olympia, WA 98501-1311, on August 5, 1998, at 10:00 a.m.-11:00 a.m.

Assistance for Persons with Disabilities: Contact Jill Will by July 29, 1998, e-mail jwill@wacounties.org, or (360) 586-1534.

Submit Written Comments to: Jill Will, e-mail jwill@wacounties.org, fax (360) 664-2812, by August 5, 1998.

Date of Intended Adoption: August 6, 1998.

June 29, 1998

Jill Will

Executive Director

Title 288 WAC

JAIL INDUSTRIES BOARD

Chapter 288-04 WAC

POLICY AND PROCEDURE ON ADMINISTRATION OF THE PRISON INDUSTRIES ENHANCEMENT CERTIFICATION PROGRAM (PIECP)

NEW SECTION

WAC 288-04-010 Authority. 18 U.S.C. 1761 authorizes the prison industries enhancement certification program (PIECP).

RCW 36.110.060, jail industries programs, establishes the jail industries board of directors as responsible for certifying private sector inmate employment programs per federal prison industries enhancement certification program criteria.

NEW SECTION

WAC 288-04-020 Purpose. To establish the policy and procedure under which the jail industries board will certify private sector inmate employment programs per federal prison industries enhancement certification program criteria and meet its management obligations under Washington state law toward private sector employment programs.

NEW SECTION

WAC 288-04-030 Applicability. Any county or city seeking to certify a cost accounting center (CAC) under the prison industries enhancement certification program.

NEW SECTION

WAC 288-04-040 Definitions. Definitions found in chapter 36.110 RCW and U.S. Department of Justice/Bureau of Justice Assistance (BJA) guidelines.

(Copies available from the jail industries board.)

NEW SECTION

WAC 288-04-050 Policy statement. It is the policy of the jail industries board of directors to meet all the requirements of chapter 36.110 RCW, 18 U.S.C. 1761, and BJA guidelines for the administration of the prison industries enhancement certification program (PIECP). A city or county housing jail inmates that produce goods for sale in interstate commerce will not be certified under PIECP unless the city or county meets these requirements. The board will provide technical assistance to help jurisdictions meet these requirements. The board may create a special revenue fund to help offset jail industries board costs funded by an amount equal to seven and one-half percent of inmates' gross wages. This amount shall be remitted to the jail industries board from the local jurisdictions' authorized deductions from inmate wages.

NEW SECTION

WAC 288-04-060 Procedure. Application for participation in PIECP.

Jurisdictions seeking to participate in PIECP will complete the following one-time information request to assist with program planning and ensure initial compliance with local, state and federal requirements. The information will be reviewed by jail industries board staff for completeness and forwarded to the jail industries board for approval.

Information request items.

PIECP Application Cover Sheet

PIECP Application and Attachments

Designation of cost accounting centers.

Jurisdictions that have been approved to participate in PIECP will complete an information request to designate a cost accounting center (CAC) under PIECP. A completed checklist with attached documentation is required each time a jurisdiction designates a new CAC. The information will be reviewed by jail industries board staff for completeness. Jail industries board staff will forward the employment analysis to the employment security department, labor market and economic analysis branch, for its review and response. Upon receipt of determination of prevailing wage and nondisplacement response from employment security, the entire package will be forwarded to the jail industries board for approval.

Information request item.

PIECP cost accounting center mandatory criteria checklist, documentation, and notice of designation.

Sample documentation will be provided to assist the jurisdiction in completing the information request including:

Employment security department employment analysis.

Inmate wage agreement.

Business/labor notification letter.

National Environmental Policy Act (NEPA) statement of nonimpact.

National Environmental Policy Act (NEPA) environmental assessment.

Samples available from the jail industries board.

Jail industries board review process.

The chair of the jail industries board will appoint from among the members of the board a five person PIECP standing committee to review applications for participation and designation of cost accounting centers. The committee will include members representing business, labor, jail staff, the board executive committee, and an at large position. The executive director of the jail industries board will serve as an ex officio member. The PIECP committee will review all applications for participation and designations of cost accounting centers submitted. It will forward a recommendation for approval or denial to the full board with an executive summary of the information provided. The full board will review the information at the next board meeting and vote to approve or deny the application for participation and/or designation of a cost accounting center.

Notice to the bureau of justice assistance.

The executive director of the jail industries board will send a notice of designation of a cost accounting center to the bureau of justice assistance for cost accounting centers that have been approved.

Documentation to BJA.

PIECP cost accounting center mandatory criteria checklist, documentation, and notice of designation.

Compliance reporting and review.

Each jurisdiction that has designated a cost accounting center is responsible to ensure compliance with local, state and federal requirements. The jurisdiction will receive from each CAC it has designated complete monthly payroll information for each inmate working including name, Social Security number, wage rate, total hours worked, total pay, and any deductions taken from pay for taxes or other purposes. The jurisdiction should verify that wages paid are appropriate per the employment security department wage finding and that overtime is being paid for any time over forty hours in one week. The jurisdiction will record any deduc-

tions it takes from each inmate's wages and ensure the total deductions do not exceed eighty percent of gross wages and are for approved purposes.

The jurisdiction will forward copies of payroll and deduction information each month to the jail industries board for review. Jail industries board staff are responsible to verify the information submitted reflects compliance with local, state and federal requirements and to submit all required reports to the bureau of justice assistance. Jail industries board staff are responsible to request annual wage updates from the employment security department and forward the information to local jurisdictions for their action.

Each jurisdiction with active CACs will be visited at least annually for an on-site compliance check. Jurisdictions participating in the program will agree to make available all documentation required to verify compliance with requirements and participate in the on-site compliance reviews.

Decertification.

The jail industries board has the final authority to determine if a jurisdiction is in compliance with Washington requirements as stated in chapter 36.110 RCW. The board may decertify a jurisdiction or one of its designated cost accounting centers if it determines the jurisdiction is out of compliance and is unable to work with the jurisdiction to ensure compliance.

The bureau of justice assistance (BJA) has the final authority to determine if a cost accounting center is in compliance with federal requirements. Should BJA find a CAC out of compliance, the jail industries board and the jurisdiction will work with BJA to bring the CAC into compliance. If compliance issues cannot be resolved, the jail industries board will decertify the CAC per BJA guidelines. A decertified CAC may not employ inmates to produce goods for sale in interstate commerce.

**State of Washington
Jail Industries Board
Prison Industries Enhancement Certification Program (PIECP)
Application Cover Sheet**

AGENCY: _____

MAILING ADDRESS: _____

STAFF CONTACT FOR PIECP ISSUES:

Name: _____

Title: _____

Phone: _____

Fax: _____

Email: _____

To the best of my knowledge, the information submitted in this application and its attachments is correct. I agree to allow the bureau of justice assistance access to records necessary to document compliance with PIECP requirements. I am duly authorized to submit this application* on behalf of:

AGENCY: _____

NAME: _____

SIGNATURE: _____

PROPOSED

TITLE: _____

DATE: _____

*If the person signing the application is not the agency head, please attach a letter of designation from the agency head giving signature authority.

**State of Washington
Jail Industries Board
PIECP Application and Attachments**

AGENCY: _____

- 1. A Local Advisory Group has been formed, including an equal number of representatives from:
labor (required)
business (required)

The group also includes representatives from:
sheltered workshops (recommended)
crime victims advocates (recommended)

Attachments: Statement of when the advisory group was established and roster of members, including name and affiliation

- 2. A Special Revenue Fund has been created to receive inmate wage deductions, including deductions taken to help offset jail industries costs.

Attachment: Not Required

(Note: Documentation may be examined during on-site compliance reviews.)

- 3. The jurisdiction has in place the appropriate statutory and administrative authority to meet all mandatory program criteria.

Attachment: Not Required

(Note: Documentation may be examined during on-site compliance reviews.)

- 4. Documentation is available to show compliance with all mandatory program criteria.

Attachment: Submitted when a cost accounting center is designated

**State of Washington
Jail Industries Board
PIECP Cost Accounting Center
Mandatory Criteria Checklist, Documentation, and Notice of Designation**

Cost Accounting Center Name:

Model: _____ Employer _____ Customer _____ Manpower _____ Other _____
(define)

Facility Name:

Location:

Product Line:

Number of inmate workers:

Geographic distribution of product:

PROPOSED

1. Eligibility

This organization, _____, is authorized by law to administer PIECP programs.

Attachment: Not Required

2. Private Sector Wage Rates

All PIECP inmate workers will be paid wages per bureau of justice assistance program guidelines and the wage scale verified in writing by the appropriate state agency which verifies wage rates.

Attachment:

Written definition of locality used to in wage rate finding

Written wage determination

Written wage plan (if any)

(Attach employment analysis and employment security department wage and nondisplacement determination.)

If wage verification cannot be obtained from the appropriate state agency responsible for determination, the PIE participant agency is responsible for establishing a reasonable prevailing wage.

Attachment:

Written documentation that the appropriate state agency responsible for determination cannot provide the determination

Written definition of locality used in wage rate finding

Written wage determination by the PIE certificate holder

Relevant wage data from a sufficient number of competitors in the locality

Data analyses for determining a reasonable prevailing wage

If possible, a written assessment of the reasonableness of the resulting prevailing wage determination by the appropriate state agency which normally determines wage rates

3. Free Worker Displacement

This operation will not displace free-world workers, as verified in writing by the appropriate state agency which verifies nondisplacement.

Attachment:

Written nondisplacement determination

Written definition of locality used in nondisplacement finding

Letter of agreement from company on nondisplacement of free-world workers employed by the company

(Attach employment security department wage and nondisplacement determination.)

In cases where the appropriate state agency cannot make a nondisplacement determination, the CAC should propose and confer with BJA on alternative measures to address this requirement on a case-by-case basis.

Attachment:

Written agreement from BJA approving alternative measures of nondisplacement

Written definition of locality used in nondisplacement determination

Letter of agreement from company on nondisplacement of free-world workers employed by the company

4. Benefits

All inmate workers are covered by the following benefits: Workers compensation and Social Security, or written exemption(s) from the relevant federal agency(ies) for benefits coverage is on file.

Attachment: Written statement on benefits coverage of workers

5. Deductions

(a) Deductions from gross wages, if made, in aggregate will not exceed eighty percent of gross wage and may be withheld only for:

Taxes - federal, state, local - (if claiming exemption from tax withholding, provide letter of exemption from the appropriate federal, state, or local authority)

- _____ % Room and board
- _____ % Allocations for support of family pursuant to state statute, court order, or agreement by the offender.
- _____ % contributions of gross wages to any fund established by law to compensate the victims of crime (if taken, must be 5 to 20%)

(b) Deductions from net wages may include:

- _____ Mandatory savings
- _____ Repayment of legal financial obligations

Attachment: Inmate wage deduction policy

(c) If this CAC is housed in or managed by a private prison, written authority exists from each remanding jurisdiction for any deductions taken. Victims' Compensation payments must be returned to the remanding jurisdiction(s). Disposition of Room and Board payments must be determined by the remanding jurisdiction(s).

Attachment: Written approval from each remanding jurisdiction with inmates participating in PIECP.

6. Voluntary Worker Participation

All inmate workers will indicate in writing that they agree voluntarily to participate and for any deductions made they agree voluntarily and in advance to all wage deductions and all other financial arrangements made as to wages.

Attachment: Sample inmate participation and wage deduction agreement(s)

7. Consultation with Organized Labor

The local union central labor council, or the state labor council if no local council exists, has been consulted.

Attachment: Letter to labor council or minutes of board meeting, or public notice containing pertinent information relating to the proposed project. (Attach notice letter.)

8. Consultation with Local Private Business

The local economic development council, chamber of commerce or similar local business organization, or a similar statewide business organization if no local organization exists, has been consulted.

Attachment: Letter to business organization or minutes of board meeting, or public notice containing pertinent information relating to the proposed project. (Attach notice letter.)

9. Compliance with the National Environmental Policy Act (NEPA) (Check One Box)

A. Designation of this CAC includes only minor renovation or remodeling which does not require an environmental impact statement or an environmental assessment.

Attachment: Statement of Nonimpact

B. Designation of this CAC includes renovations that change the basic prior use of the facility or significantly change the size; new construction; research and technology whose application could affect the environment; or use of chemicals.

Attachment: Environmental Assessment

C. Assessments made under B. which result in findings of significant impact require submittal of an environmental impact statement.

Attachment: Environmental Impact Statement

I certify the above information to be true to the best of my knowledge.

Name of the Authorized Signatory: _____

PROPOSED

Signature: _____

Title: _____

Effective Date of Designation: _____

(must be prior to the start-up of inmate employment)

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

WSR 98-14-061
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Juvenile Rehabilitation Administration)
 [Filed June 29, 1998, 2:18 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-10-125.

Title of Rule: Chapter 275-37 WAC, Division of juvenile rehabilitation—Rules, practices, procedures, WAC 275-37-010 Definitions, 275-37-030 Background checks, and chapter 275-46 WAC, Security classification and adding new sections.

Purpose: These proposed rules are the result of legislation designed to improve public safety and enhance the safety of juvenile offenders.

Other Identifying Information: The majority of the proposed rules are based on E2SSB 6445, relating to the placement of children under the jurisdiction of the Department of Social and Health Services, which was enacted by the governor and legislature in 1998.

Statutory Authority for Adoption: Chapter 269, Laws of 1998 and RCW 13.40.460.

Statute Being Implemented: Chapter 269, Laws of 1998 and RCW 13.40.460.

Summary: These proposed rules are designed to improve public safety by strengthening the safeguards in assessment, placement, oversight, and monitoring of juvenile offenders placed in community facilities. In addition, the safety of juvenile offenders will be enhanced by considering sexual vulnerability and sexual aggression in placement decisions and expanding background check requirements for employees, volunteers, and contracted services providers.

Reasons Supporting Proposal: The primary purpose for adopting these proposed rules is to meet statutory rule-making requirements specifically identified in sections 6, 7, 13, 15, and 16, chapter 269, Laws of 1998 (E2SSB 6445) and RCW 13.40.460.

Name of Agency Personnel Responsible for Drafting: Cheryl Colglazier, P.O. Box 45720, Olympia, WA 98504, colglcl@dshs.wa.gov, (360) 902-8081; **Implementation:** Nancy German, 500 Fairview Avenue North, Seattle, WA 98109, germanl@dshs.wa.gov, (206) 464-6711; and

Enforcement: Robin Cummings, P.O. Box 45720, Olympia, WA 98504, cummirj@dshs.wa.gov, (360) 902-8080.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Funding for implementation of E2SSB 6445 was included in the 1998 supplemental budget.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rules authorize the Juvenile Rehabilitation Administration (JRA) to take action in relation to: (1) Assessing juvenile offenders for risk of sexually aggressive behavior and vulnerability to sexual aggression; (2) disciplinary standards for juveniles in community facilities and service provider reporting requirements; (3) contracted service provider penalties for failure to meet reporting requirements; (4) school record information sharing; (5) common use of licensed facilities by JRA and Children's Administration clients; and (6) background checks of employees, volunteers, and contractors. These requirements are the result of legislation designed to improve public safety by strengthening the safeguards in assessment, placement, oversight, and monitoring of juvenile offenders placed in community facilities. In addition, the safety of juvenile offenders will be enhanced by considering sexual vulnerability and sexual aggression in placement decisions and expanding background check requirements for employees, volunteers, and contracted services providers.

Proposal Changes the Following Existing Rules: Chapter 275-37 WAC, updates chapter title, WAC 275-37-010, adds new definitions and updates current definitions, chapter 275-46 WAC, changes chapter title to reflect the broader scope of the chapter, WAC 275-46-010, adds new definitions, WAC 275-46-020, amends terms to be consistent with new definitions and provides timeline flexibility for security classification reviews based on potential changes in assessment criteria and tools, WAC 275-46-030 through 275-46-060, amends terms to be consistent with new definitions and updates WAC to reflect current JRA practices, and WAC 275-46-070, amends the list of serious violations; identifying other violations for juveniles in community facilities, provides a basis for service provider reporting requirements, specifies sanctions for juveniles in community facilities, including requirements for return to an institution, and amends terms to reflect new definitions.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These proposed rules do not have an economic impact on small businesses as defined and required in chapter 19.85 RCW.

PROPOSED

RCW 34.05.328 applies to this rule adoption. Proposed WAC 275-46-090 Service provider penalty schedule, is a "significant legislative rule," therefore requiring a cost benefit analysis (CBA). A copy of the draft CBA may be requested by contacting Cheryl Colglazier, Juvenile Rehabilitation Administration, P.O. Box 45720, Olympia, WA 98504-5720, (360) 902-8081, or (colglcl@dshs.wa.gov).

The remaining proposed rules are not "significant legislative rules" and do not require a CBA. They are considered "procedural" and "interpretive" rules.

Hearing Location: Olympia/Lacey: Lacey Government Center (behind Tokyo Bento Restaurant), 1009 College Street S.E., Room 104-B, Lacey, WA 98503, on August 4, 1998, at 10:00 a.m. Contact Paige Wall at 902-7540 for assistance by July 24, 1998.

Seattle: 400 Mercer Building, 6th Floor, Olympus Conference Room, 400 Mercer, Seattle, WA 98109, on August 5, 1998, at 10:00 a.m. to 12:00 noon. Contact Lois Nicholas or Stephanie Noone for assistance, (206) 464-7700.

Yakima: Juvenile Rehabilitation Administration Regional Office, 215 North Third Avenue, Yakima, WA 98902, on August 5, 1998, at 2:00 p.m. to 4:00 p.m. Contact Virginia Swanson or Don Jones for assistance, (509) 575-2624.

Spokane: East Central Community Center, Conference Room, South 500 Stone, Spokane, WA 99205, on August 5, 1998, at 3:00 p.m. to 5:00 p.m. Contact Steve Ayres or Ester Palma for assistance, (509) 456-3250.

Submit Written Comments to: Identify WAC Numbers, Paige Wall, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 902-8292, by August 5, 1998.

Date of Intended Adoption: August 11, 1998.

June 29, 1998

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

Chapter 275-37 WAC

~~((DIVISION OF))~~ JUVENILE REHABILITATION ADMINISTRATION—RULES, PRACTICES, AND PROCEDURES

AMENDATORY SECTION (Amending Order 2221, filed 4/4/85)

WAC 275-37-010 Definitions. As used in this chapter:

(1) "Assistant secretary" means the assistant secretary of the juvenile rehabilitation administration.

(2) "Department" means the department of social and health services.

~~((2) "Director" means the director of the division of juvenile rehabilitation or his or her designee.))~~

(3) ~~((("Division" means the division of juvenile rehabilitation))~~ "JRA" means the juvenile rehabilitation administration, department of social and health services.

(4) "Limited access" means supervised access to a juvenile(s) that is the result of the person's regularly scheduled activities or work duties. For the purpose of this definition,

juvenile means a juvenile offender under the jurisdiction of JRA or a youthful offender under the jurisdiction of the department of corrections who is placed in a JRA facility.

~~((5) "(Regional) Program administrator" means ((the) institution superintendent, regional administrator ((of one of the division's six administrative regions)), or their designees.~~

~~((6)) (6) "Regular access" means unsupervised access to a juvenile(s), for more than a nominal amount of time, that is the result of the person's regularly scheduled activities or work duties. For the purpose of this definition, juvenile means a juvenile offender under the jurisdiction of JRA or a youthful offender under the jurisdiction of the department of corrections who is placed in a JRA facility.~~

(7) "Secretary" means the secretary of the department of social and health services.

~~((6) "Superintendent" means the superintendent of one of the division's three institutions or two forest camps.))~~

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 275-37-030 Background checks. (1) JRA must conduct background checks on prospective employees, volunteers, and individual contracted service providers who will have regular access or limited access to juveniles as a part of their regularly scheduled activities or duties.

(a) Background check procedures must be established in order to investigate and determine suitability of a person in a position who will have regular access or limited access to juveniles under the jurisdiction of JRA.

(b) Employees, volunteers, or individual contracted service providers who are authorized for regular access do not require the presence of another person cleared through the designated background check process during the performance of their duties.

(c) The presence of another person cleared through the designated background check process is required for people authorized to have limited access to juveniles.

(2) Effective September 1, 1998, potential employees, volunteers, and individual contracted service providers must not be hired, engaged, or authorized in a position which allows regular access if the individual has been convicted of:

(a) Any sex offense as defined in RCW 9.94A.030 and RCW 9A.44.130; or

(b) Any violent offense as defined in RCW 9.94.030.

(3) Effective September 1, 1998 employees, volunteers, and individual contracted service providers who are authorized for regular access to a juvenile(s) must report any conviction of a crime identified in subsection (2). The report must be made to the person's supervisor within seven days of conviction. Failure to report within seven days constitutes misconduct under Title 50 RCW.

Employees, volunteers, and individual contracted service providers who have been convicted of offenses in subsection (2) must not have regular access to a juvenile(s).

(4) The service provider or designee of an agency contracting with JRA for the provision of a community facility

must ensure background check investigations are conducted in accordance with department licensing requirements. In addition, the service provider or designee must ensure the requirements outlined in this section are met.

Chapter 275-46 WAC

((SECURITY CLASSIFICATION)) PLACEMENT OF JUVENILE OFFENDERS COMMITTED TO THE JUVENILE REHABILITATION ADMINISTRATION (JRA)

AMENDATORY SECTION (Amending WSR 96-18-041, filed 8/29/96, effective 9/29/96)

WAC 275-46-010 Definitions. As used in this chapter:

(1) "Community facility" means a group care facility operated for the care of juveniles committed to the department under RCW 13.40.185. A county detention facility that houses juveniles committed to the department under RCW 13.40.185 pursuant to a contract with the department is not a community facility.

(2) "Community placement eligibility requirements" means requirements developed by JRA that must be met by a youth to demonstrate progress in treatment and low public safety risk, ((justifying)) which justify an institutional minimum or minimum security classification for the youth.

~~((2))~~ (3) "Initial security classification assessment" means a written instrument, developed by JRA and administered by diagnostic staff, to determine to what extent a youth is a threat to public safety for the purpose of determining the youth's security classification when the youth initially is committed to JRA.

~~((3))~~ (4) "JRA" means juvenile rehabilitation administration, department of social and health services.

~~((4))~~ (5) "Juvenile" means a person under the age of twenty-one who has been sentenced to a term of confinement under the supervision of the department under RCW 13.40.185.

(6) "Program administrator" means institution superintendent, regional administrator, or their designees.

(7) "Separate living unit" means sleeping quarters and program space located in a building, wing, or on a different floor which separates resident groups.

(8) "Service provider" means the entity that operates a community facility.

(9) "Specialized treatment program" means a program that addresses additional rehabilitation needs such as sex offender treatment, drug/alcohol treatment, mental health interventions, gang intervention, gender/age specific intervention and other programs meeting specific rehabilitation needs of juveniles.

NEW SECTION

WAC 275-46-015 Assessment. (1) Risk assessment and treatment needs must be the basis of placement decisions involving juveniles.

(2) JRA must ensure juveniles are assessed to determine appropriate placement and treatment programming. Ongoing risk and needs assessment must occur during a juvenile's commitment to JRA.

(3) Risk assessment must include:

- (a) Risk to public safety;
- (b) Risk for sexually aggressive behavior; and
- (c) Risk for vulnerability to sexual aggression.

(4) JRA must use a security classification system to assist in placement decisions.

(5) Student records and information as described in chapter 269, Laws of 1998, section 13 are required for juvenile offender risk assessment, security classification assignment, and JRA community placement decisions. Designated school officials must ensure student records are provided to the identified juvenile court or JRA representative as required in RCW 28A.600.475 and chapter 269, Laws of 1998, section 12.

AMENDATORY SECTION (Amending WSR 96-18-041, filed 8/29/96, effective 9/29/96)

WAC 275-46-020 Security classifications. (1) There are four JRA security classifications:

- (a) Maximum;
- (b) Medium;
- (c) Institutional minimum; and
- (d) Minimum.

(2) ~~((Prior to placement, s youth's))~~ A juvenile's initial security classification ((shall be)) is determined ((utilizing)) using the initial security classification assessment. A ((youth's)) juvenile's security classification may be changed at any time, and ((shall)) be reviewed at ((least every ninety days)) regular intervals as determined by JRA policy.

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

AMENDATORY SECTION (Amending WSR 96-18-041, filed 8/29/96, effective 9/29/96)

WAC 275-46-030 Maximum security. (1) A maximum security classification may be assigned to a ~~((youth))~~ juvenile if:

- (a) Indicated by the initial security classification assessment; or
- (b) Following the initial security classification, it is determined the ~~((youth))~~ juvenile:
 - (i) Does not meet the community placement eligibility requirements for minimum security; and
 - (ii) Requires maximum security restrictions to ~~((carry out the purpose of this chapter as set forth in WAC 275-46-005))~~ protect public safety, encourage the juvenile to participate in treatment and follow facility rules, or enhance the safe and orderly operation of the facility.

(2) A ~~((youth))~~ juvenile classified as maximum security ~~((shall))~~ must:

- (a) Reside in an institution with the capability of:
 - (i) Security windows;

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- (ii) Locked exterior doors;
 - (iii) Lockable single-person rooms; and
 - (iv) A security fence.
- (b) Be permitted movement between secured buildings only if accompanied by a close staff escort;
- (c) Be confined to facility grounds, except for court appearances or emergencies, in which case a staff escort, and transportation in restraints and in a security vehicle, are required; and
- (d) Be allowed authorized leave only for emergency and medical purposes pursuant to RCW 13.40.205.

AMENDATORY SECTION (Amending WSR 96-18-041, filed 8/29/96, effective 9/29/96)

WAC 275-46-040 Medium security. (1) A medium security classification ~~((shall))~~ **must** be assigned to a ~~((youth))~~ **juvenile** if:

- (a) Indicated by the initial security classification assessment; or
- (b) Following the initial security classification, it is determined that the ~~((youth))~~ **juvenile**:
 - (i) Does not meet the community placement eligibility requirements for minimum security; and
 - (ii) Requires medium security restrictions to ~~((carry out the purpose of this chapter as set forth in WAC 275-46-005))~~ protect public safety, encourage the juvenile to participate in treatment and follow facility rules, or enhance the safe and orderly operation of the facility.

(2) A ~~((youth))~~ **juvenile** classified as medium security ~~((shall))~~ **must**:

- (a) Reside in an institution with the capability of at least:
 - (i) ~~((Locked))~~ **Lockable** exterior doors or fire exit doors fitted with alarms; and
 - (ii) A security fence or windows without egress.
- (b) Receive during movement a staff escort, continuous visual surveillance, or telephone/radio staff verification of departures and arrivals, unless the program administrator determines such measures are unnecessary;
- (c) Be confined to facility grounds, except for:
 - (i) Participation in work crews or other programs outside the facility that require a close staff escort; and
 - (ii) Court appearances or emergencies, in which case a staff escort, and transportation in a security vehicle and/or in restraints, are required.
- (d) Be allowed authorized leave only for emergency or medical purposes pursuant to RCW 13.40.205.

AMENDATORY SECTION (Amending WSR 96-18-041, filed 8/29/96, effective 9/29/96)

WAC 275-46-050 Institutional minimum. (1) An institutional minimum classification ~~((shall))~~ **must** be assigned to a ~~((youth))~~ **juvenile** if:

- (a) Indicated by the initial security classification assessment;
- (b) Indicated by the community placement eligibility requirements unless a recent incident indicates the ~~((youth))~~ **juvenile** no longer meets these requirements; or

(c) The assistant secretary for JRA or designee approves an override of the medium security classification.

(2) Even if eligible under subsection (1) of this section, a ~~((youth shall))~~ **juvenile must** not receive an institutional minimum security classification if:

(a) The assistant secretary for JRA, or designee, signs an administrative override disapproving institutional minimum classification and assigning the ~~((youth))~~ **juvenile** a higher security classification; or

(b) The ~~((youth))~~ **juvenile** is a sex offender who meets the requirements for civil commitment referral ~~((pursuant to))~~ under chapter 71.09 RCW or is classified as a risk level III under RCW 13.40.217.

(3) A ~~((youth))~~ **juvenile** classified as institutional minimum security:

(a) ~~((Shall))~~ **Must** reside in an institution with the capability of at least:

- (i) ~~((Locked))~~ **lockable** exterior doors or fire exit doors fitted with alarms; and
 - (ii) A security fence or windows without egress.
- (b) May be permitted:
- (i) Unescorted movement on facility grounds;
 - (ii) Participation in work crews or other programs outside the facility with a close staff escort;
 - (iii) Unescorted participation in community work, educational and community service programs, and family treatment or other activities to strengthen family ties, for up to twelve hours per day; and
 - (iv) Authorized leave pursuant to RCW 13.40.205.

(4) A ~~((youth))~~ **juvenile** on institutional minimum security ~~((shall))~~ **must** be transferred to minimum security upon the availability of an appropriate community placement if:

- (a) Ten percent of the juvenile's sentence, and in no case less than thirty days, has been served in a secure facility; and
- (b) All placement assessment requirements have been met.

AMENDATORY SECTION (Amending WSR 96-18-041, filed 8/29/96, effective 9/29/96)

WAC 275-46-060 Minimum security. (1) The provisions of WAC 275-46-050 also apply to a ~~((youth))~~ **juvenile** classified as minimum security, except the ~~((youth shall~~

~~))~~ **juvenile must** reside in a community ~~((placement))~~ facility or a community commitment program facility (CCP) rather than in an institution~~((, and))~~.

(2) In addition to the provisions of WAC 275-46-050 (3)(b)(iii), minimum security juveniles may be permitted unescorted participation in treatment programs in the community that do not ~~((involving))~~ involve the family for up to twelve hours per day.

NEW SECTION

WAC 275-46-065 Special placement restrictions. Certain placement restrictions apply to residential facilities that are commonly used by and under the jurisdiction of both JRA and the children's administration.

(1) When juveniles under the jurisdiction of JRA are assessed as a high to moderate risk for sexually aggressive

behavior, they may not be placed in a facility with youths under the jurisdiction of children's administration unless:

- (a) They are placed in a separate living unit solely for juveniles currently under the jurisdiction of JRA; or
- (b) They are placed in a program that contracts specifically for the provision of services to sexually aggressive youth.

(2) Juveniles under commitment to JRA for a class A felony may be placed in these facilities only when:

- (a) They are housed in a separate living unit solely for juveniles currently under the jurisdiction of JRA;
- (b) They are placed in a community facility that is a specialized treatment program and the juvenile is not assessed as sexually aggressive under RCW 13.40.470; or
- (c) They are placed in a community facility that is a specialized treatment program housing one or more sexually aggressive youth and the juvenile is not assessed as sexually vulnerable under RCW 13.40.470.

AMENDATORY SECTION (Amending WSR 96-18-041, filed 8/29/96, effective 9/29/96)

WAC 275-46-070 Residential disciplinary ((sanctions)) standards. (1) ~~((The program administrator shall determine))~~ Serious violations by a ~~((youth))~~ juvenile include:

- (a) Escape or attempted escape;
- (b) ~~((Staff assault or attempted staff assault))~~ Violence toward others with intent to harm and/or resulting in significant bodily injury;
- (c) ~~((Peer assault or attempt peer assault))~~ Involvement in or conviction of a criminal offense under investigation by law enforcement or awaiting adjudication for behavior that occurred during current placement;
- (d) Extortion~~((;))~~ or blackmail~~((; or demanding or receiving money or anything of value from other persons in return for protection or under threat of injury))~~ that threatens the safety or security of the facility or community;
- (e) ~~((Using physical force, intimidation, or coercion against any person;))~~ Setting or causing an unauthorized fire with intent to harm self, others, or property, or with reckless disregard for the safety of others;
- ~~((;))~~ (f) Possession~~((;))~~ or manufacture of weapons~~((;))~~ or explosives~~((; escape tools;))~~;
- ~~((;))~~ (h) Tampering with locks or other security hardware or equipment;
- ~~((;))~~ or tools intended to assist in escape;
- (g) Interfering with staff in performing duties relating to the security and/or safety of the facility or community;
- ~~((;))~~ (h) Intentional property damage in excess of one thousand five hundred dollars;
- ~~((;))~~ (i) Possession~~((;))~~, use~~((;))~~, or distribution of drugs or alcohol ~~((; or paraphernalia))~~, including inhalants;
- ~~((;))~~ (j) Rioting or inciting others to riot;
- ~~((;))~~ (k) Refusal of urinalysis or search; or
- ~~((;))~~ (l) Other behaviors or circumstances which threaten the safety ~~((and))~~ or security of the facility ~~((or))~~, its staff ~~((and))~~, or residents or the community.

~~((2))~~ ~~((The program administrator shall document all serious violations in an incident report, including:))~~

- ~~((a))~~ Circumstances leading up to the violation;
 - ~~((b))~~ A description of the violation;
 - ~~((c))~~ Response by staff;
 - ~~((d))~~ Response by the youth; and
 - ~~((e))~~ Sanctions imposed or recommended for the violation.
- ~~((3))~~ ~~((The program administrator shall determine sanctions))~~ Other violations by a juvenile placed in a community facility include:
- (a) Unaccounted for time when a juvenile is away from the community facility;
 - (b) Violation of conditions of authorized leave;
 - (c) Intimidation or coercion against any person;
 - (d) Misuse of medication such as hoarding medication or taking another person's medication;
 - (e) Self-mutilation, self tattooing, body piercing, or assisting others to do the same;
 - (f) Intentional destruction of property valued at less than fifteen hundred dollars;
 - (g) Fighting;
 - (h) Unauthorized withdrawal of funds with intent to commit other violations;
 - (i) Suspensions or expulsions from school or work;
 - (j) Violations of school, employment or volunteer work agreements related to custody and security concerns;
 - (k) Escape talk;
 - (l) Sexual contact or any other behavior, not defined as a serious violation, resulting in a referral to the department of licensing, child protective services, or law enforcement; or
 - (m) Lewd or disruptive behavior in the community.
- (3) Juveniles must be held accountable when there is reasonable cause to believe they have committed a violation.
- (a) Whenever a juvenile placed in a community facility commits a serious violation, the juvenile must be returned to an institution. The JRA program administrator who receives a service provider report of a serious violation must make arrangements to transfer the juvenile to an institution as soon as possible. Juveniles may be placed in a secure JRA or contracted facility pending transportation to an institution.
- (b) Sanctions for serious violations committed by juveniles in an institution, and additional sanctions for serious violations committed by juveniles returned to an institution, must include one or more of the following:
- ~~((a))~~ (i) Loss of privileges for up to thirty days;
 - ~~((b))~~ (ii) Loss of program level; or
 - ~~((c))~~ (iii) Room confinement up to seventy-two hours.
- ~~((4))~~ ~~((The program administrator shall determine))~~ (c) Sanctions for serious violations may also include, but are not limited to, one or more of the following:
- ~~((a))~~ (i) Change in release date;
 - ~~((b))~~ (ii) Referral for prosecution;
 - ~~((c))~~ (iii) Transfer to an intensive management unit;
 - ~~((d))~~ (iv) Increase in security classification;
 - ~~((e))~~ (v) Reprimand and loss of points;
 - ~~((f))~~ (vi) Restitution; or
 - ~~((g))~~ (vii) Community service.
- ~~((5))~~ (d) Sanctions for violations listed in WAC 275-46-070(2) may include transfer to a higher security facility and must include one or more of the following:

- (i) Loss or privileges;
- (ii) Loss of program level;
- (iii) Room confinement up to seventy-two hours;
- (iv) Change in release date;
- (v) Reprimand and/or loss of points;
- (vi) Additional restitution; or
- (vii) Community service.

~~(4)~~ When a sanction is imposed, the ~~((youth staff))~~ juvenile must also receive a counseling intervention to address the violation.

~~((6))~~ (5) If the proposed sanctions for ~~((a serious))~~ any violation includes extending the ~~((youth's))~~ juvenile's established release date, the ~~((youth staff))~~ juvenile must be entitled to:

(a) Notice of an administrative review to consider extension of the release date and a written statement of the incident;

(b) An opportunity to be heard before a neutral review chairperson;

(c) Present oral or written statements, and call witnesses unless testimony of a witness would be irrelevant, repetitive, unnecessary, or would disrupt the orderly administration of the ~~((institution))~~ facility;

(d) Imposition of the sanction only if the administrative review chairperson finds by a preponderance of the evidence that the serious violation did occur; and

(e) A written decision, stating the reasons for the decision, by the administrative review chairperson.

~~((7))~~ The program administrator shall conspicuously post notice of what constitutes a serious violation, and of the ~~((6))~~ Each superintendent and service provider must clearly post the list of serious violations and possible sanctions in all living units.

~~((8))~~ (7) Each program administrator ~~((staff))~~ must adopt procedures for implementing the requirements of this section.

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

NEW SECTION

WAC 275-46-080 Documenting and reporting violations committed by juveniles in residential facilities. (1) All serious violations and violations listed in WAC 275-46-070(2) must be documented in an incident report. The incident report must include:

- (a) Circumstances leading up to the violation(s);
- (b) A description of the violation;
- (c) Response by staff;
- (d) Response by the juvenile(s) involved in the incident; and
- (e) Sanctions imposed or recommended for the violation(s).

(2) Service providers must:

(a) Forward all incident reports to the JRA program administrator no later than twenty-four hours after the behavior is discovered; and

(b) Verbally report serious violations to the JRA program administrator immediately.

NEW SECTION

WAC 275-46-090 Service provider penalty schedule.

(1) Whenever a service provider contracts with the JRA to operate a community facility, the contracted service provider must report any known violation as required in WAC 275-46-080.

(2) If the contracted service provider fails to report violations within the prescribed time frames, the JRA must impose one or more of the following remedies:

(a) Imposition of a corrective action plan to be completed as determined by the program administrator.

(b) Imposition of the following monetary penalties:

(i) The first time fines are imposed on a service provider, the penalty must be at the rate of fifty dollars per day for each juvenile involved in a violation that was not reported as required. The penalty must be assessed for each day the report was late, and may continue until a corrective action plan is approved by the program administrator.

(ii) Subsequent fines imposed on the service provider during the same calendar year must be at the rate of seventy-five dollars per day for each juvenile involved in a violation that was not reported as required. The penalty must be assessed for each day the report was late, and may continue until a corrective action plan is approved by the program administrator.

(c) Order to stop placement until a corrective action plan is submitted, approved by the program administrator, and implemented.

(d) Termination of the contract for convenience if it is determined such termination is in the best interests of the department.

NEW SECTION

WAC 275-46-100 Adjudicative proceedings. (1) Contracted service providers have the right to an adjudicative proceeding to contest fines and stop placement orders imposed under WAC 275-46-090. Adjudicative proceedings under this section are governed by the rules of this chapter and by chapter 34.05 RCW (Administrative Procedure Act), RCW 43.20A.215, section 7, chapter 269, Laws of 1998, and by chapter 388-08 WAC. If any provision of this chapter conflicts with chapter 388-08 WAC, the provisions of this chapter shall govern.

(2) Applications for adjudicative proceedings shall be in writing and filed with the DSHS board of appeals within twenty-eight days of receipt of the notice of civil penalty or of the stop placement order.

(3) Stop placement orders imposed under WAC 275-46-090 which are contested under this section shall remain in effect pending the final agency decision.

WSR 98-14-062
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Aging and Adult Services Administration)
 [Filed June 29, 1998, 2:22 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-23-081.

Title of Rule: WAC 388-15-196 Individual providers for in-home care, contract qualifications and conditions for payment and new related sections.

Purpose: The proposed rules describe in-home individual provider qualifications, the conditions under which the department can pay an in-home individual provider, and the conditions under which the department may deny or terminate payment to an in-home individual provider. It amends WAC 388-15-196 according to new statutory changes. It also divides the information into easy-to-use sections using clear rule writing techniques.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.520, 43.43.842, 74.39A.050.

Statute Being Implemented: RCW 43.20A.710, 74.39A.050, 42 CFR 1002.210, 42 CFR 431.51, RCW 43.43.830.

Summary: The rule describes the requirements to be contracted as a paid in-home individual provider. It describes the conditions under which the department may deny or terminate a contract. The effect of this rule is to provide clear information to in-home individual providers, clients, and other stakeholders about how and when in-home individual providers can be paid and cannot be paid.

Reasons Supporting Proposal: Changes are made to comply with the governor's executive order, and rules established to comply with new statutes, RCW 43.20A.710 and 74.39A.050(8).

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Sue McDonough, Program Manager, Home and Community Programs, HCSD, AASA, Olympia, Washington, (360) 407-0331.

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: The rules define contract qualifications and conditions for payment for individual providers of in-home care. The purpose is to comply with the governor's executive order regarding regulatory improvement, and to comply with legislation directing the department to deny contracts and terminate payment to individual providers with disqualifying crimes, convictions of abuse, neglect, financial exploitation, or abandonment and other quality assurances.

The anticipated effects are to improve the quality of personal care provided to elderly and disabled adults who live in home and community settings that they receive from in-home individual providers.

Proposal Changes the Following Existing Rules: WAC 388-15-196 is being amended to implement to [two] new

statutory changes. The rule is being divided into easy-to-use sections using clear rule writing techniques. These rule-making amendments comply with the criteria under the Governor's Executive Order 97-02.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules do not have an economic impact on small businesses. In-home individual providers are independent contractors of DSHS.

RCW 34.05.328 applies to this rule adoption. These rules do meet the definition of significant "legislative rule" but are exempt under RCW 34.05.328 (5)(b)(v).

Hearing Location: Lacey Government Center (behind Tokyo Bento Restaurant), 1009 College Street S.E., Room 104-B, Lacey, WA 98503, on August 4, 1998, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Paige Wall by July 24, 1998, phone (360) 902-7540, TTY (360) 902-8324, e-mail pwall@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, Paige Wall, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 902-8292, by August 4, 1998.

Date of Intended Adoption: August 14, 1998.

June 29, 1998

Marie Myerchin-Redifer, Manager
 Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 97-16-106, filed 8/6/97, effective 9/6/97)

WAC 388-15-196 (~~Home and community services—Minimum qualifications for care~~) In-home individual providers ((in-home and community settings)). (~~To protect the health and welfare of a long-term care service client receiving an AASA administered service, the adult client's care provider shall:~~

- (1) ~~Be eighteen years of age or older;~~
- (2) ~~Complete and submit a criminal history background inquiry form prescribed by the department;~~
- (3) ~~Possess the following minimum standards of knowledge and experience:~~
 - (a) ~~General knowledge of acceptable standards of performance, including the necessity to perform dependably, report punctually, maintain flexibility, and to demonstrate kindness and caring to the client;~~
 - (b) ~~Knowledge of when and how to contact the client's representative and the client's case manager;~~
 - (4) ~~Have the following required skills:~~
 - (a) ~~Adequate skills to read, either directly or through an interpreter, understand and implement the client's service plan;~~
 - (b) ~~Adequate communication skills to convey and understand either directly or through an interpreter information required to implement the client's written service plan and verbal instructions;~~
 - (c) ~~Adequate skills to maintain provider records of services performed and payments received;~~
 - (5) ~~Be able to:~~
 - (a) ~~Understand specific directions for providing the care which the individual client requires;~~

PROPOSED

(b) Observe the client for change in health status, including weakness, confusion, and loss of appetite;

(c) Identify problem situations and take appropriate action;

(d) Respond to emergencies without direct supervision;

(e) Perform authorized housework functions competently;

(f) Perform authorized direct personal care functions competently;

(g) Accept the client's individual differences and preferences when performing routine tasks; and

(h) Work independently and perform responsibly within the boundaries of the nonmedical personal care task limits.

(6)(a) Complete the department's fundamentals of caregiving training according to the following schedule:

(i) All in-home personal care providers hired on or after the effective date of this section shall successfully complete the department-designated fundamentals of caregiving training within one hundred twenty days of employment, unless he or she meets the requirements under (iii) or (iv) of this subsection or in subsection (6)(c) or (6)(f);

(ii) All in-home care providers hired prior to November 1, 1996 shall successfully complete the department-designated fundamentals of caregiving training prior to October 31, 1997, unless he or she meets the requirements under (iii) or (iv) of this subsection or in subsection (6)(c) or (6)(f);

(iii) Natural, step, or adoptive parents hired as personal care providers for their division of developmental disabilities (DDD) adult children prior to the effective date of this section, will have until September 1, 1998 to complete the caregiving training;

(iv) Natural, step, or adoptive parents hired as personal care providers for their own adult children on or after the effective date of this section will have one hundred eighty days to complete the training requirements:

(b) Complete a minimum of ten hours of continuing education credits per calendar year, on topics relevant to caregiving unless he or she is a parent hired as a personal care provider for their own DDD adult child:

(i) Topics include, but are not limited to:

(A) Residents' rights;

(B) Personal care (such as transfers or skin care);

(C) Dementia;

(D) Mental illness;

(E) Developmental disabilities;

(F) Depression;

(G) Medication assistance;

(H) Communication skills;

(I) Alternatives to restraints; and

(J) Activities for clients.

(ii) Parent providers of their own DDD adult children are exempt from continuing education requirements;

(iii) Other caregivers are required to earn a certificate of completion to meet the requirement for continuing education credit and each hour of completed instruction will count as one hour of continuing education credit; and

(iv) The continuing education requirement begins the calendar year after the year in which the caregiver completes the fundamentals or modified fundamentals of caregiving training.

(c) The following providers are exempt from the fundamentals of caregiving training requirement in subsection (6)(a) of this section if the provider successfully completes the department-designated modified fundamentals of caregiving training in accordance with the dates specified in subsection (6)(a) of this section:

(i) A provider who has successfully completed training as a registered or licensed practical nurse, a physical or occupational therapist, a certified nursing assistant, a Medicare-certified home health aide, or who has successfully completed department-approved adult family home training, or department-approved personal care training from an area agency on aging or their subcontractor.

(ii) A provider who has successfully completed the DDD staff training as required by chapter 275-26 WAC is exempt from the fundamentals of caregiving training in subsection (6)(a) of this section as long as the provider continues to work for a DDD-contracted agency. This exemption no longer applies if the provider leaves the DDD-contracted agency.

(iii) Parent hired as a personal care provider for their own DD adult child. This exemption no longer applies if the parent provides services to anyone who is not their own adult child.

(d) The provider shall provide documentation upon request that the provider has met the education and training requirements.

(e) The department shall not continue to authorize reimbursement for services rendered by a care provider who does not meet the educational requirement in subsection (6) of this section.

(f) All in-home personal care providers are exempt from attending the "fundamentals of caregiving" or "modified fundamentals of caregiving" training if they successfully pass the department's challenge test for the class they are required to take. The provider only has one opportunity to successfully pass the challenge test. If the provider does not pass the challenge test then he/she must attend the "fundamentals of caregiving" or "modified fundamentals of caregiving" training as required.) The intent of WAC 388-15-196 through 388-15-19680 is to describe in-home individual provider (IP) qualifications, the conditions under which the department can pay an in-home IP, as defined in WAC 388-15-202 (25) and (26), and the conditions under which the department may deny a contract or terminate payment to an in-home IP.

NEW SECTION

WAC 388-15-19600 How do I apply to be an in-home individual provider of an adult client? A person who wants to be an in-home IP must contact the client's home and community services (HCS) social worker or area agencies on aging (AAA) case manager to apply.

NEW SECTION

WAC 388-15-19610 What requirements must an adult client's in-home individual provider meet in order to be paid? In order to be paid, an in-home IP of an adult must:

(1) Be eighteen years of age or older;

- (2) Be hired by a client;
- (3) Not be the spouse of the client receiving services, unless the client is on the chore personal care program;
- (4) Provide the HCS social worker or AAA case manager with a Social Security card, picture identification, and authorization to work in the United States;
- (5) Sign a home and community-based service provider contract/agreement to provide services to a COPES or Medicaid personal care client;
- (6) Complete and submit to the client's social worker/case manager the department's criminal conviction background inquiry application;
- (7) Have no conviction for a disqualifying crime, as listed in RCW 43.43.830 and RCW 43.43.842;
- (8) Have no findings of fact or conclusions of law related to abuse, neglect, financial exploitation or abandonment of a minor or vulnerable adult, as defined in RCW 74.39A.050(8);
- (9) Have not had an adult family home, boarding home, adult residential, enhanced adult residential, or assisted living facility license denied, suspended, or revoked for noncompliance with state and federal regulations in providing care to minors or vulnerable adults;
- (10) Have read and understand the client's service plan, translated or interpreted, as necessary, for the client and/or IP; and
- (11) Provide the services, as outlined in the client's service plan.

NEW SECTION

WAC 388-15-19620 Under what conditions will the department deny payment to an individual provider? The department will deny payment when the IP:

- (1) Does not meet the conditions of the contract;
- (2) Does not provide services in a manner described in the individual provider handbook;
- (3) Has had his/her contract terminated by the department;
- (4) Does not successfully complete the training requirements within the time limits in WAC 388-15-19650 through 388-15-19680;
- (5) Demonstrates an unwillingness or inability to provide care following mandatory training or other training provided by the client's social worker/case manager or through the nurse expertise service; or
- (6) Does not meet the conditions as stated in WAC 388-15-19610 (6) through (11).

NEW SECTION

WAC 388-15-19630 Where are the duties of client's individual provider written? The responsibilities of an IP are described on the client's service plan, as described in WAC 388-15-205, the contract, and in the provider handbook. See WAC 388-15-19640 (1) through (7).

NEW SECTION

WAC 388-15-19640 Does the individual provider have responsibilities in addition to the service plan? The

IP has responsibilities in addition to the client's service plan. The IP must:

- (1) Accommodate client's individual preferences and differences in providing care;
- (2) Contact the client's representative and case manager when there are changes which affect the personal care and other tasks listed on the service plan;
- (3) Notify the case manager immediately when the client enters the hospital, an adult family home, an adult residential care facility, an enhanced adult residential care facility, an assisted living facility, or a nursing facility;
- (4) Notify the case manager immediately when the client dies; and
- (5) Meet other responsibilities as outlined in the individual provider handbook.

NEW SECTION

WAC 388-15-19650 What are the educational requirements for an individual provider? To meet the educational requirements, an IP must:

- (1) Possess a certificate of successfully completing department-designated fundamentals of caregiving training within one hundred and twenty days after beginning employment;
- (2) Complete a minimum of ten hours of continuing education credits each calendar year following the year in which the fundamentals of caregiving training is taken. One hour of completed instruction equals one hour of credit on topics that pertain to services provided in an in-home setting including:
 - (a) Client's rights;
 - (b) Personal care (such as transfers or skin care);
 - (c) Dementia;
 - (d) Mental illness;
 - (e) Depression;
 - (f) Medication assistance;
 - (g) Communication skills;
 - (h) Alternatives to restraints;
 - (i) Activities for clients; and
- (3) Provide the department with proof of completion of continuing education credits.

NEW SECTION

WAC 388-15-19660 Do all individual providers have to take the fundamentals of caregiving training? An IP can do the following instead of taking the fundamentals of caregiving:

- (1) Pass the department's challenge test for the required class. This test can be taken once only. An IP contacts the AAA designated trainer to request the test; or
- (2) Complete the department designated modified fundamentals of caregiving training and be a:
 - (a) Registered or licensed practical nurse;
 - (b) Physical or occupational therapist;
 - (c) Certified nursing assistant; or
 - (d) Medicare-certified home health aide; or
- (3) Complete the division of developmental disabilities' (DDD) staff training required by chapter 275-26 WAC and continue to work for a DDD-contracted agency.

NEW SECTION

WAC 388-15-19670 Are there special rules about training for parents who are the individual providers of division of developmental disabilities (DDD) adult children? Natural, step, or adoptive parents of adult DDD children:

- (1) Must possess a certificate of successfully completing a six-hour DDD-approved training or a specially designed department-approved training within one hundred eighty days after beginning employment;
- (2) Are exempt from continuing education requirements; and
- (3) Are exempt from the fundamentals of caregiving training if they provide care only for their own adult DDD child.

NEW SECTION

WAC 388-15-19680 Are there special rules about training for parents who are individual providers of non-DDD adult children? Natural, step, or adoptive parents of adult non-DDD children must:

- (1) Possess a certificate of successfully completing the fundamentals of caregiving training within one hundred eighty days after beginning employment; or
- (2) Pass the department's challenge test; and
- (3) Complete and provide proof of ten hours of continuing education credits as required under WAC 388-15-19650 (2) and (3).

WSR 98-14-069**PROPOSED RULES****DEPARTMENT OF COMMUNITY,
TRADE AND ECONOMIC DEVELOPMENT**

[Filed June 30, 1998, 8:58 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-09-096.

Title of Rule: Amendment of chapter 365-110 WAC, State Building Code—Building permit surcharges and fees.

Purpose: To consider amendment of chapter 365-110 WAC that would eliminate obsolete references contained in this section, and to change the definition of "building permit."

Statutory Authority for Adoption: RCW 43.330.040(2) and 19.27.070(3).

Statute Being Implemented: RCW 19.27.085.

Summary: The proposed rule includes the elimination of archaic references found in chapter 365-110 WAC and the amendment of the definition of building permit as found in this WAC. See Explanation of Rule below for further information.

Reasons Supporting Proposal: Executive Order 97-02.

Name of Agency Personnel Responsible for Drafting and Implementation: Lori Graham, P.O. Box 48300, Olympia, WA 98504-8300, (360) 753-4308; and Enforcement: Local jurisdiction.

Name of Proponent: Department of Community, Trade and Economic Development, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The department is seeking comments on the issues proposed in this rule change.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This proposed rule changes chapter 365-110 WAC that addresses the definition of building permit for the purpose of collecting the building permit fee required by chapter 19.27 RCW. The proposed rule accomplishes three things. First, it corrects RCW references that are no longer valid. Second, it corrects references that are made to building code sections that no longer hold the referenced information. Third, it changes the definition of building permit to bring it into greater compliance with RCW 19.27.031 that defines state building code.

Proposal Changes the Following Existing Rules: WAC 365-110-010 Authority, reference to RCW 43.63A.060 has been changed to RCW 43.330.040(2). RCW 43.63A.060 has been deleted. Reference to chapter 43.63A RCW has been changed to chapter 43.330 RCW. Reference to chapter 43.63A RCW is obsolete. Also delete final sentence. Information in this sentence is not pertinent to this section.

WAC 365-110-035 Definitions.

1. **Department**, add the words "trade and economic" between "community" and "development." This reflects the department name change that took place in 1993.

2. **Building permit -**

- Change reference from Section 301 to Section 106.1. The contents of Section 301 are now in Section 106.1.
- Include separate plumbing and mechanical permits as part of the building permit definition.
- In second sentence change reference from Section 301 to 106.2. Again permit exemptions are contained in the new section number.
- Delete references to mobile/manufactured homes and commercial coaches. The Department of Labor and Industries regulates construction of these structures.
- Remove references to plumbing and mechanical permits from the final sentence of definition. These permits are proposed as being part of the definition.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The building permit fee collected under RCW 19.27.085(3) is collected and monitored by cities and counties issuing building permits. This rule does not affect the administration of the fee collection and submittal to the state. This change is editorial in nature and only poses minimal economic impact.

RCW 34.05.328 does not apply to this rule adoption. The Department of Community, Trade and Economic Development is not listed in this section as one of the agencies required to comply with this legislation.

Hearing Location: Department of Community, Trade and Economic Development, 906 Columbia Street S.W.,

PROPOSED

Room 1A, Olympia, WA, on Friday, August 14, 1998, at 9:00; and at the Spokane City Hall, City Council Chambers, West 808 Spokane Falls Boulevard, Spokane, WA, on Friday, September 18, 1998, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Lori Graham By August 1, 1998, TDD (360) 753-2200, or (360) 753-4308.

Submit Written Comments to: Lori Graham, P.O. Box 48300, Olympia, WA 98504-8300, fax (360) 586-5880, by September 16, 1998.

Date of Intended Adoption: October 19, 1998.

June 25, 1998

K. Kreiter, Deputy
for Tim Douglas, Director

AMENDATORY SECTION (Amending Order 85-10, filed 9/13/85)

WAC 365-110-010 Authority. These rules are adopted under the authority of RCW (~~((43-63A-060))~~ 43.330.040(2)) which provides that the director shall make such rules and regulations and do all other things necessary and proper to carry out the purposes of chapter (~~((43-63A))~~ 43.330 RCW. (~~(RCW 43-63A-065(2) provides that among its functions and responsibilities the department shall administer state and federal grants and programs which are assigned to the department by the governor or the legislature.))~~)

AMENDATORY SECTION (Amending Order 90-01, filed 4/6/90, effective 5/7/90)

WAC 365-110-035 Definitions. 1. Department shall mean the department of community, trade, and economic development.

2. State Building Code fee shall mean a fee which is required to be collected by cities and counties pursuant to chapter 19.27 RCW. Funds collected shall be used exclusively to implement the provisions of chapters 19.27 and 19.27A RCW.

3. Building permit shall mean a permit issued by a city or a county to construct, enlarge, alter, repair, move, improve, remove, convert or demolish any building or structure regulated by the Uniform Building Code as set forth in the Uniform Building Code, section (~~((301))~~ 106.1, including separate plumbing and mechanical permits. This definition shall be subject to the exemptions contained in section (~~((301))~~ 106.2 of the Uniform Building Code. (~~(Building permit shall include an installation permit or other permit issued by a city or county for a mobile/manufactured home, commercial coach, or factory built structure as defined and regulated by chapters 296-150A and 296-150B WAC.))~~) Building permits shall not include (~~(plumbing,))~~ electrical(~~(, mechanical))~~) permits, or permits issued pursuant to the Uniform Fire Code.

WSR 98-14-073
PROPOSED RULES
DEPARTMENT OF
FINANCIAL INSTITUTIONS

[Filed June 30, 1998, 9:04 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-09-004.

Title of Rule: Adoption of uniform manual exemption.

Purpose: Adopt NASAA's uniform manual exemption.

Other Identifying Information: New sections WAC 460-44A-100 and 460-44A-110.

Statutory Authority for Adoption: RCW 21.20.450, 21.20.320(2).

Statute Being Implemented: Chapter 21.20 RCW.

Summary: RCW 21.20.320(2) was amended during the 1997 legislative session to grant the director rule-making authority concerning nonissuer transactions by registered salespersons of registered broker-dealers. The intent behind this amendment was to authorize the director to adopt the NASAA uniform manual exemption.

Reasons Supporting Proposal: Proposed amendment will foster uniformity with other jurisdictions and decrease the compliance burden on persons conducting secondary trading.

Name of Agency Personnel Responsible for Drafting: William M. Beatty, 210 11th Avenue S.W., Olympia, WA 98504, (360) 902-8760; Implementation: John L. Bley, 210 11th Avenue S.W., Olympia, WA 98504, (360) 902-8760; and Enforcement: Deborah R. Bortner, 210 11th Avenue S.W., Olympia, WA 98504, (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 21.20.320(2) was amended during the 1997 legislative session to grant the director rule-making authority concerning nonissuer transactions by registered salespersons of registered broker-dealers. The intent behind this amendment was to authorize the director to adopt the NASAA uniform manual exemption. Proposed WAC 460-44A-100 and 460-44A-110 duplicate NASAA's uniform manual exemption found at §402 (b)(2) of the Uniform Securities Act as amended by NASAA (¶4918 CCH NASAA Reports). Proposed amendment will foster uniformity with other jurisdictions and decrease the compliance burden on persons conducting secondary trading.

Proposal Changes the Following Existing Rules: The current manual exemption is found at WAC 460-10A-160, which is proposed for amendment in a separate rules package. The proposed new sections, coupled with the revisions to WAC 460-10A-160, are generally less onerous than the current exemption. More manuals will be "recognized securities manuals" and the requirements for certain entries to have appeared in the manual for up to twelve years has been eliminated. The time period the issuer must have been in continuous operation has been reduced from five years to three years.

PROPOSED

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, 210 11th Avenue S.W., Suite 300, Olympia, WA 98504, on August 4, 1998, at 2:00 p.m.

Assistance for Persons with Disabilities: Contact Darlene Christianson by July 31, 1998, TDD (360) 664-8126, or (360) 902-8760.

Submit Written Comments to: William M. Beatty, Securities Division, P.O. Box 9033, Olympia, WA 98507-9033, fax (360) 704-6923, e-mail bbeatty@dfi.wa.gov, by August 3, 1998.

Date of Intended Adoption: August 5, 1998.

June 25, 1998

John L. Bley

Director

NEW SECTION

WAC 460-44A-100 Nonissuer transactions pursuant to RCW 21.20.320(2)—Manual exemption. Any nonissuer transaction by a registered salesperson of a registered broker-dealer, and any resale transaction by a sponsor of a unit investment trust registered under the Investment Company Act of 1940, in a security of a class that has been outstanding in the hands of the public for at least ninety days shall be exempt pursuant to RCW 21.20.320(2) provided that, at the time of the transaction:

(1) The issuer of the security is actually engaged in business and not in the organizational stage, bankruptcy, or receivership;

(2) The issuer is not a blank check, blind pool or shell company whose primary plan of business is to engage in a merger or combination of the business with, or an acquisition of, an unidentified person or persons;

(3) The security is sold at a price reasonably related to the current market price of the security;

(4) The security does not constitute all or part of an unsold allotment to, or a subscription or participation by, the broker-dealer as an underwriter of the security;

(5) A nationally recognized securities manual designated by the director pursuant to WAC 460-10A-160 or a document filed with and publicly available through the U.S. Securities & Exchange Commission's Electronic Data Gathering and Retrieval System (EDGAR) contains:

(a) A description of the business and operations of the issuer;

(b) The names of the issuer's officers and the names of the issuer's directors, if any, or, in the case of a non-U.S. issuer, the corporate equivalents of such persons in the issuer's country of domicile;

(c) An audited balance sheet of the issuer as of a date within eighteen months or, in the case of a reorganization or

merger where parties to the reorganization or merger had such audited balance sheet, a pro forma balance sheet; and

(d) An audited income statement for each of the issuer's immediately preceding two fiscal years, or for the period of existence of the issuer, if in existence for less than two years or, in the case of a reorganization or merger where the parties to the reorganization or merger had such audited income statement, a pro forma income statement; and

(6) The issuer of the security has a class of equity securities listed on a national securities exchange registered under the Securities Exchange Act of 1934, or designated for trading on the National Association of Securities Dealers Automated Quotation System (NASDAQ), unless:

(a) The issuer of the security is a unit investment trust registered under the Investment Company Act of 1940;

(b) The issuer of the security has been engaged in continuous business (including predecessors) for at least three years; or

(c) The issuer of the security has total assets of at least \$2,000,000 based on an audited balance sheet as of a date within eighteen months or, in the case of a reorganization or merger where parties to the reorganization or merger had such audited balance sheet, a pro forma balance sheet.

NEW SECTION

WAC 460-44A-110 Nonissuer transactions pursuant to RCW 21.20.320(2)—Senior securities. Any nonissuer transaction in a security by a registered salesperson of a registered broker-dealer shall be exempt pursuant to RCW 21.20.320(2) if:

(1) The issuer of the security is actually engaged in business and not in the organizational stage, bankruptcy or receivership;

(2) The issuer is not a blank check, blind pool or shell company whose primary plan of business is to engage in a merger or combination of the business with, or an acquisition of, an unidentified person or persons;

(3) The security is senior in rank to the common stock of the issuer both as to payment of dividends or interest and upon dissolution or liquidation of the issuer;

(4) Such security has been outstanding in the hands of the public for at least three years; and

(5) Neither the issuer nor any predecessors has defaulted, within the current fiscal year or the three immediately preceding fiscal years, in the payment of any dividend, interest, principal, or sinking fund instalment on the security when due and payable.

**WSR 98-14-074
PROPOSED RULES
DEPARTMENT OF
FINANCIAL INSTITUTIONS**

[Filed June 30, 1998, 9:05 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-03-041.

PROPOSED

Title of Rule: Adoption of NASAA policy statements concerning securities registration and the repeal or amendment of any inconsistent or overlapping regulations; technical amendments and updates to various sections; codification of various policy and interpretive statements.

Purpose: To foster greater uniformity, the Securities Division is adopting certain NASAA statements of policy in place of state-specific regulations on the same subjects. It is anticipated that such action would ease the burden of securities registration in this state by eliminating nonuniform regulations. In addition, the division is codifying various interpretive and policy statements as required pursuant to the Governor's Executive Order 97-02.

Other Identifying Information: Proposed rule making effects various sections in chapters 460-10A, 460-16A, and 460-17A WAC.

Statutory Authority for Adoption: RCW 21.20.450.

Statute Being Implemented: Chapter 21.20 RCW.

Summary: **Chapter 460-10A WAC:** WAC 460-10A-050, 460-10A-060, 460-10A-130, 460-10A-180, 460-10A-190, 460-10A-195, 460-10A-200, 460-10A-205, and 460-10A-210 are proposed for repeal. These terms are now defined in the NASAA statement of policy regarding corporate securities definitions, which is proposed for adoption at WAC 460-16A-205 (1)(l).

WAC 460-10A-160 is proposed for amendment. RCW 21.20.320(2) was recently amended to allow the administrator to adopt certain rules regarding secondary trading. Such rules are proposed to be adopted at WAC 460-44A-100 and 460-44A-110 pursuant to another rule making package. Those rules will contain the type of substantive exemption criteria currently found in WAC 460-10A-160. Therefore, WAC 460-10A-160 is to be amended to merely define which manuals will be deemed to be "recognized securities manuals."

Chapter 460-16A WAC: WAC 460-16A-035, 460-16A-075, 460-16A-090, 460-16A-095, 460-16A-110, 460-16A-111, 460-16A-150, 460-16A-155, 460-16A-156, 460-16A-160, 460-16A-165, 460-16A-170, 460-16A-175, 460-16A-190, and 460-16A-210 are proposed for repeal. These provisions have been eclipsed by the proposed adoption of several NASAA policy statements in WAC 460-16A-205.

WAC 460-16A-020 is amended to incorporate provisions from Securities Act Policy Statement 2.

WAC 460-16A-115 is revised to reference the NASAA policy statement on underwriting and selling expenses which is to be adopted at WAC 460-16A-205 (1)(t) in place of the to be repealed WAC 460-16A-075.

WAC 460-16A-120 is amended to incorporate Securities Act Interpretive Statement 12.

WAC 460-16A-205 is amended to adopt several new NASAA policy statements and to update policy statements that were previously adopted.

Chapter 460-17A WAC: WAC 460-17A-030 and 460-17A-040 are amended to make those sections consistent with NASAA policy statement regarding SCOR offerings.

WAC 460-17A-070 is amended to replace the references to sections in chapter 460-16A WAC that are to be repealed with references to the appropriate subsections in WAC 460-16A-205.

Reasons Supporting Proposal: See Summary above.

Name of Agency Personnel Responsible for Drafting: William M. Beatty, 210 11th Avenue S.W., Olympia, WA 98504, (360) 902-8760; **Implementation:** John L. Bley, 210 11th Avenue S.W., Olympia, WA 98504, (360) 902-8760; and **Enforcement:** Deborah R. Bortner, 210 11th Avenue S.W., Olympia, WA 98504, (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: 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. 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, 210 11th Avenue S.W., Suite 300, Olympia, WA 98504, on August 4, 1998, at 2:00 p.m.

Assistance for Persons with Disabilities: Contact Darlene Christianson by July 31, 1998, TDD (360) 664-8126, or (360) 902-8760.

Submit Written Comments to: William M. Beatty, Securities Division, P.O. Box 9033, Olympia, WA 98507-9033, fax (360) 704-6923, e-mail bbeatty@dfi.wa.gov, by August 3, 1998.

Date of Intended Adoption: August 5, 1998.

June 25, 1998

John L. Bley

Director

AMENDATORY SECTION (Amending Order 304, filed 2/28/75, effective 4/1/75)

WAC 460-10A-00101 Definitions. The terms used in these rules shall have the meanings set forth in the statutes pursuant to which these rules are adopted, if defined therein, or the meanings expressed in the definitions contained in these rules.

Note: Additional definitions may be found in the North American Securities Administrators Association (NASAA) statement of policy regarding corporate securities definitions, which has been adopted pursuant to WAC 460-16A-205 (1)(m).

AMENDATORY SECTION (Amending Order SDO-161-89, filed 10/11/89, effective 11/11/89)

WAC 460-10A-160 Nationally recognized securities manual. For the purpose of ((RCW 21.20.320(2)")) WAC 460-44A-100. "Nationally recognized securities manual" shall mean: *Fitch Investors Service, Moodys Investors Service* ((~~except for Moodys International Manual~~)), and *Standard and Poor's Corporation Records*((~~provided that the~~)).

outstanding securities of issuers meet the following requirements:

(1) An entry describing the issuer and meeting the informational requirements of RCW 21.20.320(2) was published in *Moodys Investors Service OTC Industrial Manual* and such an entry has appeared continuously in that manual since August 9, 1986 and the issuer has not subsequently reorganized, merged, consolidated, or had a stock split; or

(2) An entry describing the issuer and meeting the informational requirements of RCW 21.20.320(2) was published in *Fitch Investors Service, Standard and Poor's Corporation Records or Moody's Investor Services* (other than the *OTC Industrial Manual and Moody's International Manual*) and such an entry has appeared continuously in that manual since September 30, 1989, and the issuer has not subsequently reorganized, merged, consolidated, or had a stock split; or

(3) Securities of the issuer have been registered with the Securities and Exchange Commission pursuant to section 12 of the Securities and Exchange Act of 1934, and the issuer has been subject to the reporting requirements of section 13 of that act, and has promptly filed all reports required by section 13 for the three reporting periods immediately preceding the claim of the RCW 21.20.320(2) transactional exemption; or

(4) The issuer is a unit investment trust registered under section 8 of the Investment Company Act of 1940 and securities involved were initially registered under RCW 21.20.140; or

(5)(a) The security is of a class which has been outstanding in the hands of the public for at least ninety days; (b) the issuer of the security is a going concern actually engaged in business and not in the developmental stage or in bankruptcy or receivership; and (c) the issuer of the security, including any predecessors, has been in continuous operation for at least five years)).

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 460-10A-050 Promotional shares defined.
- WAC 460-10A-060 Affiliate.
- WAC 460-10A-130 Person.
- WAC 460-10A-180 Promoter.
- WAC 460-10A-185 Control.
- WAC 460-10A-190 Equity security.
- WAC 460-10A-195 Promotional or developmental stage corporation.
- WAC 460-10A-200 Public market.
- WAC 460-10A-205 Significant earnings.
- WAC 460-10A-210 Unaffiliated institutional investor.

AMENDATORY SECTION (Amending Order 304, filed 2/28/75, effective 4/1/75)

WAC 460-16A-020 Interpretive opinions and no-action letters. ((Each request for a written interpretive opinion of the administrator shall be made in writing and shall fully set forth the question presented and the particular facts and circumstances upon which the opinion is requested. Each interpretive opinion is applicable only to the transaction identified in the request therefor, and may not be relied upon in connection with any other transaction, and are discretionary with the division.)) The administrator, in his or her discretion, may honor requests from interested persons for no-action letters and interpretive opinions. The following procedures must be followed in requesting a no-action or interpretive opinion from the division:

(1) The request must be submitted to the administrator in writing. The letter should be captioned with the name of the party who will be relying upon the administrator's response and should indicate that a no-action or interpretive opinion is sought. The filing fee required by RCW 21.20.340 must accompany the request.

(2) The requesting letter should cite the particular statutes or rules for which interpretation or no-action is sought.

(3) The names of all involved companies and parties should be disclosed. The division cannot issue interpretive or no-action letters relating to unnamed companies or individuals or hypothetical situations, nor on matters of pending, or in preparation for, litigation.

(4) The request should be tailored to resolving the immediate issues and should not attempt to discuss every possible situation that may arise in the future.

(5) The letter should be concise and contain all material facts necessary to resolve the issues at hand. Relevant supporting documents may be included, but are not a substitute for subsection (6) of this section.

(6) It is important that the letter identify the issues at hand, the proposed resolution, and the precedents or other legal authority supporting that position.

(7) The administrator will not issue no-action or interpretive opinions regarding the availability of exemptions pursuant to RCW 21.20.320(1).

Letters that are not prepared in accordance with the above-listed procedures may be returned to the sender for compliance.

AMENDATORY SECTION (Amending Order 304, filed 2/28/75, effective 4/1/75)

WAC 460-16A-115 Reimbursement of expenses incurred by promoters. Actual and necessary expenses paid by a promoter in connection with the founding or organizing of a business enterprise, the offering of its securities and the acquisition of assets with which the issuer is to carry on its business may be reimbursed out of the proceeds of the sale of securities, subject, however, in the case of selling expenses to the limitation on total selling expenses contained in WAC ((460-16A-075 of these rules)) 460-16A-205 (1)(t).

PROPOSED

AMENDATORY SECTION (Amending WSR 96-11-021, filed 5/6/96, effective 6/6/96)

WAC 460-16A-120 Price variance. (1) Securities of the same class to be offered under the same registration statement should be offered and sold at the same price.

~~(2) The administrator may waive the provision of subsection (1) of this section to allow reduced sales commissions for purchases of large blocks of the issuer's securities, provided the net proceeds from such sales are the same as those realized from the sale of securities at the full commission price.~~

AMENDATORY SECTION (Amending WSR 96-11-017, filed 5/6/96, effective 6/6/96)

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)~~ October 24, 1991;

(d) Registration of oil and gas programs, as adopted with amendments through ~~(March 29, 1992)~~ October 24, 1991;

(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)~~ October 24, 1991;

(g) Loans and other material affiliated transactions, as adopted with amendments through ~~(April 25, 1993)~~ November 18, 1997;

(h) Options and warrants, as adopted with amendments through ~~(April 25, 1993)~~ November 18, 1997;

(i) Registration of direct participation programs - omnibus guidelines, as adopted March 29, 1992;

~~(j) ((Registration of periodic payment plans, as adopted March 29, 1992;)) Mortgage program guidelines, as adopted September 10, 1996;~~

(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;)) Corporate securities definitions, as adopted April 27, 1997;~~

~~(n) ((Registration of master fund/feeder funds, as adopted September 15, 1992;)) Impoundment of proceeds, as adopted with amendments through April 27, 1997;~~

~~(o) ((Telephone transactions, as adopted September 29, 1993; and)) Preferred stock, as adopted with amendments through April 27, 1997;~~

(p) Promotional shares, as adopted ~~((September 3, 1987))~~ November 18, 1997, 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;

~~(r) Promoters' equity investment, as adopted with amendments through April 27, 1997;~~

~~(s) Specificity in use of proceeds, as adopted April 27, 1997;~~

~~(t) Underwriting expenses, underwriter's warrants, selling expenses, and selling security holders, as adopted with amendments through April 27, 1997;~~

~~(u) Unsound financial condition, as adopted April 27, 1997; and~~

~~(v) Unequal voting rights, as adopted October 24, 1991.~~

(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.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 460-16A-035	Voting rights of common stock.
WAC 460-16A-075	Selling expenses.
WAC 460-16A-090	Pro rata options to shareholders.
WAC 460-16A-095	Options to purchasers of debt securities.
WAC 460-16A-110	Rights of promotional shares.
WAC 460-16A-111	Equity investment of promoters.
WAC 460-16A-150	Imposition of impound condition.
WAC 460-16A-155	Operation of impound condition.
WAC 460-16A-156	Source of impound deposits.
WAC 460-16A-160	Subscription agreements and purchase receipts.
WAC 460-16A-165	Depository.
WAC 460-16A-170	Release of impounds.

PROPOSED

- WAC 460-16A-175 Failure to comply with impound condition.
- WAC 460-16A-190 Petition for repeal or adoption of new rules.
- WAC 460-16A-210 Prohibited practices with regard to preferred stock.

AMENDATORY SECTION (Amending WSR 96-11-027, filed 5/6/96, effective 6/6/96)

WAC 460-17A-030 Availability. (1) SCOR is intended to allow small companies to conduct limited offerings of securities. 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 SCOR format and will, therefore, be unable to utilize SCOR. The administrator finds that SCOR is generally unsuitable for the following issuers and programs and that, therefore, they will not be allowed to utilize SCOR unless written permission is obtained from the administrator based upon a showing that adequate disclosure can be made to investors using the 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)(c));~~);
- (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 centrally managed limited liability company organized under the law ~~(s of one of the states or possessions))~~ of the United States or Canada, or any state, province, or territory or possession thereof, or the District of Columbia, and have its principal place of business in one of the foregoing.

(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.))~~ The issuer is not a development stage company that either has no specific business plan or purpose or has indicated that its business plan is to engage in merger or acquisition with an unidentified company or companies or other entity or person.

(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 \$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))~~ \$1.00 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) 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 WSR 96-11-027, filed 5/6/96, effective 6/6/96)

WAC 460-17A-040 Disqualification from use of SCOR registration. (1) 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))~~ (a) Has filed ~~((a))~~ an application for registration ~~((statement))~~ which is the subject of a currently effective registration stop order entered pursuant to any federal ~~((or)),~~ state, or provincial securities law within five years prior to the filing of the SCOR registration application;

~~((2))~~ (b) Has been convicted within five years prior to the filing of the 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))~~ (c) Is currently subject to any federal ~~((or)),~~ state, or provincial administrative enforcement order or judgment entered by any state or provincial securities administrator or the Securities and Exchange Commission within five years prior to the filing of the SCOR registration application ~~((or));~~

(d) Is subject to any federal ((or)), state, or provincial 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 SCOR registration application;

~~((4))~~ (e) Is subject to any federal ~~((or)),~~ state, or provincial administrative enforcement order or judgment which prohibits, denies, or revokes the use of any exemption from registration in connection with ~~((this))~~ the offer, purchase, or sale of securities;

PROPOSED

~~((5)) (f) 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)), or permanently ((restraining or enjoining)) restrains or enjoins 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 SCOR registration application; ((provided, however,)) or~~

~~(g) Has violated the law of a foreign jurisdiction governing or regulating any aspect of the business of securities or banking or, within the past five years, has been the subject of an action of a securities regulator of a foreign jurisdiction denying, revoking, or suspending the right to engage in the business of securities as a broker-dealer, agent, or investment adviser or is the subject of an action of any securities exchange or self-regulatory organization operating under the authority of the securities regulator of a foreign jurisdiction suspending or expelling such person from membership in such exchange or self-regulatory organization.~~

~~(2) The prohibitions of ((this subsection and)) subsection((s)) (1)(a) through ((3)) (c) and (e) 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 or province in which the administrative order or judgment was entered against such person, or if the broker-dealer employing such ((party)) person 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.~~

~~(3) 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)) jurisdiction which created the basis for disqualification determines upon a showing of good cause that it is not necessary under the circumstances that ((the exemption)) registration be denied.~~

AMENDATORY SECTION (Amending WSR 96-11-027, filed 5/6/96, effective 6/6/96)

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 adopted in WAC 460-16A-205 (1)(p) shall apply except that promotional shares need be escrowed only to the extent that such shares exceed sixty percent of the shares to be outstanding upon the completion of the offering;

~~(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 loan and material affiliated transaction provisions of WAC 460-16A-205 (1)(g) shall apply except that the independent director requirements may be waived;~~

~~(3) The options and warrants provisions of WAC 460-16A-205 (1)(h) shall apply;~~

~~(4) WAC 460-16A-205 (1)(i), concerning selling and underwriting expenses, shall apply;~~

~~(5) The impoundment of proceeds provisions of WAC 460-16A-205 (1)(n) shall apply;~~

~~(6) WAC 460-16A-205 (1)(s), concerning specificity in the use of proceeds, shall apply;~~

~~(7) WAC 460-16A-205 (1)(u) may be applied to issuers in unsound financial condition;~~

~~(8) The preferred stock provisions of WAC 460-16A-205 (1)(o) shall apply;~~

~~(9) WAC 460-16A-205 (1)(v), concerning unequal voting rights, shall apply; and~~

~~(10) 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 98-14-084

PROPOSED RULES

DEPARTMENT OF REVENUE

[Filed June 30, 1998, 1:54 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-07-016.

Title of Rule: Amend WAC 458-16-110 Applications—Who must file, initial applications, renewal applications, annual certifications, 458-16-165 Conditions under which nonprofit organizations, associations, or corporations may obtain a property tax exemption, 458-16-300 Public meeting hall—Public meeting place—Community meeting hall, and 458-16-310 Community celebration facilities; and repeal WAC 458-16-111 Filing fees, penalties and refunds.

Purpose: The purpose of the rules is to explain the application and renewal processes described in RCW 84.36.805, 84.36.815, 84.36.825, and 84.36.840 that pertain to the acquisition and renewal of property tax exemptions. The rules also explain the eligibility requirements for the property tax exemptions granted by RCW 84.36.037.

Statutory Authority for Adoption: RCW 84.36.865.

Statute Being Implemented: RCW 84.36.037, 84.36.805, 84.36.815, 84.36.825, and 84.36.840.

Summary: WAC 458-16-110, 458-16-165, 458-16-300, and 458-16-310 are being amended because the statutes they implement were revised by the legislature during the last few years. The amended rules will explain and implement how the department will administer the legislative changes. WAC 458-16-111 is being repealed because its contents are to be

incorporated into WAC 458-16-110, which is being amended, so that all information regarding the application and renewal process relating to property tax exemptions will be contained in one rule.

Name of Agency Personnel Responsible for Drafting: Kim M. Qually, 711 Capitol Way South, #303, Olympia, WA, (360) 664-0086; Implementation and Enforcement: Sandy Guilfoil, 6004 Capitol Boulevard, Tumwater, WA, (360) 753-5503.

Name of Proponent: Department of Revenue, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 458-16-110 Applications—Who must file, initial applications, renewal applications, annual certifications, explains the procedures property tax owners must follow in order to apply for and renew a property tax exemption on real and/or personal property. The purpose of the rule is to provide taxpayers with detailed information about the initial application and renewal process in a clear and concise manner.

WAC 458-16-111 Filing fees, penalties, and refunds, informs taxpayers about the processing fees required when a property owner applies for or renews a property tax exemption authorized by chapter 84.35 RCW. Its purpose is to provide a taxpayer applying for an exemption about the fees associated with filing an initial application, renewal application, or annual certification for exemption.

WAC 458-16-165 Conditions under which nonprofit organizations, associations, or corporations may obtain a property tax exemption, informs nonprofit organizations about the conditions that must be satisfied to receive or maintain a property tax exemption in addition to those requirements contained in authorizing statute. The purpose of the rule is to explain and describe the requirements set out in RCW 84.36.805.

WAC 458-16-300 Public meeting hall—Public meeting place—Community meeting hall, provides nonprofit organizations with the information they need to understand the requirements of RCW 84.36.037, which authorizes a property tax exemption for public assembly halls or meeting places. The purpose of the rule is to explain and set out the criteria used in determining the eligibility of nonprofit organizations applying for or renewing a property tax exemption under this statute.

WAC 458-16-310 Community celebration facilities, informs nonprofit organizations about the property tax exemption authorized by the proviso contained in the first subsection of RCW 84.36.037 for property used for annual community celebration events. The purpose of the rule is to explain and set out the criteria used in determining the eligibility of nonprofit organizations applying for or renewing a property tax exemption under this statute.

Proposal Changes the Following Existing Rules: WAC 458-16-110 will be amended to incorporate the statutory changes to RCW 84.36.815 made by section 1, chapter 123, Laws of 1994 and to RCW 84.36.825 by section 2, chapter 123, Laws of 1994. The time frame for the renewal of a property tax exemption and the fee associated therewith was

changed by these statutory amendments and the rule is being revised to reflect these changes. It is also being amended to incorporate the information about filing fees, penalties, and refunds related to the application and renewal processes contained in WAC 458-16-111, which will be repealed by this filing.

WAC 458-16-165 will be amended to incorporate the statutory changes to RCW 84.36.805 made by section 2, chapter 9, Laws of 1995 2nd sp. sess., section 8, chapter 156, Laws of 1997, section 3, chapter 202, and section 25, chapter 311, Laws of 1998. The rule is revised to include the expanded exemption for leased property used by nonprofit blood, bone, or tissue banks and to include the new property tax exemptions created for nonprofit cancer clinics and housing for developmentally disabled persons.

WAC 458-16-300 and 458-16-310 are being amended to incorporate the statutory changes made by section 1, chapter 298, Laws of 1997 and section 1, chapter 189, Laws of 1998. These statutory amendments now allow exempt property to be used seven days a year for pecuniary gain and for dance, music, and art lessons in counties with a population of less than ten thousand.

WAC 458-16-111 is being repealed because its contents are being consolidated into WAC 458-16-110 so that all information regarding the application and annual renewal procedures for a property tax exemption are contained in one rule.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The changes to these rules are being made so that the rules reflect the current contents of the statutes they are intended to implement. The department is not aware of any new or additional administrative responsibilities placed on a business as a result of these rules.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The amendatory sections and the repeal section are not significant legislative rules as defined in section 201. These changes implement statutory changes and eliminate a rule that the department has decided to incorporate into another rule.

Hearing Location: Evergreen Plaza Building, 711 Capitol Way South, 2nd Floor Conference Room, Olympia, WA, on August 5, 1998, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Arturo Haro by July 24, 1998, TDD 1-800-451-7985 or (360) 586-0721.

Submit Written Comments to: Kim M. Qually, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, fax (360) 664-0693, e-mail kimq@dor.wa.gov, by August 5, 1998.

Date of Intended Adoption: August 14, 1998.

June 30, 1998

Claire Hesselholt
Rules Manager

Legislation and Policy Division

REPEALER

The following section of the Washington Administrative Code is hereby repealed:

WAC 458-16-111 Filing fees, penalties and refunds.

AMENDATORY SECTION (Amending WSR 94-07-008, filed 3/3/94, effective 4/3/94)

WAC 458-16-110 Applications—Who must file, initial applications, ((renewal applications,)) annual ((certifications)) declarations, filing fees, penalties, and refunds. ((1) **Introduction.** This section explains the procedures property owners must follow to apply for and to renew all real and personal property tax exemptions provided under chapter 84.36 RCW for which the taxpayer must apply to receive:

(2) **Application required.** All foreign national governments, cemeteries, nongovernmental nonprofit corporations, organizations, and associations, and soil and water conservation districts seeking exemption from ad valorem property taxation under the provisions of chapter 84.36 RCW shall apply for exemption with the department of revenue. Unless otherwise exempted by law, no real or personal property shall be exempt from taxation unless an application has first been filed and exemption has been granted therefor.

(3) **Initial applications.** In general, initial applications for exemption of real or personal property shall be filed with the department of revenue on or before March 31. However, when real property that may qualify for exemption is acquired or when real property is converted to a use that may qualify the property for exemption, in order for the property to be granted exemption, an initial application must be filed with respect to the property within sixty days following acquisition or conversion; if this application is not received within this period, the penalties set forth in WAC 458-16-111 will be applied. All initial applications shall comply with the following:

(a) The application shall be made on a form prescribed by the department and signed by an authorized agent of the applicant.

(b) To the extent exemption is sought for real property, each application may include all property that is contiguous and part of a homogeneous unit. Except with respect to applications for exemption of church property involving a noncontiguous parsonage or convent, a separate application must be submitted for real property that is not both contiguous and part of a homogeneous unit.

(i) Contiguous property means real property adjoining other real property, all of which is under the control of a single applicant even though the properties may be separated by public roads, railroads, rights of way or waterways.

(ii) A homogeneous unit means one where the property is under the control of a single applicant and the operation and use of the property is integrated with and directly related to the activity of the applicant.

(c) The application shall include copies of the articles of incorporation or association, or constitution or other estab-

lishing document, together with all current amendments thereto, and also include a copy of the bylaws of the applicant. The application shall also include a copy of any current letter from the Internal Revenue Service that grants the applicant exemption from payment of federal income taxes, unless the nonprofit organization, association, or corporation is part of a larger organization, association, or corporation, like a church or the boy scouts, that has been issued a group 501(c)(3) exemption ruling by or is otherwise exempt from filing with the Internal Revenue Service. If copies of these documents have previously been filed with the department and are still current, the application need not include them.

(d) The application shall include an accurate map identifying by dimension the use or proposed use of all real property including buildings, building sites, parking areas, landscaping, vacant areas, and, if requested by the department, floor plans of multistoried buildings from which a determination exempting the total area can be made or from which a segregation for partial exemption can be made.

(e) The application shall accurately describe the real and personal property for which exemption is sought. The application shall include a legal description of all real property and provide the county tax parcel number for each parcel of real property. A copy of the current deed relative to the real property shall also be included with the application.

(f) The application shall indicate whether any of the real or personal property that is the subject of the application is leased or loaned from or to others, and if so, include a copy of the lease agreement and further indicate the following:

- (i) Which property is leased or loaned;
- (ii) The amount of the rent or other consideration;
- (iii) To whom or from whom the property is loaned or leased;
- (iv) What use is being made of the property; and
- (v) What is the monthly amount of operation and maintenance costs.

(4) **Renewal applications.** In order to requalify for exemption, each applicant (except nonprofit cemeteries) shall submit a renewal application not later than March 31 of each fourth year following the date of the most recent initial application. The renewal application shall be made on forms prescribed by the department and signed by an authorized agent of the applicant, and shall include information regarding any change in use or in exempt status or any change in the items covered in subsection (3)(b) through (f) of this section, since the filing of the initial application or since the filing of the previous renewal application.

(5) **Annual certifications - affidavit.** In order to retain the exemption from property taxation, each applicant (except nonprofit cemeteries) that has previously been granted exemption shall annually file an affidavit with the department certifying that the use and exempt status of the real and personal property claimed as exempt has not changed. These affidavits shall be on forms prescribed by the department and shall be in accordance with the following:

(a) The department shall annually on or before January 1 mail affidavit forms or, when appropriate, renewal forms to owners of record of exempt property at their last known address.

(b) The affidavit form or renewal form shall be filed with the department no later than March 31 and signed by an authorized agent of the applicant. The filing shall be due by March 31 regardless of whether the form was received by the applicant from the department.

(c) If the applicant fails to file the affidavit or renewal form within a reasonable time after the due date, and after the department has mailed an additional notice to the applicant at the applicant's last known address, the department may remove the exemption from the property and upon removal shall so notify the assessor in the county where the property is located.

(6) Failure to file renewal application or annual certification. When the exemption has been removed as a result of an applicant's failure to file a renewal application or an annual certification, if the applicant wishes to requalify for exemption:

(a) Within the same assessment year, the applicant must complete and file a renewal application or an annual certification together with any required late filing penalties; or

(b) Within a subsequent assessment year, the applicant must file an initial application together with the initial filing fee and any required late filing penalties.

(7) Filing fees and penalties. All initial applications, renewal applications or annual certifications are subject to the filing fees and penalties set forth in WAC 458-16-111.

(8) Effective date of exemption. Applications that are approved shall be effective for property taxes due and payable the year following the year of application. Applications for previous years, up to a maximum of three years from the date of payment of the tax, may be accepted if the applicant provides proof acceptable to the department that the property qualified for exemption in the assessment year prior to the tax year for which exemption is claimed and the initial filing fee and late filing penalties are paid.

(9) Where to obtain application forms. Applications for exemption may be obtained from any county assessor's office or from the department of revenue.)

(1) Introduction. This section explains the procedures property owners must follow to apply for and to renew all real and personal property tax exemptions provided under chapter 84.36 RCW for which the taxpayer must apply in order to receive. It also specifies the fee that must be submitted with an initial application or renewal declaration for exemption, as well as the late filing penalty that is due whenever an initial application or renewal declaration is received after the filing deadline.

(2) Application required. All foreign national governments, cemeteries, nongovernmental nonprofit corporations, organizations, and associations, and soil and water conservation districts seeking exemption from property taxation under the provisions of chapter 84.36 RCW shall apply for exemption with the department of revenue. Unless otherwise exempted by law, no real or personal property shall be exempt from taxation until an application has been filed and an exemption has been granted.

(3) Where to obtain application forms. Applications for exemption may be obtained from any county assessor's office or the department of revenue.

(4) Initial applications. Generally, initial applications for exemption of real or personal property shall be filed with the department of revenue on or before March 31 to exempt the property from taxes due the following calendar year. However, an initial application may be filed after March 31st if the property is acquired for or converted to an exempt use after that date, if the property may qualify for exemption under one of the statutes contained in chapter 84.36 RCW, and if, following the acquisition or conversion of the property, an application for exemption is submitted within sixty days. If an initial application under these circumstances is not received within sixty days, the late filing penalty described in subsection (9) of this section will be imposed. All initial applications shall comply with the following:

(a) A filing fee of thirty-five dollars shall be submitted with each application.

(b) The application shall be made on a form prescribed by the department and signed by the applicant or the applicant's authorized agent.

(c) Each application for exemption of real property may include all property that is contiguous and part of a homogeneous unit. A separate application must be submitted for real property that is not both contiguous and part of a homogeneous unit. However, a separate application shall not be required for church property involving a noncontiguous parsonage or convent.

(i) Contiguous property means real property adjoining other real property, all of which is under the control of a single applicant even though the properties may be separated by public roads, railroads, rights of way, or waterways.

(ii) A homogeneous unit means one where the property is under the control of a single applicant and the operation and use of the property is integrated with and directly related to the exempt activity of the applicant.

(d) The application shall include copies of the articles of incorporation or association, or constitution or other establishing document, together with all current amendments thereto, showing nonprofit status and a copy of the bylaws of the nonprofit entity applying for exemption. The application shall also include a copy of any current letter from the Internal Revenue Service that grants the applicant exemption from paying federal income taxes, unless the nonprofit organization, association, or corporation is part of a larger organization, association, or corporation, like a church or the boy scouts, that has been issued a group 501 (c)(3) exemption ruling by or is otherwise exempt from filing with the Internal Revenue Service. If copies of these documents have previously been filed with the department and are still current, they do not have to be resubmitted.

(e) The application shall include an accurate map identifying by dimension the use or proposed use of all real property including buildings, building sites, parking areas, landscaping, vacant areas, and, if requested by the department, floor plans of multistoried buildings. This map will be used to determine whether the property is entitled to a total exemption or a partial exemption based upon the use of the total area.

(f) The application shall accurately describe the real and personal property for which exemption is sought. The application shall include a legal description of all real property.

provide the county tax parcel number for each parcel of real property, and, if the property is owned by the applicant, a copy of the current deed relative to the real property.

(g) The application shall indicate whether any of the real or personal property included in the application is rented or loaned from or to others. If the property is rented or loaned, the applicant must include a copy of the rental agreement with the application and answer the following questions:

(i) Which property, in whole or in part, is rented or loaned:

(ii) The amount of the rent or other consideration received:

(iii) To whom or from whom the property is rented or loaned:

(iv) What use is being made of the property; and

(v) The monthly amount of operation and maintenance costs related to the rented or loaned property.

(5) **Effective date of exemption.** If the application for exemption is approved, the property shall be exempt from property taxes due the year immediately following the year the application was submitted. For example, if an application is submitted in 1995 and the property is eligible for exemption effective 1/1/95, the property will be exempt from taxes due in 1996. Applications for previous years may be submitted, up to a maximum of three years from the date the taxes were paid, if the applicant provides proof acceptable to the department that the property qualified for exemption in the assessment year prior to the tax year for which exemption is claimed and the initial filing fee and late filing penalties are paid.

(6) **Annual renewal declaration.** In order to retain a property tax exemption, each nonprofit entity (except nonprofit cemeteries) receiving an exemption shall annually file a renewal declaration with the department certifying that the use and exempt status of the real and personal property claimed as exempt has not changed. The declaration shall be on a form prescribed by the department and shall be in accordance with the following:

(a) The department shall annually on or before January 1 mail a renewal declaration to the owners of record of exempt property at their last known address.

(b) The renewal declaration shall be filed with the department no later than March 31, signed by the owner, and accompanied by a filing fee of eight dollars and seventy-five cents. This declaration shall include information regarding any change of use and a certification as to the truth and accuracy of the information listed. It shall be due on or before March 31 regardless of whether the department mailed the declaration to the owner.

(c) If the owner fails to file the renewal declaration by the due date, and after the department has mailed an additional notice to the owner at the owner's last known address, the department shall remove the exemption from the property and notify the assessor in the county where the property is located that the exemption is removed and that the property is to be placed back on the tax rolls.

(7) **Failure to file annual renewal declaration.** When the exemption has been removed as a result of an owner's failure to file an annual renewal declaration and the owner wishes to reapply for the property tax exemption:

(a) Within the same assessment year, the owner must complete and file an annual renewal form and pay any required late filing penalties; or

(b) Within a subsequent assessment year, the owner must file an initial application, pay the initial filing fee, and pay any required late filing penalties.

(8) **Full payment of filing fees is required before an initial application or renewal declaration will be processed.** The department will not process an application or a renewal form for a property tax exemption until all filing fees and penalties, if applicable, have been paid.

(9) **Late filing penalty.** When an initial application or renewal form is not submitted by the due date, a late filing penalty of ten dollars is due for every month, or portion thereof. This penalty is calculated from the date the filing was due up to the postmark date shown on the application or renewal declaration.

(10) **Refund of filing fee or penalty.** No filing fees or late filing penalty will be refunded after a determination on the application or renewal is issued by the department. However, filing fees and the late filing penalty will be refunded under the following circumstances:

(a) When a duplicate application or renewal form for exemption for the same property is filed for the same year;

(b) When an application or renewal form for exemption is received by the department and the department has no authority to grant the exemption requested; or

(c) When a written request to withdraw the application or renewal form for exemption is received before a determination has been issued by the department. The request to withdraw the application or renewal form must be signed by the owner or the owner's authorized agent.

AMENDATORY SECTION (Amending WSR 94-07-008, filed 3/3/94, effective 4/3/94)

WAC 458-16-165 Conditions under which nonprofit organizations, associations, or corporations may obtain a property tax exemption. (1) **Introduction.** Nonprofit organizations, associations, and corporations may obtain a property tax exemption under the provisions of RCW 84.36.030, 84.36.035, 84.36.037, 84.36.040, 84.36.041, 84.36.043, 84.36.045, ~~84.36.046~~, 84.36.047, 84.36.050, 84.36.060, 84.36.350, 84.36.480, ~~((and))~~ 84.36.550, and chapter 202, Laws of 1998. To be exempt from property taxation, these nonprofit organizations, associations, or corporations must also comply with the requirements contained in RCW 84.36.805 and RCW 84.36.840. This section explains the conditions and requirements set forth in RCW 84.36.805 and 84.36.840. Property exempt under RCW 84.36.030 is not subject to the requirements of RCW 84.36.840.

(2) **Definitions.** For purposes of this section, the following definitions apply:

(a) "Maintenance and operation expenses" means items of expense allowed under generally accepted accounting principles to maintain and operate the loaned or rented portion of the exempt property.

(b) "Revenue" means income received from the loan or rental of exempt property when the income exceeds the

amount of ~~((the expenses of))~~ maintenance and operation expenses attributable to the portion of the property loaned or rented.

(c) "Personal service contract" means a contract between a nonprofit organization, association, or corporation and an independent contractor under which the independent contractor provides a service on the organization's, association's, or corporation's tax exempt property. (See example contained in subsection (3)(c) of this section.)

(3) **Exclusive use.** Unless the applicable statute states otherwise, the exempt property shall be exclusively used for the actual operation of the activity for which the nonprofit organization, association, or corporation ((that)) applied ((for)) and received the property tax exemption ((and)). The amount of exempt property shall not exceed an area reasonably necessary ~~((for that))~~ to facilitate the exempt purpose.

(a) Loan or rental of exempt property. As a general rule, the loan or rental of ~~((the))~~ exempt property ((or a portion of the property)) does not ~~((subject the property to taxation))~~ make it taxable if the rents or donations received for the use of the property are reasonable and do not exceed the maintenance and operation expenses attributable to the portion of the property loaned or rented and the property would be exempt from tax if owned by the organization to which it is loaned or rented ~~((except for)).~~ Property owned by organizations and societies of war veterans, public assembly halls, public meeting places, community meeting halls, and community celebration facilities are not subject to these limitations.

(i) Exception - loaned or rented for less than fifteen days. ~~((If exempt property is loaned or rented the tax exempt))~~ The status of ((the)) exempt property will not be affected if:

(A) The property is loaned or rented for a period of fifteen consecutive days or less;

(B) The property is loaned or rented to another nonprofit organization, association, or corporation that would qualify for exemption if it owned the loaned or rented property ~~((unless the)).~~ This limitation does not apply to exempt property ((is)) owned by organizations and societies of war veterans, public assembly halls, public meeting places, community meeting halls, and community celebration facilities; and

(C) All income received from the rental is devoted exclusively to the exempt purpose of the nonprofit organization, association, or corporation ~~((that receives))~~ receiving the tax exemption.

(ii) Loaned or rented to produce income. If the ~~((property is loaned or rented and the lessor or lessee intends to produce revenue from the loan or rental, the subject property shall not be exempt. Property loaned or rented from which revenue is to be produced must be segregated and taxed whether or not the revenue is devoted to exempt purposes))~~ lessor or lessee of exempt property intends to produce income from exempt property loaned or rented, the property will lose its exempt status. Property loaned or rented to produce income must be segregated from exempt property used for exempt purposes. However, property exempt under RCW 84.26.037 (public assembly halls, public meeting places, community meeting halls, and community celebration facilities) may be loaned or rented for pecuniary gain or to promote business activities for a maximum of seven days each assessment year or in a

county with less than ten thousand people, the property may be used to promote the following business activities: Dance lessons; art classes; or music lessons (see WAC 458-16-300 and 458-16-310).

(iii) Example. If a ~~((room or floor within))~~ portion of a building owned by a nonprofit hospital is rented to a ((social service agency and the social service agency intends)) pharmacy and the hospital and/or the pharmacy intend to use this area to produce ((revenue, the rented)) income, this portion of the ((building)) hospital must be segregated from the remainder of the building that is being used for exempt hospital purposes. ((The segregated and rented portion of the building will then be subject to ad valorem property taxes.)) The portion of the building rented to the pharmacy is subject to property tax.

(b) Fund-raising activities. The use of exempt property for fund-raising activities sponsored by an exempt organization, association, or corporation does not subject the property to taxation if the fund-raising activities are consistent with the purposes for which the exemption was granted. The term "fund raising" means any revenue-raising activity limited to less than five days in length that disburses fifty-one percent or more of the profits realized from the activity to the exempt nonprofit organization, association, or corporation ~~((that is))~~ holding the fund raising event.

(i) Example 1. A nonprofit social service agency holds an art auction in the auditorium of its tax exempt facility to raise funds. ~~((Since the fund-raising activity is being held on exempt property.))~~ The activity must be less than five days in length and fifty-one percent of the profits must be disbursed to the social service agency because the fund-raising activity is being held on exempt property.

(ii) Example 2. A nonprofit school has a magazine subscription drive to raise funds ~~((during which))~~ and the subscriptions are being sold door-to-door by students. ((Since the subscription drive is not being held on exempt property, the drive is not limited to less than five days and fifty-one percent of the profits from this fund-raising activity do not have to be remitted to the school.)) There are no limitations on this fund-raising activity because the subscription drive is not being held on exempt property.

(c) Personal service contract - exempt programs. Programs provided under a personal service contract will not jeopardize the exemption if the following conditions are met:

(i) The program is compatible and consistent with the purposes of the exempt organization, association, or corporation;

(ii) The exempt organization, association, or corporation maintains separate financial records as to all receipts and expenses related to the program; and

(iii) A summary of all receipts and expenses of the program ~~((will be))~~ are provided to the department of revenue upon request.

(iv) Example. A nonprofit school may decide to offer aerobic classes to promote general health and fitness. All brochures and bulletins ~~((that advertise))~~ advertising these classes must show that the school is sponsoring the classes. Under the terms of the contract between the nonprofit school and the aerobic instructor, an independent contractor, the instructor must provide the classes for a predetermined fee.

All fees collected from the participants of the classes must be received by the school; the school, in turn, will absorb all costs related to the classes.

(d) **Personal service contract - nonexempt programs.** Programs provided under a personal service contract (i) that require the contractor to reimburse the nonprofit organization for program expenses or (ii) in which the instructor is paid a fee based on the number of people ~~((that))~~ who attend the program will be viewed as a rental agreement and will subject the property to ~~((ad-valorem))~~ property tax.

(4) **Irrevocable dedication required.** The property must be irrevocably dedicated to the purpose for which the exemption was granted. Upon liquidation, dissolution, or abandonment by a nonprofit organization, association, or corporation, ~~((said))~~ the property shall not directly or indirectly benefit any shareholder or other individual except a nonprofit organization, association, or corporation that would be entitled to receive a property tax exemption if it applied for it.

Exception: If, under the terms of a loan or rental agreement, a nonprofit organization, association, or corporation receives the benefit of the property tax exemption, the property need not be irrevocably dedicated if it is loaned or rented to a nonprofit organization, association, or corporation for use as:

(a) A nonprofit organization engaged in procuring, processing blood, plasma, or blood products (RCW 84.36.035);

(b) A nonprofit day care center (RCW 84.36.040);

~~((b))~~ (c) A library (RCW 84.36.040);

~~((c))~~ (d) An orphanage (RCW 84.36.040);

~~((d))~~ (e) A home for the sick or infirm (RCW 84.36.040);

~~((e))~~ (f) A hospital (RCW 84.36.040);

~~((f))~~ (g) An outpatient dialysis facility (RCW 84.36.040);

~~((g))~~ (h) A nonprofit home for the aging (RCW 84.36.041);

~~((h))~~ (i) A nonpermanent shelter to low-income homeless persons or victims of domestic violence (RCW 84.36.043); ~~((or~~

~~((i))~~ (j) A nonprofit organization conducting medical research or training of medical personnel (RCW 84.36.045);

(k) A nonprofit cancer clinic or center (RCW 84.36.046);

(l) A facility used to produce or perform musical, dance, artistic, dramatic, or literary works (RCW 84.36.060); or

(m) Residential housing occupied by low-income developmentally disabled persons (chapter 202, Laws of 1998).

(5) **No discrimination allowed.** The facilities located on and the services offered on the exempt property shall be available to all persons regardless of race, color, national origin, or ancestry.

(6) **Compliance with licensing or certification requirements.** ~~((The))~~ A nonprofit organization, association, or corporation seeking or receiving a property tax exemption shall comply with all applicable licensing and certification requirements ~~((when a))~~ imposed by law or regulation ~~((of the federal, state, or local government requires it)).~~

(7) **Property sold subject to an option to repurchase.** ~~((If property is))~~ Property sold to a nonprofit organization, association, or corporation subject to an option to repurchase by the seller ~~((, the property))~~ shall not qualify for ~~((exempt status))~~ an exemption.

(8) **Duty to produce financial records.** In order to determine whether an organization, association, or corporation is exempt under the provisions of chapter 84.36 RCW and before the exemption is renewed each year, the organization, association, or corporation claiming a property tax exemption ~~((under chapter 84.36))~~ shall file a signed statement, made under oath, with the department of revenue ~~((on forms furnished by the director or his/her designee,))~~ that its income ~~((and)),~~ receipts, ~~((including))~~ and donations ~~((;))~~ have been ~~((applied to the actual expenses of maintenance and operation))~~ used to pay the actual expenses incurred to maintain and operate the exempt facility or for its capital expenditures and to no other purpose. This signed statement shall ~~((also))~~ include a statement ~~((of))~~ listing the receipts and disbursements of the organization, association, or corporation. This statement shall be made on a form prescribed and furnished by the department.

(a) The provisions of this subsection do not apply to an organization, association, or corporation either applying for or receiving an exemption under RCW 84.36.030.

(b) When an organization, association, or corporation ~~((has been granted exemption from ad-valorem taxation))~~ is currently receiving a property tax exemption, this signed statement must be submitted on or before April 1 each year. If this statement is not received on or before April 1, the department shall remove the tax exemption from the property. However, the department shall allow a reasonable extension of time for filing if the ~~((tax))~~ exempt organization, association, or corporation has submitted a written request for ~~((this))~~ an extension on or before the required filing date and for good cause ~~((shown therein)).~~

(9) **Caretaker's residence.** If a nonprofit organization, association, or corporation exempt under chapter 84.36 RCW employs a caretaker to provide either security or maintenance services and a caretaker's residence is located on exempt property, the residence may qualify for exemption if the following conditions are met:

(a) The caretaker's duties include regular surveillance, patrolling ~~((of))~~ the exempt property, and routine maintenance services;

(b) The size of the residence is reasonable and appropriate in light of the caretaker's duties and the size of the exempt property; and

(c) The caretaker receives the use of the residence as part of his or her compensation and does not pay rent. Reimbursement of ~~((utilities))~~ utility expenses created by the caretaker's presence ~~((will))~~ are not ~~((be considered as))~~ rent.

AMENDATORY SECTION (Amending WSR 94-07-008, filed 3/3/94, effective 4/3/94)

WAC 458-16-300 Public meeting hall—Public meeting place—Community meeting hall. (1) **Introduction.** This section explains the property tax exemption available under the provisions of RCW 84.36.037 for real and personal property owned by a nonprofit organization, association, or corporation and used exclusively as a public meeting hall, public meeting place, or community meeting hall.

(2) **Definitions.** For purposes of this section, the following definitions apply:

(a) "Inadvertent use or inadvertently used" means any unintentional or accidental use of exempt property by an individual, organization, association, or a corporation for pecuniary gain or to promote business activities through either carelessness, lack of attention, lack of knowledge, mistake, surprise, or neglect.

(b) "Public gathering" means any social function that the general public could, if invited, attend. For example, a public gathering includes, but is not limited to, a wedding, reception, funeral, reunion, or meeting of any organization, association, or corporation that is open to nonmembers. The term does not mean a meeting to which only members of a specific organization, association, or corporation are allowed to attend.

(c) "Maintenance and operation expenses" means items of expense allowed under generally accepted accounting principles to maintain and operate the loaned or rented portion of the exempt facility.

(d) "Owner" means a nonprofit organization, association, or corporation.

(e) "Property" means real or personal property owned by a nonprofit organization, association, or corporation.

(3) **Exemption.** Real and personal property owned by a nonprofit organization, association, or corporation and used exclusively as a public assembly hall, public meeting place, or community meeting hall shall be exempt from taxation under the following conditions:

(a) **Exclusive use.** The property is used exclusively for public gatherings and is available to any individual, organization, association, or corporation that may desire to use the property. ~~((However,))~~ Membership in a particular organization, association, or corporation shall not be ~~((a prerequisite))~~ required to use the property.

(b) **Exemption for real property - area.** The area of real property exempt under this section shall not exceed one acre. This area shall include the building(s), the land under the building(s), and any additional area needed for parking.

(c) **Statement of availability and fees required.** The owner of the property shall prepare and make available upon request a schedule of fees, a policy on the availability of the facility, and any restrictions on the use of the facility. The owner may impose any conditions or restrictions reasonably necessary to safeguard the property and to comply with the purposes of this exemption.

(d) **Annual summary required.** The owner shall provide the department of revenue with a detailed summary containing the following information regarding the ~~((use))~~ manner in which the exempt property was used during the preceding year ((of all property it claimed to be exempt under this section)):

(i) The name of any person, organization, association, or corporation that used the property;

(ii) The date(s) on which the property was used;

(iii) The purpose for which the property was used;

(iv) The income derived from the rental of the property; and

(v) The expenses incurred relating to the use of the property.

(e) Entities that schedule regular meetings. Any property owned by a nonprofit organization, association, or corpora-

tion that schedules regular meetings of its members or shareholders will also qualify for this exemption if:

(i) The owner meets the conditions set forth in (a) through (d) of this subsection;

(ii) The owner does not use the property more than twenty-five percent of the useable time; and

(iii) The facility is used an equal number or greater number of times for public gatherings than the number of times it is used by the owner for gatherings not open to the general public.

(f) **Loan or rental of property.** The tax exempt status of the property will not be affected if it is loaned or rented and the amount of rent or donations collected for the use, loan, or rental of the exempt property:

(i) Is reasonable; and

(ii) Does not exceed the maintenance and operation expenses that are created by the corresponding use, loan, or rental.

(g) Property not included within this exemption. Property that is used more than fifty percent of the time by a nonprofit organization, association, or corporation that allows only members to attend its activities does not qualify for this exemption.

(4) **Use of property for pecuniary gain or to promote business activities.** If a public meeting hall, public meeting place, or community meeting hall exempt under subsection (3) of this section is used for pecuniary gain or to promote business activities, the property tax exemption will be lost for the assessment year following the year in which the exempt property is so used. ~~However,~~ the exemption will not be lost if:

(a) The exempt property is used for pecuniary gain ~~((not more than three))~~ or to promote business activities seven days ((a)) or less in an assessment year; or

(b) In a county with less than ten thousand people, the exempt property is used to promote the following business activities: Dance lessons; art classes; or music lessons; or

(c) The exempt property is inadvertently used by an individual, organization, association, or a corporation for pecuniary gain or to promote business activities if the inadvertent use is not a pattern of use. A "pattern of use" is presumed when an inadvertent use of the property for pecuniary gain or to promote business activities is repeated within the same assessment year or within two or more successive assessment years.

(5) **Additional requirements.** Any organization, association, or corporation that applies for a property tax exemption under this section must also comply with the provisions of WAC 458-16-165. WAC 458-16-165 sets forth additional conditions and requirements that must be complied with to obtain a property tax exemption pursuant to RCW 84.36.037.

AMENDATORY SECTION (Amending WSR 94-07-008, filed 3/3/94, effective 4/3/94)

WAC 458-16-310 Community celebration facilities.

(1) **Introduction.** This section explains the property tax exemption available under the provisions of RCW 84.36.037 for real and personal property owned by a nonprofit organiza-

tion, association, or corporation and used primarily for annual community celebration events.

(2) **Definitions.** For purposes of this section, the following definitions apply:

(a) "Inadvertent use or inadvertently used" means any unintentional or accidental use of exempt property by an individual, organization, association, or corporation ~~for pecuniary gain or to promote business activities through either carelessness, lack of attention, lack of knowledge, mistake, surprise, or neglect.~~

(b) "Public gathering" means any social function that the general public could, if invited, attend. For example, a public gathering includes, but is not limited to, a wedding, reception, funeral, reunion, or meeting of any organization, association, or corporation that is open to nonmembers. The term does not mean a meeting to which only members of a specific organization, association, or corporation are allowed to attend.

(c) "Maintenance and operation expenses" means items of expense allowed under generally accepted accounting principles ~~to maintain and operate the loaned or rented portion of the exempt facility.~~

(d) "Property" means real or personal property owned by a nonprofit organization, association, or corporation.

(3) **Exemption.** Real and personal property owned by a nonprofit organization, association, or corporation and used primarily for annual community celebration events shall be exempt from taxation under the following conditions:

(a) Exemption for real property - area. The area of real property to be exempt shall not exceed twenty-nine acres.

(b) Primary use. The property has been primarily used for annual community celebration events for at least ten years.

(c) Essentially unimproved property. The property is essentially unimproved except for restroom facilities and covered shelters. A "covered shelter," for example, may consist of a covered area that is unenclosed but allows some protection from the elements or it may provide a sheltered eating area with or without a picnic table or outside grill, or both.

(d) Purpose. The purpose of the property is to provide a facility for an annual community celebration.

(e) Statement of availability and fees required. The owner of the property shall prepare and make available upon request a schedule of fees, a policy on the availability of the facility, and any restrictions on the use of the facility. The owner may impose conditions and restrictions that are reasonably necessary to safeguard the property and to promote the purposes of this exemption.

(f) Annual summary required. The owner shall annually provide the department of revenue with a detailed summary containing the following information regarding the ~~((use)) manner in which the exempt property was used during the preceding year ((of all property it claimed to be exempt under this section))~~:

(i) The name of any person, organization, association, or corporation that used the property;

(ii) The date(s) on which the property was used;

(iii) The purpose for which the property was used;

(iv) The income derived from the rental of the property;

and

(v) The expenses incurred relating to the use of the property.

(g) Loan or rental of property. The tax exempt status of the property will not be affected if it is loaned or rented and the amount of rent or donations collected for the use, loan, or rental of the exempt property:

(i) Is reasonable; and

(ii) Does not exceed the maintenance and operation expenses that are created by the corresponding use, loan, or rental.

(4) **Use of property for pecuniary gain or to promote business activities.** If a community celebration facility exempt under subsection (3) of this section is used for pecuniary gain or to promote business activities, the property tax exemption will be lost for the assessment year following the year in which the exempt property is so used. ~~However, the exemption will not be lost if:~~

(a) The exempt property is used for pecuniary gain ~~((not more than three)) or to promote business activities seven days ((a)) or less in an assessment year; or~~

(b) ~~In a county with less than ten thousand people, the exempt property is used to promote the following business activities: Dance lessons; art classes; or music lessons; or~~

(c) The exempt property is inadvertently used by an individual, organization, association, or a corporation ~~for pecuniary gain or to promote business activities if the inadvertent use is not a pattern of use. A "pattern of use" is presumed when an inadvertent use of the property for pecuniary gain or to promote business activities is repeated within the same assessment year or within two or more successive assessment years.~~

(5) **Additional requirements.** Any organization, association, or corporation that applies for a property tax exemption under this section must also comply with the provisions of WAC 458-16-165. WAC 458-16-165 sets forth additional conditions and requirements that must be complied with to obtain a property tax exemption pursuant to RCW 84.36.037.

WSR 98-14-096
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
[Filed June 30, 1998, 4:50 p.m.]

Continuance of WSR 98-10-100.

Preproposal statement of inquiry was filed as WSR 98-07-091.

Title of Rule: 1998 Salmon buy-back program.

Purpose: Continue rule development.

Statutory Authority for Adoption: RCW 75.08.080.

Statute Being Implemented: RCW 75.08.080.

Summary: See WSR 98-10-100.

Reasons Supporting Proposal: See WSR 98-10-100.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, 902-2930; Implementation: Bruce Crawford, 1111 Washington Street, Olympia, 902-2325; and Enforcement: Ron Swatfigure, 1111 Washington Street, Olympia, 902-2927.

Name of Proponent: Washington State Department of Fish and Wildlife, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See WSR 98-10-100.

Proposal Changes the Following Existing Rules: See WSR 98-10-100.

A small business economic impact statement has been prepared under chapter 19.85 RCW. See WSR 98-10-100.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. See WSR 98-10-100.

Date of Intended Adoption: July 31, 1998.

June 24, 1998
Evan Jacoby
Rules Coordinator

Hearing Location: Natural Resources Building, Room 172, 1111 Washington Street S.E., Olympia, WA, on August 7-8, 1998, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by July 31, 1998, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Mike Kuttel, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2162, by July 31, 1998.

Date of Intended Adoption: August 7, 1998.

June 30, 1998
Robin Ayers
for Evan Jacoby
Rules Coordinator

AMENDATORY SECTION [(Amending Order 217, filed 9/1/83)]

WAC 232-16-690 Bayview Game Reserve. It shall be unlawful to hunt wild animals and wild birds within the following described boundary November 1 through March 31, and it shall be unlawful to hunt brant at any time within the following described boundary: Beginning at a point on the Bayview-Edison Road 750 feet south of the intersection of the Bayview Cemetery entrance road; thence 4,000 feet WNW (west-northwest); thence 5,750 feet NNW (north-northwest); thence 3,750 feet ENE (east-northeast) to the northwest corner of Padilla Bay tract no. 532; thence east to the northeast corner of Padilla Bay tract no. 532; thence SSE (south-southeast) to the Bayview-Edison Road; thence south-erly along said road to the point of beginning.

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

WSR 98-14-098
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
[Filed June 30, 1998, 4:00 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-10-099.

Purpose: To amend WAC 232-12-068 Nontoxic shot requirement for waterfowl, coot, and snipe hunting.

Statutory Authority for Adoption: RCW 77.12.010 and 77.12.040.

Statute Being Implemented: RCW 77.12.010 and 77.12.040.

Summary: The amendment modifies the existing allowable types of nontoxic shotgun shot pellets for waterfowl, coot, and snipe hunting, to include tungsten-polymer shot.

Reasons Supporting Proposal: Tungsten-polymer shot has been demonstrated to be an effective nontoxic shot alternative, in addition to other shot types approved by the United States Fish and Wildlife Service.

Name of Agency Personnel Responsible for Drafting and Implementation: Mike Kuttel, Assistant Director, Wild-

WSR 98-14-097
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
[Filed June 30, 1998, 3:55 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-10-099.

Purpose: To amend WAC 232-16-690 Bayview Game Reserve.

Statutory Authority for Adoption: RCW 77.12.010 and 77.12.040.

Statute Being Implemented: RCW 77.12.010 and 77.12.040.

Summary: The amendment changes the rule wording to make the reserve in effect only during November through March. All game species, except for brant, can be hunted during established seasons April through October.

Reasons Supporting Proposal: The amendment is designed to allow increased recreation and protect the brant resource.

Name of Agency Personnel Responsible for Drafting and Implementation: Mike Kuttel, Assistant Director, Wildlife Management, Olympia, (360) 902-2504; and Enforcement: Ron Swatfigure, Assistant Director, Enforcement, Olympia, (360) 902-2932.

Name of Proponent: Washington Fish and Wildlife Commission, 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.

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

PROPOSED

life Management, Olympia, (360) 902-2504; and Enforcement: Ron Swatfigure, Assistant Director, Enforcement, Olympia, (360) 902-2932.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The amendment protects the waterfowl resource and provides additional ammunition options for migratory game bird hunters.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW.

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

Hearing Location: Natural Resources Building, Room 172, 1111 Washington Street S.E., Olympia, WA, on August 7-8, 1998, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by July 31, 1998, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Mike Kuttel, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2162, by July 31, 1998.

Date of Intended Adoption: August 7, 1998.

June 30, 1998

Robin Ayers

for Evan Jacoby

Rules Coordinator

AMENDATORY SECTION [(Amending Order 97-164, filed 8/25/97)]

WAC 232-12-068 Nontoxic shot requirement for waterfowl, coot, and snipe hunting. It is unlawful to possess shot (either in shotshells or as loose shot for muzzleloading) other than steel shot(~~((f))~~), bismuth-tin (~~((fshot))~~) ~~shot~~ (nominally 97 parts bismuth: 3 parts tin with <1 percent residual lead), (~~((or))~~) tungsten-iron shot (nominally 40 parts tungsten: 60 parts iron with <1 percent residual lead), ~~or tungsten-polymer shot (nominally 95.5 parts tungsten: 4.5 parts polymer with <1 percent residual lead) ((fwhite))~~ (~~((when))~~) ~~when~~ hunting for waterfowl, coot, or snipe.

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

WSR 98-14-099
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
[Filed June 30, 1998, 4:01 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-10-099.

Purpose: To amend WAC 232-16-700 Swinomish Spit Game Reserve.

Statutory Authority for Adoption: RCW 77.12.010 and 77.12.040.

Statute Being Implemented: RCW 77.12.010 and 77.12.040.

Summary: The amendment changes the rule wording to make the reserve in effect only during November through March. All game species, except for brant, can be hunted during established seasons April through October.

Reasons Supporting Proposal: The amendment is designed to allow increased recreation and protect the brant resource.

Name of Agency Personnel Responsible for Drafting and Implementation: Mike Kuttel, Assistant Director, Wildlife Management, Olympia, (360) 902-2504; and Enforcement: Ron Swatfigure, Assistant Director, Enforcement, Olympia, (360) 902-2932.

Name of Proponent: Washington Fish and Wildlife Commission, 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.

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

Hearing Location: Natural Resources Building, Room 172, 1111 Washington Street S.E., Olympia, WA, on August 7-8, 1998, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by July 31, 1998, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Mike Kuttel, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2162, by July 31, 1998.

Date of Intended Adoption: August 7, 1998.

June 30, 1998

Robin Ayers

for Evan Jacoby

Rules Coordinator

AMENDATORY SECTION [(Amending Order 249, filed 10/12/84)]

WAC 232-16-700 Swinomish Spit Game Reserve. It shall be unlawful to hunt wild animals and wild birds within the following described boundary November 1 through March 31, and it shall be unlawful to hunt brant at any time within the following described boundary: Beginning at the Burlington Northern railroad tracks on the west shoreline of the Swinomish Channel; thence in a northwesterly direction along the west side of the Swinomish Channel to the red channel mark buoy N "20" (as indicated on Navigation Map #18427, 13th Ed., July 16, 1983); thence 6,000 feet ENE (east-northeast); thence 3,300 feet SSE (south-southeast); thence 4,200 feet SW (southwest) to the dike at the south end

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of Padilla Bay; thence continue westerly along said dike to the intersection of the Burlington Northern railroad tracks and the east shoreline of the Swinomish Channel; thence continue along said railroad tracks (across swing bridge) to the west shoreline of the Swinomish Channel and the point of beginning.

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

**WSR 98-14-100
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE**
[Filed June 30, 1998, 4:02 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-10-099.

Purpose: To repeal WAC 232-28-421 1997-98 Migratory waterfowl seasons and regulations.

Statutory Authority for Adoption: RCW 77.12.010 and 77.12.040.

Statute Being Implemented: RCW 77.12.010 and 77.12.040.

Reasons Supporting Proposal: Eliminate obsolete rule.

Name of Agency Personnel Responsible for Drafting and Implementation: Mike Kuttel, Assistant Director, Wildlife Management, Olympia, (360) 902-2504; and Enforcement: Ron Swatfigure, Assistant Director, Enforcement, Olympia, (360) 902-2932.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: To eliminate obsolete or conflicting language as the rule has been rewritten.

Proposal Changes the Following Existing Rules: Deletes obsolete rule.

No small business economic impact statement has been prepared under chapter 19.85 RCW.

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

Hearing Location: Natural Resources Building, Room 172, 1111 Washington Street S.E., Olympia, WA, on August 7-8, 1998, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by July 31, 1998, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Mike Kuttel, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2162, by July 31, 1998.

Date of Intended Adoption: August 7, 1998.

June 30, 1998
Robin Ayers
for Evan Jacoby
Rules Coordinator

REPEALER

The following section of the Washington Administrative Code is hereby repealed:

WAC 232-28-421

1997-98 Migratory waterfowl seasons and regulations

**WSR 98-14-101
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE**
[Filed June 30, 1998, 4:03 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-10-099.

Purpose: To amend WAC 232-16-770 Skagit Wildlife Area shotgun shell restriction.

Statutory Authority for Adoption: RCW 77.12.010 and 77.12.040.

Statute Being Implemented: RCW 77.12.010 and 77.12.040.

Summary: The amendment adds additional public hunting areas to the fifteen shell restriction for hunters using the areas.

Reasons Supporting Proposal: Shell limits are successful in encouraging hunters to select shots more carefully, decrease interference with nearby hunters, and increase turn-over time for popular hunting locations.

Name of Agency Personnel Responsible for Drafting and Implementation: Mike Kuttel, Assistant Director, Wildlife Management, Olympia, (360) 902-2504; and Enforcement: Ron Swatfigure, Assistant Director, Enforcement, Olympia, (360) 902-2932.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The amendment protects the waterfowl resource and improves recreation quality.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW.

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

Hearing Location: Natural Resources Building, Room 172, 1111 Washington Street S.E., Olympia, WA, on August 7-8, 1998, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by July 31, 1998, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Mike Kuttel, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2162, by July 31, 1998.

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Date of Intended Adoption: August 7, 1998.

June 30, 1998

Robin Ayers
for Evan Jacoby
Rules Coordinator

AMENDATORY SECTION [(Amending Order 96-126, filed 8/22/96)]

WAC 232-16-770 (~~(Skagit wildlife area)~~) **Shotgun shell restriction areas** It is unlawful to have in possession more than 15 shotgun shells or to fire (~~shoot~~) more than 15 shells in one day on the following areas

Section 1. The farmed island segment of the Skagit Wildlife Area (public hunting area), between the south fork of the Skagit River and Fresh Water Slough in Skagit County.

Section 2. The Spencer Island Unit of the Snoqualmie Wildlife Area in Snohomish County.

Section 3. The Welts (West 90) Unit of the Skagit Wildlife Area in Skagit County.

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

WSR 98-14-102
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
[Filed June 30, 1998, 4:05 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-10-099.

Purpose: To amend WAC 232-28-264 1997-98, 1998-99, and 1999-2000 Official hunting hours and small game seasons. To set time, place, and manner for hunting seasons. Small game seasons are set to provide recreational hunting opportunity and conserve small game resources.

Statutory Authority for Adoption: RCW 77.12.010 and 77.12.040.

Statute Being Implemented: RCW 77.12.010 and 77.12.040.

Summary: The amendment specifies goose hunting hours for Grays Harbor County, standardizes shooting hours

for the late goose season, and restricts small game seasons on the Shillapoo Wildlife Area to encourage use by depreddating geese during late winter. In addition, dates for the youth pheasant and quail season are finalized based on recent information regarding federal youth season frameworks.

Reasons Supporting Proposal: The amendment adapts the rule to recent findings and development of a cooperative goose depredation control plan for southwest Washington.

Name of Agency Personnel Responsible for Drafting and Implementation: Mike Kuttel, Assistant Director, Wildlife Management, Olympia, (360) 902-2504; and Enforcement: Ron Swatfigure, Assistant Director, Enforcement, Olympia, (360) 902-2932.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The amendment addresses southwest Washington Canada goose depredation problems while protecting the waterfowl resource, and provides additional recreational opportunity for youth hunters.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW.

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

Hearing Location: Natural Resources Building, Room 172, 1111 Washington Street S.E., Olympia, WA, on August 7-8, 1998, at July 31, 1998 [8:00 a.m.].

Assistance for Persons with Disabilities: Contact Debbie Nelson by July 31, 1998, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Mike Kuttel, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2162, by July 31, 1998.

Date of Intended Adoption: August 7, 1998.

June 30, 1998

Robin Ayers
for Evan Jacoby
Rules Coordinator

PROPOSED

AMENDATORY SECTION (Amending Order 97-166 [98-55], filed 8/25/97 [4/22/98], effective 9/25/97 [5/23/98])

WAC 232-28-264 1997-98, 1998-99, and 1999-2000 Official hunting hours and small game seasons.

1997-98 OFFICIAL HUNTING HOURS
FOR MIGRATORY GAME BIRDS, UPLAND BIRDS, AND WILD TURKEYS*

September 1, 1997 to January 31, 1998

Dates (Inclusive)	Western Washington			Eastern Washington		
	A.M.	to	P.M.	A.M.	to	P.M.
Daylight Savings Time						
Mon. Sept. 1 - Sun. Sept. 7	6:00		7:45	5:50		7:30
Mon. Sept. 8 - Sun. Sept. 14	6:10		7:30	6:00		7:20
Mon. Sept. 15 - Sun. Sept. 21	6:20		7:15	6:10		7:05
Mon. Sept. 22 - Sun. Sept. 28	6:30		7:00	6:15		6:50
Mon. Sept. 29 - Sun. Oct. 5	6:40		6:45	6:30		6:35
Mon. Oct. 6 - Fri. Oct. 10	6:45		6:30	6:35		6:25
Oct. 11 - Sat.	6:50		6:30	6:40		6:15
Oct. 12 - Sun.	6:50		6:30	6:40		6:15
Mon. Oct. 13 - Sun. Oct. 19	7:00		6:20	6:50		6:10
Mon. Oct. 20 - Sat. Oct. 25	7:10		6:10	7:00		5:55
Pacific Standard Time						
Mon. Oct. 27 - Sun. Oct. 26	6:15		5:00	6:00		4:50
Mon. Nov. 2 - Sun. Nov. 9	6:20		4:55	6:15		4:45
Mon. Nov. 10 - Sun. Nov. 16	6:30		4:45	6:20		4:30
Mon. Nov. 17 - Sun. Nov. 23	6:40		4:35	6:30		4:25
Mon. Nov. 24 - Sun. Nov. 30	6:50		4:30	6:40		4:15
Mon. Nov. 31 - Sun. Dec. 7	7:00		4:20	6:50		4:10
Mon. Dec. 1 - Sun. Dec. 7	7:10		4:20	7:00		4:10
Mon. Dec. 8 - Sun. Dec. 14	7:15		4:20	7:05		4:05
Mon. Dec. 15 - Sun. Dec. 21	7:20		4:20	7:10		4:10
Mon. Dec. 22 - Sun. Dec. 28	7:25		4:25	7:15		4:10
Mon. Dec. 29 - Sun. Jan. 4	7:25		4:30	7:15		4:15
Mon. Jan. 5 - Sun. Jan. 11	7:25		4:35	7:15		4:25
Mon. Jan. 12 - Sun. Jan. 18	7:25		4:45	7:10		4:35
Mon. Jan. 19 - Sun. Jan. 25	7:20		4:55	7:05		4:45
Mon. Jan. 26 - Sat. Jan. 31	7:10		5:00	7:00		4:50

*These are lawful hunting hours (one-half hour before sunrise to sunset) for migratory game birds (duck, goose, coot, snipe, mourning dove, and band-tailed pigeon); upland birds (pheasant, quail, partridge); and turkey during established seasons.

Exceptions:

- 1) Western Washington - Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. in all areas.
- 2) Clark (except areas south of the Washougal River), Cowlitz, Pacific, and Wahkiakum counties - Goose hunting hours are 8:00 a.m. to 4:00 p.m. November-January; and 7:00 a.m. to 4:00 p.m. February-March.
- 3) Bobcat and raccoon are exempt from hunting hour restrictions during established bobcat and raccoon seasons except when that area is open to modern firearm hunting of deer or elk, hunting hours shall be one-half hour before sunrise to one-half hour after sunset.
- 4) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

PROPOSED

1998-99 OFFICIAL HUNTING HOURS
 FOR MIGRATORY GAME BIRDS, UPLAND BIRDS, AND WILD TURKEYS*
 September 1, 1998 to January 31, 1999

Dates (Inclusive)					Western Washington from		Eastern Washington from	
					A.M.	to P.M.	A.M.	to P.M.
Daylight Savings Time								
Tues.	Sept. 1	-	Sun.	Sept. 6	6:00	7:45	5:50	7:35
Mon.	Sept. 7	-	Sun.	Sept. 13	6:10	7:35	6:00	7:20
Mon.	Sept. 14	-	Sun.	Sept. 20	6:20	7:20	6:05	7:05
Mon.	Sept. 21	-	Sun.	Sept. 27	6:30	7:05	6:15	6:50
Mon.	Sept. 28	-	Sun.	Oct. 4	6:40	6:50	6:25	6:35
Mon.	Oct. 5	-	Sun.	Oct. 11	6:45	6:35	6:25	6:25
Mon.	Oct. 12	-	Sun.	Oct. 18	6:55	6:20	6:45	6:10
Mon.	Oct. 19	-	Sat.	Oct. 24	7:05	6:10	6:55	6:00
Pacific Standard Time								
			Sun.	Oct. 25	6:10	5:00	6:00	4:50
Mon.	Oct. 26	-	Sun.	Nov. 1	6:20	4:55	6:05	4:45
Mon.	Nov. 2	-	Sun.	Nov. 8	6:30	4:45	6:15	4:35
Mon.	Nov. 9	-	Sun.	Nov. 15	6:40	4:35	6:30	4:25
Mon.	Nov. 16	-	Sun.	Nov. 22	6:50	4:30	6:40	4:15
Mon.	Nov. 23	-	Sun.	Nov. 29	7:00	4:25	6:50	4:10
Mon.	Nov. 30	-	Sun.	Dec. 6	7:10	4:20	6:55	4:10
Mon.	Dec. 7	-	Sun.	Dec. 13	7:15	4:20	7:05	4:05
Mon.	Dec. 14	-	Sun.	Dec. 20	7:20	4:20	7:10	4:10
Mon.	Dec. 21	-	Sun.	Dec. 27	7:25	4:20	7:15	4:10
Mon.	Dec. 28	-	Sun.	Jan. 3	7:25	4:30	7:15	4:15
Mon.	Jan. 4	-	Sun.	Jan. 10	7:25	4:35	7:15	4:25
Mon.	Jan. 11	-	Sun.	Jan. 17	7:25	4:45	7:10	4:30
Mon.	Jan. 18	-	Sun.	Jan. 24	7:20	4:55	7:05	4:40
Mon.	Jan. 25	-	Sat.	Jan. 31	7:10	5:00	7:00	4:50

*These are lawful hunting hours (one-half hour before sunrise to sunset) for migratory game birds (duck, goose, coot, snipe, mourning dove, and band-tailed pigeon); upland birds (pheasant, quail, partridge); and turkey during established seasons.

Exceptions:

- 1) Western Washington - Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. in all areas.
- 2) Clark (except areas south of the Washougal River), Cowlitz, Gray's Harbor, Pacific, and Wahkiakum counties - Goose hunting hours are 8:00 a.m. to 4:00 p.m. (~~November-January; and~~), except 7:00 a.m. to 4:00 p.m. (~~February-March~~) during the late goose season.
- 3) Bobcat and raccoon are exempt from hunting hour restrictions during established bobcat and raccoon seasons except when that area is open to modern firearm hunting of deer or elk, hunting hours shall be one-half hour before sunrise to one-half hour after sunset.
- 4) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

PROPOSED

1999-2000 OFFICIAL HUNTING HOURS
FOR MIGRATORY GAME BIRDS, UPLAND BIRDS, AND WILD TURKEYS*
September 1, 1999 to January 31, 2000

Dates (Inclusive)				Western Washington from			Eastern Washington from		
				A.M.	to	P.M.	A.M.	to	P.M.
Daylight Savings Time									
Wed.	Sept. 1	-	Sun.	Sept. 5	6:00	7:45	5:45		7:35
Mon.	Sept. 6	-	Sun.	Sept. 12	6:05	7:35	5:50		7:20
Mon.	Sept. 13	-	Sun.	Sept. 19	6:15	7:20	6:05		7:10
Mon.	Sept. 20	-	Sun.	Sept. 26	6:25	7:10	6:15		6:50
Mon.	Sept. 27	-	Sun.	Oct. 3	6:35	6:50	6:25		6:40
Mon.	Oct. 4	-	Sun.	Oct. 10	6:45	6:40	6:35		6:25
Mon.	Oct. 11	-	Sun.	Oct. 17	6:50	6:25	6:45		6:15
Mon.	Oct. 18	-	Sun.	Oct. 24	7:05	6:15	6:55		6:00
Mon.	Oct. 25	-	Sat.	Oct. 30	7:15	6:00	7:05		5:45
Pacific Standard Time									
Sun.	Oct. 31	-	Sun.	Nov. 7	6:25	4:45	6:15		4:35
Mon.	Nov. 8	-	Sun.	Nov. 14	6:35	4:40	6:25		4:25
Mon.	Nov. 15	-	Sun.	Nov. 21	6:50	4:30	6:35		4:20
Mon.	Nov. 22	-	Sun.	Nov. 28	7:00	4:25	6:45		4:10
Mon.	Nov. 29	-	Sun.	Dec. 5	7:05	4:20	6:50		4:10
Mon.	Dec. 6	-	Sun.	Dec. 12	7:10	4:20	7:00		4:05
Mon.	Dec. 13	-	Sun.	Dec. 19	7:20	4:20	7:05		4:05
Mon.	Dec. 20	-	Sun.	Dec. 26	7:25	4:25	7:10		4:10
Mon.	Dec. 27	-	Sun.	Jan. 2	7:30	4:25	7:15		4:15
Mon.	Jan. 3	-	Sun.	Jan. 9	7:30	4:35	7:15		4:20
Mon.	Jan. 10	-	Sun.	Jan. 16	7:25	4:40	7:10		4:30
Mon.	Jan. 17	-	Sun.	Jan. 23	7:20	4:50	7:05		4:45
Mon.	Jan. 24	-	Mon.	Jan. 31	7:15	5:00	7:00		4:50

*These are lawful hunting hours (one-half hour before sunrise to sunset) for migratory game birds (duck, goose, coot, snipe, mourning dove, and band-tailed pigeon); upland birds (pheasant, quail, partridge); and turkey during established seasons.

Exceptions:

- 1) Western Washington - Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. in all areas.
- 2) Clark (except areas south of the Washougal River), Cowlitz, Gray's Harbor, Pacific, and Wahkiakum counties - Goose hunting hours are 8:00 a.m. to 4:00 p.m. (~~(November-January, and)~~, except 7:00 a.m. to 4:00 p.m. ((February-March)) during the late goose season.
- 3) Bobcat and raccoon are exempt from hunting hour restrictions during established bobcat and raccoon seasons except when that area is open to modern firearm hunting of deer or elk, hunting hours shall be one-half hour before sunrise to one-half hour after sunset.
- 4) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

PROPOSED

1997-1998 OFFICIAL HUNTING HOURS
 FOR GAME ANIMALS & GAME BIRDS (EXCEPT MIGRATORY AND UPLAND GAME BIRDS)*
 September 1, 1997 to January 31, 1998

Dates (Inclusive)	Western Washington			Eastern Washington		
	A.M.	from	P.M.	A.M.	from	P.M.
Daylight Savings Time						
Mon. Sept. 1	-	Sun. Sept. 7	6:00	8:15	5:50	8:00
Mon. Sept. 8	-	Sun. Sept. 14	6:10	8:00	6:00	7:50
Mon. Sept. 15	-	Sun. Sept. 21	6:20	7:45	6:10	7:35
Mon. Sept. 22	-	Sun. Sept. 28	6:30	7:30	6:15	7:20
Mon. Sept. 29	-	Sun. Oct. 5	6:40	7:15	6:30	7:05
Mon. Oct. 6	-	Fri. Oct. 10	6:45	7:00	6:35	6:55
		Sat. Oct. 11	6:50	7:00	6:40	6:45
		Sun. Oct. 12	6:50	7:00	6:40	6:45
Mon. Oct. 13	-	Sun. Oct. 19	7:00	6:50	6:50	6:40
Mon. Oct. 20	-	Sat. Oct. 25	7:10	6:40	7:00	6:25
Pacific Standard Time						
		Sun. Oct. 26	6:15	5:30	6:00	5:20
Mon. Oct. 27	-	Sun. Nov. 2	6:20	5:25	6:15	5:15
Mon. Nov. 3	-	Sun. Nov. 9	6:30	5:15	6:20	5:00
Mon. Nov. 10	-	Sun. Nov. 16	6:40	5:05	6:30	4:55
Mon. Nov. 17	-	Sun. Nov. 23	6:50	5:00	6:40	4:45
Mon. Nov. 24	-	Sun. Nov. 30	7:00	4:50	6:50	4:40
Mon. Dec. 1	-	Sun. Dec. 7	7:10	4:50	7:00	4:40
Mon. Dec. 8	-	Sun. Dec. 14	7:15	4:50	7:05	4:35
Mon. Dec. 15	-	Sun. Dec. 21	7:20	4:50	7:10	4:40
Mon. Dec. 22	-	Sun. Dec. 28	7:25	4:55	7:15	4:40
Mon. Dec. 29	-	Sun. Jan. 4	7:25	5:00	7:15	4:45
Mon. Jan. 5	-	Sun. Jan. 11	7:25	5:05	7:15	4:55
Mon. Jan. 12	-	Sun. Jan. 18	7:25	5:15	7:10	5:05
Mon. Jan. 19	-	Sun. Jan. 25	7:20	5:25	7:05	5:15
Mon. Jan. 26	-	Sat. Jan. 31	7:10	5:30	7:00	5:20

*These are lawful hunting hours (one-half hour before sunrise to one-half hour after sunset) for all game animals and migratory game birds (except duck, goose, coot, snipe, mourning dove, and band-tailed pigeon pheasant, quail, partridge, and turkey) during established seasons.

Exceptions:

- 1) Western Washington - Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. in all areas.
- 2) Clark (except areas south of the Washougal River), Cowlitz, Pacific, and Wahkiakum counties - Goose hunting hours are 8:00 a.m. to 4:00 p.m. November-January; and 7:00 a.m. to 4:00 p.m. February-March.
- 3) Bobcat and raccoon are exempt from hunting hour restrictions during established bobcat and raccoon seasons except when that area is open to modern firearm hunting of deer or elk, hunting hours shall be one-half hour before sunrise to one-half hour after sunset.
- 4) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

PROPOSED

1998-1999 OFFICIAL HUNTING HOURS
 FOR GAME ANIMALS & GAME BIRDS (EXCEPT MIGRATORY AND UPLAND GAME BIRDS)*
 September 1, 1998 to January 31, 1999

PROPOSED

Dates (Inclusive)				Western Washington			Eastern Washington		
				from	to	P.M.	from	to	P.M.
Daylight Savings Time									
Tues.	Sept. 1	-	Sun.	Sept. 6	6:00	8:15	5:50	8:05	
Mon.	Sept. 7	-	Sun.	Sept. 13	6:10	8:05	6:00	7:50	
Mon.	Sept. 14	-	Sun.	Sept. 20	6:20	7:50	6:05	7:35	
Mon.	Sept. 21	-	Sun.	Sept. 27	6:30	7:35	6:15	7:20	
Mon.	Sept. 28	-	Sun.	Oct. 4	6:40	7:20	6:25	7:05	
Mon.	Oct. 5	-	Sun.	Oct. 11	6:45	7:05	6:25	6:55	
Mon.	Oct. 12	-	Sun.	Oct. 18	6:55	6:50	6:45	6:40	
Mon.	Oct. 19	-	Sat.	Oct. 24	7:05	6:40	6:55	6:30	
Pacific Standard Time									
			Sun.	Oct. 25	6:10	5:30	6:00	5:20	
Mon.	Oct. 26	-	Sun.	Nov. 1	6:20	5:25	6:05	5:15	
Mon.	Nov. 2	-	Sun.	Nov. 8	6:30	5:15	6:15	5:05	
Mon.	Nov. 9	-	Sun.	Nov. 15	6:40	5:05	6:30	4:55	
Mon.	Nov. 16	-	Sun.	Nov. 22	6:50	5:00	6:40	4:45	
Mon.	Nov. 23	-	Sun.	Nov. 29	7:00	4:55	6:50	4:40	
Mon.	Nov. 30	-	Sun.	Dec. 6	7:10	4:50	6:55	4:40	
Mon.	Dec. 7	-	Sun.	Dec. 13	7:15	4:50	7:05	4:35	
Mon.	Dec. 14	-	Sun.	Dec. 20	7:20	4:50	7:10	4:40	
Mon.	Dec. 21	-	Sun.	Dec. 27	7:25	4:50	7:15	4:40	
Mon.	Dec. 28	-	Sun.	Jan. 3	7:25	5:00	7:15	4:45	
Mon.	Jan. 4	-	Sun.	Jan. 10	7:25	5:05	7:15	4:55	
Mon.	Jan. 11	-	Sun.	Jan. 17	7:25	5:15	7:10	5:00	
Mon.	Jan. 18	-	Sun.	Jan. 24	7:20	5:25	7:05	5:10	
Mon.	Jan. 25	-	Sat.	Jan. 31	7:10	5:30	7:00	5:20	

* These are lawful hunting hours (one-half hour before sunrise to one-half hour after sunset) for all game animals and game birds (except duck, goose, coot, snipe, mourning dove, band-tailed pigeon, pheasant, quail, partridge and turkey) during established seasons.

Exceptions:

- 1) Western Washington - Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. in all areas.
- 2) Clark (except areas south of the Washougal River), Cowlitz, ~~Gray's Harbor~~, Pacific, and Wahkiakum counties - Goose hunting hours are 8:00 a.m. to 4:00 p.m. (~~(November-January, and)~~), ~~except~~ 7:00 a.m. to 4:00 p.m. (~~(February-March)~~) during the late goose season.
- 3) Bobcat and raccoon are exempt from hunting hour restrictions during established bobcat and raccoon seasons except when that area is open to modern firearm hunting of deer or elk, hunting hours shall be one-half hour before sunrise to one-half hour after sunset.
- 4) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

1999-2000 OFFICIAL HUNTING HOURS
 FOR GAME ANIMALS & GAME BIRDS (EXCEPT MIGRATORY AND UPLAND GAME BIRDS)*
 September 1, 1999 to January 31, 2000

Dates (Inclusive)				Western Washington			Eastern Washington		
				A.M.	to	P.M.	A.M.	to	P.M.
Daylight Savings Time									
Wed.	Sept. 1	-	Sun.	Sept. 5	6:00		8:15	5:45	8:05
Mon.	Sept. 6	-	Sun.	Sept. 12	6:05		8:05	5:50	7:50
Mon.	Sept. 13	-	Sun.	Sept. 19	6:15		7:50	6:05	7:40
Mon.	Sept. 20	-	Sun.	Sept. 26	6:25		7:40	6:15	7:20
Mon.	Sept. 27	-	Sun.	Oct. 3	6:35		7:20	6:25	7:10
Mon.	Oct. 4	-	Sun.	Oct. 10	6:45		7:10	6:35	6:55
Mon.	Oct. 11	-	Sun.	Oct. 17	6:50		6:55	6:45	6:45
Mon.	Oct. 18	-	Sun.	Oct. 24	7:05		6:45	6:55	6:30
Mon.	Oct. 25	-	Sat.	Oct. 30	7:15		6:30	7:05	6:15
Pacific Standard Time									
Sun.	Oct. 31	-	Sun.	Nov. 7	6:25		5:15	6:15	5:05
Mon.	Nov. 8	-	Sun.	Nov. 14	6:35		5:10	6:25	4:55
Mon.	Nov. 15	-	Sun.	Nov. 21	6:50		5:00	6:35	4:50
Mon.	Nov. 22	-	Sun.	Nov. 28	7:00		4:55	6:45	4:40
Mon.	Nov. 29	-	Sun.	Dec. 5	7:05		4:50	6:50	4:40
Mon.	Dec. 6	-	Sun.	Dec. 12	7:10		4:50	7:00	4:35
Mon.	Dec. 13	-	Sun.	Dec. 19	7:20		4:50	7:05	4:35
Mon.	Dec. 20	-	Sun.	Dec. 26	7:25		4:55	7:10	4:40
Mon.	Dec. 27	-	Sun.	Jan. 2	7:30		4:55	7:15	4:45
Mon.	Jan. 3	-	Sun.	Jan. 9	7:30		5:05	7:15	4:50
Mon.	Jan. 10	-	Sun.	Jan. 16	7:25		5:10	7:10	5:00
Mon.	Jan. 17	-	Sun.	Jan. 23	7:20		5:20	7:05	5:15
Mon.	Jan. 24	-	Mon.	Jan. 31	7:15		5:30	7:00	5:20

* These are lawful hunting hours (one-half hour before sunrise to one-half hour after sunset) for all game animals and game birds (except duck, goose, coot, snipe, mourning dove, band-tailed pigeon, pheasant, quail, partridge and turkey) during established seasons.

Exceptions:

- 1) Western Washington - Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. in all areas.
- 2) Clark (except areas south of the Washougal River), Cowlitz, Gray's Harbor, Pacific, and Wahkiakum counties - Goose hunting hours are 8:00 a.m. to 4:00 p.m. (~~November-January, and~~), except 7:00 a.m. to 4:00 p.m. ((February-March)) during the late goose season.
- 3) Bobcat and raccoon are exempt from hunting hour restrictions during established bobcat and raccoon seasons except when that area is open to modern firearm hunting of deer or elk, hunting hours shall be one-half hour before sunrise to one-half hour after sunset.
- 4) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

Hound Hunting During Deer and Elk Hunting Seasons

It is unlawful to hunt any wildlife at night or wild animals with dogs (hounds) during the months of September, October, or November in any area open to a center-fire rifle deer or elk season. The use of hounds to hunt black bear, cougar, and bobcat is prohibited year around.

BOBCAT

Bag and Possession Limits: No Limit

OPEN SEASON: Statewide, except CLOSED in GMU 522.

Sept. 2, 1997-Mar. 15, 1998; Sept. 8, 1998-Mar. 15, 1999; Sept. 7, 1999-Mar. 15, 2000.

RACCOON

Bag and Possession Limits: No Limit

OPEN SEASON: Statewide, except CLOSED on Long Island within Willapa National Wildlife Refuge and in GMU 522.

PROPOSED

Sept. 2, 1997-Mar. 15, 1998; Sept. 8, 1998-Mar. 15, 1999; Sept. 7, 1999-Mar. 15, 2000.

FOX

Bag and Possession Limits: No Limit

OPEN SEASON: Statewide, except CLOSED within the exterior boundaries of the Mount Baker-Snoqualmie, Okanogan, Wenatchee, and Gifford Pinchot National Forests and GMUs 407, 410, and 522.

Sept. 2, 1997-Mar. 15, 1998; Sept. 8, 1998-Mar. 15, 1999; Sept. 7, 1999-Mar. 15, 2000.

COYOTE

Bag and Possession Limits: No Limit

OPEN SEASON: Statewide, year around except (~~CLOSED in GMU 522 and~~) CLOSED from September 15 to November 30 in the Pasayten Wilderness, GMUs 426 and 450, and those portions of GMUs 218, 304, and 448 within the external boundaries of the Mount Baker-Snoqualmie, Okanogan, and Wenatchee National Forests. However, coyote may only be killed and/or pursued with hounds during the following period: Sept. 2, 1997-Mar. 15, 1998; Sept. 8, 1998-Mar. 15, 1999; Sept. 7, 1999-Mar. 15, 2000; except coyote may be hunted year around with hounds in Grant, Adams, Benton, and Franklin counties. GMU 522 is closed to coyote hunting.

FOREST GROUSE (BLUE, RUFFED, AND SPRUCE)

Bag and Possession Limits: Three (3) grouse per day, with a total of nine (9) grouse in possession at any time; straight or mixed bag.

Statewide: Sept. 1-Dec. 31 during 1997, 1998, and 1999; except CLOSED in GMU 522.

PTARMIGAN

Season closed statewide.

Upland Birds

Eastern Washington

Ring-necked Pheasant

Bag and Possession Limits: Three (3) cock pheasants per day, with a total of fifteen (15) cock pheasants in possession at any time.

Youth Season: Sept. 27 & 28, 1997; September 26 & 27, 1998 (~~Commission will adopt in August~~): Open only to youth hunters age 15 and under. Youth hunters must be accompanied by an adult of at least 18 years old who is not hunting.

Regular Season: Oct. 11-Dec. 31, 1997; Oct. 10-Dec. 31, 1998; Oct. 9-Dec. 31, 1999.

Chukar Partridge

Bag and Possession Limits: Six (6) chukar per day, with a total of eighteen (18) chukar in possession at any time.

Regular Season: Oct. 1, 1997-Jan. 11, 1998; Oct. 1, 1998-Jan. 10, 1999; Oct. 1, 1999-Jan. 9, 2000.

Gray (Hungarian) Partridge

Bag and Possession Limits: Six (6) gray partridges per day, with a total of eighteen (18) gray partridges in possession at any time.

Regular Season: Oct. 1, 1997-Jan. 11, 1998; Oct. 1, 1998-Jan. 10, 1999; Oct. 1, 1999-Jan. 9, 2000.

Mountain Quail

Season closed throughout eastern Washington

Valley and Bobwhite Quail

Bag and Possession Limits: Ten (10) quail per day, with a total of thirty (30) quail in possession at any time, straight or mixed bag.

Youth Season: Sept. 27 & 28, 1997; September 26 & 27, 1998 (~~Commission will adopt in August~~): Open only to youth hunters age 15 and under. Youth hunters must be accompanied by an adult of at least 18 years old who is not hunting.

Regular Season: Oct. 11, 1997-Jan. 11, 1998; Oct. 10, 1998-Jan. 10, 1999; Oct. 9, 1999-Jan. 9, 2000.

Yakama Indian Reservation: The 1997-98, 1998-99, 1999-2000 Upland Bird Seasons within the Yakama Indian Reservation shall be the same as the season established by the Yakama Indian Nation.

Western Washington

Ring-necked Pheasant

Bag and Possession Limits: Two (2) pheasants of either sex per day, with a total of fifteen (15) pheasants in possession at any time.

Early season: Sept. 20-26, 1997; Sept. 26-Oct. 2, 1998; and Sept. 25-Oct. 1, 1999 for juvenile hunters 14 and under and senior hunters 65 years of age or older. Juvenile hunters must be accompanied by an adult.

Sept. 27-Nov. 30, 1997; Oct. 3-Nov. 30, 1998; and Oct. 2-Nov. 30, 1999; 8 a.m. to 4 p.m.; except Dungeness Recreation site (Clallam County) starting Oct. 11, 1997; Oct. 17, 1998; Oct. 16, 1999; except CLOSED in GMU 522.

A Western Washington Upland Bird Permit is required to hunt pheasant, quail, and partridge in western Washington, in addition to a current hunting license. Pheasant kills only must be recorded. Upon taking a pheasant, the holder of a Western Washington Upland Bird Permit must immediately enter on the corresponding space the date and location of kill.

There are three options available for the 1997, 1998, 1999 hunting season:

- (1) Full Season Option: Allows the harvest of ten (10) pheasants.
- (2) Juvenile (under 15): Allows the harvest of six (6) pheasants.

(3) 2-Day Option: Allows the harvest of four (4) pheasants during two consecutive days.

Every person possessing a Western Washington Upland Bird Permit must by December 31, return the permit to the Department of Fish and Wildlife. The number of permits purchased per year is not limited.

A hunter shall select one valid option at the time they purchase their Western Washington Upland Bird Permit.

Special Restriction: Non-toxic shot must be used in a shotgun to hunt pheasant on the Skagit Wildlife Area. Western Washington pheasant hunters must choose to hunt on either odd-numbered or even-numbered weekend days from 8:00 - 10:00 a.m. at all units of Lake Terrell, Tennant Lake, Snoqualmie, Skagit, Skookumchuck, and Scatter Creek Wildlife Areas, and must indicate their choice on the western Washington upland bird permit by choosing "odd" or "even." It is unlawful to purchase an additional permit until the ten pheasant allowed on the current permit are taken. Hunters that select the two day option, senior hunters 65 years of age or older, and juvenile hunters 14 years of age or younger may hunt during either weekend day morning. Juvenile hunters must be accompanied by an adult with an appropriately marked upland bird permit.

Mountain Quail

Bag and Possession Limits: Two (2) mountain quail per day, with a total of four (4) mountain quail in possession at any time.

Oct. 11-Nov. 30, 1997; Oct. 10-Nov. 30, 1998; Oct. 9-Nov. 30, 1999; except CLOSED in GMU 522.

Valley and Bobwhite Quail

Bag and Possession Limits: Ten (10) valley or bobwhite quail per day, with a total of thirty (30) valley or bobwhite quail in possession at any time; straight or mixed bag.

Oct. 11-Nov. 30, 1997; Oct. 10-Nov. 30, 1998; Oct. 9-Nov. 30, 1999; except CLOSED in GMU 522.

TURKEY

Spring Season

Gobblers and Turkeys with Visible Beards Only.

Statewide: April 15-May 15, 1997; April 15-May 15, 1998; and April 15-May 15, 1999.

Fall Season

Either Sex

Klickitat and Skamania counties: Nov. 27-Dec. 1, 1997; Nov. 26-30, 1998; Nov. 25-29, 1999.

Asotin, Columbia, Garfield, and Walla Walla counties: Nov. 27-Dec. 1, 1997; Nov. 26-30, 1998; Nov. 25-29, 1999. Only hunters that successfully complete the Department of Fish and Wildlife's Advanced Hunter Education (AHE) program will be eligible to hunt turkeys during this season. A certification card will be issued to all AHE graduates and must be

in possession in addition to a valid hunting license and turkey tag while hunting in this area.

OFFICIAL HUNTING HOURS/BAG LIMITS:

Bag and Possession Limit: One turkey per day, with a total of three (3) per year; only one turkey from each subspecies may be killed per year in 1997, 1998 and 1999; Subspecies are defined by county of kill.

Eastern Wild Turkey: All of western Washington excluding Skamania and Klickitat counties.

Rio Grande Wild Turkey: All of eastern Washington excluding Klickitat, Ferry, Pend Oreille, and Stevens counties.

Merriam's Wild Turkey: Skamania, Klickitat, Pend Oreille, Ferry and Stevens counties.

Tag Sale Cutoff: All multiple tags must be purchased by April 14 each year; a single statewide tag may be purchased at any time.

Hunting Hours: One-half hour before sunrise to sunset during spring and fall seasons.

SPECIAL REGULATIONS:

1. Turkey season is open for shotgun and bow-and-arrow hunting only.
2. A turkey tag is required for hunting turkey.
3. Each successful hunter must complete and return a game harvest report card to the Department of Fish and Wildlife within ten days after taking a turkey.
4. It is unlawful to use dogs to hunt turkeys.

SAGE AND SHARP-TAILED GROUSE

Season Closed Statewide.

BIRD DOG TRAINING SEASON

Aug. 1, 1997-Mar. 15, 1998; Aug. 1, 1998-Mar. 15, 1999; and Aug. 1, 1999-Mar. 15, 2000, except from Sept. 27-Nov. 30, 1997, Oct. 3-Nov. 30, 1998, and Oct. 2-Nov. 30, 1999, dog training is prohibited except from 8:00 a.m. to 4:00 p.m. on designated western Washington pheasant release sites. Dog training is prohibited from Jan. 15 - Mar. 15 on the Shillapoo Wildlife Area (Region 5).

Dog training may be conducted year around on posted portions of: Region One - Espanola (T 24 N, R 40 E, E 1/2 of Sec. 16); Region Two - Wahluke Wildlife Area north of Highway 24; Region Three - South L.T. Murray Wildlife Area; Region Four - Fort Lewis Military Base, Skagit Wildlife Area, Lake Terrell Wildlife Area, and Snoqualmie Wildlife Area; Region Five - Shillapoo/Vancouver Lake Wildlife Area; Region Six - Scatter Creek Wildlife Area.

All adult hunters (age 16 and over) of migratory game birds (duck, goose, coot, snipe, mourning dove) are required to complete a Harvest Information Program (HIP) survey form at a license dealer, and possess a Washington Migratory Bird Stamp as evidence of compliance with this requirement when hunting migratory game birds. Youth hunters (age 15 and under) are required to complete a HIP survey form available through WDFW offices, and possess a free Washington

Youth Migratory Bird Stamp as evidence of compliance with this requirement when hunting migratory game birds.

CANADA GOOSE SEPTEMBER SEASON

Bag and Possession Limits: Three (3) Canada geese per day with a total of six (6) in possession at any time.

Statewide: September 8-14, 1998; September 7-13, 1999.

BAND-TAILED PIGEON

Closed Season Statewide.

MOURNING DOVE

Bag and possession limits: Ten (10) mourning doves per day with a total of twenty (20) mourning doves in possession at any time.

Statewide: Sept. 1-15, 1997; Sept. 1-15, 1998; and Sept. 1-15, 1999; except CLOSED in GMU 522.

RABBIT AND HARE

Cottontail, Snowshoe Hare (or Washington Hare), and Jack-rabbit.

Bag and Possession Limits: Five (5) rabbits or hares per day, with a total of fifteen (15) in possession at any time; straight or mixed bag.

Statewide: Sept. 1, 1997-Mar. 15, 1998; Sept. 1, 1998-Mar. 15, 1999; Sept. 1, 1999-Mar. 15, 2000; except CLOSED in GMU 522 and CLOSED Jan. 15-Mar. 15 on Shillapoo Wildlife Area (Region 5).

CROWS

Bag and possession limits: No limits

Statewide: Oct. 1, 1997-Jan. 31, 1998; Oct. 1, 1998-Jan. 31, 1999; Oct. 1, 1999-Jan. 31, 2000.

FALCONRY SEASONS

Upland Game Bird - Falconry

Daily bag: Two (2) pheasants (either sex), six (6) partridge, five (5) quail, and three (3) forest grouse (blue, ruffed, spruce) per day.

Statewide: Sept. 1, 1997-Mar. 15, 1998; Sept. 1, 1998-Mar. 15, 1999; Sept. 1, 1999-Mar. 15, 2000.

Mourning Dove - Falconry

Daily Bag: Three (3) mourning doves per day straight bag or mixed bag with snipe, coots, ducks, and geese during established seasons.

Statewide: Sept. 1-15 and Oct. 1-Dec. 31, 1997; Sept. 1-15 and Oct. 1-Dec. 31, 1998; and Sept. 1-15 and Oct. 1-Dec. 31, 1999.

Cottontail and Hare - Falconry

Daily bag: Five (5) rabbits or hares per day; straight or mixed bag.

Statewide: Aug. 1, 1997-Mar. 15, 1998; Aug. 1, 1998-Mar. 15, 1999; Aug. 1, 1999-Mar. 15, 2000, for cottontail, snowshoe hare (or Washington hare), white-tailed and black-tailed jackrabbits.

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

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

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

**WSR 98-14-103
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
[Filed June 30, 1998, 4:06 p.m.]**

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-10-099.

Purpose: To amend WAC 232-16-800 Debay's Slough Game Reserve.

Statutory Authority for Adoption: RCW 77.12.010 and 77.12.040.

Statute Being Implemented: RCW 77.12.010 and 77.12.040.

Summary: The amendment corrects an error in the title of the existing rule.

Reasons Supporting Proposal: The amendment maintains cooperation from a private landowner whose lands are included in the reserve.

Name of Agency Personnel Responsible for Drafting and Implementation: Mike Kuttel, Assistant Director, Wildlife Management, Olympia, (360) 902-2504; and Enforcement: Ron Swatfigure, Assistant Director, Enforcement, Olympia, (360) 902-2932.

Name of Proponent: Washington Fish and Wildlife Commission, 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.

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

Hearing Location: Natural Resources Building, Room 172, 1111 Washington Street S.E., Olympia, WA, on August 7-8, 1998, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by July 31, 1998, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Mike Kuttel, 600 Capitol Way North,

Olympia, WA 98501-1091, fax (360) 902-2162, by July 31, 1998.

Date of Intended Adoption: August 7, 1998.

June 30, 1998

Robin Ayers

for Evan Jacoby

Rules Coordinator

AMENDATORY SECTION [(Amending Order 97-162, filed 8/25/97)]

WAC 232-16-800 Johnson/Debay's Slough Game Reserve In Skagit County, beginning at the intersection of Francis Road and Debay's Slough Road; then south and west along Francis Road (3090 feet) to white corner marker; then north (1265 feet) to the middle of Debay's Slough (white corner marker); then westerly (2087 feet) along the channel of Debay's Slough to the western tip of the farmed portion of Debay's Island; then northerly (1485 feet) to the south bank of the Skagit River (white corner marker); then easterly (1600 feet) along the south bank of the Skagit River to fence line (white corner marker); then south along fence line (855 feet) to corner post; then east along fence line (435 feet) to fence intersection; then south (300 feet) along fence line to existing tree line (white corner marker); then continue south (835 feet) to south shoreline of Debay's Slough (white corner marker); then easterly and southerly along the west shoreline of Debay's Slough (1770 feet) to the south side of Debay's Slough Road (white corner marker); then east along the south side of Debay's Slough Road to the intersection of Francis Road and the point of beginning.

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

WSR 98-14-104
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
 [Filed June 30, 1998, 4:08 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-10-099.

Purpose: To adopt WAC 232-16-810 Port Susan Bay Canada goose closure.

Statutory Authority for Adoption: RCW 77.12.010 and 77.12.040.

Statute Being Implemented: RCW 77.12.010 and 77.12.040.

Summary: The rule establishes an area closed to hunting of Vancouver Canada geese in Port Susan Bay, Snohomish County.

Reasons Supporting Proposal: The rule conserves the last remaining population of Vancouver Canada geese in Puget Sound, and allows liberalization of other Canada goose seasons in the area to provide additional recreation.

Name of Agency Personnel Responsible for Drafting and Implementation: Mike Kuttel, Assistant Director, Wildlife Management, Olympia, (360) 902-2504; and Enforce-

ment: Ron Swatfigure, Assistant Director, Enforcement, Olympia, (360) 902-2932.

Name of Proponent: Washington Fish and Wildlife Commission, 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.

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

Hearing Location: Natural Resources Building, Room 172, 1111 Washington Street S.E., Olympia, WA, on August 7-8, 1998, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by July 31, 1998, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Mike Kuttel, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2504, by July 31, 1998.

Date of Intended Adoption: August 7, 1998.

June 30, 1998

Robin Ayers

for Evan Jacoby

Rules Coordinator

NEW SECTION

WAC 232-16-810 Port Susan Bay Canada goose closure It shall be unlawful to hunt Canada geese within the following boundary in Snohomish County: Beginning at the intersection of SR 532 and Marine Drive in Stanwood; then south along Marine Drive to Warm Beach Road; then west along Warm Beach Road to Port Susan Bay; then west to the Island/Snohomish County line; then north along the Island/Snohomish County line to SR 532; then east along SR 532 to the point of beginning. Hunting of coot, snipe, and waterfowl other than Canada geese is allowed in this area.

WSR 98-14-105
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
 [Filed June 30, 1998, 4:10 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-10-099.

Purpose: To amend WAC 232-12-131 Permits for special hunting and trapping seasons.

Statutory Authority for Adoption: RCW 77.12.010 and 77.12.040.

Statute Being Implemented: RCW 77.12.010 and 77.12.040.

Summary: The amendment will provide consistency with language recently adopted in WAC 232-28-273, that created a youth only, Mount Spokane moose hunt and waived the once in a lifetime moose permit opportunity for hunters fifteen years old and younger. The amendment also changes mountain goat permit hunts to a once in a lifetime opportunity.

Reasons Supporting Proposal: Consistency with WAC 232-28-273 that created a youth only, Mount Spokane moose hunt. The availability of mountain goat permits continues to decrease, therefore we recommend that an individual be allowed only one permit in a lifetime.

Name of Agency Personnel Responsible for Drafting and Implementation: Mike Kuttel, Assistant Director, Wildlife Management, Olympia, (360) 902-2504; and Enforcement: Ron Swatfigure, Assistant Director, Enforcement, Olympia, (360) 902-2932.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The amendment is necessary so that youth that have successfully drawn 1998 moose permit hunts for the Mount Spokane, youth only hunt (Hunt Choice No. 8003) are not denied a moose permit hunt later as an adult applicant. The amendment also changes mountain goat permit hunts from an "eligible every year" system to a "once in a lifetime" permit. This change is recommended due to the decreasing availability of mountain goat permits, which is a result of both declining goat populations and difficulty in obtaining survey information.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW.

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

Hearing Location: Natural Resources Building, Room 172, 1111 Washington Street S.E., Olympia, WA, on August 7-8, 1998, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by July 31, 1998, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Mike Kuttel, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2162, by July 31, 1998.

Date of Intended Adoption: August 7, 1998.

June 30, 1998

Robin Ayers

for Evan Jacoby

Rules Coordinator

AMENDATORY SECTION [(Amending WSR 96-04-027, filed 2/1/96)]

WAC 232-12-131 Permits for special hunting and trapping seasons. (1) Holders of valid hunting licenses may apply for permits for special hunting seasons as prescribed by the commission.

(2) Holders of valid trapping licenses may apply for permits for special trapping seasons as prescribed by the commission.

(3) It is unlawful for a person receiving a special hunting season permit for mountain sheep to apply for another permit for that species.

(4) It is unlawful for a person receiving a special hunting season permit for moose to apply for another permit for that species(-), except as prescribed by the commission for the Mount Spokane, youth only moose hunt.

(5) It is unlawful for a person receiving a special hunting season permit for mountain goat to apply for another permit for that species.

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

WSR 98-14-106

PROPOSED RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Filed June 30, 1998, 4:12 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-10-099.

Purpose: To amend WAC 232-16-540 Yakima River Game Reserve.

Statutory Authority for Adoption: RCW 77.12.010 and 77.12.040.

Statute Being Implemented: RCW 77.12.010 and 77.12.040

Summary: The amendment updates language in the existing WAC to reflect current road names.

Reasons Supporting Proposal: Outdated boundary descriptions in the current WAC make enforcement of this rule more difficult.

Name of Agency Personnel Responsible for Drafting and Implementation: Mike Kuttel, Assistant Director, Wildlife Management, Olympia, (360) 902-2504; and Enforcement: Ron Swatfigure, Assistant Director, Enforcement, Olympia, (360) 902-2932.

Name of Proponent: Washington Fish and Wildlife Commission, 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.

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

Hearing Location: Natural Resources Building, Room 172, 1111 Washington Street S.E., Olympia, WA, on August 7-8, 1998, at July 31, 1998 [8:00 a.m.].

Assistance for Persons with Disabilities: Contact Debbie Nelson, TDD (360) 902-2207, or (360) 902-2267.

PROPOSED

Submit Written Comments to: Washington Department of Fish and Wildlife, Mike Kuttel, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2162, by July 31, 1998.

Date of Intended Adoption: August 7, 1998.

June 30, 1998

Robin Ayers
for Evan Jacoby
Rules Coordinator

AMENDATORY SECTION [(Amending Order, filed 7/29/94)]

WAC 232-16-540 Yakima River Game Reserve.
~~((Beginning at the NW corner of SW1/4 of Section 36, Township 9 north, Range 24E.W.M., at which point State Highway #3 and the Old Cherry Lane intersect; thence east following the south edge of said Old Cherry Lane Road to its junction with the north bank of the U.S. Bureau of Reclamation Power Canal; thence in an easterly direction following the said north bank of said canal to the end of the canal; thence continuing in an easterly direction following the north edge of the U.S. Bureau of Reclamation Power Line right of way to its intersection with the east line of Section 31, Township 9 north, Range 25E.W.M.; thence south following said section line to its intersection with State Highway #410; thence in a westerly direction following the north edge of the pavement of said State Highway #410 to its intersection with 10th Street, city of Prosser; thence northwest following the northeast edge of said 10th Street to its intersection with Grand Avenue; thence NE following the SE edge of said Grand Avenue to County Bridge #6; thence continuing NE across said bridge to the beginning of State Highway #3; thence north following the east edge of said State Highway #3 to point of beginning.)) Beginning in Prosser at the intersection of Tenth Street and Grant Avenue; then west to the Yakima River and Prosser Dam; then west across Prosser Dam and the Yakima River to the U.S. Bureau of Reclamation Maintenance Road; then north to Old Inland Empire Highway; then northeasterly on Old Inland Empire Highway to Interstate I-82; then east on the south side of I-82 to the Chandler Canal; then east along the north side of the Chandler Canal to the powerline going across the Yakima River (approximately 4 Miles east of Bunn Road); then south along the powerlines and across the Yakima River to Wine Country Road; then west on Wine Country Road to Tenth Street and the point of beginning.~~

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

WSR 98-14-107
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
[Filed June 30, 1998, 4:15 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-10-099.

Purpose: To adopt WAC 232-28-422 1998-99 Migratory waterfowl seasons and regulations.

Statutory Authority for Adoption: RCW 77.12.010 and 77.12.040.

Statute Being Implemented: RCW 77.12.010 and 77.12.040.

Summary: The WAC specifies legal season dates, bag limits, and open areas to hunt waterfowl for the 1998-99 hunting season.

Reasons Supporting Proposal: Waterfowl seasons and regulations are developed based on cooperative management programs among states of the Pacific Flyway and the United States Fish and Wildlife Service, considering population status and other biological parameters.

Name of Agency Personnel Responsible for Drafting and Implementation: Mike Kuttel, Assistant Director, Wildlife Management, Olympia, (360) 902-2504; and Enforcement: Ron Swatfigure, Assistant Director, Enforcement, Olympia, (360) 902-2932.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule establishes waterfowl seasons and regulations to provide recreational opportunity, control waterfowl damage, and conserve the waterfowl resources of Washington.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW.

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

Hearing Location: Natural Resources Building, Room 172, 1111 Washington Street S.E., Olympia, WA, on August 7-8, 1998, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by July 31, 1998, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Mike Kuttel, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2162, by July 31, 1998.

Date of Intended Adoption: August 7, 1998.

June 30, 1998

Robin Ayers
for Evan Jacoby
Rules Coordinator

NEW SECTION

WAC 232-28-422 1998-99 Migratory waterfowl seasons and regulations

DUCKS

Western Washington

Oct. 3, 1998-Jan. 16, 1999

PROPOSED

Special youth hunting day open only to hunters 15 years of age or under (must be accompanied by an adult at least 18 years old who is not hunting): Sept. 26, 1998

Daily bag limit: 7 ducks—to include not more than 2 hen mallards, 2 pintails, 2 redheads, 1 canvasback, 1 harlequin, 4 scoters, and 4 oldsquaws.

Possession limit: 14 ducks—to include not more than 4 hen mallards, 6 pintails, 4 redheads, 2 canvasbacks, 1 harlequin, 8 scoters, and 8 oldsquaws.

Eastern Washington

Oct. 3, 1998-Jan. 16, 1999

Special youth hunting day open only to hunters 15 years of age or under (must be accompanied by an adult at least 18 years old who is not hunting): Sept. 26, 1998

Daily bag limit: 7 ducks—to include not more than 2 hen mallards, 2 pintails, 2 redheads, and 1 canvasback.

Possession limit: 14 ducks—to include not more than 4 hen mallards, 6 pintails, 4 redheads, and 2 canvasbacks.

COOT (Mudhen)

Same areas, dates (including Youth Hunting Day), and shooting hours as the general duck season.

Daily bag limit: 25 coots.

Possession limit: 25 coots.

COMMON SNIPE

Same areas, dates (except Youth Hunting Day), and shooting hours as the general duck season.

Daily bag limit: 8 snipe.

Possession limit: 16 snipe.

GEESE (except Brant and Aleutian Canada Geese)

Special youth hunting day open only to hunters 15 years of age or under (must be accompanied by an adult at least 18 years old who is not hunting): Sept. 26, 1998, statewide except Western Washington Goose Management Area 2

Daily bag limit: 4 Canada geese

Western Washington Goose Seasons

Western Washington Goose Management Area 1

Island, Skagit, Snohomish counties

Oct. 10, 1998 - Jan. 3, 1999 for snow geese

Oct. 10, 1998 - Jan. 16, 1999 for other geese (except brant and Aleutian Canada geese)

Daily bag limit: 4 geese, to include not more than 3 white geese (snow, Ross', blue)

Possession limit: 8 geese, to include not more than 6 white geese (snow, Ross', blue)

WRITTEN AUTHORIZATION REQUIRED TO HUNT SNOW GEESE. All persons hunting snow geese in this season are required to obtain a written authorization and Harvest Report from the Washington Department of Fish and Wildlife. Hunters who held a 1997 authorization and returned the Harvest Report prior to the deadline will be mailed a 1998 autho-

zation in early October. Hunters who did not possess a 1997 authorization must fill out an application (available at Washington Department of Fish and Wildlife Olympia and regional offices). Application forms must be delivered to a Department office no later than September 25 or postmarked on or before September 25 in order for applicants to be mailed a 1998 authorization before the season starts. No applications will be accepted after October 31, 1998. Immediately after taking a snow goose into possession, hunters must record in ink the information required on the Harvest Report. Return of the Harvest Report is mandatory. Those hunters not returning the Harvest Report to the Washington Department of Fish and Wildlife by January 15, 1999 will be ineligible to participate in the 1999 snow goose season.

Western Washington Goose Management Area 2

Gray's Harbor, Pacific, Wahkiakum, Cowlitz, and Clark counties, except the area of Clark County south of the Washougal River.

Open on the following days from 8:00 a.m. to 4:00 p.m.:

Mondays, Wednesdays, and Saturdays only, Nov. 25, 1998-Jan. 16, 1999.

Bag limits for all of Western Washington Goose Management Area 2:

Daily bag limit: 4 geese, to include not more than 1 dusky Canada goose, and not more than 3 white geese (snow, Ross', blue).

Possession limit: 8 geese, to include not more than 1 dusky Canada goose, and not more than 6 white geese (snow, Ross', blue).

Season limit: 1 dusky Canada goose.

A dusky Canada goose is defined as a dark-breasted (as shown in the Munsell color chart 10 YR, 5 or less) Canada goose with a culmen (bill) length of 40-50 mm.

The Canada goose season for Western Washington Goose Management Area 2 will be closed early if dusky Canada goose harvests exceed area quotas which collectively total 80 geese. The Fish and Wildlife Commission has authorized the Director to implement emergency area closures in accordance with the following quotas: A total of 80 dusks, to be distributed 10 for Zone 1 (Ridgefield NWR); 25 for Zone 2 (Cowlitz County south of the Kalama River); 20 for Zone 3 (Clark County private lands); 10 for Zone 4 (Cowlitz County north of the Kalama River and Wahkiakum County); 10 for Zone 5 (Pacific County); and 5 for Zone 6 (Gray's Harbor County). Quotas may be shifted to other zones during the season to optimize use of the statewide quota and minimize depredation.

Hunting is only permitted by written authorization from the Washington Department of Fish and Wildlife. Hunters who maintained a valid 1997 written authorization will be mailed a 1998 authorization card prior to the 1998 season. New hunters and those who did not maintain a valid 1997 authorization must review goose identification training materials and demonstrate adequate performance on a goose identification test to receive written authorization. Information on

training materials and testing dates/locations is available at the Olympia and regional offices.

With written authorization, hunters will receive a Harvest Report. Hunters must carry the authorization card and Harvest Report while hunting. Immediately after taking a Canada goose (dusky, lesser/Taverner, cackling, or other subspecies) into possession, hunters must record in ink the information required on the Harvest Report. Hunters must go directly to the nearest check station and have geese tagged when leaving a hunt site, before 6:00 p.m. If a hunter takes the season bag limit of one dusky Canada goose or does not comply with requirements listed above regarding checking of birds and recording harvest on the Harvest Report, written authorization will be revoked and the hunter will not be able to hunt in Western Washington Goose Management Area 2 for the remainder of the season and the Special Late Canada Goose Season. It is unlawful to fail to comply with all provisions listed above for Western Washington Goose Management Area 2.

Western Washington Goose Management Area 2 Special Late Canada Goose Season

Open to Washington Department of Fish and Wildlife Advanced Hunter Education (AHE) program graduates possessing a valid 1998 southwest Washington Canada goose hunting authorization. Hunters qualifying for the season will be notified of available hunting dates and selected at random for participation.

Open in Agricultural Goose Damage Areas in Western Washington Goose Management Area 2 on selected dates within the following period from 7:00 a.m. to 4:00 p.m.:

January 23-March 10, 1999

Daily bag limit: 4 Canada geese, to include not more than 1 dusky Canada goose.

Possession limit: 4 Canada geese, to include not more than 1 dusky Canada goose.

Season limit: 1 dusky Canada goose.

A dusky Canada goose is defined as a dark-breasted Canada goose (as shown in the Munsell color chart 10 YR, 5 or less) with a culmen (bill) length of 40-50 mm.

The Special Late Canada Goose Season will be closed by emergency action if the harvest of dusky Canada geese exceeds 85 for the regular and late seasons. Hunting is only permitted by written authorization from the Washington Department of Fish and Wildlife. Hunters who maintained a valid 1997 written authorization will be mailed a 1998 authorization card prior to the 1998 season. New hunters and those who did not maintain a valid 1997 authorization must review goose identification training materials and demonstrate adequate performance on a goose identification test to receive written authorization. Information on training materials and testing dates/locations is available at the Olympia and Regional offices.

With written authorization, hunters will receive a Special Late Canada Goose Season authorization card and Harvest Report. Hunters must carry the authorization card and Harvest Report while hunting. Immediately after taking a Can-

ada goose (dusky, lesser/Taverner, or other subspecies) into possession, hunters must record in ink the information required on the Harvest Report. Hunters must check in prior to the hunt, and after the hunt must go directly to the nearest check station when leaving a hunt site, before 6:00 p.m. If a hunter takes the season bag limit of one dusky Canada goose or does not comply with requirements listed above regarding check station reporting and recording harvest on the Harvest Report, written authorization will be revoked and the hunter will not be able to hunt in the Special Late Canada Goose Season for the remainder of the season. It is unlawful to fail to comply with all requirements listed above for the Special Late Canada Goose Season.

Western Washington Goose Management Area 3

Includes all parts of western Washington not included in Western Washington Goose Management Areas 1 and 2.

Oct. 10, 1998-Jan. 16, 1999

Daily bag limit: 4 geese, to include not more than 3 white geese (snow, Ross', blue).

Possession limit: 8 geese, to include not more than 6 white geese (snow, Ross', blue).

Eastern Washington Goose Seasons

Eastern Washington Goose Management Area 1

Okanogan, Douglas, Kittitas, Grant, Adams, Franklin, Benton, Lincoln, Spokane, and Walla Walla counties.

Saturdays, Sundays, and Wednesdays only, from Oct. 10, 1998-Jan. 10, 1999, Nov. 26, 27, Dec. 25, 1998, Jan. 1, 1999, and every day Jan. 11-17, 1999.

Eastern Washington Goose Management Area 2

Includes all other parts of eastern Washington not included in Eastern Washington Goose Management Area 1.

Every day, from Oct. 10, 1998-Jan. 16, 1999.

Bag limits for all Eastern Washington Goose Management Areas:

Daily bag limit: 4 geese, to include not more than 3 white geese (snow, Ross', blue).

Possession limit: 8 geese, to include not more than 6 white geese (snow, Ross', blue).

BRANT

Open in Skagit and Pacific counties only

In 1998, the brant wintering population in northern Puget Sound remained significantly below objective levels. If the 1998-99 pre-season wintering brant population in northern Puget Sound is below 6,000 (as determined by the winter survey in late December/early January), the brant season in Skagit County will be closed.

Option A:

Open in Skagit County on the following dates: Jan. 9, 10, 13, 16, 17, 1999

Daily bag limit: 2 brant.

Possession limit: 4 brant.

Option B:

Open in Skagit County on the following dates: Jan. 9, 10, 11, 12, 13, 1999

Daily bag limit: 2 brant.

Possession limit: 4 brant

Open in Pacific County on the following dates: Jan. 2, 3, 9, 16, 17, 1999

Daily bag limit: 2 brant.

Possession limit: 4 brant.

WRITTEN AUTHORIZATION REQUIRED: All hunters participating in this season are required to obtain a written authorization and Harvest Report from the Washington Department of Fish and Wildlife. Hunters who held a 1997 authorization and returned the Harvest Report prior to the deadline will be mailed a 1998 authorization in December. Hunters who did not possess a 1997 authorization must fill out an application (available at Washington Department of Fish and Wildlife regional offices). Application forms must be delivered to a Department office no later than 5:00 p.m. on November 10 or postmarked on or before November 10, after which applicants will be mailed a 1998 authorization in early December. Late applications will not be accepted. Immediately after taking a brant into possession, hunters must record in ink the information required on the Harvest Report. Return of the Harvest Report is mandatory. Those hunters not returning the Harvest Report to the Washington Department of Fish and Wildlife by January 22, 1999 will be ineligible to participate in the 1999 brant season.

ALEUTIAN CANADA GEESE AND SWANS

Season closed statewide.

FALCONRY SEASONS**DUCKS AND COOTS (Falconry)**

(bag limits include geese, snipe, and mourning doves.)

Western Washington (Falconry)

Oct. 3, 1998-Jan. 16, 1999

Daily bag limit: 3, straight or mixed bag with geese, snipe, and mourning doves during established seasons.

Possession limit: 6, straight or mixed bag with geese, snipe, and mourning doves during established seasons.

Eastern Washington (Falconry)

Oct. 3, 1998-Jan. 16, 1999

Daily bag limit: 3, straight or mixed bag with geese, snipe, and mourning doves during established seasons.

Possession limit: 6, straight or mixed bag with geese, snipe, and mourning doves during established seasons.

GEESE (Falconry)

(bag limits include ducks, coot, snipe, and mourning doves.)

Oct. 10, 1998-Jan. 16, 1999, statewide, except:

Nov. 25, 1998-Jan. 16, 1999 and Jan. 23-Mar. 10, 1999 in Western Washington Goose Management Area 2.

Daily bag limit: 3, straight or mixed bag with ducks, coot, snipe, and mourning doves during established seasons.

Possession limit: 6, straight or mixed bag with ducks, coot, snipe, and mourning doves during established seasons.

SNIFE (Falconry)

(Bag limits include ducks, coots, geese, and mourning doves.)

Oct. 3, 1998-Jan. 16, 1999, statewide

Daily bag limit: 3, straight or mixed bag with ducks, coots, geese and mourning doves during established seasons.

Possession limit: 6, straight or mixed bag with ducks, coots, geese and mourning doves during established seasons.

WSR 98-14-109**PROPOSED RULES****EVERETT COMMUNITY COLLEGE**

[Filed July 1, 1998, 9:25 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-11-098.

Title of Rule: Chapter 132E-16 WAC.

Purpose: To set forth statutes to protect and control vehicular traffic on property maintained by District 5.

Statutory Authority for Adoption: Chapters 34.05, 28B.50 RCW.

Statute Being Implemented: RCW 28B.50.140(10).

Summary: See Purpose above.

Reasons Supporting Proposal: To update existing WAC.

Name of Agency Personnel Responsible for Drafting and Enforcement: George Olson, 801 Wetmore, Everett, WA 98201, (425) 388-9112; and Implementation: Bob Bleakley, 801 Wetmore, Everett, WA 98201, (425) 388-9251.

Name of Proponent: Everett Community College, public.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Changes to chapter 132E-16 WAC are for the purposes of clarification and amendments.

Proposal Changes the Following Existing Rules: Present WAC is outdated, changes reflect rules for new facilities under college control.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Changes update existing WAC.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Olympus Hall, Room 0205, on August 4, 1998, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Juli Boyington by July 24, 1998, TDD (425) 388-9109, or (425) 388-9202.

Submit Written Comments to: Rules Coordinator, fax (425) 388-9531, by July 22, 1998.

Date of Intended Adoption: August 12, 1998.

June 30, 1998

Juli Boyington
Rules Coordinator

AMENDATORY SECTION (Amending Order 1969-2, filed 2/3/69)

WAC 132E-16-001 Objectives of traffic rules and regulations. ~~((1) To protect and control pedestrian and vehicular traffic;~~

~~(2) To assure access at all times for emergency equipment;~~

~~(3) To minimize traffic disturbance during class hours;~~

~~(4) To facilitate the work of the college by assuring access to its vehicles and to assign the limited parking space for the most efficient use;)) (1) To facilitate the operations of Everett Community College (EvCC) by assuring access to it by vehicles; and~~

~~(2) To provide safe pedestrian, bicycle, and vehicular traffic ingress and egress to the EvCC campus and satellite sites; and~~

~~(3) To assure access to the EvCC campus and satellite sites at all times for emergency, maintenance and custodial equipment; and~~

~~(4) To minimize traffic disturbance during class hours; and~~

~~(5) To manage and to enforce vehicular traffic and parking on the EvCC campus and satellite sites.~~

NEW SECTION

WAC 132E-16-003 Definitions. Everett Community College (EvCC): For the purpose of these rules and regulations, the EvCC campus includes all property owned or operated by the college including the main campus, the EvCC Fitness Center (gym), Aviation Training Center at Paine Field, the Advanced Technology Training Center (ATTC) in South Everett, and the Cosmetology facility in Marysville, or any street, roadway, or parking lot owned, leased, or maintained by EvCC.

These rules and regulations shall also be applicable to all state lands which are or may hereafter be devoted mainly to educational, research, recreational, or parking activities of Everett Community College.

Staff: All employees - full-time and part-time - of Everett Community College and those employees of Western Washington University and Edmonds Community College working on the EvCC campus.

EvCC parking lots: Located as follows:

Between North Broadway on the east, Wetmore Avenue on the west, Tower Street on the north and 10th Street on the south.

East and west of Waverly Avenue at Tower Street.

Physical Education/Fitness Center (gym) - 1220 Rockefeller Street.

Aviation training site - Paine Field.

ATTC - south Everett.

Cosmetology - Marysville.

Unresolved violation notice: An unresolved traffic violation notice is one in which the violator has failed to pay the fine in the time required; or, the appeal has been completed, and the judgment on review was "sustained," and the violator has failed to pay the fine.

AMENDATORY SECTION (Amending Order 1969-2, filed 2/3/69)

WAC 132E-16-005 Applicable traffic rules and regulations~~((Areas affected)). ((The traffic regulations which are applicable upon state lands devoted mainly to the educational activities of Everett Community College are as follows:~~

~~(1) The motor vehicle and other)) In addition to these rules and regulations, the traffic laws and regulations of the state of Washington ((shall be applicable upon all lands located within the state of Washington:~~

~~(2) The traffic code of Everett, Washington, and)), Snohomish County ((shall also be applicable to all state lands which are or may hereafter be devoted mainly to educational, research, recreational, or parking activities of Everett Community College)), city of Everett and city of Marysville apply.~~

NEW SECTION

WAC 132E-16-008 Authority. (1) The Everett Community College director of campus safety and the security staff have the authority to enforce these rules and regulations. They may issue parking and traffic citations, impose fines, impound and/or immobilize vehicles, and control and regulate traffic as set forth in these rules and regulations.

(2) The college security office is authorized to issue all permits to operate or to park a motor vehicle on the EvCC campus pursuant to the provisions of WAC 132E-16-200.

(3) The EvCC security department is authorized to place signs, barricades, and other structures and to paint marks and other pedestrian and traffic directions upon/or in the EvCC campus parking lots for the regulation of traffic and parking that will provide safe ingress and egress to the EvCC campus.

(4) The authority and powers conferred upon the Everett Community College director of campus safety by these regulations shall be subject to delegation by him/her to his/her subordinates.

AMENDATORY SECTION (Amending Order 1969-2, filed 2/3/69)

WAC 132E-16-010 Permits required for vehicles on campus. ~~((All students, faculty members, administrative staff members and employees using motor vehicles for transportation to and from Everett Community College are required to register their vehicles and must park said vehicle on campus:~~

~~Except as provided in WAC 132E-16-015 and 132E-16-090 of these regulations;)) (1) No person shall ((drive any)) operate a motor vehicle, ((nor shall any person)) stop, park, or leave ((any)) a motor vehicle~~((whether attended or unattended;))~~ upon ~~((the campus of))~~ grounds maintained by Everett Community College without a parking permit issued by the ~~((security department))~~ college security office.~~

~~((1) Permission to drive on campus or to park thereon will be shown by display of a valid permit issued by the security department:~~

~~(2) A valid permit is:~~

~~(a) An)) (2) Upon payment of the parking permit fee and registration of their vehicle at the security office, students and staff will be issued the appropriate staff or student parking permit. A current, unexpired parking ((decal properly registered and)) permit which is displayed ((in accordance with instructions; or~~

~~(b) A temporary permit authorized by the security department and displayed in accordance with instructions on the permit; or~~

~~(c) A parking permit issued by a security department attendant, which must be displayed on the vehicle in accordance with instructions;~~

~~(3) Parking permits are not transferable)) as directed by the security office, shall constitute a valid permit and evidence of permission of EvCC to operate, stop, park or leave a vehicle upon grounds owned, operated, or maintained by Everett Community College.~~

~~(3) When a staff member or student acquires a new or different vehicle it shall be necessary to register the new vehicle with the college security office when it is first driven onto campus. No new fees for parking will be required and a new permit will be issued if necessary.~~

~~(4) Guests of EvCC may obtain a "guest" parking permit by registering their vehicle at the security office. The guest will be instructed to display the parking permit on the dashboard at the driver's side of their vehicle with the permit date able to be read from outside the vehicle.~~

~~(5) Failure to purchase or obtain an EvCC parking permit and to properly display the permit is a violation of these rules and regulations.~~

~~(6) Parking permits will not be required of government owned and licensed vehicles.~~

NEW SECTION

WAC 132E-16-011 Failure to register. Persons other than those exempted elsewhere in these regulations who park a motor vehicle on the EvCC campus and who fail to obtain a valid parking permit are in violation of these rules and regulations.

NEW SECTION

WAC 132E-16-012 Display of permits. The EvCC parking permit shall be displayed in accordance with these regulations. Expired student parking permits shall be removed before the new permit is attached to the vehicle. Staff permits will be hung from the rear view mirror with the number facing towards the front windshield. Expired staff parking permits should be removed. Parking permits not displayed in accordance with the provisions of this section are a violation of these rules and regulations. Parking permits shall be displayed by the first day of the second week of each academic quarter.

NEW SECTION

WAC 132E-16-013 Permit holder responsibilities. Pursuant to these regulations, those persons issued a valid parking permit shall be responsible for all violations involv-

ing the vehicle for which the permit was issued. Improper operation of a vehicle with a valid EvCC parking permit on the EvCC campus by someone other than the registered holder of the parking permit shall not relieve the registrant of responsibility for their vehicle.

NEW SECTION

WAC 132E-16-014 Permit periods. All staff parking on the EvCC campus will be on a permit basis. Permits may be purchased by the quarter or annually. Student parking permits will be purchased quarterly.

NEW SECTION

WAC 132E-16-015 Parking. (1) The director of campus safety is authorized to designate and to mark the various parking areas and spaces on the EvCC campus with numbers or letters and by the posting of signs in these areas.

(2) No vehicle shall be parked on the EvCC campus except in those areas specifically set aside and designated as a vehicle parking area and within a single defined parking space. The fact that other vehicles are parked so as to require occupying a portion of more than one space shall not constitute an excuse for a violation of this section.

(3) No vehicle shall be parked in a parking space without a permit for that specific area or space, except as provided for in other sections of these regulations.

(4) Only vehicles needed for maintenance and landscaping may be parked on planted grounds, or on any walkways or pathways intended for pedestrians.

(5) No vehicle may be parked in colored curb zones, fire lanes, driveways, pedestrian walkways, or loading and service areas.

(6) No vehicle may be parked in such a manner that when the parked vehicle reenters the traffic, entry will be against the designated parking lot traffic flow.

(7) Parking spaces will be designated for staff, visitor, carpool, and disabled persons. The allocated parking spaces are exclusive for use by those designated, provided that the appropriate parking permits are obtained by the users and are displayed properly upon their vehicles. People with a disability - staff, visitors, and students - will be given parking priority whenever possible within close proximity of offices, classrooms, or access ways.

(8) No student or staff member shall park in a handicapped designated parking space without possessing either a Washington state permanent handicapped permit or an EvCC temporary handicapped parking permit approved by disabled student services and issued by the college security office. Visitors to EvCC may park in a handicapped space only with a valid Washington state handicapped parking permit and an EvCC visitor's pass issued by the security office.

(9) After 1:00 p.m., student "carpool" parking on the EvCC campus will be "open parking," and after 7:00 p.m., parking on the EvCC campus will be "open parking."

(10) The exception to the "open parking" section will be during an emergency or during a special event involving the EvCC campus.

AMENDATORY SECTION (Amending Order 1969-2, filed 2/3/69)

WAC 132E-16-020 Speed. (1) No ~~((vehicle))~~ person shall ~~((be operated on))~~ drive a motor vehicle upon the EvCC campus at a speed ((in excess of ten miles per hour or such lower speed as)) greater than is reasonable and prudent ((in the circumstances)) under the conditions and having regard to the actual and potential hazards then existing. In every event speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle, or other conveyance on or entering the campus in compliance with legal requirements and the duty of all persons to use due care.

(2) No ~~one~~ shall operate a motor vehicle ~~((of any type shall at any time use the campus and/or lands devoted to educational, research, recreational or parking for Everett Community College,))~~ on EvCC grounds, streets, walks, parking lots or maintained sites for the purpose of testing, racing or other activities deemed unlawful according to traffic codes specified by WAC 132E-16-005.

AMENDATORY SECTION (Amending Order 1969-2, filed 2/3/69)

WAC 132E-16-030 Regulatory signs and directions. Drivers of vehicles operated on the EvCC campus shall obey all posted regulatory traffic and parking signs ((posted by the college)). Drivers ((of vehicles)) shall also comply with reasonable, verbal directions given ((them)) by ((officers)) employees of the EvCC security ((department in the control and regulation of traffic)) office.

AMENDATORY SECTION (Amending Order 1969-2, filed 2/3/69)

WAC 132E-16-040 Pedestrians—Right of way. (1) ~~((The operator of a vehicle shall yield the right of way, slowing down or stopping, if need be, to so yield to any pedestrian crossing any street or roadway within a crosswalk, but no pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.~~

(2) ~~Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross a crosswalk, the operator of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.~~

(3) ~~Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection, shall yield the right of way to all vehicles upon the street or roadway.~~

(4) ~~Pedestrian traffic on a street or roadway where a sidewalk is provided shall proceed upon such a sidewalk. Pedestrians upon a street or roadway where no sidewalk is provided shall proceed on the extreme left-hand side of the roadway, facing oncoming traffic, and upon meeting an oncoming vehicle shall stop to their left and clear of the street or roadway.)~~ Pedestrians walking on EvCC campus property shall obey all revised codes of Washington, Washington adminis-

trative codes, and local laws and/or ordinances pertaining to pedestrians.

(2) The operator of any motor vehicle, while driving on EvCC campus property shall obey all revised codes of Washington, Washington administrative codes, and local laws and/or ordinances pertaining to pedestrian right of way.

AMENDATORY SECTION (Amending Order 1969-2, filed 2/3/69)

WAC 132E-16-070 Disabled and inoperative vehicles—Impounding. No ~~((disabled or inoperative))~~ vehicle shall be parked on the EvCC campus for a period in excess of forty-eight hours without the approval of the college security office. Students and members of EvCC staff may leave their vehicle parked in a designated campus parking area in excess of the forty-eight hour rule only while away from EvCC on official EvCC business and upon proper notification to the security office. Vehicles ((which have been)) parked ((for periods)) in excess of forty-eight hours ((and which appear to be disabled or inoperative)) may be impounded and stored at the expense of ((either or both)) the registered owner ((and operator thereof)) of the vehicle. Neither the college nor its employees shall be liable for loss or damage of any kind resulting from ((such)) impounding and storage.

AMENDATORY SECTION (Amending Order 1969-2, filed 2/3/69)

WAC 132E-16-090 Special traffic and parking regulations and restrictions authorized. ~~((Upon))~~ During special events or occasions ((causing additional heavy)) that result in a greater than normal traffic flow and during ((emergencies)) any emergency, the college security ((department is authorized to)) office may impose additional traffic and parking regulations and/or restrictions ((for the achievement of the objectives in WAC 132E-16-001 of these regulations)) involving vehicle speed and/or parking as deemed appropriate for the situation. Special traffic and parking restrictions will only be in effect as long as the situation dictates.

NEW SECTION

WAC 132E-16-094 Motorcycle parking. In order to provide space on the EvCC campus, motorcycles shall only be parked in spaces designated and reserved for motorcycles. Motorcycles require an EvCC parking permit.

NEW SECTION

WAC 132E-16-095 Bicycle parking. No bicycle shall be parked on a path or sidewalk, or on any landscaped area on the EvCC campus. Bicycles shall only be parked in areas designated and reserved for bicycles. No parking permit is required for the operation or parking of a bicycle on the EvCC campus.

AMENDATORY SECTION (Amending Order 1969-2, filed 2/3/69)

WAC 132E-16-130 Permit revocation. ~~((+)) Parking permits ((are the property of the college and)) may be ((recalled by the dean of students)) revoked for any of the following reasons:~~

~~((a)) (1) When the purpose for which the permit was issued changes or no longer exists.~~

~~((b)) (2) When a permit is used ((by an unregistered)) on a vehicle ((or by an unauthorized individual)) not registered with the college security office.~~

~~((c) Falsification on a parking permit application.~~

~~((d) Continued violations of parking regulations.~~

~~((e) Counterfeiting or altering of stickers.~~

~~((f) When it is in the best interest of the college)) (3) For willful or continued violation of college parking regulations.~~

~~(4) Falsification of information provided on the permit application.~~

AMENDATORY SECTION (Amending Order 1969-2, filed 2/3/69)

WAC 132E-16-140 ~~((Duplicate permits for faculty and staff personnel))~~ **Transferable parking permits—Staff member.** ~~((Full-time faculty and staff personnel may apply on a separate application for a second car permit without charge.))~~ A parking permit assigned to a vehicle owned by a staff member and registered with the security office is transferable to any vehicle owned by the staff member provided the alternate vehicle is also registered with the security office.

NEW SECTION

WAC 132E-16-215 Parking permit fee and payment.

(1) A parking permit fee will be established annually by the EvCC college president and published in a fee schedule.

(2) Payment for parking permits shall be made to the cashiers' office or by payroll deduction for employees who choose this method.

(3) The date established to file for payroll deduction for staff parking permits will be established each academic year by the payroll office.

AMENDATORY SECTION (Amending Order 1969-2, filed 2/3/69)

WAC 132E-16-220 Procedure—Issuance of summons—Traffic tickets. Upon violation of any of these regulations, an ~~((officer))~~ employee or designee of the college security ((department)) office may issue ~~((a summons or traffic ticket))~~ an EvCC traffic violation notice setting forth the date, ~~((the approximate))~~ violation time, ~~((the locality, and the nature of the))~~ violation location, the vehicle license number and general description of the vehicle, and nature of the violation. ~~((Such summons may))~~ The traffic violation notice will be served by attaching ((or affixing a)) the pink copy ((thereof)) to the vehicle ((allegedly involved in such violation, or by placing a copy thereof in some prominent place

~~outside such vehicle,))~~ or by personally serving the ~~((operator))~~ traffic violation notice to the alleged violator.

AMENDATORY SECTION (Amending Order 1969-2, filed 2/3/69)

WAC 132E-16-230 ~~((Grievance proceedings—Bond for appearance—Date of hearing.))~~ **Traffic violation notice—Appeal procedure.** (1) ~~((The summons or))~~ Any traffic ((ticket)) violation notice issued pursuant to ~~((WAC 132E-16-220 and 132E-16-240 of))~~ these regulations shall direct the alleged violator to ~~((appear at the business office within forty-eight hours.~~

~~(2) All appeals on traffic violations (tickets) may go through the following procedure: Security officer, dean of students, disciplinary committee and the college president.~~

~~(3) The dean of students, upon receipt of the student's written grievance, will arrange time and place to discuss the violation with the student.~~

~~(4) A representative of the security department may be present when violators are brought before the dean of students)) pay the specified fine at the security office or cashier's office. If the alleged violator elects to appeal the traffic violation notice, she/he shall provide the director of campus safety with a written explanation of the circumstances surrounding the alleged traffic violation within five working days of the issue date of the traffic violation notice. No appeal will be accepted after five working days following issuance of the violation notice.~~

~~(2) Upon receipt of the written appeal for an alleged violation, the director of campus safety shall set a mutually agreeable date, time and location to review the alleged violation and written explanation of the circumstances surrounding the alleged violation. During the review, a representative of the college security office and a representative of the alleged violator may be present. The review shall be set for no later than five working days from receipt of the written appeal. Within three working days following the completion of the review, the director of campus safety shall issue a written decision concerning the appeal. The written decision will be limited to: Traffic violation notice sustained - the violation occurred as stated; traffic violation not sustained - the violation did not occur as stated (case dismissed for lack of proper violation); traffic violation notice dismissed - the violation did not occur; traffic violation notice warning - the violation did occur and an admonishment given in lieu of a fine.~~

~~(3) In the event that the violator is a student and she/he fails to comply with the final decision of the director of campus safety, all further EvCC parking privileges of the student will be forfeited, and the student may not be able to obtain college records or to register for subsequent quarters until all fines are paid.~~

~~(4) Staff members are responsible for following the procedures established in this section to resolve parking violation notices.~~

AMENDATORY SECTION (Amending Order 1969-2, filed 2/3/69)

WAC 132E-16-240 Fines and penalties. ~~((The)) Fines ((or penalties to be assessed)) for violations of these regulations shall be as follows:~~

(1) A fine ~~((of \$2.00))~~ will be levied for ~~((all violations on campus and for unauthorized))~~ parking ~~((in restricted areas))~~ violations that occur on the EvCC campus. A schedule of fines will be published in the EvCC Handbook, on the parking citation form, and a copy will be available in the security office.

(2) All violators ~~((who fail to report within a forty-eight hour period on a violation will be subject to a fine of \$4.00.~~

(3) A student who has an accumulation of traffic violations will be referred to the dean of students, and if necessary, to the disciplinary committee for further action)) who pay fines within two academic days will have the assessed fines reduced by fifty percent.

(3) All EvCC staff and students who fail to display a current permit by the second week of classes shall be subject to receive a parking violation notice.

(4) If a student fails or refuses to pay an uncontested fine that has been outstanding for over five academic days, the student may not be able to obtain college records or to register for subsequent quarters until all fines are paid.

(5) Upon the showing of mitigating circumstances, the college security office may grant an extension of time within which to comply with a traffic violation notice.

(6) Resolution of traffic violations is the responsibility of the violator.

(7) Unpaid traffic violations are unpaid debt owed to Everett Community College.

AMENDATORY SECTION (Amending Order 1969-2, filed 2/3/69)

WAC 132E-16-280 Impounding of vehicles. ~~((Any)) Vehicles parked ~~((upon state lands devoted mainly to the educational purposes of Everett Community College))~~ with more than five unresolved parking violations of these regulations ~~((including the motor vehicle and other traffic laws of the state of Washington, and the traffic code of the city of Everett as incorporated in WAC 132E-16-005;))~~ in excess of twenty-four hours may be impounded ~~((and taken to such place for storage as the security officer selects. The expenses of such impoundings and storage shall be charged to the owner or operator of the vehicle and paid by him prior to its release))~~ from the EvCC campus. The vehicle may be impounded and stored following the issuance of a traffic violation notice by the EvCC security department. The traffic violation notice shall be posted at a conspicuous place on the vehicle. The cost incurred for the towing and storage of an impounded vehicle are the responsibility of the vehicle owner. Payment of impounding and storage fees are between the owner of the impounded vehicle and the tow/storage company. Vehicles impounded by means of an immobilizing device shall be charged a service fee according to the current fee schedule depicted in the EvCC Handbook. The college and its employ-~~

ees shall not be liable for loss or damage of any kind resulting from ~~((such))~~ impounding and storage.

NEW SECTION

WAC 132E-16-285 Impoundment without notice. A vehicle may be impounded without notice to the owner and/or operator under the following circumstances:

(1) When, in the judgment of the director of campus safety, or his/her designee, the vehicle is obstructing or impeding the flow of traffic on the EvCC campus; or

(2) When, in the judgment of the director of campus safety, or his/her designee, the vehicle poses an immediate threat to public safety.

AMENDATORY SECTION (Amending Order 1969-2, filed 2/3/69)

WAC 132E-16-290 ~~((Accidents, must report:))~~ Traffic accident—Reporting. The operator of any vehicle involved in ~~((am))~~ a traffic accident on the EvCC campus ~~((resulting in))~~ which results in vehicle damage, and/or injury ~~((to))~~ or death ~~((of any))~~ to another person ~~((or total or claimed damage to either or both vehicles of any amount)),~~ shall ~~((within twenty-four hours after such accident))~~ make a written report ~~((thereof))~~ to the ~~((security office on forms to be furnished by said office. This))~~ EvCC director of campus safety within twenty-four hours following the accident. The written report of the accident shall include complete details of the vehicle operator, the complete description of vehicles and persons involved, including vehicle passengers, and any witnesses present at the time of the accident. The report shall also include a detailed narrative describing the accident. Reporting a traffic accident to the EvCC director of campus safety does not relieve any person ~~((so))~~ involved in ~~((am))~~ a traffic accident on the EvCC campus from ~~((their))~~ the responsibility to file a state of Washington motor vehicle accident report form.

AMENDATORY SECTION (Amending Order 1969-2, filed 2/3/69)

WAC 132E-16-300 ~~((Two-wheeled motor bikes or bicycles:))~~ Motor bikes, bicycles, skateboards, roller blades, etc.—Operation on the EvCC campus. ~~((+))~~ All two-wheeled vehicles empowered by motor or foot shall park in a space designated by the security office.

(2) No vehicle shall be ridden on the sidewalks on campus at any time.) No motor bike, bicycle, skateboard, roller blade or other variation of motorized or self-propelled device, excluding motorized wheelchairs, shall be driven or ridden on EvCC sidewalks or other pedestrian accesses at any time except for those specifically authorized by the EvCC security department.

AMENDATORY SECTION (Amending Order 1969-2, filed 2/3/69)

WAC 132E-16-320 Tourists and visitors~~((—Exemption from permit requirements))~~. ~~((The security depart-~~

ment may allow)) Tourists and visitors may drive through the EvCC campus parking lots without a parking permit((s to drive through the campus without parking, provided, however, that said parties may be required to wait at the entrance to the campus during the time at which classes change)). If a tourist or visitor decides to park his/her vehicle on campus, the vehicle operator or designee must obtain a guest parking permit from the EvCC security department.

AMENDATORY SECTION (Amending Order 1969-2, filed 2/3/69)

WAC 132E-16-330 Visitors and guests. (1) ((All visitors and)) ~~Guests~~((, salesmen, maintenance or service personnel and all other members)) of the ((public who are not)) college ((employees or students, will park in available space as)) shall be directed by the security department to park in any unrestricted parking space available on the EvCC campus.

(a) Members of the board of trustees and ((others designated by the college)) the designated assistant attorney general may be given complimentary annual EvCC parking permits at the direction of the president of EvCC.

(b) Federal, state, county, city and school district personnel on official business and in vehicles with tax exempt ((licenses will be allowed to park in designated areas)) license plates are exempt from obtaining an EvCC parking permit. A guest parking permit will be issued upon request by the vehicle operator.

(c) Vehicles owned by contractors and their employees working on campus construction will be parked in designated areas as directed by the director of campus safety. A special permit shall be issued by the security department for each contractor's vehicle ((s)) parking on the EvCC campus.

(d) Visiting academic or administrative personnel from other colleges or universities and guest speakers will be ((parked, as far as possible, in a visitors section)) issued "guest parking permits" and may park in any unrestricted parking space available on the EvCC campus.

((Responsibility for making parking arrangements for guests will rest with the sponsoring department.))

(e) ((Members of the press, television and radio on official business will park in designated areas.)) Responsibility for making parking arrangements for guests will rest with the sponsoring department through the director of campus safety.

(f) Visitors to the college shall be directed to park in metered "visitor" parking stalls. Those parking at metered "visitor" parking stalls with "expired" time will be subject to a traffic violation notice.

(2) Special permits.

(a) A ((special)) guest parking permit will be issued to ((those using a car)) persons using a vehicle not their primary vehicle, on a temporary basis.

(b) The security ((department)) office will assist college departments which sponsor functions such as conferences, seminars, dinners, and similar events in arranging reserved parking. Advance notice must be given in writing by the sponsoring department to the ((security department)) director of campus safety at least ten days prior to the event.

(c) One carpool parking permit capable of being moved from one registered vehicle to another within a student car-

pool membership will be issued to all designated student carpools.

(d) Individual carpool permits will be issued to each member of a registered staff carpool.

AMENDATORY SECTION (Amending Order 1969-2, filed 2/3/69)

WAC 132E-16-340 Adoption. The board of trustees of the Community College District No. 5 acting for the Everett Community College((, find that the immediate adoption of the foregoing traffic regulations of Everett Community College is necessary for the preservation of public safety and general welfare. The observance of the requirements of notice and opportunity to present views on the proposed traffic regulations would be contrary to the public interest; therefore, the board adopts the traffic regulations as an emergency rule. The reason for the finding is that due to an oversight, notice and hearing on the regulations were not regularly scheduled and it is imperative that regulations be in effect for 90 days to provide time for notice and hearing. That regulations are necessary for the safety of the students and other users of the Everett Community College campus and for the safety of the general public and the general welfare of the public and property owners adjacent or near to the campus of the Everett Community College)) do hereby adopt these rules and regulations for the safety of the students, staff and other users of the Everett Community College campus and for the safety of the general public and the general welfare of the public and property owners adjacent or near to the campus of Everett Community College.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 132E-16-050	Parking—Permits required.
WAC 132E-16-060	Parking within designated spaces.
WAC 132E-16-080	Exceptions from traffic and parking restrictions.
WAC 132E-16-100	Authorization for issuance of permits.
WAC 132E-16-110	Number of parking areas.
WAC 132E-16-120	Allocation of parking space.
WAC 132E-16-150	Faculty and staff permit periods.
WAC 132E-16-160	Fees for permits for student upper lot parking.
WAC 132E-16-170	Payment for parking permits.
WAC 132E-16-180	Display of permits.
WAC 132E-16-190	Responsibility of person to whom permit issued.

PROPOSED

- WAC 132E-16-200 Issuance of parking permits.
- WAC 132E-16-210 Location of parking areas.
- WAC 132E-16-250 Mitigation and suspension of penalties.
- WAC 132E-16-260 Enforcement of determination of the dean of students.
- WAC 132E-16-270 Regulatory signs, markings, barricades, etc.
- WAC 132E-16-310 Delegations of authority.

been exempted from significant analysis under RCW 34.05.328 (5)(b)(iii).
 Hearing Location: Goldendale Public Utilities Department Building, 1313 South Columbus, Goldendale, WA, on August 12, 1998, at 8:00 a.m.
 Assistance for Persons with Disabilities: Contact Ned Therien by July 31, 1998, TDD 1-800-833-6388.
 Submit Written Comments to: Ned Therien, P.O. Box 7824, Olympia, WA 98504-7824, fax (360) 236-2257.
 Date of Intended Adoption: August 12, 1998.

June 30, 1998
 Sylvia I. Beck
 Executive Director
 State Board of Health

WSR 98-14-122
PROPOSED RULES
DEPARTMENT OF HEALTH
 [Filed July 1, 1998, 10:29 a.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: WAC 246-282-005 Minimum performance standards for commercial shellfish operations.

Purpose: To adopt by reference the 1997 national shellfish sanitation program (NSSP) model ordinance.

Statutory Authority for Adoption: RCW 69.30.030.

Summary: The proposed amendment updates the reference in the minimum performance standards from the national shellfish sanitation program (NSSP) 1995 manual of operations to the NSSP 1997 shellfish sanitation model ordinance.

Name of Agency Personnel Responsible for Drafting: Ned Therien, Tumwater, (360) 236-3326; Implementation and Enforcement: Jennifer Tebaldi, Tumwater, (360) 236-3325.

Name of Proponent: Washington State Department of Health, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The NSSP shellfish sanitation model ordinance contains specific requirements for safe production, processing, and distribution of molluscan shellfish. The FDA reviews each state's shellfish sanitation control program for compliance with the model ordinance. This rule should be adopted to ensure the state's compliance with the NSSP model ordinance without which shellfish dealers will not be able to continue shipping their shellfish interstate.

Proposal Changes the Following Existing Rules: The proposal deletes the outdated reference to the 1995 NSSP manual of operations and replaces it with a new reference to the 1997 NSSP model ordinance.

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 that adopt national consensus codes by reference.

RCW 34.05.328 does not apply to this rule adoption. Rules adopting national consensus codes by reference have

AMENDATORY SECTION (Amending WSR 98-03-096, filed 1/21/98, effective 2/21/98)

WAC 246-282-005 Minimum performance standards. (1) Every person engaged in a shellfish operation shall comply with and shall be subject to:

(a) The ("~~satisfactory compliance~~" standards) **requirements** of the (~~1995 revision of the~~) **1997 National Shellfish Sanitation Program (NSSP) (~~Manual of Operations Part I and H~~) Model Ordinance**, published by the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration. Copies can be obtained through the U.S. Food and Drug Administration, Shellfish Sanitation Branch, and the Washington state department of health, office of shellfish programs.

(b) The provisions of 21 CFR, Part 123 - Fish and Fishery Products, adopted December 18, 1995, by the United States Food and Drug Administration, regarding Hazard Analysis Critical Control Point (HACCP) plans. Copies can be obtained through the U.S. Food and Drug Administration, Office of Seafood, and the Washington state department of health, office of shellfish programs.

(c) All other provisions of this chapter.

(2) Where a "satisfactory compliance" provision or a provision of 21 CFR, Part 123, is inconsistent with a provision otherwise established under this chapter or other state law or rule, the more stringent provision, as determined by the department, shall apply.

WSR 98-14-124
PROPOSED RULES
DEPARTMENT OF HEALTH
 (Board of Denture Technology)
 [Filed July 1, 1998, 10:39 a.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: Board of Denture Technology, chapter 246-812 WAC, amendments to WAC 246-812-130, 246-812-155, and 246-812-501.

Purpose: To regulate the profession of denturism.

Statutory Authority for Adoption: RCW 18.30.070(3).

PROPOSED

Statute Being Implemented: Chapter 18.30 RCW.

Summary: As a result of a recent Court of Appeals decision (*Vallan T. Charron Et Al vs. Bruce Miyahara Et Al; February 1998*) the authority for licensing, examination and rule making have been returned to the Board of Denture Technology.

Reasons Supporting Proposal: This is housekeeping only.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Kirby Putscher, 1112 S.E. Quince Street, Olympia, (360) 664-4404.

Name of Proponent: Department of Health, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Housekeeping only.

Rule is necessary because of state court decision, 21228-5-II.

Explanation of Rule, its Purpose, and Anticipated Effects: A recent Court of Appeals decision has returned the licensing, examination and rule-making authority to the Board of Denture Technology. This is housekeeping only and no effect is anticipated on stakeholders.

Proposal Changes the Following Existing Rules: Changes the authority for licensing, examination and rule making from the secretary of the Department of Health to the Board of Denture Technology.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Proposal is exempt, RCW 34.05.310(4), the rules content is specifically dictated by an appeals court ruling.

RCW 34.05.328 does not apply to this rule adoption. Proposal is exempt, RCW 34.05.310(4).

Hearing Location: Holiday Inn - Sea-Tac, on August 14, 1998, at 9 a.m.

Assistance for Persons with Disabilities: Contact Allen Spaulding by July 24, 1998, TDD (360) 664-0064, or (360) 753-3199.

Submit Written Comments to: Board of Denture Technology, fax (360) 664-9077, by August 1, 1998.

Date of Intended Adoption: On or after August 14, 1998.

June 10, 1998

J. Eric Hansen, Chair

Board of Denture Technology

DENTURISTS

READOPTED SECTION (Readopting WSR 95-22-062, filed 10/30/95, effective 11/30/95)

WAC 246-812-001 Purpose. The purpose of these rules is to further clarify and define chapter 18.30 RCW, Denturists.

READOPTED SECTION (Readopting WSR 95-22-062, filed 10/30/95, effective 11/30/95)

WAC 246-812-010 Definitions. The following terms are so defined for the purposes of this chapter:

"Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

"Approval" and "accreditation" are used interchangeably with reference to sanctioning of courses.

"Board" means the state board of denture technology, whose address is:

Department of Health
Health Profession Quality Assurance Division
Board of Denture Technology
1112 SE Quince Street, PO Box 47867
Olympia, WA 98504-7867

"Denture technology" for the purposes of application under RCW 18.30.090(3) is defined, at a minimum, as the making, constructing, altering, reproducing or repairing of a denture.

"Five years employment in denture technology" is defined as working a minimum of twenty hours per week during five of the last ten years.

"Office on AIDS" means that section within the department of health with jurisdiction over public health matters as defined in chapter 70.24 RCW.

"4,000 Hours practical work experience in denture technology" is defined and taken as a whole, which must have occurred within the past five years of date of application.

READOPTED SECTION (Readopting WSR 95-22-062, filed 10/30/95, effective 11/30/95)

WAC 246-812-015 Adjudicative proceedings—Procedural rules. Adjudicative proceedings are conducted pursuant to the model procedural rules for adjudicative proceedings as adopted by the department of health and contained in chapter 246-10 WAC, including subsequent amendments.

LICENSURE—APPLICATION AND ELIGIBILITY REQUIREMENTS

READOPTED SECTION (Readopting WSR 95-22-062, filed 10/30/95, effective 11/30/95)

WAC 246-812-101 Purpose. The purpose of WAC 246-812-101 through 246-812-170 is to establish guidelines on eligibility, and set forth the procedures for application to receive a license for the practice of denturism. By statute, the eligibility and application criterion are established in RCW 18.30.090.

PROPOSED

READOPTED SECTION (Readopting WSR 98-05-060, filed 2/13/98, effective 3/16/98)

WAC 246-812-120 Denturist licensure—Initial eligibility and application requirements. To be eligible for Washington state denturist licensure, the applicant shall complete an application and shall include written documentation to meet eligibility criteria. Each applicant shall provide:

- (1) A signed, notarized application and required fee. (Refer to WAC 246-812-990 for fee schedule.)
- (2) Proof that they meet the basic eligibility requirements identified in RCW 18.30.090, documented by the signed, notarized affidavit processed as part of the application.
- (3) Applicants must complete seven clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.
- (4) Photograph. A recent photograph, signed and dated, shall be attached to the application.

READOPTED SECTION (Readopting WSR 95-22-062, filed 10/30/95, effective 11/30/95)

WAC 246-812-125 Denturist licensure—Endorsement. For the purposes of endorsement as provided in RCW 18.30.090 (1)(a) licensing authorities shall be determined to be substantially equivalent that meet the following criteria:

- (1) Written examination - applicants must have successfully completed a written examination which included testing in the areas of:
 - (a) Oral pathology;
 - (b) Head and oral anatomy and physiology;
 - (c) Dental laboratory technology;
 Additionally, the examination must include four of the following test categories:
 - (d) Partial denture construction and design;
 - (e) Microbiology;
 - (f) Clinical dental technology;
 - (g) Clinical jurisprudence;
 - (h) Asepsis;
 - (i) Medical emergencies;
 - (j) Cardiopulmonary resuscitation.
- (2) Practical examination - applicants must have successfully completed a clinical examination.

AMENDATORY SECTION (Amending WSR 95-22-062, filed 10/30/95, effective 11/30/95)

WAC 246-812-130 Denturist licensure—Training course approval. For the purposes of eligibility as defined in RCW 18.30.090 (3)(b), ((secretary)) board approval will be given to any course(s) that consists of course work at an accredited institution in each and all of the following areas:

- (1) Head and oral anatomy and physiology;
- (2) Oral pathology;
- (3) Partial denture construction and design;
- (4) Microbiology;
- (5) Clinical dental technology;
- (6) Dental laboratory technology;
- (7) Clinical jurisprudence;
- (8) Asepsis;
- (9) Medical emergencies;

- (10) Cardiopulmonary resuscitation.

READOPTED SECTION (Readopting WSR 95-22-062, filed 10/30/95, effective 11/30/95)

WAC 246-812-150 Examination—Content and scores. An applicant seeking licensure in Washington by examination must successfully complete a written and practical examination as specified in RCW 18.30.100. In order to be licensed, an applicant shall be required to obtain an overall passing score of seventy percent on the written examination and an overall score of seventy percent on the practical examination.

AMENDATORY SECTION (Amending WSR 95-22-062, filed 10/30/95, effective 11/30/95)

WAC 246-812-155 Denturist examination scores. An applicant must pass all sections of the written examination and the practical demonstration of skills within three attempts. After three failures the applicant must petition the ((secretary)) board for permission to take any further examination. The ((secretary)) board shall have complete discretion regarding such petition and the conditions under which further examination permission may be granted.

READOPTED SECTION (Readopting WSR 98-05-060, filed 2/13/98, effective 3/16/98)

WAC 246-812-160 Expired license. (1) If the license has expired for three years or less, the practitioner must meet the requirements of chapter 246-12 WAC, Part 2.

(2) If the license has expired for more than three years, the practitioner must:

- (a) Successfully pass the examination as provided in RCW 18.25.040;
- (b) Meet the requirements of chapter 246-12 WAC, Part 2.

READOPTED SECTION (Readopting WSR 98-05-060, filed 2/13/98, effective 3/16/98)

WAC 246-812-161 Inactive credential. A practitioner may obtain an inactive credential. Refer to the requirements of chapter 246-12 WAC, Part 4.

READOPTED SECTION (Readopting WSR 95-22-062, filed 10/30/95, effective 11/30/95)

WAC 246-812-170 License renewal form. A license shall not be renewed until the applicant has submitted completed renewal forms and the full amount of the renewal fee, including any penalty fee for late renewal of the license.

PRACTICE STANDARDS

READOPTED SECTION (Readopting WSR 95-22-062, filed 10/30/95, effective 11/30/95)

WAC 246-812-301 Purpose. The purpose of WAC 246-812-201 through 246-812-460 is to provide standards to guide denturists in the conduct of their practice.

READOPTED SECTION (Readopting WSR 95-22-062, filed 10/30/95, effective 11/30/95)

WAC 246-812-320 Maintenance and retention of patient records. Any denturist who treats patients in the state of Washington shall maintain complete treatment records regarding patients treated. These records shall include, but shall not be limited to, treatment plans, patient charts, patient histories, correspondence, financial data and billing. These records shall be retained by the denturist for five years in an orderly, accessible file and shall be readily available for inspection by the secretary or its authorized representative. Copies of records may be forwarded to a second party upon the patient's or authorized agent's written request. In such cases, office records shall state the date on which the records were released, method forwarded and to whom, and the reason for the release. A reasonable fee may be charged the patient to cover mailing and clerical costs.

In offices where more than one denturist is performing the services, the records must specify the denturist who performed the services.

READOPTED SECTION (Readopting WSR 95-22-062, filed 10/30/95, effective 11/30/95)

WAC 246-812-330 Privileged communications. A denturist shall not, without the consent of the patient, reveal any information acquired in attending such patient, which was necessary to enable the denturist to treat the patient. This shall not apply to the release of information in an official proceeding where the release of information may be compelled by law.

READOPTED SECTION (Readopting WSR 95-22-062, filed 10/30/95, effective 11/30/95)

WAC 246-812-340 Patient abandonment. The denturist shall always be free to accept or reject a particular patient, bearing in mind that whenever possible a denturist shall respond to any reasonable request for his/her services in the interest of public health and welfare.

READOPTED SECTION (Readopting WSR 95-22-062, filed 10/30/95, effective 11/30/95)

WAC 246-812-350 License display—Notification of address. Every person who engages in the practice of denturism in this state shall display their license, at all times, in a conspicuous place within their office. Whenever requested, they shall exhibit their license to the secretary or the secre-

tary's authorized agent. Every licensee shall notify the secretary of the address or addresses, including changes, where the licensee shall engage in the practice of denturism.

READOPTED SECTION (Readopting WSR 95-22-062, filed 10/30/95, effective 11/30/95)

WAC 246-812-360 Identification of new dentures. Every complete upper and lower denture and removable partial denture fabricated by a denturist licensed under the provisions of chapter 18.30 RCW, or fabricated pursuant to the denturist's work order or under the denturist's direction or supervision, shall be marked with the name of the patient for whom the denture is intended. The markings shall be done during fabrication and shall be permanent, legible, and cosmetically acceptable. The exact location of the markings and the methods used to apply or implant them shall be determined by the denturist fabricating the denture. If, in the professional judgment of the denturist, this identification is not practical, identification shall be provided as follows:

- (1) The initials of the patient may be shown alone, if use of the patient's name is impracticable; or
- (2) The identification marks may be omitted in their entirety if none of the forms of identification specified in subsection (1) of this section is practicable, clinically safe, or the patient declines.

READOPTED SECTION (Readopting WSR 95-22-062, filed 10/30/95, effective 11/30/95)

WAC 246-812-390 Improper billing practices. The following acts shall constitute grounds for which disciplinary action may be taken:

- (1) Rebating or offering to rebate to an insured any payment to the licensee by the third-party payor of the insured for services or treatments rendered under the insured's policy.
- (2) Submitting to any third-party payor a claim for a service or treatment at a greater or an inflated fee or charge other than the usual fee the licensee charges for that service or treatment when rendered without third-party reimbursement.

READOPTED SECTION (Readopting WSR 95-22-062, filed 10/30/95, effective 11/30/95)

WAC 246-812-400 Denturist associations or societies. The president or chief executive officer of any denturist association or society within this state shall report to the secretary when an association or society determines that a denturist has committed unprofessional conduct or that a denturist may not be able to practice denturism with reasonable skill and safety to patients as the result of any mental or physical condition and constitutes an apparent risk to the public health, safety, or welfare. The report required by this section shall be made without regard to whether the license holder appeals, accepts, or acts upon the determination made by the association or society. Notification of appeal shall be included.

READOPTED SECTION (Readopting WSR 95-22-062, filed 10/30/95, effective 11/30/95)

WAC 246-812-410 Insurance carriers. The executive officer of every insurer, licensed under Title 48 RCW operating in the state of Washington, shall report to the secretary any evidence that a dentist has charged fees for dentist services not actually provided, or has otherwise committed unprofessional conduct.

READOPTED SECTION (Readopting WSR 95-22-062, filed 10/30/95, effective 11/30/95)

WAC 246-812-420 Professional liability carriers. Every institution or organization providing professional liability insurance directly or indirectly to denturists shall send the secretary a complete report of any malpractice settlement, award or payment over five thousand dollars as a result of a claim or action for damages alleged to have been caused by an insured dentist's incompetence or negligence in the practice of denturism. Such institution or organization shall also report the payment of three or more claims during a year as the result of alleged incompetence or negligence in the practice of denturism regardless of the dollar amount of the payment.

READOPTED SECTION (Readopting WSR 95-22-062, filed 10/30/95, effective 11/30/95)

WAC 246-812-430 Courts. The secretary requests the assistance of all clerks of trial courts within the state to report, to the secretary, all professional malpractice judgments and all criminal convictions of licensed denturists, other than for minor traffic violations.

READOPTED SECTION (Readopting WSR 95-22-062, filed 10/30/95, effective 11/30/95)

WAC 246-812-440 State and federal agencies. The secretary requests the assistance of executive officers of any state or federal program operating in the state of Washington, under which a dentist has been judged to have demonstrated incompetence or negligence in the practice of denturism, or has otherwise committed unprofessional conduct; or whose practice is impaired as a result of a mental, physical or chemical condition, to report to the secretary all professional malpractice judgments and decisions.

READOPTED SECTION (Readopting WSR 95-22-062, filed 10/30/95, effective 11/30/95)

WAC 246-812-450 Professional standards review organizations. Unless prohibited by federal or state law, every professional standards review organization operating within the state of Washington shall report to the secretary any conviction, determination, or finding that a license holder has committed an act which constitutes unprofessional conduct, or to report information which indicates that the license holder may not be able to practice their profession with rea-

sonable skill and safety to consumers as a result of a mental or physical condition.

READOPTED SECTION (Readopting WSR 95-22-062, filed 10/30/95, effective 11/30/95)

WAC 246-812-460 Board conflict of interest. Members of the board shall not participate in a disciplinary case where their participation presents a conflict of interest or creates an appearance of a conflict of interest.

INFECTION CONTROL

AMENDATORY SECTION (Amending WSR 95-22-062, filed 10/30/95, effective 11/30/95)

WAC 246-812-501 Purpose. The purpose of WAC 246-812-501 through 246-812-520 is to establish requirements for infection control in dentist offices to protect the health and well-being of the people of the state of Washington. For purposes of infection control, all dentist staff members and all patients shall be considered potential carriers of communicable diseases. Infection control procedures are required to prevent disease transmission from patient to dentist and staff, dentist and staff to patient, and from patient to patient. Every dentist is required to comply with the applicable standard of care in effect at the time of treatment. At a minimum, the dentist must comply with the requirements defined in WAC ((246-812-620 and 246-812-630)) 246-812-520.

READOPTED SECTION (Readopting WSR 95-22-062, filed 10/30/95, effective 11/30/95)

WAC 246-812-510 Definitions. The following definitions pertain to WAC 246-812-501 through 246-812-520.

"**Communicable diseases**" means an illness caused by an infectious agent which can be transmitted from one person, animal, or object to another person by direct or indirect means including transmission via an intermediate host or vector, food, water or air.

"**Decontamination**" means the use of physical or chemical means to remove, inactivate, or destroy bloodborne pathogens on a surface or item to the point where they are no longer capable of transmitting infectious particles and the surface or item is rendered safe for handling, use, or disposal.

"**Direct care staff**" are the dentist staff who directly provide dentist care to patients.

"**Sterilize**" means the use of a physical or chemical procedure to destroy all microbial life including highly resistant bacterial endospores.

READOPTED SECTION (Readopting WSR 95-22-062, filed 10/30/95, effective 11/30/95)

WAC 246-812-520 Use of barriers and sterilization techniques. The use of barriers and sterilization techniques is the primary means of assuring that there is the least possible chance of the transmission of communicable diseases from

denturist and staff to patients, from patient to patient and from patient to denturist and staff. To prevent patient to patient cross contamination, instruments and supplies contaminated or likely to be contaminated with blood or saliva and touched during treatment must be sterilized between patients or discarded except as otherwise set forth below. Surfaces and equipment which are likely to be contaminated with blood or saliva and touched during treatment must be decontaminated or covered with a barrier which is discarded and replaced between patients except as otherwise set forth below:

(1) Denturists shall comply with the following barrier techniques:

(a) Gloves shall be used by the denturist and direct care staff during treatment which involves intraoral procedures or contact with items potentially contaminated with the patient's bodily fluids. Fresh gloves shall be used for every intraoral patient contact. Gloves shall not be washed or reused for any purpose. The same pair of gloves shall not be used, removed, and reused for the same patient at the same visit or for any other purpose. Gloves that have been used for denturist treatment shall not be reused for any nondenturist purpose.

(b) Masks shall be worn by the denturist and direct care staff when splatter or aerosol is likely.

(c) Unless effective surface decontamination methods are used, protective barriers shall be placed over areas which are likely to be touched during treatment, not removable to be sterilized, and likely to be contaminated by blood or saliva. These procedures must be followed between each patient. These include but are not limited to:

- (i) Delivery unit;
- (ii) Chair controls (not including foot controls);
- (iii) Light handles;
- (iv) Head rest;
- (v) Instrument trays;
- (vi) Treatment area and laboratory countertops/benches.

(d) Protective eyewear shields shall be worn by the denturist and direct care staff and provided to all patients during times when splatter or aerosol is expected.

(2) Denturists shall comply with the following sterilization requirements:

(a) Every denturist office shall have the capability to ultrasonically clean and sterilize contaminated items by autoclave, dry heat, unsaturated formaldehyde/alcohol vapor (such as MDT Chemiclave ®) or ethylene oxide, where adequate ventilation is provided. Sterilizers shall be tested by a biological spore test on at least a weekly basis. In the event of a positive biological spore test, the denturist shall take immediate remedial action to ensure the objectives of (a) of this subsection are accomplished. Documentation shall be maintained either in the form of a log reflecting dates and person(s) conducting the testing or copies of reports from an independent testing entity. The documentation shall be maintained for a period of at least five years.

(b) The following items shall be sterilized by an appropriate autoclave, dry heat, unsaturated formaldehyde/alcohol vapor (such as MDT Chemiclave ®) or ethylene oxide sterilization method between patients:

- (i) Hand instruments;
- (ii) Air-water syringe tips;

(iii) High volume evacuator tips;

(iv) Nose cone sleeves;

(v) Metal impression trays.

(c) Gross debris shall be removed from items prior to sterilization. Ultrasonic disinfectant solution cleaning shall be used whenever possible.

(d) Nonsterilizable items used in patient care which cannot be autoclaved, dry heat, unsaturated formaldehyde/alcohol vapor (such as MDT Chemiclave ®) or ethylene oxide sterilized shall be immersed and ultrasonically cleaned in a chemical sterilant. If such a technique is used, the solution shall be approved by the Environmental Protection Agency and used in accordance with the manufacturer's directions for sterilization.

(e) Items such as impressions contaminated with blood or saliva shall be thoroughly rinsed, appropriately disinfected, placed in and transported to the denturist laboratory in an appropriate case containment device that is properly sealed and separately labeled.

(f) In the laboratory: Ragwheels shall be sterilized or disinfected; patient pumice shall be discarded after each use; and, patient burrs and stones shall be sterilized or disinfected.

SUBSTANCE ABUSE MONITORING

READOPTED SECTION (Readopting WSR 95-22-062, filed 10/30/95, effective 11/30/95)

WAC 246-812-601 Purpose. The secretary recognizes the need to establish a means of proactively providing early recognition and treatment options for denturists whose competency may be impaired due to the abuse of drugs or alcohol. The secretary intends that such denturists be treated and their treatment monitored so that they can return to or continue to practice their profession in a way which safeguards the public. To accomplish this the secretary shall approve voluntary substance abuse monitoring programs and shall refer denturists impaired by substance abuse to approved programs as an alternative to instituting disciplinary proceedings as defined in RCW 18.130.160.

READOPTED SECTION (Readopting WSR 95-22-062, filed 10/30/95, effective 11/30/95)

WAC 246-812-610 Definitions. The following general terms are defined within the context used in this chapter:

"**Aftercare**" is that period of time after intensive treatment that provides the denturist and the denturist's family with group or individual counseling sessions, discussions with other families, ongoing contact and participation in self-help groups and ongoing continued support of treatment program staff.

"**Approved substance abuse monitoring program**" or "**approved monitoring program**" is a program the secretary has determined meets the requirements of the law and the criteria established by the secretary in WAC 246-812-620 which enters into a contract with denturists who have substance abuse problems regarding the required components of the denturist's recovery activity and oversees the denturist's compliance with these requirements. Substance abuse moni-

toring programs do not provide evaluation or treatment to participating denturists.

"**Approved treatment facility**" is a facility approved by the bureau of alcohol and substance abuse, department of social and health services according to RCW 70.96A.020(2) or 69.54.030 to provide intensive alcoholism or drug treatment if located within Washington state. Drug and alcohol treatment programs located out-of-state must be equivalent to the standards required for approval under RCW 70.96A.020(2) or 69.54.030.

"**Contract**" is a comprehensive, structured agreement between the recovering denturist and the approved monitoring program stipulating the denturist's consent to comply with the monitoring program and its required components of the denturist's recovery activity.

"**Health care professional**" is an individual who is licensed, certified, or registered in Washington to engage in the delivery of health care to patients.

"**Random drug screens**" are laboratory tests to detect the presence of drugs of abuse in body fluids which are performed at irregular intervals not known in advance by the person being tested.

"**Substance abuse**" means the impairment, as determined by the secretary, of a denturist's professional services by an addiction to, a dependency on, or the use of alcohol, legend drugs, or controlled substances.

"**Support group**" is a group of health care professionals meeting regularly to support the recovery of its members. The group provides a confidential setting with a trained and experienced health care professional facilitator in which denturists may safely discuss drug diversion, licensure issues, return to work, and other professional issues related to recovery.

"**Twelve-step groups**" are groups such as alcoholics anonymous, narcotics anonymous, and related organizations based on a philosophy of anonymity, belief in a power outside of oneself, a peer group association, and self-help.

READOPTED SECTION (Readopting WSR 95-22-062, filed 10/30/95, effective 11/30/95)

WAC 246-812-620 Approval of substance abuse monitoring programs. The secretary shall approve the monitoring program(s) which shall participate in the substance abuse monitoring program. A monitoring program approved by the secretary may be contracted with an entity outside the department but within the state, out-of-state, or a separate structure within the department.

(1) The approved monitoring program shall not provide evaluation or treatment to the participating denturist.

(2) The approved monitoring program staff must have the qualifications and knowledge of both substance abuse and the practice of denturism as defined in this chapter to be able to evaluate:

- (a) Clinical laboratories;
- (b) Laboratory results;
- (c) Providers of substance abuse treatment, both individuals and facilities;
- (d) Support groups;

(e) The denturist work environment; and

(f) The ability of the denturist to practice with reasonable skill and safety.

(3) The approved monitoring program shall enter into a contract with the denturist and the secretary to oversee the denturist's compliance with the requirements of the program.

(4) The approved monitoring program may make exceptions to individual components of the contract on an individual basis.

(5) The approved monitoring program staff shall recommend, on an individual basis, whether a denturist shall be prohibited from engaging in the practice of denturism for a period of time and restrictions, if any, on the denturist's access to controlled substances in the work place.

(6) The approved monitoring program shall maintain records on participants.

(7) The approved monitoring program shall be responsible for providing feedback to the denturist as to whether treatment progress is acceptable.

(8) The approved monitoring program shall report to the secretary any denturist who fails to comply with the requirements of the monitoring program.

(9) The approved monitoring program shall receive from the secretary guidelines on treatment, monitoring, and limitations on the practice of denturism for those participating in the program.

READOPTED SECTION (Readopting WSR 95-22-062, filed 10/30/95, effective 11/30/95)

WAC 246-812-630 Participation in approved substance abuse monitoring program. (1) In lieu of disciplinary action, the denturist may accept secretary referral into the approved substance abuse monitoring program.

(a) The denturist shall undergo a complete physical and psychosocial evaluation before entering the approved monitoring program. This evaluation shall be performed by health care professional(s) with expertise in chemical dependency. The person(s) performing the evaluation shall not also be the provider of the recommended treatment.

(b) The denturist shall enter into a contract with the secretary and the approved substance abuse monitoring program to comply with the requirements of the program which shall include, but not be limited to:

(i) The denturist shall undergo intensive substance abuse treatment in an approved treatment facility.

(ii) The denturist shall agree to remain free of all mind-altering substances including alcohol except for medications prescribed by an authorized prescriber, as defined in RCW 69.41.030 and 69.50.101.

(iii) The denturist must complete the prescribed aftercare program of the intensive treatment facility, which may include individual and/or group psychotherapy.

(iv) The treatment counselor(s) shall provide reports to the approved monitoring program at specified intervals. Reports shall include treatment, prognosis, and goals.

(v) The denturist shall submit to random drug screening as specified by the approved monitoring program.

(vi) The dentist shall attend support groups facilitated by a health care professional and/or twelve-step group meetings as specified by the contract.

(vii) The dentist shall comply with specified employment conditions and restrictions as defined by the contract.

(viii) The dentist shall sign a waiver allowing the approved monitoring program to release information to the secretary if the dentist does not comply with the requirements of this contract.

(c) The dentist is responsible for paying the costs of the physical and psychosocial evaluation, substance abuse treatment, and random drug screens.

(d) The dentist may be subject to disciplinary action under RCW 18.130.160, if the dentist does not consent to be referred to the approved monitoring program, does not comply with specified employment restrictions, or does not successfully complete the program.

(2) A dentist who is not being investigated by the secretary or subject to current disciplinary action or currently being monitored by the secretary for substance abuse may voluntarily participate in the approved substance abuse monitoring program without being referred by the secretary. Such voluntary participants shall not be subject to disciplinary action under RCW 18.130.160 for their substance abuse, and shall not have their participation made known to the secretary if they meet the requirements of the approved monitoring program as defined in subsection (1) of this section.

(3) The treatment and pretreatment records of license holders referred to or voluntarily participating in approved monitoring programs shall be confidential, shall be exempt from RCW 42.17.250 through 42.17.450 and shall not be subject to discovery by subpoena or admissible as evidence except for monitoring records reported to the disciplinary authority for cause as defined in subsection (1) of this section. Records held by the secretary under this section shall be exempt from RCW 42.17.250 through 42.17.450 and shall not be subject to discovery by subpoena except by the license holder.

FEES

READOPTED SECTION (Readopting WSR 98-05-060, filed 2/13/98, effective 3/16/98)

WAC 246-812-990 Denturist fees and renewal cycle.

(1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.

(2) The following nonrefundable fees will be charged:

Title of Fee	Fee
Inactive license renewal	1,500.00
Expired inactive license reissuance	300.00
Duplicate license	15.00
Certification of license	25.00
Multiple location licenses	50.00

READOPTED SECTION (Readopting WSR 98-05-060, filed 2/13/98, effective 3/16/98)

WAC 246-812-995 Conversion to a birthday renewal cycle. (1) The biennial license renewal date is changed to coincide with the practitioner's birthday.

(2) Renewal fees will be prorated during the transition period while renewal dates are changed to coincide with the practitioner's birthday.

(3) After the initial conversion to a staggered system, practitioners will renew their license every other year on their birthday at the current renewal rate.

**WSR 98-14-132
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
[Filed July 1, 1998, 10:55 a.m.]**

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-09-122.

Title of Rule: Commercial Dungeness crab fishing gear, methods, license requirements, seasons, and areas (primarily Puget Sound).

Purpose: To create and/or clarify operational and licensing rules for vessels, operators, alternate operators; create pot and buoy identification marking rules; create and/or clarify closed areas and seasons. This also provides for certain housekeeping modifications to provide more readable and enforceable language.

Statutory Authority for Adoption: RCW 75.08.080.

Statute Being Implemented: RCW 75.08.080.

Summary: Puget Sound commercial crab fishers will be required to: (1) Mark their buoys and pots in a manner that will identify the gear to the fishers; and (2) operate in certain areas in certain seasons and with certain gear restrictions and limitations. Regulation proposals will also provide housekeeping language clarification for both coastal and Puget Sound crab fishery operations.

Reasons Supporting Proposal: Pot gear proliferation in excess of that allowed by regulation has become commonplace subsequently increasing harvest rates and reducing the duration of commercial seasons in an effort to meet federal catch sharing requirements. These season reductions have negative effects on individuals, families, industries and communities. In order to reduce the gear effort levels to that described by rule it is necessary to identify the gear fished to the fisher. Efforts to maintain recreational opportunity have

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Title of Fee	Fee
Application	\$1,000.00
Examination	1,500.00
Reexamination, written	500.00
Reexamination, practical	500.00
License renewal	2,750.00
Late renewal penalty	300.00
Expired license reissuance	300.00

required the restriction of commercial gear from certain areas during some periods of the year. Numerous areas of rule language are vague, unclear or overly complex and the intent is to improve the shortcomings in those areas.

Name of Agency Personnel Responsible for Drafting: Morris Barker, 1111 Washington Street, Olympia, WA, (360) 902-2826; Implementation: Bruce Crawford, 1111 Washington Street, Olympia, WA, (360) 902-2325; and Enforcement: Ron Swatfigure, 1111 Washington Street, Olympia, WA, (360) 902-2927.

Name of Proponent: Washington Department of Fish and Wildlife, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 220-52-040 will clarify the who, when and where of fishing Dungeness crab for commercial purposes; the minimum size and sex of crab; and a maximum amount of crab pots to be fished per license and a maximum number of pots per fisher in specific areas; the marking requirements for pots and buoys and who may operate such gear. WAC 220-52-043 describes specific marking/identification devices and requirements for pots and buoys; sets transport limits for pots on vessels except by prior notice; and, requires each crab pot or crab ring to have a buoy attached by a buoy line. WAC 220-52-046 defines commercial crab fishing and provides for seasons, catch areas including seasonal exclusion areas to provide for treaty tribal and/or recreational harvest opportunities.

Proposal Changes the Following Existing Rules: See text of rules below.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

Small Business Economic Impact Statement

Puget Sound Dungeness Crab

1. Description of the Reporting, Recordkeeping, and Other Compliance Requirements of the Proposed Rule: Compliance with proposed rules will require state Puget Sound commercial crab fishers to attach tags to their crab pots and crab pot buoy lines. A few fishers currently using red and white buoys will need to add additional color or colors to their buoys. Fishers currently using more than one pot per buoy (ground lines) will need to modify their fishing practices.

2. Kinds of Professional Services that a Small Business is Likely to Need in Order to Comply with such Requirements: Crab fishers will require the services of tag vendors and, in limited cases, paint and buoy line suppliers.

3. Costs of Compliance for Businesses, Including Costs of Equipment, Supplies, Labor, and Increased Administrative Costs: Cost of compliance is estimated to total \$60 to \$100 per fisher for buoy and pot tags. A small number of fishers currently using red and white buoys will need to purchase less than \$20 worth of paint. A small number of fishers currently fishing with ground lines may need to buy additional buoy lines. The cost of additional buoy lines will vary depending on how much gear is deployed on ground lines and how many buoy lines can be made using existing ground lines. If 50 pots were currently fished on ground lines and all

new buoy line was bought, the cost would be approximately \$340 (calculated at 100 feet per buoy line). Actual costs for the estimated five to ten fishers currently using ground lines will likely be much less as most do not deploy all their gear on ground lines and will be able to convert existing ground lines to buoy lines.

4. Will Compliance with the Rule(s) Cause Businesses to Lose Sales or Revenue? The proposed rule changes will facilitate return of lost gear to its owners. One crab pot with buoy and line is worth approximately \$100 and increased recovery of lost gear under proposed rules may increase profit margins. The vast majority of fishers do not use ground lines. While some fishers use ground lines legitimately, most ground line gear is not in compliance with current rules. The proposed rules requiring tagging and eliminating ground lines will increase compliance with pot limit regulations and will therefore increase catch and opportunity for fishers who fish within state regulations. Additionally, reductions in illegal gear will help the state to stay within court ordered allocations and prevent total season closures impacting the entire non-Indian fleet.

5. Cost of Compliance for the Ten Percent of Businesses that are the Largest Businesses Required to Comply with the Proposed Rules Using One or More of the Following as a Basis for Comparing Costs:

a. Cost per employee n/a

b. Cost per hour of labor; or

c. Cost per hundred dollars of sales. The top ten percent of the state Puget Sound commercial crab fishers each earned an average of \$64,800 in gross sales during the last season. The cost of compliance during the first year would be about 0.15 percent of gross sales for most of these fishers, up to approximately 1.23 percent for a few currently using ground lines. During ensuing years the cost would drop to less than a tenth of one percent for all fishers.

6. Steps Taken by the Agency to Reduce the Costs of the Rule on Small Businesses or Reasonable Justification for Not Doing so: The agency has met with industry leaders and developed proposals with the objective of minimizing costs to the greatest extent possible. Pot tags will not need to be replaced each year. Buoy lines will be a one time investment. The buoy tag vendor(s) will be agency selected by competitive bid process based on the lowest price meeting basic specifications.

7. A Description of How the Agency Will Involve Small Businesses in the Development of the Rule: The agency has met several times with the Puget Sound Dungeness Crab Advisory Board (comprised of six commercial and six recreational crab fishers), and other commercial crab fishing industry leaders. These proposals were developed jointly with the advisory board and industry leaders.

8. A List of Industries that will be Required to Comply with the Rule: Non-Indian commercial crab fishers are affected though the substantive rule changes would affect only Puget Sound fishers.

A copy of the statement may be obtained by writing to Morris Barker, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2826, fax (360) 902-2944.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Not hydraulic rules.

Hearing Location: Natural Resources Building, Room 172, 1111 Washington Street S.E., Olympia, WA, on August 7-8, 1998, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Robin Ayers by July 15, 1998, TDD (360) 903-2295 [902-2295], or (360) 902-2933.

Submit Written Comments to: Evan Jacoby, Rules Coordinator, 600 Capitol Way North, Olympia, WA, fax (360) 902-2940, by August 6, 1998.

Date of Intended Adoption: August 8, 1998.

June 30, 1998

Robin Ayers
for Evan Jacoby
Rules Coordinator

AMENDATORY SECTION (Amending WSR 98-05-043, filed 2/11/98, effective 3/14/98)

WAC 220-52-040 Commercial crab fishery—Lawful and unlawful gear, methods, and other unlawful acts. (1) **Net fishing boats shall not have crab aboard.** It is unlawful for any vessel geared or equipped with commercial net fishing gear to have aboard any quantity of crab while it is fishing with ~~((said)) the net gear or ((having commercially caught)) when it has other food fish or ((other species of)) shellfish aboard for commercial purposes.~~

(2) **Area must be open to commercial crabbing.** Unless otherwise provided, it is unlawful to set, maintain, ~~((or)) operate, or otherwise control~~ any baited or unbaited shellfish pots or ring nets for taking crabs~~((;))~~ for commercial purposes~~((;))~~ in any area or at any time when ~~((it is unlawful to take or fish for crabs for commercial purposes therein.~~

(3) ~~It is unlawful to have in the water any baited or unbaited shellfish pots or ring nets for taking crabs for commercial purposes, in any area at any time when it is unlawful to take or fish for crabs for commercial purposes therein)) the location is not opened for taking crabs for commercial purposes by permanent rule or emergency rule of the department: Provided, That following the close of a commercial crab season, permission may be granted by the director or his or her designee on a case-by-case basis for ((fishermen)) crab fishers to recover shellfish pots that ((have become)) were irretrievable due to extreme weather conditions at the end of the lawful opening. ((Fishermen)) Crab fishers must notify and apply to department enforcement for such permission within twenty-four hours prior to the close of season.~~

~~((4)) (3) Crabs must be male and 6-1/4 inches.~~ It is unlawful for any person acting for commercial purposes to take, ~~((or)) possess ((for commercial purposes)), deliver, or otherwise control:~~

(a) Any female Dungeness crabs~~((;))~~; or

(b) Any male Dungeness crabs measuring less than 6-1/4 inches, caliper measurement, across the back immediately in front of the tips.

~~((5)) (4) Each person and each Puget Sound license limited to 100 pots.~~ It is unlawful for any person to take or fish for crabs for commercial purposes in the Puget Sound licensing district ~~((with)) using, operating, or controlling any more than an aggregate total of 100 shellfish pots or ring nets~~

~~((in the aggregate for)). This limit shall apply to each license ((owned, and it shall be unlawful for any person to take or fish for crabs for commercial purposes in Puget Sound with more than 200 shellfish pots or ring nets in the aggregate from one vessel, provided it shall be unlawful for any)). However, this shall not preclude a person holding two Puget Sound crab licenses from designating and using the licenses from one vessel as authorized by RCW 75.28.048(4).~~

(5) **Dungeness Bay Area Limit of 20 pots.** No person, ~~((or)) nor any group of persons using the same vessel, ((to)) may take or fish for crabs for commercial purposes ((with)) by setting, using, operating, or controlling more than 20 shellfish pots and/or ring nets ((in the aggregate)) within the waters of Dungeness Bay lying west of a line projected from the new Dungeness Light southward to the outermost end of the abandoned dock at the Three Crabs Restaurant on the southern shore of Dungeness Bay.~~

(6) ~~((It is unlawful for any person to take or fish for Dungeness crabs for commercial purposes in the Puget Sound licensing district with more than 20 pots per groundline, and it shall be unlawful to use or operate a groundline unless such gear meets the following requirements:~~

(a) ~~A buoy, staff, flag, and radar reflector must be attached at each end of the groundline;~~

(b) ~~Flags attached at each end of the groundline must be orange in color;~~

(c) ~~Buoys attached at each end of the groundline must be marked in a visible and legible manner with the department of fish and wildlife approved and registered buoy brand issued to the licensee;~~

(d) ~~Buoys attached at each end of the groundline must be marked with the number of pots attached to the groundline; and~~

(e) ~~Staffs with attached flags at each end of the groundline must be at least four feet above the water surface.~~

(7) **Additional area gear limits.** The following Marine Fish-Shellfish Management and Catch Reporting Areas are restricted in the number of pots fished ~~((from a vessel:~~

(a) ~~It is unlawful for any person to take or fish for Dungeness crabs for commercial purposes using more than)) operated, or used by a person or vessel and it is unlawful for any person to use, maintain, operate, or control pots in excess of the following limits:~~

(a) 10 pots in Marine Fish-Shellfish Management and Catch Reporting Area 25E.

(b) ~~((It is unlawful for any person to take or fish for Dungeness crabs for commercial purposes using more than)) 10 pots in all waters of Marine Fish-Shellfish Management and Catch Reporting Area 25A south of a line projected true west from Travis Spit on Miller Peninsula.~~

(c) ~~((It is unlawful for any person to fish for Dungeness crabs for commercial purposes using more than)) 30 pots in Marine Fish-Shellfish Management and Catch Reporting Area 25A west of a line from the new Dungeness Light to the mouth of Cooper Creek.~~

~~((8) In coastal waters, Grays Harbor, Willapa Bay and the Columbia River)) (7) Groundline gear is unlawful.~~ No crab pot ~~((gear)) or ring net may be attached or connected to~~

other crab pot (~~gear~~) or ring net by a common groundline or any other means that connects crab pots together.

~~((9))~~ (8) Crab pots must be tagged. In Puget Sound it is unlawful to place in the water, pull from the water, possess on the water, or transport on the water any crab pot without a pot tag that meets the requirements of WAC 220-52-043.

(9) Crab pot and ring net buoys must be tagged. In Puget Sound it is unlawful to place in the water or pull from the water any crab pot or ring net buoy without a primary or replacement buoy tag that meets the requirements of WAC 220-52-043.

(10) No person can possess or use gear with other person's tag. In Puget Sound no person may possess, use, control, or operate any crab pot not bearing tags identifying the gear as that person's, except that an alternate operator designated on a primary license may possess and operate a crab pot bearing the tag of the license holder.

(11) Cannot tamper with pot tags or buoy tags. No person shall remove, damage, or otherwise tamper with crab buoy or pot tags except when lawfully applying or removing tags on the person's own pots or buoys.

(12) Thirty-day period when it is unlawful to buy or land crab from ocean without crab vessel inspection. It is unlawful for any fisher or wholesale dealer or buyer to land or purchase Dungeness crab taken from Grays Harbor, Willapa Bay, Columbia River, Washington coastal or adjacent waters of the Pacific Ocean during the first thirty days following the opening of a coastal crab season from any vessel which has not been issued a Washington crab vessel inspection certificate. The certificate will be issued to vessels made available for inspection in a Washington coastal port and properly licensed for commercial crab fishing if no Dungeness crabs are aboard. Inspections will be performed by authorized department personnel not earlier than twelve hours prior to the opening of the coastal crab season and during the following thirty-day period.

~~((10))~~ (13) Grays Harbor pot limit of 200. It is unlawful for any person to take or fish for crab for commercial purposes in Grays Harbor (catch area 60B) with more than 200 shellfish pots in the aggregate (~~and~~). It shall be unlawful for any group of persons using the same vessel to take or fish for crab for commercial purposes in Grays Harbor with more than 200 shellfish pots.

AMENDATORY SECTION (Amending Order 94-23, filed 5/19/94, effective 6/19/94)

WAC 220-52-043 Commercial crab fishery—Additional gear (~~—Licensing~~) and license use requirements.

(1) Commercial gear limited to pots and ring nets. It shall be unlawful to take or fish for crabs for commercial purposes except with shellfish pots and ring nets.

(2) Commercial gear escape rings and ports defined. It shall be unlawful to use or operate any shellfish pot gear in the commercial Dungeness crab fishery unless such gear meets the following requirements:

(a) Pot gear must have not less than two escape rings or ports not less than 4-1/4 inches inside diameter.

(b) Escape rings or ports described above must be located in the upper half of the trap.

(3) Puget Sound commercial gear tagging requirements.

(a) In Puget Sound, all crab pots must have a durable, non-biodegradable tag permanently and legibly marked with the primary license owner's name, license number, and telephone number securely attached to the pot. If the tag information is illegible, or if the tag is lost for any reason, the pot is not in compliance with law.

(b) In Puget Sound, each pot or ring net shall be connected to a buoy with a department approved buoy tag bearing the licensee's name, license number, and the current licensing year, or a lawful replacement buoy tag issued by the department, and such tag shall be securely attached to the outermost end of the buoy line. If the information on the tag is not legible or the tag is lost for any reason, then the buoy and attached crab gear is not in compliance with law. Replacement tags may be obtained only from the department after the licensee or designated alternate files with the department a signed declaration under penalty of perjury states identifies the number of buoy and pot tags lost, the cause of loss (if known), and the number of replacement tags which will be used.

(4) Transporting pots in excess of buoy tags not allowed without prior notice to department. It is unlawful for the number of pots onboard a vessel in Puget Sound to exceed the number of lawfully tagged buoys onboard the vessel, except if necessary to transport crab pots through Puget Sound to or from other lawful fishing area and at least 72 hours prior notice of transport plans is given to department enforcement.

(5) Description of lawful buoys. All buoys attached to commercial crab gear in Puget Sound waters must consist of a durable material and remain floating on the water's surface when five pounds of weight is attached. It is unlawful to use bleach or antifreeze bottles or any other container as a float. All buoys fished under a single license must be marked in a uniform manner using one buoy brand number registered by the license holder with the department and be of identical color or color combinations. No buoys attached to commercial crab gear in Puget Sound may be (~~half~~) both red (~~in color~~) and (~~half~~) white in color unless a minimum of thirty percent of the surface of each buoy is also prominently marked with an additional color or colors other than red or white, as (~~these~~) the red and white colors are reserved for personal use crab gear as described in WAC 220-56-320 (1)(c).

~~((4))~~ Licensing:

(a) A dungeness crab ~~—Puget Sound fishery license is a license required to operate the gear provided for in this section, and allows the operator to retain dungeness crab taken in Puget Sound.~~

(b) Crab pot ~~—Puget Sound and crab ring net—Puget Sound fishery licenses are licenses required to operate the gear provided for in this section, and allow the operator to retain crab other than dungeness crab taken in Puget Sound.~~

(c) Crab pot ~~—non-Puget Sound and crab ring net—non-Puget Sound fishery licenses are licenses required to operate~~

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the gear provided for in this section and allow the operator to retain crab taken in state waters other than Puget Sound and offshore waters.

~~(5))~~ **(6) Commercial crab license requirements.** In addition to, and separate from, all requirements in this chapter that govern the time, area, gear, and method for crab fishing, landing, possession, or delivery of crabs, no commercial crab fishing is allowed except when properly licensed. A person may take, fish for, land, or deliver crabs for commercial purposes in Washington or coastal waters only when the person has the license required by statute, or when the person is a properly designated alternative operator to a valid license. For Puget Sound, a person must have a "Dungeness crab - Puget Sound" fishery license provided by RCW 75.28.130. For coastal waters, such person must have a "Dungeness crab - Coastal" fishery license provided by RCW 75.28.130. To use ring nets instead of or in addition to pots, then the licensee must also have the "Crab ring net - Puget Sound" or "Crab ring net - non-Puget Sound" license in RCW 75.28.130. Qualifications for the limited entry licenses, requirements for designating vessels, and use of alternate operators is provided by and controlled by chapters 75.28 and 75.30 RCW.

(7) Incidental catch(=:) may not be retained. It is unlawful to retain salmon ~~((or)), food fish, or any shellfish~~ other than octopus ~~that is~~ taken incidental to any ~~((lawful))~~ crab ~~((fishery))~~ fishing.

AMENDATORY SECTION (Amending WSR 98-05-043, filed 2/11/98, effective 3/14/98)

WAC 220-52-046 Crab fishery—Seasons and areas. ~~((It is unlawful))~~ "Commercial crab fishing" means any taking, fishing, use, control, setting, or operation of gear to fish for ((or possess Dungeness)) crabs ((taken)) for commercial purposes ((except during the lawful open seasons and areas)), and shall include the possession of crab on the water for commercial purposes, and the landing or initial delivery of crab for commercial purposes.

The lawful open times and areas for commercial crab fishing are as follows:

(1) All Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas are open for commercial crab fishing beginning 8:00 a.m. October 1st through the following April 15th and, after October 1, one-half hour before sunrise to one-half hour after sunset, except:

(a) Areas 25C, 26B, 26C, 26D, 27A, 27B, 27C, 28A, 28B, 28C, and 28D ~~((and the closures provided for in this section))~~ are not open to commercial crab fishing; and

(b) The areas and times provided by other subsections below are not open to commercial crab fishing.

(2) The following areas are closed to ~~((non-Indian))~~ commercial crab fishing except for treaty Indian commercial crab fishing where the treaty Indian crab fisher is following tribal openings that are in accordance with provisions of court orders in United States v. Washington:

(a) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 20A between a line from the boat ramp at the western boundary of Birch Bay State Park to the western point of the entrance of the Birch Bay Marina and a

line from the same boat ramp to Birch Point are closed March 1 through April 15.

(b) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 20A in Lummi Bay east of a line projected from the entrance buoy at Sandy Point to Gooseberry Point.

(c) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 21A in Bellingham Bay west of a line projected from the exposed boulder at Point Francis to the pilings at Stevie's Point.

(d) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 24A east of lines projected north from the most westerly tip of Skagit Island and south to the most westerly tip of Hope Island, thence southeast to Seal Rocks, thence southeast to the green can buoy at the mouth of Swinomish Channel, thence easterly to the west side of Goat Island.

(e) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 24B inside a line projected from Priest Point to the five-meter tower between Gedney Island and Priest Point, thence northwesterly on a line between the five-meter tower and Barnum Point to the intersection with a line projected true west from Kayak Point, thence east to shore.

(f) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 24B north of a line projected true west from Kayak Point and south and west of a line from Kayak Point to Barnum Point.

(g) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 25A west of a line from the new Dungeness Light to the mouth of Cooper Creek are closed through November 15th of each year.

(h) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 25D within a line projected from the Point Hudson Marina entrance to the northern tip of Indian Island, thence to Kala Point, and thence following the shoreline to the point of origin.

(3) The following areas are closed to commercial crab fishing during the periods indicated:

(a) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 24C inshore of the 400 foot depth contour within an area bounded by parallel lines projected northeasterly from Sandy Point and the entrance to the marina at Langley are closed October 1 through October 31, and March 1 through April 15 of each year.

(b) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 26A in Useless Bay north and east of a line from Indian Point to a point on shore 1.5 miles northeast of Double Bluff are closed October 1 through October 31, and March 1 through April 15 of each year.

(c) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 21B inside lines from Oyster Creek to the fisheries monument on Samish Island and from Oyster Creek to Point Williams are closed shoreward of the ten fathom contour October 1 through October 31, and March 1 through April 15 of each year.

(d) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22B in Fidalgo Bay south of a line projected from the red number 4 entrance buoy at Cap Sante Marina to the northern end of the eastern most oil dock are

closed October 1 through October 31, and March 1 through April 15 of each year.

(e) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22A in Shoal Bay south of a line from Upright Head to Humphrey Head are closed October 1 through October 31, and March 1 through April 15 of each year.

(f) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 24A in Coronet Bay south of a line projected true east and west from the northernmost tip of Ben Ire Island are closed October 1 through October 31, and March 1 through April 15 of each year.

(4) The following areas are closed to commercial crab fishing until further notice:

(a) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 24A within a line projected from Rocky Point northeast to the red number 2 buoy, thence to Brown Point.

(b) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 24D south of a line from Dines Point to the point just north of Beverly Beach.

(c) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 26A south and east of a line projected from the 3A buoy at the Snohomish River mouth to the outermost tip of the ferry dock at Mukilteo.

(d) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 26A within a line from the green number 1 buoy at Scatchet Head to the green number 1 buoy at Possession Point thence following the 200 foot contour to a point due east from the Glendale Dock.

(e) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 21B in Samish Bay south of a line from Oyster Creek to the fisheries management monument on Samish Island.

(f) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22A in Westcott and Garrison Bays east of a line projected due south from Point White to San Juan Island.

(g) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 20A in Birch Bay east of a line projected from the boat ramp at the western boundary of Birch Bay State Park to the western point of the entrance to the Birch Bay Marina.

(h) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 21A shoreward of the ten-fathom (MLLW) contour in Chuckanut Bay.

(i) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22A in Blind Bay south of a line projected due west from Point Hudson to Shaw Island.

(j) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22A in Deer Harbor north of a line projected from Steep Point to Pole Pass.

(k) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22A in Fisherman Bay south of a line projected east-west through the red number 4 entrance buoy.

(l) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22A in Mud Bay south of a line projected from Lopez Island through Crab and Fortress Islands to Lopez Island.

(m) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22B in Padilla Bay within a line projected from the northern end of the eastern most oil dock to the red number 2 buoy, thence southeasterly to the red number 8 buoy, thence west to shore.

(n) All waters in the San Juan Islands Marine Preserve Area.

(5) Coastal, Pacific Ocean, Grays Harbor, Willapa Bay and Columbia River waters(--) are open to commercial crab fishing December 1 through September 15 except that it is lawful to set baited crab gear beginning at 8:00 a.m. November 28 (~~(unless)~~). However, the department may delay opening of the coastal crab fishery ((is delayed)) due to softshell crab conditions, in which case the following provisions will apply:

(a) After consultation with the Oregon Department of Fish and Wildlife, the director may, by emergency rule, establish a softshell crab demarcation line.

(b) For waters of the Pacific Ocean north of Point Arena, California, it is unlawful for a person to use a vessel to fish in any area for which the season opening has been delayed due to softshell crab for the first thirty days following the opening of such an area if the vessel was employed in the coastal crab fishery during the previous forty-five days.

(c) Fishers may not set crab gear in any area where the season opening has been delayed (~~(more than)~~). except that gear may be set as allowed by emergency rule and shall typically allow setting sixty-four hours in advance of the delayed season opening time.

(d) It is unlawful to fish for or possess Dungeness crabs or to set crab gear in waters of the Pacific Ocean adjacent to the states of Oregon or California except during the lawful open seasons, areas and times specified by the individual states.

(6) The following areas (Special Management Area; SMA's) are closed to (~~(non-Indian)~~) commercial crab fishing during the periods indicated, except for treaty Indian commercial crab fishing where the treaty Indian crab fisher is following tribal openings that are in accordance with provisions of court orders in United States v. Washington:

(a) Those waters bounded by lines projected between the following coordinates:

Southern SMA Description:

NW corner:	47°09.00'N	124°23.80'W (LORAN 41885)
NE corner:	47°09.00'N	124°16.30'W
SW corner:	46°58.00'N	124°22.00'W (LORAN 41885)
SE corner:	46°58.00'N	124°15.30'W

Northern SMA Description:

NW corner:	47°32.00'N	124°34.00'W (LORAN 41865)
NE corner:	47°32.00'N	124°29.50'W (LORAN 41880)
SW corner:	47°27.00'N	124°33.00'W (LORAN 41865)
SE corner:	47°27.00'N	124°28.60'W (LORAN 41880)

The non-Indian fishery will be closed within these areas through January 4, 1998. The areas will open to the non-Indian fishery on January 5, 1998, and remain open through September 15, 1998. The non-Indian fishery will be closed

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within these areas December 1, 1998, through January 4, 1999. The areas will open to the non-Indian fishery on January 5, 1999, and remain open through September 15, 1999.

(b) Those waters between 47°40.50'N (Destruction Island) north to 48°02.25'N, east of a line (to the coastline) described by the following points:

Southern point:	47°40.50'N	124°37.50'W
Central point:	48°00.00'N	124°49.50'W
Northern point:	48°02.25'N	124°50.00'W

This area is closed to non-Indian fishing through January 7, 1998. It will reopen to non-Indian fishing on January 8, 1998, and close on February 5, 1998. This area will reopen on March 28, 1998, and remain open through September 15, 1998. This area is closed to non-Indian fishing from December 1, 1998, through January 7, 1999. It will reopen to non-Indian fishing on January 8, 1999, and close on February 5, 1999. This area will reopen on March 28, 1999, and remain open through September 15, 1999.

(c) Those waters east of a line approximating the 25 fathom curve, from 48°02.15'N 124°50'00"W to 48°07'36"N 124°51'24"W to 48°20'00"N 124°50'00"W to Cape Flattery. This area will close to non-Indian fishing December 29, 1997, (after 28 days of fishing) and remain closed through March 31, 1998. The area will reopen on April 1, 1998, and remain open through September 15, 1998.

WSR 98-14-134
PROPOSED RULES
LIQUOR CONTROL BOARD

[Filed July 1, 1998, 11:10 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-14-033.

Title of Rule: WAC 314-16-260 Sports/entertainment facilities—Definitions and 314-16-265 General conditions for alcohol service in sports/entertainment facilities—Operating plan required.

Purpose: These rules will clarify the conditions under which types of liquor (beer, wine, or spirits) and service of liquor may be provided in sports/entertainment facilities. Each facility and event may require different conditions based upon the type of event, traffic patterns in the facility, and the age of patrons attending the event.

Statutory Authority for Adoption: RCW 66.08.030 and 66.24.570.

Statute Being Implemented: RCW 66.24.570.

Summary: WAC 314-16-260 contains a comprehensive list of defined terms used with regard to sports/entertainment facilities and WAC 314-16-265 includes general conditions for the service of alcoholic beverages in sports/entertainment facilities.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Goyette, P.O. Box 43098, Olympia, WA 98504-3098, (360) 753-2724; and Enforcement:

Gary Gilbert, P.O. Box 43075, Olympia, WA 98504-3075, (360) 753-6270.

Name of Proponent: Washington State Liquor Control Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The 1996 legislature passed RCW 66.24.570, which created a special liquor license designated as a class "R" and renamed "sports/entertainment facility" by SSB 5173 passed by the 1997 legislature. The intent of the legislation was to simplify the alcohol licensing process and to accommodate the size and unique nature of these facilities.

The purpose of the two proposed rules is to clarify the conditions under which types of liquor (beer, wine, spirits) and service of liquor may be provided in sports/entertainment facilities. Each facility and event may require different conditions based upon the type of event, traffic patterns in the facility, and the age of patrons attending the event.

The first proposed rule, WAC 314-16-260, contains a comprehensive list of defined terms used with regard to sports/entertainment facilities.

The second proposed rule, WAC 314-16-265, includes general conditions for the service of alcoholic beverages in sports/entertainment facilities. The proposed language states:

- That the Liquor Control Board maintains broad discretionary authority in determining the type of liquor and the locations of service.
- Operators must submit a detailed plan outlining the conditions under which liquor will be served and who will be responsible for security in both customer service areas and other areas contiguous to the licensed premises. The plan would be submitted on a one-time basis with changes made as needed by the operator, the Liquor Control Board, or both.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. No impact to small businesses.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Washington State Liquor Control Board is not a listed agency in section 201.

Hearing Location: DoubleTree Hotel, 1225 North Wenatchee Avenue, Chelan Room, Wenatchee, WA, on August 19, 1998, at 2:00 p.m.; and at the Seattle Public Library, 1000 4th Avenue, Seattle, WA, on August 26, 1998, at 3:00 p.m.

Assistance for Persons with Disabilities: Contact Teresa Berntsen by August 1, 1998, TDD (360) 586-4727, or (360) 586-1641.

Submit Written Comments to: Teresa Berntsen, Rules Coordinator, P.O. Box 43080, Olympia, WA 98504-3080, e-mail teb@liq.wa.gov, fax (360) 664-9689, by August 19, 1998.

Date of Intended Adoption: August 26, 1998.

June 30, 1998
 Nathan S. Ford, Jr.
 Chairman

PROPOSED

NEW SECTION

WAC 314-16-260 Sports/entertainment facilities—Definitions. As used in reference to sports/entertainment facilities the following definitions apply:

- (1) **Alcohol or alcoholic beverages** - Beer, wine and spirits.
- (2) **Alcohol restriction** - Prohibits the sale of one or more forms of alcohol (beer, wine or spirits).
- (3) **Operator** - The owner, lessee, or manager of a facility in whose name the liquor license is issued.
- (4) **Operating plan** - A plan submitted by the operator to the board, for its approval, describing the events to be held at the facility, the types of, and locations where, alcohol will be served, methods of service, security measures, and related information.
- (5) **Customer service area** - Those areas within a premises such as restaurants, lounges, concourses, paddock areas, private suites, grandstands, and similar areas where patrons may consume food and beverage.
- (6) **Customer service levels** - Three levels of alcohol service allowed within a facility:
 - (a) **Full service** - Alcohol service and consumption available throughout seating, concourse, and other customer service areas.
 - (b) **Limited service** - Alcohol service and consumption is limited to restaurants, lounges, clubrooms (but not club seats), public concourse areas and private suites.
 - (c) **Restricted service** - Alcohol service and consumption is permitted only in designated restaurant, lounge, clubrooms, and private suites.
- (7) **Event categories** - Types of events that the operator expects to hold in the facility.
 - (a) **Professional sporting event** - A contest or demonstration sanctioned by a national professional sport organization that regulates the sport whose players receive compensation.
 - (b) **Amateur sporting event** - A contest or demonstration sanctioned by a national or regional amateur athletic organization (college or high school leagues, associations, etc.) that regulate the sport whose players receive no compensation.
 - (c) **Entertainment event** - A concert, comedy act, tractor pull, monster truck rally, and similar events.
 - (d) **Special event** - A convention, trade show or other public/private event too large to be held in a separate banquet or meeting room.
 - (e) **Darkened house event** - An event during which the seating area will remain below minimum lighting levels in excess of twenty cumulative minutes (see WAC 314-16-030(3) for minimum lighting requirements).
- (8) **Event schedule** - An annual listing of events booked for the year following issuance or renewal of a facility's liquor license. Professional sporting events which are scheduled by a league or association, for which the board approves a standard type of alcohol service, need not be included.
- (9) **Hawking** - The practice of selling alcoholic beverages in seating areas by roving servers who carry the beverages with them. Because of row seating arrangements, serv-

ers normally do not have direct access to customers, service usually requires that drinks, money and identification be passed down rows, involving other spectators.

(10) **Personal liquor service** - The customer purchases the alcoholic beverage directly from a bartender or concession stand or a server takes the customer's order, obtains the beverage from a licensed bar or concession stand and delivers the alcoholic beverage directly to the customer at their seat or table. Personal liquor service is limited to only those seating areas such as boxes, suites, and dining or clubrooms where a server has direct access to all customer seats and tables.

(11) **Premises** - Buildings, parking lots and any open areas that are owned, leased, or managed by the operator and under the operator's control.

NEW SECTION

WAC 314-16-265 General conditions for alcohol service in sports/entertainment facilities—Operating plan required. (1) **Board considerations** - In establishing requirements and restrictions for alcohol service, the board will consider the following:

- (a) Unique features of each facility to include seating accommodations, eating facilities and circulation patterns.
 - (b) Demographics of the audience relating to age.
 - (c) The effect various events have on the conduct of patrons using past experience at the licensed facility and other facilities where similar events have been held.
 - (d) Concerns expressed by local authorities regarding the service of alcohol.
- (2) **Alcohol permitted** - No alcohol except that authorized under the operator's license, a banquet permit or as otherwise allowed by law will be permitted on the premises.
- (3) **Alcohol service to approved areas** - Patrons may not be served, nor may they possess, alcohol in portions of the premises other than customer service areas as approved by the board in the operating plan.
- (4) **Beverage container standards:**
- (a) Alcoholic beverage containers must be clear or translucent and distinct from other beverage containers.
 - (b) Containers may vary in size as commonly used for the type of beverage.
- (5) **Maximum beverage servings** - No more than two servings may be sold to any one patron per transaction and the serving size may not exceed the following amounts:
- (a) Beer - 18 ounces.
 - (b) Wine - 6 ounces.
 - (c) Spirits - 1.7 ounces or 50 ml.
- (6) **Training/qualifications required** - Managers, bartenders and servers, must hold a class 12 or 13 server's permit as required under RCW 66.20.300 and chapter 314-14 WAC.
- (7) **Standard limits on customer service** - The board will normally limit customer service levels for the following event categories:

PROPOSED

Event Category	(Restaurants, Lounges, Clubrooms, Private Suites and Lighted Concourses) Limited	(Restaurants, Lounges, Clubrooms, and Private Suites) Restricted
Darkened House	X	
Amateur Sporting Events		X
Sporting or Other Events at Which the Expected Attendance by Persons Under 21 Will Exceed 25%, or Where There is High Potential for Disorderly Conduct		X
Trade Shows or Other Events at Which the Public is Allowed Open Access to the Arena Floor (see (a) of this subsection)		X

PROPOSED

(a) With prior written board approval, temporary lounges, beer gardens, or full service may be set up on the arena floor.

(b) The board or the operator may elect to prohibit alcohol throughout the facility during certain events deemed unsuitable for alcohol service.

(8) **Lighting requirements** - Except for brief periods not to exceed twenty cumulative minutes, lighting in customer service areas, including concourses and suites, must meet minimum levels in accordance with WAC 314-16-030(3).

(9) **Alcohol sales cut-off times** - Operators are encouraged to discontinue the sale of alcoholic beverages at an appropriate break or intermission in an event or at least forty-five minutes prior to the end of the event based on management's estimate.

(10) **Hawking** - The practice of hawking alcoholic beverages may be approved only if adequate procedures are included in the operating plan to address the following:

(a) Procedures for checking identification and verifying the age of purchasers and recognizing signs of intoxication in persons who may be several seats removed from the hawker.

(b) Passing of alcoholic beverages between patrons who may be under twenty-one years of age or who may object to handling alcoholic beverages.

(c) Chain of authority for hawking staff and procedures explaining who is authorized to direct hawkers not to serve certain patrons.

(11) **Operating plan requirements** - Before a license is issued, the operator must submit an operating plan on a form prescribed by the board together with written approval of the plan from local officials. The plan will contain the following information:

(a) **Facility map** - Showing the entire premises including seating, concourse areas, the location of alcohol service bars and food service facilities, and other public areas such as parking areas contiguous to the facility and under the control of the operator/owner.

(b) **Schedule of events** - For the twelve months following issuance or renewal of the license. The schedule will show the categories, dates, and times of events at which alcohol service is planned in the arena and spectator seating areas. Events not listed in the plan must be separately approved by the board.

(c) **Exceptions** - No schedule is needed for private functions held in designated bars, restaurants, clubrooms, and banquet rooms or professional sporting events scheduled in advance by a league or association and preapproved by the board for a standard level of liquor service.

(d) **Training** - In addition to mandatory training, describe special training given to alcohol sellers and servers, management, and security staff pertaining to alcohol service and crowd control.

(e) **Security** - The operator is responsible for alcohol service and the conduct of persons on the licensed premises and any adjacent public areas, such as parking lots, which are under the operator's control through ownership, leasehold, or operator agreements. Any agreements which limit operator responsibility to a portion rather than the entire premises must be referenced in the plan, explaining who has such responsibility. Describe procedures, signs or other measures used to prevent or respond to situations involving:

(i) Access to alcohol by persons who are apparently intoxicated or under twenty-one.

(ii) The introduction of personal alcohol onto the premises.

(iii) The open consumption or possession of alcohol in unauthorized areas.

(iv) Disorderly conduct.

(f) **Alcohol sales cut-off times** - State when alcohol sales will cease for different types of events.

(12) **Endorsement letter** - Before submitting the operating plan to the board, the operator must obtain a letter of endorsement from either of the following:

(a) For publicly owned facilities, a letter from the public entity owner and the public safety agency serving the facility concurring with the proposed alcohol service plan or stating the owner's points of disagreement.

(b) For privately owned facilities, a letter from the public safety agency serving the facility concurring with the proposed alcohol plan or stating the public agency's points of disagreement.

(13) **Operating plan approval process** - If approved, except for the twelve-month schedule of events, the plan will remain in effect and must be followed until modified by either the operator or the board.

(a) If all or a portion of the plan is disapproved, the plan will be returned to the operator who will have sixty days to modify the plan or request board consideration.

(b) Until the entire plan is approved, the board will issue a temporary license extension, allowing those levels of service it finds acceptable for those events scheduled.

(14) Review, update and modification of the plan - Within ninety days of annual license renewal, the board will query the operator, local officials and board staff regarding the need for any modifications to the plan. Modifications may occur at other times at the request of the operator or the board to address issues such as types of events not covered in the original plan or concerns over problem trends as evidenced by liquor-related violations and validated complaints.

(15) Operator request for hearing - If, because of board concerns or demonstrated problems, the board disapproves or rescinds all or part of the operating plan, the operator will have the opportunity to resolve the issue with the board. If agreement cannot be reached, the operator may request a hearing as provided under administrative procedures.

WSR 98-14-139
PROPOSED RULES
OFFICE OF THE
STATE TREASURER
[Filed July 1, 1998, 11:40 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-23-086.

Title of Rule: Chapter 474-10 WAC, Regulations governing the state treasurer's approval of the use or reference to a lease for or on behalf of a state agency as collateral or security for the payment of securities pursuant to the provisions of section 1(4), chapter 117, Laws of 1997.

Purpose: The purpose of the rule is to preserve the state's name in the securities markets and to maintain the integrity of the state's debt management program by setting forth the process by which private placements of securities that use or reference a lease for or on behalf of a state agency may receive the state treasurer's approval of such use or reference.

Statutory Authority for Adoption: Chapter 117, Laws of 1997.

Statute Being Implemented: Chapter 117, Laws of 1997.

Summary: The rule sets forth the procedure for obtaining the state treasurer's approval of use or reference to a lease by or on behalf of a state agency as collateral or security for payment of securities offered through a private placement. The rule also defines the terms public offering and private placement.

Reasons Supporting Proposal: The protection of the state's name in the national public securities markets is of significant value in obtaining cost-effective borrowings for the state's capital programs.

Name of Agency Personnel Responsible for Drafting: Kay L. King, Legislative Building, Olympia, Washington 98504, (360) 902-9027; **Implementation and Enforcement:**

Office of the State Treasurer, Legislative Building, Olympia, Washington 98504, (360) 902-9000.

Name of Proponent: Office of the State Treasurer, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule implements the requirements of section 1(4), chapter 117, Laws of 1997, to set forth the procedures by which the state treasurer may grant approval of reference to a lease by or on behalf of a state agency as collateral or security for the payment of securities in private placements. The rule will protect the state's name in the national public securities markets. Preservation of the state's name is necessary to continue to obtain cost-effective borrowings to finance the state's capital programs.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Pursuant to RCW 19.85.025, the small business economic impact statement requirements do not apply to the adoption of a rule described in RCW 34.05.310(4).

RCW 34.05.310 (4)(e) includes rules the content of which is explicitly and specifically dictated by statute. The rule does not impose more than minor costs, other than as explicitly and specifically dictated by statute.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: State Treasurer's Office, Conference Room, Legislative Building, Olympia, Washington 98504, on August 7, 1998, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Office of the State Treasurer by August 3, 1998, TDD (360) 902-8963.

Submit Written Comments to: Kay L. King, Office of the State Treasurer, Mailstop 40200, Olympia, Washington 98504-0200, fax (360) 902-9044, by August 7, 1998.

Date of Intended Adoption: September 11, 1998.

July 1, 1998

Kay L. King

Regulatory Affairs Officer

Agency Rules Coordinator

Chapter 474-10 WAC

REGULATIONS GOVERNING THE STATE TREASURER'S APPROVAL OF THE USE OR REFERENCE TO A LEASE FOR OR ON BEHALF OF A STATE AGENCY AS COLLATERAL OR SECURITY FOR THE PAYMENT OF SECURITIES PURSUANT TO THE PROVISIONS OF CHAPTER 117, LAWS OF 1997, SECTION 1(4)

NEW SECTION

WAC 474-10-010 Purpose. The purpose of this chapter shall be to implement Chapter 117, Laws of 1997, Section 1(4) and to establish the criteria pursuant to which the state treasurer may grant approval of an offering for sale through private placement securities which use or refer to a lease for

or on behalf of a state agency as collateral or security for payment.

NEW SECTION

WAC 474-10-020 Definitions. As used in Chapter 474-10 WAC, the following terms shall have the meanings indicated:

(1) "Accredited investor" shall mean any person who comes within any of the following categories, or who the issuer reasonably believes comes within any of the following categories, at the time of the sale of the securities to that person:

(a) Any bank as defined in section 3 (a)(2) of the Securities Act of 1933, or any savings and loan association or other institution as defined in section 3 (a)(5)(A) of the Securities Act of 1933 whether acting in its individual or fiduciary capacity; any broker or dealer registered pursuant to section 15 of the Securities Exchange Act of 1934; any insurance company as defined in section 2(13) of the Securities Act of 1933; any investment company registered under the Investment Company Act of 1940 or a business development company as defined in section 2 (a)(48) of that act; any small business investment company licensed by the U.S. Small Business Administration under section 301 (c) or (d) of the Small Business Investment Act of 1958; any plan established and maintained by a state, its political subdivisions, or any agency or instrumentality of a state or its political subdivisions, for the benefit of its employees, if such plan has total assets in excess of \$5,000,000; any employee benefit plan within the meaning of the Employee Retirement Income Security Act of 1974 if the investment decision is made by a plan fiduciary, as defined in section 3(21) of such act, which is either a bank, savings and loan association, insurance company, or registered investment adviser, or if the employee benefit plan has total assets in excess of \$5,000,000 or, if a self-directed plan, with investment decisions made solely by persons that are accredited investors;

(b) Any private business development company as defined in section 202 (a)(22) of the Investment Advisers Act of 1940;

(c) Any organization described in section 501 (c)(3) of the Internal Revenue Code, corporation, Massachusetts or similar business trust, or partnership, not formed for the specific purpose of acquiring the securities offered, with total assets in excess of \$5,000,000;

(d) Any director, executive officer, or general partner of the issuer of the securities being offered or sold, or any director, executive officer or general partner of a general partner of that issuer;

(e) Any natural person whose individual net worth, or joint net worth with that person's spouse, at the time of his purchase exceeds \$1,000,000;

(f) Any natural person who had an individual income in excess of \$200,000 in each of the two most recent years or joint income with that person's spouse in excess of \$300,000 in each of those years and has a reasonable expectation of reaching the same income level in the current year;

(g) Any trust, with total assets in excess of \$5,000,000, not formed for the specific purpose of acquiring the securities

offered, whose purchase is directed by a sophisticated person as described in 17 CFR Sec. 230.506 (b)(2)(ii); and

(h) Any entity in which all of the equity owners are accredited investors.

(2) "Affiliate," an "affiliate" of, or person "affiliated" with, a specified person shall mean a person that directly, or indirectly through one or more intermediaries, controls or is controlled by, or is under common control with, the person specified;

(3) "CUSIP identifier" means a six digit number assigned to a particular issuer by the administering agent for the American Bankers Association's Committee on Uniform Security Identification Procedures.

(4) "Full business day" means all calendar days, excluding therefrom Saturdays, Sundays, and all legal holidays, as defined by statute.

(5) "Issuer" means any person who issues or proposes to issue any security, except that with respect to certificates of deposit, voting trust certificates, or collateral-trust certificates, or with respect to certificates of interest or shares in an unincorporated investment trust not having a board of directors (or persons performing similar functions) or of the fixed, restricted management, or unit type, the term "issuer" means the person or persons performing the acts and assuming the duties of depositor or manager pursuant to the provisions of the trust or other agreement or instrument under which the security is issued.

(6) "Nonissuer" means not directly or indirectly for the benefit of the issuer.

(7) "Person" means an individual, a corporation, a partnership, an association, a joint-stock company, a trust where the interest of the beneficiaries are evidenced by a security, an unincorporated organization, a government, or a political subdivision of a government.

(8) "PPN identifier" means a six digit number assigned to a particular issuer by the administering agent for the American Bankers Association's Committee on Uniform Security Identification Procedures.

(9) "Sale" or "sell" includes every contract of sale of, contract to sell, or disposition of, a security or interest in a security for value. "Offer" or "offer to sell" includes every attempt or offer to dispose of, or solicitation of an offer to buy, a security or interest in a security for value.

Any security given or delivered with, or as a bonus on account of, any purchase of securities or any other thing is considered to constitute part of the subject of the purchase and to have been offered and sold for value. A purported gift of assessable stock is considered to involve an offer and sale. Every sale or offer of a warrant or right to purchase or subscribe to another security of the same or another issuer, as well as every sale or offer of a security which gives the holder a present or future right or privilege to convert into another security of the same or another issuer, is considered to include an offer of the other security.

(10) "Security" means any note; stock; treasury stock; bond; debenture; evidence of indebtedness; certificates of interest or participation in any profit-sharing agreement; collateral-trust certificates; preorganization certificate of subscription; transferable share; investment contract; investment of money or other consideration in the risk capital of a ven-

ture with the expectation of some valuable benefit to the investor where the investor does not receive the right to exercise practical and actual control over the managerial decisions of the venture; voting-trust certificate; certificate of deposit for a security; certificate of interest or participation in an oil, gas or mining title or lease or in payments out of production under such a title or lease; charitable gift annuity; any put, call, straddle, option, or privilege entered into on a national securities exchange relating to foreign currency; or, in general, any interest or instrument commonly known as a "security," or any certificate of interest or participation in, temporary or interim certificate for, receipt for, guarantee of, or warrant or right to subscribe to or purchase, any of the foregoing; or any sale of or indenture, bond or contract for the conveyance of land or any interest therein where such land is situated outside of the state of Washington and such sale or its offering is not conducted by a real estate broker licensed by the state of Washington. "Security" does not include any insurance or endowment policy or annuity contract under which an insurance company promises to pay money either in a lump sum or periodically for life or some other specified period.

(11) "Securities Act of 1933," "Securities Exchange Act of 1934," "Public Utility Holding Company Act of 1935," and "Investment Company Act of 1940" means the federal statutes of those names as amended.

(12) "Treasurer" means the treasurer of the state of Washington.

NEW SECTION

WAC 474-10-030 Public offerings. Unless an offer or sale of a security that uses or refers to a lease for or on behalf of a state agency as collateral or security for payment is a private placement pursuant to the provisions of WAC 474-10-040, such offer or sale is a public offering for purposes of Chapter 117, Laws of 1997, Section 1(4). Notwithstanding the foregoing, a lessor may assign or encumber its interest in a lease as security for the repayment of a promissory note provided that the transaction would otherwise be an exempt transaction under RCW 21.20.320.

NEW SECTION

WAC 474-10-040 Private placements. The following transactions are private placements for the purposes of Chapter 117, Laws of 1997, Section 1(4):

- (1) Any offer or sale to an accredited investor.
- (2) Any transaction between the issuer or other person on whose behalf the offering is made and an underwriter, or among underwriters.
- (3) Any transaction by an executor, administrator, sheriff, marshal, receiver, trustee in bankruptcy, guardian, or conservator.
- (4) Any transaction executed by a bona fide pledgee without any purpose of evading this chapter.

In any sales pursuant to exemption (1) by an issuer, an affiliate of the issuer, or an underwriter, the person selling the securities shall exercise reasonable care to assure that the securities are being sold only to accredited investors and to

assure that any resale(s) of the securities complies with the provisions of Chapter 117, Laws of 1997, Section 1(4) and the provisions of Chapter 474-10 WAC. Reasonable care may be demonstrated by the following:

(a) Reasonable inquiry to determine that the purchaser is an accredited investor;

(b) Reasonable inquiry to determine if the purchaser is acquiring the securities for himself or herself or for other persons;

(c) Written disclosure to each purchaser prior to sale that the securities may only be resold in private placements pursuant to the provisions of Chapter 117, Laws of 1997, Section 1(4) and the provisions of Chapter 474-10 WAC; and

(d) Placement of a legend on the certificate or other document that evidences the securities stating that the securities are subject to Chapter 117, Laws of 1997, Section 1(4) and the provisions of Chapter 474-10 WAC, and setting forth or referring to the restrictions on transferability and sale of the securities.

In any proceeding involving the rules in Chapter 474-10-040 WAC, the burden of proving compliance with or an exception from a rule, definition or condition is upon the person claiming it.

NEW SECTION

WAC 474-10-050 Required disclosures. In any offering or sale of a security which uses or refers to a lease for or on behalf of any state agency as collateral or security for payment, the issuer or seller shall provide the following written disclosures to any prospective purchaser:

(1) Any prospectus, offering circular or other written information provided to any prospective purchaser shall include the following disclosure on the cover page thereof:

"THE SECURITIES DESCRIBED HEREIN DO NOT REPRESENT AN OBLIGATION OF THE STATE OF WASHINGTON OR ANY DEPARTMENT, AGENCY OR INSTRUMENTALITY THEREOF. THE CREDIT OF THE STATE OF WASHINGTON IS NOT PLEDGED TO THE REPAYMENT OF THESE SECURITIES. THE STATE OF WASHINGTON SHALL NOT BE OBLIGATED TO PAY THESE SECURITIES OR ANY INTEREST OR DIVIDENDS THEREON UNDER ANY CIRCUMSTANCES."

(2) Any prospectus, offering circular or other written information provided to any prospective purchaser shall include the following disclosure:

"APPROVAL OF THE STATE TREASURER OF THE USE OR REFERENCE TO A LEASE FOR OR ON BEHALF OF A STATE AGENCY AS COLLATERAL OR SECURITY FOR THE PAYMENT OF SECURITIES PURSUANT TO CHAPTER 117, LAWS OF 1997, SECTION 1(4) AND CHAPTER 474-10 WAC DOES NOT SIGNIFY THAT THE STATE TREASURER HAS APPROVED, ENDORSED, OR RECOMMENDED THESE SECURITIES."

NEW SECTION

WAC 474-10-060 Attorney general opinions. In any offering or sale of a security which uses or refers to a lease for or on behalf of any state agency as collateral or security for

payment, no State of Washington Attorney General opinions or memoranda, or excerpts thereof, may be used or cited in any prospectus, offering circular or other written information provided to any prospective purchaser without the prior written approval of the treasurer.

NEW SECTION

WAC 474-10-070 State agency representations. In any offering or sale of a security which uses or refers to a lease for or on behalf of any state agency as collateral or security for payment, no representation by a state agency regarding use of a facility, or excerpts thereof, may be used or cited in any prospectus, offering circular or other written information provided to any prospective purchaser without the prior written approval of the treasurer.

NEW SECTION

WAC 474-10-080 Use of state of Washington CUSIP and PPN identifiers. In any offering or sale of a security which uses or refers to a lease for or on behalf of any state agency as collateral or security for payment, use of any State of Washington CUSIP identifier or PPN identifier is expressly prohibited.

NEW SECTION

WAC 474-10-090 Procedure for review. In any initial offering or sale of a security which uses or refers to a lease for or on behalf of any state agency as collateral or security for payment for which the treasurer's written approval has not been secured the issuer shall request approval as follows. The issuer shall submit to the Office of the State Treasurer two copies of the prospectus, offering circular or other written information in connection with the offering and two copies of the form of security. The Office of the State Treasurer shall have 15 full business days to make a determination regarding an approval or disapproval of the offering pursuant to the criteria in Chapter 117, Laws of 1997, Section 1(4) and this Chapter 474-10 WAC. Any such determination shall be made in writing. Any determination of approval shall be contingent upon any such offering or sale being completed in accordance with the provisions of this Chapter 474-10 WAC. The treasurer may, in his or her discretion, require the issuer to provide evidence that any such offering or sale is a private placement pursuant to the provisions of this Chapter 474-10 WAC.

NEW SECTION

WAC 474-10-100 Approval pursuant to statute. Any approval by the treasurer pursuant to the provisions of Chapter 117, Laws of 1997, Section 1(4) and this Chapter 474-10 WAC of the use or reference to a lease for or on behalf of a state agency as collateral or security for the payment of securities does not constitute an approval or recommendation of the securities by the treasurer.

WSR 98-14-144
PROPOSED RULES
STATE BOARD OF EDUCATION

[Filed July 1, 1998, 11:59 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-06-008.

Title of Rule: Chapter 180-33 WAC, State assistance in providing school plant facilities—Modernization.

Purpose: To do one or more of the following, as deemed appropriate: Make technical adjustments, clarify existing provisions, repeal unnecessary wording, repeal provisions unsupported by rule-making authority, or provide greater flexibility or discretion to persons or entities subject to the rules.

Statutory Authority for Adoption: RCW 28A.525.020.

Summary: See Purpose above.

Reasons Supporting Proposal: Amend to provide clarity and rewrite outdated wording; repeal sections that are no longer applicable.

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

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

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

Proposal Changes the Following Existing Rules: Technical corrections - 2; repeals - 1; paperwork reductions - 0; clarifications - 1; authority transfers (local control) - 0; new sections - 0; and additional requirements - 0.

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

RCW 34.05.328 does not apply to this rule adoption. Not applicable.

Hearing Location: Center for Education Leadership, 2921 Falk Road, Vancouver, WA 98661, on August 19, 1998, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Patty Martin by August 5, 1998, 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 August 12, 1998.

Date of Intended Adoption: August 20, 1998.

July 1, 1998

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 90-17-009, filed 8/6/90, effective 9/6/90)

WAC 180-33-005 Authority. This chapter is adopted pursuant to RCW ((~~28A-525-200~~) 28A.525.020) which authorizes the state board of education to prescribe rules and regulations governing the administration, control, terms, conditions, and disbursements of moneys to school districts to assist them in providing school facilities. In accordance with

RCW 28A.525.200, the only provisions of chapter 28A.525 RCW currently applicable to state assistance for school facilities are RCW 28A.525.030, 28A.525.040, and 28A.525.162 through 28A.525.178.

AMENDATORY SECTION (Amending Order 16-83, filed 10/17/83)

WAC 180-33-040 Maximum costs eligible for state matching purposes—Eighty percent of replacement cost. ~~((The cost of an approved modernization project in excess of eighty percent of the estimated cost of replacement with a comparable school facility computed on the basis of the prevailing square foot cost level of state support as in chapter 180-27 WAC set forth shall be paid from school district local funds in excess of such local funds applied toward the modernization cost in accordance with the statutory formula and state board of education regulations governing basic support level as in chapter 180-27 WAC set forth.)) State assistance for modernization projects shall not exceed eighty percent of the cost of new construction of a comparable school facility based on the prevailing level of state support as defined in chapter 180-27 WAC. Costs exceeding eighty percent shall be paid by the local district.~~

AMENDATORY SECTION (Amending WSR 93-20-066, filed 10/1/93, effective 11/1/93)

WAC 180-33-042 Replacement option. A district with space eligible for modernization pursuant to WAC 180-33-015 and 180-33-025 may elect to replace such space through new construction in lieu of modernization. In such case, the district shall apply for a new school facility in accordance with applicable rules and regulations pertaining to new school plant facilities and the local board shall certify that after the new construction is finally completed:

- (1) The existing building or space to be replaced will not be used for district instructional purposes; and
- (2) The existing building or space will be ineligible for any future state financial assistance.

Further, if the existing building or space is subsequently returned by the district to instructional purposes in whole or in part, the district shall become ineligible for any state construction financial assistance for a period of ten years from the date that the executive director or the chief executive officer of the state board notifies the board during the course of an open public meeting or sends written notice to members of the board of the return of the building in whole or in part to instructional purposes. ~~((Except as otherwise provided in WAC 180-33-043,))~~ Districts exercising this election shall be limited in state assistance to the provision of WAC 180-33-040. In the event the district elects to replace a facility and construct a new facility with more space than the facility being replaced, the additional space, in order to be eligible for state assistance shall meet the eligibility requirements for new construction or the new construction component requirement of WAC 180-33-015 (1)(c): *Provided*, That no new construction in lieu of modernization project may qualify for additional state assistance pursuant to WAC 180-27-115 unless the facility being replaced would have qualified pursu-

ant to such section for additional state assistance as a modernization project.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 180-33-043 Exceptions to prospective application of WAC 180-33-040.

WSR 98-14-145
PROPOSED RULES
STATE BOARD OF EDUCATION

[Filed July 1, 1998, 11:59 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-06-007.

Title of Rule: Chapter 180-25 WAC, State assistance in providing school plant facilities—Preliminary provisions.

Purpose: To do one or more of the following, as deemed appropriate: Make technical adjustments, clarify existing provisions, repeal unnecessary wording, repeal provisions unsupported by rule-making authority, or provide greater flexibility or discretion to persons or entities subject to the rules.

Statutory Authority for Adoption: RCW 28A.525.020.

Summary: See Purpose above.

Reasons Supporting Proposal: Amend to provide clarity and rewrite outdated wording; repeal sections that are no longer applicable.

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.

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

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

Proposal Changes the Following Existing Rules: Technical corrections - 3; repeals - 2; paperwork reductions - 1; clarifications - 2; authority transfers (local control) - 0; new sections - 0; and additional requirements - 0.

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

RCW 34.05.328 does not apply to this rule adoption. Not applicable.

Hearing Location: Center for Education Leadership, 2921 Falk Road, Vancouver, WA 98661, on August 19, 1998, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Patty Martin by August 5, 1998, 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 August 12, 1998.

Date of Intended Adoption: August 20, 1998.

July 1, 1998

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 90-17-009, filed 8/6/90, effective 9/6/90)

WAC 180-25-005 Authority. This chapter is adopted pursuant to RCW ~~((28A.525.200))~~ 28A.525.020 which authorizes the state board of education to prescribe rules and regulations governing the administration, control, terms, conditions, and disbursements of moneys to school districts to assist them in providing school facilities. In accordance with RCW 28A.525.200, the only provisions of chapter 28A.525 RCW currently applicable to state assistance for school facilities are RCW 28A.525.030, 28A.525.040, 28A.525.050, 28A.525.162 through 28A.525.178.

AMENDATORY SECTION (Amending WSR 91-12-058, filed 6/5/91, effective 7/6/91)

WAC 180-25-025 State study and survey—Content. The study and survey to be conducted by the superintendent of public instruction with the cooperation of the local school district shall include the following:

- (1) An inventory and area analysis of existing school facilities within the district, a description of the types and kinds of systems and subsystems used in those facilities and their physical condition;
- (2) A long-range (i.e., minimum of six years) educational and facilities plan setting forth the projected facility needs and priorities of the district based on the educational plan;
- (3) Demographic data including population projections and projected economic growth and development;
- (4) The ability of such district to provide capital funds by local effort;
- (5) The existence of a school housing emergency;
- (6) The need to improve racial balance and/or to avoid creation or aggravation of racial imbalance;
- (7) The type and extent of new and/or additions to existing school facilities required and the urgency of need for such facilities;
- (8) A cost/benefit analysis on the need to modernize and/or replace existing school facilities in order to meet current educational needs and the current state building code;
- (9) The need and the estimated capital cost to restore, to design specifications, the major systems and subsystems in the facilities that have deteriorated due to deferred maintenance.
- (10) ~~((A determination from data as to whether the district is eligible to receive funds from the state board of education for the construction and/or modernization of its school facilities. Provided, That modernization requests included in a project application for any building that was accepted by the school district board of directors after January 1, 1993, shall be subject to the limitations on basic state assistance as determined in chapter 180-33 WAC;~~

~~((11) A determination of the amount of space and the estimated state financial assistance the district is eligible to receive;~~

~~((12))~~ A determination of the district's time line for completion of the school facilities project;

~~((13))~~ ~~((11))~~ An inventory of accessible unused or underutilized school facilities in neighboring school districts and the physical condition of such school facilities;

~~((14))~~ ~~((12))~~ The need for adjustments of school attendance areas among or within such districts; and

~~((15))~~ ~~((13))~~ Such other matters as the superintendent of public instruction deems pertinent to a decision by the state board of education in the allocation of funds for school facilities. Cooperation by the applicant school district in conducting the study and survey is a requisite for the superintendent of public instruction to complete the study and survey and to establish the eligibility of the district for state assistance in school facility construction.

AMENDATORY SECTION (Amending Order 24-85, filed 11/27/85)

WAC 180-25-040 State study and survey—State board of education approval or denial. Upon receipt of a request for one or more project approvals and after review of the state study and survey, together with recommendations and comments, the state board of education shall in accordance with WAC 180-25-045 take one of the following actions:

- (1) Deny approval of state assistance for the construction and/or modernization of school facilities; or
- (2) Grant approval of state assistance for the construction and/or modernization of school facilities by authorizing the maximum area allowance eligible for state financial assistance for each school plant project approved and for which the superintendent of public instruction shall issue an appropriate SPI form and state any conditions that may or may not be applicable including whether the state board of education has approved or denied eligibility for additional state assistance pursuant to WAC 180-27-115 for one or more approved school plant projects or whether such decision by the state board of education for any approved school plant project has been deferred due to insufficient factual information for a determination or due to a request by the district to present the necessary factual information at a subsequent state board of education meeting. ~~((Such))~~ Upon receipt of the state board of education approval, the school district is authorized to prepare educational specifications pursuant to chapter 180-26 WAC. Project approval ((for projects approved after September 30, 1985;)) shall ((be)) become null and void ((after)) one year from the date of state board action ((by the state board of education)) unless the district ((complies with each of the following)):
 - (a) Obtains local capital funds to provide the districts share of the estimated cost;
 - (b) Completes the ~~((development of))~~ educational specifications pursuant to chapter 180-26 WAC; and
 - (c) Selects a site ~~((and receives approval))~~ pursuant to chapter 180-26 WAC.

AMENDATORY SECTION (Amending Order 7-85, filed 4/17/85)

WAC 180-25-045 Approval criteria for state assistance. The state board of education shall ~~((grant approval of))~~ conditionally agree to state assistance for a school facility or facilities for a school district that demonstrates the following:

(1) The existence of unhoused students which for the purpose of this section shall mean current or projected enrolled students who are in excess of the capacity calculated for existing facilities within the district pursuant to chapter 180-27 WAC: *Provided*, That current or projected enrolled students shall not be designated as unhoused for a high school district of application which has a student enrollment of four hundred or less in grades nine through twelve, if the students involved or affected can be served without undue inconvenience in a neighboring school, or schools of larger size and the neighboring school district has indicated a willingness to serve, and has the capacity to house the applying district high school students; and

(2) The ability of the district to provide any necessary capital funds by local effort: *Provided*, That the existence of unhoused students provision of subsection (1) of this section shall not be required for approval of the following school facilities projects: Interdistrict cooperative centers authorized by chapter 180-31 WAC, interdistrict transportation cooperatives authorized by chapter 180-32 WAC, and modernization and new construction authorized by chapter 180-33 WAC.

AMENDATORY SECTION (Amending Order 24-85, filed 11/27/85)

WAC 180-25-055 Conditions applicable to district's authority to proceed. The authorization by the state board of education pursuant to WAC ~~((180-25-050))~~ 180-25-040 for the district to proceed for particular school facilities is subject to the conditions of WAC 180-29-107. Therefore, districts receiving approval by the state board of education pursuant to WAC 180-25-040 are on notice that until approval is granted pursuant to WAC 180-29-107 (i.e., the issuance of an appropriate SPI form by the superintendent of public instruction) the particular school facilities do not have secured funding status.

AMENDATORY SECTION (Amending WSR 90-01-075, filed 12/19/89, effective 12/19/89)

WAC 180-25-070 Eligibility for state assistance for new construction—Survey of ~~((available and suitable))~~ accessible unused or underutilized school ~~((plant))~~ facilities in contiguous school districts. A school district applying for state assistance for new construction shall conduct a documented survey of ~~((available and suitable))~~ accessible unused or underutilized school ~~((plant))~~ facilities in each contiguous school district ~~((that meet the needs of the applicant school district and are either currently vacant or scheduled for vacation within the foreseeable future))~~.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 180-25-031	Special state study and surveys—Additional state assistance.
WAC 180-25-050	District authority to proceed.

WSR 98-14-146

PROPOSED RULES

STATE BOARD OF EDUCATION

[Filed July 1, 1998, 11:59 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-06-006.

Title of Rule: Chapter 180-26 WAC, State assistance in providing school plant facilities—Educational specifications and site selection.

Purpose: To do one or more of the following, as deemed appropriate: Make technical adjustments, clarify existing provisions, repeal unnecessary wording, repeal provisions unsupported by rule-making authority, or provide greater flexibility or discretion to persons or entities subject to the rules.

Statutory Authority for Adoption: RCW 28A.525.020.

Summary: See Purpose above.

Reasons Supporting Proposal: Amend to provide clarity and rewrite outdated wording; repeal sections that are no longer applicable.

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.

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

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

Proposal Changes the Following Existing Rules: Technical corrections - 1; repeals - 2; paperwork reductions - 1; clarifications - 1; authority transfers (local control) - 2; new sections - 0; and additional requirements - 0.

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

RCW 34.05.328 does not apply to this rule adoption. Not applicable.

Hearing Location: Center for Education Leadership, 2921 Falk Road, Vancouver, WA 98661, on August 19, 1998, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Patty Martin by August 5, 1998, 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 August 12, 1998.

PROPOSED

Date of Intended Adoption: August 20, 1998.

July 1, 1998

Larry Davis
Executive Director

AMENDATORY SECTION (Amending WSR 90-17-009, filed 8/6/90, effective 9/6/90)

WAC 180-26-005 Authority. This chapter is adopted pursuant to RCW ~~((28A.525.200)) 28A.525.020~~ relating to authority of the state board of education to prescribe rules and regulations governing the administration, control, terms, conditions, and disbursements of allocations to school districts to assist them in providing school facilities. In accordance with RCW 28A.525.200, the only provisions of chapter 28A.525 RCW currently applicable to state assistance for school facilities are RCW 28A.525.030, 28A.525.040, 28A.525.050, and 28A.525.162 through 28A.525.178.

AMENDATORY SECTION (Amending Order 10-83, filed 10/17/83)

WAC 180-26-015 Educational specifications. ~~((+))~~ Prior to commencing the design phase, the school district shall ~~((cause to be prepared))~~ prepare educational specifications for the approved project. The educational specifications shall describe the educational activities that the proposed school facilities and grounds should support and the types of spaces and their relationships in order to accommodate program requirements.

~~((2)) One copy of the educational specifications document, approved by the district board of directors, shall be submitted to the superintendent of public instruction for review and comment. The review by the superintendent of public instruction shall be based on the components of educational specifications published by the superintendent of public instruction in the School Facilities Development Procedures Manual. The comments of the superintendent of public instruction shall be transmitted to the district board of directors for its review. The board of directors shall give consideration to the comments of the superintendent of public instruction but shall not be bound to adopt any of the recommendations or make any modification of its adopted educational specifications.~~

~~((3))~~ This section shall not be applicable to the construction of interdistrict transportation cooperatives or the additions to existing facilities of less than fifteen thousand square feet, unless combined with modernization.

AMENDATORY SECTION (Amending WSR 94-01-014, filed 12/3/93, effective 1/3/94)

WAC 180-26-020 Site ~~((conditions—Acceptance criteria))~~ review and evaluation. The superintendent of public instruction together with the school district shall conduct ~~((an on-site))~~ a review and evaluation of ~~((a proposed site in the case of new construction and an existing site in the case of modernization. The superintendent of public instruction shall accept a site that meets the following conditions))~~ sites for

new and existing state assisted projects. In selecting sites for schools, a district shall consider the following:

(1) The ~~((school district provides certification by legal counsel retained by the district that the))~~ property upon which the school facility is or will be located is free of all encumbrances that would detrimentally interfere with the construction, operation, and useful life of the ~~((school))~~ facility;

(2) ~~The site is of sufficient size to meet the needs of the facility.~~ The minimum acreage of the site ~~((shall))~~ should be five usable acres and one additional usable acre for each one hundred students or portion thereof of projected maximum enrollment plus an additional five usable acres if the school contains any grade above grade six. ~~((In computing the minimum acreage of the site, the district may include public property in close proximity to the site if, as a matter of public policy the property is available for school purposes and the district is committed to using such facilities. Provided, That for sites having seventy percent or more but less than one hundred percent of the usable acreage as required above, the superintendent of public instruction may grant a site size waiver when, as part of the on-site review and evaluation process, the district provides a mitigation plan and demonstrates that the requirements of (a) through (d) of this subsection have been met. Provided further, That))~~ A district considering the use of a site ((consisting of)) that is less than the recommended minimum usable acreage ((calculated as per the provisions of this subsection shall be approved by the state board of education if the district demonstrates the following)) should assure that:

(a) The health and safety of the students ~~((are))~~ will not be in jeopardy;

(b) The internal spaces within the proposed facility ~~((are))~~ will be adequate for the proposed educational program;

(c) The neighborhood in which the school facility is or will be situated ~~((is))~~ will not be detrimentally impacted by lack of parking for students, employees, and the public; and

(d) The physical education and recreational program ~~((s on the school site are compatible with less than the minimum prescribed acreage))~~ requirements will be met.

(3) ~~((That the school district has contacted the))~~ A site review or predesign conference has been conducted with all appropriate local ((building authorities and requested a predesign conference)) code agencies in order to determine design constraints;

(4) ~~((The school district has retained the services of))~~ A geotechnical engineer ((for the purpose of conducting)) has conducted a limited subsurface investigation to gather basic information regarding potential foundation and subgrade performance ((and a report has been reviewed by the school district board of directors;

(5) ~~The site has been approved by the following agencies:~~

(a) The health agency having jurisdiction;

(b) The local planning commission or authority having jurisdiction; and

(c) The state department of ecology or the local agency having jurisdiction for environmental approvals).

AMENDATORY SECTION (Amending Order 24-85, filed 11/27/85)

WAC 180-26-040 District authority to proceed. Upon completion of the educational specifications review and comment and the site ((~~approval~~) **review**) by the superintendent of public instruction as provided for in WAC 180-26-020 ((~~or state board of education as provided for in WAC 180-26-030~~)), the school district is authorized to proceed as follows:

- (1) Commence with the design of the school facility in accordance with the district's educational specifications.
- (2) Complete the energy conservation report pursuant to WAC 180-27-075.
- (3) Complete a value engineering study pursuant to WAC 180-27-080.

AMENDATORY SECTION (Amending WSR 91-20-151, filed 10/2/91, effective 11/2/91)

WAC 180-26-057 State board of education project commitment at preliminary funded status. ((~~Except as provided at WAC 180-26-058~~) **When** preliminary funding status for a project is requested and granted pursuant to WAC 180-26-050, the state board of education commitment is limited to the eligibility of the project for state assistance, the eligible square footage, the maximum area cost allowance and the priority standing of the project as determined pursuant to the state building assistance rules in effect at ((~~the~~) **that** time ((~~such preliminary funding status is granted~~)). This commitment is effective only for the initial one-year period set forth at WAC 180-26-060. The state board of education ((~~otherwise~~)) reserves the right to amend and/or repeal any rule(s) respecting state assistance in school building construction. Such rule changes may be made regardless of the ((~~negative and/or positive~~)) impact ((~~of such changes~~)) upon the eligibility of any project and/or the extent of eligibility of any project for state assistance.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- | | |
|----------------|--|
| WAC 180-26-030 | Site nonacceptance by superintendent of public instruction—Appeal to state board of education. |
| WAC 180-26-058 | Suspension of state building assistance commitments pending adoption of new priority system for allocating state assistance. |

WSR 98-14-147
PROPOSED RULES
STATE BOARD OF EDUCATION
 [Filed July 1, 1998, 11:59 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-06-004.

Title of Rule: Chapter 180-29 WAC, State assistance in providing school plant facilities—Procedural regulations.

Purpose: To do one or more of the following, as deemed appropriate: Make technical adjustments, clarify existing provisions, repeal unnecessary wording, repeal provisions unsupported by rule-making authority, or provide greater flexibility or discretion to persons or entities subject to the rules.

Statutory Authority for Adoption: RCW 28A.525.020.
 Summary: See Purpose above.

Reasons Supporting Proposal: Amend to provide clarity and rewrite outdated wording; repeal sections that are no longer applicable.

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.

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

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

Proposal Changes the Following Existing Rules: Technical corrections - 6; repeals - 5; paperwork reductions - 0; clarifications - 2; authority transfers (local control) - 1; new sections - 0; and additional requirements - 2.

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

RCW 34.05.328 does not apply to this rule adoption. Not applicable.

Hearing Location: Center for Education Leadership, 2921 Falk Road, Vancouver, WA 98661, on August 19, 1998, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Patty Martin by August 5, 1998, 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 August 12, 1998.

Date of Intended Adoption: August 20, 1998.

July 1, 1998

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 90-17-009, filed 8/6/90, effective 9/6/90)

WAC 180-29-005 Authority. This chapter is adopted pursuant to RCW ((~~28A.525.200~~) **28A.525.020**) relating to authority of the state board of education to prescribe rules and regulations governing the administration, control, terms, conditions, and disbursements of allotments to school districts to assist them in providing school facilities. In accordance with

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RCW 28A.525.200, the only provision of chapter 28A.525 RCW currently applicable to state assistance for school plant facilities are RCW 28A.525.030, 28A.525.040, 28A.525.050, and 28A.525.162 through 28A.525.178.

AMENDATORY SECTION (Amending Order 27-85, filed 11/27/85)

WAC 180-29-021 Deadline for submission of agenda items. ~~((The superintendent of public instruction shall not place on the agenda of any regular meeting of the state board of education any item requested by a district pertaining to the approval of school facilities, including state board of education action regarding study and surveys, site approval or waiver, planning grants, and any other matters requiring action by the state board of education pertaining to a school facility unless such district has presented to the superintendent of public instruction in satisfactory form all materials required by law or rule or regulation of the state board of education pertaining to such action at least sixty calendar days preceding the date of commencement of the next scheduled meeting of the state board of education: *Provided*, That if any error or omission in such materials is found prior to the thirtieth calendar day preceding the first day of such meeting and is corrected prior to such date, the superintendent of public instruction shall place such item on the agenda of the state board of education:))~~ All items related to the approval of school facilities and requiring action by the state board of education shall be submitted to the superintendent of public instruction no later than sixty days prior to the date of any regular state board of education meeting at which action is expected.

AMENDATORY SECTION (Amending Order 12-83, filed 10/17/83)

WAC 180-29-025 State board of education review. Upon completion of the study and survey by the superintendent of public instruction and review by district board of directors, the study and survey shall be submitted to the state board of education, accompanied by recommendations from the superintendent of public instruction and an application for state assistance from the district for the project(s) to be considered by the board. State board of education approval of a proposed project(s) shall establish the ~~((maximum))~~ area cost allowance and estimated amount of state financial assistance based upon the information furnished in the study and survey.

AMENDATORY SECTION (Amending Order 12-83, filed 10/17/83)

WAC 180-29-035 Site~~((—Acceptance requirements))~~. (1) The district shall provide the superintendent of public instruction with ~~((evidence of compliance with applicable site conditions pursuant to chapter 180-26 WAC and))~~ certification from the district board of directors that the site will not create or aggravate racial imbalance.

(2) ~~((The superintendent of public instruction shall conduct an on-site review as required by chapter 180-26 WAC.~~

~~((3) Acceptance))~~ Review of the site by the superintendent of public instruction as required by chapter 180-26 WAC shall be ~~((a prerequisite to commencing with the design of a school facility project))~~ completed prior to issuance of preliminary funding status.

AMENDATORY SECTION (Amending WSR 90-17-009, filed 8/6/90, effective 9/6/90)

WAC 180-29-080 Construction documents—Bids and contract provisions. The construction documents shall include the following bid and contract provisions:

(1) Separate or combined bids. The school district shall determine if the bids for general, mechanical, or electrical are to be separate or combined.

(2) Combination projects. For those projects which include a combination of both new construction and modernization, bid documents shall provide for separate and distinct bids for each and shall, when combined, be the low bid for the project.

(3) Ineligible items. Items ineligible for state matching shall be bid separate or as an alternate.

(4) Bid law. All items included in the construction documents shall be bid in accordance with RCW 28A.335.190 and 43.19.1906.

(5) ~~((Fire))~~ Insurance. Provision for ~~((fire))~~ insurance is mandatory for all school facilities under construction. The insurance shall cover at a minimum the amount of the work in place and materials to be used in the project which is in place and on the site. Evidence shall be submitted to the superintendent of public instruction that insurance is provided for by the contractor or the school district. Only costs for insurance provided for in the construction documents will be matched.

AMENDATORY SECTION (Amending WSR 92-16-058, filed 8/3/92, effective 9/3/92)

WAC 180-29-085 Construction and other documents—Submittal. (1) For the purpose of determining that the provisions set forth in chapters 180-25 through 180-29 WAC have been complied with prior to the opening of bids of any project to be financed with state moneys, the school district shall ~~((submit to or))~~ have on file with the superintendent of public instruction the following:

(a) One microfilm copy of the construction documents;

(b) Cost estimate of construction on a form approved by the superintendent of public instruction, completed and signed by the architect-engineer;

(c) Signed copy or photocopy of letters of approval by other governmental agencies in accordance with WAC 180-29-090;

(d) Area analysis on a form approved by the superintendent of public instruction in accordance with chapter 180-27 WAC;

(e) Complete listing of construction special inspections and/or testing to be performed by independent sources that are included in the project pursuant to WAC 180-27-100;

(f) One copy of the value engineering report ~~((signed))~~ as accepted by the school district board of directors. The report shall include the following:

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- (i) A brief description of the original design;
- (ii) A brief description of the value engineering methodology used;
- (iii) The areas analyzed;
- (iv) The design alternatives proposed;
- (v) The cost changes proposed;
- (vi) The alternates accepted; and
- (vii) A brief statement (~~by the school district board of directors~~) explaining why each alternate not accepted was rejected;

(g) ~~((A))~~ Completed (~~standardized~~) Building (~~inventory and~~) Condition Evaluation Forms (BCEF) as required by WAC 180-27-535 for every school facility in the district.

(2) If the above documents reflect an increase in square foot size from the application approved by the state board of education as per WAC 180-29-030 which will result in an increase in state support, a new application must be submitted to the state board of education.

AMENDATORY SECTION (Amending WSR 94-01-014, filed 12/3/93, effective 1/3/94)

WAC 180-29-090 Construction documents—Other governmental agency approval. ~~((+))~~ The construction documents shall be submitted for the approval of the following other governmental agencies:

- ~~((a))~~ (1) Fire marshal or fire chief having jurisdiction;
- ~~((b))~~ (2) Department of labor and industries or local jurisdiction when permitted by the department of labor and industries (electrical);
- ~~((c))~~ (3) Health agency having jurisdiction;
- ~~((d))~~ (4) Department of ecology or the local agency having jurisdiction for environmental approvals (when applicable); and
- ~~((e))~~ (5) Building official (~~of the~~) having jurisdiction.

Approvals shall be in respect to compliance with pertinent rules and regulations established by said agencies.

~~((2) The school district shall receive)~~ Written approvals of the construction documents by the agencies (~~and submit proof of such approvals~~) shall be submitted to the superintendent of public instruction in accordance with WAC 180-29-085.

AMENDATORY SECTION (Amending WSR 91-20-151, filed 10/2/91, effective 11/2/91)

WAC 180-29-1075 State board of education commitment when district is authorized to open bids. ~~((Except as provided at WAC 180-29-1076))~~ When a district is granted approval to open bids pursuant to WAC 180-29-107, the state board of education is committed as provided at WAC 180-29-107 as well as to all other state building assistance determinations including but not limited to (~~for example,~~) additional state assistance(~~;~~) and professional fees(~~;~~) determined pursuant to state building assistance rules and regulations in effect at the time such approval to open bids is granted. This commitment is subject to the district's compliance with the time limitation for requesting an authorization for contract award as set forth in WAC 180-29-108.

AMENDATORY SECTION (Amending WSR 91-20-151, filed 10/2/91, effective 11/2/91)

WAC 180-29-115 Authorization for contract award.

(1) Upon receipt of the items as per WAC 180-29-110, the superintendent of public instruction shall:

- (a) Analyze the bids;
- (b) Determine the amount of state moneys allocable; and
- (c) ~~((Except as provided at WAC 180-29-116))~~ Make an allocation of state moneys for construction and other items as per chapter 180-27 WAC.

(2) Authorization for contract award and allocation of state moneys shall be contingent upon the following:

- (a) The contract price for the construction has been established by competitive bid(s); and
- (b) The school district has available sufficient local funds pursuant to chapter 180-25 WAC.

AMENDATORY SECTION (Amending Order 12-83, filed 10/17/83)

WAC 180-29-155 Final acceptance of project by architect/engineer. Upon final completion of the project by contractor(s), the architect/engineer shall inspect the project to determine compliance with the construction documents. The architect/engineer, upon determining that the project has been completed satisfactorily, shall make such recommendation through the issuance of a certificate of completion to the school district board of directors. Separate certificates of completion shall be written for each contract awarded. Certificates of completion shall provide a statement of work completed including the gross square footage of new and/or modernized construction.

AMENDATORY SECTION (Amending Order 24-85, filed 11/27/85)

WAC 180-29-200 Forms. In addition to forms prescribed in WAC 180-25-200 and 180-26-200, commencing January 1, 1986, forms applicable to the provisions of this chapter for school facility projects (~~after such date~~) shall be as follows:

- (1) Applications for secured funding status pursuant to WAC 180-29-107 shall be designated as SPI Form D-7.
- (2) Grants of secured funding status pursuant to WAC 180-29-107 shall be given to districts through SPI Form D-8.
- (3) Grants of authority for school districts to proceed without secured funding status pursuant to WAC 180-29-107 shall be given to districts through SPI Form D-8-1.
- (4) Applications for authority to enter into contracts pursuant to WAC 180-29-110 shall be designated as SPI Form D-9.
- (5) Grants of authority to enter into contracts pursuant to WAC 180-29-115 shall be given to districts through SPI Form D-10.
- (6) Grants of authority for school districts to enter into contracts without secured funding status pursuant to WAC 180-29-115 shall be given to districts through SPI Form D-10-1.

(7) Applications for SPI to release retainage pursuant to WAC 180-29-165 shall be designated as SPI Form D-11.

((7)) (8) Grants of release of final retainage pursuant to WAC 180-29-165 shall be given through SPI Form D-12.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 180-29-015 Application—Study and survey by the superintendent of public instruction.
- WAC 180-29-020 Study and survey—Local involvement.
- WAC 180-29-030 State board of education approval.
- WAC 180-29-1076 Suspension of state building assistance commitments pending adoption of new priority system for allocating state assistance.
- WAC 180-29-116 Suspension of state building assistance commitments pending adoption of new priority system for allocating state assistance.

WSR 98-14-148

PROPOSED RULES

STATE BOARD OF EDUCATION

[Filed July 1, 1998, 11:59 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-06-001.

Title of Rule: Chapter 180-30 WAC, State assistance in providing school plant facilities—Pre-November 1983 applications.

Purpose: To repeal chapter 180-30 WAC which is outdated and no longer needed.

Statutory Authority for Adoption: RCW 28A.525.020.

Summary: See Purpose above.

Reasons Supporting Proposal: Repeal the entire chapter as it is no longer applicable.

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.

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

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

Proposal does not change existing rules.

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

RCW 34.05.328 does not apply to this rule adoption. Not applicable.

Hearing Location: Center for Education Leadership, 2921 Falk Road, Vancouver, WA 98661, on August 19, 1998, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Patty Martin by August 5, 1998, 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 August 12, 1998.

Date of Intended Adoption: August 20, 1998.

July 1, 1998

Larry Davis

Executive Director

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 180-30-003 Applicability of chapter.
- WAC 180-30-005 Regulatory provisions.
- WAC 180-30-010 Policies and principles—Basic policy.
- WAC 180-30-015 Policies and principles—Policies and principles relating to nonhigh school districts contemplating establishment of high schools and to districts operating small high schools.
- WAC 180-30-030 Eligibility for state assistance—Need for school facilities a basis for eligibility.
- WAC 180-30-035 Eligibility for state assistance—School district effort to provide capital funds a basis for eligibility.
- WAC 180-30-040 Eligibility for state assistance—Evidence that new construction will not create or aggravate racial imbalance a basis for eligibility.
- WAC 180-30-050 General regulations—Licensed architects.
- WAC 180-30-055 General regulations—Sites—Approval, sizes and fee simple title.
- WAC 180-30-060 General regulations—Replacement of substandard facilities.
- WAC 180-30-065 General regulations—Time limit for advancement of projects.

PROPOSED

WAC 180-30-071	General regulation—Change in project scope.	WAC 180-30-355	Relocatable buildings—Definition.
WAC 180-30-075	General regulations—Change orders.	WAC 180-30-360	Relocatable buildings—Basic policy.
WAC 180-30-100	Basic state support level—Related factors.	WAC 180-30-365	Relocatable buildings—Construction regulations.
WAC 180-30-105	Basic state support level—State matching percentage.	WAC 180-30-370	Relocatable buildings—Regulations governing.
WAC 180-30-110	Basic state support level—Space allocations.	WAC 180-30-380	Relocatable buildings—Procedural requirements.
WAC 180-30-115	Basic state support level—Square foot cost level of state support.	WAC 180-30-400	Pilot or exemplary projects.
WAC 180-30-116	Basic state support level—Equipment allowance.	WAC 180-30-405	Energy conservation program.
WAC 180-30-117	Basic state support level—Sales tax.	WAC 180-30-406	Energy conservation program—Life cycle cost analysis.
WAC 180-30-120	Basic state support level—Architectural and engineering services.	WAC 180-30-407	Energy conservation program—Energy conservation considerations in existing facilities.
WAC 180-30-125	Basic state support level—Insurance funds.	WAC 180-30-408	Energy conservation program—Procedural requirements.
WAC 180-30-130	Basic state support level—Federal funds.	WAC 180-30-410	Preliminary planning grants to school districts.
WAC 180-30-135	Basic state support level—Costs to be financed entirely with school district local funds.	WAC 180-30-415	Preliminary planning grants to school districts—Basic policies.
WAC 180-30-200	Additional state assistance—General provisions.	WAC 180-30-420	Preliminary planning grants to school districts—Application provisions.
WAC 180-30-205	Additional state assistance—Handicapped children and vocational-technical institute students.	WAC 180-30-425	Preliminary planning grants to school districts—Procedural requirements.
WAC 180-30-210	Additional state assistance—Loss of building by fire.	WAC 180-30-430	Grants to school districts for purchase of works of art.
WAC 180-30-215	Additional state assistance—Condemnation of a building.	WAC 180-30-435	Grants to school districts for purchase of works of art—Basic policies.
WAC 180-30-220	Additional state assistance—Improved school district organization.	WAC 180-30-440	Grants to school districts for purchase of works of art—Procedural requirements.
WAC 180-30-225	Additional state assistance—Improved racial balance.	WAC 180-30-450	Nonhigh school district participation in financing cost of secondary school facilities—Basic policy.
WAC 180-30-230	Additional state assistance—Other conditions creating an emergency.	WAC 180-30-455	Nonhigh school district participation in financing cost of secondary school facilities—Implementation of policy.
WAC 180-30-250	Additional allotment to meet school housing emergency.		
WAC 180-30-350	Relocatable buildings.		

WAC 180-30-460	Interdistrict cooperation in financing construction of school plant facilities—Statutory authority.	WAC 180-30-620	Notice of intent by school district to submit application for state assistance and school housing study prerequisites to filing of application.
WAC 180-30-465	Interdistrict cooperation in financing construction of school plant facilities—Any cooperative plan subject to state board approval.	WAC 180-30-625	Acknowledgment of notice of intent to file application and instructions for preparation and filing of application and supporting data.
WAC 180-30-470	Interdistrict cooperation in financing construction of school plant facilities—Applicant district defined.	WAC 180-30-630	Application for state assistance.
WAC 180-30-475	Interdistrict cooperation in financing school construction—Application provisions.	WAC 180-30-635	Authorization to prepare final plan and specifications (construction documents).
WAC 180-30-480	Interdistrict cooperation in financing construction of school plant facilities—Contract between applicant and participating districts.	WAC 180-30-640	Preparation of final plan and specifications (construction documents)—Bid and contract provisions.
WAC 180-30-485	Interdistrict cooperation in financing construction of school plant facilities—Approval of program or services by superintendent of public instruction.	WAC 180-30-645	Final plan and specifications (construction documents) to be submitted for review and approval.
WAC 180-30-490	Interdistrict cooperation in financing construction of school plant facilities—Dissolution provisions.	WAC 180-30-650	Preliminary allotment of state funds.
WAC 180-30-495	Interdistrict cooperation in financing school construction—Project construction approval required—Rules and regulations governing.	WAC 180-30-655	Bid data and document requirements following bid opening.
WAC 180-30-500	Statutory authority and program goals.	WAC 180-30-660	Final allotment of state funds.
WAC 180-30-505	Definitions.	WAC 180-30-710	Disbursement of funds for construction of school plant facilities—Administration of payments from state funds under direction of state superintendent.
WAC 180-30-510	Procedural guidelines.	WAC 180-30-715	Disbursement of funds for construction of school plant facilities—Sequence of payments by school district and state.
WAC 180-30-515	Exemptions.	WAC 180-30-720	Disbursement of funds for construction of school plant facilities—General provisions applicable to payments by school district and/or state.
WAC 180-30-520	School facilities cost stabilization program—Procedural requirements.	WAC 180-30-725	Disbursement of funds for construction of school plant facilities—Payments from school district local funds—Requirements and procedures.
WAC 180-30-575	Federal grants to school districts for school construction—Relating to certification by state agency.		
WAC 180-30-610	Application requirements and procedural regulations governing.		

WAC 180-30-730	Disbursement of funds for construction of school plant facilities—Payments from state funds—General provisions.		application and instructions for preparation and filing of application and supporting data.
WAC 180-30-735	Disbursement of funds for construction of school plant facilities—Progress payments from state funds.	WAC 180-30-825	Program for barrier-free facilities—Application for state assistance.
WAC 180-30-740	Disbursement of funds for construction of school plant facilities—Final payments on contracts.	WAC 180-30-830	Program for barrier-free facilities—Approval of final plan.
WAC 180-30-750	Advancement of project pending availability of appropriated funds and priority rank.	WAC 180-30-845	Program for barrier-free facilities—Disbursement of funds for modification of facilities for handicapped accessibility.
WAC 180-30-755	Authorization for district to proceed at its own financial risk with advancement of project.	<p>WSR 98-14-149 PROPOSED RULES STATE BOARD OF EDUCATION [Filed July 1, 1998, 11:59 a.m.]</p>	
WAC 180-30-760	Approval of final plan and specifications.	<p>Original Notice. Preproposal statement of inquiry was filed as WSR 98-06-005.</p>	
WAC 180-30-765	Bid data and document requirements following bid opening.	<p>Title of Rule: Chapter 180-27 WAC, State assistance in providing school plant facilities—Basic state support.</p>	
WAC 180-30-770	Authorization to award contract.	<p>Purpose: To do one or more of the following, as deemed appropriate: Make technical adjustments, clarify existing provisions, repeal unnecessary wording, repeal provisions unsupported by rule-making authority, or provide greater flexibility or discretion to persons or entities subject to the rules.</p>	
WAC 180-30-775	Disbursement of funds for construction of school plant facilities—Final payments on contracts.	<p>Statutory Authority for Adoption: RCW 28A.525.020. Summary: See Purpose above.</p>	
WAC 180-30-780	Deferred payment of state funds.	<p>Reasons Supporting Proposal: Amend to provide clarity and rewrite outdated wording; repeal sections that are no longer applicable.</p>	
WAC 180-30-800	Program for barrier-free facilities.	<p>Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, (360) 753-6715.</p>	
WAC 180-30-805	Program for barrier-free facilities—Basic policies.	<p>Name of Proponent: State Board of Education.</p>	
WAC 180-30-807	Program for barrier-free facilities—Basic state support level.	<p>Rule is not necessitated by federal law, federal or state court decision.</p>	
WAC 180-30-810	Program for barrier-free facilities—Application requirements and procedural regulations.	<p>Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose above.</p>	
WAC 180-30-815	Program for barrier-free facilities—Notice of intent to file application for state assistance.	<p>Proposal Changes the Following Existing Rules: Technical corrections - 17; repeals - 4; paperwork reductions - 0; clarifications - 6; authority transfers (local control) - 1; new sections - 2; and additional requirements - 2.</p>	
WAC 180-30-820	Program for barrier-free facilities—Acknowledgment of notice of intent to file	<p>No small business economic impact statement has been prepared under chapter 19.85 RCW. Not applicable. RCW 34.05.328 does not apply to this rule adoption. Not applicable.</p>	
		<p>Hearing Location: Center for Education Leadership, 2921 Falk Road, Vancouver, WA 98661, on August 19, 1998, at 9:00 a.m.</p>	

PROPOSED

Assistance for Persons with Disabilities: Contact Patty Martin by August 5, 1998, 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 August 12, 1998.

Date of Intended Adoption: August 20, 1998.

July 1, 1998

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 90-17-009, filed 8/6/90, effective 9/6/90)

WAC 180-27-005 Authority. This chapter is adopted pursuant to RCW ((28A.525.200)) 28A.525.020 relating to authority of the state board of education to prescribe rules and regulations governing the administration, control, terms, conditions, and disbursements of allotments to school districts to assist them in providing school facilities. In accordance with RCW 28A.525.200, the only provisions of chapter 28A.525 RCW currently applicable to state assistance for school plant facilities are RCW 28A.525.030, 28A.525.040, 28A.525.050, and 28A.525.162 through 28A.525.178.

AMENDATORY SECTION (Amending WSR 90-17-009, filed 8/6/90, effective 9/6/90)

WAC 180-27-015 State board policy. (1) In the interpretation of the regulations in this chapter, the superintendent of public instruction shall be guided by the following state board of education policy:

(a) To equate insofar as possible the efforts by districts to provide capital moneys;

(b) To equalize insofar as possible the educational opportunities for the students of the state;

(c) To establish a level of state support for the construction and modernization of school facilities consistent with moneys available; and

(d) ~~((To recognize that districts may find it necessary to apply local moneys in excess of state matching funds in order to provide facilities commensurate with their respective educational specifications; and~~

(e)) To recognize that districts may have reasons to remove district facilities from current inventories and provide consistent state-wide policies for removal.

(2) Nonhigh district participation in financing the cost of secondary school facilities shall be established pursuant to the provisions of chapter 28A.540 RCW.

AMENDATORY SECTION (Amending WSR 92-16-058, filed 8/3/92, effective 9/3/92)

WAC 180-27-016 Rules determining eligibility and timing of state assistance. The eligibility for and the amount of state assistance shall be determined as outlined in WAC 180-27-020. The prioritization and timing for receipt of state assistance for eligible projects shall be determined by WAC ((180-27-058 or)) 180-27-500((, as applicable)).

AMENDATORY SECTION (Amending WSR 95-20-090, filed 10/4/95, effective 11/4/95)

WAC 180-27-019 Definition—Instructional space. As used in this chapter, the term "instructional space" means the gross amount of square footage calculated in accordance with the *American Institute of Architects, Document D101, The Architectural Area and Volume of Buildings*, latest edition, for a school facility utilized by a school district for the purpose of instructing students: *Provided*, That the following areas shall not be included in any calculation of instructional space:

(1) Exterior covered walkways, cantilevered or supported.

(2) Exterior porches including loading platforms.

(3) ~~((Spaces above occupied))~~ Areas located above instructional spaces which are either vacant or primarily housing mechanical and/or electrical equipment.

(4) Space used by central administrative personnel.

(5) Stadia and grandstands.

(6) Bus garages.

(7) Free-standing warehouse space specifically designed for that purpose.

(8) Portable facilities.

(9) Other square footage not otherwise available or related to direct instruction or instructional support of the education program in the district.

(10) The portion(s) of any space(s) constructed from grants made as a gift to a school district by a private entity or a public entity which:

(a) Is dedicated by the written terms of the grant to joint use by the school district for educational purposes and by the general public for community activities for the useful life of the space(s); and

(b) The school district board of directors has accepted the gift in accordance with the joint use terms of the grant: *Provided*, That this exception does not apply to space(s) jointly financed by two or more school districts.

AMENDATORY SECTION (Amending WSR 90-17-009, filed 8/6/90, effective 9/6/90)

WAC 180-27-030 Applicable state matching percentage for project. Pursuant to provisions of RCW 28A.525.166, the percentage of state assistance used for the allocation of state moneys shall be the highest amount prevailing at the time ~~((the voters of the school district authorize the issuance of bonds and/or the levying of excess taxes to meet the statutory and state board of education fiscal requirements for state assistance in providing school facilities shall be the percentage used for the allocation of state moneys: *Provided*, That in the event a higher percentage of state assistance prevails at the time of state board of education project approval or at the superintendent of public instruction construction and other document approval as set forth in WAC 180-29-030 and 180-29-085, then that higher percentage of state assistance shall govern the project))~~ of:

(1) Passage of bonds and/or levies by the voters of the school district to meet the requirement for local funding;

(2) State board of education project approval; or

(3) Superintendent of public instruction approval to bid.

AMENDATORY SECTION (Amending Order 6-84, filed 5/17/84)

WAC 180-27-035 Space allocations. (1) State assistance in the construction of school facilities for grades kindergarten through twelve and classrooms planned for the exclusive use of ~~((handicapped))~~ students with disabilities shall be based on a space allowance per enrolled student and for state matching purposes shall be computed in accordance with the following table:

Grade or Area	Maximum Matchable Area Per Student
Grades kindergarten through six	80 square feet
Grades seven and eight	110 square feet
Grades nine through twelve	120 square feet
Classrooms for ((handicapped)) stu- <u>dents with disabilities</u>	140 square feet

For purposes of this subsection, kindergarten students shall be calculated at fifty percent of actual headcount enrollments on October 1 and submitted to the superintendent of public instruction on October 1 each year; ~~((handicapped))~~ students with disabilities shall be counted as one student for each such student assigned to a specially designated self-contained classroom for ~~((handicapped children))~~ students with disabilities for at least one hundred minutes per school day, calculated on actual headcount enrollment submitted to the superintendent of public instruction.

~~(2) ((State assistance for construction of vocational technical institutes shall be based on full-time equivalent students enrolled on October 1 and computed as follows:~~

Type of Facility	Maximum Matchable Area Per Full-Time Equivalent Student
Vocational-Technical Institutes	140 square feet

~~(3)) State assistance for construction of vocational skill centers shall be based on one-half of students enrolled on October 1 and computed as follows:~~

Type of Facility	Maximum Matchable Area Per One-Half Enrolled Student
Skill Centers	140 square feet

~~((4)) (3) Space allowance for state matching purposes—districts with senior or four-year high schools with fewer than four hundred students. Space allowance for districts with senior or four-year high schools with fewer than~~

four hundred students for state matching purposes shall be computed in accordance with the following formula:

Number of Headcount Student-Grades 9-12	Maximum Matchable Area Per Facility
0-100	37,000 square feet
101-200	42,000 square feet
201-300	48,000 square feet
301-or more	52,000 square feet

AMENDATORY SECTION (Amending WSR 92-24-027, filed 11/24/92, effective 12/25/92)

WAC 180-27-045 Space allocations—Enrollment projection provisions. In planning for construction of all school facilities, a school district shall estimate capacity needs on the basis of the following:

- (1) A three or five-year cohort survival enrollment projection for growth districts, whichever is greater;
- (2) A three or five-year cohort survival enrollment projection for a declining district, whichever is lesser;
- (3) Actual enrollment of preschool ~~((handicapped))~~ students with disabilities; and
- (4) Supplemental information regarding district growth factors which may include but not be limited to the following types of information:
 - (a) County live birth rates;
 - (b) New housing starts;
 - (c) Utility/telephone hookups; and
 - (d) Economic/industrial expansion.

For the purpose of this section, kindergarten students and students with disabilities shall be counted as provided under WAC 180-27-035 and all other grade one through twelve students shall be counted as October count day full-time equivalent students as reported to the superintendent of public instruction: *Provided*, That a school district which has or has had an annual average full-time equivalent enrollment of over five hundred, and which applied for and received additional state basic education allocation moneys based upon an enrollment increase after the first of the month enrollment count, may use the average of the two highest monthly full-time equivalent enrollment counts during the school year.

AMENDATORY SECTION (Amending WSR 90-04-031, filed 1/30/90, effective 3/2/90)

WAC 180-27-050 Space allocations—Computing building capacity. The net total area of a school facility eligible for state matching purposes shall be calculated as follows:

- (1) The capacity of existing buildings within the district based on the school district's assigned grade spans shall be computed in accordance with the tables set forth in WAC 180-27-035 and the square foot area analysis set forth in WAC 180-27-040.

PROPOSED

(2) The number of students projected at each grade span shall be multiplied by appropriate numbers of square feet as set forth in WAC 180-27-035. (Note: The area generated at each grade level determines district eligibility, if any.)

(3) The amount of housing the district is eligible to construct at each grade span is determined by subtracting the area computed in subsection (2) of this section from the existing housing capacity at each grade span in the school district. Using this formula, over housing at the secondary grade level, grades nine through twelve, or elementary grade level, kindergarten through eight, will not negatively affect unhooused eligibility at the elementary grade level or secondary grade level respectively.

(4) Appropriate grade assignment is a local determination ((and shall not affect the above calculations)).

AMENDATORY SECTION (Amending Order 2-85, filed 1/25/85)

WAC 180-27-054 Implementation of priority approval process. In the event the state board of education determines that projected revenues, as calculated by the ceiling established in WAC 180-27-056(2), are insufficient to meet school construction needs of school districts for the ensuing state fiscal year, the state board of education shall order the implementation of a priority approval process on final approval by the superintendent of public instruction of additional school construction projects pursuant to WAC 180-29-107. Such priority approval process shall remain in effect until the order is rescinded by the state board of education (~~(-Provided, That if the state board of education determines that projected revenue is insufficient for the 1985-86 state fiscal year, the priority approval process shall not become effective prior to the end of the 1985 regular session and any immediately following special session of the forty-ninth legislature unless the state board of education prior to such adjournment specifically orders an earlier implementation date))~~).

AMENDATORY SECTION (Amending WSR 92-16-058, filed 8/3/92, effective 9/3/92)

WAC 180-27-056 Funding during the period of a priority approval process order by state board of education. During the period of a priority approval process imposed by order of the state board of education school construction projects shall receive final approval pursuant to WAC 180-29-107 as follows:

(1) On or after July 1 following the state board of education order for the implementation of a priority approval process the superintendent of public instruction shall rank all projects for which final approval has been requested pursuant to WAC 180-29-107 as per the ((applicable)) priority list in WAC ((180-27-058 or)) 180-27-500. Only school construction projects with state board of education approval under WAC 180-25-045 and secured local capital funds by ((December)) January 31 of the previous state fiscal year and eligible for final approval pursuant to WAC 180-29-107 by June 30 of the previous state fiscal year shall be placed on ((that)) the priority list (~~(-Provided, That for the state fiscal~~

~~year beginning July 1, 1992, the December 31, 1991, cutoff date is extended to March 27, 1992))~~).

(2) Based on a ceiling of one and one-half times the amount of the estimated revenue available for the state fiscal year plus fund balance for the state fiscal year minus outstanding encumbrances for the state fiscal year or as close thereto as is reasonably practical, the superintendent of public instruction shall give final approval pursuant to WAC 180-29-107 during the state fiscal year to school construction projects on the priority list. For the purpose of this subsection the term "estimated revenue available for the state fiscal year" shall mean the estimated revenue from the common school construction fund for the current state fiscal year and the subsequent state fiscal year, the result of which is divided by two.

(3) In the event the state board of education does not rescind the order for the implementation of a priority approval process by the close of the state fiscal year, school construction projects remaining on the priority list without final approval and, therefore, without secured funding status pursuant to WAC 180-29-107 shall be combined with new school construction projects that have secured local capital funds by ((December)) January 31 of the state fiscal year and that are eligible, pursuant to WAC 180-29-107, for final approval by the close of the state fiscal year, and a new priority list shall be established on or after July 1 of the next state fiscal year and such remaining and new school construction projects shall be eligible for final approval pursuant to the provisions of subsections (1) and (2) of this section.

AMENDATORY SECTION (Amending WSR 89-22-007, filed 10/20/89, effective 11/20/89)

WAC 180-27-057 State assistance—Deferred payment. ((+)) In the event state moneys are not sufficient for a school district project, a school district may proceed at its own financial risk. At such time state moneys become available, reimbursement may be made for the project provided the provisions of chapter 180-29 WAC have been complied with.

~~((2) Notwithstanding subsection (1) of this section, and the moratorium upon approval imposed by WAC 180-25-300, a school district may elect to proceed in compliance with the procedural requirements of chapters 180-25 through 180-33 WAC with a project for which a completed request for state board approval was filed with the superintendent of public instruction during the period January 1 through March 30, 1989, at the district's expense and risk; and, the project may be approved for state assistance purposes by the board subsequent to the termination of this moratorium subject to the terms and conditions of chapters 180-25 through 180-33 WAC, as hereafter revised and in effect at the time of approval:))~~

AMENDATORY SECTION (Amending Order 25-85, filed 11/27/85)

WAC 180-27-060 Determining the area cost allowance. The area cost allowance for state assistance shall apply to the cost of construction of the total facility and grounds

including state sales and use taxes generally levied throughout the state of Washington and excluding those local option sales and use taxes levied by political subdivisions. The maximum area cost allowance used in calculating state financial assistance for construction of school facilities shall be determined by the superintendent of public instruction as follows:

(1) Commencing with the two-month period of July-August, 1984, a two-month area cost allowance is determined as follows: The average ~~((seven-city))~~ building cost index ~~(Boeckh Index)~~ for commercial ~~((and)),~~ factory, and office buildings in ~~six Washington ((state)) cities and Portland, Oregon as reported by the E. H. Boeckh Company ((Boeckh Index))~~ for that two-month period (1,494.99) shall be multiplied by the 1984 area cost allowance (\$74.87). That product shall be divided by the 1984 ~~((area))~~ building cost index (1,494.99).

(2) The calculation in subsection (1) of this section shall be made for each subsequent two-month period ~~((averaging six Washington cities and the Portland, Oregon metropolitan area reported by E. H. Boeckh Company)).~~

(3) ~~((Each of the actual two-month area cost allowances calculated as set forth in subsections (1) and (2) of this section shall be recorded by the superintendent of public instruction.~~

~~((4))~~ The ~~((average))~~ monthly rate of increase in the area cost allowance for ~~((the previous one))~~ each year ~~((is))~~ ending August 31 shall be determined ~~((as follows: Not later than August 31 of each year,))~~ by subtracting the ~~((actual two-month))~~ area cost allowance calculated for ~~September-October~~ (the first two-month ~~((reporting))~~ period in the ~~((twelve-month period ending August 31 shall be subtracted))~~ year) from the ~~((actual))~~ area cost allowance for ~~July-August~~ (the ~~((current))~~ last two-month ~~((reporting))~~ period~~((This))~~ of the year) and dividing the result ~~((shall be divided))~~ by twelve.

~~((5))~~ (4) The projected maximum monthly area cost allowances for the next ensuing school fiscal year are calculated as follows:

(a) The area cost allowance for July-August 1985 effective September 1, 1985 shall be the actual amount as calculated in subsections (1) and (2) of this section.

(b) The projected area cost allowance for the following twelve months will be the amount of the previous month plus the average monthly rate of increase as calculated in subsection ~~((4))~~ (3) of this section.

~~((6))~~ (5) The projection process will be repeated no later than August 31 for each following school fiscal year and reported to the state board of education for approval.

AMENDATORY SECTION (Amending WSR 93-13-026, filed 6/10/93, effective 7/11/93)

WAC 180-27-070 Architectural and engineering services. School districts shall select their architectural and engineering consultants in accordance with chapter 39.80 RCW. As required by RCW 39.80.050, the district shall negotiate a contract with the most qualified consultants at a price which the school district determines is fair and reasonable ~~((to the district; and;))~~. In making its determination, the district shall take into account the estimated value of the services to be

rendered ~~((as well as))~~ based upon the scope~~((;))~~ and complexity~~((; and professional nature thereof))~~ of the project.

The allocation of state moneys for matching purposes for a school facility project shall be based on ~~((the basic))~~ architectural and engineering services as defined by the latest edition of the American Institute of Architects Handbook of Professional Practice~~((; eleventh edition, 1988;))~~ and calculated by the percentage(s) in relation to the square foot area of construction as calculated in WAC 180-27-040 and project type, as set forth below:

(1) **New construction projects:**

Architectural and Engineering Team Fee Matching Limitations

Square Feet of Construction	Percent of Construction Cost
Under 3,700	10.0
3,700	9.0
7,350	8.75
11,000	8.5
14,650	8.25
18,300	8.0
25,700	7.75
36,700	7.5
55,000	7.25
73,400	7.0
101,000	6.75
128,450	6.5
156,000	6.25
183,500 & above	6.0

Note: Compensation for projects with square foot area of construction between the values shown shall be established for matching purposes by the process as indicated in the example below.

Example:

Assume: Area of construction = 75,000 sq. ft.
Area cost allowance = \$90/sq. ft.

73,400 sq. ft. x \$90/sq. ft. x 7.0%	=	\$462,420.00
1,600 sq. ft. x \$90/sq. ft. x 6.75%	=	9,720.00
75,000 sq. ft.		\$472,140.00

State share = \$472,140.00 x state matching percentage

(2) **Modernization projects:**

For modernization projects, the limits of state participation shall be one and one-half times the amount calculated for new construction ~~((as set forth in subsection (1) of this section)).~~

(3) **Combination projects:**

PROPOSED

For those projects which include a combination of new construction and modernization, the limits of state participation shall be prorated as set forth in subsection (1) and (2) of this section.

AMENDATORY SECTION (Amending WSR 92-24-027, filed 11/24/92, effective 12/25/92)

WAC 180-27-075 Energy conservation report. In compliance with the provisions of chapter 39.35 RCW, school districts constructing school facilities shall complete an energy conservation report for any new construction or for additions to and modernization of existing school facilities which will be reviewed by the Washington state ~~((energy office))~~ department of general administration. One copy of the energy conservation report, approved by the district board of directors, shall be filed with the superintendent of public instruction. The amount of state assistance for which a district is eligible for the preparation of the energy conservation report shall be the state matching percentage multiplied by ten thousand dollars. The amount of state assistance for which a district is eligible ~~((for the report review fee charged by the Washington state energy office))~~ shall be the state matching percentage multiplied by the fee charged.

AMENDATORY SECTION (Amending Order 11-83, filed 10/17/83)

WAC 180-27-080 Value engineering study—Requirements and definition. At the appropriate time in the design process for a school facility approved by the state board of education, the district shall ~~((cause to be prepared))~~ prepare a standard value engineering study ~~((of the project except that))~~ for all projects greater than fifty thousand square feet. Preparation of a value engineering study is optional for projects larger than fifteen thousand square feet but fifty thousand square feet or less. Any project which includes fifteen thousand square feet or less shall be exempt from this requirement. For the purpose of this section, a standard value engineering study is defined as a cost control technique which is based on the use of a systematic, creative analysis of the functions of the facility with the objective of identifying unnecessary high costs or functions and/or identifying cost savings that may result in high maintenance and operation costs. The study shall consist of a forty-hour workshop involving a minimum of a five-person team pursuant to WAC 180-29-065. The amount of state assistance for which a district is eligible for a value engineering study shall be the state matching percentage multiplied by the greater of the following:

- (1) One-quarter of one percent of the area cost allowance multiplied by the square foot area at time of bid; or
- (2) ~~((Fifteen))~~ Twenty thousand dollars.

NEW SECTION

WAC 180-27-082 Constructability review. At the appropriate time in the design process for a school facility approved by the state board of education, the district may elect to perform a constructability review of its project. For

the purpose of this section, a constructability review is defined as a cost control technique which is based on the review of project documents by mechanical, electrical, structural, construction and design professionals prior to a request for bids. The amount of state assistance for which a district is eligible for a constructability review shall be the state matching percentage multiplied by the greater of the following:

- (1) One-quarter of one percent of the area cost allowance multiplied by the square foot area at time of bid; or
- (2) Twenty thousand dollars.

NEW SECTION

WAC 180-27-083 Building commissioning. At the appropriate time for a school facility approved by the state board of education, the district may elect to perform building commissioning for its project. For the purpose of this section, building commissioning is defined as the systematic process of ensuring, through documented verification, that all building systems perform correctly. The amount of state assistance for which a district is eligible for building commissioning shall be the state matching percentage multiplied by the greater of the following:

- (1) One-quarter of one percent of the area cost allowance multiplied by the square foot area at time of bid; or
- (2) Twenty thousand dollars.

AMENDATORY SECTION (Amending Order 11-83, filed 10/17/83)

WAC 180-27-095 Support level—Furniture and equipment allowances. (1) A matchable allowance for furniture and equipment purchases shall be added to total construction cost of an approved school facilities project. The amount of state assistance for which a district is eligible shall be the eligible square foot area of the project multiplied by the area cost allowance of state support at time of bid and that product multiplied by:

- (a) Two percent for elementary schools;
- (b) Three percent for middle and junior high schools;
- (c) Four percent for high schools;
- (d) Five percent for ~~((handicapped))~~ facilities for students with disabilities;
- (e) ~~((Five percent for vocational-technical facilities;~~
- (f)) Five percent for interdistrict cooperative occupational skill centers; and
- ~~((g))~~ (f) Seven percent for interdistrict transportation cooperatives.

(2) For those projects where the eligible square footage is allocated to grade spans which do not conform to those listed above, the equipment allowance shall be allocated based on eligibility as established in WAC 180-27-035.

AMENDATORY SECTION (Amending Order 3-86, filed 2/4/86)

WAC 180-27-105 ~~((Support level—))~~ Insurance ~~((receipts))~~. ~~((It is a school district, not a state, determination whether or not a))~~ All school ~~((facility))~~ facilities shall be insured. Should a district need to replace or repair a school

facility destroyed or damaged ((~~by fire~~)), it will be the district's financial responsibility to replace or repair the number of square feet destroyed or damaged ((~~by the fire~~)).

AMENDATORY SECTION (Amending WSR 93-20-067, filed 10/1/93, effective 11/1/93)

WAC 180-27-115 Support level—Additional assistance. State assistance in addition to the amount determined pursuant to WAC 180-27-020 ((~~and 180-27-055~~)) may be allowed for the purposes and in accordance with the requirements set forth in this section: *Provided*, That in no case shall the state assistance exceed one hundred percent of the amount calculated for matching purposes: In each of the following exceptions, either at the time the project is approved pursuant to WAC 180-25-040 or at any time prior to receiving secured funding status pursuant to WAC 180-29-107, written school district application for additional assistance and state board of education approval is required:

(1) A school facility subject to abatement and an order to vacate.

A school district required to replace a school facility determined to be hazardous to the safety and health of school children and staff—as evidenced by reports of architects or engineers licensed to practice in the state of Washington, the health agency having jurisdiction, and/or the fire marshal and building official having jurisdiction—shall be eligible for additional assistance if the voters of the school district authorize the issuance of bonds and/or the levying of excess taxes to meet the statutory limits. If the state board of education determines that the voters of the school district have authorized the issuance of bonds to its legal limit, the board shall provide state financial assistance for the remaining cost of the building to a level not exceeding the area cost allowance set forth in WAC 180-27-060: *Provided*, That at any time thereafter when the state board of education finds that the capital financial position of such district has improved, the amount of the additional allocation provided pursuant to this subsection shall be recovered by deducting an amount equal to all or a portion of such additional allocation from any future state school facility construction funds which might otherwise be provided to such district.

(2) Interdistrict cooperative centers.

In the financing of interdistrict cooperative projects as set forth in chapter 180-31 WAC, the state board of education shall allocate at seventy-five percent of the total approved project cost determined eligible for state matching purposes if the planned school facility meets the following criteria:

(a) Provides educational opportunities, including vocational skills programs, not otherwise provided; or

(b) Avoids unnecessary duplication of specialized or unusually expensive educational programs or facilities.

(3) School housing emergency.

A school district found by the state board of education to have a school housing emergency requiring an allocation of state moneys in excess of the amount allocable under the statutory formula may be considered for an additional allocation of moneys: *Provided*, That the school district must have authorized the issuance of bonds to its legal capacity to meet

the statutory and state board of education fiscal requirements for state assistance in providing school facilities.

The total amount of state moneys allocated shall be the total approved project cost determined eligible for state matching purposes multiplied by the districts' regular match rate as calculated pursuant to RCW 28A.525.166 plus twenty percent and not to exceed ninety percent in total: *Provided further*, That at any time thereafter when the state board of education finds that the capital financial position of such district has improved, the amount of the additional allocation provided pursuant to this subsection shall be recovered by deducting an amount equal to all or a portion of such additional allocation from any future state school facility construction funds which might otherwise be provided to such district.

(4) Improved school district organization.

If two or more school districts reorganize into a single school district and the construction of new school facilities results in the elimination of a small high school with a full-time equivalent enrollment in grades 9-12 of less than four hundred students and/or an elementary school with a full-time equivalent enrollment of less than one hundred students, the state board of education shall match the total approved cost of the project at seventy-five percent.

(5) Racial imbalance.

Any school district that contains a school facility which is racially imbalanced as defined in WAC 180-26-025 shall receive state assistance under this subsection in the amount of an additional ten percentage points above the matching percentage as calculated pursuant to RCW 28A.525.116 (b) and (c) which will not exceed a total of ninety percent of the total approved cost of construction: *Provided*, School construction projects for racial balance that meet the following conditions shall be provided state assistance at seventy-five percent of the approved square foot cost allowance under the provisions of this subsection as they existed prior to the amendment of this subsection in 1993:

(a) Voter approved local matching funds were authorized before December 31, 1992;

(b) The superintendent of public instruction approved a comprehensive desegregation plan with specific construction and modernization projects under additional state assistance criterion in effect at that time, which will be identified on or before September 15, 1993; and

(c) The superintendent of public instruction confirms at the time of project approval pursuant to WAC 180-25-040 the continued existence of racial balance needs.

In the case of a school district which contains a racially imbalanced school facility the district must demonstrate that, as a result of new construction or modernization, the particular school facility will no longer be racially imbalanced, that the combined minority enrollment in the particular school facility will be reduced by more than ten percentage points, and that the above stated results will be obtained as a direct result of increased enrollment of nonminority students in the particular school facility: *Provided*, That the particular school facility shall remain racially balanced for a period of at least five years after the date of actual building occupancy: *Provided further*, That if the state board of education finds that the school facility does not remain racially balanced for

five years then the amount of additional state assistance provided pursuant to this subsection shall be recovered by deducting an amount equal to all of the additional allocation from any future state school facility construction funds which might otherwise be provided to such district.

(6) Any project that has received approval for additional state assistance under provisions of this section as they existed prior to the amendment of this section in 1993 shall retain authorization for additional assistance under the provisions in effect at the time of such approval.

AMENDATORY SECTION (Amending Order 11-83, filed 10/17/83)

WAC 180-27-120 Costs to be financed entirely with school district funds. The cost of the following areas, facilities, and items shall not be eligible for the state matching purposes:

- (1) The cost of area in excess of the space allocations as set forth in WAC 180-27-035;
- (2) Acquisition cost of site;
- (3) Maintenance and operation;
- (4) Alterations, repair, and demolitions, except alterations necessary to connect new construction to an existing building;
- (5) Central administration buildings;
- (6) Stadia/grandstands;
- (7) Costs incidental to advertising for bids, site surveys, soil testing for site purchase, and costs other than those connected directly with the construction of facilities;
- (8) Bus garages, except interdistrict cooperatives;
- (9) Project signs;
- (10) Sales and/or use taxes levied by local governmental agencies other than those sales and/or use taxes levied by the state of Washington; ~~((and/or))~~
- (11) All costs in excess of state support level factors established by the state board of education for state participation in financing school construction; ~~and/or~~
- (12) All costs associated with the purchase, installation, and relocation of portable classrooms.

AMENDATORY SECTION (Amending WSR 90-17-009, filed 8/6/90, effective 9/6/90)

WAC 180-27-415 Removal from instructional space inventory—Sale or long-term lease of building. A school facility shall be removed from the superintendent of public instruction's ~~((active))~~ instructional space inventory five years after it has been sold or long-term leased under the following conditions:

- (1) The facility is determined to be surplus to the needs of the district by the local school board.
- (2) The sale or lease is in compliance with the requirements of chapter 28A.335 RCW.

For purposes of this section a long-term lease is defined as having a term of no less than forty years ~~((constitutes a sale of the building))~~.

AMENDATORY SECTION (Amending WSR 90-01-076, filed 12/19/89, effective 12/19/89)

WAC 180-27-420 Removal from instructional space inventory—Conversion ~~((from instructional space))~~. Instructional space shall be removed from the superintendent of public instruction's ~~((active))~~ instructional space inventory sixty months after the earliest date if it has been converted from instructional use for five years under the following conditions:

- (1) The facility is determined to be surplus to the needs of the district by the local school board.
- (2) The school facility is not needed for instructional use by a neighboring district.

AMENDATORY SECTION (Amending WSR 90-04-031, filed 1/30/90, effective 3/2/90)

WAC 180-27-425 Removal from instructional space inventory—Replacement. A school facility shall be removed from the superintendent of public instruction's ~~((active))~~ instructional space inventory after it has been replaced with a school facility accepted by the school district board of directors on a square footage basis through one of the following actions:

- (1) The replacement school facility is wholly financed with local district funds; or
- (2) The replacement school facility is constructed with state funding assistance authorized under the authority of chapter 180-33 WAC.

AMENDATORY SECTION (Amending WSR 92-16-058, filed 8/3/92, effective 9/3/92)

WAC 180-27-500 State assistance—Priorities after June 30, 1992. The priority system for the funding of school construction projects after June 30, 1992, ~~((that are not subject to the priority system under WAC 180-27-058))~~ shall be as follows: For all new construction and modernization projects for school districts, there will be a unique priority score determined by the ~~((following several))~~ factors and formulas contained in WAC 180-27-505 through 180-27-520. The total score shall be used to rank all projects that have secured local funding and state board of education approval after January 26, 1991, and are otherwise eligible for state funding assistance. The ~~((following))~~ factors are divided into three groups:

- (1) Common factors;
- (2) New construction for growth factors; and
- (3) Modernization or new-in-lieu of modernization factors.

In the case of a combined project (i.e., new construction for growth and modernization), the respective scores in each group will be prorated on the basis of each group's related gross square footage in the total project ~~((= Provided, That all related priority scores for projects that are front funded by the district under the provisions of WAC 180-27-057 shall be determined and the project shall take its place on the priority funding list as if it had not been completed))~~.

AMENDATORY SECTION (Amending WSR 93-04-019, filed 1/26/93, effective 2/26/93)

WAC 180-27-505 State assistance—Common priority ((factors)) elements. The ((three)) four priority ((factors)) elements that are common to all projects are as follows:

(1) Type of space - Ten possible points. In this element the net assignable square feet (NASF) of a project are identified by planned space inventory category. Category One is space used for scheduled instruction and libraries (classrooms, laboratories, PE teaching space, libraries, and learning resource centers). Category Two is space used in support of instruction (assembly, student services, office space, and classroom/lab service and support). Category Three space is cafeteria/food service, spectator seating, covered play areas, and general support space. The formula for determining points prorates the NASF with weightings of ten for Category One, seven for Category Two, and four for Category Three as shown below.

NASF of Category One	X	10 points = X
NASF of Category Two	X	7 points = X
NASF of Category Three	X	4 points = X

Then: The sum of X divided by the sum of NASF equals points.

(2) Local priority - Five ((possible)) points. For this element, five maximum points are awarded to the district's first priority project. Each priority from there has one point deducted from it, to a minimum of zero points awarded.

(3) Joint funding - Five possible points. A binding agreement between the school district and another governmental entity for the joint financing of ((the)) new construction or ((improvement)) modernization of space which is not otherwise eligible for state assistance.

Total Project Cost	Required Joint Funding
Up to \$1,000,000	25% of total project cost ((((\$250,000 at \$1,000,000)))
Between \$1,000,000 and \$ 2,000,000	\$275,000
Between \$2,000,000 and \$ 3,000,000	\$300,000
Between \$3,000,000 and \$ 4,000,000	\$325,000
Between \$4,000,000 and \$ 5,000,000	\$350,000
Between \$5,000,000 and \$ 6,000,000	\$375,000
Between \$6,000,000 and \$ 7,000,000	\$400,000
Between \$7,000,000 and \$ 8,000,000	\$425,000
Between \$8,000,000 and \$ 9,000,000	\$450,000
Between \$9,000,000 and \$10,000,000	\$475,000
\$10,000,000 and over	\$500,000

(4) Modified calendar or schedule - Five possible points. For this element, up to five points utilizing the table below will be awarded to a project in a district which has adopted a modified school calendar or schedule that enables more students to use school buildings each year over what current state capacity standards at WAC 180-27-035 recognize for state assistance purposes. The modified calendar or schedule shall utilize either extended school day or additional days for

instruction in the year. The enrollment percentage shall be calculated on the same grade span groupings as for eligibility in WAC 180-27-050. For the purpose of this subsection, the enrollment shall include all students enrolled at the facility as opposed to only those students in attendance.

Enrollment Percentage Increase Over Capacity	Priority Points
20 to above	5
16 to 19.9	4
12 to 15.9	3
8 to 11.9	2
4 to 7.9	1
Below 4	0

The scores ((~~it~~)) for this group of elements will be determined after district compliance with the requirements of WAC 180-29-107.

AMENDATORY SECTION (Amending WSR 92-16-058, filed 8/3/92, effective 9/3/92)

WAC 180-27-515 Modernization ((factors)) or new-in-lieu of modernization priority ((factors)) elements. The three ((factors)) priority elements that are related to modernization or new-in-lieu projects are as follows:

(1) Health & safety - Twenty possible points. A maximum of sixteen points are awarded based on the evaluation contained in the Building Condition Evaluation Form (BCEF) (WAC 180-27-535) and are awarded as follows:

15 - 19 percent = 16 points, 20 - 24 percent = 15 points, 25 - 29 percent = 14 points, etc., until 95 percent at which no points are awarded.

The health and safety condition points are combined with an additional:

- Two points if school does not meet seismic code requirements.
- Two points if school is not asbestos free.

(2) Condition of building - Thirty possible points. The score is based on the Building Condition Evaluation Form (WAC 180-27-535) analysis for all categories other than ((handicapped)) access for persons with disabilities. If the building condition score is thirty-one or less, then the maximum thirty points are awarded to the project. If the condition score is ninety-one or more, then no points are awarded. If the condition score is from thirty-two to ninety, the condition score is subtracted from ninety-one and multiplied by fifty percent to determine the points. In cases where projects affect multiple buildings, the BCEF score is weighted by the proportion of gross square feet (GSF) affected.

(3) Cost/benefit factor - Ten minus points possible. If the proposed project is a modernization and the BCEF score is less than forty, one point is deducted for each point the BCEF score is less than forty up to a total possible deduction of ten points.

If the proposed project is a new-in-lieu of modernization and the BCEF score is greater than sixty, one point is

PROPOSED

deducted for each point the BCEF score is higher than sixty to a total possible deduction of ten points.

The scores shall be determined at the time of project approval per WAC 180-25-045. These scores shall be carried until the district requests a redetermination.

AMENDATORY SECTION (Amending WSR 92-16-058, filed 8/3/92, effective 9/3/92)

WAC 180-27-530 Type of school space—Determination. In order to determine the inventory space category of net assignable square feet for priority scoring purposes in WAC ((180-27-305)) **180-27-505**, the category use for which the space is designated by the district shall be the assigned category. When inventory space has been designated and scheduled for multiple purposes, the category for priority scoring purposes shall be the primary scheduled use.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 180-27-058	State assistance—Priorities.
WAC 180-27-400	Instructional space survey of district facilities.
WAC 180-27-990	Interim application of priority system during transitional period.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 180-27-052	Order of funding under dual priority systems.
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WSR 98-14-150
PROPOSED RULES
STATE BOARD OF EDUCATION

[Filed July 1, 1998, 11:59 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-06-003.

Title of Rule: Chapter 180-31 WAC, State assistance in providing school plant facilities—Interdistrict cooperation in financing school plant construction.

Purpose: To do one or more of the following, as deemed appropriate: Make technical adjustments, clarify existing provisions, repeal unnecessary wording, repeal provisions unsupported by rule-making authority, or provide greater flexibility or discretion to persons or entities subject to the rules.

Statutory Authority for Adoption: RCW 28A.525.020.

Summary: See Purpose above.

Reasons Supporting Proposal: Amend to provide clarity and rewrite outdated wording; repeal sections that are no longer applicable.

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.

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

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

Proposal Changes the Following Existing Rules: Technical corrections - 1; repeals - 0; paperwork reductions - 0; clarifications - 4; authority transfers (local control) - 0; new sections - 1; and additional requirements - 0.

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

RCW 34.05.328 does not apply to this rule adoption. Not applicable.

Hearing Location: Center for Education Leadership, 2921 Falk Road, Vancouver, WA 98661, on August 19, 1998, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Patty Martin by August 5, 1998, 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 August 12, 1998.

Date of Intended Adoption: August 20, 1998.

July 1, 1998

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 90-17-009, filed 8/6/90, effective 9/6/90)

WAC 180-31-005 Authority. This chapter is adopted pursuant to RCW ((28A.525.200)) **28A.525.020** relating to authority of the state board of education to prescribe rules and regulations governing the administration, control, terms, conditions and disbursements of allotments to school facilities. In accordance with RCW 28A.525.200, the only provisions of chapter 28A.525 RCW currently applicable to state assistance for school plant facilities are RCW 28A.525.030, 28A.525.040, 28A.525.050, and 28A.525.162 through 28A.525.178.

AMENDATORY SECTION (Amending Order 13-83, filed 10/17/83)

WAC 180-31-020 ((Any)) Cooperative plan subject to state board approval. Any interdistrict financial plan for construction or modernization of school facilities((,irrespective of whether)) **utilizing state moneys ((are involved))** in the financing of the proposed project, shall ((be approved)) **require approval** by the state board of education prior to carrying into effect the provisions of such plan. **State board of education approval is only required for projects utilizing state moneys.**

AMENDATORY SECTION (Amending Order 13-83, filed 10/17/83)

WAC 180-31-025 Application provisions. ~~((Prior to applicant)) For projects utilizing state moneys, the host district ((submitting an)) shall submit a written application ((to request state board of education consideration of a proposed project and requesting a study and survey of the districts pursuant to chapter 180-25 WAC, the application as submitted)) to the superintendent of public instruction which shall include but not be limited to the following documents and data:~~

(1) A joint resolution by the board of directors of all participating school districts which shall:

(a) Confer contractual authority and subsequent ownership on the board of directors in which jurisdiction the school facility is to be located (host district) or, in the event of modernization, the board of directors in which jurisdiction the facility is located (host district);

(b) Designate such board of directors of the host district as the legal applicant. Evidence shall be submitted that the said resolution has been incorporated in the official record of the board of directors of each participating school district; and

(c) Certify that the facility shall be used for the purpose for which it was constructed unless an exception is granted by the state board of education.

(2) Copy of contract(s) between applicant district and participating school districts prepared in accordance with provisions in WAC 180-31-030.

(3) A statement defining the education program or services to be offered and the number and grade level(s) by district of all students to be housed in the proposed new or modernized facility.

(4) A description of the proposed project including size in terms of square feet and the estimated cost of construction including professional services, sales tax, site acquisition and site development.

(5) An area map indicating location of schools within the participating school districts and the location of the proposed new or modernized school facility.

(6) A statement certifying that a separate account has been established into which participating districts make deposits in order to pay for all future minor repair and renovation costs.

AMENDATORY SECTION (Amending Order 13-83, filed 10/17/83)

WAC 180-31-035 Approval of program or services by superintendent of public instruction. Approval by the superintendent of public instruction of the educational program or services to be offered in the proposed new or modernized facility and the proposed administration of such program or services shall be a prerequisite for approval by the state board of education of an interdistrict cooperative financial plan for construction of new or modernization of facilities when state moneys are provided.

AMENDATORY SECTION (Amending Order 13-83, filed 10/17/83)

WAC 180-31-040 Dissolution provisions. (1) Procedures for the dissolution of the operation of school facilities pursuant to an interdistrict cooperative agreement shall not be instituted prior to the expiration of ten years after the date of state board of education approval of the financial plan for the construction of such school facilities when such facilities were constructed with state moneys: *Provided,* That a request for dissolution prior to such ten-year period may be approved when, in the judgment of the state board of education, there is substantiation of sufficient cause therefor.

(2) Any plan for dissolution as described in subsection (1) of this section shall be submitted to the state board of education for review and approval prior to proceeding with dissolution action.

NEW SECTION

WAC 180-31-045 Interdistrict cooperation in financing school construction—Project construction approval required—Rules and regulations governing. A project to be constructed under interdistrict cooperative financing pursuant to provisions of RCW 28A.335.160 shall be subject to approval by the state board of education irrespective of whether state funds are involved in the financing thereof and shall be in conformity with the applicable rules and regulations hereinafter prescribed. The applicant school district shall be responsible for compliance with said rules and regulations.

(1) Projects financed entirely with school district local funds. All rules and regulations promulgated by the state board of education relating to school building shall govern the approval of a project financed entirely with interdistrict cooperative funds except those rules relating to determination of amount of state assistance and such other rules deemed by the superintendent of public instruction to be inapplicable to the said construction.

(2) Projects financed with state assistance.

(a) All rules and regulations promulgated by the state board of education relating to school building construction shall govern the approval of an application for state assistance in financing an interdistrict cooperative project except such rules deemed by the superintendent of public instruction to be inapplicable to the said construction: *Provided,* That in the interest of program improvement and/or improvement in equalization of educational opportunities, the pertinent requirements relating to eligibility on the basis of number of unhoused children may be waived as shall be determined by the state board of education.

(b) In determining the amount of state assistance, the principle to be applied shall be that each participating district, otherwise eligible for state assistance, shall receive such assistance on the basis of the computed area ratio. The amount that each participating district shall provide may be the percentage proportion that the value of its taxable property bears to the total value of taxable property of all participating districts or such other amounts as set forth in the con-

tract submitted as are accepted and approved by the state board of education.

(3) Application for additional state assistance. In the financing of interdistrict cooperative projects, applications for state assistance, in addition to the amount determined allocable under basic state support level provisions, shall be judged by the state board of education on the basis of the need for said facilities for the expressed purpose of:

(a) Providing educational opportunities, including vocational skills programs not otherwise provided;

(b) Avoiding unnecessary duplication of specialized or unusually expensive educational programs or facilities; or

(c) Improving racial balance within and among participating districts.

(4) Determination of amount of additional state assistance. When in the judgment of the state board of education an expressed need exists for an interdistrict cooperative project to achieve one or more of the expressed purposes as set forth in subsection (3) of this section and additional state assistance in financing said joint construction is necessary to meet such need, additional state assistance may be allowed in an amount to be determined by the state board: *Provided*, That the total amount allotted shall not exceed ninety percent of the total project cost determined eligible for state matching purposes: *Provided further*, That the total funds available to the state board for the biennial period are sufficient to meet state-wide needs for state assistance in providing necessary school facilities to individual school districts as well as for this purpose.

WSR 98-14-151

PROPOSED RULES

STATE BOARD OF EDUCATION

[Filed July 1, 1998, 11:59 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-06-002.

Title of Rule: Chapter 180-32 WAC, State assistance in providing school plant facilities—Interdistrict transportation cooperatives.

Purpose: To do one or more of the following, as deemed appropriate: Make technical adjustments, clarify existing provisions, repeal unnecessary wording, repeal provisions unsupported by rule-making authority, or provide greater flexibility or discretion to persons or entities subject to the rules.

Statutory Authority for Adoption: RCW 28A.525.020.

Summary: See Purpose above.

Reasons Supporting Proposal: Amend to provide clarity and rewrite outdated wording; repeal sections that are no longer applicable.

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.

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

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

Proposal Changes the Following Existing Rules: Technical corrections - 1; repeals - 1; paperwork reductions - 0; clarifications - 4; authority transfers (local control) - 1; new sections - 0; and additional requirements - 0.

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

RCW 34.05.328 does not apply to this rule adoption. Not applicable.

Hearing Location: Center for Education Leadership, 2921 Falk Road, Vancouver, WA 98661, on August 19, 1998, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Patty Martin by August 5, 1998, 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 August 12, 1998.

Date of Intended Adoption: August 20, 1998.

July 1, 1998

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 90-17-009, filed 8/6/90, effective 9/6/90)

WAC 180-32-005 Authority. This chapter is adopted pursuant to RCW ((~~28A.525.200~~) 28A.525.020) which authorizes the state board of education to prescribe rules and regulations governing the administration, control, terms, conditions, and disbursements of moneys to school districts to assist them in providing school facilities. In accordance with RCW 28A.525.200, the only provisions of chapter 28A.525 RCW currently applicable to state assistance for school facilities are RCW 28A.525.030, 28A.525.040, 28A.525.050, and 28A.525.162 through 28A.525.178.

AMENDATORY SECTION (Amending Order 15-83, filed 10/17/83)

WAC 180-32-020 Interdistrict transportation cooperative—Cooperative plan subject to state board of education approval. Any financial plan for construction of an interdistrict transportation cooperative((~~whether or not~~) utilizing state ((~~funds are involved~~) moneys in the financing of the proposed project, shall ((~~be approved~~) require approval by the state board of education prior to implementing the provisions of such plan. State board of education approval is only required for projects utilizing state moneys.

AMENDATORY SECTION (Amending Order 15-83, filed 10/17/83)

WAC 180-32-025 Application provisions. ((~~The~~) For projects utilizing state moneys, the host school district shall submit a written application to the superintendent of public instruction which shall include but not be limited to the following documents and data:

PROPOSED

(1) A joint resolution by the board of directors of all participating school districts which shall:

(a) Confer contractual authority and subsequent ownership on the board of directors in which jurisdiction the facility is to be located or, in the event of modernization, in which jurisdiction the facility is located (host district);

(b) Designate such board of directors as the legal applicant; and

(c) A copy of the official record of the board of directors of each participating school district indicating that the resolution has been formally adopted.

(2) Copy of contract(s) between districts prepared in accordance with chapter 180-31 WAC.

(3) A written description of services to be offered in the proposed interdistrict transportation cooperative, including number of districts involved and whether or not cooperating members are participating districts or contract districts; the number of buses from each participating and contract district to be serviced, and number of bus miles traveled per year for each participating and contract district.

(4) A description of the proposed project including square footage and the estimated cost of construction including professional services, sales tax, site costs, and site development.

(5) An area map indicating location of the facility in relationship to the participating and contract school districts.

(6) A statement certifying that a separate account has been established into which participating districts make deposits in order to pay for all future minor repair and renovation costs.

AMENDATORY SECTION (Amending Order 15-83, filed 10/17/83)

WAC 180-32-035 Approval—State board of education. Approval by the superintendent of public instruction of services to be offered in the proposed interdistrict transportation cooperative and the proposed district administration of such program or services shall be a prerequisite for approval by the state board of education of an interdistrict cooperative financial plan for construction of new facilities or modernization of existing facilities when state moneys are provided.

AMENDATORY SECTION (Amending Order 15-83, filed 10/17/83)

WAC 180-32-040 Dissolution provisions. (1) Procedures for the dissolution of the operation of interdistrict cooperatives under an interdistrict cooperative agreement shall not be instituted prior to the expiration of ten years after the date of state board of education approval of the financial plan for the construction of such school facilities when such facilities were constructed with state moneys: *Provided,* That a request for dissolution prior to the expiration of ten years may be approved when in the judgment of the state board of education there is substantiation of sufficient cause therefor.

(2) Any plan for dissolution as described in subsection (1) of this section shall be submitted to the state board of education for review and written approval prior to proceeding with dissolution action.

AMENDATORY SECTION (Amending Order 15-83, filed 10/17/83)

WAC 180-32-050 Site ~~((conditions—Acceptance criteria))~~ review and evaluation. The superintendent of public instruction together with the proposing district(s) shall conduct an on-site review and evaluation of ~~((a proposed site and shall accept a site that meets the following conditions))~~ sites for new and existing state assisted projects. In selecting sites, the district(s) should assure that:

(1) The property upon which the facility is or will be located is free and clear of all encumbrances that would detrimentally interfere with the construction and operation or useful life of the ~~((interdistrict transportation cooperative))~~ facility.

(2) The ~~((minimum acreage of type one shall be seven acres; type two, five acres, and type three, three acres))~~ site is of sufficient size to meet the needs of the facility.

(3) ~~((The applicant district has retained the services of))~~ A geotechnical engineer ((for the purpose of conducting)) has conducted a limited subsurface investigation to gather basic information regarding potential foundation and subgrade performance ((and a report has been reviewed by the cooperative)).

(4) ~~((The on-site review by the superintendent of public instruction has determined that:~~

~~((a)))~~ The site accessibility is convenient and efficient for participating and contract school districts with the least amount of disturbance to the area in which it is located((; and)).

~~((b)))~~ (5) The site topography is conducive to desired site development.

~~((5))~~ The site has been approved by the following agencies:

~~((a))~~ The health agency having jurisdiction;

~~((b))~~ The local planning commission or authority; and

~~((c))~~ The state department of ecology;)) (6) A site review or predesign conference has been conducted with all local code agencies in order to determine design constraints.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 180-32-055

Site nonacceptance by superintendent of public instruction—Appeal to state board of education.

PROPOSED



WSR 98-14-024
EXPEDITED ADOPTION
WASHINGTON STATE PATROL

[Filed June 22, 1998, 9:42 a.m.]

Title of Rule: WAC 446-65-010 Transportation requirements.

Purpose: To allow specific exemptions for agricultural operations transporting certain hazardous materials to be in effect prior to July 1, 1998.

Statutory Authority for Adoption: RCW 46.48.170.

Summary: See Explanation of Rule below.

Reasons Supporting Proposal: See Explanation of Rule below.

Name of Agency Personnel Responsible for Drafting: CVEO4 Craig R. Powell, P.O. Box 42614, Olympia, WA, (360) 753-0282; Implementation and Enforcement: Captain Marshall G. Pugh, P.O. Box 42614, Olympia, WA, (360) 753-0350.

Name of Proponent: Washington State Patrol, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Recent federal rule making under HM200 preempts the state's authority to regulate the intrastate transportation of hazardous materials. Under HM200 states are allowed to provide certain specific exemptions for agricultural operations transporting hazardous material if specifically authorized by a state statute or regulation in effect before July 1, 1998. In order for the state's agricultural operations to continue to operate as in the past the state must adopt the following rules prior to July 1, 1998.

An emergency amendment is being filed in conjunction with this expedited adoption.

Proposal does not change existing rules.

NOTICE

THIS RULE IS BEING PROPOSED TO BE ADOPTED USING AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS RULE BEING ADOPTED USING THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Ms. Kendra L. Hensley, Washington State Patrol, P.O. Box 42600, Olympia, WA 98504, AND RECEIVED BY August 29, 1998.

June 19, 1998

R. M. Liechner

for Annette M. Sandberg

Chief

AMENDATORY SECTION (Amending WSR 96-22-035, filed 10/31/96, effective 12/1/96)

WAC 446-65-010 Transportation requirements. (1) The Washington state patrol hereby adopts the following

parts of Title 49 Code of Federal Regulations, for motor carriers used in intrastate or interstate commerce, in their entirety: Parts 390 General, 391 Qualification of drivers, 392 Driving of motor vehicles, 393 Parts and accessories necessary for safe operation, 395 Hours of service of drivers, 396 Inspection, repair, and maintenance, 397 Transportation of hazardous materials; driving and parking rules, provided, however, motor carriers operating vehicles with a gross vehicle weight rating between 10,001 lbs. and 26,000 lbs. operating solely intrastate, and not used to transport hazardous materials in a quantity requiring placarding, are exempt from Parts 390 General, 391 Qualifications of drivers, 392 Driving of motor vehicles, 395 Hours of service, and 396 Inspection, repair, and maintenance.

(2) As provided in Part 395, exemption for agricultural transporters, the harvest dates are defined as starting February 1 and ending November 30 of each year.

(3) Agricultural operations exceptions:

(a) Agricultural operations transporting agricultural products other than Class 2 material (Compressed Gases), over roads, other than the National System of Interstate Defense Highways, between fields of the same farm, is excepted from part 397 when:

(i) The agricultural product is transported by a farmer who is an intrastate private motor carrier.

(ii) The movement of the agricultural product conforms to all other laws in effect on or before July 1, 1998, and 49 CFR 173.24, 173.24a, and 173.24b.

(b) The transportation of an agricultural product to or from a farm within one hundred fifty miles of the farm, is excepted from the requirements of 49 CFR part 172 subpart G (emergency response information) and H (training requirements) when:

(i) The agricultural product is transported by a farmer who is an intrastate private motor carrier;

(ii) The total amount of agricultural product being transported on a single vehicle does not exceed:

(A) Sixteen thousand ninety-four pounds of ammonium nitrate fertilizer properly classed as Division 5.1, PGIII, in bulk packaging; or

(B) Five hundred two gallons for liquids or gases, or five thousand seventy pounds for solids, of any other agricultural product;

(iii) The packaging conforms to the requirements of state law and is specifically authorized for transportation of the agricultural product by state law and such state law has been in effect on or before July 1, 1998; and

(iv) Each person having any responsibility for transporting the agricultural product or preparing the agricultural product for shipment has been instructed in the applicable requirements of 49 CFR adopted in this section.

(C) Formulated liquid agricultural products in specification packaging of fifty-eight gallon capacity or less, with closures manifolded to a closed mixing system and equipped with a positive dry disconnect device, may be transported by a private motor carrier between a final distribution point and an ultimate point of application or for loading aboard an airplane for aerial application.

(4) Copies of Title 49 CFR, parts 390 through 397, now in force are on file at the code reviser's office, Olympia and at

the Washington state patrol headquarters, commercial vehicle enforcement section, Olympia. Additional copies may be available for review at Washington state patrol district headquarters offices, public libraries, Washington utilities and transportation commission offices, and at the United States Department of Transportation, Bureau of Motor Carrier Safety Office, Olympia. Copies of the CFR may be purchased through the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402.

WSR 98-14-075

EXPEDITED ADOPTION

DEPARTMENT OF ECOLOGY

[Order 98-17—Filed June 30, 1998, 10:55 a.m.]

Title of Rule: Amending chapter 173-160 WAC, Minimum standards for construction and maintenance of wells. Sections to be amended: WAC 173-160-111 Definitions, 173-160-201 Pipe wall thickness in Table 1, 173-160-291 Upper terminal, 173-160-420 General requirements for resource protection wells, 173-160-460 Decommissioning of resource protection wells, and 173-160-990 Illustrations 1, 3, and 7.

Purpose: The amendment will correct typographical errors within the above described sections.

Statutory Authority for Adoption: Chapter 18.104 RCW.

Statute Being Implemented: Chapter 18.104 RCW.

Summary: The following amendments are proposed: Amending WAC 173-160-111, definition (1) "Abandoned well" by replacing the word "or" with "and"; amending Table 1 of WAC 173-160-201 (see below); amending WAC 173-160-291, subsection (6) by changing "adaptor" to "adapter"; amending WAC 173-160-420 by renumbering subsections (10) - (15); amending WAC 173-160-460, subsection (1) by placing a comma after the word "missing"; amending WAC 173-160-990, Figure (1A), Figure 3, and Figure 7 (see below).

Reasons Supporting Proposal: The amendment will correct typographical errors and bring the casing pipe wall thickness back into industry standards.

Name of Agency Personnel Responsible for Drafting: Dick Szymarek, Olympia, Washington, (360) 407-6648; Implementation and Enforcement: Keith Phillips, Olympia, Washington, (360) 407-6602.

Name of Proponent: Department of Ecology, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule will correct typographical errors in those sections identified above in Summary of this report. The corrections will help eliminate uncertainty and result in better compliance.

Proposal Changes the Following Existing Rules: See Summary above.

NOTICE

THIS RULE IS BEING PROPOSED TO BE ADOPTED USING AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS RULE BEING ADOPTED USING THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Jerry Thielen, Rules Coordinator, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, AND RECEIVED BY August 29, 1998.

June 29, 1998

Dan Silver

Deputy Director

AMENDATORY SECTION (Amending Order 97-08, filed 3/23/98, effective 4/23/98)

WAC 173-160-111 What are the definitions of specific words as used in this chapter? (1) "Abandoned well" means a well that is unused, unmaintained, ((or)) **and** is in such disrepair as to be unusable.

(2) "Access port" is a 1/2- to 2-inch tapped hole or tube equipped with a screw cap, which provides access to the inner casing, for measurement of the depth to water surface. An access port also means a removable cap.

(3) "Annular space" is the space between the surface or outer casing and the inner casing, or the space between the wall of the drilled hole and the casing.

(4) "Aquifer" is a geologic formation, group of formations, or part of a formation capable of yielding a significant amount of ground water to wells or springs.

(5) "Artesian well" is a well tapping an aquifer bounded above and below by confining or impermeable rock or soil layers, or rock or soil layers of distinctly lower permeability than the aquifer itself. The water will rise in the well above the point of initial penetration (above the bottom of the confining or impermeable layer overlying the aquifer). This term includes both flowing and nonflowing wells.

(6) "Artificial gravel pack" is a mixture of gravel or sand placed in the annular space around the liner, perforated pipe, or well screen. A gravel pack is used to reduce the movement of finer material into the well and provide lateral support to the screen in unstable formations.

(7) "Artificial recharge" is the addition of water to an aquifer by activities of man, such as irrigation or induced infiltration from streams, or injection through wells, trenches, pits, and ponds.

(8) "Bentonite" is a mixture of swelling clay minerals, predominantly sodium montmorillonite.

(9) "Capped well" is a well that is not in use and has a watertight seal or cap installed on top of the casing.

(10) "Casing" is a pipe, generally made of metal or plastic, which is installed in the bore hole to maintain the opening.

(11) "Consolidated formation" means any geologic formation in which the earth materials have become firm and cohesive through natural rock forming processes. Such rocks commonly found in Washington include basalt, granite, sandstone, shale, conglomerate, and limestone. An uncased bore hole will normally remain open in these formations.

(12) "Constructing a well" or "construct a well" means:

(a) Boring, digging, drilling, or excavating a well;

(b) Installing casing, sheeting, lining, or well screens, in a well; or

(c) Drilling a geotechnical soil boring.

"Constructing a well" or "construct a well" includes the alteration of an existing well.

(13) "Contamination" has the meaning provided in RCW 90.48.020.

(14) "Curbing" is a liner or pipe made of concrete, precast tile or steel installed in dug wells to provide an annular space between the well bore and the liner or pipe for sealing.

(15) "Decommissioning" means to fill or plug a well so that it will not produce water, serve as a channel for movement of water or pollution, or allow the entry of pollutants into the well or aquifer(s).

(16) "Department" means the department of ecology.

(17) "Dewatering well" means a cased or lined excavation or boring that is intended to withdraw or divert ground water for the purpose of facilitating construction, stabilizing a land slide, or protecting an aquifer.

(18) "Director" means director of the department of ecology.

(19) "Disinfection" or "disinfecting" is the use of chlorine, or other disinfecting agent or process approved by the department, in sufficient concentration and contact time adequate to inactivate coliform or other indicator organisms.

(20) "Domestic water supply" is any water supply which serves a family residence(s).

(21) "Draw down" is the measured difference between the static ground water level and the ground water level induced by pumping.

(22) "Drilled well" is a well in which the hole is usually excavated by mechanical means such as rotary, cable tool, or auger drilling equipment.

(23) "Driven well" is a well constructed by joining a "drive point" to a length of pipe, then driving the assembly into the ground.

(24) "Dug well" is a well generally excavated with hand tools or by mechanical methods. The side walls may be supported by material other than standard weight steel casing.

(25) "Filter pack" means clean, well rounded, smooth, uniform, sand or gravel, which is placed in the annulus of the well between the bore hole wall and the liner, perforated pipe, or well screen to prevent formation material from entering the well.

(26) "Formation" means an assemblage of earth materials grouped together into a unit that is convenient for description or mapping.

(27) "Ground water" means and includes ground waters as defined in RCW 90.40.035.

(28) "Grout" is a fluid mixture of cement, bentonite, and water used to seal the annular space around or between well casings, or to decommission wells.

(29) "Impermeable" is a descriptive term for earth materials which have a texture or structure that does not permit fluids to perceptibly move into or through its pores or interstices.

(30) "Liner" means any device inserted into a larger casing, screen, or bore hole as a means of maintaining the structural integrity of the well.

(31) "Permeability" is a measure of the ease of which liquids or gas move through a porous material.

(a) For water, this is usually expressed in units of centimeters per second or feet per day. Hydraulic conductivity is a term for water permeability.

(b) Soils and synthetic liners with a water permeability of 1×10^{-7} cm/sec or less may be considered impermeable.

(32) "Pollution" has the meaning provided in RCW 90.48.020.

(33) "Pressure grouting" is a method of forcing grout into specific portions of a well for sealing purposes.

(34) "PTFE" means polytetrafluoroethylene casing materials such as teflon. The use of the term teflon is not an endorsement for any specific PTFE product.

(35) "Public water supply" is any water supply intended or used for human consumption or other domestic uses, including source, treatment, storage, transmission and distribution facilities where water is furnished to any community, collection or number of individuals, available to the public for human consumption or domestic use, excluding water supplies serving one single-family residence and a system with four or fewer connections, all of which serve residences on the same farm.

(36) "PVC" means polyvinyl chloride, a type of thermoplastic casing.

(37) "Static water level" is the vertical distance from the surface of the ground to the water level in a well when the water level is not affected by withdrawal of ground water.

(38) "Temporary surface casing" is a length of casing (at least four inches larger in diameter than the nominal size of the permanent casing) which is temporarily installed during well construction to maintain the annular space.

(39) "Test well" is a well (either cased or uncased), constructed to determine the quantity of water available for beneficial uses, identifying underlying rock formations (lithology), and to locate optimum zones to be screened or perforated. If a test well is constructed with the intent to withdraw water for beneficial use, it must be constructed in accordance with the minimum standards for water supply wells, otherwise they shall be constructed in accordance with the minimum standards for resource protection wells. A water right permit, preliminary permit, or temporary permit shall be obtained prior to constructing a test well unless the anticipated use of water is exempt as provided in RCW 90.44.050. A "test well" is a type of "water well."

(40) "Tremie tube" is a small diameter pipe used to place grout, filter pack material, or other well construction materials in a well.

(41) "Turbidity" means the clarity of water expressed as nephelometric turbidity units (NTU) and measured with a calibrated turbidimeter.

(42) "Unconsolidated formation" means any naturally occurring, loosely cemented, or poorly consolidated earth

material including such materials as uncompacted gravel, sand, silt and clay.

Alluvium, soil, and overburden are terms frequently used to describe such formations.

(43) "Water well" means any excavation that is constructed when the intended use of the well is for the location, diversion, artificial recharge, observation, monitoring, dewatering or withdrawal of ground water for agricultural, municipal, industrial, domestic, or commercial use.

(44) "Water well contractor" means any person, firm, partnership, copartnership, corporation, association, or other entity, licensed and bonded under chapter 18.27 RCW, engaged in the business of constructing water wells.

(45) "Well alteration(s)" include(s): Deepening, hydrofracturing or other operations intended to increase well yields, or change the characteristics of the well. Well alteration does not include general maintenance, cleaning, sanitation, and pump replacement.

(46) "Well completion" means that construction has progressed to a point at which the drilling equipment has been removed from the site, or a point at which the well can be put to its intended use.

(47) "Well driller(s)" or "driller(s)" is synonymous with "operator(s)."

(48) "Well" means water wells, resources protection wells, instrumentation wells, dewatering wells, and geotechnical soil borings. Well does not mean an excavation made for the purpose of obtaining or prospecting for oil or natural gas, geothermal resources, minerals, or products of mining, or quarrying, or for inserting media to repressure oil or natural gas bearing formations, or for storing petroleum, natural gas, or other products.

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 97-08, filed 3/23/98, effective 4/23/98)

WAC 173-160-201 What are the casing and liner requirements? (1) Proper casing must be installed in all water supply wells.

(2) The casing shall withstand normal forces which act upon it during and after installation. It shall be resistant to the corrosive effects of the surrounding formations, earth, and water.

(3) All plastic casing for use in potable water supply wells must be manufactured to conform to National Sanitation Foundation (NSF) Standard 14-84, or the most recent revision.

(4) Unless prior approval is obtained from the department, materials for well casings must be either steel casing as shown in Table 1 or plastic casing as shown in Table 2.

(5) Minimum specifications for steel casing and pipe for water wells are shown in Table 1.

(6) Steel casing larger than twenty inches shall have a minimum wall thickness of 0.375 inches.

TABLE 1
Minimum Specifications for Steel Casing and Pipe

NOMINAL SIZE (inches)	OUTSIDE DIAMETER (inches)	WALL THICKNESS (inches)	WEIGHT PER FOOT (pounds)	TEST SECTION OUTSIDE DIAMETER (inches)
1.25	1.660	0.140	2.27	0.500
1.5	1.900	0.145	2.72	0.750
2.0	2.375	0.154	3.65	1.000
2.5	2.875	0.203	5.79	1.500
3.0	3.500	0.216	7.58	2.000
3.5	4.000	0.226	9.11	2.500
4.0	4.500	0.237	10.79	3.000
5.0	5.563	0.258	14.62	3.500
6.0	6.625	((0.280)) 0.250	((18.97)) 17.02	4.000
8.0	8.625	((0.322)) 0.250	((28.55)) 22.36	6.000
10	10.750	((0.365)) 0.250	((40.48)) 28.04	8.000
12	12.750	((0.375)) 0.250	((49.56)) 33.38	10.000
14	14.000	((0.375)) 0.312	((54.57)) 45.61	11.000
16	16.000	((0.375)) 0.344	((62.58)) 57.52	14.000
18	18.000	0.375	70.59	16.000
20	20.000	0.375	78.60	18.000
24	24.000	0.375	94.62	20.000
30	30.000	0.375	118.65	24.000

STEEL CASING

(7) All steel casing materials must be new or, in like new condition, and be structurally sound.

(a) Casing that has been exposed to a contaminant shall not be used in well construction unless the contamination can be entirely removed.

(b) When casing lengths are joined together, they must be connected by watertight weld or screw coupled joints.

(i) Welded joints must be at least as thick as the wall thickness of the well casing and be fully penetrating.

(ii) All steel well casing shall meet or exceed the minimum American Society for Testing and Materials (ASTM) A-53 A or B specification for steel pipe.

PLASTIC CASING

(8) Plastic, fiberglass, PVC, SR, ABS, or other type of nonmetallic well casing must be manufactured and installed to conform with ANSI/ASTM F 480-81, Standard Dimension Ratio (SDR) 21 or the most recent revision.

(a) SDR is calculated by dividing the outside diameter of the pipe by the wall thickness.

(b) SDR 21 is the minimum requirement; higher pressure rated pipe may be used.

(c) All plastic casing must be installed only in an oversized drill hole without driving. The oversized hole must be a diameter of at least 4 inches larger than the outside diameter of the plastic casing or coupling hubs, whichever is larger.

EXPEDITED ADOPTION

(d) All plastic casing must be new or, in like new condition and clearly marked by the manufacturer showing nominal size, type of plastic material, SDR, ASTM designation, and have a National Sanitation Foundation (NSF) seal of approval for use in potable water supplies.

(e) Casing that has been exposed to a contaminant shall not be used in well construction unless the construction can be entirely removed.

(f) Plastic casing joints must be watertight.

(i) Either "bell" type, threaded joints, or coupling hubs are approved.

(ii) Hub couplings must be of materials meeting the specifications for plastic casings as stipulated in subsection (2) of this section.

(iii) If joints are secured with solvent cement, it must be done in accordance with manufacturer's directions.

(g) Table 2 is the manufacturer's recommendations for specifications of plastic casing.

TABLE 2

Minimum Specifications for Plastic Casing

NOMINAL CASING DIAMETER (inches)	MINIMUM THICKNESS (inches)	SDR
2.0	0.13321	21
2.5	0.13721	21
3.0	0.16721	21
3.5	0.19021	21
4.0	0.21421	21
4.5	0.23621	21
5.0	0.26521	21
6.0	0.31621	21
8.0	0.41021	21
10	0.51121	21
12	0.60621	21

LINER PIPE

(9) Liner pipe must consist of steel, in new or like new condition, free of pits or breaks; or polyvinyl chloride (PVC), CPVC, type 1120, with SDR 21 (Class 200) or greater wall thickness. All PVC must be clearly marked to identify the type, class, and SDR.

(a) Liner pipe must be of sufficient strength to withstand breakage or collapse when the well is pumped and meet ASTM potable water standards.

(b) When installed, liner pipe shall extend or telescope at least two feet into the lower end of the well casing. If more than one string of liner pipe is installed, each string shall extend or telescope at least eight feet into the adjacent larger diameter liner pipe.

(c) Liner pipe may not be permanently fixed to a well casing below land surface.

CONCRETE CURBING

(10) The concrete used to make curbing must consist of clean, hard and durable aggregate with not less than five sacks (ninety-four pounds per sack) of portland cement per cubic yard of concrete.

(a) The maximum diameter of aggregate particles may not exceed 1 1/2 inches, but in any case may not exceed 1/5 the minimum width of the casing thickness.

(b) The ratio of coarse aggregate to fine aggregate (passing No. 4 U.S. Standard Sieve) must be approximately 1 1/2 to 1 by volume, but in any case, may not exceed 2 to 1 nor be less than 1 to 2.

(11) The curbing shall be at least six inches thick and free of voids. The walls shall be poured in one continuous operation.

(12) When concrete tile is used to line a well, the combined total wall thickness and seal shall be a minimum of six inches.

AMENDATORY SECTION (Amending Order 97-08, filed 3/23/98, effective 4/23/98)

WAC 173-160-291 What are the standards for the upper terminal of water wells? (1) The watertight casing or curbing of any well shall extend at least six inches above the ground surface. Pit completion is prohibited.

(2) Where the site is subject to flooding, the top of the casing must be at least two feet above the estimated water level of a one hundred-year frequency flood.

(3) All wells shall be equipped with an access port that allows for the measurement of the depth to water surface, or with a pressure gage that indicates the shut-in pressure of a flowing artesian well. See Figure 6. The access ports and pressure gages or other openings in the cover are sealed or capped to prevent entrance of surface water or foreign material into the well.

(4) Any vent opening, observation ports or air-line equipment shall extend from the upper end of the well by watertight piping to a point at least six inches above land surface. The terminals of these facilities shall be shielded or sealed to prevent entrance of foreign matter or pollutants.

(5) A pitless adapter, or similar device is permitted on water wells if it is made with fittings approved by the department of health. The connection must be above static water level.

(6) Any person who removes any part of a surface seal to install a pitless (~~adaptor~~) ~~adapter~~ shall repair the seal so that it is brought up to land surface.

AMENDATORY SECTION (Amending Order 97-08, filed 3/23/98, effective 4/23/98)

WAC 173-160-420 What are the general construction requirements for resource protection wells? (1) No resource protection well or soil boring excavation may be used for domestic, industrial, municipal, commercial, or agricultural purposes.

(2) No resource protection well or soil boring excavation may interconnect aquifers.

EXPEDITED ADOPTION

(3) Nested resource protection wells are prohibited.

(4) Cuttings, development water, and other investigation derived waste from resource protection well construction or geotechnical soil borings shall be managed in a manner consistent with the intent and purposes of the Water Pollution Control Act, chapter 90.48 RCW, the Hazardous Waste Management Act, chapter 70.105 RCW, and implementing regulations.

(5) Well tagging:

(a) It shall be the driller's responsibility to place a well identification tag with a unique identification number on every resource protection well that they construct or alter. Uncased geotechnical soil borings are exempt from the tagging requirements of this chapter.

(i) The alpha-numeric number shall be recorded on the drilling report in the space provided.

(ii) The driller shall remove the well identification tag on all resource protection wells they decommission and shall attach the tag to the decommissioning well report.

(b) It shall be the well owner's responsibility to place a well identification tag with a unique identification number on every resource protection well they own and which was completed prior to the effective date of this regulation.

(i) Upon request, the department shall furnish the well owner with a well tag and tagging instructions.

(ii) The well owner shall tag their well(s) and submit a completed tagging report to the department.

(c) The well tag shall be permanently attached to the outer well casing and be visible above land surface for all wells which have been completed above land surface. For wells completed below land surface, the well tag shall be attached to the well casing or to any permanent and protected portion of the vault.

(d) All well identification tags shall be supplied by the department.

(e) It is unlawful for a person to tamper with or remove a well identification tag except during well alteration.

(6) All resource protection wells will be sealed in accordance with this chapter regardless of the method of installation. Except, resource protection wells that are properly decommissioned prior to the removal of any drilling equipment from the well location are exempted from the surface sealing requirements of this chapter. Provided the decommissioning process includes the removal of any conduit, tubing, probe, or other items inserted into the ground.

(7) All geotechnical soil borings shall be decommissioned under the terms of this chapter.

(8) Except as provided in RCW 18.104.180, all construction, alteration, reconstruction, and decommissioning of resource protection wells and geotechnical soil borings shall be done by an individual licensed under the provisions of chapter 173-162 WAC.

(9) A notice of intent to construct or decommission a resource protection well and a geotechnical soil boring shall be filed with the department a minimum of seventy-two hours prior to initiating construction or decommissioning of the well(s) or boring(s). A fee must accompany each notice of intent to construct a resource protection well. The fee for constructing, altering, or reconstructing each resource protection well is forty dollars. Geotechnical soil borings are **EXEMPT**

from all fees. Under some circumstances, it may be necessary to construct more resource protection wells or geotechnical soil borings than originally anticipated. When additional resource protection wells are constructed on a site for which a notice of intent and fee were submitted, a second notice and fee shall be submitted within twenty-four hours after all wells have been completed or as soon as the final number of wells to be constructed is determined, whichever is sooner. When additional geotechnical soil borings are needed, the borings may be completed. A follow-up notice of intent shall be submitted to the department within twenty-four hours after all borings are constructed. Notification to construct multiple wells or geotechnical soil borings within the same quarter/quarter section, township, and range may be submitted on one notice form. A fee of forty dollars per well must be attached to each notice. Example: Six resource protection wells identified on one notice of intent would be submitted along with a two hundred forty dollar fee.

~~((9))~~ (10) Resource protection well and geotechnical soil boring drilling reports.

(a) Every well contractor is required to submit a complete report on the construction, alteration, or decommissioning of all resource protection wells and geotechnical soil borings they construct. Reports must be submitted to the department within thirty days after completion of construction, alteration, or decommissioning.

(b) This applies to all resource protection wells and geotechnical soil borings.

(c) The resource protection well and geotechnical soil boring report must be made on a form provided by the department, or a reasonable facsimile of the form, as approved by the department.

(d) Where applicable the report shall include the following information:

(i) Owner's name; operator/trainee name; operator/trainee license number; contractor registration number, drilling company name;

(ii) Tax parcel number;

(iii) Well location address;

(iv) Location of the well to at least 1/4, 1/4 section or smallest legal subdivision;

(v) Unique well identification tag number;

(vi) Construction date;

(vii) Start notification number;

(viii) Intended use of well;

(ix) The well depth, diameter, and general specifications of each well;

(x) Total depth of casing;

(xi) Well head elevation;

(xii) Drilling method;

(xiii) Seal material, seal location and type of placement used;

(xiv) Filter pack location; filter pack material used;

(xv) The thickness and character of each bed, stratum or formation penetrated by each well including identification of each water bearing zone;

(xvi) Casing gauge, diameter, stickup, type of material, and length, also of each screened interval or perforated zone in the casing;

(xvii) The depth to the static water level, as measured below the land surface; and

(xviii) Such additional factual information as may be required by the department.

(e) The well report must show the license number and signature of the person who constructed the well. If this is an unlicensed person, exempted under RCW 18.104.180(2), the report shall show the license number and signature of the licensed individual who witnessed the drilling. Resource protection well reports for wells constructed by trainees shall have the signature and license number of the trainee and licensed operator.

What are the surface protection requirements?

~~((10))~~ (11) All resource protection wells shall be capped and protected using one of the following methods:

(a) If the well is cased with metal and completed above the ground surface, you must attach a watertight cap with a lock to the top of the casing.

(b) If the well is not cased with metal and completed above the land surface, you must install a protective metal casing over and around the well. The protective casing shall extend at least six inches above the top of the well casing and be cemented at least two feet into the ground. A cap with lock shall be attached to the top of the protective casing.

~~((11))~~ (12) You shall protect the well(s) completed above ground from damage by:

(a) Cementing three metal posts, at least three inches in diameter, in a triangular array around the casing and at least two feet from it. Each post shall extend at least three feet above and below the land surface.

(b) A reinforced concrete pad may be installed to protect against and prevent frost heave. If installed, the concrete pad shall extend to a depth equal to anticipated frost depth. When a concrete pad is used, the well seal may be part of the concrete pad.

~~((12))~~ (13) If the well is completed below land surface, a watertight cap with a lock shall be attached to the top of the well casing. A metal monument or equivalent shall be installed over and around the well. The monument shall serve as a protective cover and be installed level with the land surface and be equipped with a waterproof seal to prevent the inflow of any water or contaminants. Drains will be provided, when feasible, to keep water out of the well and below the well cap. The cover must be designed to withstand the maximum expected loading.

~~((13))~~ (14) The protective measures may be waived or modified upon written approval from the department (a variance).

~~((14))~~ (15) If the well is damaged, the well protection measures and casing shall be repaired to meet the requirements of this chapter. If the well is damaged beyond repair, it shall be decommissioned in accordance with WAC 173-160-460.

regulations, or for which a drilling report required under this section is missing, shall be decommissioned in one of the following ways:

(a) Perforate the casing from the bottom to land surface and pressure grout the casing.

(i) Perforations shall be at least four equidistant cuts per row, and one row per foot. Each cut shall be at least one and one-half inches long.

(ii) Apply enough pressure to force the sealing material through the perforations, filling any voids on the outside of the casing.

(iii) The remainder of the casing shall be filled with cement grout, neat cement, or bentonite slurry.

(b) Withdraw the casing and fill the bore hole with cement grout, neat cement, or bentonite as the casing is being withdrawn.

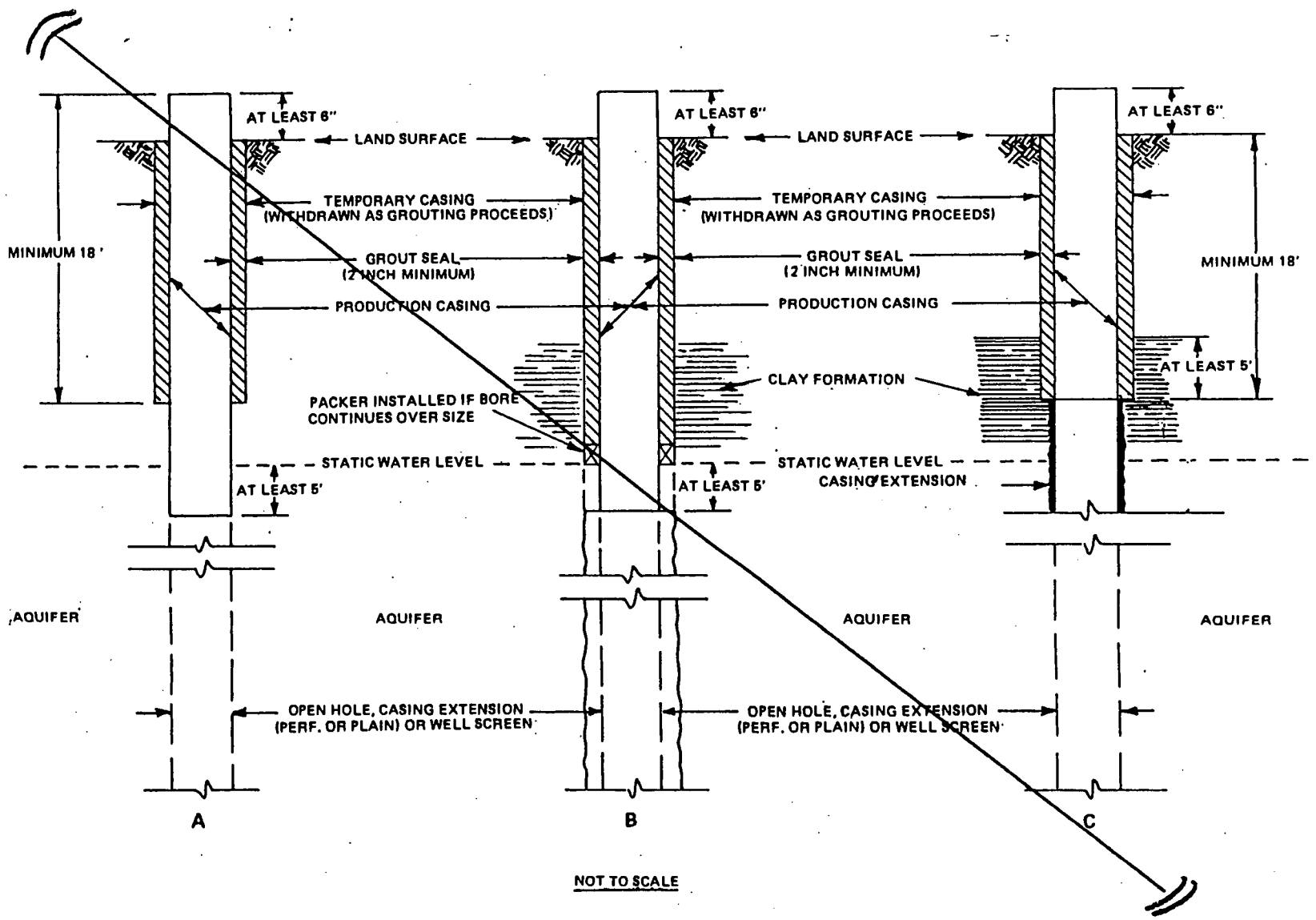
(2) If it can be verified through a field examination and review of the drilling report that the resource protection well was constructed in accordance with these regulations, it shall be decommissioned by:

(a) Filling the casing from bottom to land surface with bentonite, cement grout, or neat cement; and

(b) Placing a cap on the casing.

AMENDATORY SECTION (Amending Order 97-08, filed 3/23/98, effective 4/23/98)

WAC 173-160-460 What is the decommissioning process for resource protection wells? (1) Resource protection wells that were not constructed in accordance with these



NOT TO SCALE

Figure 1. SEALING OF UNCONSOLIDATED FORMATIONS

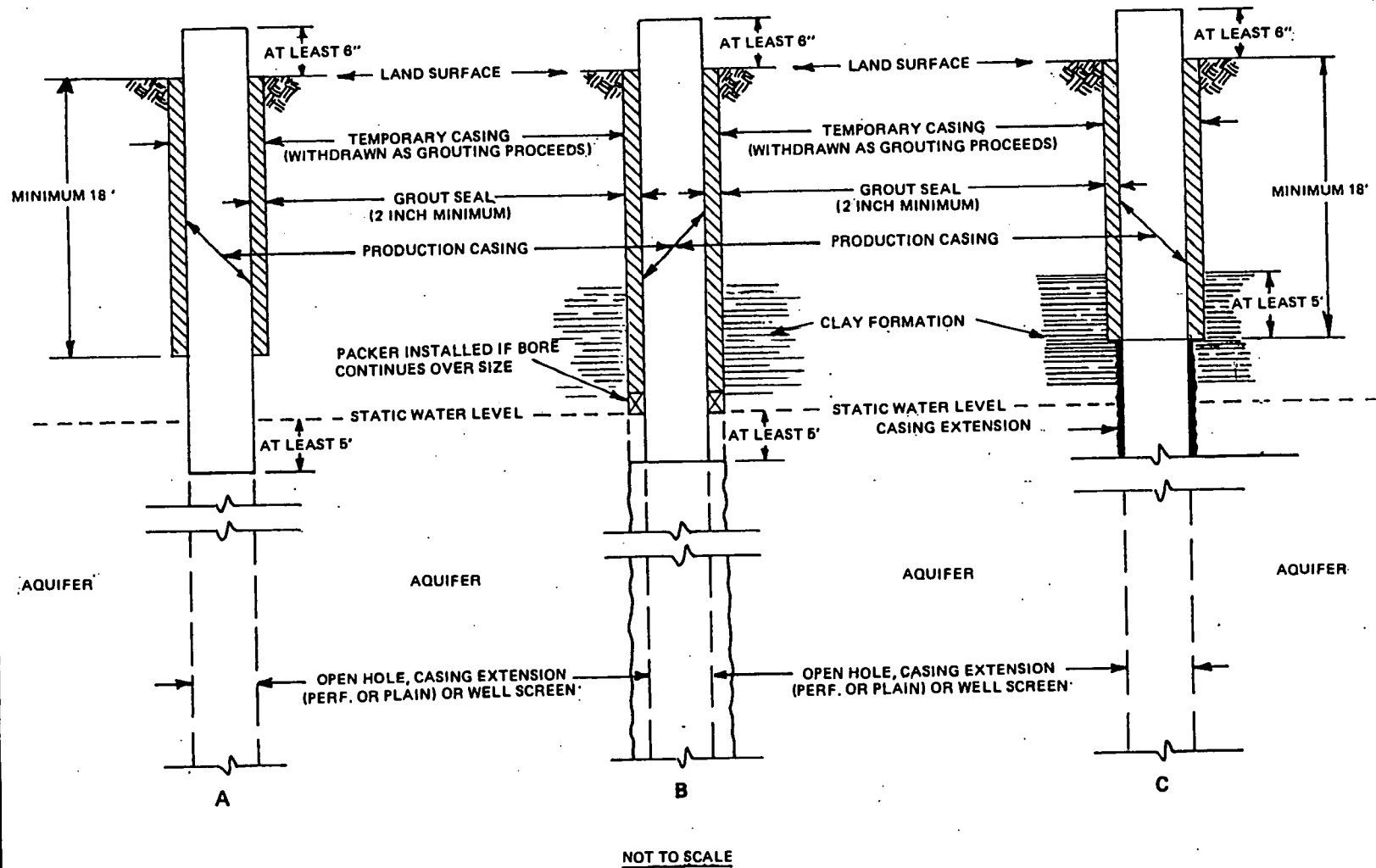


Figure 1. SEALING OF UNCONSOLIDATED FORMATIONS

EXPEDITED ADOPTION

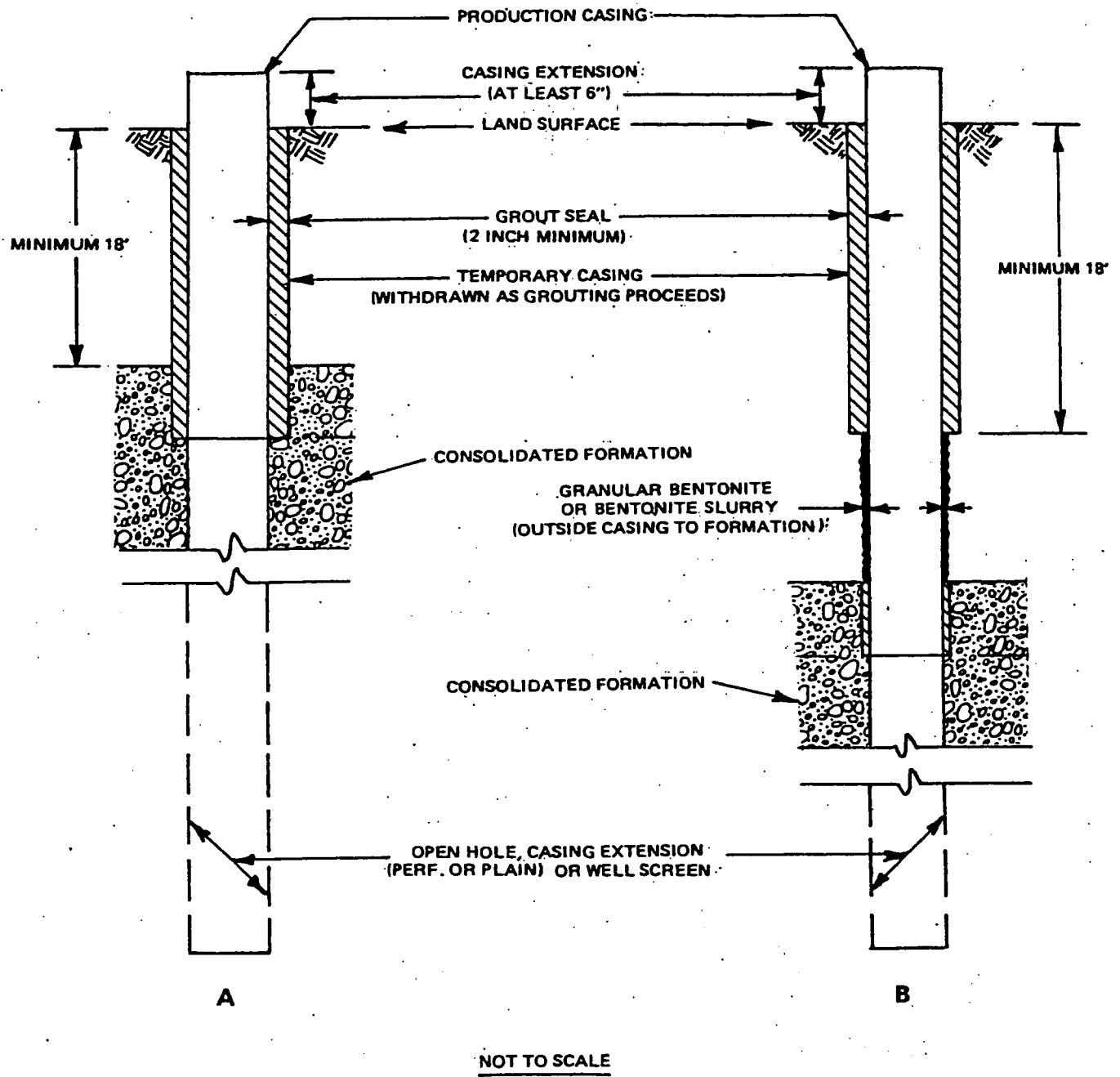


Figure 2. SEALING OF CONSOLIDATED FORMATIONS.

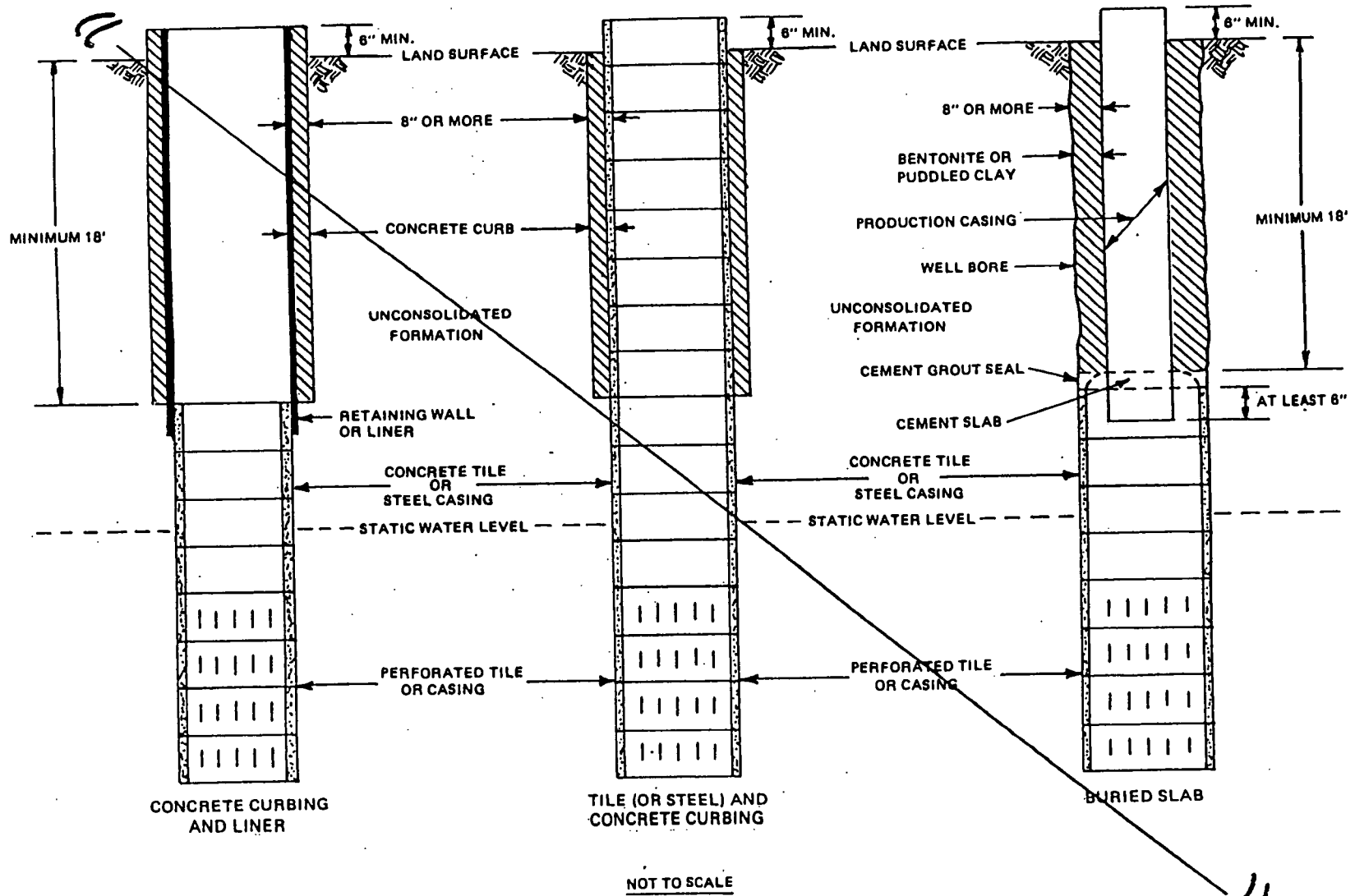


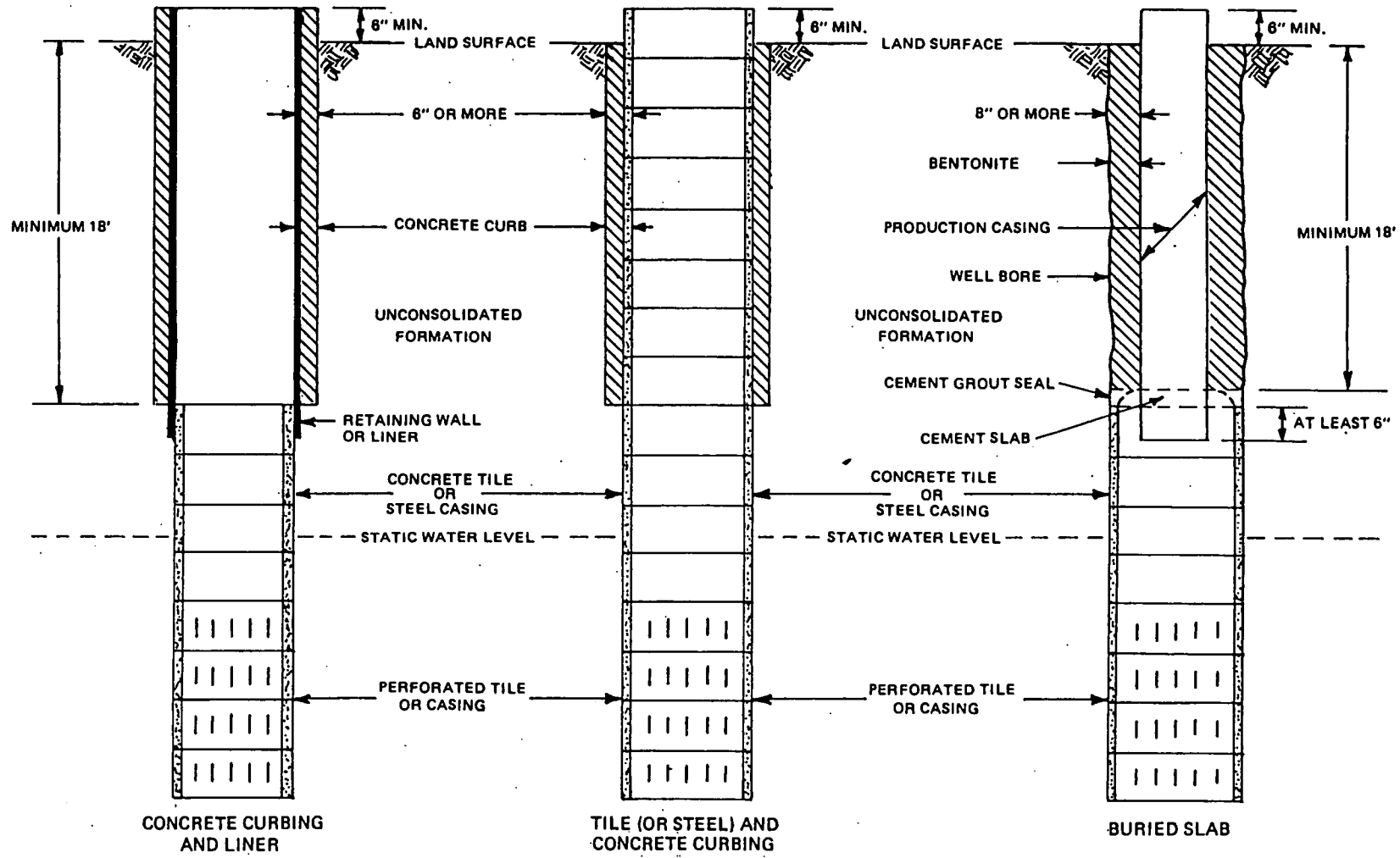
Figure 3. SEALING OF DUG WELLS

NOT TO SCALE

[11]

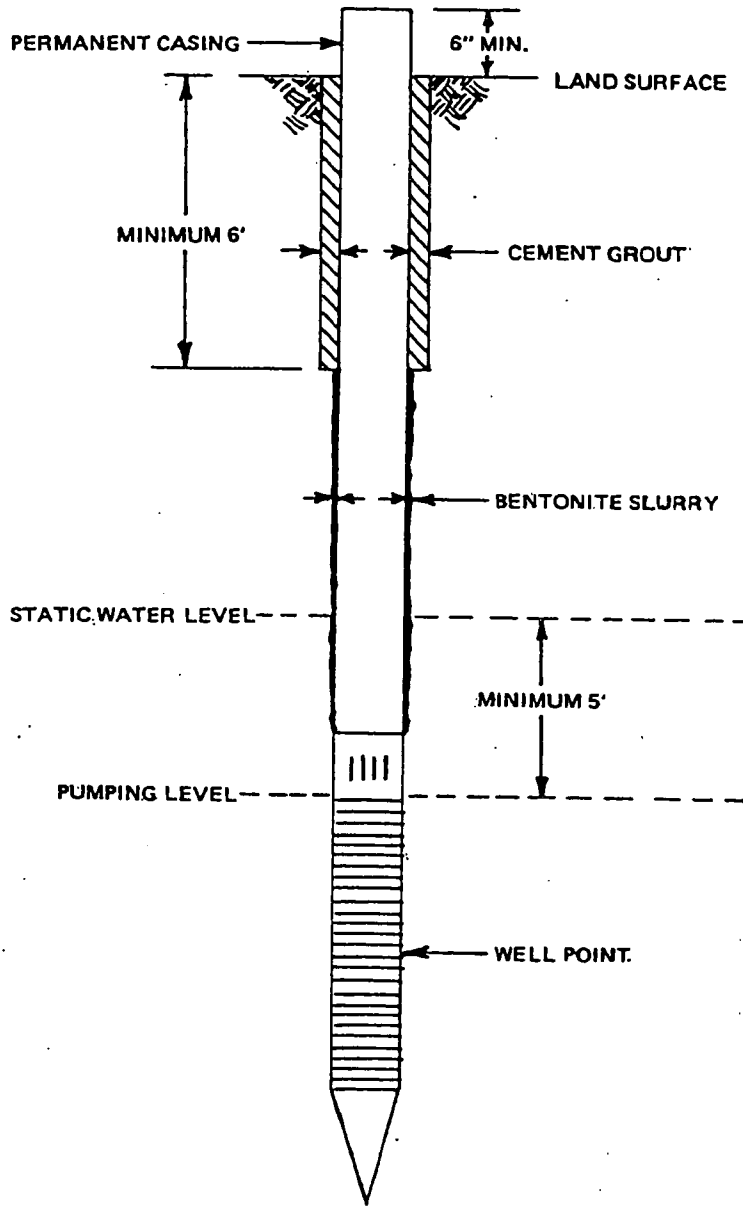
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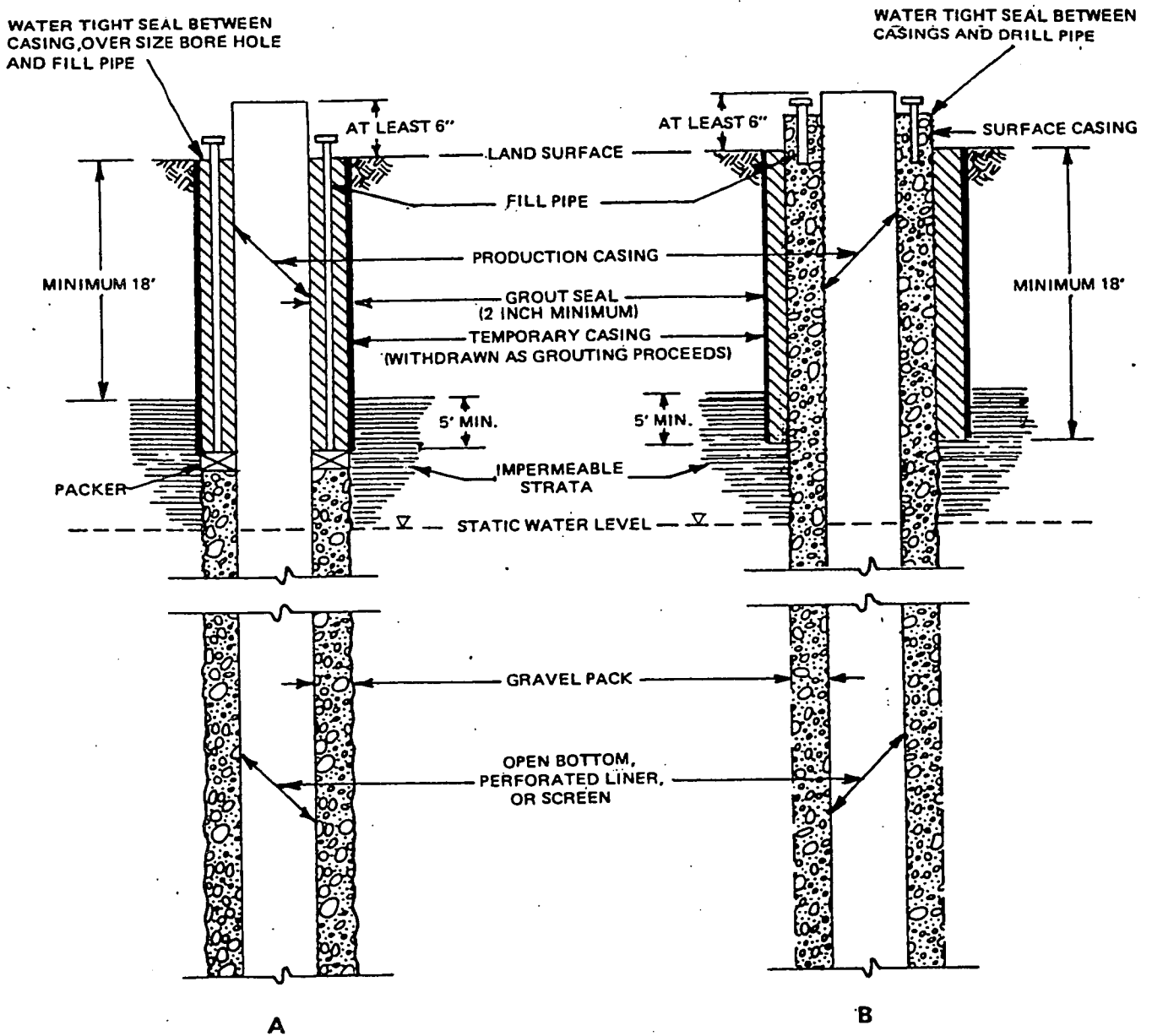
Figure 3. SEALING OF DUG WELLS



EXPEDITED ADOPTION

Figure 4. SEALING OF DRIVEN AND JETTED WELLS

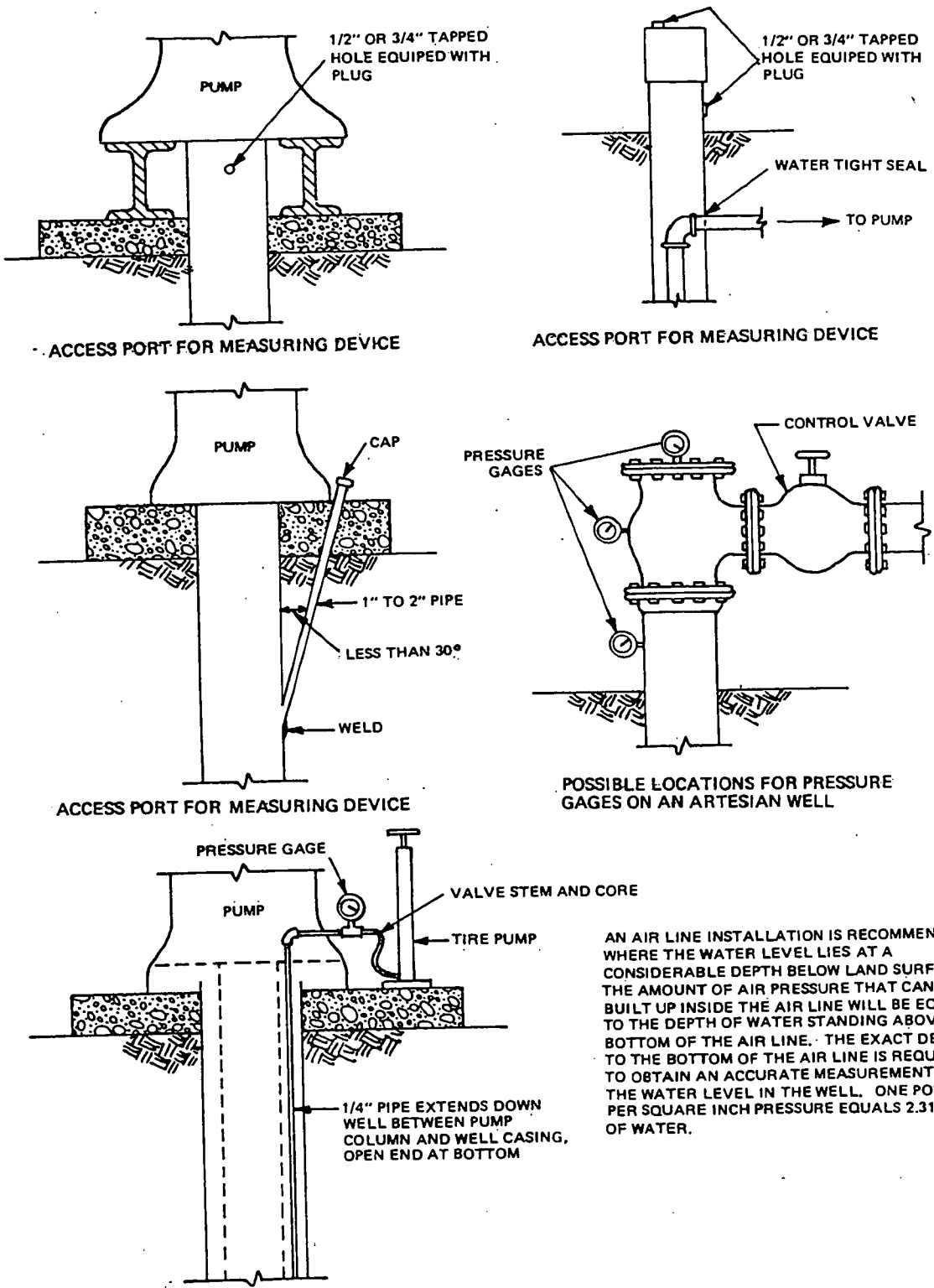
EXPEDITED ADOPTION



NOT TO SCALE

- A—WELL CONSTRUCTED WITH TEMPORARY SURFACE CASING.
- B—WELL CONSTRUCTED WITH PERMANENT SURFACE CASING.

Figure 5. SEALING OF GRAVEL-PACKED WELLS



EXPEDITED ADOPTION

Figure 6. SUGGESTED METHODS FOR INSTALLING PRESSURE GAGES AND AIR LINES FOR MEASURING WATER LEVELS IN WELLS

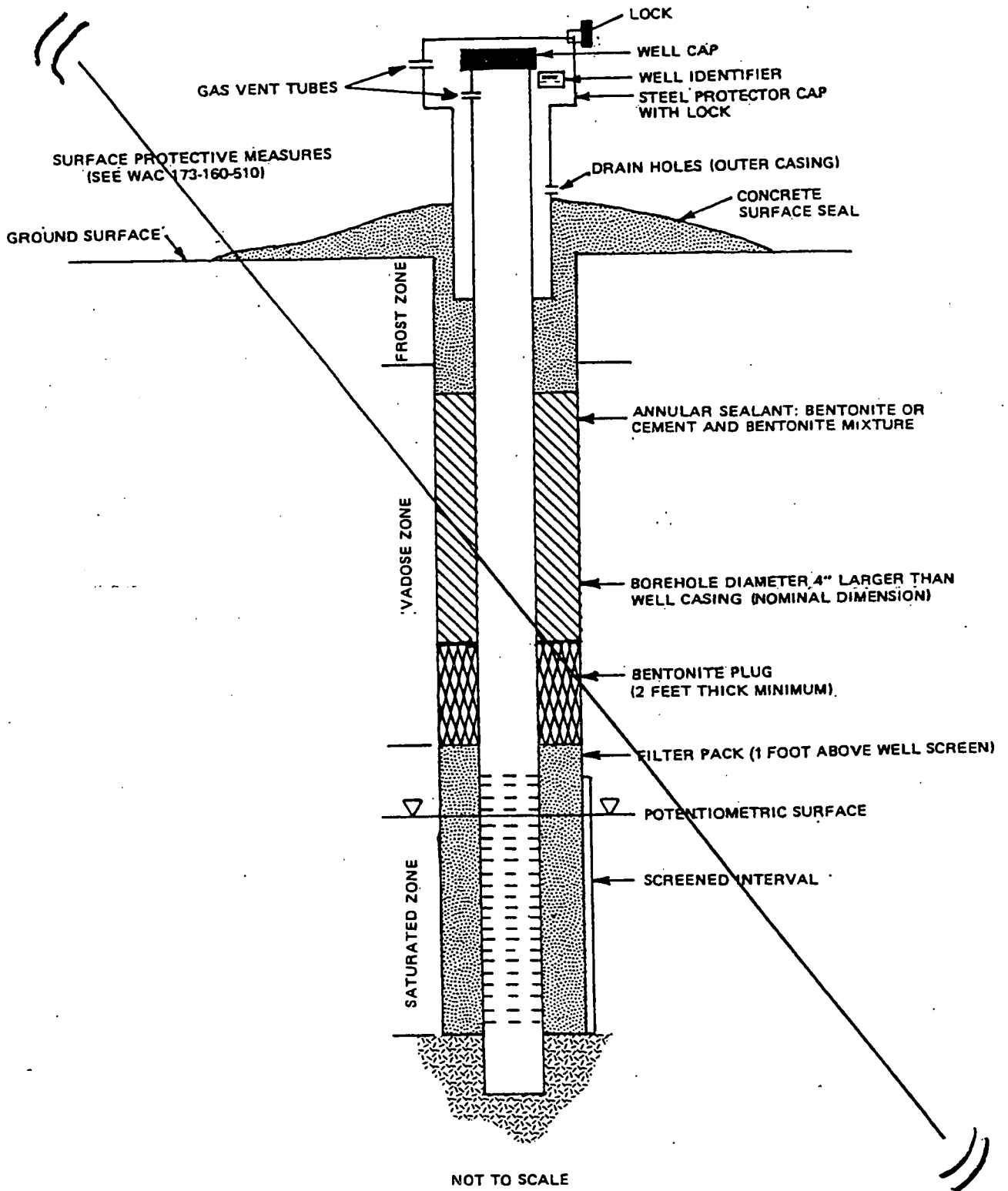
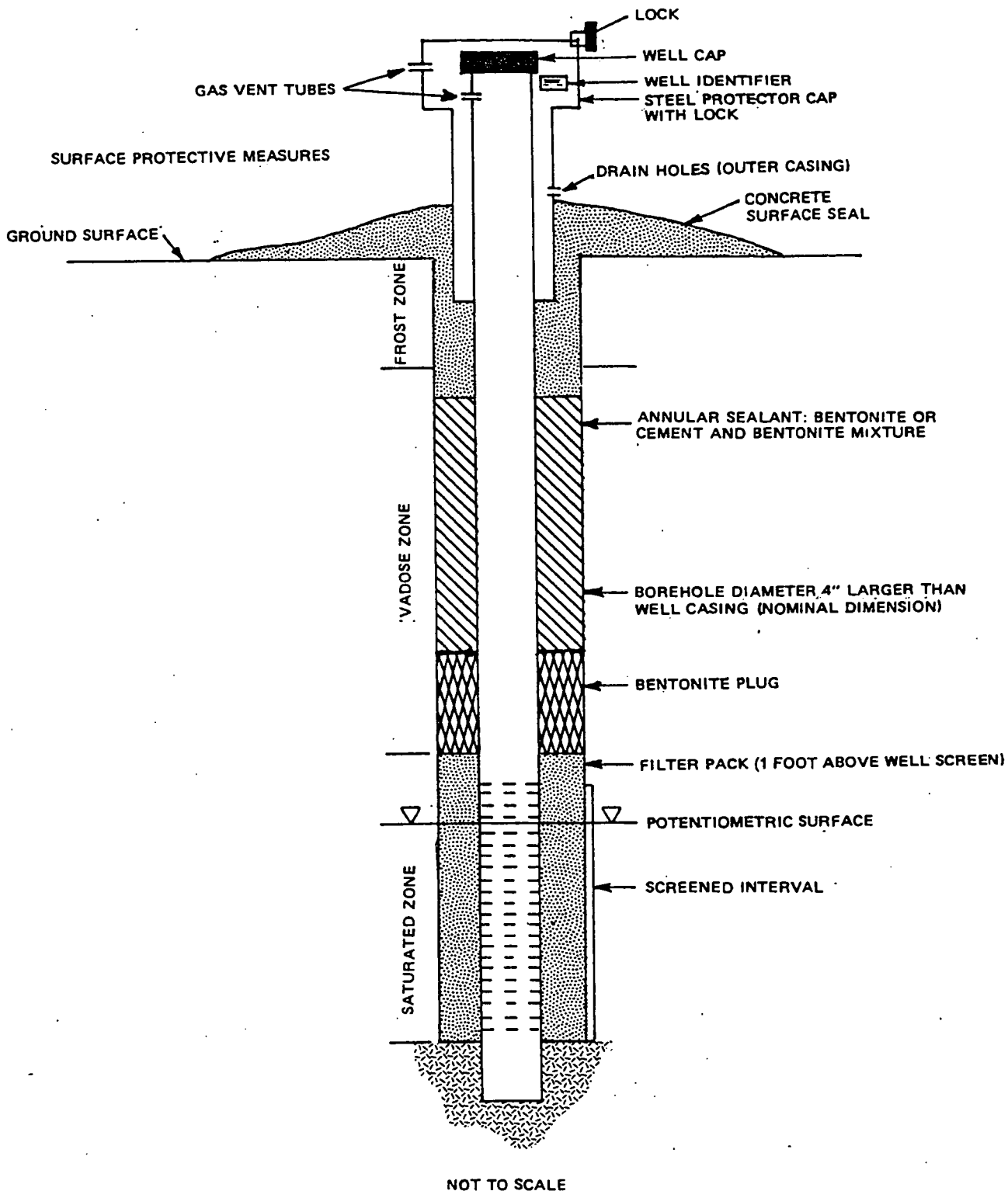


Figure 7. GENERAL RESOURCE PROTECTION WELL—CROSS SECTION.

EXPEDITED ADOPTION



EXPEDITED ADOPTION

Figure 7. GENERAL RESOURCE PROTECTION WELL—CROSS SECTION.

WSR 98-14-121
EXPEDITED ADOPTION
DEPARTMENT OF HEALTH
 [Filed July 1, 1998, 10:28 a.m.]

Title of Rule: WAC 246-976-600, 246-976-650, 246-976-720, 246-976-730, 246-976-770, 246-976-780, 246-976-810, 246-976-820, 246-976-840, and 246-976-860, designation of trauma care services.

Purpose: To establish a process and minimum standards for designation of trauma care services.

Statutory Authority for Adoption: RCW 70.168.050(2).

Statute Being Implemented: Chapter 70.168 RCW.

Summary: Makes corrections to typographical errors in existing rules.

Reasons Supporting Proposal: Housekeeping changes will improve clarity of the rules.

Name of Agency Personnel Responsible for Drafting: Shane Sanderson, 2725 Harrison Avenue N.W., Olympia, WA, (360) 705-6727; Implementation and Enforcement: Scott Hogan, 2725 Harrison Avenue N.W., Olympia, WA, (360) 705-6730.

Name of Proponent: Department of Health, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These rules establish minimum standards for designated trauma care services to include Level I-V, Pediatric Level I-III, Rehabilitation Level I-III and Pediatric Rehabilitation Level I. They set standards that provide for a consistent, coordinated and Preplanned response by hospitals, and other health care facilities to the needs of the injured patient. The proposed changes are for housekeeping purposes only and makes no substantive changes to the existing rules.

Proposal does not change existing rules.

NOTICE

THIS RULE IS BEING PROPOSED TO BE ADOPTED USING AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS RULE BEING ADOPTED USING THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Janet Griffith, Director, Department of Health, P.O. Box 47853, Olympia, WA 98504-7853, AND RECEIVED BY August 29, 1998.

June 30, 1998

Patty Hayes
for Kris Van Gorkom
Deputy Secretary

AMENDATORY SECTION (Amending WSR 98-04-038, filed 1/29/98, effective 3/1/98)

WAC 246-976-560 Designation standards for facilities providing level II trauma care service—Basic

resources and capabilities. A facility with a designated level II trauma care service shall have:

(1) An emergency department, with:

(a) A physician director who is:

(i) Board-certified in emergency medicine or other relevant specialty;

(ii) ATLS and ACLS trained, except this requirement shall not apply to a physician board-certified in emergency medicine; and

(iii) PALS or approved equivalent trained, except that this requirement shall not apply to a physician board-certified in pediatric emergency medicine.

(b) Physicians who:

(i) Are board-certified in emergency medicine, or board-certified in a specialty and practicing emergency medicine as their primary practice with special competence in care of trauma patients;

(ii) Are available within five minutes of patient's arrival in the emergency department;

(iii) Are ATLS and ACLS trained, except this requirement shall not apply to a physician board-certified in emergency medicine;

(iv) Are PALS or approved equivalent trained, except this requirement shall not apply to a physician board-certified in pediatric emergency medicine; and

(v) Are designated as members of the trauma team;

(c) Registered nurses who:

(i) Are ACLS trained;

(ii) Are PALS or approved equivalent trained;

(iii) Have successfully completed a trauma life support course as defined in WAC 246-976-885; and

(iv) Are in the emergency department and available within five minutes of patient's arrival in the emergency department;

(d) An area designated for adult and pediatric resuscitation, with equipment for resuscitation and life support of pediatric and adult trauma patients, including equipment as described in WAC 246-976-620;

(e) Routine radiological capabilities by a technician available within five minutes of notification of team activation.

(2) A surgery department, including:

(a) An attending general surgeon on-call and available within twenty minutes of notification of team activation. The attending surgeon shall:

(i) Provide trauma team leadership upon arrival in the resuscitation area;

(ii) Be board-certified;

(iii) Have trauma surgery privileges as delineated by the medical staff; or

(b) A post-graduate year four or above surgical resident may initiate evaluation and treatment upon the patient's arrival in the emergency department until the arrival of the attending surgeon. The attending surgeon shall be available within twenty minutes upon notification of team activation. The resident shall have ATLS and PALS or approved equivalent training;

(c) All general surgeons who are responsible for care and treatment of trauma patients shall be trained in:

- (i) ATLS and ACLS, except this requirement shall not apply to a physician board-certified in surgery; and
- (ii) PALS or approved equivalent.
- (3) An operating room available within five minutes of notification of team activation, with:
 - (a) A registered nurse or designee of the operating room staff who is available within five minutes of notification of team activation to open the operating room, and to coordinate responsibilities to ensure the operating room is ready for surgery upon arrival of the patient, the surgeon, and the anesthesiologist;
 - (b) Other essential personnel on-call and available within twenty minutes of notification of team activation;
 - (c) A written policy providing for mobilization of additional surgical teams for trauma patients; and
 - (d) Instruments and equipment appropriate for pediatric and adult surgery, including equipment as described in WAC 246-976-620.
- (4) A post anesthetic recovery unit with:
 - (a) Essential personnel, including at least one registered nurse, on-call and available twenty-four hours a day;
 - (b) Nurses ACLS trained;
 - (c) Nurses PALS or approved equivalent trained; and
 - (d) Appropriate monitoring and resuscitation equipment.
- (5) A critical care service, with:
 - (a) A medical director who is:
 - (i) Board-certified in surgery, internal medicine, or anesthesiology, with special competence in critical care; and
 - (ii) Responsible for coordinating with the attending staff for the care of trauma patients, including:
 - (A) Development and implementation of policies;
 - (B) Coordination of medical care;
 - (C) Determination of patient isolation;
 - (D) Authority for patient placement decisions;
 - (E) Equipment;
 - (F) Coordination of staff education;
 - (G) Coordination of statistics;
 - (H) Identification of criteria for reviewing quality of care on all critical care unit trauma patients, in conjunction with the trauma service medical director;
 - (b) A physician available in the critical care unit within five minutes of notification;
 - (c) A physician directed code team;
 - (d) Critical care unit registered nurses with special competence in trauma care, who:
 - (i) Are ACLS trained;
 - (ii) Have successfully completed a trauma life support course as defined in WAC 246-976-885;
 - (e) If the facility is not designated as a pediatric trauma care service, have a written transfer agreement and guidelines for pediatric trauma patients;
 - (f) Equipment as described in WAC 246-976-620.
 - (6) Respiratory therapy available within five minutes of notification.
 - (7) A clinical laboratory technologist available within five minutes of notification.
 - (8) Clinical laboratory services, including:
 - (a) Standard analysis of blood, urine, and other body fluids;
 - (b) Coagulation studies;

- (c) Blood gases and pH determination;
- (d) Serum and urine osmolality;
- (e) Microbiology;
- (f) Serum alcohol and toxicology determination;
- (g) Drug screening; and
- (h) Microtechnique.
- (9) Blood and blood component services, including:
 - (a) Blood and blood components available from in-house or through community services, to meet patient needs;
 - (b) Noncrossmatched blood available on patient arrival in emergency department;
 - (c) Blood typing and cross-matching;
 - (d) Policies and procedures for massive transfusion;
 - (e) Autotransfusion; and
 - (f) Blood storage capability.
- (10) Radiological services, including:
 - (a) A technician available within five minutes of notification, able to perform routine radiological procedures;
 - (b) A technician on-call and available within twenty minutes of notification, able to perform the following:
 - (i) Computerized tomography;
 - (ii) Angiography of all types; and
 - (iii) Sonography.
- (11) Acute dialysis capability, or written transfer agreements.
- (12)(a) A physician-directed burn unit staffed by nursing personnel trained in burn care; and equipped to care for extensively burned patients; or
 - (b) Written transfer guidelines in accordance with the guidelines of the American Burn Association, and transfer agreements for burn care.
- (13)(a) The ability to manage acute head and/or spinal cord injuries or;
 - (b) Have written transfer guidelines and agreements for head and spinal cord injuries(,);
 - (c) Early transfer to an appropriate designated trauma rehabilitation service shall be considered.
- (14) A trauma rehabilitation coordinator to facilitate the trauma patient's access to rehabilitation services.
- (15)(a) A designated trauma rehabilitation service; or
 - (b) Written agreements to transfer patients to a designated trauma rehabilitation service when medically feasible.
- (16) A heli-stop, landing zone, or airport located close enough to permit the facility to receive or transfer patients by fixed-wing or rotary-wing aircraft.

AMENDATORY SECTION (Amending WSR 98-04-038, filed 1/29/98, effective 3/1/98)

WAC 246-976-610 Designation standards for facilities providing level III trauma care service—Basic resources and capabilities. A facility with a designated level III trauma care service shall have:

- (1) An emergency department with:
 - (a) A physician director who is:
 - (i) Board-certified in emergency medicine, or other relevant specialty;
 - (ii) ATLS and ACLS trained, except this requirement shall not apply to a physician board-certified in emergency medicine;

(iii) PALS or approved equivalent training, except this requirement shall not apply to a physician board-certified in pediatric emergency medicine.

(b) Physicians who:

(i) Have special competence in the resuscitation and care of trauma patients;

(ii) Are available within five minutes of patient's arrival in the emergency department;

(iii) Are ATLS and ACLS trained, except this requirement shall not apply to a physician board-certified in emergency medicine;

(iv) Are PALS or approved equivalent trained, except this requirement shall not apply to a physician board-certified in pediatric emergency medicine; and

(v) Are designated as members of the trauma team;

(c) Registered nurses who:

(i) Are ACLS trained;

(ii) Are PALS or approved equivalent trained;

(iii) Have successfully completed a trauma life support course as defined in WAC 246-976-885; and

(iv) Are in the emergency department and available within five minutes of patient's arrival in the emergency department;

(d) An area designated for adult and pediatric resuscitation, with equipment for resuscitation and life support of pediatric and adult trauma patients, including equipment as described in WAC 246-976-620.

~~((2))~~ (e) Routine radiological capabilities by a technician available within twenty minutes of notification of team activation.

~~((3))~~ (2) A surgery department, including an attending general surgeon who:

(a) Is on-call and available within thirty minutes of notification of team activation;

(b) Has general surgery privileges;

(c) Has ATLS and ACLS training, except this requirement shall not apply to a physician board-certified in surgery; and

(d) Has PALS or approved equivalent training.

~~((4))~~ (3) An operating room available within five minutes of notification of team activation, with:

(a) A registered nurse or designee of the operating room staff who is available within five minutes of notification of team activation to open the operating room, and to coordinate responsibilities to ensure the operating room is ready for surgery upon arrival of the patient, the surgeon, and the anesthesiologist;

(b) Other essential personnel on-call and available within thirty minutes of notification of team activation;

(c) A written policy providing for mobilization of additional surgical teams for trauma patients; and

(d) Instruments and equipment appropriate for pediatric and adult surgery, including equipment as described in WAC 246-976-620.

~~((5))~~ (4) A post anesthetic recovery unit with:

(a) Essential personnel on-call and available twenty-four hours a day;

(b) Nurses ACLS trained;

(c) Nurses PALS or approved equivalent trained; and

(d) Appropriate monitoring and resuscitation equipment.

~~((6))~~ (5) A critical care service, with:

(a) A medical director who is:

(i) Board-certified in surgery, internal medicine, or anesthesiology, with special competence in critical care;

(ii) Responsible for coordinating with the attending staff for the care of trauma patients, including:

(A) Development and implementation of policies;

(B) Coordination of medical care;

(C) Determination of patient isolation;

(D) Authority for patient placement decisions;

(E) Equipment;

(F) Coordination of staff education;

(G) Coordination of statistics;

(H) Identification of criteria for reviewing quality of care on all critical care unit trauma patients, in conjunction with the trauma service medical director;

(b) A physician-directed code team;

(c) Critical care unit registered nurses with special competence in trauma care, who:

(i) Are ACLS trained; and

(ii) Have successfully completed a trauma life support course as defined in WAC 246-976-885;

(d) If the facility is not designated as a pediatric trauma care service, have a written transfer agreement and guidelines for pediatric trauma patients requiring critical care services;

(e) Equipment as described in WAC 246-976-620.

~~((7))~~ (6) Respiratory therapy on-call and available within thirty minutes of notification.

~~((8))~~ (7) A clinical laboratory technologist available within twenty minutes of notification.

~~((9))~~ (8) Clinical laboratory services, including:

(a) Standard analysis of blood, urine, and other body fluids;

(b) Coagulation studies;

(c) Blood gases and pH determination;

(d) Microbiology;

(e) Serum alcohol and toxicology determination; and

(f) Microtechnique.

~~((10))~~ (9) Blood and blood component services, including:

(a) Blood and blood components available from in-house or through community services, to meet patient needs;

(b) Noncrossmatched blood available on patient arrival in emergency department;

(c) Blood typing and cross-matching;

(d) Policies and procedures for massive transfusion;

(e) Autotransfusion; and

(f) Blood storage capability.

~~((11))~~ (10) Radiological services with a technician on-call and available within twenty minutes of notification, able to perform:

(a) Routine radiological procedures; and

(b) Computerized tomography.

~~((12))~~ (11) Acute dialysis capability, or written transfer agreements.

~~((13))~~ (12) Ability to resuscitate and stabilize burn patients, and have written transfer guidelines in accordance with the guidelines of the American Burn Association, and transfer agreements for burn care.

~~((14))~~ (13) Ability to resuscitate and stabilize head and spinal cord injuries, and have:

(a) Written transfer guidelines and agreements for patients with head or spinal cord injuries; or

(b) Neurosurgery, with a neurosurgeon on-call and available within thirty minutes of request by the trauma team leader(+).

(c) Early transfer to an appropriate designated trauma rehabilitation service shall be considered.

~~((15))~~ (14) A trauma rehabilitation coordinator to facilitate the trauma patient's access to rehabilitation services.

~~((16))~~ (15)(a) A designated trauma rehabilitation service; or

(b) Written agreements to transfer patients to a designated trauma rehabilitation service when medically feasible.

~~((17))~~ (16)(a) A heli-stop, landing zone, or airport located close enough to permit the facility to receive or transport patients by fixed-wing or rotary-wing aircraft; or

(b) A written policy and procedures addressing the receipt of patients by air, and transfer of patients to other designated trauma services by ground or air.

AMENDATORY SECTION (Amending WSR 98-04-038, filed 1/29/98, effective 3/1/98)

WAC 246-976-650 Designation standards for facilities providing level IV trauma care services—Basic resources and capabilities. A facility with a designated level IV trauma care service shall have:

(1) An emergency department with:

(a) A physician with special competence in resuscitation, care and treatment of trauma patients, who is:

(i) On-call and available within twenty minutes of notification;

(ii) Responsible for activating trauma-response personnel;

(iii) ATLS and ACLS trained, except this requirement shall not apply to a physician board-certified in emergency medicine; and

(iv) PALS or approved equivalent trained, except this requirement shall not apply to a physician board-certified in emergency medicine or pediatric emergency medicine;

(b) A registered nurse in-house and available within five minutes of notification, who:

(i) Is ACLS trained;

(ii) Has successfully completed a trauma life support course as defined in WAC 246-976-885; and

(iii) Is PALS or approved equivalent trained;

(c) Basic emergency services including:

(i) Assessment of the patient's condition;

(ii) Determination of the nature and urgency of the patient's medical need, including the timing and place of care; and

(iii) Diagnosis and treatment of any life threatening condition, including procedures to minimize aggravation of the patient's condition during transport to another designated trauma care service;

(d) Equipment available for resuscitation and life support of adult and pediatric trauma patients, including:

(i) Airway control and ventilation equipment including:

(A) Airways, neonatal to adult;

(B) Laryngoscope, including curved and straight blades, sizes 0-4;

(C) Endotracheal tubes sizes 2.5 to 8.0, with stylets;

(D) Bag-valve-mask resuscitator sizes neonatal, child and adult;

(E) Sources of oxygen;

(F) Pulse oximeter with infant, child and adult probes; and

(G) Suction devices;

(ii) Cardiac monitoring devices, including:

(A) Electrocardiograph;

(B) Cardiac monitor;

(C) Defibrillator with pediatric paddles;

(iii) Standard intravenous fluids and administering devices, including:

(A) Intravenous catheters, size 24g to 14g;

(B) Intraosseous needles;

(C) Infusion control device;

(iv) Gastric lavage equipment;

(v) Drugs and supplies necessary for adult and pediatric emergency care;

(vi) Medication chart, tape, or other system to assure ready access to information on proper dose-per-kilogram for resuscitation drugs and equipment sizes for pediatric patients;

(vii) Immobilization devices, including:

(A) Cervical injury immobilization devices, adult and pediatric sizes;

(B) Long-bone stabilization device; and

(C) Backboard;

(viii) Ability to provide thermal control equipment for:

(A) Patient warming and cooling;

(B) Blood warming and cooling;

(ix) Other equipment;

(A) Sterile surgical sets for procedures standard for emergency department;

(B) Two-way radio linked with EMS/TC vehicles;

(e) Routine radiological capabilities by a technician available within twenty minutes of notification of activation of trauma response personnel.

(2) If the service's scope of trauma care defined under WAC 246-976-640(2) includes surgery and/or critical care capabilities, it shall have:

(a) Staff, including:

(i) A physician on-call and available within thirty minutes of notification of activation of trauma response personnel, who:

(A) Has specific delineation of surgical privileges by the medical staff for resuscitation, stabilization and treatment of major trauma patients;

(B) Is PALS or approved equivalent trained;

(C) Is ATLS and ACLS trained, except this requirement shall not apply to a physician board-certified in surgery; and

(D) Is responsible for coordinating care and transfer of trauma patients;

(ii) Anesthesiology, with an anesthesiologist or certified registered nurse anesthetist, who:

(A) Has ACLS training, except this requirement shall not apply to a physician board-certified in anesthesiology;

(B) Has PALS or approved equivalent training; and

(C) Is on-call and available within thirty minutes of notification of activation of trauma response personnel;

(b) An operating room with a registered nurse or designee of the operating room staff who is available within five minutes of notification of activation of trauma response personnel, to open the operating room, and to coordinate responsibilities to ensure the operating room is ready for surgery upon arrival of the patient, the surgeon, and the anesthesiologist;

(c) Other essential personnel on-call and available within thirty minutes of notification;

(d) The operating room shall have available:

(i) Ability to provide thermal control equipment for:

(A) Patient warming;

(B) Blood and fluid warming;

(ii) Radiological capabilities;

(iii) Ability to provide endoscopes appropriate to trauma resuscitation; and

(iv) Monitoring equipment;

~~((3))~~ (e) Post anesthetic recovery services, with:

~~((a))~~ (i) Essential personnel on-call and available twenty-four hours every day;

~~((b))~~ (ii) Nurses ACLS trained;

~~((c))~~ (iii) Appropriate monitoring and resuscitation equipment;

~~((4))~~ (3)(a) A critical care unit which meets requirements for a designated level III trauma service as described in WAC 246-976-610; or

(b) Written transfer guidelines and agreements with designated trauma care services for patients requiring critical care;

~~((5))~~ (4) Clinical laboratory services available, for:

(a) Standard analysis of blood, urine, and other body fluids;

(b) Blood gases and pH determination;

~~((6))~~ (5) Blood and blood-component services, including:

(a) Blood and blood components available in-house or through community services, to meet patient needs in a timely fashion;

(b) Policies and procedures for massive transfusions; and

(c) Blood storage capability;

~~((7))~~ (6) Acute dialysis capabilities, or have written transfer guidelines and agreements for dialysis service;

~~((8))~~ (7) Ability to resuscitate and stabilize burn patients; and have written transfer guidelines in accordance with the guidelines of the American Burn Association, and agreements for burn care;

~~((9))~~ (8) Ability to resuscitate and stabilize acute head and/or spinal cord injuries; and

(a) Written transfer guidelines and agreements for patients with head or spinal cord injuries; or

(b) Have neurosurgery, with a neurosurgeon on-call and available within thirty minutes of request by the emergency department physician; or

(c) Early transfer to an appropriate designated trauma rehabilitation facility shall be considered;

~~((10))~~ (9) A qualified person assigned to coordinate trauma rehabilitation activities and referrals;

~~((11))~~ (10) A written plan addressing receipt and transfer of patients by fixed-wing and rotary-wing aircraft.

AMENDATORY SECTION (Amending WSR 98-04-038, filed 1/29/98, effective 3/1/98)

WAC 246-976-720 Designation standards for facilities providing level I pediatric trauma care service—Administration and organization. A facility with a designated level I pediatric trauma care service shall have:

(1)(a) Organization and direction by a general surgeon with special competence in care of the injured child. The service may have as codirector another physician or general surgeon with special competence in care of the injured child;

(b) Ongoing coordination of the trauma care service by a registered nurse with special competence in care of the injured child;

(c) A multidisciplinary trauma committee chaired by the trauma service director, with input to hospital management, including:

(i) A pediatric emergency physician;

(ii) An emergency department registered nurse;

(iii) A pediatric surgeon or general surgeon with special competence in pediatric trauma care;

(iv) A neurosurgeon;

(v) An orthopaedic surgeon;

(vi) An anesthesiologist;

(vii) The physician director of pediatric critical care service;

(viii) A pediatrician with special competence in critical care;

(ix) The pediatric trauma care service nurse coordinator;

(x) A pediatric critical care registered nurse;

(xi) A pediatric intensivist; and

(xii) The trauma rehabilitation coordinator;

(d) The multidisciplinary trauma committee shall adopt an approved method to determine activation of the trauma team, as described in WAC 246-976-870;

(e) A trauma team to provide initial evaluation, resuscitation and treatment.

(i) The team shall be organized and directed by a pediatric surgeon or general surgeon with special competence in care of the injured child, and who assumes responsibility for coordination of overall care of the pediatric trauma patient. The surgeon shall be at least a PGY4.

(ii) All members of the team, including the surgeon, shall be available within five minutes of notification of team activation.

(iii) The team shall include ~~((:))~~ an emergency physician with special competence in pediatric care, who is:

(A) Responsible for activating the trauma team, using an approved method as defined in WAC 246-976-870; and

(B) Responsible for providing team leadership and care for the pediatric trauma patient until the arrival of the general surgeon with special competence in pediatric care in the resuscitation area.

(iv) The trauma care service shall identify all other members of the team.

(v) The team shall work in conjunction with a pediatric intensivist or pediatric emergency physician.

(f) Specific delineation of pediatric trauma surgery privileges by the medical staff.

(2) An emergency department with written standards of care to ensure immediate and appropriate care for pediatric trauma patients.

(3) A surgery department, including:

(a) General surgery with special competence in care of the pediatric trauma patient;

(b) A neurosurgical service. Coverage shall be available within five minutes of notification of team activation, provided by:

(i) A neurosurgeon; or

(ii) A surgeon who has been judged competent by the neurosurgical consultants on staff to initiate measures to stabilize the pediatric patient, and to initiate diagnostic procedures, with a board-certified neurosurgeon on call and available within thirty minutes of notification of team activation.

(c) The following surgical services on-call and available within thirty minutes of request by the trauma team leader:

(i) Cardiac surgery;

(ii) Gynecologic surgery;

(iii) Hand surgery;

(iv) Microsurgery;

(v) Obstetric surgery;

(vi) Ophthalmic surgery;

(vii) Oral/maxillofacial or otorhinolaryngologic surgery;

(viii) Orthopaedic surgery;

(ix) Pediatric surgery;

(x) Plastic surgery;

(xi) Thoracic surgery;

(xii) Urologic surgery; and

(xiii) Vascular surgery.

(4) Nonsurgical specialties with special competence in pediatric care, including:

(a) Anesthesiology, with an anesthesiologist who is:

(i) ACLS trained, except this requirement shall not apply to a physician board-certified in anesthesiology;

(ii) PALS or approved equivalent trained; and

(iii) Available within five minutes of team activation;

(b) A radiologist on-call and available for patient service within twenty minutes of notification of team activation;

(c) The following services on-call and available for pediatric patient consultation or management:

(i) Cardiology;

(ii) Gastroenterology;

(iii) General pediatrics;

(iv) Hematology;

(v) Infectious disease specialists;

(vi) Nephrology;

(vii) Pediatric neurology;

(viii) Pathology;

(ix) Pediatric critical care;

(x) Pulmonology; and

(xi) Psychiatry;

(5) Written policy and procedures for access to ancillary services specific for pediatric patients, including:

(a) Chemical dependency services;

(b) Child and adult protection services;

(c) Clergy or pastoral care;

(d) Nutritionist services;

(e) Occupational therapy services;

(f) Pediatric therapeutic recreation;

(g) Pharmacy, with a pharmacist in-house;

(h) Physical therapy services;

(i) Psychological services;

(j) Rehabilitation services;

(k) Social services;

(l) Speech therapy services;

(6) A written policy and procedures to divert patients to other designated trauma care services. The policy shall be based on criteria which reflect the service's ability to resuscitate and stabilize each patient at a particular time.

(7) A trauma registry as required in WAC 246-976-430;

(8) A quality assurance program in accordance with WAC 246-976-881, and cooperate with regional trauma care quality assurance programs throughout the state established pursuant to WAC 246-976-910;

(9) Interfacility transfer guidelines and agreements consistent with WAC 246-976-890.

AMENDATORY SECTION (Amending WSR 98-04-038, filed 1/29/98, effective 3/1/98)

WAC 246-976-730 Designation standards for facilities providing level I pediatric trauma care services—Resources and capabilities. A facility with a designated level I pediatric trauma care service shall have:

(1) An emergency department with:

(a) A physician director who:

(i) Is board-certified in emergency medicine, pediatric emergency medicine, surgery or other relevant specialty; or

(ii) Has documented experience as director of an emergency department which has been previously recognized as a level I trauma center either by a regional entity or as verified by the Committee on Trauma of the American College of Surgeons;

(iii) Is ATLS and ACLS trained, except this requirement shall not apply to a physician board-certified in emergency medicine or in surgery; and

(iv) Is PALS or approved equivalent trained, except this requirement shall not apply to a physician board-certified in pediatric emergency medicine;

(b) Emergency physicians who:

(i) Are board-certified in emergency medicine, or pediatric emergency medicine, or in a specialty practicing emergency medicine as their primary practice with special competence in care of pediatric trauma patients; (this requirement may be met by a surgical resident post graduate year two who is ATLS, ACLS, and PALS or approved equivalent trained, working under the direct supervision of the attending emergency department physician, until the arrival of the surgeon to assume leadership of the trauma team);

(ii) Are available within five minutes of the patient's arrival in the emergency department;

(iii) Are ATLS and ACLS trained, except this requirement shall not apply to a physician board-certified in emergency medicine;

(iv) Are PALS or approved equivalent trained, except this requirement shall not apply to a physician board-certified in pediatric emergency medicine; and

- (v) Are designated members of the trauma team;
- (c) Registered nurses who:
 - (i) Are PALS or approved equivalent trained;
 - (ii) Have successfully completed a trauma life support course as defined in WAC 246-976-885;

(iii) Are in the emergency department and available within five minutes of patient's arrival in the emergency department;

(d) An area designated for pediatric resuscitation, with equipment for resuscitation and life support of pediatric patients, including equipment as described in WAC 246-976-620;

(e) Routine radiological capabilities by a technician available within five minutes of notification of team activation;

(2) A surgery department including:

(a) An attending pediatric surgeon or general surgeon with special competence in pediatric care who is available within five minutes of notification of team activation, except as provided in (b) of this subsection. The attending surgeon shall:

(i) Provide trauma team leadership upon arrival in the resuscitation area;

(ii) Be board-certified;

(iii) Have trauma surgery privileges as delineated by the medical staff;

(b) A post-graduate year four or above surgical resident may initiate evaluation and treatment upon the patient's arrival in the emergency department until the arrival of the attending surgeon. In this case, the attending surgeon shall be available within twenty minutes of notification of team activation.

(c) All general surgeons and surgical residents who are responsible for care and treatment of trauma patients shall be trained in:

(i) ATLS and ACLS, except this requirement shall not apply to a physician board-certified in surgery;

(ii) PALS or approved equivalent;

(3) An operating room available within five minutes of notification of team activation, with:

(a) A registered nurse or designee of the operating room staff who is available within five minutes of team activation to open the operating room, and to coordinate responsibilities to ensure the operating room is ready for surgery upon arrival of the patient, the surgeon, and the anesthesiologist;

(b) A written policy providing for mobilization of additional surgical teams for pediatric trauma patients;

(c) Instruments and equipment appropriate for pediatric surgery, including equipment as described in WAC 246-976-620;

(4) A post-anesthetic recovery unit with:

(a) Essential personnel, including at least one registered nurse available twenty-four hours a day;

(b) Nurses ACLS trained;

(c) Nurses PALS or approved equivalent trained;

(d) Appropriate monitoring and resuscitation equipment.

(5) A pediatric critical care service, with:

(a) A pediatric critical care unit, including patient isolation capacity;

(b) A medical director or codirector who is board-certified in pediatrics, with sub-board certification in critical care, with((+)) responsibility for coordinating with the attending staff for the care of pediatric trauma patients, including:

(i) Development and implementation of policies;

(ii) Coordination of medical care;

(iii) Determination of patient isolation;

(iv) Authority for patient placement decisions;

(v) Equipment;

(vi) Coordination of staff education;

(vii) Coordination of statistics; and

(viii) Identification of criteria for reviewing quality of care on all pediatric critical care unit trauma patients in conjunction with the trauma service medical director;

(c) A physician with special competence in pediatric critical care available within five minutes of notification;

(d) A physician-directed code team;

(e) Pediatric critical care nursing with registered nurses who have:

(i) Special competence in pediatric trauma care; and

(ii) Successfully completed PALS or approved equivalent training;

(f) Equipment as described in WAC 246-976-620 and 246-976-825;

(6) Respiratory therapy available within five minutes of notification;

(7) A clinical laboratory technologist available within five minutes of notification;

(8) Clinical laboratory services, including:

(a) Standard analyses of blood, urine, and other body fluids;

(b) Coagulation studies;

(c) Blood gases and pH determination;

(d) Serum and urine osmolality;

(e) Microbiology;

(f) Serum alcohol and toxicology determination;

(g) Drug screening; and

(h) Microtechnique.

(9) Blood and blood component services, including:

(a) Blood and blood components available from in-house or through community services, to meet patient needs;

(b) Noncrossmatched blood available on patient arrival in the emergency department;

(c) Blood typing and cross-matching;

(d) Policies and procedures for massive transfusion;

(e) Autotransfusions; and

(f) Blood storage capability;

(10) A radiological service, including:

(a) A technician available within five minutes of notification, able to perform the following:

(i) Routine radiological procedures; and

(ii) Computerized tomography;

(b) A technician on-call and available within twenty minutes of notification, able to perform the following:

(i) Angiography of all types;

(ii) Sonography;

(iii) Nuclear scanning;

(11) Acute dialysis capability, or written transfer agreements.

(12)(a) A physician-directed burn unit staffed by nursing personnel trained in burn care, and equipped to care for extensively burned pediatric patients; or

(b) Written transfer guidelines and agreements for burn care, in accordance with the guidelines of the American Burn Association.

(13) The ability to manage acute head and/or spinal cord injuries. Early transfer to an appropriate pediatric trauma rehabilitation service shall be considered.

(14) A trauma rehabilitation coordinator to facilitate the trauma patient's access to pediatric rehabilitation services.

(15)(a) A designated pediatric trauma rehabilitation service; or

(b) Written agreements to transfer patients to designated pediatric trauma rehabilitation services when medically feasible.

(16) Heli-stop, landing zone or airport located close enough to permit the facility to receive or transfer patients by fixed-wing or rotary-wing aircraft.

AMENDATORY SECTION (Amending WSR 98-04-038, filed 1/29/98, effective 3/1/98)

WAC 246-976-770 Designation standards for facilities providing level II pediatric trauma care service—Administration and organization. A facility with a designated level II pediatric trauma care service shall have:

(1)(a) Organization and direction by a general surgeon with special competence in care of the injured child. The service may have as codirector another physician with special competence in care of the injured child;

(b) Ongoing coordination of the trauma care service by a registered nurse with special competence in care of the injured child;

(c) A multidisciplinary trauma committee chaired by the trauma service director, with input to hospital management, including:

(i) An emergency physician with special competence in pediatric care;

(ii) An emergency department registered nurse;

(iii) A pediatric surgeon or general surgeon with special competence in pediatric trauma care;

(iv) A neurosurgeon;

(v) An orthopaedic surgeon;

(vi) An anesthesiologist;

(vii) The physician director of pediatric critical care service;

(viii) A pediatrician with special competence in critical care;

(ix) The pediatric trauma care service nurse coordinator;

(x) A pediatric critical care registered nurse;

(xi) Pediatric intensivist; and

(xii) The trauma rehabilitation coordinator;

(d) The multidisciplinary trauma committee shall adopt an approved method to determine activation of the trauma team, as described in WAC 246-976-870;

(e) A trauma team to provide initial evaluation, resuscitation and treatment.

(i) The team shall be organized and directed by a pediatric surgeon or general surgeon with special competence in

care of the injured child, and who assumes responsibility for coordination of overall care of the pediatric trauma patient.

(ii) The team shall work in conjunction with a pediatric intensivist or pediatric emergency physician.

(iii) All members of the team, except the surgeon and the anesthesiologist, shall be available within five minutes of notification of team activation.

(iv) The team shall include:

(A) An emergency physician with special competence in pediatric care, who is:

(I) Responsible for activating the trauma team, using an approved method as defined in WAC 246-976-870; and

(II) Responsible for providing team leadership and care for the pediatric trauma patient until the arrival of the general surgeon in the resuscitation area.

~~((HH))~~ (B) A pediatric surgeon, or general surgeon with special competence in pediatric trauma surgery, on-call and available within twenty minutes of notification of team activation, who shall assume responsibility for patient care upon arrival in the resuscitation area;

(v) The trauma care service shall identify all other members of the team.

(f) Specific delineation of pediatric trauma surgery privileges by the medical staff.

(2) An emergency department with written standards of care to ensure immediate and appropriate care for pediatric trauma patients.

(3) A surgery department, including:

(a) General surgery, with special competence in care of the pediatric trauma patient;

(b) A neurosurgical service. Coverage shall be available within five minutes of notification of team activation. In-house coverage shall be provided by:

(i) A neurosurgeon; or

(ii) A surgeon or other physician who has been judged competent by the neurosurgical consultants on staff to initiate measures to stabilize the patient, and to initiate diagnostic procedures, with a neurosurgeon on-call and available within thirty minutes of notification of team activation;

(c) The following surgical services on-call and available within thirty minutes of request by the trauma team leader:

(i) Gynecologic surgery;

(ii) Hand surgery;

(iii) Obstetric surgery;

(iv) Ophthalmic surgery;

(v) Oral/maxillofacial or otorhinolaryngologic surgery;

(vi) Orthopaedic surgery;

(vii) Pediatric surgery;

(viii) Plastic surgery;

(ix) Thoracic surgery;

(x) Urologic surgery; and

(xi) Vascular surgery.

(4) Nonsurgical specialties with special competence in pediatric care, including:

(a) Anesthesiology, with an anesthesiologist who is:

(i) ACLS trained, except this requirement shall not apply to a physician board-certified in anesthesiology;

(ii) PALS or approved equivalent trained; and

(iii) On-call and available within twenty minutes of notification of team activation;

(b) A radiologist on-call and available for patient service within twenty minutes of notification of team activation;

(c) The following services on-call and available for pediatric patient consultation or management:

- (i) Cardiology;
- (ii) Gastroenterology;
- (iii) General pediatrics;
- (iv) Hematology;
- (v) Infectious disease specialists;
- (vi) Nephrology;
- (vii) Neurology;
- (viii) Pathology;
- (ix) Pediatric critical care; and
- (x) Pulmonology;

(5) Written policy and procedures for access to ancillary services specific for pediatric patients, including:

- (a) Chemical dependency services;
- (b) Child and adult protection services;
- (c) Clergy or pastoral care;
- (d) Nutritionist services;
- (e) Occupational therapy services;
- (f) Pediatric therapeutic recreation;
- (g) Pharmacy;
- (h) Physical therapy services;
- (i) Rehabilitation services;
- (j) Social services; and
- (k) Speech therapy services.

(6) A written policy and procedures to divert patients to other designated trauma care services. The policy shall be based on criteria which reflect the service's ability to resuscitate and stabilize each patient at a particular time.

(7) A trauma registry as required in WAC 246-976-430.

(8) A quality assurance program in accordance with WAC 246-976-881; and cooperate with regional trauma care quality assurance programs throughout the state established pursuant to WAC 246-976-910.

(9) Interfacility transfer guidelines and agreements consistent with WAC 246-976-890.

AMENDATORY SECTION (Amending WSR 98-04-038, filed 1/29/98, effective 3/1/98)

WAC 246-976-780 Designation standards for facilities providing level II pediatric trauma care service—Basic resources and capabilities. A facility with a designated level II pediatric trauma care service shall have:

(1) An emergency department, with:

(a) A physician director who is:

(i) Board-certified in emergency medicine or pediatric emergency medicine;

(ii) ATLS trained, except this requirement shall not apply to a physician board-certified in emergency medicine; and

(iii) PALS or approved equivalent trained, except this requirement shall not apply to a physician board-certified in pediatric emergency medicine.

(b) Physicians who:

(i) Are board-certified in emergency medicine, or pediatric emergency medicine, or board-certified in a specialty

practicing emergency medicine as their primary practice with special competence in the care of pediatric trauma patients;

(ii) Are available within five minutes of patient's arrival in the emergency department;

(iii) Are ATLS and ACLS trained, except this requirement shall not apply to a physician board-certified in emergency medicine;

(iv) Are PALS or approved equivalent trained, except this requirement shall not apply to a physician board-certified in pediatric emergency medicine; and

(v) Are designated as members of the trauma team;

(c) Registered nurses who:

(i) Are PALS or approved equivalent trained;

(ii) Have successfully completed a trauma life support course as defined in WAC 246-976-885;

(iii) Are in the emergency department and available within five minutes of patient's arrival in the emergency department;

(d) An area designated for pediatric resuscitation, with equipment for resuscitation and life support of pediatric patients, including equipment as described in WAC 246-976-620;

(e) Routine radiological capabilities by a technician available within five minutes of notification of team activation;

(2) A surgery department, including:

(a) An attending pediatric surgeon, or general surgeon with special competence in pediatric care, who is on-call and available within twenty minutes of notification of team activation. The attending surgeon shall:

(i) Provide trauma team leadership upon arrival in the resuscitation area;

(ii) Be board-certified;

(iii) Have trauma surgery privileges as delineated by the medical staff;

(b) All general surgeons who are responsible for care and treatment of trauma patients shall be trained in:

(i) ATLS, except this requirement shall not apply to a physician board-certified in surgery;

(ii) PALS or approved equivalent.

(3) An operating room available within five minutes of notification of team activation, with:

(a) A registered nurse or designee of the operating room staff who is available within five minutes of notification of team activation to open the operating room, and to coordinate responsibilities to ensure the operating room is ready for surgery upon arrival of the patient, the surgeon, and the anesthesiologist;

(b) Other essential personnel on-call and available within twenty minutes of notification of team activation;

(c) A written policy providing for mobilization of additional surgical teams for pediatric trauma patients;

(d) Instruments and equipment appropriate for pediatric surgery, including equipment as described in WAC 246-976-620;

(4) A post-anesthetic recovery unit, with:

(a) Essential personnel, including at least one registered nurse on-call and available twenty-four hours a day; and

(b) Nurses ACLS trained;

(c) Nurses PALS or approved equivalent trained;

- (d) Appropriate monitoring and resuscitation equipment.
- (5) A pediatric critical care service, with:
 - (a) A pediatric critical care unit, including patient isolation capacity;
 - (b) A medical director or codirector who is board-certified in pediatrics with sub-board certification in critical care, with(±) responsibility for coordinating with the attending staff for the care of pediatric trauma patients, including:
 - (i) Development and implementation of policies;
 - (ii) Coordination of medical care;
 - (iii) Determination of patient isolation;
 - (iv) Authority for patient placement decisions;
 - (v) Equipment;
 - (vi) Coordination of staff education;
 - (vii) Coordination of statistics; and
 - (viii) Identification of criteria for reviewing quality of care on all pediatric critical care unit trauma patients, in conjunction with the trauma service medical director;
 - (c) A physician with special competence in pediatric critical care available within five minutes of notification;
 - (d) A physician-directed code team;
 - (e) Pediatric critical care nursing, with registered nurses who have:
 - (i) Special competence in pediatric trauma care; and
 - (ii) Successfully completed PALS or approved equivalent training;
 - (f) Equipment as described in WAC 246-976-620 and 246-976-825.
 - (6) Respiratory therapy available within five minutes of notification;
 - (7) A clinical laboratory technologist available within five minutes of notification;
 - (8) Clinical laboratory services, including:
 - (a) Standard analyses of blood, urine, and other body fluids;
 - (b) Coagulation studies;
 - (c) Blood gases and pH determination;
 - (d) Serum and urine osmolality;
 - (e) Microbiology;
 - (f) Serum alcohol and toxicology determination;
 - (g) Drug screening; and
 - (h) Microtechnique;
 - (9) Blood and blood component services, including:
 - (a) Blood and blood components available from in-house or through community services, to meet patient needs;
 - (b) Noncrossmatched blood available on patient arrival in the emergency department;
 - (c) Blood typing and cross-matching;
 - (d) Policies and procedures for massive transfusion;
 - (e) Autotransfusions; and
 - (f) Blood storage capability;
 - (10) Radiological services, including:
 - (a) A technician available within five minutes of notification, able to perform routine radiologic procedures;
 - (b) A technician on-call and available within twenty minutes of notification, able to perform the following:
 - (i) Angiography of all types;
 - (ii) Computerized tomography;
 - (iii) Sonography;

(11) Acute dialysis capability, or written transfer agreements.

(12)(a) A physician-directed burn unit staffed by nursing personnel trained in burn care; and equipped to care for extensively burned pediatric patients; or

(b) Written transfer guidelines and transfer agreements for burn care, in accordance with the guidelines of the American Burn Association.

(13)(a) The ability to manage acute head and/or spinal cord injuries; or

(b) Written transfer guidelines and agreements for head and spinal cord injuries.

(c) Early transfer to an appropriate designated trauma rehabilitation service shall be considered;

(14) A ((designated)) trauma rehabilitation coordinator to facilitate the trauma patient's access to pediatric rehabilitation services;

(15)(a) A designated pediatric trauma rehabilitation service; or

(b) Written agreements to transfer patients to a designated pediatric trauma rehabilitation service when medically feasible.

(16) A heli-stop, landing zone or airport located close enough to permit the facility to receive or transfer patients by fixed-wing or rotary-wing aircraft.

AMENDATORY SECTION (Amending WSR 98-04-038, filed 1/29/98, effective 3/1/98)

WAC 246-976-810 Designation standards for facilities providing level III pediatric trauma care service—Administration and organization. A facility with a designated level III pediatric trauma care service shall have:

(1)(a) Organization and direction by a general surgeon or other physician with special competence in care of the injured child. The service may have as codirector another physician with special competence in care of the injured child;

(b) Ongoing coordination of the trauma care service by a registered nurse with special competence in care of the injured child;

(c) A multidisciplinary trauma committee chaired by the trauma service director, with input to hospital management, including:

(i) An emergency physician with special competence in pediatric trauma care;

(ii) An emergency department registered nurse;

(iii) A general surgeon with special competence in pediatric trauma care;

(iv) An orthopaedic surgeon;

(v) An anesthesiologist;

(vi) The pediatric trauma care service nurse coordinator;

(vii) A pediatric critical care registered nurse;

(viii) A pediatrician with special competence in critical care; and

(ix) The trauma rehabilitation coordinator;

(d) The multidisciplinary trauma committee shall adopt an approved method to determine activation of the trauma team, as described in WAC 246-976-870;

(e) A trauma team to provide initial evaluation, resuscitation and treatment.

(i) The team shall be organized and directed by a general surgeon with special competence in care of the injured child; and who assumes responsibility for coordination of overall care of the pediatric trauma patient;

(ii) All members of the team, except the surgeon and the anesthesiologist or CRNA (if a member of the team), shall be available within five minutes of notification of team activation;

(iii) The team shall include:

(A) An emergency physician with special competence in pediatric trauma care, who is:

(I) Responsible for activating the trauma team, using an approved method as defined in WAC 246-976-870; and

(II) Responsible for providing team leadership and care for the pediatric trauma patient until the arrival of the general surgeon in the resuscitation area;

(B) A pediatric surgeon, or general surgeon with special competence in pediatric trauma surgery, on-call and available within thirty minutes of notification of team activation, who shall assume responsibility for patient care upon arrival in the resuscitation area;

~~((C))~~ (iv) The trauma care service shall identify all other members of the team.

(f) Specific delineation of pediatric trauma surgery privileges by the medical staff.

(2) An emergency department with written standards of care to ensure immediate and appropriate care for pediatric trauma patients.

(3) A surgery department, including:

(a) General surgery, with special competence in care of the pediatric trauma patient;

(b)(i) Written transfer guidelines and agreements for head and spinal cord injuries; or

(ii) Neurosurgery, with a neurosurgeon on-call and available within thirty minutes of notification of team activation;

(c)(i) Written transfer guidelines and procedures for patients requiring orthopaedic surgery; or

(ii) Orthopaedic surgery, with an orthopaedic surgeon on-call and available within thirty minutes of request by the trauma team leader;

(4) Nonsurgical specialties, including:

(a) Anesthesiology, with an anesthesiologist or certified registered nurse anesthetist, who is:

(i) ACLS trained, except this requirement shall not apply to a physician board-certified in anesthesiology;

(ii) PALS or approved equivalent trained; and

(iii) On-call and available within thirty minutes of notification of team activation;

(b) A radiologist on-call and available for patient service within thirty minutes of notification of team activation;

(c) General pediatrics, with board-certified pediatricians on-call and available for pediatric patient consultation or management;

(5) Written policy and procedures for access to ancillary services specific for pediatric patients, including:

(a) Chemical dependency services;

(b) Child and adult protection services;

(c) Clergy or pastoral care;

(d) Nutritionist services;

(e) Pediatric therapeutic recreation;

(f) Pharmacy;

(g) Physical therapy services;

(h) Rehabilitation services;

(i) Social services;

(6) A written policy and procedures to divert patients to other designated trauma care services. The policy shall be based on criteria which reflect the service's ability to resuscitate and stabilize each patient at a particular time;

(7) A trauma registry as required by WAC 246-976-430;

(8) A quality assurance program in accordance with WAC 246-976-881; and cooperate with regional trauma care quality assurance programs throughout the state established pursuant to WAC 246-976-910;

(9) Interfacility transfer guidelines and agreements consistent with WAC 246-976-890.

AMENDATORY SECTION (Amending WSR 98-04-038, filed 1/29/98, effective 3/1/98)

WAC 246-976-820 Designation standards for facilities providing level III pediatric trauma care service—Basic resources and capabilities. A facility with a designated level III pediatric trauma care service shall have:

(1) An emergency department with:

(a) A physician director who is:

(i) Board-certified in emergency medicine or pediatric emergency medicine;

(ii) ATLS and ACLS trained, except this requirement shall not apply to a physician board-certified in emergency medicine; and

(iii) PALS or approved equivalent trained, except this requirement shall not apply to a physician board-certified in pediatric emergency medicine;

(b) Physicians who:

(i) Have special competence in the resuscitation and care of pediatric trauma patients;

(ii) Are available within five minutes of patient's arrival in the emergency department;

(iii) Are ATLS and ACLS trained, except this requirement shall not apply to a physician board-certified in emergency medicine;

(iv) Are PALS or approved equivalent trained, except this requirement shall not apply to a physician board-certified in pediatric emergency medicine; and

(v) Are designated as members of the trauma team;

(c) Registered nurses who:

(i) Are PALS or approved equivalent trained;

(ii) Have successfully completed a trauma life support course as defined in WAC 246-976-885;

(iii) Are in the emergency department and available within five minutes of patient's arrival in the emergency department;

(d) An area designated for pediatric resuscitation, with equipment for resuscitation and life support of pediatric patients, including equipment as described in WAC 246-976-620;

(e) Routine radiological capabilities, by a technician available within twenty minutes of notification of team activation.

(2) A surgery department, including an attending surgeon who is:

On-call and available within thirty minutes of notification of team activation; and

(a) Has general surgery privileges, with special competence in pediatric care;

(b) Has PALS or approved equivalent training;

(c) Has ATLS, except this requirement shall not apply to a physician board-certified in surgery.

(3) An operating room available within five minutes of notification of team activation, with:

(a) A registered nurse or designee of the operating room staff who is available within five minutes of notification of team activation to open the operating room, and to coordinate responsibilities to ensure the operating room is ready for surgery upon arrival of the patient, the surgeon, and the anesthesiologist;

(b) Other essential personnel on-call and available within thirty minutes of notification of team activation;

(c) A written policy providing for mobilization of additional surgical teams for pediatric trauma patients.

(d) Instruments and equipment appropriate for pediatric surgery, including equipment as described in WAC 246-976-620;

(4) A post-anesthetic recovery unit with:

(a) Essential personnel on-call and available twenty-four hours a day;

(b) Nurses ACLS trained;

(c) Nurses PALS or approved equivalent trained;

(d) Appropriate monitoring and resuscitation equipment;

(5) Availability of pediatric critical care, with:

(a) A written transfer agreement and guidelines for pediatric trauma patients requiring critical care services; or

(b) A pediatric critical care unit in accordance with standards as delineated for level II pediatric trauma service in WAC 246-976-780(5), except the medical director or codirector shall be board-certified in pediatrics or another relevant specialty with special competence in pediatric critical care;

(c) A physician with special competence in pediatric critical care, available within five minutes of notification;

(d) A physician-directed code team;

(e) Pediatric critical care nursing, with registered nurses who have:

(i) Special competence in pediatric trauma care; and

(ii) Completed PALS or approved equivalent training;

(f) Equipment as described in WAC 246-976-620 and WAC 246-976-825.

(6) Respiratory therapy on-call and available within five minutes of notification;

(7) A clinical laboratory technologist available within twenty minutes of notification;

(8) Clinical laboratory services, including:

(a) Standard analyses of blood, urine, and other body fluids;

(b) Coagulation studies;

(c) Blood gases and pH determination;

(d) Microbiology;

(e) Serum alcohol and toxicology determination; and

(f) Microtechnique.

(9) Blood and blood component services, including:

(a) Blood and blood components available from in-house or through community services, to meet patient needs;

(b) Noncrossmatched blood available on patient arrival in the emergency department;

(c) Blood typing and cross-matching;

(d) Policies and procedures for massive transfusion;

(e) Autotransfusions; and

(f) Blood storage capability;

(10) Radiological services, including a technician on-call and available within twenty minutes of notification, able to perform:

(a) Routine radiological studies;

(b) Computerized tomography;

(11) Acute dialysis capability, or written transfer agreements;

(12) Written transfer guidelines in accordance with the guidelines of the American Burn Association, and transfer agreements for burn care;

(13)(a) Written transfer guidelines and agreements for patients with head or spinal cord injuries; or

(b) Have neurosurgery, with a neurosurgeon on-call and available within thirty minutes of request by the trauma team leader((:)).

(c) Early transfer to an appropriate designated trauma rehabilitation service shall be considered;

(14) A trauma rehabilitation coordinator to facilitate the pediatric trauma patient's access to pediatric rehabilitation services;

(15)(a) A designated pediatric trauma rehabilitation service; or

(b) Written agreements to transfer patients to a designated pediatric trauma rehabilitation service when medically feasible.

(16)(a) A heli-stop, landing zone, or airport located close enough to permit the facility to receive or transfer patients by fixed-wing or rotary-wing aircraft; or

(b) Have a written policy and procedures addressing the receipt of patients by air, and transfer of patients to other designated trauma services by ground or air.

AMENDATORY SECTION (Amending WSR 98-04-038, filed 1/29/98, effective 3/1/98)

WAC 246-976-860 Designation standards for facilities providing level I pediatric trauma rehabilitation service. (1) Level I pediatric rehabilitation services shall:

(a) Treat inpatients and outpatients, regardless of disability or level of severity or complexity, who are:

(i) Under fifteen years old; or

(ii) For adolescent trauma patients, determine whether educational goals, premorbid learning or developmental status, social or family needs, or other factors indicate treatment in an adult or pediatric setting.

(b) Have and retain accreditation by the commission on accreditation of rehabilitation facilities (CARF) for hospital-based comprehensive inpatient rehabilitation category one,

including the additional designated pediatric program standards required to provide pediatric rehabilitative services;

(i) Abeyance or deferral status do not qualify an applicant for designation;

(ii) If the applicant holds one-year accreditation, the application for trauma care service designation shall include a copy of the CARF survey report and recommendations;

(c) House patients in a designated pediatric rehabilitation area, providing a pediatric milieu;

(d) Provide a peer group for persons with similar disabilities;

(e) Be directed by a physiatrist who is in-house or on-call and responsible for rehabilitation concerns twenty-four hours every day;

(f) Have a diversion or transfer policy with protocols on an individual patient basis, based on the ability to manage that patient at that time;

(g) In addition to the CARF medical consultative service requirements, have the following medical services in-house or on-call twenty-four hours every day:

(i) Anesthesiology, with an anesthesiologist or certified registered nurse anesthetist (CRNA);

(ii) A pediatrician;

(iii) Radiology;

(h) Provide rehabilitation nursing personnel twenty-four hours every day, with:

(i) Management by a registered nurse;

(ii) At least one certified rehabilitation registered nurse (CRRN) on duty each day shift and evening shift when a trauma patient is present;

(iii) A minimum of six clinical nursing care hours per patient day for each trauma patient;

(iv) All nursing personnel trained and/or experienced in pediatric rehabilitation;

(v) The initial care plan and weekly update reviewed and approved by a CRRN; and

(vi) An orientation and training program for all levels of rehabilitation nursing personnel;

(i) Provide the following health personnel and services twenty-four hours every day:

(i) Access to pharmaceuticals, with pharmacist in house;

(ii) Personnel trained in intermittent urinary catheterization; and

(iii) Respiratory therapy;

(j) Provide the following trauma rehabilitation services with staff who are licensed, registered, or certified, who are trained and/or experienced in pediatric rehabilitation, and who are in-house or available for treatment every day when indicated in the rehabilitation plan:

(i) Occupational therapy;

(ii) Physical therapy;

(iii) Psychology, including:

(A) Neuropsychological services;

(B) Clinical psychological services, including testing and counseling; and

(C) Substance abuse counseling;

(iv) Social services;

(v) Speech/language pathology;

(k) Provide the following ((diagnostic)) services in-house or through affiliation or consultative arrangements with staff who are licensed, registered, certified, or degreed:

(i) Communication augmentation;

(ii) Educational component of the program appropriate to the disability and developmental level of the child, to include educational screening, instruction, and discharge planning coordinated with the receiving school district;

(iii) Orthotics;

(iv) Play space, with supervision by a pediatric therapeutic recreation specialist or child life specialist, to provide assessment and play activities;

(v) Prosthetics;

(vi) Rehabilitation engineering for device development and adaptations;

(vii) Therapeutic recreation;

(l) Provide the following diagnostic services in-house or through affiliation or consultative arrangements with staff who are licensed, registered, certified, or degreed:

(i) Electrophysiologic testing, to include:

(A) Electroencephalography;

(B) Electromyography;

(C) Evoked potentials;

(ii) Diagnostic imaging, including computerized tomography, magnetic resonance imaging, nuclear medicine, and radiology;

(iii) Laboratory services; and

(iv) Urodynamic testing;

(m) Have an outreach program regarding pediatric trauma rehabilitation care, consisting of telephone and on-site consultations with physicians and other health care professionals in the community and outlying areas;

(n) Have a formal program of continuing pediatric trauma rehabilitation care education, both in-house and outreach, provided for nurses and allied health care professionals;

(o) Have an ongoing structured program to conduct clinical studies, applied research or analysis in rehabilitation of pediatric trauma patients, and report results within a peer-review process.

(2) A level I pediatric rehabilitation service shall:

(a) Have a quality assurance/improvement program in accordance with WAC 246-976-881;

(b) Participate in trauma registry activities as required in WAC 246-976-430;

(c) Participate in the regional trauma quality assurance program as required in WAC 246-976-910.

WSR 98-14-003
PERMANENT RULES
LIQUOR CONTROL BOARD

[Filed June 18, 1998, 12:48 p.m.]

Date of Adoption: June 18, 1998.

Purpose: The board currently meets with staff Tuesdays and Thursdays and conducts formal board meetings on Wednesdays. In order to better meet the needs of the citizens and more quickly respond to their concerns, the board would like to add Mondays and Friday as days for additional staff work session.

Statutory Authority for Adoption: RCW 66.08.030.

Adopted under notice filed as WSR 98-09-061 on April 17, 1998.

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 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, 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.

June 18, 1998

Nathan S. Ford, Jr.
 Chairman

AMENDATORY SECTION (Amending Order 22 [WSR 92-14-027], filed 4/17/73 [6/22/92])

WAC 314-60-040 Operations and procedure. The general course and method by which the operations of the board are channeled and determined are illustrated by the following:

(1) An organizational chart is available from the board's public records office which illustrates the general structure and composition of the board's operations.

(2) Board procedures relating to hearings involving alleged violations of the liquor act and/or revised rules and regulations of the board are covered in chapter 314-04 WAC and in chapter 314-08 WAC Practice and procedure.

(a) General information pertaining to formal hearings is available from the board's public records office.

(b) Forms of notice of board action proposing to suspend a liquor license are available from the board's public records office.

(3) Pursuant to the requirements of the Open Public Meetings Act (chapter 42.30 RCW) all determinations and business of the board, except matters which are exempt from the act under RCW 42.30.140, or properly conducted in executive session, pursuant to RCW 42.30.110, will be made and

conducted in meetings open to the public. Regular meetings of the board will be on Wednesday at 9:00 a.m. M((m))eetings of the board ((are)) may be held on Monday, Tuesday, ((Wednesday, and)) Thursday, and Friday of each week, except on holidays, beginning at 8:00 a.m. or as soon thereafter as a quorum is assembled. Unless notice is otherwise given, meetings of the board will be held at its offices on the Fifth Floor, Capital Plaza Building, 1025 East Union Avenue, Olympia, Washington. For scheduling purposes, it is the board's intent to conduct staff meetings and work sessions at its Tuesday and Thursday meetings, and to schedule petitions, public testimony, and adoption of resolutions at its regular Wednesday meetings, however, so long as proper legal notice is given, the board may accept petitions, take public testimony and adopt resolutions on any day when a regular meeting may be scheduled under this rule. In addition to legal notice published pursuant to RCW 42.30, meeting notices will be published on the Internet at www.wa.gov/liq and information about meeting times and agendas will be available in the board office during regular office hours.

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

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

WSR 98-14-004
PERMANENT RULES
LIQUOR CONTROL BOARD

[Filed June 18, 1998, 12:50 p.m.]

Date of Adoption: June 18, 1998.

Purpose: This rule will allow the board to delegate its authority to approve certain liquor license applications. This authority will be delegated to select staff persons for uncontested or unopposed licenses.

Statutory Authority for Adoption: RCW 66.08.030, 66.24.010(2).

Adopted under notice filed as WSR 98-09-060 on April 17, 1998.

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 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, 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.

June 18, 1998

Nathan S. Ford, Jr.

Chairman

NEW SECTION

WAC 314-12-005 Under what conditions may the board delegate authority to approve liquor licenses as provided in RCW 66.24.010(2)? (1) The board may delegate to designated staff members, in writing, the authority to approve license applications except as follows:

(a) where local officials, board staff, or members of the general public have given the board written notice of opposition or concern, or;

(b) where sensitive alcohol related issues exist within a community or neighborhood, under review by the board, that require more extensive deliberations before a decision is reached.

(2) Authority may be delegated to staff the board deems qualified, including the director of licensing and regulation, licensing supervisors, and other employees the division director recommends.

(3) Designated employees may not further delegate their authority.

WSR 98-14-005

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

[Filed June 18, 1998, 4:08 p.m.]

Date of Adoption: June 18, 1998.

Purpose: This rule allows pharmacies to bill more than once per month for unit dose services to nursing facilities, if they choose to do so. It has also been rewritten in order to comply with the principles of the Governor's Executive Order 97-02.

Citation of Existing Rules Affected by this Order: Amending WAC 388-530-1600.

Statutory Authority for Adoption: RCW 74.04.050 and 74.08.090.

Other Authority: 42 CFR 447.333 and Attachment 4.19-B, Page 2-b of the State Plan under Title XIX of the Social Security Act.

Adopted under notice filed as WSR 98-05-054 on February 13, 1998.

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 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.

June 18, 1998

Marie Myerchin-Redifer, Manager

Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 96-21-031, filed 10/9/96, effective 11/9/96)

WAC 388-530-1600 Unit dose pharmacy billing requirements. (1) To be eligible for a unit dose dispensing fee, a pharmacy shall:

(a) Notify MAA in writing of its intent to provide unit dose service;

(b) ~~((Ask for a unit dose provider number;~~

~~((c)))~~ Specify the type of unit dose service to be provided;

~~((d)))~~ ~~((c))~~ Identify the nursing facility to be served; ~~((and~~

~~((e)))~~ ~~((d))~~ Indicate the approximate date unit dose service

to the facility will commence~~((:~~

~~((2) The pharmacy shall)); and~~

~~((e))~~ Sign an agreement to follow department ~~((abide by~~ specific requirements for unit dose reimbursement.

~~((3)))~~ ~~((2))~~ Under a true or modified unit dose delivery system, a pharmacy ~~((shall))~~ may bill MAA ~~((only))~~ for the ~~((actual))~~ number of drug units ~~((used by a client during the billing period))~~ dispensed.

~~((4))~~ Under a modified unit dose delivery system, a pharmacy:

~~((a))~~ May bill MAA for the number of drug units dispensed to a client during the billing period;

~~((b))~~ Shall deduct the cost of unused drugs returned to the pharmacy on or before the last day of the billing period from charge to MAA, except as provided in subsection ~~((6))~~ of this section:

~~((5)))~~ ~~((3))~~ The pharmacy shall ~~((deduct from))~~ submit an adjustment form or claims reversal of the charge to MAA for the cost of unused drugs returned to the pharmacy on or before the ~~((last))~~ sixtieth day ~~((of the billing period immediately))~~ following the ~~((period in which))~~ date the drug was dispensed, except as provided in subsection ~~((6)))~~ ~~((4))~~ of this section. Such adjustment shall conform to the nursing facility's monthly log as described in subsection ~~((6))~~.

~~((6))~~ Controlled substances returned to the pharmacy do not have to be credited to MAA. According to federal regulations, pharmacists shall destroy))

~~((4))~~ Modified unit dose providers do not have to credit MAA for controlled substances which are returned to the pharmacy.

~~((7))~~ Pharmacies shall bill MAA only once per month for all clients residing in a nursing facility served under a unit dose system. The monthly billing period shall be the same for all clients in the nursing facility.

~~((8))~~ The billing period for:

~~(a) A true unit dose pharmacy shall be the calendar month;~~

~~(b) A modified unit dose pharmacy may be the calendar month or a monthly period starting on a specified date which shall be carried over to succeeding months. Once the modified unit dose pharmacy establishes the billing period for a nursing facility, the pharmacy shall not change the billing period without the department's approval.~~

~~(9) The pharmacy shall wait at least thirty days from the commencement of unit dose service to a nursing facility before submitting the first claims for drugs dispensed under unit dose to clients residing in that facility. This billing lag shall apply to both true and modified unit dose providers.~~

~~((10)) (5) Pharmacies ((may)) shall not charge ((the)) clients or MAA a fee for repackaging a client's bulk medications in unit dose form ((a client's bulk medications supplied by another pharmacy,)). The costs of repackaging shall be the responsibility of the nursing facility when the repackaging is done;~~

~~(a) To conform with a nursing facility's delivery system ((and)); or~~

~~(b) For the nursing facility's convenience. ((The costs of repackaging in such instances shall be the responsibility of the nursing facility.~~

~~((11)) (6) The pharmacy shall maintain detailed records of medications dispensed under unit dose delivery systems. The pharmacy shall keep a monthly log for each nursing facility served, including but not limited to the following information:~~

- ~~(a) Facility name and address;~~
- ~~(b) Client's name and patient identification code (PIC);~~
- ~~(c) Drug name/strength;~~
- ~~(d) NDC or labeler information;~~
- ~~(e) Quantity and date dispensed;~~
- ~~(f) Quantity and date returned;~~
- ~~(g) Value of returned drugs or amount credited;~~
- ~~(h) Explanation for no credit given or nonreusable returns; and~~
- ~~(i) Prescription number.~~

~~((12)) (7) Upon MAA's request, the pharmacy shall submit ((to MAA)) copies of the ((monthly)) logs referred to in subsection ((11) of this section. MAA shall decide whether a unit dose pharmacy should maintain) (6) on a monthly, quarterly, or annual ((reports)) basis.~~

~~((13)) (8) The pharmacy shall submit annually with the completed prescription volume survey to MAA;~~

~~(a) An updated list of nursing facilities served under unit dose systems; and~~

~~(b) The nursing facilities' respective billing period start dates. ((The pharmacy shall submit this update with the pharmacy's completed prescription volume survey.))~~

WSR 98-14-013
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 98-107—Filed June 19, 1998, 11:50 a.m.]

Date of Adoption: June 13, 1998.

Purpose: To adopt WAC 232-12-002, Fish and Wildlife Commission members' recusal requirements for commissioners with beneficial interests in certain commission decisions and transactions.

Statutory Authority for Adoption: RCW 42.52.200 and 77.04.055.

Adopted under notice filed as WSR 98-10-098 on May 6, 1998.

Changes Other than Editing from Proposed to Adopted Version: The adopted version of WAC 232-12-002 Fish and Wildlife Commission members' recusal requirements for commissioners with beneficial interests in certain commission decisions and transactions, differs from the proposed version filed with the code reviser. The following changes were made for grammatical reasons:

(3) Definitions

(b) "Transaction involving the Commission" ... lawsuit. Rule making is not a transaction involving the Commission.

(5) The prohibitions contained in subsection (2) do not prohibit the member from using his or her general expertise to educate and provide general information on the subject area to other Commission members.

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 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.

June 18, 1998

Lisa Pelly, Chair

Fish and Wildlife Commission

NEW SECTION

WAC 232-12-002 Fish and Wildlife Commission members' recusal requirements for commissioners with beneficial interests in certain commission decisions and transactions. (1) Commission members must comply with subsection (2) of this section when the following circumstances apply or it is reasonably foreseeable that they will apply:

(a) The member is beneficially interested, directly or indirectly, in a contract, sale, lease, purchase, or grant that may be made by, through, or under the supervision of the Commission, in whole or in part; or

(b) The member accepts, directly or indirectly, any compensation, gratuity or reward from any other person beneficially interested in a contract, sale, lease, purchase, or grant that may be made by, through, or under the supervision of the Commission, in whole or in part; or

(c) The member either owns a beneficial interest in, or is an officer, agent, employee or member of, an entity which is engaged in a transaction involving the Commission.

(2) If required by subsection (1) of this section, the member must:

(a) Recuse himself or herself from discussions by the Commission, regarding the specific contract, sale, lease, purchase, grant, or transaction; and

(b) Recuse himself or herself from any vote by the Commission on the specific contract, sale, lease, purchase, grant, or transaction; and

(c) Refrain from attempting to influence any other member or employee in any discussion or vote regarding the specific contract, sale, lease, purchase, grant, or transaction.

(3) Definitions. The following definitions apply to this section:

(a) "Transaction involving the Commission" means a proceeding, application, submission, request for a ruling or other determination, contract, claim, case, or other similar matter that the Commission member in question believes, or has reason to believe:

(i) Is, or will be, the subject of Commission action; or

(ii) Is one to which the Commission is or will be a party;

or

(iii) Is one in which the Commission has a direct and substantial proprietary interest.

(b) "Transaction involving the Commission" does not include the following: preparation, consideration, or enactment of legislation, including appropriation of moneys in a budget, or the performance of legislative duties by a Commission member; or a claim, case, lawsuit, or similar matter if the Commission member did not participate in the underlying transaction involving the Commission that is the basis for the claim, case, or lawsuit. Rule making is not a transaction involving the Commission.

(c) "Commission action" means any action on the part of the Commission, including, but not limited to:

(i) A decision, determination, finding, ruling, or order; and

(ii) A grant, payment, award, license, contract, transaction, sanction, or approval, or the denial thereof, or failure to act with respect to a decision, determination, finding, ruling, or order.

(4) Under subsection (1)(b), "any other person" has a beneficial interest in a contract, sale, lease, purchase, or grant when the other person bids or otherwise seeks to be awarded the contract, sale, lease, purchase, or grant.

(5) The prohibitions contained in subsection (2) do not prohibit the member from using his or her general expertise to educate and provide general information on the subject area to other Commission members.

(6) If recusal occurs pursuant to the State Ethics law, chapter 42.52 RCW, or rules adopted pursuant to the State Ethics law, the Commission member must disclose to the public the reasons for his or her recusal from any Commission action whenever recusal occurs. The Commission staff must record each such recusal and basis for the recusal.

EXAMPLES:

EXAMPLE ONE: The Commission is composed of individuals who often are employed in the private sector. The governor appoints members of the Commission. In making these appointments, the governor is required to seek to maintain a balance reflecting all aspects of fish and wildlife. Commission members are appointed because they have general knowledge of the habit and distribution of fish and wildlife and are often recommended by interest groups, such as sport fishers, commercial fishers, hunters, private landowners, and environmentalists. A Commission member is employed by a company that provides contract facilitation services. The Commission is in the process of selecting a contractor to conduct a series of public meetings on fishing in Washington. The company which employs the member of the Commission has bid for the contract. The Commission member may use his or her general expertise to educate Commissioners about desirable public meeting design elements for a successful public involvement project like the one the Commission wants to conduct. The Commission member is prohibited from participating in the Commission discussion and analysis establishing criteria for selecting a contractor and is prohibited from participating in the Commission vote to select a contractor (see WAC 232-12-002-1(c)). The Commission member would publicly announce his or her recusal and the reasons for it, and the Commission staff would record this information as part of the public record.

EXAMPLE TWO: The Commission contracts with King Software (hypothetical company) to provide computer systems for tracking recreational license purchases. King Software's contract with the Commission is almost expired, and the Commission must seek bids from software companies for the next contract period. The Commission issues a request for bids to various software companies who offer suitable software, including Fishsoft, Inc. (hypothetical company). Approximately nine months ago, one Commission member worked for Fishsoft, Inc. and received compensation from that company. The Commission member subsequently left Fishsoft, Inc. The Commission member is not required to recuse himself or herself from selecting a contractor for the Commission's computer license system. Fishsoft, Inc. did not have a beneficial interest in the Commission's contract until it bid on the contract. Therefore, Fishsoft, Inc. was not a person beneficially interested in the contract when the Commission member received the compensation (see WAC 232-12-002(4)). However, if the Commission member received compensation from Fishsoft, Inc. after it bid on the contract, the Commission member would be required to disclose the fact that he or she received the compensation from a bidder and recuse himself or herself from the Commission's specific discussion and the vote awarding the contract (see WAC 232-12-002(1(b))). The Commission staff would

record this information into the public record. Again, the Commission member could participate in discussions using his or her general expertise to educate and provide general information on the subject area to the other Commission members.

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

WSR 98-14-027
PERMANENT RULES
DEPARTMENT OF REVENUE

[Filed June 22, 1998, 2:06 p.m.]

Date of Adoption: June 22, 1998.

Purpose: To repeal WAC 458-12-245 Listing of property—Intangibles, because the underlying statute, RCW 84.36.070 Intangible personal property—Appraisal, was extensively changed by the legislature in 1997. The existing rule was adopted in 1968 and repeats the language of RCW 84.36.070 as it existed at that time. The rule no longer reflects the state of the law and as such it is no longer accurate and needs to be repealed.

Citation of Existing Rules Affected by this Order: Repealing WAC 458-12-245 Listing of property—Intangibles.

Statutory Authority for Adoption: RCW 84.36.865.

Other Authority: RCW 84.08.010, 84.08.070.

Adopted under preproposal statement of inquiry filed as WSR 98-08-018 on March 19, 1998.

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 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: Thirty-one days after filing.

June 22, 1998

Russell W. Brubaker

Assistant Director

Legislation and Policy Division

WSR 98-14-028
PERMANENT RULES
DEPARTMENT OF REVENUE

[Filed June 22, 1998, 2:09 p.m.]

Date of Adoption: June 22, 1998.

Purpose: To repeal WAC 458-16-050 Senior citizen and disabled persons exemption—Amount of exemption, because it merely repeats the language of RCW 84.36.381 Residences—Property tax exemptions—Qualifications, as it existed in 1987. The legislature has amended RCW 84.36.381 a number of times since 1987 and the rule does not reflect the current contents of this statute. The rule is also being repealed because it does not provide any assistance in implementing this statute.

Citation of Existing Rules Affected by this Order: Repealing WAC 458-16-050 Senior citizen and disabled persons exemption—Amount of exemption.

Statutory Authority for Adoption: RCW 84.36.865.

Other Authority: RCW 84.08.010, 84.08.070.

Adopted under preproposal statement of inquiry filed as WSR 98-08-018 on March 19, 1998.

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 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: Thirty-one days after filing.

June 22, 1998

Russell W. Brubaker

Assistant Director

Legislation and Policy Division

WSR 98-14-031
PERMANENT RULES
EMPLOYMENT SECURITY DEPARTMENT

[Filed June 23, 1998, 9:02 a.m.]

Date of Adoption: June 22, 1998.

Purpose: To repeal WAC 192-18-010 to 192-18-070. Rule is no longer necessary because of changed circumstances.

Citation of Existing Rules Affected by this Order: Repealing WAC 192-18-010 to 192-18-070.

Statutory Authority for Adoption: RCW 50.12.010 and 50.12.040.

Adopted under preproposal statement of inquiry filed as WSR 98-07-023 on March 10, 1998.

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 0, Repealed 7.

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.

June 22, 1998
Carver Gayton
Commissioner

WSR 98-14-032

PERMANENT RULES

EMPLOYMENT SECURITY DEPARTMENT

[Filed June 23, 1998, 9:03 a.m.]

Date of Adoption: June 22, 1998.

Purpose: To repeal WAC 192-20-010. Rule is no longer necessary because of changed circumstances.

Citation of Existing Rules Affected by this Order: Repealing WAC 192-20-010.

Statutory Authority for Adoption: RCW 50.12.010 and 50.12.040.

Adopted under preproposal statement of inquiry filed as WSR 98-07-024 on March 10, 1998.

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 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: Thirty-one days after filing.

June 22, 1998
Carver Gayton
Commissioner

WSR 98-14-033

PERMANENT RULES

STATE BOARD FOR

COMMUNITY AND TECHNICAL COLLEGES

[Filed June 23, 1998, 11:35 a.m.]

Date of Adoption: June 18, 1998.

Purpose: TIAA/CREF retirement plan rules. Adoption of retirement plan rules to qualify the TIAA/CREF plan under Section 403(a) of the IRS code with a Section 414 (H)(2)—Employer Pick-up of Contributions.

Citation of Existing Rules Affected by this Order: Amending WAC 131-16-010, 131-16-011, 131-16-021, 131-16-031, 131-16-045, 131-16-050, 131-16-055, 131-16-056, and 131-16-061.

Statutory Authority for Adoption: RCW 28B.10.400 and chapter 28B.50 RCW.

Adopted under notice filed as WSR 98-08-028 on March 23, 1998.

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 9, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 9, 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 9, Repealed 0.

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

June 23, 1998

Claire C. Krueger
Executive Assistant
Agency Rules Coordinator

AMENDATORY SECTION (Amending WSR 97-10-069, filed 5/5/97, effective 7/8/97)

WAC 131-16-010 Designation of community and technical college system retirement plan. There is hereby established for the eligible employees of the community and technical colleges of the state of Washington and the state board, a retirement plan which shall ~~((entitle))~~ provide such employees ~~((to purchase retirement annuities from))~~ with an employer sponsored retirement plan through the teachers' insurance annuity association (TIAA) and the college retirement equities fund (CREF), hereafter called ~~((the))~~ TIAA/CREF ~~((plan))~~, subject to the provisions of WAC 131-16-011 through 131-16-066. On and after January 1, 1998, this retirement plan is intended to comply with the requirements of a qualified plan under Section 403(((b))) (a) of the Internal Revenue Code of 1986, as amended and the provisions of the plan document filed with the Internal Revenue Service on October 29, 1997. Prior to January 1, 1998, the

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~~plan was intended to comply with the requirements of Section 403(b) of the Internal Revenue Code of 1986, as amended. ((Notwithstanding the previous sentence, the state board shall reserve the right to modify the plan to qualify under Section 403(a) of the Internal Revenue Code of 1986, as amended:))~~

AMENDATORY SECTION (Amending WSR 97-10-069, filed 5/5/97, effective 7/8/97)

WAC 131-16-011 Definitions. For the purpose of WAC 131-16-010 through 131-16-066, the following definitions shall apply:

(1) "Participant" means any employee who is eligible to purchase retirement annuities through the TIAA/CREF plan who, as a condition of employment, on and after January 1, 1997, shall participate in the TIAA/CREF plan upon initial eligibility.

(2) "Supplemental retirement benefit" means payments, as calculated in accordance with WAC 131-16-061, made by the state board to an eligible retired participant or designated beneficiary whose retirement benefits provided by the TIAA/CREF plan do not attain the level of the retirement benefit goal established by WAC 131-16-015.

(3) "Year of full-time service" means retirement credit based on full-time employment or the equivalent thereof based on part-time employment in an eligible position for a period of not less than five months in any fiscal year during which TIAA/CREF contributions were made by both the participant and a Washington public higher education institution or the state board or any year or fractional year of prior service in a Washington public retirement system while employed at a Washington public higher education institution: *Provided*, That the participant will receive a pension benefit from such other retirement system (~~And provided further,)~~ and that not more than one year of full-time service will be credited for service in any one fiscal year.

(4) "Fiscal year" means the period beginning on July 1 of any calendar year and ending on June 30 of the succeeding calendar year.

(5) "Average annual salary" means the amount derived when the salary received during the two consecutive highest salaried fiscal years of full-time service for which TIAA/CREF contributions were made by both the participant and a Washington public higher education institution is divided by two.

(6) "TIAA/CREF retirement benefit" means the amount of annual retirement income derived from a participant's accumulated annuities including dividends at the time of retirement: *Provided*, That solely for the purpose of calculating a potential supplemental retirement benefit, such amount shall be adjusted to meet the assumptions set forth in WAC 131-16-061(2).

(7) "Salary" means all remuneration received by the participant from the employing college district or the state board, including summer quarter compensation, extra duty pay, leave stipends, and grants made by or through the college district or state board; but not including any severance pay, early retirement incentive payment, remuneration for unused sick or personal leave, or remuneration for unused annual or vaca-

tion leave in excess of the amount payable for thirty days or two hundred forty hours of service.

(8) "Designated beneficiary" means the surviving spouse of the retiree or, with the consent of such spouse, if any, such other person or persons as shall have an insurable interest in the retiree's life and shall have been nominated by written designation duly executed and filed with the retiree's institution of higher education or the state board.

(9) "State board" means the state board for community and technical colleges (~~education~~) as created in RCW 28B.50.050.

(10) "Appointing authority" means a college district board of trustees or the state board or the designees of such boards.

AMENDATORY SECTION (Amending WSR 97-10-069, filed 5/5/97, effective 7/8/97)

WAC 131-16-021 Employees eligible to participate in retirement annuity purchase plan. (1) Eligibility to participate in the TIAA/CREF plan is limited to persons who hold appointments to college district or state board staff positions as full-time or part-time faculty members or administrators exempt from the provisions of chapter 28B.16 RCW and who are assigned a cumulative total of at least eighty percent of full-time workload as defined by the appointing authority at one or more college districts or the state board for at least two consecutive college quarters or (~~who otherwise would be eligible for membership in~~) whose employment meets the requirements for an "eligible position" as defined by the Washington state teachers retirement system.

(2) Participation in the plan is also permitted for current and former employees of college districts or the state board who are on leave of absence or who have terminated employment by reason of permanent disability and who are receiving a salary continuation insurance benefit through a plan made available by the state of Washington: *Provided*, That such noncontributory participation shall not be creditable toward the number of years of full-time service utilized in calculating eligibility for supplemental retirement benefits pursuant to WAC 131-16-061.

(3) (~~Participation in the plan without matching employer contributions is also permitted for any employee of a college district or the state board who desires to utilize the plan as a supplemental retirement savings vehicle to any state-sponsored retirement plan in which the employee participates~~) Optional participation in tax-deferred annuities other than this qualified plan as offered by individual colleges is permitted consistent with the Internal Revenue Code: *Provided*, That the provisions of WAC 131-16-015, 131-16-050, and 131-16-061 shall not apply in such cases. Optional tax-deferred annuities are provided through a salary reduction agreement between the employee and employer. There is no employer contribution for optional tax-deferred annuities.

(4) An employee who moves from an ineligible to an eligible position for the same appointing authority may become a participant by so electing in writing within six months following such move.

(5) A participant who moves from an eligible position to an ineligible position for the same appointing authority may

continue to be a participant by so electing within six months following such move.

(6) Participants shall continue participation regardless of the proportion of full-time duties assigned, except as otherwise provided in this section, as long as continuously employed by the same appointing authority. For the purpose of this section, spring and fall quarters shall be considered as consecutive periods of employment.

(7) As a condition of employment, all employees who become eligible on and after January 1, 1997, shall participate (~~(pursuant to an irrevocable salary reduction agreement. Such participation shall commence)~~) in this plan upon initial eligibility. Notwithstanding this provision, all eligible new employees who at the time of employment are members of the Washington state teachers retirement system or the Washington public employees retirement system may participate as provided in WAC 131-16-031(1).

AMENDATORY SECTION (Amending Resolution No. 91-20, Order 129, filed 6/14/91, effective 7/15/91)

WAC 131-16-031 Participation in the plan. (~~((+))~~) Participation in the TIAA/CREF plan is required of all otherwise eligible new employees: *Provided*, That any such new employee, who at the time of employment is a member of the Washington state teachers retirement system or the Washington public employees retirement system, and whose college or state board employment meets the requirements of an "eligible position" as defined by such plan, may irrevocably elect to retain such membership or, if not vested in that system, retain membership until vesting occurs and then irrevocably elect to participate in the TIAA/CREF plan.

~~((2) College district or state board employees who are members of retirement plans other than the TIAA/CREF plan may participate in the TIAA/CREF plan, without a matching employer contribution, through tax deferred annuity purchase agreements with the employing college district or the state board, to the extent allowed by the applicable United States Internal Revenue Code provisions:))~~

AMENDATORY SECTION (Amending WSR 93-22-008, filed 10/21/93, effective 11/21/93)

WAC 131-16-045 Transfers to and from plans other than TIAA/CREF. (1) A participant employed in a Washington state community or technical college or the state board for community and technical colleges may directly transfer into his or her TIAA/CREF account any account balances from other employers' retirement plans: (~~(Provided, That such other plans are authorized under Section 403(b) of the Internal Revenue Code, and:))~~ *Provided* (~~(further)~~), That such other employers' plans permit transfers out of their plans and such other employers' plans are covered by the same sections of the Internal Revenue Code as this plan.

(2) A participant who leaves the employment of all Washington state community and technical colleges and the state board for community and technical colleges, may choose to transfer his or her existing TIAA/CREF account balances, subject to the rules established by TIAA/CREF for transfers, to any other employer's retirement plan (~~(autho-~~

~~rized under Section 403(b) of the Internal Revenue Code)):~~ *Provided*, That such other employer's plans will accept the transferred balances and such other employers' plans are covered by the same sections of the Internal Revenue Code as this plan.

AMENDATORY SECTION (Amending WSR 97-10-069, filed 5/5/97, effective 7/8/97)

WAC 131-16-050 Contribution rates established. (1) (~~(Each participant in the TIAA/CREF plan shall contribute five percent of salary each pay period until attainment of age thirty-five; seven and one-half percent each pay period thereafter through and including age forty-nine; and ten percent of salary each pay period after attaining age fifty. Employees who are participants on December 31, 1996, shall make a one-time, irrevocable election to contribute to the plan on a pretax or after-tax basis, and such election shall not be changed during the remainder of the participant's eligibility at the district or state board. Required contributions made pursuant to an irrevocable salary reduction or deduction agreement are not subject to the elective deferral limits of Section 402 (g)(4) or (8) of the Internal Revenue Code of 1986, as amended. The employing district or state board shall contribute a sum equal to all required employee contributions under this plan. All employee and employer contributions to this plan shall be one hundred percent vested when made. The combined contributions may be allocated among the TIAA and CREF funds as directed by the participant.~~

~~((2))~~ On and after January 1, 1998, the employing college or state board shall make employee contributions on behalf of participants in lieu of paying an equal amount of each participant's salary, and such contributions shall be treated as employer contributions pursuant to Internal Revenue Code Section 414 (h)(2) in determining the tax treatment under the code. Such contributions shall be made by the employer in lieu of employee contributions.

(2) Contributions made under subsection (1) of this section shall be paid from the same source of funds as used in paying salary for affected participants. Participants do not have the option to receive the amounts contributed under subsection (1) of this section directly.

(3) The amounts of the contributions made under subsection (1) of this section shall be limited as follows:

(a) Five percent of salary each pay period until the participant attains age thirty-five;

(b) Seven and one-half percent of salary for each pay period from age thirty-five through and including age forty-nine; and

(c) Ten percent of salary for each pay period after attaining age fifty.

(4) The employing college or state board shall contribute an additional sum equal to the contributions required by subsection (3) of this section.

(5) During periods when participants are on leave of absence and are receiving partial compensation, the employer shall continue to make contributions on the same basis as herein provided if the participant agrees to contribute in a like manner.

~~((3)) In addition to the required salary reduction or deduction agreement in subsection (1) of this section, an eligible employee may enter into a voluntary agreement with the college district or state board to reduce the employee's monthly salary by a supplemental amount, within the limits prescribed in the Internal Revenue Code.))~~

AMENDATORY SECTION (Amending Resolution No. 91-20, Order 129, filed 6/14/91, effective 7/15/91)

WAC 131-16-055 Options for self-directed investment of retirement plan contributions and accumulations. While actively employed, participants may exercise any or a combination of the following options for allocation of current premiums or transfer of accumulated TIAA or CREF fund accumulated balances.

(1) Current premiums may be allocated among the TIAA account and the CREF accounts in any whole percentage proportions.

(2) CREF ~~((fund))~~ account and TIAA real estate account accumulations resulting from previously contributed premiums may be transferred in whole or in part among any of the CREF ~~((subsidiary))~~ and TIAA real estate accounts or to the TIAA traditional annuity account, subject to procedures established by TIAA/CREF.

(3) TIAA ~~((fund))~~ traditional annuity accumulations resulting from previously contributed premiums or from transfers from ~~((CREF))~~ other accounts may be transferred to any CREF accounts on the basis of an irrevocable ten-year schedule of payments, subject to procedures established by TIAA/CREF.

AMENDATORY SECTION (Amending WSR 95-13-069, filed 6/20/95, effective 7/21/95)

WAC 131-16-056 Hardship withdrawals. (1) In the event of a financial hardship consistent with requirements of subsection (2) of this section and Section 403 (b)(11) of the Internal Revenue Code, a participant may withdraw all or part of the following plan funds:

- (a) Pre-1998 employee contributions ~~((and));~~
- (b) Any pre-~~((1988))~~ 1989 earnings on employee contributions~~((s));~~
- (c) Any Section 414 (h) employer pick-up contributions; and

(d) Any contributions transferred to this plan from another employer's plan. Such funds may be withdrawn from the participant's Washington community and technical college system TIAA/CREF retirement account while actively employed ~~((or after termination of employment)).~~ Hardship withdrawals may not be larger than the amount necessary to meet the immediate and heavy financial need defined in subsection (2) of this section plus taxes on withdrawn funds and early withdrawal penalties. Employer contributions ~~((other than Section 414 (h) pick-up contributions))~~ and earnings on the employer contributions may not be withdrawn as a hardship withdrawal.

(2) To enable hardship withdrawal of funds, the Internal Revenue Code (Section 1.401(k)-1(d)(2)) requires that the

college president or designee shall verify that the participant has certified in writing that:

(a) The participant has an immediate and heavy financial need; and

(b) The participant has no other resources reasonably available to meet the need.

Withdrawals shall be deemed to be for "an immediate and heavy financial need" only if they are for:

(i) Payments to prevent eviction from or foreclosure on the principal residence of the participant;

(ii) Payments to prevent the participant's impending bankruptcy; and/or

(iii) Unreimbursable medical expenses incurred by the participant, spouse, dependent children, and/or dependent parents.

The participant shall be deemed to have "no other resources reasonably available to meet the need" if the participant certifies that he/she cannot meet the need through:

(A) Reimbursement or compensation by insurance or another source;

(B) Reasonable liquidation of assets;

(C) Borrowing from supplemental retirement accounts, life insurance values, or commercial sources; and/or

(D) Stopping any voluntary employee contributions to tax deferral or savings plans made available by the employer. ~~((Note:))~~ Contributions to the employer-sponsored retirement plan must continue while the employee remains eligible for the plan.

(3) Hardship withdrawals from the community and technical college TIAA/CREF plan are taxable income in the year received. Taxes, early withdrawal penalties, and any other consequences of hardship withdrawals shall be the sole responsibility of the participant. Withdrawals from ~~((the employer-sponsored))~~ this qualified TIAA/CREF plan may not be replaced at a later date.

AMENDATORY SECTION (Amending Resolution No. 91-20, Order 129, filed 6/14/91, effective 7/15/91)

WAC 131-16-061 Supplemental retirement benefits.

(1) A participant is eligible to receive supplemental retirement benefit payments if at the time of retirement the participant is age sixty-two or over and has at least ten years of full-time service in the TIAA/CREF plan at a Washington public institution of higher education: *Provided*, That the amount of the supplemental retirement benefit, as calculated in accordance with the provisions of this section, is a positive amount.

(2) Subject to the provisions of subdivisions (c), (d), and (e) of this subsection, the annual amount of supplemental retirement benefit payable to a participant upon retirement is the excess, if any, when the value determined in subdivision (b) is subtracted from the value determined in subdivision (a), as follows:

(a) The lesser of fifty percent of the participant's average annual salary or two percent of the average annual salary multiplied by the number of years of full-time service; provided that if the participant did not elect to contribute ten percent of salary beginning July 1, 1974, or if later, after attain-

ment of age fifty, service for such periods shall be calculated at the rate of one and one-half percent instead of two percent.

(b) The combined retirement benefit from the TIAA/CREF annuity and any other Washington state public retirement system as a result of service while employed by a Washington public higher education institution that the participant would receive in the first month of retirement multiplied by twelve: *Provided*, That the TIAA/CREF benefit shall be calculated on the following assumptions:

(i) After July 1, 1974, fifty percent of the combined contributions were made to the TIAA traditional annuity and fifty percent to the CREF stock ((~~fund~~) account) during each year of full-time service: *Provided*, That benefit calculations related to contributions made prior to July 1, 1974, shall be computed on the basis of actual allocations between TIAA and CREF; and

(ii) The full TIAA/CREF annuity accumulations, including all dividends payable by TIAA and further including the amounts, if any, paid in a single sum under the retirement transition benefit option, were fully settled on a joint and two-thirds survivorship option with a ten-year guarantee, using actual ages of retiree and spouse, but not exceeding a five-year difference; except that for unmarried participants the TIAA accumulations, including dividends, were settled on an installment refund option and the CREF accumulations were settled on a life annuity with ten-year guarantee option, all to be based on TIAA/CREF estimates at the time of retirement; and

(iii) Annuity benefits purchased by premiums paid other than as a participant in a Washington public institution of higher education TIAA/CREF retirement plan shall be excluded.

(iv) For the purposes of this calculation, the assumptions applied to the TIAA/CREF accumulation settlement shall also apply to settlement of the benefit from any other retirement plan.

(c) The amount of supplemental retirement benefit for a participant who has not attained age sixty-five at retirement is the amount calculated in subsection (2) of this section reduced by one-half of one percent for each calendar month remaining until age sixty-five: *Provided*, That the supplemental retirement benefit for an otherwise qualified participant retired for reason of health or permanent disability shall not be so reduced.

(d) Any portion of participant's TIAA and/or CREF annuity accumulation paid to a participant's spouse upon dissolution of a marriage shall be included in any subsequent calculation of supplemental retirement benefits just as if these funds had remained in the participant's TIAA and/or CREF annuity.

(e) The selection of a TIAA/CREF retirement option other than the joint and two-thirds survivorship with ten-year guarantee shall not alter the method of calculating the supplemental retirement benefit; however, if the participant's combined TIAA/CREF retirement benefit and calculated supplemental retirement benefit exceeds fifty percent of the participant's average annual salary, the supplemental retirement benefit shall be reduced so that the total combined benefits do not exceed fifty percent of average annual salary.

(3) The payment of supplemental retirement benefits shall be consistent with the following provisions:

(a) Supplemental retirement benefits shall be paid in equal monthly installments, except that if such monthly installments should be less than ten dollars, such benefit payments may be paid at longer intervals as determined by the state board.

(b) Supplemental retirement benefit payments will continue for the lifetime of the retired participant; however, prior to retirement, a participant may choose to provide for the continuation of supplemental retirement benefit payments, on an actuarially equivalent reduced basis, to his or her spouse or designated beneficiary after the retiree's death. Notification of such choice shall be filed in writing with the state board and shall be irrevocable after retirement. If such option is chosen, the supplemental retirement benefit payments shall be in the same proportion as any TIAA/CREF survivor annuity option potentially payable to and elected by the participant. If a designation of a survivor's option is not made and the participant dies after attaining age sixty-two but prior to retirement, any supplemental benefit payable shall be based on the two-thirds benefit to survivor option.

(c) Prior to making any supplemental benefit payments, the state board shall obtain a document signed by the participant and spouse, if any, or designated beneficiary acknowledging the supplemental retirement benefit option chosen by the participant.

(4) A retired participant who is reemployed shall continue to be eligible to receive retirement income benefits, except that the supplemental retirement benefit shall not continue during periods of employment for more than forty percent of full-time or seventy hours per month or five months duration in any fiscal year. Retirement contributions shall not be made from the salary for such employment, unless the individual once again becomes eligible to participate under the provisions of WAC 131-16-021.

WSR 98-14-036

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed June 23, 1998, 1:46 p.m.]

Date of Adoption: June 23, 1998.

Purpose: (1) To delete WAC 16-32-009 which contains an outdated schedule of laboratory fees, (2) to add two new additional optional services offering improved testing for Bovine Leukemia virus and Johne's disease of cattle, and (3) to comply with clear and readable rules.

Citation of Existing Rules Affected by this Order: Amending WAC 16-32-011.

Statutory Authority for Adoption: RCW 16.38.060.

Adopted under notice filed as WSR 98-09-104 on April 22, 1998.

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.

June 23, 1998

William E. Brookreson
for James M. Jesernig
Director

AMENDATORY SECTION (Amending Order 5043, filed 5/27/94, effective 6/27/94)

WAC 16-32-011 Schedule of laboratory fees. ((Effective July 1, 1994;)) The following fees shall be charged for services performed by the diagnostic laboratory of the laboratory services division, state department of agriculture:

(1) Requests for special scheduling of tests to be conducted within twenty-four hours of sample receipt (STAT testing) will be honored if time and personnel are available. A fifty percent surcharge on all test fees will be charged.

(2) If the owner is a resident of Washington state, the following fees shall apply:

(a) Accession fee for each submission date (per owner)	\$10.00
(b) Bacteriology:	
Aerobic culture (1-3 tissues per animal)	\$ 7.95
each additional animal, <u>same owner</u> , same submission	\$ 2.20
Antibiotic sensitivity tests (each organism)	\$ 3.40
Paratuberculosis (Johne's disease)	\$11.35
each additional sample in herd, same submission	\$ 3.40
Milk culture - per animal	\$ 7.95
each additional animal in herd, same submission	\$ 2.20
Trichomoniasis	\$ 2.80
Campylobacteriosis	\$ 2.80
(c) Serology:	
Food animal:	
Single virus or bacteria (CF, Agglutination, AGID):	
((†st)) first animal	\$ 2.80
each additional animal in herd, same submission	\$ 1.10
Companion animals:	
Equine Infectious Anemia (EIA), AGID, each	

animal	\$ 3.95
Leptospirosis microscopic agglutination	
((†st)) first animal (<u>canine</u>)	\$ 5.65
each additional animal, <u>same owner</u> , same submission	.55
<i>Brucella canis</i> tube agglutination	
((†st)) first animal	\$ 5.65
each additional animal, <u>same owner</u> , same submission	.55
<i>Brucella canis</i> slide agglutination	
((†st)) first animal	\$ 5.65
each additional animal, <u>same owner</u> , same submission	\$ 3.45
(d) ELISA testing	
Bluetongue (first animal)	\$ 7.45
each additional animal in herd, same submission	\$ 3.70
<u>Bovine leukemia virus (first animal)</u>	<u>\$ 7.45</u>
<u>each additional animal in herd, same submission</u>	<u>\$ 5.00</u>
Equine Infectious Anemia (EIA), each animal	\$10.60
<u>Paratuberculosis (Johne's), first animal</u>	<u>\$ 7.45</u>
<u>each additional animal in herd, same submission</u>	<u>\$ 5.00</u>
(e) Other services and supplies:	
Forwarding of samples to other laboratories	\$ 5.30
Shipping supplies or samples, handling fee	
each shipment	\$ 3.15
(3) If the owner is an out-of-state resident, the following fees shall apply:	
(a) Accession fee for each submission date (per owner)	\$15.00
(b) Bacteriology:	
Aerobic culture (1-3 tissues per animal)	\$11.35
each additional animal, <u>same owner</u> , same submission	\$ 3.40
Antibiotic sensitivity tests (each organism)	\$ 4.50
Paratuberculosis (Johne's disease)	\$17.05
each additional sample in herd, same submission	\$ 4.50
Milk culture - per animal	\$11.35
each additional animal in herd, same submission	\$ 3.40
Trichomoniasis	\$ 3.95
Campylobacteriosis	\$ 3.95
(c) Serology:	
Food animal:	
Single virus or bacteria (CF, Agglutination, AGID):	

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((1 st)) First animal	\$ 4.50
each additional animal in herd, same submission	\$ 1.10
Companion animal:	
Equine Infectious Anemia (EIA), AGID, each animal	\$ 5.65
Leptospirosis microscopic agglutination ((1 st) first animal (canine))	\$ 8.50
each additional animal, <u>same owner</u> , same submission	\$ 1.70
<i>Brucella canis</i> tube agglutination ((1 st) first animal)	\$ 8.50
each additional animal, <u>same owner</u> , same submission	\$ 1.70
<i>Brucella canis</i> slide agglutination ((1 st) first animal)	\$ 8.50
each additional animal, <u>same owner</u> , same submission	\$ 5.10
(d) ELISA testing	
Bluetongue (first animal)	\$11.15
each additional animal <u>in herd</u> , same submission	\$ 5.55
<u>Bovine leukemia virus (first animal)</u>	\$11.15
each additional animal <u>in herd</u> , same submission	\$ 7.50
Equine Infectious Anemia (EIA), each animal	\$15.95
<u>Paratuberculosis (Johne's), first animal</u>	\$11.15
each additional animal <u>in herd</u> , same submission	\$ 7.50
(e) Other services and supplies:	
Forwarding of samples to other laboratories	\$ 7.95
Shipping supplies or samples, handling fee each shipment	\$ 4.75

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-32-009 Schedule of laboratory fees.

**WSR 98-14-041
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed June 24, 1998, 11:35 a.m.]

Date of Adoption: June 24, 1998.

Purpose: The 1998 legislature amended chapter 49.12 RCW regarding employee wearing apparel. Those amendments conflict with WAC 296-126-098. Because the statute supersedes the rule, the rule should be repealed.

Citation of Existing Rules Affected by this Order: Repealing WAC 296-126-098.

Statutory Authority for Adoption: RCW 49.12.091.

Other Authority: Chapter 334, Laws of 1998.

Adopted under preproposal statement of inquiry filed as WSR 98-08-103 on April 1, 1998.

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 1.

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 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 1.

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

June 18, 1998

Gary Moore

Director

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-126-098 Wearing apparel.

**WSR 98-14-042
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed June 24, 1998, 11:49 a.m.]

Date of Adoption: June 24, 1998.

Purpose: In 1984 when chapter 49.38 RCW, Theatrical enterprises was enacted, there was a need for implementing rules. The circumstances that led to those rules no longer exist. Over the life of the rules, the department has never had occasion to enforce them and believes they should be repealed.

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Citation of Existing Rules Affected by this Order: Repealing WAC 296-124-010, 296-124-020, 296-124-021, 296-124-022, 296-124-040, and 296-124-050.

Statutory Authority for Adoption: Chapter 49.38 RCW and Executive Order 97-02.

Other Authority: Chapter 34.05 RCW.

Adopted under preproposal statement of inquiry filed as WSR 98-07-093 on March 18, 1998.

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 0, Repealed 6.

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 6.

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

June 24, 1998

Gary Moore
Director

Statutory Authority for Adoption: RCW 1.08.110, 34.05.385, 34.08.020, and 34.08.030.

Other Authority: RCW 34.05.354 as amended by section 6, chapter 280, Laws of 1998; and section 2, chapter 280, Laws of 1998.

Adopted under notice filed as WSR 98-09-083 on April 21, 1998.

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 2, 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.

June 23, 1998

Dennis W. Cooper
Code Reviser

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 296-124-010 Definitions.
- WAC 296-124-020 Bond or cash deposit.
- WAC 296-124-021 Statement of intent to hire.
- WAC 296-124-022 Filing claim for wages against bond or cash deposit.
- WAC 296-124-040 Multiple events.
- WAC 296-124-050 Failure to post bond.

**WSR 98-14-048
PERMANENT RULES
CODE REVISER'S OFFICE**

[Filed June 24, 1998, 3:33 p.m.]

Date of Adoption: June 23, 1998.

Purpose: Amending WAC 1-21-010 to reflect the new requirements imposed by section 6, chapter 280, Laws of 1998; and WAC 1-21-020 to change the RCW citation from RCW 34.05.230 to 34.05.356 to reflect section 2, chapter 280, Laws of 1998.

Citation of Existing Rules Affected by this Order: Amending WAC 1-21-010 and 1-21-020.

AMENDATORY SECTION (Amending WSR 97-15-035, filed 7/10/97, effective 7/27/97)

WAC 1-21-010 Preproposal statement of inquiry. To solicit comments from the public as required by RCW 34.05.310 on a subject of possible rule making, but before a formal notice is filed under RCW 34.05.320, an agency shall complete and file with the code reviser's office a CR-101 form (Preproposal Statement of Inquiry). This requirement does **not** apply to all rule making. The exceptions are set forth in RCW 34.05.310(4).

The text of the new rule is neither required nor recommended at this stage, but if text is submitted for filing, it must meet the form and style requirements of WAC 1-21-110 through 1-21-130. The filing will appear in the Register in accordance with the schedule provided in WAC 1-21-040. Note that the CR-101 must be published at least thirty days before the CR-102 form (Proposed Rule Making) may be filed.

WAC sections proposed for expedited repeal under RCW 34.05.354 should be listed by citation and caption only, either individually or by entire chapter (~~and filed either March 10th through April 1st or September 10th through October 1st of each year~~).

AMENDATORY SECTION (Amending WSR 97-15-035, filed 7/10/97, effective 7/27/97)

WAC 1-21-020 Notice—Form, contents, numbers. (1)(a) An agency shall file a regular notice of proposed rule making under RCW 34.05.320 with the code reviser's office

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on a CR-102 form (Proposed Rule Making). The agency must file the full text of the proposed rule along with the Notice form (RCW 34.08.020). This filing must be at least thirty days after the CR-101 form, if required, was published (RCW 34.05.310); or

(b) An agency shall file notice for the expedited adoption of rules under RCW (~~(34.05.230)~~ 34.05.356 with the code reviser's office on a CR-102XA form (Expedited Adoption—Proposed Rule Making). The agency must file the full text of the proposed rule along with the CR-102XA form (RCW (~~(34.05.230)~~ 34.05.356). This filing must be published in the Register at least forty-five days before the agency may adopt the proposal and file a CR-103 form (Rule-Making Order).

(2) The agency shall file the original and six copies of either notice package (form and text). The code reviser's office will keep the original and two copies and return four stamped copies to the agency. The joint administrative rules review committee has requested that the agency submit three of these copies to the committee for purposes of legislative review. The agency should keep the remaining copy for its files.

WSR 98-14-051

PERMANENT RULES

WESTERN WASHINGTON UNIVERSITY

[Filed June 26, 1998, 12:31 p.m.]

Date of Adoption: June 12, 1998.

Purpose: To streamline rules—students and others interested in becoming student residents at Western Washington University contact the university by telephone or web-site and seek information regarding university housing. Housing and dining contracts, residency manuals and handbooks are annually updated.

Citation of Existing Rules Affected by this Order: Repealing WAC 516-56-002, 516-56-010, 516-56-011 - 516-56-090; and amending WAC 516-56-001.

Statutory Authority for Adoption: RCW 28B.35.120(12).

Adopted under notice filed as WSR 98-05-048 on February 13, 1998.

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.

June 25, 1998

Gloria A. McDonald

Rules Coordinator

AMENDATORY SECTION (Amending WSR 90-10-042, filed 4/27/90, effective 5/1/90)

WAC 516-56-001 Housing and dining—General. The objectives of the housing and dining areas maintained by Western Washington University are to provide comfortable, democratic, living conditions conducive to successful academic achievement and to participation in the activities of campus life.

All rules, regulations, policies, procedures and general information are found in the WWU Office of University Residences Guide to University Residences, Room and Board Agreement, Birnam Wood Apartment Agreement, and/or the Residential Community Handbook. Please contact the Office of University Residences, Edens Hall 101, WWU, Bellingham, Washington, for the most up-to-date information.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 516-56-002 Applicability of housing and dining rules.
- WAC 516-56-010 Applications for residence halls and university apartments.
- WAC 516-56-011 Assignments to residence halls.
- WAC 516-56-012 Assignments to university apartments.
- WAC 516-56-020 Deposits.
- WAC 516-56-021 Room and board payments.
- WAC 516-56-022 Apartment rentals.
- WAC 516-56-023 Charges for damages.
- WAC 516-56-030 Entry into rooms or apartments.
- WAC 516-56-040 Refunds.
- WAC 516-56-050 Responsibility for personal property.
- WAC 516-56-060 Eligibility for occupancy.
- WAC 516-56-070 Housing regulations—General.
- WAC 516-56-080 Consolidation of facilities.
- WAC 516-56-090 Guests.

PERMANENT

WSR 98-14-052
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Management Services Administration)
 [Filed June 26, 1998, 1:35 p.m.]

Date of Adoption: June 28, 1998.

Purpose: Repeals WAC 388-15-216 that was based on RCW 74.08.541 which was repealed in 1995 with the passage of ESHB 1908.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-15-216.

Statutory Authority for Adoption: RCW 74.08.090.

Adopted under preproposal statement of inquiry filed as WSR 98-08-073 on March 31, 1998.

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 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 1.

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 1.

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

June 28, 1998

Marie Myerchin-Redifer, Manager
 Rules and Policies Assistance Unit

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-15-216	Chore personal care services—Grandfathered clients.
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WSR 98-14-055
PERMANENT RULES
DEPARTMENT OF HEALTH
 (Board of Hearing and Speech)
 [Filed June 26, 1998, 4:55 p.m.]

Date of Adoption: June 5, 1998.

Purpose: The rules are needed to provide guidance to consumers of hearing and speech health care services, members of the public and audiologists and speech-language pathologists regarding the expected and recognized minimum standards of practice.

Statutory Authority for Adoption: RCW 18.35.161 (3) and (10).

Adopted under notice filed as WSR 98-08-117 on April 1, 1998.

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 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 2, Amended 0, Repealed 0.

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

June 10, 1998

Delores E. Spice
 Executive Director

NEW SECTION

WAC 246-828-095 Audiology minimum standards of practice. Certified audiologists are independent practitioners who provide a comprehensive array of services related to the identification, assessment, habitation/rehabilitation and prevention of auditory and vestibular impairments.

Audiologists serve in a number of roles including but not limited to clinician, therapist, teacher, consultant, researcher, and administrator. Audiologists provide services in hospitals, clinics, schools, nursing facilities, care centers, private practice and other settings in which audiological services are relevant. Audiologists provide services to individuals of all ages.

Audiologists must engage in and supervise only those aspects of the profession that are within the scope of their education, training and experience.

Standard procedures for providing audiology services may include one or more of the following:

(1) Case history to include:

(a) Documentation of referrals.

(b) Historical review of the nature, onset, progression and stability of the hearing problem, and associated otic and/or vestibular symptoms.

(c) Review of communication difficulties.

(d) Review of medical, pharmacology, vocational, social and family history pertinent to the etiology, assessment and management of the underlying hearing disorder.

(2) Physical examination of the external ear includes:

(a) Otoscopic examination of the external auditory canal to detect:

(i) Congenital or traumatic abnormalities of the external canal or tympanic membrane.

(ii) Inflammation or irritation of the external canal or tympanic membrane.

(iii) Perforation of the tympanic membrane and/or discharge from the external canal.

(iv) A foreign body or impacted cerumen in the external canal.

(b) Cerumen management to clean the external canal and to remove excess cerumen for the preservation of hearing.

(c) Referral for otologic evaluation and/or treatment when indicated.

(3) Identification of audiometry:

(a) Hearing screening administered as needed, requested, or mandated for those persons who may be identified as at risk for hearing impairment.

(b) Referral of persons who fail the screening for rescreening, audiologic assessment and/or for medical or other examination and services.

(c) Audiologists may perform speech and language screening measures for initial identification and referral.

(4) Assessment of auditory function includes:

(a) The administration of behavioral and/or objective measures of the peripheral and central auditory system to determine the presence, degree and nature of hearing loss or central auditory impairment, the effect of the hearing impairment on communication, and/or the site of the lesion within the auditory system. Assessment may also include procedures to detect and quantify nonorganic hearing loss.

(i) When traditional audiometric techniques cannot be employed as in infants, children or multiple impaired clients, developmentally appropriate behavioral and/or objective measures may be employed.

(ii) Assessment and intervention of central auditory processing disorders in which there is evidence of communication disorders may be provided in collaboration with other professionals.

(b) Interpretation of measurement recommendations for habilitative/rehabilitative management and/or referral for further evaluation and the counseling of the client and family.

(5) Assessment of vestibular function includes administration and interpretation of behavioral and objective measures of equilibrium to detect pathology within the vestibular system, to determine the site of lesion, to monitor changes in balance and to determine the contribution of visual, vestibular and proprioceptive systems to balance.

(6) Habilitation/rehabilitation of auditory and vestibular disorders may include:

(a) Aural rehabilitation therapy.

(b) Fitting and dispensing of hearing instruments and assistive listening devices.

(c) Habilitative and rehabilitative nonmedical management of disorders of equilibrium.

(7) Industrial and community hearing conservation programs.

(8) Intraoperative neurophysiologic monitoring.

(9) Standardized and nonstandardized procedures may be employed for assessment, habilitation/rehabilitation of auditory and vestibular disorders. When standardized procedures are employed they must be conducted according to the standardized procedure or exception documented. Nonstand-

ardized measures must be conducted according to established principles and procedures of the profession.

NEW SECTION

WAC 246-828-105 Speech-language pathology—Minimum standards of practice. Certified speech-language pathologists are independent practitioners who provide a comprehensive array of services related to the identification, assessment, habilitation/rehabilitation, of communication disorders and oro-pharyngeal and dysphasia. Speech-language pathologists serve in a number of roles including but not limited to clinician, therapist, teacher, consultant, researcher, and administrator. Speech-language pathologists provide services in hospitals, clinics, schools, nursing facilities, care centers, private practice, and other settings in which speech-language pathology services are relevant. Speech-language pathologists provide services to individuals of all ages.

Services must be provided and products dispensed only when benefit can reasonably be expected. All services provided and products dispensed must be evaluated for effectiveness. A certified speech-language pathologist must engage in and supervise only those aspects of the profession that are within the scope of their education, training, and experience. Speech-language pathologists must provide services appropriate to each individual in his or her care, which may include one or more of the following standard procedures:

(1) Case history, to include the following:

(a) Documentation of referral.

(b) Review of the communication, cognitive and/or swallowing problem.

(c) Review of pertinent medical, pharmacological, social and educational status.

(2) Examination of the oral mechanism for the purposes of determining adequacy for speech communication and swallowing.

(3) Screening to include: Speech and language.

(a) Hearing screening, limited to pure-tone air conduction and screening tympanometry.

(b) Swallowing screening. Children under the age of three years who are considered at risk are assessed, not screened;

(4) Assessment may include the following:

(a) Language may include parameters of phonology, morphology, syntax, semantics, and pragmatics; and include receptive and expressive communication in oral, written, graphic and manual modalities;

(b) Speech may include articulation, fluency, and voice (including respiration, phonation and resonance). Treatment shall address appropriate areas;

(c) Swallowing;

(d) Cognitive aspects of communication may include communication disability and other functional disabilities associated with cognitive impairment;

(e) Central auditory processing disorders in collaboration with other qualified professionals;

(f) Social aspects of communication may include challenging behaviors, ineffective social skills, lack of communication opportunities;

(g) Augmentative and alternative communication include the development of techniques and strategies that include selecting, and dispensing of aids and devices (excluding hearing instruments) and providing training to individuals, their families, and other communication partners in their use.

(5) Habilitation/rehabilitation of communication and swallowing to include the following:

(a) Treatment of speech disorders including articulation, fluency and voice.

(b) Treatment of language disorders including phonology, morphology, syntax, semantics, and pragmatics; and include receptive and expressive communication in oral, written, graphic and manual modalities.

(c) Treatment of swallowing disorders.

(d) Treatment of the cognitive aspects of communication.

(e) Treatment of central auditory processing disorders in which there is evidence of speech, language, and/or other cognitive communication disorders.

(f) Treatment of individuals with hearing loss, including aural rehabilitation and related counseling.

(g) Treatment of social aspects of communication, including challenging behaviors, ineffective social skills, and lack of communication opportunities.

(6) All services must be provided with referral to other qualified resources when appropriate.

WSR 98-14-056
PERMANENT RULES
DEPARTMENT OF HEALTH
 [Filed June 26, 1998, 4:58 p.m.]

Date of Adoption: June 4, 1998.

Purpose: To provide potential participants in Department of Health reviews of nonprofit hospital conversions with procedural and clarifying language beyond what is provided in statute, thereby making participation more efficient and effective.

Statutory Authority for Adoption: Chapter 70.45 RCW and RCW 70.44.007.

Adopted under notice filed as WSR 98-09-111 on April 22, 1998.

Changes Other than Editing from Proposed to Adopted Version: Some minor wording errors; one section could not be justified given the underlying statute; and some clarifying language was added.

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 11, 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 11, Amended 0, Repealed 0.

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

June 22, 1998

Kristine Van Gorkom

Chapter 246-312 WAC

**ACQUISITION OF NONPROFIT HOSPITALS(—
 REVIEW))**

PART I - GENERAL PROVISIONS

NEW SECTION

WAC 246-312-020 Definitions. "Acquisition of a nonprofit hospital" means an acquisition by a person of an interest in a nonprofit hospital, whether by a purchase, merger, lease, gift, joint venture, or otherwise, that results in a change of ownership or control of twenty percent or more of the assets of the hospital, or that results in the acquiring person holding or controlling fifty percent or more of the assets of the hospital.

This type of acquisition does not include a transaction where the acquiring person:

- Is a nonprofit corporation having a substantially similar charitable health care purpose as the nonprofit corporation from whom the hospital is being acquired, or is a government entity;
- Is exempt from federal income tax under section 501 (c)(3) of the Internal Revenue Code or as a government entity; and
- Will maintain representation from the affected community on the local board of the hospital.

"Acquisition of a hospital owned by a public hospital district" means an acquisition by a person of any interest in that hospital, whether by a purchase, merger, lease, or otherwise, that results in a change of ownership or control of twenty percent or more of the assets of a hospital currently licensed and operating under RCW 70.41.090.

Acquisition of a public hospital district hospital does not include a transaction where the other party or parties are:

- Nonprofit corporations having a substantially similar charitable health care purpose;
- Organizations exempt from federal income tax under section 501 (c)(3) of the Internal Revenue Code; or
- Governmental entities.

This type of acquisition also does not include a transaction where the other party:

PERMANENT

- Is an organization that is a limited liability corporation, a partnership, or any other legal entity and the members, partners, or otherwise designated controlling parties of the organization are all nonprofit corporations having a charitable health care purpose;
- Are organizations exempt from federal income tax under section 501 (c)(3) of the Internal Revenue Code; or
- Are governmental entities.

"Agreement" means a contract, arrangement, or understanding, whether formal or informal, oral or written.

"Applicant" means the acquiring party.

"Attorney general" means the Washington state attorney general.

"Department" means the Washington state department of health.

"Document" means all computer files and any written, recorded, or graphic material of every kind, that is in a person's possession, custody, or control, regardless of the form of the media in which it is preserved or by whom it was prepared. It includes electronic correspondence and drafts of documents, copies of documents that are not identical duplicates of the originals, and copies of documents the originals of which are not in one's possession, custody or control.

"Hospital" means any entity that is: Defined as a hospital in RCW 70.41.020 and is required to obtain a license under RCW 70.41.090; or a psychiatric hospital required to obtain a license under chapter 71.12 RCW.

"Identify" means to provide a statement of: In the case of a person other than a natural person, the names, address (including ZIP code) of the principal place of business, telephone number, and name of chief executive officer; in the case of a natural person, his or her name, business address (including ZIP code) and business telephone number, employer and title or position; in the case of a document, the title of the document, the author, the title or position of the addressee, the type of document, the date it was prepared, the number of pages it comprises, and, if applicable, its production number; in the case of a communication, the date of the communication, the type of communication (telephone conversation, number etc.), the place where the communication took place, the identity of the person who made the communication, the identity of each person who received the communication and each person present when it was made, and the subject matter discussed.

"Nonprofit hospital" means a hospital owned by a nonprofit corporation organized under Title 24 RCW.

"Person" means an individual, a trust or estate, a partnership, a corporation including associations, limited liability companies, joint stock companies, and insurance companies.

"Plans" means tentative and preliminary proposals, recommendations, or considerations, whether or not finalized or authorized, as well as those that have been adopted.

"Relating to" means in whole or in part, constituting, containing, concerning, embodying, reflecting, describing, analyzing, identifying, stating, referring or dealing with, or in any way pertaining to.

PART II - APPLICATION REQUIREMENTS

NEW SECTION

WAC 246-312-030 Application information. (1) Acquiring persons may obtain an application from the department.

(2) An application is determined to be complete when the acquiring person submits a completed application, the documents required in WAC 246-312-040 and required fee(s).

(3) The department may subpoena additional information or witnesses, require and administer oaths, require sworn statements, take depositions, and use related discovery procedures at any time prior to making a decision on the application.

(4) The application and supporting documents are subject to the Public Disclosure Act and any exemptions (chapter 42.17 RCW).

NEW SECTION

WAC 246-312-035 Amendments to the application. The applicant may submit amendments to its application at any time. Timelines will begin again from the application stage of the review process. A processing and review fee is required for each amendment.

NEW SECTION

WAC 246-312-040 Documents required. (1) The acquiring person shall submit as part of the application for approval three copies of the required documents to the Department of Health, Office of Health Systems Development, P.O. Box 47851, Olympia, Washington 98504-7851 and one copy to the Attorney General's Office, Antitrust Section, 900 4th Avenue, Suite 2000, Seattle, Washington 98164-1012. The official date of receipt shall be the date the application is received at the department of health.

(2) Each document submitted shall identify which request the document is responsive to, using the list below. If the requested document does not exist the acquiring party shall note "does not exist" on a page for that document.

(3) The acquiring party shall submit, or, as appropriate, obtain from the nonprofit hospital and then submit:

(a) The articles of incorporation of the nonprofit hospital, including all amendments thereto from inception to the present.

(b) The bylaws of the nonprofit hospital, including all amendments thereto from inception to the present.

(c) All documents reflecting the terms and conditions of any restricted gifts or bequests to the nonprofit hospital in excess of ten thousand dollars.

(d) A list identifying all trustees, officers and directors of the nonprofit hospital who have served at any time during the seven years prior to the application.

(e) A list identifying each and every officer, trustee or director of the nonprofit hospital (or any immediate family member of such persons) or any affiliate of the nonprofit who has any personal financial interest (other than salary and

directors/trustees' fees) in any company, firm, partnership, or other business entity that is currently doing business, or has previously done business, with the nonprofit hospital or any affiliate of the nonprofit hospital or the acquiring person or any affiliate of the acquiring person.

(f) A statement summarizing the procedure which the nonprofit hospital's board of directors used to evaluate the proposed acquisition.

(g) All documents reflecting a decision by the board of directors of the nonprofit hospital to delegate to any committee, or group smaller than the entire board, the responsibility for reviewing or considering any potential change of ownership or control of the nonprofit's assets.

(h) All documents relating to discussions, deliberations or consideration by the nonprofit hospital's board of directors or any committee or individual members thereof of any possible change of ownership or control of the hospital's assets including the proposed acquisition and specific alternatives to the proposed acquisition.

(i) An affidavit from each member of the board of directors of the nonprofit hospital which contains a statement that the individual has no conflict of interest in the proposed acquisition or otherwise shall disclose any and all actual or potential individual conflicts of interest.

(j) Copies of the two most recent "community needs assessment" or similar evaluations or assessments prepared by or for the nonprofit hospital. Identify all individuals or entities which assisted or contributed to any such evaluations or assessments.

(k) All documents relating to communications between the nonprofit hospital and any consultants retained to assist in the process of considering or deciding whether to enter into the proposed acquisition including any valuation of the assets involved in the proposed acquisition, retention letters or contracts, and any and all materials relied upon to support any conclusions as to valuation.

(l) All documents relating to any relationship between the nonprofit hospital and valuation consultant.

(m) The financial and economic analysis and report from an independent consultant relating to the proposed acquisition and the supporting documents which form the basis for this report, and any other documentation reflecting valuation determinations of any of the nonprofit hospital's assets that are subject to the proposed acquisition.

(n) Copies of all requests for proposal sent to any potential acquiring person and all responses received thereto by the nonprofit hospital.

(o) All documents relating to the reasons why any potential acquiring person was excluded by the nonprofit hospital from further consideration as a potential acquiring person of the assets involved in the proposed acquisition.

(p) All documents reflecting the deliberative process used by the nonprofit hospital in selecting the acquiring person.

(q) Copies of each proposal received by the nonprofit hospital and documents which reflect any analysis thereof. Identify all analysts involved.

(r) All documents relating to the nonprofit hospital's board of directors' evaluation of the option of continuing as a

nonprofit entity or pursuing the proposed acquisition or similar transaction with another nonprofit entity.

(s) All documents relating to the nonprofit hospital's plan for use of any proceeds after close of the proposed acquisition together with a statement explaining how the proposed plan complies with all applicable charitable trusts that govern use of the nonprofit hospital's assets. The plan must include any proposed amendments to the nonprofit hospital's articles of incorporation and bylaws or any articles of incorporation and bylaws of any entity that will control any of the proceeds from the proposed transfer. Attach any Internal Revenue Service opinions related to the above.

(t) A statement from the nonprofit hospital's board of directors which contains all the reasons for the board's conclusion that the proposed acquisition is necessary or desirable and is appropriate under the circumstances, and which contains the board's conclusions regarding the effects which the proposed acquisition will likely have on delivery of health related services to the community served by each facility involved in the proposed acquisition, and the basis for this opinion. The statement shall also describe all dissenting viewpoints presented.

(u) Copies of the prior five annual audited financial statements and the most current unaudited financial statement for the nonprofit hospital.

(v) A detailed statement of any actual or contingent liabilities retained by the nonprofit hospital posttransaction.

(w) All requests for opinions to the Internal Revenue Service for rulings related to the proposed acquisition and any Internal Revenue Service responses thereto.

(x) A pro forma balance sheet for the surviving or successor nonprofit entity posttransaction.

(y) A statement describing how the survivor or the successor nonprofit entity plans to deal with the right of first refusal to repurchase the assets involved in this transaction, along with a copy of any proposed contract, agreement or understanding regarding the same.

(z) A detailed statement describing how representatives of the community will be involved in the governance of the successor nonprofit entity.

(aa) A statement containing any other information the nonprofit hospital believes the attorney general should consider in deciding whether the proposed acquisition is in the public interest.

(bb) All proposed written agreements or contracts between the nonprofit hospital and the acquiring person relating to the proposed acquisition.

(cc) All documents relating to any personal financial benefit that the proposed acquisition may confer on any officer, director, trustee, employee, doctor, medical group, consultant, or any other entity affiliated with the nonprofit hospital or any immediate family member of any such person.

(dd) All documents relating to any relationship between the acquiring person and valuation consultant.

(ee) Copies of any proposed contract, agreement or understanding relating to the proposed acquisition between the acquiring person and any officer, director, trustee, consultant, or committee member of the nonprofit hospital, or consultants thereto, or any other party to the acquisition.

(ff) A detailed statement and all documents relating to the parties' plans to ensure the community's continued access to affordable health care posttransaction and plans regarding any anticipated reduction or elimination of any health services posttransaction and the availability of alternative services should such elimination or reduction occur.

(gg) A detailed statement and all documents relating to the parties' plans for assuring the continuance of existing hospital privileges posttransaction.

(hh) A detailed statement and all documents relating to the parties' plans for ensuring the maintenance of appropriate health science research and health care provider education posttransaction.

(ii) A detailed statement and all documents relating the parties' plans for ensuring safeguards to avoid conflict of interest in posttransaction patient referral.

(jj) A detailed statement and all documents relating to the parties' commitment and plans to provide health care to the disadvantaged, the uninsured, and the underinsured and how benefits to promote improved health in the affected community will be provided posttransaction.

(4) The attorney general and the department of health reserve the right to request additional information and documents as deemed reasonably necessary to determine compliance with chapter 70.45 RCW, the Nonprofit Hospital Sales Act.

PART III - REVIEW PROCESS

NEW SECTION

WAC 246-312-050 Criteria the department will use for review. (1) Chapter 70.45 RCW states that the department may not approve an application unless, at a minimum, it determines that:

(a) The acquisition is permitted under chapter 24.03 RCW, the Washington Nonprofit Corporation Act, and other laws governing nonprofit entities, trusts, or charities;

(b) The nonprofit corporation that owns the hospital being acquired has exercised due diligence in authorizing the acquisition, selecting the acquiring person, and negotiating the terms and conditions of the acquisition;

(c) The procedures used by the nonprofit corporation's board of trustees and officers in making its decision fulfilled their fiduciary duties, that the board and officers were sufficiently informed about the proposed acquisition and possible alternatives, and that they used appropriate expert assistance;

(d) There is no conflict of interest related to the acquisition, including, but not limited to, board members and executives of, and experts retained by, the nonprofit corporation, acquiring person, or other parties to the acquisition;

(e) The nonprofit corporation will receive fair market value for its assets. The attorney general or the department may employ reasonably necessary expert assistance in making this determination. The acquiring person is responsible for any cost of this expert assistance, in addition to the fees charged under WAC 246-312-990;

(f) If the acquisition is financed in part by the nonprofit corporation, that charitable funds will not be placed at unreasonable risk;

(g) Any management contract under the acquisition is for fair market value;

(h) The proceeds from the acquisition will be controlled as charitable funds independently of the acquiring person or parties to the acquisition, and will be used for charitable health purposes consistent with the nonprofit corporation's original purpose. Charitable health purposes include providing health care to the disadvantaged, the uninsured, and the underinsured, and providing benefits to promote improved health in the affected community;

(i) The charitable entity established to hold the proceeds of the acquisition will be broadly based in, and representative of, the community where the hospital to be acquired is located, taking into consideration the structure and governance of such entity; and

(j) If the hospital is subsequently sold to, acquired by, or merged with another entity that a right of first refusal to repurchase the assets by a successor nonprofit corporation or foundation has been retained.

(2) Based on chapter 70.45 RCW, the department shall not approve an application unless, at a minimum, it determines that:

(a) If the acquisition results in a reduction or elimination of particular health services, that sufficient safeguards are included to assure the affected community has continued access to affordable care, and that alternative sources of care are available in the community;

(b) Hospital privileges will not be revoked;

(c) Sufficient safeguards are included to maintain appropriate capacity for health science research and health care provider education;

(d) The parties to the acquisition are committed to providing health care to the disadvantaged, the uninsured, and the underinsured and to providing benefits to promote improved health in the affected community; and

(e) Sufficient safeguards are included to avoid conflict of interest in patient referral.

(3) The department may only approve an acquisition if it also determines that the acquisition will not detrimentally affect the continued existence of accessible, affordable health care that is responsive to the needs of the community where the hospital being acquired is located.

NEW SECTION

WAC 246-312-060 Timelines for review. (1) For good cause, the department of health or the attorney general may request a one-time, thirty-day extension to each timeline.

(2) The department, in consultation with the attorney general, will determine if an application is complete within fifteen working days of the receipt of the application package, documents and required fee(s). If a determination is made that the application is incomplete, the applicant will be notified of the reasons the application is incomplete, with reference to the particular deficiencies.

(3) The department will publish a notice of the application in the newspaper(s) in the county or counties where the hospital is located within five working days of receiving a completed application. The department will notify any per-

son who has requested to receive such notices. The notice shall contain:

- (a) Information about the parties to the acquisition;
- (b) Where and when to send comments to the department; and
- (c) Other information required for adequate public notice of the transaction and the department's review.

(4) Within forty-five days of the first public hearing, the attorney general will provide a written opinion to the department as to whether the acquisition meets the requirements for approval as required by chapter 70.45 RCW.

(5) Within thirty days of receiving the written opinion from the attorney general, the department will:

- (a) Approve the acquisition, with or without any specific modification or conditions; or
- (b) Disapprove the acquisition.

NEW SECTION

WAC 246-312-070 Public hearing. (1) The department will hold at least one public hearing in the county where the hospital being acquired is located. Any person may provide written or oral testimony. The department reserves the right to limit the time each presenter may have to make an oral statement.

(2) The department may subpoena witnesses or information, administer oaths, take depositions, and use related discovery procedures.

PART IV - ACQUISITION APPROVAL OR DISAPPROVAL

NEW SECTION

WAC 246-312-080 Grounds for approval, disapproval or modification of an acquisition. (1) The department's decision must be based on the requirements of chapter 70.45 RCW. Any condition or modification must have a direct and rational relationship to the application under review.

(2) The written opinion of the attorney general may not constitute a final decision for purposes of review.

(3) The department will only approve an application if the parties to the acquisition have taken the proper steps to safeguard the value of charitable assets and to ensure that any proceeds from the acquisition are used for appropriate charitable health purposes.

NEW SECTION

WAC 246-312-090 Appeals. The acquiring person or nonprofit hospital may appeal a decision made by the department of health under the Administrative Procedure Act (chapter 34.05 RCW).

PART V - COMPLIANCE WITH DEPARTMENT'S DECISION

NEW SECTION

WAC 246-312-100 Compliance with the terms of the acquisition and the department's decision. (1) At the time of the final decision, the department will notify the parties to the acquisition whether the nonprofit hospital, the acquiring party, or both, must submit periodic reports detailing how commitments made are being adhered to. The frequency of the reports will also be determined at that time, and will not be more frequent than semiannually but no less frequent than every three years.

(2) Any person, whether a party of the initial acquisition or not, may submit information concerning whether the acquiring person is fulfilling the terms of the acquisition and the department's approval or conditions. If the department determines there is reasonable cause to believe that the information indicates failure to comply, a public hearing will be held. The department must give at least ten days' written notice to the affected parties, including the local community affected.

(3) The cost of the public hearing and any on-site reviews related to determining the validity of the allegations will be borne by the acquiring parties.

(4) If the department finds that the parties to the acquisition have failed to adhere to their commitments or the conditions of the department's approval, the department may:

- (a) Revoke or suspend the hospital license pursuant to RCW 70.41.130;
- (b) Refer the matter to the attorney general for appropriate action; or
- (c) Both.

(5) The attorney general may seek a court order compelling the acquiring person to fulfill its commitments under chapter 70.45 RCW.

(6) The attorney general has the authority to ensure compliance with commitments that inure to the public interest. No provision of chapter 70.45 RCW, derogates from the common law or statutory authority of the attorney general.

NEW SECTION

WAC 246-312-200 Public health care service district (also known as public hospital district). (1) Prior to approving the acquisition of a public health care service district hospital, the district board of commissioners must obtain a written opinion from a qualified independent expert or the department of health as to whether or not the acquisition meets the review criteria in RCW 70.45.080.

(2) If requested by the district to conduct a review, the department will charge the district for the review costs as provided in the fee schedule (WAC 246-312-990).

(3) The department will deliver its opinion within ninety days of the district's request.

WSR 98-14-068**PERMANENT RULES****EMPLOYMENT SECURITY DEPARTMENT**

[Filed June 30, 1998, 8:35 a.m.]

Date of Adoption: June 5, 1998.

Purpose: Rules are amended to eliminate six employer reports that are obsolete and no longer required by the department. New language in WAC 192-310-030 allows penalty fee waivers for employers who voluntarily request an audit of their records pursuant to RCW 43.05.140. Other regulations, regarding reports, tax payments, and notices to employers, are rewritten for clarity and understandability.

Citation of Existing Rules Affected by this Order: Repealing WAC 192-12-030, 192-12-040, 192-12-041, and 192-12-042.

Statutory Authority for Adoption: RCW 50.12.010, 50.12.040. WAC 192-310-010 only: RCW 50.12.070.

Adopted under notice filed as WSR 98-09-105 and 98-09-106 on April 22, 1998.

Changes Other than Editing from Proposed to Adopted Version: The department's original proposal was to amend the existing rules. However, pursuant to Executive Order 97-02 on regulatory improvement, the department is renumbering its unemployment insurance rules as they are reviewed. This is to improve accessibility for the regulated community. The existing rules are repealed, and readopted in new chapters organized by subject.

CONCISE EXPLANATORY STATEMENT

Reasons for Adopting Rule: Rules are amended to eliminate six employer reports that are obsolete and no longer required by the department. New language in WAC 192-310-030 allows penalty fee waivers for employers who voluntarily request an audit of their records pursuant to RCW 43.05.140. Other regulations, regarding reports, tax payments, and notices to employers, are rewritten for clarity and understandability.

Description of any Difference Between the Text of the Proposed Rule as Published and the Adopted Rule: The department's original proposal was to amend the existing rules. However, pursuant to Executive Order 97-02 on regulatory improvement, the department is renumbering its unemployment insurance rules as they are reviewed. This is to improve accessibility for the regulated community. The existing rules are repealed and readopted in new chapters organized by subject.

Summary and Response to all Comments Received: The Employment Security Department has not received comments on this subject.

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 0, Repealed 4.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 5, Amended 0, Repealed 4.

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.

June 26, 1998

Carver Gayton

Commissioner

Chapter 192-130 WAC**EMPLOYER NOTICES****NEW SECTION**

WAC 192-130-050 Notice of filing of application—RCW 50.20.150. (1) Whenever an individual files an initial application for unemployment benefits, or reopens a claim after subsequent employment, a notice will be mailed to the applicant's most recent employer as stated by the applicant. Any employer who receives such a notice and has information which might make the applicant ineligible for benefits shall report this information to the employment security department at the address indicated on the notice within ten days of the date the notice was mailed. If the employer does not reply within ten days, the department may allow benefits to the individual, if he or she is otherwise eligible.

(2) If an employer reports information which it claims makes an individual ineligible for benefits, the department will issue a written decision regarding the individual's eligibility and mail a copy to the employer.

Chapter 192-310 WAC**REPORTING OF WAGES AND TAXES DUE****NEW SECTION**

WAC 192-310-010 Employer reports—RCW 50.12.070. (1) **Master application.** Every person or entity which has one or more individuals performing services for it in the state of Washington must file with the department a master application in a format prescribed by the commissioner.

(2) Quarterly tax and wage reports:

(a) **Tax report.** Each employer must file a quarterly tax report with the commissioner listing the total wages paid to all individuals in its employ during that calendar quarter.

(b) **Report of employee's wages.** Each employer must file a quarterly report of employee's wages with the commissioner. This report must list each employee by name, social security number, hours worked, and wages paid during that calendar quarter.

(c) The quarterly tax and wage reports must be filed in a format prescribed by the commissioner. They are due by the last day of the month following the end of the calendar quarter.

ter being reported. Calendar quarters end on March 31, June 30, September 30 and December 31 of each year. Therefore, reports are due by April 30, July 31, October 31, and January 31, respectively. Exceptions to the time and manner of filing the report must be approved in advance by the commissioner.

(d) Termination of business. Each employer who ceases business or whose account is closed by the department must immediately file:

- (i) A tax report for the current calendar quarter which covers tax payments due to the date such account is closed;
- (ii) A report of employee's wages for the current calendar quarter which includes all wages paid to the date such account is closed.

(3) **Report form instructions.** All form preparation instructions issued by the employment security department have the same force and effect as if they had been incorporated into this regulation.

NEW SECTION

WAC 192-310-020 Tax payments by employers—

RCW 50.24.010. (1) Taxes are payable quarterly. Each quarterly payment must include the taxes due on all wages paid during that calendar quarter. Payments are due to the department by the last day of the month following the end of the calendar quarter for which such taxes have accrued. Payments made by mail are considered paid on the postmarked date. If the last day of the month falls on a Sunday or a legal holiday, the tax payment must be received or postmarked on the next working day.

(2) Tax payments are due immediately when an employer ceases business or the account is closed by the department. Taxes not paid immediately are delinquent, but interest will not accrue until the first day of the second month following the end of the calendar quarter for which such taxes have accrued.

NEW SECTION

WAC 192-310-025 Application of payments.

(1) A payment received with a tax report will be applied to the quarter for which the report is filed. A payment exceeding the legal fees, penalties, interests and taxes due for that quarter will be applied to any other debt as provided in subsection (2). If no debt exists, a credit statement will be issued for any overpayments.

(2) A payment received without a tax report will be applied in the following order of priority, beginning with the oldest quarter:

- (a) Lien fees
- (b) Warrant fees
- (c) Late tax report penalty
- (d) Late tax payment penalty
- (e) Interest charges
- (f) Tax payments.

NEW SECTION

WAC 192-310-030 Reports and tax payments subject to penalty. (1) **Tax reports.** An employer who files a late or

incomplete tax report as described in WAC 192-310-010 (2)(a) is subject to a penalty of ten dollars per violation, unless the penalty is waived by the department.

(2) **Report of employee's wages.** Any decision to assess a penalty for filing a late or incomplete report of employee's wages as described in WAC 192-310-010 (2)(b) will be made on an individual basis by the chief administrative officer of the tax branch as provided in RCW 50.12.220.

(3) **Delinquent tax payments.** For purposes of RCW 50.12.220, tax payments are delinquent as provided in WAC 192-310-020 and RCW 1.12.070.

(4) **Late penalty.** For tax payments due on wages paid, a minimum \$10.00 penalty will be assessed for late payments.

(5) **Penalty waivers.** The department may, for good cause, waive penalties in the following situations:

(a) The return was filed on time but inadvertently mailed to another agency;

(b) The delinquency was due to an action of an employee of the department, such as providing incorrect information to the employer when the source can be identified, or not furnishing proper forms to permit the filing of tax reports or the payment of taxes on time;

(c) The delinquency was caused by the death or serious illness, before the filing deadline, of the employer, a member of the employer's immediate family, the employer's accountant, or a member of the accountant's immediate family;

(d) The delinquency was caused by the accidental destruction of the employer's place of business or business records; or

(e) The department finds the employer to be out of compliance during an employer-requested audit, but the department determines the employer made a good faith effort to comply with all applicable laws and rules.

(6) **Waiver requests.** A request for a waiver of penalties must be written, contain all pertinent facts, be accompanied by available proof, and be filed through a tax office. In all cases the burden of proving the facts is on the employer.

(7) **Extensions.** The department, for good cause, may extend the due date for filing a report. The employer must make a deposit with the department in an amount equal to the estimated tax liability for the reporting period or periods for which the extension is granted. This deposit will be credited to the employer's account and applied to the employer's debt. The amount of the deposit is subject to approval by the department.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 192-12-030	Reports required of persons or entities for whom personal services are performed as provided by RCW 50.12.070 and 50.20.150
WAC 192-12-040	Contributions by employers
WAC 192-12-041	Application of payments

PERMANENT

WAC 192-12-042

Reports and contributions
subject to penalty

WSR 98-14-076
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed June 30, 1998, 11:45 a.m.]

Purpose: To repeal a rule that is outdated due to changed circumstances.

Citation of Existing Rules Affected by this Order:
Repealing WAC 296-30-050.

Statutory Authority for Adoption: RCW 7.68.030.

Adopted under preproposal statement of inquiry filed as
WSR 98-08-100 on April 1, 1998.

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 Nongov-
ernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Ini-
tiative: New 0, 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 Mak-
ing: 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.

June 24, 1998

Gary Moore
Director

REPEALER

The following section of the Washington Administrative
Code is repealed:

WAC 296-30-050	Distribution of third party recoveries.
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WSR 98-14-078
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed June 30, 1998, 11:53 a.m.]

Date of Adoption: June 26, 1998.

Purpose: Amendments to chapter 296-150C WAC, Commercial coaches; chapter 296-150F WAC, Factory-built housing and commercial structures; and chapter 296-150M WAC, Manufactured homes were adopted by the department

on June 26, 1998. These amendments are a result of the rule review process mandated by Executive Order 97-02 and of the department's regulatory improvement goal of enacting and enforcing rules that are "necessary, fair, understandable and consistent." Many of the amendments clarify rule requirements. Several amendments bring the department into compliance with either chapter 43.22 RCW, the state electrical code, the state building code or reciprocal agreements with other states. Some amendments incorporate department policies into Washington Administrative Code. Other amendments eliminate duplication. Finally, a number of amendments incorporate rule sections inadvertently omitted when these three chapters were revised in 1996. At that time, the two existing FAS chapters (chapters 296-150A and 296-150B WAC) were rewritten into four chapters (chapters 296-150C, 296-150F, 296-150M and 296-150R WAC). It was during that rewriting process that certain rule sections, which were a part of chapters 296-150A and 296-150B WAC, were inadvertently dropped from chapters 296-150C, 296-150F and 296-150M WAC.

Chapter 296-150C WAC, Commercial coaches.

WAC 296-150C-0020 What definitions apply to this chapter? Amendments were adopted to add a note to clarify the compliance responsibilities of nonvendor and vendor units.

WAC 296-150C-0310 Who can approve design plans? Amendments were adopted to correct electrical code references and clarify who can approve design plans submitted under a reciprocal agreement.

WAC 296-150C-0320 What must I provide with my request for commercial coach design-plan approval by the department? Amendments were adopted to add subsection (7) to bring chapter 296-150C WAC into compliance with state electrical law, specifically WAC 296-46-140 Plan review for educational, institutional or health care facilities and other buildings.

WAC 296-150C-0410 When does my design plan expire? Amendments were adopted to delete subsection (5) because the time frame has elapsed.

WAC 296-150C-0460 What information must a manufacturer provide when a professional or firm does the design-plan approval? Amendments were adopted to add:

- Subsection (7) to bring chapter 296-150C WAC into compliance with state electrical law.
- Subsection (8) to comply with the department's reciprocal agreements.

WAC 296-150C-0500 When is an inspection required? Amendments were adopted to subsection (5) to incorporate department policy #97-11, "Factory Inspections Without Approved Plans." This brings chapter 296-150C WAC into compliance with state building codes.

WAC 296-150C-0560 What happens if I receive a notice of noncompliance after inspection of the alteration to my commercial coach? Amendments were adopted to add the words "or use" to prohibit the use of altered commercial coaches which are out of compliance and possibly unsafe.

WAC 296-150C-0800 What manufacturing codes apply to commercial coaches? Amendments were adopted to update code references in this section.

WAC 296-150C-0820 Structural analysis. Amendments were adopted to:

- Incorporate in subsection (2) an unwritten department policy. Originally, this verbal policy was used to correct an error in WAC 296-150C-0820.
- Rewrite the section heading in a question format to be consistent with the rest of the chapter.

WAC 296-150C-0960 Roof trusses. Amendments were adopted to:

- Clarify the intent of the section by deleting the word "stress" in subsection (1)(a).
- Rewrite the section heading in a question format to be consistent with the rest of the chapter.

WAC 296-150C-0980 Wall coverings. Amendments were adopted to repeal this section because it is a duplication of requirements contained in WAC 296-150C-1100.

WAC 296-150C-1080 Chassis. Amendments were adopted to:

- Incorporate into paragraph (1) department policy #97-12, "Chassis Live Loads for Commercial Coaches." This policy had been issued to correct an error in WAC 296-150C-1080.
- Add subsection (3) to clarify floor load requirements for a commercial coach in a set up mode.
- Rewrite the section heading in a question format to be consistent with the rest of the chapter.

WAC 296-150C-1170 Light and ventilation. Amendments were adopted to:

- Incorporate wording changes that were inadvertently omitted when the chapter was last revised. These amendments allow the installation of mechanical ventilation systems.
- Rewrite the section heading in a question format to be consistent with the rest of the chapter.

WAC 296-150C-1303 How must storage batteries be installed in a commercial coach? Amendments were adopted to add this section which was inadvertently omitted when the chapter was rewritten in 1996.

WAC 296-150C-1580 What manufacturing codes apply when converting structures to vendor units? Amendments were adopted to add subsection (1)(d) to clarify which manufacturing codes apply when structures are converted to vendor units.

WAC 296-150C-1590 Structural analysis for acceptability. Amendments were adopted to:

- Add language in subsection (1) that was inadvertently omitted when the chapter was rewritten in 1996. This amendment clarifies that the section applies to both Type A and Type B vendor units.
- Rewrite the section heading in a question format to be consistent with the rest of the chapter.

WAC 296-150C-1600 Live loads. Amendments were adopted to:

- Correct an error in subsection (2).
- Rewrite the section heading in a question format to be consistent with the rest of the chapter.

WAC 296-150C-1720 Vendor unit exits. Amendments were adopted to:

- Add subsection(5) to clarify requirements regarding exit doors.
- Rewrite the section heading in a question format to be consistent with the rest of the chapter.

WAC 296-150C-1730 Electrical for vendor units. Amendments were adopted to:

- Add subsection (3) electrical requirements for vendor units.
- Add subsection (4) that was inadvertently omitted when the chapter was rewritten in 1996.
- Rewrite the section heading in a question format to be consistent with the rest of the chapter.

WAC 296-150C-1740 Mechanical for vendor units. Amendments were adopted to:

- Add subsection (2) to clarify the definition of "mechanical."
- Rewrite the section heading in a question format to be consistent with the rest of the chapter.

WAC 296-150C-1750 What are the LPG system enclosure and mounting requirements for a vendor unit? Amendments were adopted to add this new section which was inadvertently omitted when the chapter was rewritten in 1996.

WAC 296-150C-1751 What are the fuel gas piping design requirements for a vendor unit? Amendments were adopted to add this new section which was inadvertently omitted when the chapter was rewritten in 1996.

WAC 296-150C-1752 Can gas tubing be concealed in a vendor unit? Amendments were adopted to add this new section which was inadvertently omitted when the chapter was rewritten in 1996.

WAC 296-150C-1753 What are the pipe-joint compound requirements for gas piping in a vendor unit? Amendments were adopted to add this new section which was inadvertently omitted when the chapter was rewritten in 1996.

WAC 296-150C-1754 What are the gas piping hanger and support requirements for a vendor unit? Amendments were adopted to add this new section which was inadvertently omitted when the chapter was rewritten in 1996.

WAC 296-150C-1755 What are the electrical bonding requirements for gas piping in a vendor unit? Amendments were adopted to add this new section which was inadvertently omitted when the chapter was rewritten in 1996.

WAC 296-150C-1756 How are gas supply connections in a vendor unit identified? Amendments were adopted to add this new section which was inadvertently omitted when the chapter was rewritten in 1996.

WAC 296-150C-1757 What requirements apply to gas piping system openings? Amendments were adopted to add this new section which was inadvertently omitted when the chapter was rewritten in 1996.

WAC 296-150C-1758 Are gas piping shut-off valves required in a vendor unit? Amendments were adopted to add this new section which was inadvertently omitted when the chapter was rewritten in 1996.

WAC 296-150C-1759 What requirements apply to testing for gas piping leaks before vendor unit appliances are connected? Amendments were adopted to add this new section which was inadvertently omitted when the chapter was rewritten in 1996.

WAC 296-150C-1760 What requirements apply to testing for gas piping leaks after vendor unit appliances are connected? Amendments were adopted to add this new section which was inadvertently omitted when the chapter was rewritten in 1996.

Chapter 296-150F WAC, Factory-built housing and commercial structures.

WAC 296-150F-0020 What definitions apply to this chapter? Amendments were adopted to delete the definition for "Temporary insignia." This amendment is proposed in response to customer requests. The use of temporary insignia proved unworkable for both the department and its customers.

WAC 296-150F-0130 How do I register a complaint? Amendments were adopted to add this new section which was inadvertently omitted when the chapter was rewritten in 1996.

WAC 296-150F-0200 Who must purchase factory-built housing and commercial structure insignia? Amendments were adopted to add language that was inadvertently omitted when the chapter was rewritten in 1996.

WAC 296-150F-0210 What are the insignia requirements? Amendments were adopted to clarify when a Washington state manufacturer does not have to purchase an insignia.

WAC 296-150F-0460 What information must a manufacturer provide when a professional or firm does the design plan approval? Amendments were adopted to add:

- Subsection (7) to bring chapter 296-150F WAC into compliance with state electrical law.
- Subsection (8) to comply with the department's reciprocal agreements.

WAC 296-150F-0500 When is an inspection required? Amendments were adopted to:

- Correct a code reference in subsection (3).
- Amend language in subsection (4) so that chapter 296-150F WAC complies with adopted state building codes.

Chapter 296-150M WAC, Manufactured homes.

WAC 296-150M-0020 What definitions apply to this chapter? Amendments were adopted to add language to the definition of "Alteration" which incorporates department policy ("Water Treatment Equipment in Mobile Homes") into chapter 296-150M WAC.

WAC 296-150M-0306 What codes are used when altering a manufactured (mobile) home? Amendments were adopted to add this new section:

- To clarify the intent of RCW 43.22.432.
- To incorporate department Procedural Bulletin 7/88, "Coding to be Applied to Insignias," into subsections (1) and (2).

WAC 296-150M-0307 How may I obtain a copy of the Manufactured Home Construction and Safety Standards, Part 24, CFR 3280? Amendments were adopted to add this

new section to make it easier for department customers to obtain copies of the federal standards affecting manufactured homes.

WAC 296-150M-0310 What happens if I fail to get your approval prior to altering a manufactured home? Amendments were adopted to bring chapter 296-150M WAC into compliance with chapter 43.22 RCW.

WAC 296-150M-0331 Does my alteration permit expire? Amendments were adopted to add this new section to clarify the expiration date of an alteration permit.

WAC 296-150M-0400 How do I apply for alteration approval and obtain an alteration insignia? Amendments were adopted to clarify when "first hour" inspection fees must be paid to the department.

WAC 296-150M-0600 Who establishes standards for installation of manufactured homes? Amendments were adopted to distinguish local jurisdiction installation requirements from department installation requirements.

WAC 296-150M-0610 What instructions are used for a manufactured home installation? Amendments were adopted to clarify whose instructions are followed when installing manufactured homes.

WAC 296-150M-0620 Do local enforcement agencies have special requirements for installing manufactured homes in hazardous areas? Amendments were adopted to clarify structural requirements in earthquake zones.

WAC 296-150M-0640 Does a person who installs a manufactured home need an installation permit? Amendments were adopted to clarify the scope of subsection (3) by adding the words "owner or agent."

WAC 296-150M-0660 What are the requirements for on-site structures and who regulates them? Amendments were adopted to clarify the scope of local versus department jurisdiction.

WAC 296-150M-0700 Acceptable types of ground cover. Amendments were adopted to repeal this section because the requirements have been incorporated into WAC 296-150M-0610 (1)(k).

WAC 296-150M-0710 Clearance under manufactured homes. Amendments were adopted to repeal this section because the requirements have been incorporated into WAC 296-150M-0610 (1)(l).

WAC 296-150M-0730 Heat pump. Amendments were adopted to repeal this section because the requirements have been incorporated into WAC 296-150M-0610 (1)(m).

Citation of Existing Rules Affected by this Order:
Amending **Chapter 296-150C WAC, Commercial coaches**,
WAC 296-150C-0020 What definitions apply to this chapter?
WAC 296-150C-0310 Who can approve design plans?
WAC 296-150C-0320 What must I provide with my request for commercial coach design-plan approval by the department?
WAC 296-150C-0410 When does my design plan expire?
WAC 296-150C-0460 What information must a manufacturer provide when a professional or firm does the design-plan approval?
WAC 296-150C-0500 When is an inspection required?
WAC 296-150C-0560 What happens if I receive a notice of noncompliance after inspection of the alteration to my commercial coach?
WAC 296-150C-0800 What manufacturing codes apply to commercial coaches?
WAC 296-

150C-0820 Structural analysis. WAC 296-150C-0960 Roof trusses. WAC 296-150C-1080 Chassis. WAC 296-150C-1170 Light and ventilation. WAC 296-150C-1580 What manufacturing codes apply when converting structures to vendor units? WAC 296-150C-1590 Structural analysis for acceptability. WAC 296-150C-1600 Live loads. WAC 296-150C-1720 Vendor unit exits. WAC 296-150C-1730 Electrical for vendor units. WAC 296-150C-1740 Mechanical for vendor units.

Chapter 296-150F WAC, Factory-built housing and commercial structures, WAC 296-150F-0020 What definitions apply to this chapter? WAC 296-150F-0200 Who must purchase factory-built housing and commercial structure insignia? WAC 296-150F-0210 What are the insignia requirements? WAC 296-150F-0460 What information must a manufacturer provide when a professional or firm does the design plan approval? WAC 296-150F-0500 When is an inspection required?

Chapter 296-150M WAC, Manufactured homes, WAC 296-150M-0020 What definitions apply to this chapter? WAC 296-150M-0310 What happens if I fail to get your approval prior to altering a manufactured home? WAC 296-150M-0400 How do I apply for alteration approval and obtain an alteration insignia? WAC 296-150M-0600 Who establishes standards for installation of manufactured homes? WAC 296-150M-0610 What instructions are used for a manufactured home installation? WAC 296-150M-0620 Do local enforcement agencies have special requirements for installing manufactured homes in hazardous areas? WAC 296-150M-0640 Does a person who installs a manufactured home need an installation permit? WAC 296-150M-0660 What are the requirements for on-site structures and who regulates them?

Repealed sections: WAC 296-150C-0980 Wall coverings. WAC 296-150M-0700 Acceptable types of ground cover. WAC 296-150M-0710 Clearance under manufactured homes. WAC 296-150M-0730 Heat pump.

Statutory Authority for Adoption: Chapter 43.22 RCW.

Adopted under notice filed as WSR 98-07-095 on March 18, 1998.

Changes Other than Editing from Proposed to Adopted Version: As a result of written and oral comments received, the sections listed below are being amended. The effect of these amendments upon the adopted rule represents no change from the effect of the published proposed rule.

Chapter 296-150C WAC, Commercial coaches.

WAC 296-150C-1580 What manufacturing codes apply when converting structures to vendor units? The department has corrected the code references in subsections (1)(a), (c) and (d).

Chapter 296-150M WAC, Manufactured homes.

WAC 296-150M-0020 What definitions apply to this chapter? To increase clarity, the department has added the words "whole-house" and the phrase "that requires cutting into the existing plumbing" to the new language in the definition of "Alteration." The new language now reads: "The installation of whole-house water treatment equipment that requires cutting into the existing plumbing is considered an

alteration and requires a permit, an inspection and an alteration insignia."

WAC 296-150M-0306 What codes are used when altering a manufactured (mobile) home? To increase clarity, the department has deleted the phrase "What definitions apply to this chapter?" from subsection (2).

WAC 296-150M-0610 What instructions are used for a manufactured home installation? To increase clarity, the department has made the following changes in WAC 296-150M-0610:

- In WAC 296-150M-0610 (1)(d)(i), the words "properly attached" have been deleted. The sentence now reads: "Skirting must not trap water between the skirting and siding or trim."
- In WAC 296-150M-0610 (1)(d)(iii), the word "finished" was inserted into the first sentence. The first sentence now reads: "Access to the under floor area of a manufactured home must have a finished opening at least eighteen inches by twenty-four inches in size."
- In WAC 296-150M-0610 (1)(f), the ANSI code reference has been updated to reference ANSI 225.1.
- In WAC 296-150M-0610 (1)(m), the words "and air conditioning" have been inserted into the sentence. The sentence now reads: "Heat pump and air conditioning condensation lines must be extended to the exterior of the manufactured home."

WAC 296-150M-0620 Do local enforcement agencies have special requirements for installing manufactured homes in hazardous areas? To increase clarity, the words "the home manufacturer or by" have been added to the second sentence in WAC 296-150M-0620 (2)(b). The sentence now reads: "In such areas, local jurisdictions may require an earthquake resistant bracing system designed for the earthquake zone in which the home is located by the home manufacturer or by a registered professional engineer or architect."

WAC 296-150M-0660 What are the requirements for on-site structures and who regulates them? To increase clarity, the words "aluminum or wood" have been deleted from the first sentence of WAC 296-150M-0660 (1)(b) and (2)(b). The sentence in subsection (1)(b) now reads: "Awnings and carports that are self-supported by a beam next to a manufactured (mobile) home are inspected by the local enforcement agency." The sentence in subsection (2)(b) now reads: "Awnings and carports that are attached to the manufactured (mobile) home without the benefit of a self-supported beam requires approval and inspection by the department."

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 16, Amended 31, Repealed 4.

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 16, Amended 31, Repealed 4.

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

June 24, 1998

Gary Moore
Director

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150C-0020 What definitions apply to this chapter? "Alteration" is the replacement, addition, modification, or removal of any equipment or installation that affects the construction, fire and life safety, or the plumbing, mechanical, and electrical systems of a commercial coach.

The following are not considered alterations:

- Repairs with approved parts;
- Modification of a fuel-burning appliance according to the listing agency's specifications; or
- Adjustment and maintenance of equipment.

"Approved" is approved by the department of labor and industries.

"Building site" is a tract, parcel, or subdivision of land on which a commercial coach will be installed.

"Consumer" is a person or organization, excluding a manufacturer or dealer of commercial coaches, who buys or leases a commercial coach.

"Commercial coach" is a structure (referred to as a unit) that:

- Can be transported in one or more sections;
- Is used for temporary commercial purposes;
- Is built on a permanent chassis;
- Conforms to the construction standards of this chapter;
- May include plumbing, mechanical, electrical and other systems; and
- Includes Type A and Type B vendor units.

Type A vendor unit is a commercial coach vehicle such as, but not limited to, a truck, van, or step van. The maximum dimensions of a Type A vendor unit are 8 feet wide by 24 feet long in the set-up mode.

Type B vendor unit is a commercial coach structure such as, but not limited to, a recreational vehicle as defined by the American National Standards Institute, Inc. that is being converted to a vendor unit. The maximum dimensions of a Type B vendor unit are 8 feet wide by 24 feet long in the set-up mode.

Note: A commercial coach may not be used as a single-family dwelling. A commercial coach does not have to be placed on a permanent foundation.

Note: (1) Nonvendor units must comply with chapter 296-150C WAC, WAC 296-150C-0010 through 296-150C-1570 and WAC 296-150C-3000.

(2) Vendor units may comply with chapter 296-150C WAC, WAC 296-150C-0010 through 296-150C-1570 or WAC 296-150C-0010 through 296-150C-0710 and WAC 296-150C-1580 through 296-150C-3000.

"Damaged in transit" means damage that affects the integrity of a structural design or any of the systems.

"Dealer" is a person, company, or corporation whose business is leasing, selling, offering for lease or sale, buying, or trading commercial coaches.

"Department" is the department of labor and industries. The department may be referred to as "we" or "us" in this chapter. Note: You may contact us at: Department of Labor and Industries, Specialty Compliance, PO Box 44440, Olympia, WA 98504-4440.

"Design plan" is a plan for the construction or alteration of a commercial coach or conversion of a vehicle to a commercial coach including floor plans, elevation drawings, specifications, engineering data, or test results necessary for a complete evaluation of the design.

"Design option" is a design that a manufacturer may use as an option to its commercial coach design plan.

"Equipment" is all material, appliances, devices, fixtures, fittings, or accessories used in the manufacture, assembly, conversion to, or alteration of a commercial coach.

"Factory assembled structure (FAS) advisory board" is a board authorized to advise the director of the department regarding the issues and adoption of rules relating to commercial coaches. (See RCW 43.22.420.)

"Insignia" is a label that we attach to a commercial coach to verify that the structure meets the requirements of this chapter and the applicable codes.

"Install" is to erect, construct, assemble, or set a commercial coach in place.

"Labeled" is to bear the department's insignia.

"Listed" is a piece of equipment or apparatus that has been approved by a testing agency to the appropriate standard.

"Local enforcement agency" is an agency of city or county government with power to enforce local regulations governing the installation of a commercial coach.

"Master design plan" is a design plan that expires when a new state building code has been adopted.

"One-year design plan" is a design plan that expires one year after approval or when a new state building code has been adopted.

"System" is part of a commercial coach designed to serve a particular function. Examples include structural, plumbing, electrical, or mechanical systems.

"Vendor unit" is a type of commercial coach (referred to as a unit) that:

- Is transported in only one section;
- Is designed for highway use;
- Is temporarily occupied for distribution of items (e.g., food);
- Is built on a permanent chassis;
- Includes at least one of the following systems: Plumbing, mechanical, or electrical;
- Is a converted structure, not a newly manufactured structure; and
- Is a Type A vendor unit or a Type B vendor unit.

Note: Newly manufactured units must comply with the commercial coach construction requirements of this chapter. Unoccupied vendor units are exempt from the requirements of

this chapter. For example, those vehicles where food is sold and distributed by standing alongside it.

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150C-0310 Who can approve design plans? (1) Design plans can be approved by us or by a licensed professional or firm authorized by us. (See WAC 296-150C-0420 and 296-150C-0430.)

(2) All electrical design plans for new or altered electrical installations for educational institutions, health care facilities, and other buildings (~~(see chapters 296-46, 296-130, 296-140, and 296-150 WAC Table 1 or 2)~~) required by chapter 296-46 WAC, Safety standards—Installing electric wires and equipment—Administrative rules, must be reviewed and approved by us.

~~(3) A professional cannot approve plans submitted under a reciprocal agreement.~~

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150C-0320 What must I provide with my request for commercial coach design-plan approval by the department? All requests for design-plan approval must include:

(1) A completed design-plan approval request form;
(2) Two sets of design plans plus elevation drawings, specifications, engineering analysis, and test results and procedures necessary for a complete evaluation of the design; (See WAC 296-150C-0340 and 296-150C-0350.)

(3) At least one set of design plans must have an original wet stamp from a professional engineer or architect licensed in Washington state. We will retain the set with the original wet stamp;

(4) Receipt of a one-time initial design plan filing fee and the initial design plan fee (see WAC 296-150C-3000);

(5) A "key drawing" to show the arrangement of modules if the plan covers three or more modules;

(6) The occupancy class of the commercial coach according to the occupancy classifications in The Uniform Building Code;

~~(7) All plans required by WAC 296-46-140 (Plan review for educational, institutional or health care facilities and other buildings) must be reviewed by the department. The department's fee for this plan review is listed in the fee table in WAC 296-150C-3000, Commercial coach fees.~~

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150C-0410 When does my design plan expire? Commercial Coach - Master Design Plan:

(1) Your commercial coach master design plan expires when there is a code change. You must submit new design plans for approval when there is a state building code cycle change. You may use your approved master design plans to order insignia as long as they comply with the applicable codes.

Commercial Coach - One-Year Design Plan:

(2) Your commercial coach one-year design plan expires either one year after approval or when there is a code change. You must submit new design plans for approval when there is a state building code cycle change. You may use your design plans to order insignia as long as they comply with the applicable codes.

(3) All National Electrical Code amendments may be incorporated by an addendum to your design plan.

Note: The State Building Code is on a three-year code cycle which coincides with the State Building Code Council amendment cycle. The National Electrical Code (NEC) cycle, however, does not coincide with the other code cycles.

Commercial Coach Vendor Unit:

(4) Your vendor unit design plan expires after the unit is converted or altered. You can only use this design plan once.

~~((5) The effective date of this rule is November 25, 1996. Manufacturers who have approved design plans can continue production under the old rules for one hundred twenty days after the effective date of these rules. Manufacturers who are submitting new design plans after the effective date of these rules can submit and produce under the old rules for one hundred twenty days after the effective date of these rules.))~~

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150C-0460 What information must a manufacturer provide when a professional or firm does the design-plan approval? You must provide the following information with your approved design plans:

(1) A completed departmental design-plan approval request form;

(2) Two or more sets of design plans plus elevation drawings, specifications, engineering analysis, and test results and procedures necessary for a complete evaluation of the design. These design plans must have an original wet stamp, be signed, and dated by the approving professional(s) (see WAC 296-150C-0340 and 296-150C-0350);

(3) A cover sheet on the design plan noting which professional approved each portion of the design plan;

(4) A copy of the authorization letter from us; ~~(and)~~

(5) The design plan fee for design plans approved by professionals or firms(-); (see WAC 296-150C-3000.)

(6) A professional who designs and certifies that the commercial coach design meets state requirements cannot also approve the design plan in the plan approval process;

~~(7) A professional cannot approve those electrical designs listed in WAC 296-150C-0310(2); and~~

~~(8) A professional cannot approve plans submitted under a reciprocal agreement.~~

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150C-0500 When is an inspection required? (1) Before we issue an insignia, each unit manu-

factured or converted must be inspected as many times as required to show compliance with this chapter.

Note: Each commercial coach must have a serial number so we can track inspections.

(2) Before we issue an insignia, each commercial coach must be inspected at the manufacturing location as many times as required. Inspections may include but are not limited to:

(a) A "cover" inspection during construction of the unit before the electrical, plumbing, mechanical, and structural systems are covered;

(b) Insulation and vapor barrier inspection, if required; and

(c) A final inspection after the commercial coach is complete.

(3) If we discover a violation during inspection, we will issue a notice of noncompliance. You can correct the violation during the inspection. If you cannot correct the violation during inspection, you must leave the item uncovered until we approve your correction.

(4) If a commercial coach is damaged in transit to the building site or during on-site installation, it must be inspected. This is considered an alteration inspection. (See WAC 296-150C-0240.)

(5) Approved design plans (~~(-specifications, engineering analysis and test results must be available during the inspection)~~) must be available in compliance with the applicable sections of the adopted state codes.

(6) Once your unit is inspected and approved we will attach the insignia.

Commercial Coach Vendor Unit

(7) Before we issue an insignia, each commercial coach vendor unit is inspected as follows:

(a) Inspection(s) during conversion or alteration of a commercial coach vendor unit; and

(b) A final inspection after the commercial coach vendor unit is complete.

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150C-0560 What happens if I receive a notice of noncompliance after inspection of the alteration to my commercial coach? (1) If your commercial coach alteration does not pass our inspection, you will receive a notice of noncompliance. The notice of noncompliance explains what items must be corrected.

(2) You have twenty days after receiving the notice of noncompliance to send us a written response to explain how you will correct the violations.

(3) You are not allowed to sell, lease, ~~((or))~~ offer for sale or use the altered commercial coach until you correct the violations. We must inspect and approve the corrections, and you must pay the inspection and insignia fees, if required (see WAC 296-150C-3000).

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150C-0800 What manufacturing codes apply to commercial coaches? (1) All design, construction, and installations of commercial coaches must conform with the following codes and the requirements of this chapter:

(a) The latest adopted version of the Washington State Ventilation and Indoor Air Quality Code, ~~((1991 third edition))~~ as adopted by chapter 51-13 WAC;

(b) The structural and other requirements of this chapter;

(c) Occupancy classification only from chapter 3 of The Uniform Building Code, ~~((1994))~~ 1997 edition as adopted and amended by chapter ~~((51-30))~~ 51-40 WAC, except commercial coaches must not be group H or R-3 occupancy;

(d) Accessibility requirements of chapter 11 of The Uniform Building Code, ~~((1994))~~ 1997 edition as adopted and amended by chapter ~~((51-30))~~ 51-40 WAC;

(e) Table 16-A Uniform and concentrated floor loads and footnotes of The Uniform Building Code, ~~((1994))~~ 1997 edition as adopted and amended by chapter ~~((51-30))~~ 51-40 WAC;

(f) The Uniform Mechanical Code, ~~((1994))~~ 1997 edition as adopted and amended by chapter ~~((51-32))~~ 51-42 WAC except when conflicting with the provisions of this chapter, this chapter controls;

(g) The National Electrical Code as referenced in chapter 19.28 RCW and chapter 296-46 WAC;

(h) The latest adopted version of the Washington State Energy Code, ~~((1994 second edition))~~ as adopted by chapter 51-11 WAC;

(i) The Uniform Plumbing Code, ~~((1991))~~ 1997 edition as adopted and amended by chapters ~~((51-26 and 51-27 WAC))~~ 51-46 and 51-47 WAC;

(j) Where there is a conflict between codes, an earlier named code takes precedent over a later named code. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive governs. Where there is a conflict between a general requirement and a special requirement, the specific requirement must be applicable.

(2) All construction methods and installations must use accepted engineering practices, provide minimum health and safety to the occupants of commercial coaches and the public, and demonstrate journeyman quality of work of the various trades.

(3) Requirements for any size, weight, or quality of material modified by the terms "minimum," "not less than," "at least," and similar expressions are minimum standards. The manufacturer may exceed these rules provided the deviation does not result in inferior installation or defeat the purpose and intent of this chapter.

Note: The codes, RCW's and WAC's referenced in this rule are available to view at the Washington State Library, the Washington State Law Library, and may also be available at your local library.

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150C-0820 ((Structural analysis:)) What are the basic structural requirements of a commercial coach? Each commercial coach must be designed and constructed as a completely integrated structure capable of sustaining the design-load requirements of this chapter. It shall be capable of:

(1) Transmitting these loads to stabilizing devices without causing unsafe deformation or abnormal structural movement; and

(2) Withstanding the adverse effects of transportation shock and vibration(~~(, both))~~ as an integrated structure (~~(and as to its parts))~~).

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150C-0960 ((Roof trusses:)) What requirements apply to commercial coach roof trusses? (1) The construction of roof trusses must be approved by a professional engineer. Roof trusses may be produced by one of the following methods:

(a) Use of (~~(stress))~~ graded materials when an approved testing agency certifies truss construction and load requirements are met; the testing agency must prepare an approved quality control program which allows them to test the trusses with appropriate testing procedures.

(b) Use of nongraded materials, if each truss is tested in an approved testing jig at the manufacturer's site with a load equivalent to full design load (1.75 times the full design load sustained for twelve hours).

(2)(a) Representative trusses must be tested from the production line, when we request. The approved testing agency or engineer must submit the testing report to us.

(b) All test reports are to be stamped, signed, and dated by the approved testing agency or engineer who performs the test.

(c) These tests must not occur more than two times a year per design unless there are problems with the roof trusses.

(d) The manufacturer is required to maintain an acceptable quality level not exceeding 1% using acceptable sampling procedures.

Note: The acceptable quality level is defined as the maximum allowable percentage of defective units.

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150C-1080 ((Chassis:)) What design and construction requirements apply to a commercial coach chassis? Each commercial coach chassis must be designed and constructed to be capable of:

(1) Effectively sustaining the design loads consisting of the dead load plus (~~(the live))~~ five PSF load (~~((of))~~) on the floor and the superimposed dynamic load resulting from highway movement, in no case shall the dynamic load be required to exceed twice the dead load; and

(2) Accepting the shock and vibration from the roadway and towing vehicle through the use of adequate running gear assemblies. Running gear assemblies consist of axles, springs, spring hangers, hubs, bearings, tires, rims and their related hardware. Running gear assemblies must be capable of sustaining the loads in subsection (1) of this section.

(3) In the set up mode, the commercial coach must be designed to accommodate a fifty PSF floor load.

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150C-1170 ((Light and ventilation:)) What are the lighting and ventilation requirements of a commercial coach? (1) Habitable rooms must be provided with exterior windows or doors having a total glazed area of at least ten percent of the floor area, or they must have artificial light.

(2) An area equal to a minimum of five percent of the floor area must be available for unobstructed ventilation. Glazed areas do not need to be opened if a mechanical ventilation system is provided. The mechanical ventilation system must be capable of producing a change of air in the room every thirty minutes with at least one-fifth of the air supply taken from outside the commercial coach.

(3) Each bathroom must be provided with artificial light and with external windows or a mechanical exhaust must be provided. The external window must have at least 1/2 square feet of glazed area fully able to open(~~(, except where))~~. A mechanical ventilation system must be capable of producing a change of air every twelve minutes (~~((is provided))~~). Any mechanical ventilation system must exhaust directly to the outside of the commercial coach.

NEW SECTION

WAC 296-150C-1303 How must storage batteries be installed in a commercial coach? Storage batteries subject to the provisions of this standard must be securely attached to the commercial coach. They must be installed in an area which is vapor-tight to the interior and ventilated directly to the exterior of the coach. When batteries are installed in a compartment, the compartment must be ventilated with openings of not less than two square inches at the top and two square inches at the bottom. Batteries must not be installed in a compartment containing spark or flame producing equipment, except in an engine generator compartment if the only charging source is the generator itself.

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150C-1580 What manufacturing codes apply when converting structures to vendor units? (1) The conversion of a structure to a vendor unit must comply with the following codes:

(a) The Uniform Mechanical Code, with the amendments made by the Washington State Building Code Council, chapter (~~((51-32))~~) 51-42 WAC;

(b) The National Electrical Code as referenced in chapter 19.28 RCW and chapter 296-46 WAC, Installing Electric Wires and Equipment; (~~and~~)

(c) The Uniform Plumbing Code (~~(1994)~~) 1997 edition with the amendments under chapter 19.27 RCW; and

(d) The Washington State Building Code Council, chapter 51-40 WAC, Uniform Building Code, Chapter 11, Accessibility as applies to the exterior of the unit relating to customer service facilities in section 1105.4.7.

(2) All construction methods and installations must use accepted engineering practices, provide minimum health and safety to the occupants of commercial coaches and the public, and demonstrate journeyman quality of work of the various trades.

(3) Requirements for any size, weight, or quality of material modified by the terms "minimum," "not less than," "at least," and similar expressions are minimum standards. The person converting a structure to a vendor unit may exceed these rules provided the deviation does not result in inferior installation or defeat the purpose and intent of this chapter.

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150C-1590 (~~Structural analysis for acceptability~~) Is a structural analysis required when converting a vehicle or structure to a vendor unit? (1) A "Type A vendor unit" is a commercial coach such as, but not limited to, a truck, van, or step van that meet the requirements of this chapter. Conversion of a truck, van or step van to a "Type A vendor unit" requires an engineering analysis or structural test to determine if the vehicle is structurally acceptable for use as a Type A vendor unit.

(2) A "Type B vendor unit" is a commercial coach such as, but not limited to, a recreational vehicle as defined by the American National Standard Institute, Inc. Conversion of a structure to a Type B vendor unit requires an engineering analysis or structural tests to determine whether it is structurally acceptable for use.

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150C-1600 (~~Live loads~~) What are the live load requirements of a vendor unit? (1) The design live loads for vendor units are:

- (a) Roof 25 psf
- (b) Floor 40 psf

(2) (~~The roof live load must not be considered as acting simultaneously with the wind load. The roof and the floor live loads must not be considered as resisting the overturning moment due to wind.~~) No wind load design is required.

(3) The roof live load and the floor live load must be considered to act both simultaneously and separately in order to determine the critical design loading for stresses and deflections.

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150C-1720 (~~Vendor unit exits~~) What requirements apply to vending unit exits? At least one vending unit exit must comply with the following:

- (1) Exterior doors must be constructed for exterior use.
- (2) The exterior door must be at least thirty-inches wide by seventy-two inches high.
- (3) Each swinging exterior door must have a key-operated lock that has a deadlock latch. A deadlock with a passage set installed below the deadlock may be used as an acceptable alternate for each exterior door. The locking mechanism must be engaged or disengaged by the use of a lever, knob, button, handle, or other device from the interior of the vending unit.
- (4) Locks must not require the use of a key for operation from the inside.
- (5) Exit doors may either be hinged or sliding. Roll-up doors may not be used to meet the requirements of this section.

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150C-1730 (~~Electrical for vendor units~~) What code and installation requirements apply to vendor unit electrical systems? The electrical system in any vendor unit must comply with the National Electrical Code as referenced in chapter 19.28 RCW, Article 550 and the applicable portions of other Articles as required by this section.

- (1) Appliances must be installed per Articles 422 - Appliances.
- (2) Generators must be installed per Article 445 - Generators.
- (3) The unit must be served by a four-wire system. The neutral bar termination of the grounded circuit conductor must be isolated.
- (4) Storage batteries subject to the provisions of this standard must be securely attached to the commercial coach. They must be installed in an area which is vapor-tight to the interior and ventilated directly to the exterior of the coach. When batteries are installed in a compartment, the compartment must be ventilated with openings of not less than two square inches at the top and two square inches at the bottom. Batteries must not be installed in a compartment containing spark or flame producing equipment, except in an engine generator compartment if the only charging source is the generator itself.

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150C-1740 (~~Mechanical for vendor units~~) What are the mechanical requirements for a vendor unit? (1) This chapter applies to the installation of mechanical, ventilation, and indoor air quality equipment in any vendor unit bearing or required to bear a department insignia. When mechanical, ventilation, and indoor air quality equipment is installed in or on a vendor unit, it must be installed according to the requirements of the Uniform

Mechanical Code, the Washington State Ventilation and Indoor Air Quality Code, the rules of this chapter, and the conditions of the equipment approval or listing agency.

(2) For definitions of mechanical, see WAC 296-150C-1340.

NEW SECTION

WAC 296-150C-1750 What are the LPG system enclosure and mounting requirements for a vendor unit?

(1) LPG containers must not be installed, nor stored temporarily, inside any vendor unit.

Exception: This prohibition does not apply to completely self-contained hand torches, lanterns, or similar equipment with containers having a maximum water capacity of two and one-half pounds (approximately one pound LPG capacity).

(2)(a) Containers, control valves and regulating equipment, when installed, must be mounted on the "A" frame of the vendor unit or installed in a compartment that is vapor-tight to the inside of the vendor unit and accessible only from the outside.

(b) The compartment must be ventilated at top and bottom to diffuse vapors. The compartment must be ventilated with two vents having an aggregate area of not less than two percent of the floor area of the compartment and must open without restriction to the outside. The required vents must be equally distributed between the floor and ceiling of the compartment. If the lower vent is located in the access door or wall, the bottom edge of the vent must be flush with the floor level of the compartment. The top vent must be located in the access door or wall with the bottom of the vent not more than twelve inches below the ceiling level of the compartment. All vents must have an unrestricted discharge to the outside atmosphere. Access doors or panels of compartments must not be equipped with locks or require special tools or knowledge to open.

(3) Doors, hoods, domes, or portions of housings and enclosures required to be removed or opened for container replacement must incorporate means for clamping them firmly in place and preventing them from working loose during transit. Provisions must be incorporated in the assembly to hold the containers firmly in position and prevent their movement during transit.

(4) LPG containers must be mounted on a substantial support or a base secured firmly to the vendor unit chassis. Neither the container nor its support can extend below the vendor unit frame.

NEW SECTION

WAC 296-150C-1751 What are the fuel gas piping design requirements for a vendor unit? Vendor units requiring fuel gas for any purpose must be equipped with a gas piping system that is designed for LPG only or combination LPG and natural gas.

NEW SECTION

WAC 296-150C-1752 Can gas tubing be concealed in a vendor unit? (1) Tubing must not be run inside walls, floors, partitions, or roofs.

(2) If tubing passes through walls, floors, partitions, roofs, or similar installations, the tubing must be protected by the use of weather resistant grommets that snugly fit both the tubing and the hole through which the tubing passes.

NEW SECTION

WAC 296-150C-1753 What are the pipe-joint compound requirements for gas piping in a vendor unit? (1) Screw joints must be made tight with pipe-joint compound that is insoluble in liquefied petroleum gas.

(2) Pipe-joint compound must be approved for the type of gas used. The pipe-joint compound must be applied to the male threads only.

NEW SECTION

WAC 296-150C-1754 What are the gas piping hanger and support requirements for a vendor unit? (1) All gas piping must be adequately supported by galvanized or equivalently protected metal straps or hangers at intervals of not more than four feet, except where adequate support and protection is provided by structural members.

(2) Gas pipe supply connections must be rigidly anchored to a structural member within six inches of the supply connections.

NEW SECTION

WAC 296-150C-1755 What are the electrical bonding requirements for gas piping in a vendor unit? (1) Gas piping must not be used for an electrical ground.

(2) The gas line must be bonded.

NEW SECTION

WAC 296-150C-1756 How are gas supply connections in a vendor unit identified? A label must be permanently attached on the outside of the exterior wall of the vendor unit adjacent to the gas supply connection which provides the following information:

(1) The type of system (i.e., liquid petroleum system or natural gas system or combination liquid petroleum and natural gas system);

(2) The appropriate Btuh input rating; and

(3) If excess ("or more") Btuh input is allowed.

For example: Natural Gas System
 250,000 Btuh
 Or More

NEW SECTION

WAC 296-150C-1757 What requirements apply to gas piping system openings? All openings in the gas piping

system must be closed gas-tight with threaded pipe plugs or pipe caps.

NEW SECTION

WAC 296-150C-1758 Are gas piping shut-off valves required in a vendor unit? (1) In addition to any valve on the appliance, a shut-off valve must be installed in the fuel piping outside of each gas appliance but inside the vendor unit structure and upstream of the union or connector. The shut-off valve must be located within six feet of a cooking appliance and within three feet of any other appliance. A shut-off valve may serve more than one appliance if located as required above.

(2) Shut-off valves used in connection with gas piping must be of a type designed for use with liquefied petroleum gas. Shut-off valves must be tested and approved to ANSI Z21.15 standard or equal.

NEW SECTION

WAC 296-150C-1759 What requirements apply to testing for gas piping leaks before vendor unit appliances are connected? (1) The piping system must stand a pressure of at least ten psi gauge for a period of not less than fifteen minutes without showing any drop in pressure.

(2) Pressure must be measured with a gauge calibrated to be read in increments of not greater than one-tenth pound.

(3) The source of pressure must be isolated before the pressure tests are made. Before a test is begun, the temperature of the ambient air and of the piping must be approximately the same, and constant air temperature must be maintained throughout the test.

NEW SECTION

WAC 296-150C-1760 What requirements apply to testing for gas piping leaks after vendor unit appliances are connected? (1) After gas appliances have been connected, the gas-piping system must be subjected to a pressure test with the burner valves closed. The test consists of air at not less than ten inches nor more than fourteen inches pressure of water column (six to eight ounces). The system must hold this pressure for a period of not less than ten minutes with no leakage. Before beginning the test, the temperature of the gas-piping system and the test air must be equalized, and this shall be maintained throughout the test.

(2) Appliance shut-off valves ahead of gas cooking appliances may be closed for the performance of this test. When the test is satisfactorily performed, these valves must be opened and, while the system is under pressure, the appliance connectors must be tested with an approved leak detector or approved bubble solution.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-150C-0980 Wall coverings.

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150F-0020 What definitions apply to this chapter? "Approved" is approved by the department of labor and industries.

"Building site" is a tract, parcel, or subdivision of land on which a factory-built house or commercial structure will be installed.

"Closed construction" is a factory-built house, commercial structure, or component that is not open for visible inspection at the building site. It may enclose factory-installed structural, mechanical, electrical, plumbing, or other systems and equipment.

"Commercial structure" is a structure designed or used for human habitation (such as a dormitory) or human occupancy for industrial, educational, assembly, professional, or commercial purposes. It may also include a component.

"Component" is a discrete element that cannot be inspected at the time of installation either in the factory or in a site-built unit, but is:

- Designed to be installed in a structure;
- Manufactured as a unit; and
- Designed for a particular function or group of functions.

A component may be a floor, wall panel, roof panel, plumbing wall, electrical service wall, or heating assembly.

It may also be a service core. A service core is a factory assembled, three-dimensional section of a building. It may include mechanical, electrical, plumbing, and related systems. It may be a complete kitchen, bathroom, or utility room. Service cores are referred to as "wet boxes," "mechanical cores," or "utility cores."

Note: A roof truss is not considered a component.

"Damaged in transit" is damage that effects the integrity of the structural design or damage to any other system referenced in the codes required by the State Building Code, or other applicable codes.

"Department" is the department of labor and industries. The department may also be referred to as "we" or "us" in this chapter. Note: You may contact us at: Department of Labor and Industries, Specialty Compliance, PO Box 44440, Olympia, WA 98504-4440.

"Design plan" is a plan for the construction of factory-built housing, commercial structures, or components that includes floor plans, elevation drawings, specifications, engineering data, or test results necessary for a complete evaluation of the design.

"Design option" is a design that a manufacturer may use as an option to its design plan.

"Equipment" is all material, appliances, devices, fixtures, fittings, or accessories used in the manufacture, assembly, installation, or alteration of factory-built housing, commercial structures, and components.

"Factory assembled structure (FAS) advisory board" is a board authorized to advise the director of the department regarding the issues and adoption of rules relating

to factory-built housing, commercial structures and components. (See RCW 43.22.420.)

"Factory-built housing" is housing designed for human occupancy such as a single-family dwelling. The structure of any room is entirely or substantially prefabricated or assembled at a place other than a building site. It may also include a component. A factory-built house is also referred to as a "modular" structure. Factory-built housing does not include manufactured (mobile) housing. (See RCW 43.22.450(3).)

"Insignia" is a label that we attach to a structure to verify that a factory-built house or commercial structure meets the requirements of this chapter. It could also be a stamp or label attached to a component to verify that it meets the requirements of this chapter. (~~See also the definition for temporary insignia.~~)

"Install" is to erect or set in place a structure at a building site. It may also be the construction or assembly of a component as part of a factory-built house or commercial structure.

"Listed" is a piece of equipment, a component, or an installation that appears in a list published by a testing or listing agency and is suitable for use in a specified manner.

"Listing agency" is an organization whose business is approving equipment, components, or installations for publication.

"Local enforcement agency" is an agency of city or county government with power to enforce local regulations governing the installation of factory-built housing and commercial structures.

"Master design plan" is a design plan that expires when a new State Building Code has been adopted.

"Manufacturing" is making, fabricating, forming, or assembling a factory-built house, commercial structure, or component.

"One-year design plan" is a design plan that expires one year after approval or when a new State Building Code has been adopted.

"Repair" is the replacement, addition, modification, or removal of any construction, equipment, system, or installation to correct damage in transit or during on-site installation before occupancy.

~~("Temporary insignia" is a label that we attach to a structure to verify that the factory-built house or commercial structure meets the requirements of this chapter. A temporary insignia is used when the final destination of a structure has not been determined. This temporary insignia must be replaced with a permanent insignia prior to delivery of the structure to a building site. Fees for temporary insignia or their replacement with permanent insignia are shown in WAC 296-150F-3000.)~~

"Unit" is a factory-built house, commercial structure, or component.

NEW SECTION

WAC 296-150F-0130 How do I register a complaint?

A person who believes that a structure or component does not meet the requirements of this chapter may register a com-

plaint with the department. The complaint must be in writing and must specifically describe the alleged violations of this chapter. Upon receipt of the complaint, the department will forward a copy to the appropriate manufacturer and/or dealer and they shall have thirty days to respond to it. If the department determines that an inspection is necessary, the manufacturer/dealer shall pay the department for the cost of the inspection. The cost of the inspection is based upon the fee schedule in WAC 296-150F-3000 and includes the hourly inspection fee, travel costs and other expenses incurred as a result of the inspection.

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150F-0200 Who must purchase factory-built housing and commercial structure insignia? (1) You must obtain insignia from us for each factory-built house ~~((and)),~~ commercial structure and component sited in Washington state.

(2) ~~(You do not need to purchase our insignia if you manufacture factory-built housing and commercial structure in Washington for sale outside the state.)~~ If you are a Washington state manufacturer, you do not need to purchase our insignia for your factory-built housing, commercial structures and components sold outside of Washington state.

(3) You must have an approved design plan and have passed inspection before an insignia can be attached to your factory-built home or commercial structure by us or our authorized agent.

(4) If a unit is damaged in transit after leaving the manufacturing location or during an on-site installation, and a repair is necessary, you must purchase an insignia from us. The insignia indicates that the unit was repaired.

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150F-0210 What are the insignia requirements? (1) If you are applying for insignia for factory-built housing ~~((and)),~~ commercial structures and components you must have your design plan approved and your units and components inspected and approved by us.

(2) We will attach the insignia after:

(a) We receive the required forms and fees from you (see WAC 296-150F-3000); and

(b) Your unit or component has passed final inspection. (See WAC 296-150F-0500.)

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150F-0460 What information must a manufacturer provide when a professional or firm does the design plan approval? You must provide the following information with your approved design plan:

(1) A completed departmental design plan approval request form;

(2) Two or more sets of the design plans plus elevation drawings, specifications, engineering analysis, and test

results and procedures necessary for a complete evaluation of the design. These design plans must have an original wet stamp, be signed, and dated by the approving professional(s) (see WAC 296-150F-0340 and 296-150F-0350);

(3) A cover sheet on the design plan noting which professional approved each portion of the design plan;

(4) A copy of the authorization letter from us;

(5) The design plan fee for design plans approved by professionals or firms (see WAC 296-150F-3000); ~~(and)~~

(6) A professional who designs and certifies that the factory-built home or commercial structure design meets state requirements cannot also approve the design plan in the plan approval process;

(7) A professional cannot approve those electrical designs listed in WAC 296-150F-0310(2); and

(8) A professional cannot approve plans submitted under a reciprocal agreement.

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150F-0500 When is an inspection required? (1) Before we issue an insignia, each factory-built house, commercial structure, and component must be inspected at the manufacturing location as many times as are required by the codes. (See WAC 296-150F-0600.) Inspections may include:

(a) A "cover" inspection during construction of the unit before the electrical, plumbing, mechanical, and structural systems are covered;

(b) Insulation and vapor barrier inspection, if required;

(c) Other required code inspections;

(d) A final inspection after the factory-built house, commercial structure, or component is complete;

Note: Each factory-built house, commercial structure, and component must have a serial number to enable us to track inspections.

(2) If we discover a violation during inspection, we will issue a notice of noncompliance. You can correct the violation during the inspection. If you cannot correct the violation during inspection, you must leave the item uncovered until we approve your correction.

(3) After a unit is manufactured but before occupancy, we must inspect a factory-built house or commercial structure if it is damaged in transit to the building site or during on-site installation. This is considered a repair inspection. (See WAC ~~((296-150F-0240))~~ 296-150F-0540.)

(4) Approved design plans (specifications, engineering analysis or test results must be available during the inspections) must be available in compliance with the applicable sections of adopted state codes.

(5) Once your unit is inspected and approved we will attach the insignia.

Note: We only inspect factory-built housing and commercial structures before occupancy. After occupancy, the local enforcement agency is the inspection agency.

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150M-0020 What definitions apply to this chapter? "Alteration" is the replacement, addition, modification, or removal of any equipment or installation that affects the construction, planning considerations, fire safety, or the plumbing, mechanical, and electrical systems of a manufactured home. The installation of whole-house water treatment equipment that requires cutting into the existing plumbing is considered an alteration and requires a permit, an inspection and an alteration insignia.

The following are not considered alterations:

- Repairs to equipment with approved parts; or
- Modification of a fuel-burning appliance according to the listing agency's specifications; or
- Adjustment and maintenance of equipment.

"Alteration insignia" is an insignia issued by the department of labor and industries to verify that an alteration to a manufactured home meets the requirements of federal law 24 CFR 3280 and this chapter.

"Anchoring system" is the means used to secure a mobile home to ground anchors or to other approved fastening devices. It may include straps, cables, turnbuckles, bolts, fasteners, and other components.

"ANSI" is the American National Standards Institute, Inc., and the institute's rules applicable to manufactured homes, ANSI A225.1 Manufactured Homes Installation, 1994 edition, except section 3.5.2 - Ground Cover and section 4.1.3.3 - Clearance.

"Authority having jurisdiction" means that either the department of labor and industries or the local jurisdiction is responsible for establishing specific manufactured home standards. The authority for specific manufactured home standards is divided as follows:

- The department of labor and industries establishes standards for manufactured home installation and alterations and performs alteration inspections;
- The local jurisdiction establishes standards for manufactured homes governing the building site and performs installation inspections.

"Building site" is a tract, parcel, or subdivision of land on which a manufactured home is installed.

"DAPIA" is a Design Approval Primary Inspection Agency as approved by the United States Department of Housing and Urban Development.

"Department" is the department of labor and industries. The department may be referred to as "we" or "us" in this chapter. Note: You may contact us at: Department of Labor and Industries, Specialty Compliance, PO Box 44440, Olympia, WA 98504-4440.

"Design plan" is a design submitted to the department for approval of a manufactured home structural alteration.

"Equipment" is all material, appliances, devices, fixtures, fittings, or accessories used in the alteration or installation of a manufactured home.

"Footings" is the portion of a support system that transmits loads from the manufactured home to the ground.

"Foundation skirting" or **"skirting"** is the material that surrounds and encloses the space under the manufactured home.

"Homeowner" is an individual who owns a manufactured home for the purposes of this chapter.

"HUD" is the United States Department of Housing and Urban Development with headquarters located in Washington, D.C.

"Installation" is the activity needed to prepare a building site and to set a manufactured home within that site. Site means a tract, parcel, or subdivision of land including a mobile home park.

"IPIA" is a manufactured home production Inspection Primary Inspection Agency approved by the United States Department of Housing and Urban Development. The department of labor and industries is the IPIA for Washington state.

"Local enforcement agency" is an agency of city or county government with power to enforce local regulations governing the building site and installation of a manufactured home.

"Manufactured home" is a single-family dwelling built according to the Department of Housing and Urban Development Manufactured Home Construction and Safety Standards Act, which is a national, preemptive building code. A manufactured home also:

- Includes plumbing, heating, air conditioning, and electrical systems;
- Is built on a permanent chassis; and
- Can be transported in one or more sections with each section at least eight feet wide and forty feet long when transported; or when installed on the site is three hundred twenty square feet or greater (see RCW 46.04.302).

Note: Total square feet is based on exterior dimensions measured after installation using the longest horizontal projections. Dimensions may not include bay windows but may include projections containing interior space such as cabinets and expandable rooms.

Exception: A structure that meets the requirements of a manufactured home as set out in 24 CFR 3282.7(u), except the size requirements is considered a manufactured home, if the manufacturer files with the secretary of HUD a certificate noted in CFR 3282.13.

"Mobile home" is a factory-built dwelling built prior to June 15, 1976, to standards other than the HUD Code, and acceptable under applicable state codes in effect at the time of construction or introduction of the home into the state. Mobile homes have not been built since the introduction of the HUD Manufactured Home Construction and Safety Standards Act. For the purposes of this chapter references to manufactured homes include mobile homes.

"Park site" is the installation location of a manufactured home within a residential area for manufactured homes.

"Structural alteration-custom design" is a design that can only be used once.

"Structural alteration-master design" is a design plan that can be used more than once. The master plan expires when there is a code change applicable to the design.

"System" is part of a manufactured home designed to serve a particular function such as structural, plumbing, mechanical, or electrical functions.

NEW SECTION

WAC 296-150M-0306 What codes are used when altering a manufactured (mobile) home? Alterations to a manufactured (mobile) home must be in compliance with the Manufactured Home Construction and Safety Standards, Part 24, CFR 3280, as adopted by the Secretary for the Department of Housing and Urban Development (HUD) and the amendments to that federal standard adopted in this WAC chapter.

(1) The Department will accept mix and match air conditioning/heat pump components that have been tested and listed for use with a particular furnace by a nationally recognized testing laboratory.

(2) The Department will accept pellet stoves for installation that have been listed by a Department approved testing laboratory. For a current list of approved laboratories, contact any Department Field Office or the Department at the address shown in WAC 296-150M-0020.

NEW SECTION

WAC 296-150M-0307 How may I obtain a copy of the Manufactured Home Construction and Safety Standards, Part 24, CFR 3280? Copies of the federal standard may be obtained by writing to:

Director
Manufactured Housing Standards Division
Department of Housing and Urban Development
451 Seventh Street Southwest
Washington, D.C. 20410

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150M-0310 What happens if I fail to get your approval prior to altering a manufactured home? (1) If you alter a manufactured home without getting our approval and an alteration insignia, (~~we may remove your Washington state insignia or HUD label and~~) your manufactured (mobile) home cannot be sold or leased.

(2) We may remove any Washington state insignia(s) attached to your manufactured (mobile) home.

NEW SECTION

WAC 296-150M-0331 Does my alteration permit expire? Yes, your alteration permit will expire one year after the date of purchase. Alteration permits purchased prior to January 1, 1998, will expire on December 31, 1998. Alteration permits purchased after January 1, 1998, will expire one year after the date of purchase.

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150M-0400 How do I apply for alteration approval and obtain an alteration insignia? (1) To apply for alteration approval and the alteration insignia, you must:

(a) Complete an alteration permit form and an application for alteration insignia. We will provide the forms upon request.

(b) Submit the completed forms to us, with the first hour of inspection fee and alteration insignia fee. Alterations requiring more than one inspection shall have the first hour inspection fee paid to the department prior to any inspection. (See WAC 296-150M-3000.)

(2) Request inspection of your alteration at least five days before the date you want the inspection.

(3) Once we approve your alteration, we will attach the alteration insignia to your manufactured home.

Note: Specifications, engineering data, and test results should be available for our inspector. If applicable, your approved design plan must also be available during the inspection.

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150M-0600 Who establishes standards for installation of manufactured homes? (1) The director of labor and industries is responsible for establishing uniform installation standards where possible and practical for persons or entities engaged in performing the installation of manufactured homes within the state.

(2) Local jurisdictions may adopt additional installation requirements only for those ((special situations in hazardous areas as defined in WAC 296-150M-0620)) installation situations not covered by federal standards. For example, local jurisdictions may impose noise control construction ordinances, prescribe the frost depth and soil bearing capacity at the installation site, and adopt requirements to protect manufactured homes in hazardous areas, i.e., in flood and earthquake areas (see WAC 296-150M-0620).

Also, local jurisdictions may impose their requirements for snow and wind loads as long as all structures within their jurisdiction are required to comply with the same standard and provided those installing the manufactured home are given options in satisfying that standard. Such an option might include, but not be limited to, allowing an installer to erect an additional structure, which meets local standards, and protects the manufactured home. For example, an installer could erect a free standing ramada over a manufactured home to protect it from local snow loads.

Local jurisdictions may not:

(a) Dictate foundation construction which is built according to either the manufacturer's installation instructions or a design created by an engineer or architect licensed in Washington state.

(b) Impose regulations on smoke detectors because they are regulated by federal standards.

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150M-0610 What instructions are used for a manufactured home installation? The following instructions must be used for an initial or relocated manufactured home installation (note: The specific instructions in this

chapter take precedence over manufacturer's instructions and ANSI standards):

(1) Installation of a new manufactured home.

(a) The initial manufactured home installation must be conducted according to the manufacturer's instructions.

(b) If the manufacturer's instructions do not address an aspect of the installation, you may request:

(i) Specific instructions from the manufacturer; or

(ii) Specific instructions from a professional engineer or architect licensed in Washington state.

For example: (A) A manufactured home is installed over a basement and the manufacturer's instructions do not address this application;

(B) A manufactured home is installed on a site where the specific soil bearing capacity is not addressed in the manufacturer's instructions.

(c) ((A manufactured home must be anchored per the manufacturer's installation instructions or per the design of a professional engineer or architect licensed in Washington.)) All manufactured homes installed in Washington state must be permanently anchored except for those installed on dealer lots. On dealer lots, temporary sets are permitted without anchoring being installed. A manufactured home must be anchored according to the manufacturer's installation instructions or according to the design of a professional engineer or architect licensed in Washington state. Local jurisdictions may not prescribe anchoring methods.

(d) A manufactured home must have a skirting around its entire perimeter. It must be installed per the manufacturer's installation instructions or if the manufacturer is not specific, to the standards in this section. It must be vented and allow access to the under floor area per the manufacturer's installation instructions or per the standards ((in subsection (3) of this section)) below if the manufacturer's instructions are not available.

If the manufacturer's skirting and access instructions are not specific, skirting, ventilation and access shall be installed as follows:

(i) Skirting:

- Skirting must be made of materials suitable for ground contact.
- Metal fasteners must be made of galvanized, stainless steel or other corrosion resistant material.
- Ferrous metal members in contact with the earth, except those made of galvanized or stainless steel, must be coated with an asphaltic emulsion.
- Skirting must not trap water between the skirting and siding or trim.
- All skirting must be recessed behind the siding or trim.

(ii) Ventilation:

For homes sited in a flood plain, contact the local jurisdiction regarding proper skirting ventilation. Except for those manufactured homes sited in a flood plain, all skirting must be vented as follows:

- Vent openings must be covered with corrosion-resistant wire mesh to prevent the entrance of rodents. The size of the mesh opening cannot exceed 1/4 inch.

- Vent openings must have a net area of not less than one square foot for each one hundred fifty square feet of under floor area.
- Vent openings must be located as close to corners and high as practical and they must provide cross ventilation on at least two opposite sides.

(iii) Access:

- Access to the under floor area of a manufactured home must have a finished opening at least eighteen inches by twenty-four inches in size.
- The access opening must be located so that all areas under a manufactured home are available for inspection.
- The access opening must be covered and that cover must be made of metal, pressure treated wood or vinyl.

(e) A manufactured home site must be prepared per the manufacturer's installation manual or per ANSI A225.1, 1994 edition, section 3.

(f) Heat duct crossovers must be installed per the manufacturer's installation instruction manual or per ~~((the standards in subsection (6) of this section))~~ ANSI A225.1 or the following instructions if the manufacturer's instructions are not available:

Heat duct crossovers must be supported at least one inch above the ground by strapping or blocking. They must be installed to avoid standing water. Also, they must be installed to prevent compression, sharp bends and to minimize stress at the connections.

(g) Dryer vents must exhaust to the exterior side of the wall or skirting. Dryer ducts outside the manufactured home shall comply with the dryer manufacturer's specifications or shall be made of metal with smooth interior surfaces.

(h) Hot water tank pressure relief lines must exhaust to the exterior side of the exterior wall or skirting and must exhaust downward. The end of the pipe must be at least six inches but not more than two feet above the ground.

(i) Water piping must be protected against freezing as per the manufacturer's installation instructions or by use of a heat tape listed for use with manufactured homes and installed per the heat tape manufacturer's installation instructions.

(j) The testing of water lines, waste lines, gas lines and electrical systems must be as per the manufacturer's installation instructions ((or per HUD standard CFR 3280)). If the manufacturer's installation instructions require testing of any of these systems, the local jurisdiction is responsible for verifying that the tests have been performed and passed. Electrical connections and testing are the responsibility of the electrical section of labor and industries except where a city has assumed the electrical inspection responsibilities for their jurisdiction. In that case, the city's electrical inspectors are responsible for the electrical connections and testing.

(k) During the installation process, a ground cover must be installed under all manufactured homes. The ground cover must be a minimum of six-mil black polyethylene sheeting or its equivalent (exception to ANSI A225.1 (3.5.2)). The ground cover may be omitted if the under floor area of the home has a concrete slab floor with a minimum thickness of three and one-half inches.

(l) Clearances underneath manufactured homes must be maintained at a minimum of eighteen inches beneath at least seventy-five percent of the lowest member of the main frame (I-beam or channel beam) and the ground or footing. No more than twenty-five percent of the lowest member of the main frame of the home shall be less than eighteen inches above the ground or footing. In no case shall clearance be less than twelve inches anywhere under the home (exception to ANSI A225.1 (4.1.3.3)).

(m) Heat pump and air conditioning condensation lines must be extended to the exterior of the manufactured home.

(2) ((Relocation installation of a manufactured home:)) Installation of a relocated manufactured (mobile) home.

(a) A relocated manufactured home installation should be conducted according to the manufacturer's installation instructions.

(b) If the manufacturer's instructions are unavailable, you may use either:

(i) The American National Standard Institute (ANSI) standard ANSI A225.1-Manufactured Homes Installation, 1994 edition instructions; or

(ii) The instructions of a professional engineer or architect licensed in Washington state.

~~(c) ((A manufactured home must be anchored per the manufacturer's installation instructions. If the manufacturer's installation instructions are not available, you may use:~~

~~(i) The American National Standards Institute (ANSI) standard ANSI A225.1 - Manufactured Homes Installation, 1994 edition instructions; or~~

~~(ii) The instructions of a professional engineer or architect licensed in Washington state.~~

~~(d) A manufactured home must have a skirting around its entire perimeter. It must be installed per the manufacturer's installation instructions or if the manufacturer is not specific, to the standards in subsection (3) of this section.~~

~~(e) A manufactured home site must be prepared per the manufacturer's installation manual or per ANSI A225.1, 1994 edition, section 3.~~

~~(f) Heat duct crossovers must be installed per the manufacturer's installation manual, ANSI A225.1, 1994 edition, or per subsection (6) of this section.~~

~~(g) Dryer vents must exhaust to the exterior side of the wall or skirting.~~

~~(h) Hot water tank pressure relief lines must exhaust to the exterior side of the exterior wall or skirting and must exhaust downward.~~

~~(i) Water piping must be protected against freezing as per the manufacturer's installation instructions or per ANSI A225.1, section 8.~~

~~(j) The testing of water lines, waste lines, gas lines and electrical systems must be per the manufacturer's installation instructions or per HUD standard CFR 3280.~~

~~(3) Skirting must be of materials suitable for ground contact. Metal fasteners must be galvanized, stainless steel or other corrosion-resistant material. Ferrous metal members in contact with the earth, other than those that are galvanized or stainless steel, must be coated with an asphaltic emulsion. Skirting must not be attached in such a manner that can cause water to be trapped between the skirting and siding or trim. The skirting must be recessed behind the siding or trim.~~

(4) ~~The skirting must be vented as follows except for manufactured homes sited in a flood plain. For homes sited in a flood plain, contact the local jurisdiction for proper ventilation. Skirting must be vented by openings protected from the entrance of rodents by being covered with corrosion-resistant wire mesh with mesh openings of 1/4 inch in dimension. Such openings must have a net area of not less than one square foot for each one hundred fifty square feet of under floor area. Ventilation openings must be located as close to corners and as high as practical. Openings must be located to provide cross-ventilation on at least two opposite sides.~~

(5) ~~Access to the under floor area of the manufactured home must have an opening not less than 18" x 24" and must be located so that all areas under the manufactured home are available for inspection. The cover must be of metal, pressure treated wood or vinyl.~~

(6) ~~Heat duct crossovers installed to the standards in this section must be supported above the ground by strapping or blocking and be installed to avoid standing water. Heat ducts must also be installed to prevent compression and sharp bends and to minimize stress at the connections.) If either (b)(i) or (ii) is used, all of the requirements of WAC 296-150M-0610 (1)(c) through (m) must also be followed.~~

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 1/25/96)

WAC 296-150M-0620 Do local enforcement agencies have special requirements for installing manufactured homes in hazardous areas? (1) Local enforcement agencies may have special installation requirements for manufactured homes installed in hazardous areas.

(2) A hazardous area is:

(a) An area recognized as a flood plain by the local jurisdiction; or

(b) An area considered hazardous due to the probability of earthquake. ~~((We recommend that in an earthquake area you use additional measures designed by an engineer to minimize the potential effects caused by an earthquake.))~~ In such areas, local jurisdictions may require an earthquake resistant bracing system designed for the earthquake zone in which the home is located by the home manufacturer or by a registered professional engineer or architect.

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150M-0640 Does a person who installs a manufactured home need an installation permit? (1) Any person who installs a manufactured home must obtain an installation permit from the local enforcement agency prior to installation.

(2) Any permit fees set by the local enforcement agency must be paid in full and included with the permit application.

(3) A dealer ~~((shall)),~~ owner or agent must not deliver a manufactured home to its site without verifying that an installation permit has been obtained.

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150M-0660 What are the requirements for on-site structures and who regulates them? On-site structures, sometimes referred to as auxiliary structures, such as, but not limited to, carports, decks and steps should be self-supporting.

(1) Local enforcement agency jurisdiction.

(a) On-site self-supporting structures that do not use any of the systems in the manufactured home are inspected by the local enforcement agency and they should be contacted for specific on-site structure requirements.

(b) Awnings and carports that are self-supported by a beam next to a manufactured (mobile) home are inspected by the local enforcement agency. Note: The awning or carport may be flashed to the manufactured (mobile) home.

(2) Department of Labor and Industries jurisdiction.

(a) On-site structures that are not self-supporting or use one or more of the systems of the manufactured home require an inspection by us and by the local enforcement agency.

(b) Awnings and carports that are attached to the manufactured (mobile) home without the benefit of a self-supported beam require approval and inspection by the Department. Note: This attachment must be designed and approved by an engineer or an architect licensed in Washington state. Furthermore, these stamped plans must be submitted to the Department and approved before an inspection can be conducted.

(c) Attached garages:

(i) If the manufactured (mobile) home is built "garage ready" (one hour fire wall, dormer, etc.) at the factory and is installed by the manufacturer, an alteration inspection may not be required.

(ii) If the manufactured (mobile) home is not built "garage ready" at the factory, an alteration inspection is required for all changes made to it.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 296-150M-0700	Acceptable types of ground cover.
WAC 296-150M-0710	Clearance under manufactured homes.
WAC 296-150M-0730	Heat pump.

WSR 98-14-079

PERMANENT RULES

OFFICE OF

FINANCIAL MANAGEMENT

[Filed June 30, 1998, 12:39 p.m., effective June 30, 1998]

Date of Adoption: June 30, 1998.

Purpose: Establish state paydates for calendar year 1999.

Citation of Existing Rules Affected by this Order: Amending WAC 82-50-021.

Statutory Authority for Adoption: RCW 42.16.010(1) and 42.16.017.

Adopted under notice filed as WSR 98-09-084 on April 21, 1998.

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 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.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: RCW 42.16.010 requires that state paydates be established six months prior to calendar year end.

Effective Date of Rule: June 30, 1998.

June 30, 1998
Lynne McGuire
Rules Coordinator

AMENDATORY SECTION (Amending WSR 97-13-064, filed 6/17/97, effective 7/18/97)

WAC 82-50-021 Official lagged, semimonthly pay dates established. Unless exempted otherwise under the provisions of WAC 82-50-031, the salaries of all state officers and employees are paid on a lagged, semimonthly basis for the official twice-a-month pay periods established in RCW 42.16.010(1). The following are the official lagged, semimonthly pay dates for calendar years ((+1997)) 1998 and ((+1998)) 1999:

((CALENDAR YEAR 1997
Friday, January 10, 1997
Friday, January 24, 1997
Monday, February 10, 1997
Tuesday, February 25, 1997
Monday, March 10, 1997
Tuesday, March 25, 1997
Thursday, April 10, 1997
Friday, April 25, 1997
Friday, May 9, 1997
Friday, May 23, 1997
Tuesday, June 10, 1997
Wednesday, June 25, 1997
Thursday, July 10, 1997

CALENDAR YEAR 1998
Friday, January 9, 1998
Monday, January 26, 1998
Tuesday, February 10, 1998
Wednesday, February 25, 1998
Tuesday, March 10, 1998
Wednesday, March 25, 1998
Friday, April 10, 1998
Friday, April 24, 1998
Monday, May 11, 1998
Friday, May 22, 1998
Wednesday, June 10, 1998
Thursday, June 25, 1998
Friday, July 10, 1998

((CALENDAR YEAR 1997
Friday, July 25, 1997
Monday, August 11, 1997
Monday, August 25, 1997
Wednesday, September 10, 1997
Thursday, September 25, 1997
Friday, October 10, 1997
Friday, October 24, 1997
Monday, November 10, 1997
Tuesday, November 25, 1997
Wednesday, December 10, 1997
Wednesday, December 24, 1997

CALENDAR YEAR 1998
Friday, July 24, 1998
Monday, August 10, 1998
Tuesday, August 25, 1998
Thursday, September 10, 1998
Friday, September 25, 1998
Friday, October 9, 1998
Monday, October 26, 1998
Tuesday, November 10, 1998
Wednesday, November 25, 1998
Thursday, December 10, 1998
Thursday, December 24, 1998))

CALENDAR YEAR 1998
Friday, January 9, 1998
Monday, January 26, 1998
Tuesday, February 10, 1998
Wednesday, February 25, 1998
Tuesday, March 10, 1998
Wednesday, March 25, 1998
Friday, April 10, 1998
Friday, April 24, 1998
Monday, May 11, 1998
Friday, May 22, 1998
Wednesday, June 10, 1998
Thursday, June 25, 1998
Friday, July 10, 1998
Friday, July 24, 1998
Monday, August 10, 1998
Tuesday, August 25, 1998
Thursday, September 10, 1998
Friday, September 25, 1998
Friday, October 9, 1998
Monday, October 26, 1998
Tuesday, November 10, 1998
Wednesday, November 25, 1998
Thursday, December 10, 1998
Thursday, December 24, 1998

CALENDAR YEAR 1999
Monday, January 11, 1999
Monday, January 25, 1999
Wednesday, February 10, 1999
Thursday, February 25, 1999
Wednesday, March 10, 1999
Thursday, March 25, 1999
Friday, April 9, 1999
Monday, April 26, 1999
Monday, May 10, 1999
Tuesday, May 25, 1999
Thursday, June 10, 1999
Friday, June 25, 1999
Friday, July 9, 1999
Monday, July 26, 1999
Tuesday, August 10, 1999
Wednesday, August 25, 1999
Friday, September 10, 1999
Friday, September 24, 1999
Friday, October 8, 1999
Monday, October 25, 1999
Wednesday, November 10, 1999
Wednesday, November 24, 1999
Friday, December 10, 1999
Thursday, December 23, 1999

WSR 98-14-083

PERMANENT RULES

DEPARTMENT OF REVENUE

[Filed June 30, 1998, 1:49 p.m., effective July 1, 1998]

Date of Adoption: June 30, 1998.

Purpose: WAC 458-40-660 contains the stumpage values for the second half of 1998. Harvesters of timber use these values to calculate the timber excise tax.

Citation of Existing Rules Affected by this Order: Amending WAC 458-40-660.

Statutory Authority for Adoption: RCW 82.32.300 and 84.33.096.

Other Authority: RCW 84.33.091.

Adopted under notice filed as WSR 98-10-124 on May 6, 1998.

PERMANENT

Changes Other than Editing from Proposed to Adopted Version: Tables 1-5 and 8 were revised based upon valuation data upon minor species obtained from the March edition of Log Lines. Tables 6 and 7 were revised based upon valuation data submitted by interested industry members for those valuation areas in eastern Washington.

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 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.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The stumpage value rule is required by statute (RCW 84.33.091) to be effective on July 1, 1998.

Effective Date of Rule: July 1, 1998.

June 30, 1998
 Claire Hesselholt
 Rules Manager

AMENDATORY SECTION (Amending WSR 98-02-015, filed 12/30/97, effective 1/1/98)

WAC 458-40-660 Timber excise tax—Stumpage value tables—Stumpage value adjustments. (1) **Introduction.** This section sets forth the stumpage value tables and the stumpage value adjustments that are used to calculate the amount of timber excise tax owed by a timber harvester.

(2) **Stumpage value tables.** The following stumpage value tables are hereby adopted for use in reporting the taxable value of stumpage harvested during the period ((January)) July 1 through ((June 30)) December 31, 1998:

((TABLE 1—Stumpage Value Table
 Stumpage Value Area 1
 January 1 through June 30, 1998

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$842	\$835	\$828	\$821	\$814
		2	680	673	666	659	652
		3	629	622	615	608	601
		4	421	414	407	400	393

((TABLE 1—Stumpage Value Table
 Stumpage Value Area 1
 January 1 through June 30, 1998

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar ²	RC	1	782	775	768	761	754
		2	754	747	740	733	726
		3	694	687	680	673	666
		4	651	644	637	630	623
Western Hemlock ³	WH	1	431	424	417	410	403
		2	395	388	381	374	367
		3	379	372	365	358	351
		4	282	275	268	261	254
Other Conifer	OC	1	431	424	417	410	403
		2	395	388	381	374	367
		3	379	372	365	358	351
		4	282	275	268	261	254
Red Alder	RA	1	194	187	180	173	166
		2	148	141	134	127	120
		3	96	89	82	75	68
Black Cottonwood	BC	1	50	43	36	29	22
		2	28	21	14	7	1
		3	20	13	6	1	1
Other Hardwood	OH	1	136	129	122	115	108
		2	95	88	81	74	67
		3	37	30	23	16	9
Douglas fir Poles and Piles	DFL	1	944	937	930	923	916
Western Redcedar Poles and Piles	RCL	1	944	937	930	923	916
Chipwood ⁴	CHW	1	1	1	1	1	1
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCP	1	121	114	107	100	93
RC & Other Posts ⁵	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁶	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁶	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Alaska Cedar.

PERMANENT

³ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁴ Stumpage value per ton:

⁵ Stumpage value per 8 linear feet or portion thereof:

⁶ Stumpage value per linear foot:

**TABLE 2—Stumpage Value Table
Stumpage Value Area 2
January 1 through June 30, 1998**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$665	\$658	\$651	\$644	\$637
		2	625	618	611	604	597
		3	603	596	589	582	575
		4	264	257	250	243	236
Western Redcedar ²	RC	1	782	775	768	761	754
		2	754	747	740	733	726
		3	694	687	680	673	666
		4	651	644	637	630	623
Western Hemlock ²	WH	1	410	403	396	389	382
		2	398	391	384	377	370
		3	372	365	358	351	344
		4	306	299	292	285	278
Other Conifer	OC	1	410	403	396	389	382
		2	398	391	384	377	370
		3	372	365	358	351	344
		4	306	299	292	285	278
Red Alder	RA	1	194	187	180	173	166
		2	148	141	134	127	120
		3	36	29	22	15	8
Black Cottonwood	BC	1	50	43	36	29	22
		2	28	21	14	7	1
		3	20	13	6	1	1
Other Hardwood	OH	1	136	129	122	115	108
		2	95	88	81	74	67
		3	37	30	23	16	9
Douglas fir Poles and Piles	DFL	1	944	937	930	923	916
Western Redcedar Poles and Piles	RCL	1	944	937	930	923	916
Chipwood ⁴	CHW	1	1	1	1	1	1
RC Shake Blocks	RCS	1	303	296	289	282	275

**TABLE 2—Stumpage Value Table
Stumpage Value Area 2
January 1 through June 30, 1998**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
RC Shingle Blocks	RCF	1	121	114	107	100	93
RC & Other Posts ⁵	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁶	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁶	FFX	1	0.50	0.50	0.50	0.50	0.50

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Alaska Cedar.

³ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁴ Stumpage value per ton:

⁵ Stumpage value per 8 linear feet or portion thereof:

⁶ Stumpage value per linear foot:

**TABLE 3—Stumpage Value Table
Stumpage Value Area 3
January 1 through June 30, 1998**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$698	\$691	\$684	\$677	\$670
		2	640	633	626	619	612
		3	422	415	408	401	394
		4	368	361	354	347	340
Western Redcedar ²	RC	1	782	775	768	761	754
		2	754	747	740	733	726
		3	694	687	680	673	666
		4	651	644	637	630	623
Western Hemlock ³	WH	1	421	414	407	400	393
		2	421	414	407	400	393
		3	388	381	374	367	360
		4	270	263	256	249	242
Other Conifer	OC	1	421	414	407	400	393
		2	421	414	407	400	393
		3	388	381	374	367	360
		4	270	263	256	249	242

PERMANENT

**TABLE 3—Stumpage Value Table
Stumpage Value Area 3
January 1 through June 30, 1998**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Red Alder	RA	1	194	187	180	173	166
		2	148	141	134	127	120
		3	36	29	22	15	8
Black Cottonwood	BC	1	50	43	36	29	22
		2	28	21	14	7	1
		3	20	13	6	1	1
Other Hardwood	OH	1	136	129	122	115	108
		2	95	88	81	74	67
		3	37	30	23	16	9
Douglas-fir Poles and Piles	DFL	1	944	937	930	923	916
Western Redcedar Poles and Piles	RCL	1	944	937	930	923	916
Chipwood ⁴	CHW	1	1	1	1	1	1
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCF	1	121	114	107	100	93
RC & Other Posts ⁵	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁶	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁶	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Alaska Cedar.

³ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁴ Stumpage value per ton.

⁵ Stumpage value per 8 lineal feet or portion thereof.

⁶ Stumpage value per lineal foot.

**TABLE 4—Stumpage Value Table
Stumpage Value Area 4
January 1 through June 30, 1998**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$698	\$691	\$684	\$677	\$670
		2	670	663	656	649	642
		3	639	632	625	618	611
		4	488	481	474	467	460
Lodgepole Pine	LP	1	215	208	201	194	187
Ponderosa Pine	PP	1	403	396	389	382	375
		2	270	263	256	249	242
Western Redcedar ³	RC	1	782	775	768	761	754
		2	754	747	740	733	726
		3	694	687	680	673	666
		4	651	644	637	630	623
Western Hemlock ⁴	WH	1	412	405	398	391	384
		2	412	405	398	391	384
		3	389	382	375	368	361
		4	290	283	276	269	262
Other Conifer	OC	1	412	405	398	391	384
		2	412	405	398	391	384
		3	389	382	375	368	361
		4	290	283	276	269	262
Red Alder	RA	1	194	187	180	173	166
		2	148	141	134	127	120
		3	36	29	22	15	8
Black Cottonwood	BC	1	50	43	36	29	22
		2	28	21	14	7	1
		3	20	13	6	1	1
Other Hardwood	OH	1	136	129	122	115	108
		2	95	88	81	74	67
		3	37	30	23	16	9
Douglas-fir Poles and Piles	DFL	1	944	937	930	923	916
Western Redcedar Poles and Piles	RCL	1	944	937	930	923	916
Chipwood ⁵	CHW	1	1	1	1	1	1
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCF	1	121	114	107	100	93

PERMANENT

TABLE 4—Stumpage Value Table
Stumpage Value Area 4
 January 1 through June 30, 1998

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
RC & Other Posts ⁶	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁷	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁷	FFX	1	0.50	0.50	0.50	0.50	0.50

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Western Larch.

³ Includes Alaska Cedar.

⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁵ Stumpage value per ton.

⁶ Stumpage value per 8 lineal feet or portion thereof.

⁷ Stumpage value per lineal foot.

TABLE 5—Stumpage Value Table
Stumpage Value Area 5
 January 1 through June 30, 1998

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir ²	DF	1	\$665	\$658	\$651	\$644	\$637
		2	636	629	622	615	608
		3	512	505	498	491	484
		4	342	335	328	321	314
Lodgepole Pine	LP	1	215	208	201	194	187
Ponderosa Pine	PP	1	403	396	389	382	375
		2	270	263	256	249	242
Western Redcedar ³	RC	1	782	775	768	761	754
		2	754	747	740	733	726
		3	694	687	680	673	666
		4	651	644	637	630	623
Western Hemlock ⁴	WH	1	394	387	380	373	366
		2	384	377	370	363	356
		3	328	321	314	307	300
		4	213	206	199	192	185
Other Conifer	OC	1	394	387	380	373	366

TABLE 5—Stumpage Value Table
Stumpage Value Area 5
 January 1 through June 30, 1998

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
		2	384	377	370	363	356
		3	328	321	314	307	300
		4	213	206	199	192	185
Red Alder	RA	1	194	187	180	173	166
		2	148	141	134	127	120
		3	36	29	22	15	8
Black Cottonwood	BC	1	50	43	36	29	22
		2	28	21	14	7	1
		3	20	13	6	1	1
Other Hardwood	OH	1	136	129	122	115	108
		2	95	88	81	74	67
		3	37	30	23	16	9
Douglas-fir Poles and Piles	DFL	1	944	937	930	923	916
Western Redcedar Poles and Piles	RCL	1	944	937	930	923	916
Chipwood ⁵	CHW	1	1	1	1	1	1
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCF	1	121	114	107	100	93
RC & Other Posts ⁶	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁷	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁷	FFX	1	0.50	0.50	0.50	0.50	0.50

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Western Larch.

³ Includes Alaska Cedar.

⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁵ Stumpage value per ton.

⁶ Stumpage value per 8 lineal feet or portion thereof.

⁷ Stumpage value per lineal foot.

PERMANENT

TABLE 6—Stumpage Value Table
Stumpage Value Area 6
 January 1 through June 30, 1998

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$362	\$355	\$348	\$341	\$334
Engelmann Spruce	ES	1	217	210	203	196	189
Lodgepole Pine	LP	1	215	208	201	194	187
Ponderosa Pine	PP	1	403	396	389	382	375
		2	270	263	256	249	242
Western Redcedar ³	RC	1	382	375	368	361	354
True Firs ⁴	WH	1	227	220	213	206	199
Western White Pine	WP	1	402	395	388	381	374
Hardwoods	OH	1	50	43	36	29	22
Western Redcedar Poles and Piles	RCL	1	516	509	502	495	488
Small Logs ⁵	SML	1	28	27	26	25	24
Chipwood ⁵	CHW	1	1	1	1	1	1
RC Shake & Shingle Blocks	RCF	1	92	85	78	71	64
LP & Other Posts ⁶	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees ⁷	PX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁸	DFX	1	0.25	0.25	0.25	0.25	0.25

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Western Larch.

³ Includes Alaska Cedar.

⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁵ Stumpage value per ton.

⁶ Stumpage value per 8 lineal feet or portion thereof.

⁷ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.

⁸ Stumpage value per lineal foot.

TABLE 7—Stumpage Value Table
Stumpage Value Area 7
 January 1 through June 30, 1998

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$306	\$299	\$292	\$285	\$278
Engelmann Spruce	ES	1	217	210	203	196	189
Lodgepole Pine	LP	1	215	208	201	194	187
Ponderosa Pine	PP	1	403	396	389	382	375
		2	295	288	281	274	267
Western Redcedar ³	RC	1	382	375	368	361	354
True Firs ⁴	WH	1	255	248	241	234	227
Western White Pine	WP	1	402	395	388	381	374
Hardwoods	OH	1	50	43	36	29	22
Western Redcedar Poles and Piles	RCL	1	516	509	502	495	488
Small Logs ⁵	SML	1	21	20	19	18	17
Chipwood ⁵	CHW	1	1	1	1	1	1
RC Shake & Shingle Blocks	RCF	1	92	85	78	71	64
LP & Other Posts ⁶	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees ⁷	PX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁸	DFX	1	0.25	0.25	0.25	0.25	0.25

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Western Larch.

³ Includes Alaska Cedar.

⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁵ Stumpage value per ton.

⁶ Stumpage value per 8 lineal feet or portion thereof.

⁷ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.

⁸ Stumpage value per lineal foot.

PERMANENT

TABLE 8—Stumpage Value Table
Stumpage Value Area 10
 January 1 through June 30, 1998

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$684	\$677	\$670	\$663	\$656
		2	656	649	642	635	628
		3	625	618	611	604	597
		4	474	467	460	453	446
Lodgepole Pine	LP	1	215	208	201	194	187
Ponderosa Pine	PP	1	403	396	389	382	375
		2	270	263	256	249	242
Western Redcedar ³	RC	1	768	761	754	747	740
		2	740	733	726	719	712
		3	680	673	666	659	652
		4	637	630	623	616	609
Western Hemlock ⁴	WH	1	398	391	384	377	370
		2	398	391	384	377	370
		3	375	368	361	354	347
		4	276	269	262	255	248
Other Conifer	OC	1	398	391	384	377	370
		2	398	391	384	377	370
		3	375	368	361	354	347
		4	276	269	262	255	248
Red Alder	RA	1	180	173	166	159	152
		2	134	127	120	113	106
		3	22	15	8	1	1
Black Cottonwood	BC	1	36	29	22	15	8
		2	14	7	1	1	1
		3	6	1	1	1	1
Other Hardwood	OH	1	122	115	108	101	94
		2	81	74	67	60	53
		3	23	16	9	2	1
Douglas-fir Poles and Piles	DFL	1	930	923	916	909	902
Western Redcedar Poles and Piles	RCL	1	930	923	916	909	902
Chipwood ⁵	CHW	1	1	1	1	1	1
RC Shake Blocks	RCG	1	303	296	289	282	275
RC Shingle Blocks	RCF	1	121	114	107	100	93

TABLE 8—Stumpage Value Table
Stumpage Value Area 10
 January 1 through June 30, 1998

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
RC & Other Posts ⁶	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ²	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ²	FFX	1	0.50	0.50	0.50	0.50	0.50

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Western Larch.

³ Includes Alaska Cedar.

⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁵ Stumpage value per ton.

⁶ Stumpage value per 8 lineal feet or portion thereof.

⁷ Stumpage value per lineal foot.)

TABLE 1—Stumpage Value Table
Stumpage Value Area 1
 July 1 through December 31, 1998

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir	DF	1	\$615	\$608	\$601	\$594	\$587
		2	604	597	590	583	576
		3	562	555	548	541	534
		4	303	296	289	282	275
Western Redcedar ²	RC	1	1263	1256	1249	1242	1235
		2	938	931	924	917	910
		3	789	782	775	768	761
		4	751	744	737	730	723
Western Hemlock ³	WH	1	400	393	386	379	372
		2	375	368	361	354	347
		3	358	351	344	337	330
		4	278	271	264	257	250
Other Conifer	OC	1	400	393	386	379	372
		2	375	368	361	354	347
		3	358	351	344	337	330
		4	278	271	264	257	250
Red Alder	RA	1	210	203	196	189	182

PERMANENT

TABLE 1—Stumpage Value Table
Stumpage Value Area 1
 July 1 through December 31, 1998

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
		2	162	155	148	141	134
		3	121	114	107	100	93
Black Cottonwood	BC	1	61	54	47	40	33
		2	25	18	11	4	1
		3	22	15	8	1	1
Other Hardwood	OH	1	141	134	127	120	113
		2	98	91	84	77	70
		3	60	53	46	39	32
Douglas-fir Poles	DFL	1	986	979	972	965	958
Western Redcedar Poles	RCL	1	986	979	972	965	958
Chipwood	CHW	1	1	1	1	1	1
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCE	1	121	114	107	100	93
RC & Other Posts ⁴	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁵	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁵	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Alaska-Cedar.

³ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as White Fir.

⁴ Stumpage value per 8 lineal feet or portion thereof.

⁵ Stumpage value per lineal foot.

TABLE 2—Stumpage Value Table
Stumpage Value Area 2
 July 1 through December 31, 1998

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir	DF	1	\$615	\$608	\$601	\$594	\$587
		2	553	546	539	532	525
		3	528	521	514	507	500

TABLE 2—Stumpage Value Table
Stumpage Value Area 2
 July 1 through December 31, 1998

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
		4	295	288	281	274	267
Western Redcedar ²	RC	1	1263	1256	1249	1242	1235
		2	938	931	924	917	910
		3	789	782	775	768	761
		4	751	744	737	730	723
Western Hemlock ³	WH	1	400	393	386	379	372
		2	393	386	379	372	365
		3	381	374	367	360	353
		4	291	284	277	270	263
Other Conifer	OC	1	400	393	386	379	372
		2	393	386	379	372	365
		3	381	374	367	360	353
		4	291	284	277	270	263
Red Alder	RA	1	210	203	196	189	182
		2	162	155	148	141	134
		3	121	114	107	100	93
Black Cottonwood	BC	1	61	54	47	40	33
		2	25	18	11	4	1
		3	22	15	8	1	1
Other Hardwood	OH	1	141	134	127	120	113
		2	98	91	84	77	70
		3	60	53	46	39	32
Douglas-fir Poles	DFL	1	986	979	972	965	958
Western Redcedar Poles	RCL	1	986	979	972	965	958
Chipwood	CHW	1	1	1	1	1	1
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCE	1	121	114	107	100	93
RC & Other Posts ⁴	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁵	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁵	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Alaska-Cedar.

³ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir,

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Grand Fir, and Subalpine Fir are all commonly referred to as White Fir.

⁴ Stumpage value per 8 lineal feet or portion thereof.

⁵ Stumpage value per lineal foot.

TABLE 3—Stumpage Value Table
Stumpage Value Area 3
 July 1 through December 31, 1998

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$615	\$608	\$601	\$594	\$587
		2	532	525	518	511	504
		3	482	475	468	461	454
		4	337	330	323	316	309
Western Redcedar ³	RC	1	1263	1256	1249	1242	1235
		2	938	931	924	917	910
		3	789	782	775	768	761
		4	751	744	737	730	723
Western Hemlock ⁴	WH	1	400	393	386	379	372
		2	374	367	360	353	346
		3	357	350	343	336	329
		4	247	240	233	226	219
Other Conifer	OC	1	400	393	386	379	372
		2	374	367	360	353	346
		3	357	350	343	336	329
		4	247	240	233	226	219
Red Alder	RA	1	210	203	196	189	182
		2	162	155	148	141	134
		3	121	114	107	100	93
Black Cottonwood	BC	1	61	54	47	40	33
		2	25	18	11	4	1
		3	22	15	8	1	1
Other Hardwood	OH	1	141	134	127	120	113
		2	98	91	84	77	70
		3	60	53	46	39	32
Douglas-fir Poles	DFL	1	986	979	972	965	958
Western Redcedar Poles	RCL	1	986	979	972	965	958
Chipwood	CHW	1	1	1	1	1	1
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCE	1	121	114	107	100	93
RC & Other Posts ⁵	RCP	1	0.45	0.45	0.45	0.45	0.45

TABLE 3—Stumpage Value Table
Stumpage Value Area 3
 July 1 through December 31, 1998

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
DF Christmas Trees ⁶	DEX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁶	TEX	1	0.50	0.50	0.50	0.50	0.50

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Western Larch.

³ Includes Alaska-Cedar.

⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as White Fir.

⁵ Stumpage value per 8 lineal feet or portion thereof.

⁶ Stumpage value per lineal foot.

TABLE 4—Stumpage Value Table
Stumpage Value Area 4
 July 1 through December 31, 1998

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$734	\$727	\$720	\$713	\$706
		2	586	579	572	565	558
		3	516	509	502	495	488
		4	361	354	347	340	333
Lodgepole Pine	LP	1	217	210	203	196	189
Ponderosa Pine	PP	1	373	366	359	352	345
		2	244	237	230	223	216
Western Redcedar ³	RC	1	1263	1256	1249	1242	1235
		2	938	931	924	917	910
		3	789	782	775	768	761
		4	751	744	737	730	723
Western Hemlock ⁴	WH	1	400	393	386	379	372
		2	395	388	381	374	367
		3	376	369	362	355	348
		4	287	280	273	266	259
Other Conifer	OC	1	400	393	386	379	372
		2	395	388	381	374	367
		3	376	369	362	355	348

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TABLE 4—Stumpage Value Table
Stumpage Value Area 4
 July 1 through December 31, 1998

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
		4	287	280	273	266	259
Red Alder	RA	1	210	203	196	189	182
		2	162	155	148	141	134
		3	121	114	107	100	93
Black Cottonwood	BC	1	61	54	47	40	33
		2	25	18	11	4	1
		3	22	15	8	1	1
Other Hardwood	OH	1	141	134	127	120	113
		2	98	91	84	77	70
		3	60	53	46	39	32
Douglas-fir Poles	DFL	1	986	979	972	965	958
Western Redcedar Poles	RCL	1	986	979	972	965	958
Chipwood	CHW	1	1	1	1	1	1
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCE	1	121	114	107	100	93
RC & Other Posts ⁴	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁶	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁶	TEX	1	0.50	0.50	0.50	0.50	0.50

TABLE 5—Stumpage Value Table
Stumpage Value Area 5
 July 1 through December 31, 1998

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$570	\$563	\$556	\$549	\$542
		2	568	561	554	547	540
		3	529	522	515	508	501
		4	380	373	366	359	352
Lodgepole Pine	LP	1	217	210	203	196	189
Ponderosa Pine	PP	1	373	366	359	352	345
		2	244	237	230	223	216
Western Redcedar ³	RC	1	1263	1256	1249	1242	1235
		2	938	931	924	917	910
		3	789	782	775	768	761
		4	751	744	737	730	723
Western Hemlock ⁴	WH	1	400	393	386	379	372
		2	363	356	349	342	335
		3	331	324	317	310	303
		4	289	282	275	268	261
Other Conifer	OC	1	400	393	386	379	372
		2	363	356	349	342	335
		3	331	324	317	310	303
		4	289	282	275	268	261
Red Alder	RA	1	210	203	196	189	182
		2	162	155	148	141	134
		3	121	114	107	100	93
Black Cottonwood	BC	1	61	54	47	40	33
		2	25	18	11	4	1
		3	22	15	8	1	1
Other Hardwood	OH	1	141	134	127	120	113
		2	98	91	84	77	70
		3	60	53	46	39	32
Douglas-fir Poles	DFL	1	986	979	972	965	958
Western Redcedar Poles	RCL	1	986	979	972	965	958
Chipwood	CHW	1	1	1	1	1	1
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCE	1	121	114	107	100	93
RC & Other Posts ⁵	RCP	1	0.45	0.45	0.45	0.45	0.45

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Western Larch.

³ Includes Alaska Cedar.

⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as White Fir.

⁵ Stumpage value per 8 lineal feet or portion thereof.

⁶ Stumpage value per lineal foot.

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TABLE 5—Stumpage Value Table
Stumpage Value Area 5
 July 1 through December 31, 1998

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
DF Christmas Trees ⁶	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁶	TEF	1	0.50	0.50	0.50	0.50	0.50

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Western Larch.

³ Includes Alaska-Cedar.

⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as White Fir.

⁵ Stumpage value per 8 lineal feet or portion thereof.

⁶ Stumpage value per lineal foot.

TABLE 6—Stumpage Value Table
Stumpage Value Area 6
 July 1 through December 31, 1998

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$337	\$330	\$323	\$316	\$309
Engelmann Spruce	ES	1	211	204	197	190	183
Lodgepole Pine	LP	1	217	210	203	196	189
Ponderosa Pine	PP	1	373	366	359	352	345
		2	244	237	230	223	216
Western Redcedar ³	RC	1	417	410	403	396	389
True Firs ⁴	WH	1	194	187	180	173	166
Western White Pine	WP	1	420	413	406	399	392
Hardwoods	OH	1	50	43	36	29	22
Western Redcedar Poles	RCL	1	516	509	502	495	488
Small Logs	SML	1	27	26	25	24	23
Chipwood	CHW	1	1	1	1	1	1

TABLE 6—Stumpage Value Table
Stumpage Value Area 6
 July 1 through December 31, 1998

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
RC Shake & Shingle Blocks	RCE	1	92	85	78	71	64
LP & Other Posts ¹	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees ⁶	PX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ²	DFX	1	0.25	0.25	0.25	0.25	0.25

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Western Larch.

³ Includes Alaska-Cedar.

⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as White Fir.

⁵ Stumpage value per 8 lineal feet or portion thereof.

⁶ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.

⁷ Stumpage value per lineal foot.

TABLE 7—Stumpage Value Table
Stumpage Value Area 7
 July 1 through December 31, 1998

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$244	\$237	\$230	\$223	\$216
Engelmann Spruce	ES	1	195	188	181	174	167
Lodgepole Pine	LP	1	220	213	206	199	192
Ponderosa Pine	PP	1	314	307	300	293	286
		2	200	193	186	179	172
Western Redcedar ³	RC	1	461	454	447	440	433
True Firs ⁴	WH	1	217	210	203	196	189
Western White Pine	WP	1	392	385	378	371	364
Hardwoods	OH	1	50	43	36	29	22
Western Redcedar Poles	RCL	1	516	509	502	495	488

TABLE 7—Stumpage Value Table
Stumpage Value Area 7
 July 1 through December 31, 1998

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Small Logs	SML	1	20	19	18	17	16
Chipwood	CHW	1	1	1	1	1	1
RC Shake & Shingle Blocks	RCE	1	92	85	78	71	64
LP & Other Posts ⁵	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees ⁶	PX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁷	DEX	1	0.25	0.25	0.25	0.25	0.25

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Western Larch.

³ Includes Alaska-Cedar.

⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as White Fir.

⁵ Stumpage value per 8 lineal feet or portion thereof.

⁶ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.

⁷ Stumpage value per lineal foot.

TABLE 8—Stumpage Value Table
Stumpage Value Area 10
 July 1 through December 31, 1998

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$720	\$713	\$706	\$699	\$692
		2	572	565	558	551	544
		3	502	495	488	481	474
		4	347	340	333	326	319
Lodgepole Pine	LP	1	217	210	203	196	189
Ponderosa Pine	PP	1	373	366	359	352	345
		2	244	237	230	223	216
Western Redcedar ³	RC	1	1249	1242	1235	1228	1221
		2	924	917	910	903	896
		3	775	768	761	754	747

TABLE 8—Stumpage Value Table
Stumpage Value Area 10
 July 1 through December 31, 1998

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
		4	737	730	723	716	709
Western Hemlock ⁴	WH	1	386	379	372	365	358
		2	381	374	367	360	353
		3	362	355	348	341	334
		4	273	266	259	252	245
Other Conifer	OC	1	386	379	372	365	358
		2	381	374	367	360	353
		3	362	355	348	341	334
		4	273	266	259	252	245
Red Alder	RA	1	196	189	182	175	168
		2	148	141	134	127	120
		3	107	100	93	86	79
Black Cottonwood	BC	1	47	40	33	26	19
		2	11	4	1	1	1
		3	8	1	1	1	1
Other Hardwood	OH	1	127	120	113	106	99
		2	84	77	70	63	56
		3	46	39	32	25	18
Douglas-fir Poles	DEL	1	972	965	958	951	944
Western Redcedar Poles	RCL	1	972	965	958	951	944
Chipwood	CHW	1	1	1	1	1	1
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCE	1	121	114	107	100	93
RC & Other Posts ⁵	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁶	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁶	TEF	1	0.50	0.50	0.50	0.50	0.50

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Western Larch.

³ Includes Alaska-Cedar.

⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as White Fir.

⁵ Stumpage value per 8 lineal feet or portion thereof.

⁶ Stumpage value per lineal foot.

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(3) **Harvest value adjustments.** Harvest value adjustments relating to the various logging and harvest conditions shall be allowed against the stumpage values as set forth in subsection (2) of this section for the designated stumpage value areas. See WAC 458-40-670 for more information about these adjustments.

The following harvest adjustment tables are hereby adopted for use during the period of (~~January~~) July 1 through (~~June 30~~) December 31, 1998:

**TABLE 9—Harvest Adjustment Table
Stumpage Value Areas 1, 2, 3, 4, 5, and 10
(~~January~~) July 1 through (~~June 30~~) December 31, 1998**

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume per acre		
Class 1	Harvest of more than 40 thousand board feet per acre.	\$0.00
Class 2	Harvest of 20 thousand board feet to 40 thousand board feet per acre.	- \$4.00
Class 3	Harvest of 10 thousand board feet to but not including 20 thousand board feet per acre.	- \$7.00
Class 4	Harvest of 5 thousand board feet to but not including 10 thousand board feet per acre.	- \$9.00
Class 5	Harvest of less than 5 thousand board feet per acre.	- \$10.00
II. Logging conditions		
Class 1	Most of the harvest unit has less than 30% slope. No significant rock outcrops or swamp barriers.	\$ 0.00
Class 2	Most of the harvest unit has slopes between 30% and 60%. Some rock outcrops or swamp barriers.	- \$17.00
Class 3	Most of the harvest unit has rough, broken ground with slopes over 60%. Numerous rock outcrops and bluffs.	- \$25.00
Class 4	For logs that are yarded from stump to landing by helicopter. This does not include special forest products.	- \$145.00
Note: A Class 2 adjustment may be used for slopes less than 30% when cable logging is required by a duly promulgated forest practice regulation. Written documentation of this requirement must be provided by the taxpayer to the department.		
III. Remote island adjustment:		
	For timber harvested from a remote island	- \$50.00
IV. Thinning (see WAC 458-40-610(21))		
Class 1	Average log volume of 50 board feet or more.	- \$25.00

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
Class 2	Average log volume of less than 50 board feet.	-\$125.00

**TABLE 10—Harvest Adjustment Table
Stumpage Value Areas 6 and 7
(~~January~~) July 1 through (~~June 30~~) December 31, 1998**

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume per acre		
Class 1	Harvest of more than 8 thousand board feet per acre.	\$0.00
Class 2	Harvest of 3 thousand board feet to 8 thousand board feet per acre.	- \$7.00
Class 3	Harvest of less than 3 thousand board feet per acre.	- \$10.00
II. Logging conditions		
Class 1	Most of the harvest unit has less than 40% slope. No significant rock outcrops or swamp barriers.	\$0.00
Class 2	Most of the harvest unit has slopes between 40% and 60%. Some rock outcrops or swamp barriers.	-\$20.00
Class 3	Most of the harvest unit has rough, broken ground with slopes over 60%. Numerous rock outcrops and bluffs.	-\$30.00
Class 4	For logs that are yarded from stump to landing by helicopter. This does not include special forest products.	- \$145.00
Note: A Class 2 adjustment may be used for slopes less than (30%) 40% when cable logging is required by a duly promulgated forest practice regulation. Written documentation of this requirement must be provided by the taxpayer to the department.		
III. Remote island adjustment:		
	For timber harvested from a remote island	- \$50.00

TABLE 11—Domestic Market Adjustment

Public Timber

Harvest of timber not sold by a competitive bidding process that is prohibited under the authority of state or federal law from foreign export may be eligible for the domestic market adjustment. The adjustment may be applied only to those species of timber that must be processed domestically. According to type of sale, the adjustment may be applied to the following species:

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Federal Timber Sales: All species except Alaska Yellow Cedar. (Stat. Ref. - 36 CFR 223.10)

State, and Other Nonfederal, Public Timber Sales: Western Red Cedar only. (Stat. Ref. - 50 USC appendix 2406.1)

Private Timber

Harvest of private timber that is legally restricted from foreign export, under the authority of The Forest Resources Conservation and Shortage Relief Act (Public Law 101-382), (16 U.S.C. Sec. 620 et seq.); the Export Administration Act of 1979 (50 U.S.C. App. 2406(i)); a Cooperative Sustained Yield Unit Agreement made pursuant to the Act of March 29, 1944, (16 U.S.C. Sec. 583-583i); or Washington Administrative Code (WAC 240-15-015(2)) is also eligible for the Domestic Market Adjustment.

The adjustment amounts shall be as follows:

Class 1:	SVA's 1 through 6, and 10	\$0.00 per MBF
Class 2:	SVA 7	\$0.00 per MBF

Note: The adjustment will not be allowed on special forest products.

**WSR 98-14-091
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE
[Filed June 30, 1998, 3:27 p.m.]**

Date of Adoption: June 13, 1998.

Purpose: To require keeping of trawl logbooks in Marine Fish and Shellfish Catch and Management and Reporting Area 29.

Citation of Existing Rules Affected by this Order: Amending WAC 220-48-013.

Statutory Authority for Adoption: RCW 75.08.080.

Adopted under notice filed as WSR 98-09-087 on April 2 [21], 1998.

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 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.

June 28, 1998
Larry Peck
for Bern Shanks
Director

AMENDATORY SECTION (Amending WSR 98-05-043, filed 2/11/98, effective 3/14/98)

WAC 220-48-013 Beam trawl and otter trawl logbooks. It shall be unlawful for any operator of beam trawl or otter trawl gears to fail to obtain and accurately maintain a "Washington Inside Waters Trawl Logbook" while fishing for, or while in possession of, bottomfish taken from east of the ((~~mouth of the Sekiu River~~)) Bonilla-Tatoosh line. A logbook must be obtained from the Washington department of fisheries and must be kept aboard the vessel while fishing, or in possession of bottomfish taken east of the ((~~mouth of the Sekiu River~~)) Bonilla-Tatoosh line. The vessel operator must submit the completed logbook for inspection immediately upon request by authorized department of fisheries representatives. For each fishing trip, and prior to landing, vessel operators shall record the vessel name and state registration number, the dates and times of departure from and return to port, and the buyer(s) of the fish landed. In addition, for each trawl tow conducted during the trip, the vessel operator shall record the month and day, duration of the tow, specific area fished, latitude and longitude to the nearest tenth minute of the gear set and haul back position, depth fished, net type, target species and estimated weight of each species of fish retained. The department copies of the completed logbook sheet(s) must be submitted to the department for each calendar month in which fishing activity occurs. Department copies must be received within ten days following any calendar month in which fishing activity occurred and by the tenth day following the termination of commercial fishing activity, whichever occurs first.

**WSR 98-14-108
PERMANENT RULES
FRUIT COMMISSION
[Filed July 1, 1998, 8:56 a.m.]**

Date of Adoption: July 1, 1998.

Purpose: Increase the maximum allowable assessment rate on fresh Bartlett pears from \$11.36 per 2000 pounds (\$.25 per standard box) to \$14.09 per 2000 pounds (\$.31 per standard box).

Citation of Existing Rules Affected by this Order: Amending WAC 224-12-090.

Statutory Authority for Adoption: Chapter 15.28 RCW, chapter 303, Laws of 1997.

Adopted under notice filed as WSR 98-10-094 on May 6, 1998.

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.

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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.

July 1, 1998

Kenneth F. Severn
President

AMENDATORY SECTION (Amending Order 4, Resolution 4, filed 7/29/81)

WAC 224-12-090 Bartlett pear assessment rate. As provided for by RCW 15.28.160 and 15.28.180, there is hereby levied on Bartlett pears, an assessment of up to a maximum of ~~((twenty-five cents per standard box equivalent (approximately forty-four pounds)))~~ eighteen dollars per two thousand pounds of Bartlett pears shipped fresh, and an assessment of six dollars for each two thousand pounds of Bartlett pears delivered to processors.

WSR 98-14-112
PERMANENT RULES
PUBLIC EMPLOYMENT
RELATIONS COMMISSION
[Filed July 1, 1998, 10:10 a.m.]

Date of Adoption: June 16, 1998.

Purpose: To improve clarity and readability by cross-referencing filing and service requirements; to use terms such as "appeal," "furnish," "submit," "file," "papers," "may," and "shall" consistently; to delete references to repealed WAC sections; to standardize appeal procedures; and to correct typographical errors.

WAC 391-08-120 Filing and service of papers, this rule is patterned after WAC 10-08-110. That section was last amended in 1989. The commission amended WAC 391-08-120 in 1996, in part to clarify ambiguous provisions of WAC 10-08-110 concerning the filing and service of documents by fax. Since 1996, there have been ongoing issues about when service must be completed, and the proof of service requirements. The current language does not expressly require a contemporaneous record of "service," but documents have been rejected when a party was unable to produce a contemporaneous record of service. Thus:

- Language is modified for the sake of clarity.
- Proof of service language is rewritten to clearly *require* the person who completes service to make a contemporaneous record of his or her actions.

WAC 391-08-180 Continuances, this rule previously paralleled WAC 10-08-090, but the commission has had difficulty enforcing the "check with opposing parties first" concept because of the "prior to the hearing date" clause in the existing rule. The commission's experience indicates a need for greater clarity. Requiring parties to communicate with

one another before submitting any continuance request to the agency also minimizes their *ex parte* contacts with the agency staff.

WAC 391-08-300 Subpoenas—Discovery and 391-08-310 Subpoenas—Form—Issuance to parties, the commission's current rules on subpoenas supplement the provisions of WAC 10-08-120. The commission has received frequent questions from clientele concerning witness fees, mileage, and similar procedural issues regarding subpoenas. The changes to these rules were designed with the following goals:

- All procedural requirements concerning subpoenas are now consolidated in this rule.
- Requirements for service of subpoenas and witness fees (which have long been a mystery to PERC clientele not represented by attorneys) are briefly described with cross-references to appropriate sources of information.

WAC 391-08-520 Declaratory orders, the commission currently relies on the provisions of WAC 10-08-250, 10-08-251, and 10-08-252 to process petitions for declaratory orders. Recent experience with a University of Washington case demonstrated the need for a procedure to effect the rapid responses required by the APA. The new commission rule has the following purposes:

- The executive director is delegated authority to notify parties, without having to first bring a case to PERC's part-time commission members.
- Parties will be asked up front if they consent, under RCW 34.05.240(7), to use of declaratory order process.
- The commission will make initial decisions on whether to take the case without public hearing.

WAC 391-08-640 Adjudicative proceedings—Appeals, 391-25-390 Proceedings before the executive director, 391-25-391 Special provision ..., 391-25-590 Filing and service of objections ..., 391-25-630 Procedure where conduct objections are filed, 391-25-650 Briefs ... on objections, 391-25-660 Appeals ..., 391-25-670 Commission action on objections and appeals, 391-35-210 (~~Proceedings before the commission—Petition for review~~) Appeals, 391-35-230 Filing and service of cross-petition for review, 391-35-250 Commission action on appeals, 391-45-350 (~~Petition for review of examiner decision~~) Appeals, 391-45-370 Filing and service of cross-petition for review, 391-45-390 Commission action on appeals, 391-95-270 (~~Proceedings before the commission—Petition for review~~) Appeals, 391-95-280 Filing and service of cross-petition for review and 391-95-290 Commission action on appeals, the provisions of WAC 10-08-211 have been previously replaced by detailed requirements in commission rules found at WAC 391-25-390, 391-25-590, 391-35-210, 391-45-350, and 391-95-270. Under these sections, the commission had three different appeal procedures. The "petition for review" terminology used in the Administrative Procedure Act has also been confusing to nonattorney practitioners.

These new, amended, and repealed sections are proposed to:

- Call "appeals" what they are.
- Cross-reference rules providing for appeals.

- Retain prohibition of extension of time to appeal from current rules and practice. -050 and -090 RCW 28B.52.030, 34.05.413, 41.56.060 and [41.56].070, and 41.59.070 and [41.59].080
- Clarify the commission's authority to act on its own motion. -110 RCW 41.56.070 and 41.59.070
- Standardize appeal procedures as much as possible in the following manner:
 - Directions of elections and directions of cross-checks are still only appealed by objections within seven days after the tally; -190 RCW 28B.52.030, 41.56.070, and 41.59.070
 - All other appeals are due twenty days after the order, with cross-appeals due seven days thereafter; -210 RCW 41.56.070 and 41.59.070
 - Appellant's briefs are due fourteen days after appeal deadline; and -220 RCW 34.05.431
 - Appellant's briefs are due fourteen days after appeal deadline; and -230, -250, and -270 RCW 28B.52.030, 41.56.060 and [41.56].070, and 41.59.070 and [41.59].080
- Response briefs are due fourteen days after appeal briefs. -350 RCW 28B.52.030, 34.05.437, 41.56.060 and [41.56].070, and 41.59.070 and [41.59].080
- Grant more time than chapter 10-08 WAC allows for briefs on appeals, as parties request extension in 50% or more of all PERC appeals. -390 RCW 41.56.060 and [41.56].070, and 41.59.070 and [41.59].080
- Explicitly cross-reference filing and service requirement to WAC 391-08-120. -391 and -410 RCW 41.56.060
- Preserve authority of executive director to extend time for briefs, with caution that not routine or automatic. -450 RCW 41.56.070 and 41.59.070

Citation of Existing Rules Affected by this Order:
 Repealing WAC 391-35-230, 391-45-370, and 391-95-280; and amending WAC 391-08-001, 391-08-100, 391-08-120, 391-08-180, 391-08-230, 391-08-300, 391-08-310, 391-08-315, 391-08-630, 391-08-800, 391-08-810, 391-25-050, 391-25-090, 391-25-110, 391-25-190, 391-25-210, 391-25-220, 391-25-230, 391-25-250, 391-25-270, 391-25-350, 391-25-370, 391-25-390, 391-25-391, 391-25-410, 391-25-450, 391-25-590, 391-25-630, 391-25-650, 391-25-670, 391-35-030, 391-35-170, 391-35-190, 391-35-210, 391-35-250, 391-45-030, 391-45-110, 391-45-190, 391-45-250, 391-45-290, 391-45-310, 391-45-330, 391-45-350, 391-45-390, 391-45-430, 391-55-245, 391-55-345, 391-95-070, 391-95-090, 391-95-150, 391-95-230, 391-95-250, 391-95-260, 391-95-270, and 391-95-290.

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:

Chapter 391-08 WAC

- 120 RCW 34.05.010 (6) and (19)
- 300 RCW 34.05.446
- 310 RCW 2.40.010, 5.56.010, and 34.05.446
- 315 RCW 2.42.120 and 2.43.030
- 520 RCW 34.05.240
- 630 RCW 41.58.010 and 41.58.015
- 640 RCW 34.05.464
- 800 RCW 34.05.220 and 34.05.476

Chapter 391-25 WAC

- 590 RCW 28B.52.030, 41.56.060, and 41.59.070
- 630 and -650 RCW 41.56.070 and 41.59.070
- 660 and -670 RCW 34.05.464, 41.56.070, and 41.59.070
- Chapter 391-35 WAC
- 030 RCW 34.05.413, 41.56.060, and 41.59.080
- 170 RCW 34.05.437, 41.56.060, and 41.59.080
- 190 RCW 41.56.060 and 41.59.080
- 210 and -250 RCW 34.05.464, 41.56.060, and 41.59.080
- Chapter 391-45 WAC
- 030 RCW 28B.52.065, 34.05.413, 41.56.160, and 41.59.150
- 110 RCW 28B.52.065 and [28B.52].073, 34.05.419, 41.56.140 and [41.56].150, and 41.59.140
- 190 and -250 RCW 28B.52.065, 41.56.160, and 41.59.150
- 290 RCW 34.05.437, 41.56.160, and 41.59.150
- 310 RCW 28B.52.065, 41.56.160, and 41.59.150

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- 350 and -390 RCW 28B.52.065, 34.05.464, 41.56.160, and 41.59.150
- 430 RCW 41.56.160(3) and 41.59.150

Chapter 391-55 WAC

- 245 RCW 41.56.450
- 345 RCW 41.59.120

Chapter 391-95 WAC

- 070 RCW 28B.52.045, 41.56.122, and 41.59.100
- 090 RCW 28B.52.045, 34.05.413, 41.56.122, and 41.59.100
- 150 RCW 28B.52.045, 34.05.419, 41.56.122, and 41.59.100
- 230 RCW 28B.52.045, 34.05.437, 41.56.122, and 41.59.100
- 250 RCW 28B.52.045, 41.56.122, and 41.59.100
- 270 and -290 RCW 28B.52.045, 34.05.464, 41.56.122, and 41.59.100.

Adopted under notice filed as WSR 98-10-101 on May 6, 1998.

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 3, Amended 55, Repealed 3.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 3, Amended 55, Repealed 3.

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.

July 1, 1998

Marvin L. Schurke
Executive Director

AMENDATORY SECTION (Amending WSR 96-07-105, filed 3/20/96, effective 4/20/96)

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)) 41.56.090~~); and section ~~((3)) 7~~, chapter ~~((5)) 296~~, Laws of 1975 ~~((2nd)) 1st~~ ex. sess. (RCW 41.58.050), to promulgate comprehensive and uni-

form 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))~~ replaced 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 10-08-090, which is replaced by detailed requirements in WAC 391-08-180;

~~((d))~~ WAC 10-08-110, which is ~~((supplanted))~~ replaced by detailed requirements in WAC 391-08-120;

~~((e))~~ ~~((to the extent that it is further limited))~~ ~~((e))~~ WAC 10-08-120, ~~((to the extent that it is further limited))~~ which is replaced by detailed requirements in WAC 391-08-040, 391-08-300 and 391-08-310;

~~((f))~~ ~~((to the extent that it is further limited))~~ ~~((f))~~ WAC 10-08-140, ~~((to the extent that it is further limited))~~ which is limited by WAC 391-08-040, 391-08-300 and 391-08-310;

~~((g))~~ ~~((g))~~ WAC 10-08-150, which is ~~((supplanted))~~ limited by ~~((detailed requirements in))~~ WAC 391-08-315;

~~((h))~~ ~~((h))~~ WAC 10-08-211, which is ~~((supplanted))~~ replaced by WAC 391-08-640 and detailed requirements in WAC 391-25-390, 391-25-391, 391-25-590, 391-25-630, 391-25-650, 391-25-660, 391-25-670, 391-35-210, ~~((391-35-230))~~ 391-35-250, 391-45-350, ~~((391-45-370))~~ 391-45-390, 391-95-270, and ~~((391-95-280))~~ 391-95-290; ~~((and~~

~~((i))~~ ~~((i))~~ WAC 10-08-230, which is ~~((supplanted))~~ replaced by detailed requirements in WAC 391-25-150, 391-25-220, 391-25-230, 391-25-250, 391-25-270, 391-35-070, 391-35-080, 391-45-070, 391-45-090, 391-45-260, and 391-95-170; and

(j) WAC 10-08-250, 10-08-251, and 10-08-252 which are replaced by detailed requirements in WAC 391-08-520.

(2) Chapter 391-25 WAC, which ~~((contains rules relating to))~~ regulates representation proceedings ~~((on petitions for investigation of questions concerning representation of employees)).~~

(3) Chapter 391-35 WAC, which ~~((contains rules relating to))~~ regulates unit clarification proceedings ~~((on petitions for clarification of an existing bargaining unit)).~~

(4) Chapter 391-45 WAC, which ~~((contains rules relating to))~~ regulates unfair labor practice proceedings ~~((on complaints charging unfair labor practices)).~~

(5) Chapter 391-55 WAC, which ~~((contains rules relating to))~~ regulates the resolution of impasses ~~((occurring))~~ in collective bargaining.

(6) Chapter 391-65 WAC, which ~~((contains rules relating to))~~ regulates grievance arbitration ~~((of grievance disputes arising out of the interpretation or application of a collective bargaining agreement))~~ proceedings.

(7) Chapter 391-95 WAC, which ~~((contains rules relating to determination of))~~ regulates union security ~~((disputes arising between employees and employee organizations certified or recognized as their bargaining representative))~~ non-association proceedings.

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 391-08-100 ~~((Service of process—))~~ **Computation of time.** In computing any period of time prescribed or allowed by any applicable statute or rule, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or a legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor a holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and holidays shall be excluded in the computation.

AMENDATORY SECTION (Amending WSR 96-07-105, filed 3/20/96, effective 4/20/96)

WAC 391-08-120 Filing and service of papers.

FILING OF PAPERS FOR ADJUDICATIVE PROCEEDINGS

(1) Filing of ~~((documents))~~ papers 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 only upon actual receipt of the original ~~((document))~~ paper 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))~~ papers, 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))~~ Papers to be filed with the executive director or with the agency generally shall be filed in the Olympia office;

(c) ~~((Documents))~~ Papers to be filed with a presiding officer can be filed in the Olympia office or in the office of the presiding officer;

(d) ~~((Documents))~~ Papers to be filed with the commission, including any ~~((petitions for review or))~~ objections, notice of appeal or notice of cross-appeal, 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))~~ may be submitted 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))~~ A party which files or submits any papers to the agency shall serve a copy of the papers upon all counsel and representatives of record, and upon all parties not represented by counsel or upon their agents designated by them or by law. Service shall be completed no later than the day of filing or submission under subsection (1) or (2) of this section, by one of the following methods:

(a) Service may be made personally, and shall be regarded as completed when delivered in the manner provided in RCW 4.28.080;

(b) Service may be made by first class, registered, or certified mail, and shall be regarded as completed upon deposit in the United States mail properly stamped and addressed.

(c) Service may be made by telegraph or by commercial parcel delivery company, and shall be regarded as completed when deposited with a telegraph company or parcel delivery company properly addressed and with charges prepaid.

(d) Service may be made by electronic telefacsimile transmission, and shall be regarded as completed upon production by the telefacsimile device of confirmation of transmission, together with same day mailing of a copy of the papers, postage prepaid and properly addressed, to the person being served.

PROOF OF SERVICE

(4) ~~((Where the sufficiency of service is contested, the timely filing of the papers under this section, together with one of the following shall constitute proof of service:))~~ On the same day that service of any papers is completed under subsection (3) of this section, the person who completed the service shall:

(a) Obtain an acknowledgment of service ((by)) from the person who accepted personal service((-)); or

(b) Make a certificate ((signed on the date of service;)) stating that the person signing the certificate personally served the papers ((upon all parties of record in the proceeding)) by delivering a copy ((thereof in person to (names) at

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dates, times and places)) at a date, time and place specified in the certificate(;) to a person named in the certificate; or

(c) Make a certificate ((signed on the date of service,)) stating that the person signing the certificate 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))~~ under subsection (3)(b) of this section; or

(ii) Depositing a copy ~~((thereof))~~ under subsection (3)(c) of this section 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 and mailing a copy ~~((thereof by electronic telefacsimile device, and on the same day mailing a copy, to each party to the proceeding or his or her attorney or authorized agent))~~ under subsection (3)(d) of this section.

(5) Where the sufficiency of service is contested, an acknowledgment of service obtained under subsection (4)(a) of this section or a certificate of service made under subsection (4)(b) or (c) of this section shall constitute proof of service.

AMENDATORY SECTION (Amending WSR 96-07-105, filed 3/20/96, effective 4/20/96)

WAC 391-08-180 ((Service of process))Continuances. (1) Postponements, continuances, extensions of time, and adjournments may be ordered by the presiding officer;

(a) On his or her own motion;

(b) With the consent of all parties; or ((may be granted on))

(c) On the timely oral or written request of any party((; with notice to all other parties,)) showing good and sufficient cause ~~((therefor)).~~

(2) ~~Before submitting a request for a continuance ((made prior to the hearing date may be oral or written and shall state that)),~~ the party seeking the continuance ~~((has notified))~~ shall notify all other parties of the request ~~((and)), and shall attempt to obtain their consent. The request for continuance shall specify that ((either)) all other parties either agree to ((the continuance or that all parties do not agree to)) or disagree on the continuance.~~

(a) If all parties do not agree to ((the)) a continuance requested before or after a hearing, the presiding officer shall promptly schedule a prehearing conference to receive argument and to rule on the request.

(b) If all parties do not agree to a continuance requested during a hearing, the presiding officer shall receive argument and rule on the request.

AMENDATORY SECTION (Amending WSR 90-06-070, filed 3/7/90, effective 4/7/90)

WAC 391-08-230 Summary judgment. A summary judgment may be issued if the pleadings and admissions on file, together with affidavits, if any, show that there is no genuine issue as to any material fact and that one of the parties is

entitled to a judgment as a matter of law. Motions for summary judgment made in advance of a hearing shall be filed ~~((with the agency))~~ and served ~~((on all other parties to the proceeding))~~ as required by WAC 391-08-120.

AMENDATORY SECTION (Amending WSR 90-06-070, filed 3/7/90, effective 4/7/90)

WAC 391-08-300 Subpoenas—Discovery((—Form)). ~~((1) Every subpoena shall state the name of the agency as: State of Washington, public employment relations commission; and shall state the title of the proceeding and case number.~~

~~((2))~~ The power of subpoena shall be limited to compelling the testimony of witnesses and production of documents or other tangible evidence at hearings conducted by the agency.

~~((3))~~ Pursuant to the authority delegated to the agency by RCW 34.05.446(2), other forms of discovery shall not be available in proceedings before the agency.

AMENDATORY SECTION (Amending WSR 90-06-070, filed 3/7/90, effective 4/7/90)

WAC 391-08-310 Subpoenas—Form—Issuance to parties. ~~((Subpoenas requiring the attendance and testimony of witnesses or the production of evidence shall be issued ex parte to any party to a case. Provided, however, That)) (1) Every subpoena shall:~~

(a) State the name of the agency as: State of Washington, public employment relations commission;

(b) State the title of the proceeding and case number; and

(c) Identify the party causing issuance of the subpoena.

(2) Every subpoena shall command the person to whom it is directed to attend and give testimony or produce designated books, documents, or things under his or her control at the time and place set for the hearing, except no subpoena shall be issued or given effect to require the attendance and testimony of, or the production of evidence by, any member of the commission or any member of the agency staff in any proceeding before the agency.

(3) Subpoenas may be issued by the commission or its ((hearing officer or examiner shall issue subpoenas upon the application)) presiding officer:

(a) On the request of counsel or other representative authorized to practice before the agency((; and may condition the issuance of subpoenas to parties not so)); or

(b) On the request of a party not represented by counsel or other representative authorized to practice before the agency, but may then be conditioned upon a showing of general relevance and reasonable scope of the testimony or evidence sought.

(4) Subpoenas may be issued by attorneys ((may act)) under the authority conferred upon them by RCW 34.05.446(1).

(5) A subpoena may be served by any suitable person over eighteen years of age, by exhibiting and reading it to the witness, or by giving him or her a copy of the subpoena, or by leaving a copy of the subpoena at the place of his or her abode. When service is made by any person other than an

officer authorized to serve process, proof of service shall be made by affidavit.

(6) The party which issues or requests issuance of a subpoena shall pay the fees and allowances and the cost of producing records required to be produced by subpoena.

(a) Witness fees, mileage, and allowances for meals and lodging shall be at the rates and terms allowed by the superior court for Thurston County.

(b) Witnesses shall be entitled to payment in advance for their fees for one day's attendance, together with mileage for traveling to and returning from the place where they are required to attend, if their demand for payment is made to the officer or person serving the subpoena at the time of service.

(7) The presiding officer, upon motion made at or before the time specified in the subpoena for compliance therewith, may:

(a) Quash or modify the subpoena if it is unreasonable or oppressive; or

(b) Condition denial of the motion upon the advancement by the person in whose behalf the subpoena is issued of the reasonable cost of producing the books, papers, documents, or tangible things.

AMENDATORY SECTION (Amending WSR 90-06-070, filed 3/7/90, effective 4/7/90)

WAC 391-08-315 Interpreters. (1) ((An "impaired person" is any person who is a hearing impaired person or a limited-English-speaking person.

(2) A "hearing impaired person" is a person who, because of a hearing impairment or speech defects, cannot readily understand or communicate in spoken language; and includes persons who are deaf, deaf and blind, or hard of hearing.

(3) A "limited-English-speaking person" is a person who, because of a non-English-speaking cultural background cannot readily speak or understand the English language.

(4) A "qualified interpreter" is a person who is qualified to act as interpreter under chapter 2.42 RCW as now or hereafter enacted.

(5) An "intermediary interpreter" is a person who is qualified to act under chapter 2.42 RCW as now or hereafter enacted.

(6) When an impaired person is a party to an adjudicative proceeding under chapter 391-25, 391-35, 391-45 or 391-95 WAC, the presiding officer shall, in the absence of a written waiver signed by the impaired person, require the appointment of a qualified interpreter to assist the impaired person throughout the proceedings. The right to a qualified interpreter may not be waived except when:

(a) The impaired person requests a waiver through the use of a qualified interpreter;

(b) The representative, if any, of the impaired person consents; and

(c) The presiding officer determines that the waiver has been made knowingly, voluntarily, and intelligently.

(7) Waiver of a qualified interpreter shall not preclude the impaired person from claiming his or her right to a qualified interpreter at a later time during the proceedings.

~~(8) The presiding officer shall make a preliminary determination that an interpreter is able in the particular proceeding to interpret accurately all communication to and from the impaired person. This determination shall be based upon the testimony or stated needs of the impaired person, the interpreter's education, certifications, and experience in interpreting adjudicative proceedings, and the interpreter's understanding of the basic vocabulary and procedure involved in the proceeding, and the interpreter's impartiality. The parties or their representatives may question the interpreter as to his or her qualifications and impartiality.~~

~~(9) If at any time during the proceeding, in the opinion of the impaired person, the presiding officer or a qualified observer, the interpreter does not provide accurate and effective communication with the impaired person, the presiding officer shall require the appointment of another qualified interpreter.~~

~~(10) If the communication mode or language of a hearing impaired person is not readily interpretable, the interpreter or hearing impaired person shall notify the presiding officer, who shall require the appointment of an intermediary interpreter to assist the qualified interpreter.~~

~~(11) The mode of interpretation shall be as permitted by chapter 2.42 RCW or WAC 10-08-150, as now or hereafter amended.~~

~~(12) A qualified interpreter shall not, without the written consent of the parties to the communication, be examined as to any communication the interpreter interprets under circumstances where the communication is privileged by law. A qualified interpreter shall not, without the written consent of the parties to the communication, be examined as to any information the interpreter obtains while interpreting pertaining to any proceeding then pending.~~

~~(13) The presiding officer shall explain to the impaired party that a written decision or order will be issued in English, and that the party may contact the interpreter for a translation of the decision. If the party has a right to review of the order or decision, the presiding officer shall orally inform him or her during the hearing of the right and the time limits to request review.~~

~~(14) At the hearing, the interpreter for a limited-English-speaking party shall provide to the presiding officer the interpreter's telephone number written in the primary language of the impaired party. A copy of such telephone number shall be attached to the decision or mailed to the impaired party. A copy of the decision or order shall also be mailed to the interpreter for use in translation.~~

~~(15) In any proceeding involving a hearing impaired person, the presiding officer may order that the testimony of the hearing impaired person and the interpretation of the proceeding by the qualified interpreter be visually recorded for use as the official transcript of that portion of the proceedings. Where simultaneous translation is used for interpreting statements of limited-English-speaking persons, the foreign language statements shall be recorded simultaneously with the English language statements by means of a separate tape recorder.~~

~~(16) A qualified interpreter appointed under this section is entitled to a reasonable fee for services, including waiting time and reimbursement for actual necessary travel expenses.~~

~~(17) The costs of providing the interpreter shall be borne by the impaired party or by the party who calls the impaired person as a witness, unless the impaired party is indigent under the standards applied in criminal proceedings in the superior court for Thurston County and thus unable to pay for the interpreter, in which case the cost shall be borne as an administrative cost by the commission.~~

~~(18) The cost of providing the interpreter may be a taxable cost of any proceeding in which costs are taxed.) For all adjudicative proceedings under the Administrative Procedure Act (cases under chapters 391-25, 391-35, 391-45 and 391-95 WAC), the provisions of WAC 10-08-150 as now or hereafter amended shall apply.~~

~~(2) For all cases that are not adjudicative proceedings under the Administrative Procedure Act (cases under chapters 391-55 and 391-65 WAC), the provisions of WAC 10-08-150 as now or hereafter amended shall apply, except that all interpreter fees and expenses shall be paid by the party which requests the participation of an impaired person as defined in chapter 2.42 RCW or a non-English-speaking person as defined in chapter 2.43 RCW.~~

NEW SECTION

WAC 391-08-520 Declaratory orders. Any person may petition the commission for a declaratory order, under RCW 34.05.240, with respect to the applicability to specified circumstances of a rule, order, or statute enforceable by the commission. For purposes of this section, the term person includes natural persons, employee organizations, and employers.

(1) A petition for a declaratory order shall generally adhere to the following form:

(a) At the top of the page shall appear the wording "Before the Public Employment Relations Commission", a caption setting out "In the Matter of the Petition of (name of petitioner to be inserted) for a Declaratory Order", and the title "Petition".

(b) The body of the petition shall set out, in numbered paragraphs:

(i) The name and address of the petitioner and the name and address, if any, of the representative appearing on behalf of the petitioner.

(ii) The name(s) and address(es) of any other party which the petitioner seeks to have bound by any declaratory order issued by the commission, and the name(s) and address(es) of their representatives, if known.

(iii) The rule(s), order(s) or statute(s) from which the controversy arises.

(iv) The facts which the petitioner wishes the commission to consider in issuing a declaratory order.

(v) The issues which the petitioner wishes the commission to address in its order.

(vi) The relief requested by the petitioner.

(vii) The reasons on which the petitioner relies to show that: Uncertainty necessitating resolution exists; there is actual controversy arising from the uncertainty such that a declaratory order will not be merely an advisory opinion; the uncertainty adversely affects the petitioner; and the adverse effect of uncertainty on the petitioner outweighs any adverse

effects on others or on the general public that may likely arise from the order requested.

(c) The petition shall be filed at the commission's Olympia office as required by WAC 391-08-120(1), and copies shall be served on other parties named in the petition as required by WAC 391-08-120 (3) and (4).

(2) Within fifteen days after receipt of a petition for a declaratory order, the executive director or designee shall give notice of the petition to all persons to whom notice is required by law, and may give notice to any other person he or she deems desirable. The notice shall establish a deadline for necessary parties other than the petitioner to file written consent to the determination of the matter by a declaratory order.

(3) The petition and any responses from parties shall be forwarded to the commission for consideration. The commission shall not issue a declaratory order if:

(a) The matter is or could have been the subject of any other adjudicative proceeding before the commission; or

(b) A necessary party whose rights would be substantially prejudiced does not consent, in writing, to the determination of the matter by a declaratory order.

(4) The commission may consider the petition without argument and shall, within thirty days after receipt of the petition, do one of the following:

(a) Enter an order declaring the applicability of the statute, rule, or order in question to the specified circumstances;

(b) Set a reasonable time and place for a hearing to be held within ninety days after receipt of the petition, including submission of evidence by the parties if deemed necessary by the commission, or submission of written argument upon the matter if the material facts are not in dispute. The commission shall give seven days or more advance written notice to the petitioner and other persons who have been given notice of the petition pursuant to subsection (2) of this section of the time, date, and place for the hearing or submission and of the issues it will be considering;

(c) Set a specified time within ninety days after receipt of the petition by which it will enter a declaratory order; or

(d) Decline to enter a declaratory order, stating the reasons for its action.

(5) The commission may extend the time limits of subsection (4)(b) and (c) of this section, for good cause.

(6) The commission may, at any time before taking final action on a petition under this section, request submission of additional facts or argument, including setting the case for oral argument.

(7) If the commission proceeds in the manner provided in subsection (4)(b) of this section, it shall within a reasonable time after conclusion of the proceeding:

(a) Issue a declaratory order; or

(b) Notify the petitioner and any other party to the proceeding that no declaratory order will be issued and state the reasons for such action.

(8) A declaratory order entered by the commission or a decision to decline to enter a declaratory order shall be in writing, and shall be served upon all parties identified in subsection (2) of this section. Each declaratory order shall contain the names of all parties to the proceeding on which it is

based, the particular facts on which it is based, and the reasons for its conclusions.

(9) A declaratory order has the same status as any other order entered in an adjudicative proceeding conducted by the commission.

AMENDATORY SECTION (Amending WSR 90-06-070, filed 3/7/90, effective 4/7/90)

WAC 391-08-630 Agency structure—Substitution for executive director. (1) The public employment relations commission and its staff maintain an impartial role in all proceedings pending before the agency.

(2) The commission consists of three citizen members appointed by the governor with the advice and consent of the senate, pursuant to RCW 41.58.010. ~~((The)) Commission members ((of the commission))~~ serve on a part-time basis only. All ~~((of the)) commission members ((of the commission))~~ represent the interests of the public. The commission reserves to itself a policy-making and appellate~~((review))~~ function.

(3) The executive director appointed by the commission pursuant to RCW 41.58.015(2) is the full-time agency head, with authority to act in administrative and personnel matters. Authority is also delegated to the executive director to make substantive decisions in certain types of cases~~((subject in adjudicative proceedings to the right of the parties to appeal to the commission))~~.

(4) The commission's professional staff is appointed pursuant to RCW 41.58.015(3). A "multifunctional" staffing pattern is used, whereby individual members of the commission's professional staff are assigned from time to time to conduct any or all of the types of dispute resolution services provided by the agency. Authority is delegated to members of the professional staff to make decisions as "examiner" under chapters 391-45 and 391-95 WAC. The executive director may also delegate authority to members of the professional staff to make decisions in certain situations under chapters 391-25 and 391-35 WAC.

(5) In the event the executive director ~~((disqualifies himself or herself))~~ is disqualified from participation in a decision, the most senior (in terms of length of service with this agency) member of the agency's mediation staff, who has not been directly involved in the particular circumstances shall make decisions and rulings otherwise required of the executive director.

NEW SECTION

WAC 391-08-640 Adjudicative proceedings—Appeals. Actions by the executive director and other agency staff members in adjudicative proceedings under the Administrative Procedure Act (cases under chapters 391-25, 391-35, 391-45 and 391-95 WAC) are taken under authority delegated by the commission.

(1) The parties shall have the right to appeal to the commission, as follows:

(a) Under chapter 391-25 WAC, a direction of election or direction of cross-check and other rulings in the proceedings up to the issuance of a tally are interim orders, and may

only be appealed to the commission by objections under WAC 391-25-590 after the election or cross-check.

(b) Under chapter 391-25 WAC, an order issued under WAC 391-25-390 or 391-25-510 and any rulings in the proceedings up to the issuance of the order, as well as rulings that the employer or employees are subject to the jurisdiction of the commission, may be appealed to the commission under WAC 391-25-660.

(c) Under chapter 391-35 WAC, an order issued under WAC 391-35-190 and any rulings in the proceedings up to the issuance of the order may be appealed to the commission under WAC 391-35-210.

(d) Under chapter 391-45 WAC, an order issued under WAC 391-45-110(1) or 391-45-310 and any rulings in the proceedings up to the issuance of the order may be appealed to the commission under WAC 391-45-350.

(e) Under chapter 391-95 WAC, an order issued under WAC 391-95-150(1) or 391-95-250 and any rulings in the proceedings up to the issuance of the order may be appealed to the commission under WAC 391-95-270.

(2) The commission may, on its own motion, review any order which is subject to appeal under subsection (1) of this section, by giving written notice to all parties within thirty days following the issuance of the order.

AMENDATORY SECTION (Amending WSR 90-06-070, filed 3/7/90, effective 4/7/90)

WAC 391-08-800 Agency records—Public access. The agency ~~((with))~~ shall maintain for public inspection:

(1) An index to all proceedings ~~((filed with and))~~ processed by the agency;

(2) A docket for each proceeding ~~((filed with and))~~ processed by the agency, showing the actions taken ~~((on))~~ and the final resolution of each such proceeding;

(3) A schedule of hearing dates assigned in particular cases; and

(4) The files for all proceedings, including all documents filed with the agency in the particular case, except materials held in confidence as provided in WAC 391-08-810.

AMENDATORY SECTION (Amending WSR 90-06-070, filed 3/7/90, effective 4/7/90)

WAC 391-08-810 Agency records—Confidentiality. The agency, in order to protect the privacy of individual employees and in order to respect the confidential nature of the mediation process, shall not permit the disclosure to any person of (1) evidence ~~((filed))~~ furnished as a showing of interest in support of a representation petition or motion for intervention, or (2) notes and memoranda made by any member of the commission or its staff as a recording of communication made or received while acting in the capacity of a mediator between the parties to a labor dispute.

AMENDATORY SECTION (Amending WSR 96-07-105, filed 3/20/96, effective 4/20/96)

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 one copy of the petition shall be filed (~~with the agency at its~~) at the commission's Olympia office, as required by WAC 391-08-120(1). 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, as required by WAC 391-08-120(3) and (4).

AMENDATORY SECTION (Amending WSR 96-07-105, filed 3/20/96, effective 4/20/96)

WAC 391-25-090 Contents of petition filed by employer. (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 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.

(b) WAC 391-25-110 shall not be applicable to 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 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.

(3) The original and one copy of a petition under this section shall be filed at the commission's Olympia office, as required by WAC 391-08-120(1). The employer shall serve a copy on each employee organization named in the petition as having an interest in the proceedings, as required by WAC 391-08-120(3) and (4).

AMENDATORY SECTION (Amending WSR 96-07-105, filed 3/20/96, effective 4/20/96)

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 or more of the employees in the bargaining unit which the petitioner claims to be appropriate. The showing of interest (~~must be timely filed~~) shall be furnished under the same timeliness standards applicable to the petition, and (~~must~~) shall consist of original or legible copies of individual authorization cards or letters signed and dated by employees in the bargaining unit claimed appropriate. Authorization documents shall not be valid unless signed and dated during the ninety-day period preceding the filing of the petition or the (~~filing~~) furnishing of such evidence (~~with~~) to the agency, whichever is later.

AMENDATORY SECTION (Amending WSR 96-07-105, filed 3/20/96, effective 4/20/96)

WAC 391-25-190 Intervention—By organization other than incumbent. (1) 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 or more of the employees in the bargaining unit which the petitioner claims to be appropriate or of (~~not less than~~) thirty percent or more of the employees in whatever different bargaining unit the intervenor claims to be appropriate. The showing of interest (~~must~~) shall 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~~) furnishing of such evidence (~~with~~) to 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.

(2) No motion for intervention shall be considered if made:

- (~~(1)~~) (a) After the close of the hearing on the petition;
- (~~(2)~~) (b) More than seven days after the filing and posting of an election agreement or cross-check agreement; or
- (~~(3)~~) (c) 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 391-25-210 Showing of interest confidential. The question of whether a showing of interest requirement for a petition or for intervention has been satisfied is a matter for administrative determination by the agency and may not be litigated at any hearing. The agency shall not disclose the identities of employees whose authorization cards or letters are (~~filed~~) furnished to the agency in support of a petition or motion for intervention. In order to preserve the confidentiality of the showing of interest and the right of employees

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freely to express their views on the selection of a bargaining representative, the agency shall not honor any attempt to withdraw or diminish a showing of interest.

AMENDATORY SECTION (Amending WSR 96-07-105, filed 3/20/96, effective 4/20/96)

WAC 391-25-220 Investigation conferences. (1) The agency routinely conducts conferences with the parties, to investigate a representation petition according to a checklist provided to the parties.

(a) The issues 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 investigation conference.

(2) The stipulations 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))~~ as required by WAC 391-08-120 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 96-07-105, filed 3/20/96, effective 4/20/96)

WAC 391-25-230 Election agreements. Where an employer and all other parties agree on a representation election, they may ~~((file))~~ enter into an election agreement ~~((with the executive director))~~.

(1) An election agreement shall contain:

~~((1))~~ (a) The name and address of the employer and the name, address and telephone number of its principal representative((-));

~~((2))~~ (b) 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))~~ (c) A description of the bargaining unit agreed to be appropriate, specifying inclusions and exclusions, and the number of employees in that unit((-);

~~((4))~~ (d) A statement by the parties that ~~((1-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))~~ (e) 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 proceed to conduct an election and certify the results((-);

~~((6))~~ (f) 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 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))~~ (g) The suggestions of the parties as to the arrangements for conducting the election((-); and

~~((8))~~ (h) The signatures and, if any, the titles of all parties or their representatives.

(2) The original and one copy of the election agreement shall be filed ~~((with the agency at its))~~ at the commission's Olympia office as required by WAC 391-08-120(1), 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.

(3) 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.

(4) 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 96-07-105, filed 3/20/96, effective 4/20/96)

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))~~ **enter into** a cross-check agreement ~~((with the executive director)).~~

(1) A cross-check agreement shall contain:

~~((1))~~ (a) The name and address of the employer and the name, address and telephone number of its principal representative(-);

~~((2))~~ (b) The name and address of the organization and the name, address and telephone number of its principal representative(-);

~~((3))~~ (c) A description of the bargaining unit agreed to be appropriate, specifying inclusions and exclusions, and the number of employees in that unit(-);

~~((4))~~ (d) 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))~~ (e) A list, attached to the cross-check agreement as an appendix, containing the names of the employees in the bargaining unit(-);

~~((6))~~ (f) The suggestions of the parties as to the arrangements for conducting the cross-check(-);

~~((7))~~ (g) The agreement of the parties to be bound by the results of the cross-check(-); **and**

~~((8))~~ (h) The signatures and, if any, the titles of the representatives of the parties.

(2) The original and one copy of the cross-check agreement shall be filed ~~((with the agency at its))~~ **at the commission's Olympia office as required by WAC 391-08-120(1)**, 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.

(3) 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 391-25-270 Supplemental agreements. Where the parties are able to agree generally on the matters to be set

forth in an election agreement under WAC 391-25-230 or a cross-check agreement under WAC 391-25-250, but are unable to agree on limited issues concerning the definition of the bargaining unit or employee eligibility, they may expedite the determination of the question concerning representation while reserving their disagreement for subsequent determination by ~~((filing))~~ **entering into** a supplemental agreement under this rule together with an agreement under WAC 391-25-230 or 391-25-250. ~~((Such))~~

(1) A supplemental agreement shall contain:

~~((1))~~ (a) The names of all parties to the election agreement or cross-check agreement and the case number of the proceedings(-);

~~((2))~~ (b) Identification of the employees or classifications as to which a dispute exists, together with the identification of the position taken by each party on the dispute(-);

~~((3))~~ (c) A statement by all parties requesting that employees affected by the supplemental agreement be permitted to vote by challenged ballot or be challenged for purposes of a cross-check, subject to a subsequent determination of the dispute; and that the certification of the results of the election or cross-check not be withheld pending the determination of the dispute unless the challenges are sufficient in number to affect the outcome(-); **and**

~~((4))~~ (d) The signatures and, if any, the titles, of the representatives of the parties.

(2) The original and one copy of the supplemental agreement shall be filed ~~((with the agency))~~ **at the commission's Olympia office as required by WAC 391-08-120(1)**, together with the agreement filed under WAC 391-25-230 or 391-25-250, and **copies** shall be posted with such agreement.

(3) Upon the filing of a supplemental agreement, the executive director shall proceed with the determination of the question concerning representation. If the challenges are sufficient in number to affect the outcome, they shall be determined prior to the issuance of a certification. Otherwise, ~~((a conditional))~~ **an interim** certification shall be issued which shall be amended upon final disposition of the issues framed in the supplemental agreement.

AMENDATORY SECTION (Amending WSR 96-07-105, filed 3/20/96, effective 4/20/96)

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 **as**

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required by WAC 391-08-120(1), and shall serve copies on all other parties to the proceeding as required by WAC 391-08-120 (3) and (4).

AMENDATORY SECTION (Amending WSR 96-07-105, filed 3/20/96, effective 4/20/96)

WAC 391-25-370 Blocking charges—Suspension of proceedings—Request to proceed. (1) ~~((Where)) The executive director may suspend the processing of a representation ((proceedings have been commenced)) petition under this chapter ((and)) pending the outcome of related unfair labor practice proceedings, where:~~

(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 ~~and serve as required by WAC 391-08-120 a written request to proceed ((; in writing;)) with the executive director. ((Such)) The request to proceed shall ((identify, by)) specify the case number ((;)) of the representation ((proceedings for which it is made)) proceeding, shall request that ((those)) the representation ((proceedings be continued)) petition be processed notwithstanding the pending unfair labor practice case, and shall ~~((acknowledge that the commission will not entertain)) waive the right to file objections under WAC 391-25-590 (1)(a)~~ based on conduct alleged in the unfair labor practice case. Upon the filing of a request to proceed ~~((conforming to the foregoing requirements)) under this subsection~~, 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 issuance of a 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 391-25-390 Proceedings before the executive director. (1) The executive director may proceed forthwith upon the record, after submission of briefs or after hearing, as may be appropriate.

(a) The executive director shall determine whether a question concerning representation exists, and shall issue a direction of election, dismiss the petition or make other disposition of the matter.

(b) Unless otherwise provided in a direction of election, the cut-off date for eligibility to vote in an election shall be the date of issuance of the direction of election.

(2) Where the executive director determines that employee eligibility issues exist, the executive director may delegate authority to the hearing officer to decide those

issues. ~~((Such actions shall be subject to review by the commission only as follows:~~

(1) Except for rulings as to whether the employer is subject to the jurisdiction of the commission, a direction of election and any accompanying rulings shall not be subject to review by the commission except upon objections timely filed under WAC 391-25-590.

(2) An order of dismissal 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. Briefs or written arguments shall be submitted as provided in WAC 391-25-650. Unless the matter is transferred to the commission for review, an order of dismissal issued by the executive director shall have the same force and effect as if issued by the commission.)

(3) A direction of election and other rulings in the proceedings up to the issuance of a tally are interim orders, and may only be appealed to the commission by objections under WAC 391-25-590 after the election. An exception is made for rulings on whether the employer or employees are subject to the jurisdiction of the commission, which may be appealed under WAC 391-25-660.

(4) Unless appealed to the commission under WAC 391-25-660, an order issued under this section shall be the final order of the agency, with the same force and effect as if issued by the commission.

AMENDATORY SECTION (Amending WSR 96-07-105, filed 3/20/96, effective 4/20/96)

WAC 391-25-391 Special provision—Public employees. (1) 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 the organization has been authorized by in excess of seventy percent of the employees to act as their representative for the purposes of collective bargaining, 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;))~~

(2) A direction of cross-check and other rulings in the proceedings up to the issuance of a tally are interim orders, and may only be appealed to the commission by objections under WAC 391-25-590 after the cross-check. An exception is made for rulings on whether the employer or employees are subject to the jurisdiction of the commission, which may be appealed under WAC 391-25-660.

AMENDATORY SECTION (Amending WSR 96-07-105, filed 3/20/96, effective 4/20/96)

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)) furnish~~ to the agency original or legible copies of individual cards or letters signed and dated by employees in the bargaining unit ~~((not more than)) within~~ ninety days prior to the filing of the petition and indicating that the employees authorize the named organization to represent them for the

purposes of collective bargaining, or shall ~~((submit))~~ furnish 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))~~ furnished to 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 and serve, as required by WAC 391-08-120, a request that the question concerning representation be determined by a representation election ~~((and))~~. Any such requests shall be honored.

~~(5)~~ 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))~~ (6) All cross-checks shall be by actual comparison of records ~~((submitted))~~ furnished 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 391-25-450 Disclaimers. An organization may ~~((file a disclaimer))~~ disclaim a bargaining unit and have its name removed from the ballot ~~((Provided, however, That if such))~~ by written notice filed and served as required by WAC 391-08-120. If a disclaimer is filed after the issuance of a notice of election, the organization filing the disclaimer shall not seek to be certified in that bargaining unit for a period of at least one year thereafter.

AMENDATORY SECTION (Amending WSR 96-07-105, filed 3/20/96, effective 4/20/96)

WAC 391-25-590 Filing and service of objections to improper conduct and interim orders. ~~((Objections must be filed within))~~ The due date for objections is seven days after the tally has been served under WAC 391-25-410 or under WAC 391-25-550, regardless of whether challenged ballots are sufficient in number to affect the results of the election. The time period for objections cannot be extended.

(1) Objections ~~((filed))~~ by the petitioner, the employer or any intervenor ~~((may consist of))~~ shall set forth, in separate numbered paragraphs:

(a) ~~((Designation of))~~ The specific conduct which the party filing the objection claims has improperly ~~((affecting))~~ affected the results of the election; and/or

(b) ~~((Designation of one or more previous))~~ The direction of election, direction of cross-check or other interim rulings ~~((or directions in the matter))~~ which the objecting party desires to ~~((have reviewed by))~~ appeal to 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))~~ at the commission's Olympia office as required by WAC 391-08-120(1), 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))~~ as required by WAC 391-08-120 (3) and (4).

AMENDATORY SECTION (Amending WSR 90-06-072, filed 3/7/90, effective 4/7/90)

WAC 391-25-630 Procedure where conduct objections are filed. ~~((+))~~ Objections to) Where objections allege improper conduct ~~((improperly affecting the results of an election shall be referred to the executive director for investigation-))~~ under WAC 391-25-590 (1)(a) or (2), other parties may be requested to respond to the objections within a period of time established by the agency. The period shall be seven days or more.

(1) If the objections and any responses indicate there is no genuine issue as to any material fact and that one of the parties is entitled to a judgment as a matter of law, the commission may issue a summary judgment in the matter.

(2) If the objections and any responses 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.

(a) Hearings on objections to conduct affecting the results of an election may be consolidated with hearings on challenged ballots in the same proceeding.

(b) The rules relating to ~~((the conduct of))~~ hearings on petitions shall govern hearings on objections, except that the scope of the hearing shall be limited to matters relevant to the disposition of the objections.

~~((2))~~ Objections to prior rulings and/or directions in the matter shall be referred directly to the commission. (3) The objections, any responses, and the record made at any hearing on the objections shall be referred to the commission.

AMENDATORY SECTION (Amending WSR 90-06-072, filed 3/7/90, effective 4/7/90)

WAC 391-25-650 Briefs and written arguments on objections. ~~((All parties shall be entitled to submit briefs or written arguments for consideration by the commission. The briefs or written arguments of all parties shall be due simultaneously, as follows:~~

~~(1) The deadline for the filing of briefs or written arguments shall be fourteen days)) (1) The due date for any brief which the party filing an objection desires to have considered by the commission is fourteen days following the later of:~~

~~(a) ((The close of an investigation under WAC 391-25-630(+);~~

~~(b)) The issuance of a transcript of a hearing held under WAC 391-25-630((+)) (2); or~~

~~((e)) (b) The filing of objections under WAC 391-25-590((2)) (1)(b).~~

~~((2) 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 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 on each of the other parties. 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.)) The original and three copies of the brief shall be filed at the commission's Olympia office as required by WAC 391-08-120(1), and copies shall be served on all other parties as required by WAC 391-08-120 (3) and (4).~~

~~(2) The due date for any responsive brief which other parties desire to have considered by the commission is fourteen days following the date on which that party is served with an appeal brief. The original and three copies of the brief shall be filed at the commission's Olympia office as required by WAC 391-08-120(1), and copies shall be served on all other parties as required by WAC 391-08-120 (3) and (4).~~

~~(3) The executive director or designee may extend the due date for an appeal brief or responsive brief. Such requests shall only be considered if made on or before the date the brief is due, and in compliance with WAC 391-08-180. Extensions of time shall not be routine or automatic.~~

NEW SECTION

WAC 391-25-660 Appeals from orders and jurisdictional rulings. An order issued under WAC 391-25-390 or 391-25-510 and any rulings in the proceedings up to the issuance of the order, as well as rulings that the employer or employees are subject to the jurisdiction of the commission, may be appealed to the commission as follows:

(1) The due date for a notice of appeal shall be twenty days following the date of issuance of the order being appealed. The time for filing a notice of appeal cannot be extended.

(2) Where an order has been appealed, the due date for a notice of cross-appeal by other parties shall be seven days after the last date on which a notice of appeal could be timely. The time for filing a notice of cross-appeal cannot be extended.

(3) A notice of appeal or notice of cross-appeal shall identify, in separate numbered paragraphs, the specific rulings, findings of fact, conclusions of law, or orders claimed to be in error.

(4) The original and three copies of a notice of appeal or notice of cross-appeal shall be filed at the commission's Olympia office as required by WAC 391-08-120(1), and copies shall be served on all other parties as required by WAC 391-08-120 (3) and (4).

(5) The due date for any appeal brief which the party filing an appeal or cross-appeal desires to have considered by the commission shall be fourteen days following the filing of its notice of appeal or notice of cross-appeal. The original and three copies of the brief shall be filed at the commission's Olympia office as required by WAC 391-08-120(1), and copies shall be served on all other parties as required by WAC 391-08-120 (3) and (4).

(6) The due date for any responsive brief which a party desires to have considered by the commission shall be fourteen days following the date on which that party is served with an appeal brief. The original and three copies of the brief shall be filed at the commission's Olympia office as required by WAC 391-08-120(1), and copies shall be served on all other parties as required by WAC 391-08-120 (3) and (4).

(7) The executive director or designee may extend the due date for an appeal brief or responsive brief. Such requests shall only be considered if made on or before the date the brief is due, and in compliance with WAC 391-08-180. Extensions of time shall not be routine or automatic.

AMENDATORY SECTION (Amending WSR 90-06-072, filed 3/7/90, effective 4/7/90)

WAC 391-25-670 Commission action on objections and appeals. ~~((In all cases where objections have been filed))~~ If there are objections under WAC 391-25-590 or an order is appealed under WAC 391-25-660, the entire record in the proceedings shall be transferred to the commission. The commission may request the parties to appear before it to make oral argument as to ~~((certain of the issues))~~ any or all of the issues in the matter. The commission shall determine the objections or appeal and any challenged ballots referred to the commission pursuant to WAC 391-25-510, and shall issue appropriate orders.

AMENDATORY SECTION (Amending WSR 96-07-105, filed 3/20/96, effective 4/20/96)

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 one copy of the petition shall be filed ~~((with the agency at its))~~ at the commission's

Olympia office, as required by WAC 391-08-120(1). 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, as required by WAC 391-08-120 (3) and (4).

AMENDATORY SECTION (Amending WSR 96-07-105, filed 3/20/96, effective 4/20/96)

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))~~ 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 as required by WAC 391-08-120(1), and shall serve copies on all other parties to the proceeding as required by WAC 391-08-120 (3) and (4).

AMENDATORY SECTION (Amending WSR 90-06-073, filed 3/7/90, effective 4/7/90)

WAC 391-35-190 Proceedings before the executive director. (1) The executive director may proceed forthwith upon the record, after submission of briefs or after hearing, as may be appropriate. The executive director shall determine the status of each position, classification or group of employees over which there is a disagreement and issue an order clarifying bargaining unit, dismiss the petition or make other disposition of the matter.

(2) Where the executive director determines that employee eligibility issues exist, the executive director may delegate authority to the hearing officer to decide those issues.

(3) Unless appealed to the commission under WAC 391-35-210, an order issued under this section shall be the final order of the agency, with the same force and effect as if issued by the commission.

AMENDATORY SECTION (Amending WSR 90-06-073, filed 3/7/90, effective 4/7/90)

WAC 391-35-210 ((Proceedings before the commission—Petition for review:)) Appeals. ~~((The final order of the executive director shall be subject to review by))~~ An order issued under WAC 391-35-190 and any rulings in the proceedings up to the issuance of the order may be appealed to the commission ((on its own motion, or at the request of any party made within twenty days after the date of the order. 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 any other parties. 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 filing of the petition for 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 on the other party:)) as follows:

(1) The due date for a notice of appeal shall be twenty days following the date of issuance of the order being appealed. The time for filing a notice of appeal cannot be extended.

(2) Where an order has been appealed, the due date for a notice of cross-appeal by other parties shall be seven days after the last date on which a notice of appeal could be timely. The time for filing a notice of cross-appeal cannot be extended.

(3) A notice of appeal or notice of cross-appeal shall identify, in separate numbered paragraphs, the specific rulings, findings of fact, conclusions of law, or orders claimed to be in error.

(4) The original and three copies of a notice of appeal or notice of cross-appeal shall be filed at the commission's Olympia office as required by WAC 391-08-120(1), and copies shall be served on all other parties as required by WAC 391-08-120 (3) and (4).

(5) The due date for any appeal brief which the party filing an appeal or cross-appeal desires to have considered by the commission shall be fourteen days following the filing of its notice of appeal or notice of cross-appeal. The original and three copies of the brief shall be filed at the commission's Olympia office as required by WAC 391-08-120(1), and copies shall be served on all other parties as required by WAC 391-08-120 (3) and (4).

(6) The due date for any responsive brief which a party desires to have considered by the commission shall be fourteen days following the date on which that party is served with an appeal brief. The original and three copies of the brief shall be filed at the commission's Olympia office as required by WAC 391-08-120(1), and copies shall be served on all other parties as required by WAC 391-08-120 (3) and (4).

(7) ~~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. 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)) may extend the due date for an appeal brief or responsive brief. Such requests shall only be considered if made on or before the date the brief is due, and in compliance with WAC 391-08-180. Extensions of time shall not be routine or automatic.~~

AMENDATORY SECTION (Amending WSR 90-06-073, filed 3/7/90, effective 4/7/90)

WAC 391-35-250 Commission action on appeals. ~~((The executive director shall transfer))~~ If an order is appealed under WAC 391-35-210, the entire record in the proceedings shall be transferred to the commission. The commission may request the parties to appear before it to make oral argument as to any or all of the issues in the matter. The commission shall determine the status of each position, classification or group covered by the ((petition for review)) appeal, and shall issue appropriate orders.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 391-35-230 Filing and service of cross-petition for review.

AMENDATORY SECTION (Amending WSR 96-07-105, filed 3/20/96, effective 4/20/96)

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 one copy shall be filed ~~((with the agency at its))~~ at the commission's Olympia office, as required by WAC 391-08-120(1). The party filing the complaint shall serve a copy on each party named as a respondent, as required by WAC 391-08-120 (3) and (4).

AMENDATORY SECTION (Amending WSR 96-07-105, filed 3/20/96, effective 4/20/96)

WAC 391-45-110 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 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.))~~ Unless appealed to the commission under WAC 391-45-350, an order issued under this subsection shall be the final order of the agency, with the same force and effect as if issued by the commission.

(2) If the complaint is found to state a cause of action for unfair labor practice proceedings before the commission, the executive director shall set a period for the respondent to file its answer, which shall be ~~((not less than))~~ ten days or more following the issuance of the preliminary ruling.

AMENDATORY SECTION (Amending WSR 96-07-105, filed 3/20/96, effective 4/20/96)

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 agency))~~ the original and one copy of its answer to the complaint as required by WAC 391-08-120(1), and shall serve a copy on the complainant, as required by WAC 391-08-120 (3) and (4).

AMENDATORY SECTION (Amending WSR 90-06-074, filed 3/7/90, effective 4/7/90)

WAC 391-45-250 Motion to make complaint more definite and certain. If a complaint is alleged by a respondent to be so indefinite as to hamper the respondent in the preparation of its answer, such respondent may, on or before the date specified for the filing of an answer, ~~((file))~~ make a motion ((requesting)) for an order ((directing)) that the complaint be made more definite and certain. Such motion shall be filed ((with the examiner)) and served ((by the moving party on the complainant and on any other parties)) as required by WAC 391-08-120. The filing of such a motion will extend the ~~((time during which the respondent must file and serve an))~~ due date for the respondent's answer until such date as the executive director or examiner may set. The examiner may require the complainant to file and serve a statement supplying information necessary to make the complaint definite and certain.

AMENDATORY SECTION (Amending WSR 96-07-105, filed 3/20/96, effective 4/20/96)

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 as required by WAC 391-08-120(1), and shall serve copies on all other parties to the proceeding as required by WAC 391-08-120 (3) and (4).

AMENDATORY SECTION (Amending WSR 90-06-074, filed 3/7/90, effective 4/7/90)

WAC 391-45-310 Examiner decision. After the close of the hearing and the filing of all briefs, the examiner shall ~~((make a decision))~~ issue an order containing findings of fact(;) and conclusions of law ((and order)). ~~((The examiner shall file the original decision with the commission and shall cause a copy thereof to be served on each of the parties.))~~ Unless appealed to the commission under WAC 391-45-350, an order issued under this section shall be the final order of the agency, with the same force and effect as if issued by the commission.

AMENDATORY SECTION (Amending WSR 96-07-105, filed 3/20/96, effective 4/20/96)

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 ten days following the issuance thereof, if any mistake is discovered therein: *Provided, however,* That this section shall be inoperative after the filing of ~~((a petition for review with))~~ an appeal to the commission.

AMENDATORY SECTION (Amending WSR 90-06-074, filed 3/7/90, effective 4/7/90)

WAC 391-45-350 ((Petition for review of examiner decision-)) Appeals. ~~((The examiner's findings of fact, conclusions of law and))~~ An order ((shall be subject to review by)) issued under WAC 391-45-110(1) or 391-45-310 and any rulings in the proceedings up to the issuance of the order may be appealed to 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 each of the other parties to the proceeding. Such petition for review shall contain, in separate numbered paragraphs, statements of the specific findings, conclusions, orders or rulings on which the party filing the petition seeks review by the commission. A petition for review shall have attached to it any appeal brief or written argument which the party filing the petition for review desires to have considered by the commission. Other parties to the proceeding shall have fourteen days following the date on which they are served with a copy of such petition for review and accompanying brief or written argument to file a responsive brief or written argument-)) as follows:

(1) The due date for a notice of appeal shall be twenty days following the date of issuance of the order being appealed. The time for filing a notice of appeal cannot be extended.

(2) Where an order has been appealed, the due date for a notice of cross-appeal by other parties shall be seven days after the last date on which a notice of appeal could be timely. The time for filing a notice of cross-appeal cannot be extended.

(3) A notice of appeal or notice of cross-appeal shall identify, in separate numbered paragraphs, the specific rulings, findings of fact, conclusions of law, or orders claimed to be in error.

(4) The original and three copies of a notice of appeal or notice of cross-appeal shall be filed at the commission's Olympia office as required by WAC 391-08-120(1), and copies shall be served on all other parties as required by WAC 391-08-120(3) and (4).

(5) The due date for any appeal brief which the party filing an appeal or cross-appeal desires to have considered by the commission shall be fourteen days following the filing of its notice of appeal or notice of cross-appeal. The original and three copies of the brief shall be filed at the commission's

Olympia office as required by WAC 391-08-120(1), and copies shall be served on all other parties as required by WAC 391-08-120(3) and (4).

(6) The due date for any responsive brief which a party desires to have considered by the commission shall be fourteen days following the date on which that party is served with an appeal brief. The original and three copies of the brief shall be filed at the commission's Olympia office as required by WAC 391-08-120(1), and copies shall be served on all other parties as required by WAC 391-08-120(3) and (4).

(7) The ((commission, the)) executive director or ((his)) designee may((, for good cause, grant any party an extension of the time for filing of its brief or written argument. 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)) extend the due date for an appeal brief or responsive brief. Such requests shall only be considered if made on or before the date the brief is due, and in compliance with WAC 391-08-180. Extensions of time shall not be routine or automatic.

AMENDATORY SECTION (Amending WSR 90-06-074, filed 3/7/90, effective 4/7/90)

WAC 391-45-390 Commission action on appeals. ~~((On its own motion, or on the filing of a petition for review,))~~ If an order is appealed under WAC 391-45-350, the entire record in the proceedings shall be transferred to the commission((, and thereafter all motions and arguments shall be directed to the commission)). The commission may request the parties to appear before it to make oral ((arguments as to certain of the issues)) argument as to any or all of the issues in the matter. The commission shall, on the basis of the record and any briefs or arguments submitted to it ((on review)), determine the ((matter)) appeal, and shall issue appropriate orders.

AMENDATORY SECTION (Amending WSR 90-06-074, filed 3/7/90, effective 4/7/90)

WAC 391-45-430 Motion for temporary relief. In addition to the remedies available under WAC 391-45-410, any complainant in an unfair labor practice proceeding may ~~((file))~~ make a motion requesting that the commission seek appropriate temporary relief through the superior court, and all such motions shall be processed as provided in this section.

(1) When the ((complainant shall, at the time its)) complaint is filed, or as soon thereafter as facts giving rise to the request for temporary relief become known, ((provide)) the complainant shall file written notice ((to the executive direc-

ter)) of its intent to make a motion for temporary relief with the executive director as required by WAC 391-08-120(1), and shall ~~((at the same time,))~~ serve a copy of such notice on each of the other parties to the proceedings as required by WAC 391-08-120 (3) and (4).

(2) Upon the filing of a notice of intent to make a motion for temporary relief, the executive director shall expedite the processing of the matter under WAC 391-45-110.

(3) After ~~((the))~~ a determination ~~((of))~~ by the executive director that the complaint states a cause of action, ~~((any))~~ the complainant ~~((desiring temporary relief))~~ may file ~~((with the executive director))~~ and serve, as required by WAC 391-08-120, a motion for temporary relief together with affidavits as to the risk of irreparable harm and the adequacy of legal remedies ~~((and shall serve a copy of such motion and affidavits on all other parties to the proceedings. The))~~.

(4) If there is a motion for temporary relief, the due date for counter-affidavits from other parties ((shall have)) is seven ((calendar)) days ((thereafter to file and serve counter-affidavits:

(4)) following the date on which that party is served with a motion for temporary relief. The counter-affidavits shall be filed and served as required by WAC 391-08-120.

(5) The executive director shall forward all such motions and affidavits to the commission, which shall determine whether an injunction pendente lite should be sought. In making such determination, the commission shall adhere to the following policy:

"The name and authority of the public employment relations commission shall not be invoked in connection with a request for temporary relief prior to the completion of administrative proceedings under WAC 391-45-010, et seq., unless it appears that one or more of the allegations in the complaint of unfair labor practices is of such a nature that, if sustained, the complainant would have no fair or adequate remedy and the complainant would suffer irreparable harm unless the status quo be preserved pending the completion of administrative proceedings."

(a) If the commission concludes that temporary relief should be sought, the executive director, acting in the name and on behalf of the commission and with the assistance of the attorney general, shall petition the superior court of the county in which the main office of the employer is located or wherein the person who is alleged to be engaging in unfair labor practices resides or transacts business for an injunction pendente lite.

(b) Whenever temporary relief has been procured, the complaint which has been the basis for such temporary relief shall be heard expeditiously and the case shall be given priority over all other cases except cases of like character.

(c) ~~((If))~~ A determination by the commission ((concludes)) that temporary relief should not be sought ((prior to the conclusion of administrative proceedings in the matter, such determination)) at a particular time shall not bar renewal of the ((request)) motion for temporary relief following the completion of administrative proceedings in which unfair labor practice violations have been found to exist.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 391-45-370

Filing and service of cross-petition for review.

AMENDATORY SECTION (Amending WSR 96-07-105, filed 3/20/96, effective 4/20/96)

WAC 391-55-245 Interest arbitration—Award. The rulings and 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 rulings and determinations shall not be subject to ~~((review by))~~ appeal to the commission, but the neutral chairman shall ~~((file))~~ submit a copy of the award ~~((with))~~ to the executive director.

AMENDATORY SECTION (Amending WSR 96-07-105, filed 3/20/96, effective 4/20/96)

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))~~ appeal to the commission, but the fact finder shall ~~((file))~~ submit a copy of his or her written recommendations ~~((with))~~ to 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.

AMENDATORY SECTION (Amending WSR 90-06-075, filed 3/7/90, effective 4/7/90)

WAC 391-95-070 Union security—((Filing of dispute with)) Disputes resolved by commission. In the event of a disagreement between an employee and his or her exclusive bargaining representative as to the eligibility of such employee to make alternative payments or as to the organization which is to receive such payments, either the employee or the exclusive bargaining representative may ~~((file with))~~ obtain a ruling from the commission ((a petition for a declaratory ruling)) on the union security obligations of the ~~((affected))~~ employee.

AMENDATORY SECTION (Amending WSR 96-07-105, filed 3/20/96, effective 4/20/96)

WAC 391-95-090 Union security—Petition form—Number of copies—Filing—Service. Each petition for ~~((declaratory))~~ a ruling on union security obligations shall be prepared in conformance with WAC 391-95-110. The original and one copy of the petition shall be filed ~~((with the commission at its))~~ at the commission's Olympia office as required by WAC 391-08-120(1), and the party filing the petition shall serve a copy on the other party to the dispute

and on the employer as required by WAC 391-08-120(3) and (4).

AMENDATORY SECTION (Amending WSR 90-06-075, filed 3/7/90, effective 4/7/90)

WAC 391-95-150 Union security—Initial processing by executive director. ~~The ((matter shall be referred to the)) executive director ((who)) shall determine whether the facts as alleged may constitute a basis for assertion of a right of nonassociation within the meaning of the applicable statute.~~

~~(1) If it is determined that the claim does not, as a matter of law, constitute a basis for assertion of a right of nonassociation, 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. Unless appealed to the commission under WAC 391-95-270, an order issued under this subsection shall be the final order of the agency, with the same force and effect as if issued by the commission.~~

~~(2) If the petition is found to state a claim for nonassociation proceedings before the commission, the executive director 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 391-95-270:))~~

AMENDATORY SECTION (Amending WSR 96-07-105, filed 3/20/96, effective 4/20/96)

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)) shall 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)) shall 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 as required by WAC 391-08-120(1), and shall serve copies on all other parties to the proceeding as required by WAC 391-08-120(3) and (4).

AMENDATORY SECTION (Amending WSR 90-06-075, filed 3/7/90, effective 4/7/90)

WAC 391-95-250 Examiner decision. After the close of the hearing and the filing of all briefs, the examiner shall ~~((make a decision)) issue an order containing findings of fact((-) and conclusions of law((- and order. The examiner shall file the original decision with the commission and shall cause a copy thereof to be served on each of the parties)).~~ Unless appealed to the commission under WAC 391-95-270, an order issued under this section shall be the final order of the agency, with the same force and effect as if issued by the commission.

AMENDATORY SECTION (Amending WSR 96-07-105, filed 3/20/96, effective 4/20/96)

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 ten days following the issuance thereof, if any mistake is discovered therein: *Provided, however,* That this section shall be inoperative after the filing of ~~((a petition for review with)) an appeal to the commission.~~

AMENDATORY SECTION (Amending WSR 96-07-105, filed 3/20/96, effective 4/20/96)

WAC 391-95-270 ((Proceedings before the commission—Petition for review:)) Appeals. ~~((The final order of the examiner shall be subject to review by)) An order issued under WAC 391-95-150(1) or 391-95-250 and any rulings in the proceedings up to the issuance of the order, may be appealed to 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:)) as follows:~~

~~(1) The due date for a notice of appeal shall be twenty days following the date of issuance of the order being appealed. The time for filing a notice of appeal cannot be extended.~~

~~(2) Where an order has been appealed, the due date for a notice of cross-appeal by other parties shall be seven days~~

after the last date on which a notice of appeal could be timely. The time for filing a notice of cross-appeal cannot be extended.

(3) A notice of appeal or notice of cross-appeal shall identify, in separate numbered paragraphs, the specific rulings, findings of fact, conclusions of law, or orders claimed to be in error.

(4) The original and three copies of a notice of appeal or notice of cross-appeal shall be filed at the commission's Olympia office as required by WAC 391-08-120(1), and copies shall be served on all other parties as required by WAC 391-08-120 (3) and (4).

(5) The due date for any appeal brief which the party filing an appeal or cross-appeal desires to have considered by the commission shall be fourteen days following the filing of its notice of appeal or notice of cross-appeal. The original and three copies of the brief shall be filed at the commission's Olympia office as required by WAC 391-08-120(1), and copies shall be served on all other parties as required by WAC 391-08-120 (3) and (4).

(6) The due date for any responsive brief which a party desires to have considered by the commission shall be fourteen days following the date on which that party is served with an appeal brief. The original and three copies of the brief shall be filed at the commission's Olympia office as required by WAC 391-08-120(1), and copies shall be served on all other parties as required by WAC 391-08-120 (3) and (4).

(7) 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)) extend the due date for an appeal brief or responsive brief. Such requests shall only be considered if made on or before the date the brief is due, and in compliance with WAC 391-08-180. Extensions of time shall not be routine or automatic.

AMENDATORY SECTION (Amending WSR 90-06-075, filed 3/7/90, effective 4/7/90)

WAC 391-95-290 Commission action on appeals. ~~((The executive director shall transfer))~~ If an order is appealed under WAC 391-95-270, the entire record in the proceedings shall be transferred to the commission. The commission may request the parties to appear before it to make oral argument as to any or all of the issues in the matter. The

commission shall, on the basis of the record and any briefs or arguments submitted to it, determine the ((matter)) appeal, and shall issue appropriate orders.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 391-95-280 Filing and service of cross-petition for review.

**WSR 98-14-123
PERMANENT RULES
DEPARTMENT OF HEALTH**
[Filed July 1, 1998, 10:30 a.m.]

Date of Adoption: June 24, 1998.

Purpose: Repeal of dental hygiene exam procedural rules which are obsolete because the state practical and written exams were replaced by a national exam.

Citation of Existing Rules Affected by this Order: Repealing WAC 246-815-060, 246-815-070, 246-815-080, and 246-815-090.

Statutory Authority for Adoption: RCW 18.29.150.

Other Authority: RCW 18.29.120.

Adopted under preproposal statement of inquiry filed as WSR 98-07-087 on March 17, 1998.

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 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 4.

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 4.

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

Patty Hayes
for Kristine Van Gorkom
Deputy Secretary

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 246-815-060 Dismissal from examination.
WAC 246-815-070 Examination results.

PERMANENT

WAC 246-815-080

Written examination review
procedures.

WAC 246-815-090

Practical examination review
procedures.

PERMANENT



WSR 98-14-002
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 98-101—Filed June 18, 1998, 12:07 p.m., effective June 29, 1998,
6:00 a.m.]

Date of Adoption: June 15, 1998.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-52-071 and 220-69-240.

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: Harvestable amounts of sea cucumbers are available in all districts and areas listed. San Juan Channel and southwestern Haro Strait are closed consistent with state/tribal agreement. Titlow Beach Marine Preserve and Sund Rock Marine Preserve are closed to preserve the character of the marine preserves. Tatoosh Island closure is consistent with tribal agreements. Eagle Harbor and Sinclair Inlet are closed for health-related reasons. Daily reports of landings are needed to prevent overharvest of allocations in each management region; fish receiving tickets are not received and processed in a manner that permits timely closure of regions. There is insufficient time to promulgate permanent rules.

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 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: June 29, 1998, 6:00 a.m.

June 15, 1998

Larry Peck
for Bern Shanks
Director

NEW SECTION

WAC 220-52-07100F Sea cucumbers Notwithstanding the provisions of WAC 220-52-071, effective 6:00 a.m. June 29, 1998 until further notice, it is unlawful for non-treaty sea cucumber harvesters to take or possess sea cucum-

bers taken for commercial purposes except as provided for in this section:

(1) Sea cucumber harvest using shellfish diver gear is allowed in Sea Cucumber District 1 (Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, 21A, 21B, 22A, 22B, and 23B), Sea Cucumber District 2 (Marine Fish-Shellfish Management and Catch Reporting Areas 23A, 23C, 23D, 25A, 25B, 25C, 25D, 25E, and 29), and Marine Fish-Shellfish Management and Catch Reporting Areas 24A, 24B, 24C, 24D, 26A, 26B, 26C, 26D, 27A, 27B, 27C, 28A, 28B, 28C, and 28D Monday, Tuesday, and Wednesday of each week from 6:00 a.m. to one-half hour before official sunset of each day, except for closures as provided for in this section.

(2) The following areas are closed to the harvest of sea cucumbers at all times:

(a) Those waters of Haro Strait north of a line projected east-west one-half mile south of Eagle Point on San Juan Island and south of a line projected east-west one-quarter mile north of Lime Kiln Light on San Juan Island.

(b) Those waters of San Juan Channel and Upright Channel within the following lines: north of a line from Cattle Point on San Juan Island to Davis Point on Lopez Island, south of a line projected from Flat Point on Lopez Island true west to Shaw Island, west of a line from Neck Point on Shaw Island to Steep Point on Orcas Island, and south of a line from Steep Point on Orcas Island to Limestone Point on San Juan Island.

(c) Titlow Beach Marine Preserve - All waters due west from the southern end of the Tacoma Outboard Association building near the boat launch ramp to the outer harbor line, then south following the outer harbor line to a line due west from the old ferry landing dock at the 6th Ave. extension then following the line to the high water line then to the point of origin.

(d) Tatoosh Island - Those waters within one-quarter mile of Tatoosh Island.

(e) Sund Rock Marine Preserve - Waters within 100 yards of the salmon net pens near Sund Rock in Hood Canal.

(f) Edmonds Underwater Park - Those tidelands and waters bounded by the mean high tide line then along the projected line of Main St. west to the outer harbor line, then 250 feet north following the outer harbor line, then back to shore, then to the point of origin.

(g) The waters of Eagle Harbor west of a line projected from Wing Point to Eagle Harbor Creosote Light Number 1 then due west to the shore on Bainbridge Island.

(h) The waters of Sinclair Inlet west of a line projected southerly from the easternmost point of Point Turner to landfall below the Veteran's Home in Annapolis.

(3) It is unlawful to dive for any purpose from a commercially-licensed fishing vessel, except vessels actively fishing geoducks under contract with the Washington Department of Natural Resources, on June 27 and 28, 1998.

NEW SECTION

WAC 220-69-24000I Duties of commercial purchasers and receivers Notwithstanding the provisions of WAC 220-69-240, effective immediately until further notice:

(1) It is unlawful for any wholesale dealer purchasing sea cucumbers from non-treaty sea cucumber fishers to fail to report to the Department each day's purchase by 10:00 a.m. the following day. The report must specify the number of pounds taken by Marine Fish-Shellfish Management and Catch Reporting Area. Either of the following two methods of reporting is acceptable.

(a) By facsimile (FAX) transmission to (360) 796-4997, or

(b) By telephone call to (360) 796-4601, extension 500.

(2) All fish receiving ticket reporting requirements of WAC 220-69-240 remain in effect.

WSR 98-14-007
EMERGENCY RULES
HIGHER EDUCATION
COORDINATING BOARD

[Filed June 19, 1998, 9:12 a.m.]

Purpose: These rules relate to the distribution of state matching grants for the graduate fellowship program.

Citation of Existing Rules Affected by this Order: Repealing WAC 250-73-030; and amending WAC 250-73-015, 250-73-020, 250-73-025, 250-73-035, 250-73-040, and 250-73-045.

Statutory Authority for Adoption: RCW 28B.10.883

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: Legislation in 1998 (SSB 6727) provided a new source of appropriated funds for the graduate fellowship trust fund. This bill was signed by the governor and is effective June 11, 1998. The public four-year higher education institutions have requested a revised distribution system for the available funds. Therefore, emergency adoption of these revised WACs is requested.

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 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 6, Repealed 1.

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: Immediately.

June 19, 1998
Patricia Mosqueda
Policy Associate

AMENDATORY SECTION (Amending WSR 90-16-029, filed 7/23/90, effective 8/23/90)

WAC 250-73-015 Definitions. (1) "Board" means the higher education coordinating board.

(2) "Institution" means a public four-year college or university within the state of Washington.

(3) "Graduate fellowship program" means the program established by the legislature as provided by RCW 28B.10.880 through 28B.10.887.

(4) "Trust fund" means the graduate fellowship trust fund established by the legislature as provided by RCW 28B.10.882.

(5) "Private donation" means funds made specifically to the graduate fellowship program from nonpublic fund sources.

(6) "Pledge" means an agreement between an institution and a private donor(s) establishing terms for a private donation to be made within a period of ((time)) two years as provided by RCW 28B.10.884.

(7) "Allocate" means to assign a share of the available fellowships to specific institutions until a date certain.

(8) "Designate" means to set aside or reserve trust funds as a potential match to a pledged private donation upon notification to the board.

(9) "Release funds" means the transfer of trust funds to an institution after notification to the board that the full amount of a pledged and designated private donation has been received.

AMENDATORY SECTION (Amending WSR 90-16-029, filed 7/23/90, effective 8/23/90)

WAC 250-73-020 Allocation system. ~~(((1) Until July 1, 1991, the board shall allocate trust funds consistent with the allocation system as provided in chapter 16, Laws of 1990 1st ex. sess.~~

~~(2) The board shall allocate available trust funds according to WAC 250-73-025 when no legislative directive provides for the allocation of available trust funds.~~

~~(3) The six fellowships allocated under chapter 16, Laws of 1990 1st ex. sess. to be divided equally among Central Washington University, Eastern Washington University, Western Washington University and The Evergreen State College shall be allocated as follows:~~

~~(a) One fellowship will be reserved for each of the four institutions until June 30, 1991.~~

~~(b) Two fellowships will be made available on a first come, first served basis to any of the four institutions that has fully funded the reserved fellowship allocated to it. No institution shall be eligible for more than one of the fellowships allocated in this subsection.~~

~~(c) First come, first served shall be determined by the date and time of receipt of notification of a pledge at the~~

office of the board. The board shall accept receipt of written notification no sooner than 8:00 a.m. on August 24, 1990. If the board receives written notification from more than two institutions at 8 a.m. on August 24, 1990, then the designation shall be made by drawing. The board shall notify the affected institutions of the date and time of the drawing which shall be conducted openly at the office of the board.

(4) After June 30, 1991, any funds allocated under chapter 16, Laws of 1990 1st ex. sess., that have not been designated shall be available for the board to allocate under WAC 250-73-025 unless otherwise directed by the legislature.)) (1) The board shall allocate available trust funds among institutions according to WAC 250-73-025 when no legislative directive provides for the allocation of available trust funds.

(2) Any funds balance in the trust account on June 11, 1998, and not designated to a particular institution, will be distributed according to provisions of WAC 250-73-025 as revised.

(3) Trust funds must be distributed in increments of \$25,000 for the state matching grant portion for each graduate fellowship. Therefore, individual subaccount balances for each institution will be maintained in the trust fund when the amount allocated for each institution is not sufficient to provide for a full fellowship.

AMENDATORY SECTION (Amending WSR 90-16-029, filed 7/23/90, effective 8/23/90)

WAC 250-73-025 Allocation system effective ((July 1, 1991)) June 11, 1998. ((The board shall notify all institutions by July 1, 1991, of the availability of matching funds under WAC 250-73-020, 250-73-030, and 250-73-040 and of the total number of fellowships available. The board shall allocate the available fellowships as follows:

(1) University of Washington - the first, fourth, and sixth available fellowships:

(2) Washington State University - the second and fifth available fellowships:

(3) Central Washington University, Eastern Washington University, The Evergreen State College, and Western Washington University - the third available fellowship:

(a) Fellowships available under this section shall be designated on a first come first served basis to any of the four institutions that has fully funded the designated fellowships already allocated:

(b) First come, first served shall be determined by the date and time of receipt of written notification of a pledge at the office of the board. The board shall accept receipt of written notification no sooner than 8:00 a.m. on July 1, 1991. If the board receives written notification from more than one institution on the same date and time, then the designation shall be made by drawing. The board shall notify the affected institutions of the date and time of the drawing which shall be conducted openly at the office of the board.

(4) At the beginning of each fiscal year, the board shall reallocate available matching funds continuing the numerical sequence initiated July 1, 1991.

(5) An institution shall not be eligible for funds from reallocation if it has forfeited allocated or designated funds in the preceding fiscal year.)) At the time funds become avail-

able, the board shall notify all institutions of the amount of funding and the number of graduate fellowships available to each institution or group of institutions. The board shall allocate available funding for graduate fellowships as follows:

(1) University of Washington - Forty-seven percent of total available funds (stipulating the number of fellowships which can be fully funded).

(2) Washington State University - Thirty-two percent of total available funds (stipulating the number of fellowships which can be fully funded).

(3) Central Washington University, Eastern Washington University, The Evergreen State College, and Western Washington University - Twenty-one percent of total available funds (stipulating the number of fellowships which can be fully funded).

Graduate fellowships available under this subsection (3) shall be allocated to individual institutions according to an agreement to be prepared by the four institutions and submitted each year to the higher education coordinating board, prior to allocation of funds by the board.

AMENDATORY SECTION (Amending WSR 90-16-029, filed 7/23/90, effective 8/23/90)

WAC 250-73-035 Designation ((of trust)) to an institution of allocated funds. ((1) An institution shall make written notification of a pledge to the board which shall include a copy of the agreement entered into with the private donor(s) concerning the terms of the donation:

(2) The board may designate twenty-five thousand dollars from available trust funds for an institution's pledged fellowship when the institution provides notification according to subsection (1) that a private donation of twenty-five thousand dollars has been pledged for a graduate fellowship:

(3) The board shall designate trust funds consistent with the allocation system as provided in WAC 250-73-025.

(4) If a pledged private donation is not received within two years from the date of designation, the board shall make the designated funds available for another pledged fellowship.)) (1) Within one year of notification by the board that an institution has been allocated one or more graduate fellowships, the institution shall:

(a) Make written notification to the board that pledge(s) for private donation(s) have been secured; and

(b) Provide a copy to the board of the agreement(s)/pledge(s) entered into with the private donor(s) concerning terms of the donation(s).

(2) Upon notification pursuant to subsection (1) of this section, the board shall designate funds for that institution. Funds will be designated for a period of up to two years.

AMENDATORY SECTION (Amending WSR 90-16-029, filed 7/23/90, effective 8/23/90)

WAC 250-73-040 Reallocation of previously allocated or designated funds. (1) The board shall reallocate previously ((designated)) allocated funds when((:

(a)) an institution has not ((received a full private donation for designated matching trust funds within the required period of time under WAC 250-73-035.

~~(2) The board shall reallocate any previously designated matching trust fund available under this section by July 1 of each year)) secured a pledge within one year of notification that funds were available to that institution.~~

~~(2) The board shall reallocate previously designated funds when an institution has not received the full amount in private donations within two years from the time that state matching funds have been designated for that institution (based on a pledge for private funding).~~

~~(3) An institution shall not be eligible for reallocated funds if it has forfeited allocated or designated funds in the preceding twelve-month period.~~

~~(4) The following reallocation guidelines will be utilized by the board:~~

~~(a) If the University of Washington forfeits allocated/designated funds, reallocation will be made to Washington State University;~~

~~(b) If Washington State University forfeits allocated/designated funds, reallocation will be made to the University of Washington;~~

~~(c) If Central Washington University, Eastern Washington University, The Evergreen State College, or Western Washington University forfeits allocated/designated funds, reallocation will be made consistent with the annual distribution agreement developed by these four institutions. If no reallocation provision has been included in the agreement, the board will reallocate to an eligible institution (of the four institutions cited in this subsection). If more than one eligible institution requests a reallocation, the reallocation will be based on a drawing among the eligible institutions requesting participation in the drawing.~~

AMENDATORY SECTION (Amending WSR 90-16-029, filed 7/23/90, effective 8/23/90)

WAC 250-73-045 Release of funds. Upon written notification that the full amount of a pledged and designated private donation has been received, the board shall request a warrant for the release of matching trust funds within five working days.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 250-73-030 Allocation of earnings from investments.

WSR 98-14-008
EMERGENCY RULES
HIGHER EDUCATION
COORDINATING BOARD
[Filed June 19, 1998, 9:13 a.m.]

Purpose: These rules relate to the distribution of state matching grants for the distinguished professorship program.

Citation of Existing Rules Affected by this Order: Repealing WAC 250-72-030; and amending WAC 250-72-015, 250-72-020, 250-72-025, 250-72-035, 250-72-040, and 250-72-045.

Statutory Authority for Adoption: RCW 28B.10.869.

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: Legislation in 1998 (SSB 6727) provided a new source of appropriated funds for the distinguished professorship trust fund. This bill was signed by the governor and is effective June 11, 1998. The public four-year higher education institutions have requested a revised distribution system for the available funds. Therefore, emergency adoption of these revised WACs is requested.

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 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 6, Repealed 1.

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: Immediately.

June 19, 1998

Patricia Mosqueda
Policy Associate

AMENDATORY SECTION (Amending WSR 90-16-030, filed 7/23/90, effective 8/23/90)

WAC 250-72-015 Definitions. (1) "Board" means the higher education coordinating board.

(2) "Institution" means a public four-year college or university within the state of Washington.

(3) "Distinguished professorship program" means the program established by the legislature as provided by RCW 28B.10.866 through 28B.10.872.

(4) "Trust fund" means the distinguished professorship trust fund established by the legislature as provided by RCW 28B.10.868.

(5) "Private donation" means funds made specifically to the distinguished professorship program from nonpublic fund sources, including assessments by commodity commissions authorized to conduct research activities including but not limited to research studies authorized by RCW 15.66.030 and 15.65.040.

(6) "Pledge" means an agreement between an institution and a private donor(s) establishing terms for a private donation to be made within a period of ~~((time))~~ three years as provided by RCW 28B.10.870.

(7) "Allocate" means to assign a share of the available professorships to specific institutions until a date certain.

(8) "Designate" means to set aside or reserve trust funds as a potential match to a pledged private donation upon notification to the board.

(9) "Release funds" means the transfer of trust funds to an institution after notification to the board that the full amount of a pledged and designated private donation has been received.

AMENDATORY SECTION (Amending WSR 90-16-030, filed 7/23/90, effective 8/23/90)

WAC 250-72-020 Allocation system. ~~((1) Until July 1, 1991, the board shall allocate trust funds consistent with allocation systems as provided in RCW 28B.15.866 [28B.10.866] and chapter 16, Laws of 1990 1st ex. sess.~~

~~(2) The board shall allocate available trust funds according to WAC 250-72-025 when no legislative directive provides for the allocation of available trust funds.~~

~~(3) An institution is not eligible for any funds under chapter 16, Laws of 1990 1st ex. sess., until the institution has provided notification requesting designation of the funds allocated to it under RCW 28B.15.866 [28B.10.866].~~

~~(4) After June 30, 1991, any funds allocated under chapter 16, Laws of 1990 1st ex. sess., that have not been designated shall be available for the board to allocate under WAC 250-72-025 unless otherwise directed by the legislature.)) (1) The board shall allocate available funds among institutions according to WAC 250-72-025 when no legislative directive provides for the allocation of available trust funds.~~

~~(2) Any funds balance in the trust account on June 11, 1998, and not designated to a particular institution, will be distributed according to provisions of WAC 250-72-025 as revised.~~

~~(3) Any trust fund designated prior to June 11, 1998, and forfeited subsequent to that date, will be reallocated according to revised WAC 250-72-040.~~

~~(4) Trust funds must be distributed in increments of \$250,000 for the state matching grant portion for each distinguished professorship. Therefore, individual subaccount balances for each institution will be maintained in the trust fund when the amount allocated for each institution is not sufficient to provide for a full professorship.~~

AMENDATORY SECTION (Amending WSR 90-16-030, filed 7/23/90, effective 8/23/90)

WAC 250-72-025 Allocation system effective ((July 1, 1991)) June 11, 1998. ~~((The board shall notify all institutions by July 1, 1991, of the availability of matching funds under WAC 250-72-020, 250-72-030, and 250-72-040 and of the total number of professorships available. The board shall allocate the available professorships as follows:~~

~~(1) University of Washington - the first, fourth, and sixth available professorships:~~

~~(2) Washington State University - the second and fifth available professorships:~~

~~(3) Central Washington University, Eastern Washington University, The Evergreen State College, and Western Washington University - the third available professorship.~~

~~(a) Professorships available under this section shall be designated on a first come, first served basis to any of the four institutions that has requested designation of the professorships already allocated:~~

~~(b) First come, first served shall be determined by the date and time of receipt of written notification of a pledge at the office of the board. The board shall accept receipt of written notification no sooner than 8:00 a.m. on July 1, 1991, or the first working day thereafter. If the board receives written notification from more than one institution on the same date and time, then the designation shall be made by drawing. The board shall notify the affected institutions of the date and time of the drawing which shall be conducted openly at the office of the board.~~

~~(4) At the beginning of each fiscal year, the board shall reallocate available matching funds continuing the numerical sequence initiated July 1, 1991.~~

~~(5) An institution shall not be eligible for funds from reallocation if it has forfeited allocated or designated funds in the preceding fiscal year.)) At the time funds become available, the board shall notify all institutions of the amount of funding and the number of distinguished professorships available to each institution or group of institutions. The board shall allocate available funding for distinguished professorships as follows:~~

~~(1) University of Washington - Forty-seven percent of total available funds (stipulating the number of professorships which can be fully funded).~~

~~(2) Washington State University - Thirty-two percent of total available funds (stipulating the number of professorships which can be fully funded).~~

~~(3) Central Washington University, Eastern Washington University, The Evergreen State College, and Western Washington University - Twenty-one percent of total available funds (stipulating the number of professorships which can be fully funded).~~

~~Distinguished professorships available under this subsection (3) shall be allocated to individual institutions according to an agreement to be prepared by the four institutions and submitted each year to the higher education coordinating board, prior to allocation of funds by the board.~~

AMENDATORY SECTION (Amending WSR 90-16-030, filed 7/23/90, effective 8/23/90)

WAC 250-72-035 Designation ((of trust)) to an institution of allocated funds. ~~((1) An institution shall make written notification of a pledge to the board which shall include a copy of the agreement entered into with the private donor(s) concerning the terms of the donation.~~

~~(2) The board may designate two hundred fifty thousand dollars from available trust funds for an institution's pledged professorship when the institution provides notification according to subsection (1) that a private donation of two~~

hundred fifty thousand dollars has been pledged for a distinguished professorship.

~~(3) The board shall designate trust funds consistent with the allocation system as provided in WAC 250-72-025.~~

~~(4) If a pledged private donation is not received within three years from the date of designation, the board shall make the designated funds available for another pledged professorship.)) (1) Within one year of notification by the board that an institution has been allocated one or more distinguished professorships, the institution shall:~~

~~(a) Make written notification to the board that pledge(s) for private donation(s) have been secured; and~~

~~(b) Provide a copy to the board of the agreement(s)/pledge(s) entered into with the private donor(s) concerning terms of the donation(s).~~

~~(2) Upon notification pursuant to the above, the board shall designate funds for that institution. Funds will be designated for a period of up to three years.~~

AMENDATORY SECTION (Amending WSR 90-16-030, filed 7/23/90, effective 8/23/90)

WAC 250-72-040 Reallocation of previously allocated or designated funds. (1) The board shall reallocate previously ~~((designated))~~ allocated funds when~~((:~~

~~((a)) an institution has not ((received a full private donation for designated matching trust funds within the required period of time under WAC 250-72-035.~~

~~(2) The board shall reallocate any previously designated matching trust fund available under this section by July 1 of each year)) secured a pledge within one year of notification that funds were available to that institution.~~

~~(2) The board shall reallocate previously designated funds when an institution has not received the full amount in private donations within three years from the time that state matching funds have been designated for that institution (based on a pledge for private funding).~~

~~(3) An institution shall not be eligible for reallocated funds if it has forfeited allocated or designated funds in the preceding twelve-month period.~~

~~(4) The following reallocation guidelines will be utilized by the board:~~

~~(a) If the University of Washington forfeits allocated/designated funds, reallocation will be made to Washington State University;~~

~~(b) If Washington State University forfeits allocated/designated funds, reallocation will be made to the University of Washington;~~

~~(c) If Central Washington University, Eastern Washington University, The Evergreen State College, or Western Washington University forfeits allocated/designated funds, reallocation will be made consistent with the annual distribution agreement developed by these four institutions. If no reallocation provision has been included in the agreement, the board will reallocate to an eligible institution (of the four institutions cited in this subsection). If more than one eligible institution requests a reallocation, the reallocation will be based on a drawing among the eligible institutions requesting participation in the drawing.~~

AMENDATORY SECTION (Amending WSR 90-16-030, filed 7/23/90, effective 8/23/90)

WAC 250-72-045 Release of funds. Upon written notification that the full amount of a pledged and designated private donation has been received, the board shall request a warrant for the release of matching trust funds within five working days.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 250-72-030

Allocation of earnings from investments.

WSR 98-14-014
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 98-103—Filed June 19, 1998, 11:52 a.m.]

Date of Adoption: June 17, 1998.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-56-235.

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: This regulation is necessary for conservation of lingcod stocks. This rule is necessary until permanent rules take effect.

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 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: Immediately.

June 17, 1998

Larry Peck
for Bern Shanks
Director

NEW SECTION

WAC 220-56-23500B Possession limits—Bottomfish. Notwithstanding the provisions of WAC 220-56-235, effective immediately until further notice, it is unlawful to take or possess lingcod less than 24 inches in length in Catch Record Card Areas 1 through 4.

**WSR 98-14-019
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 98-106—Filed June 19, 1998, 4:36 p.m.]

Date of Adoption: June 19, 1998.

Purpose: Commercial fishing rules.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-33-060.

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: There are harvestable numbers of sardine available in the lower Columbia River. There is insufficient time to promulgate permanent rules.

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 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: Immediately.

June 19, 1998

Larry Peck
for Bern Shanks
Director

NEW SECTION

WAC 220-33-06000A Herring and anchovies. Notwithstanding the provisions of WAC 220-33-060, effective immediately until further notice, it is lawful to retain sardine (pilchard) caught in any lawful herring or anchovy fishery in the lower Columbia River.

WSR 98-14-020

**EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 98-105—Filed June 19, 1998, 4:38 p.m.]

Date of Adoption: June 19, 1998.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-48-013.

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: Logbooks are currently required in all marine fish/shellfish management and catch reporting areas open to trawl fishing except Area 29. The loss of trawl logbook data from Area 29 would damage the data base. This rule is necessary until permanent rules take effect.

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 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: Immediately.

June 19, 1998

Larry Peck
for Bern Shanks
Director

NEW SECTION

WAC 220-48-01300A Beam trawl and otter trawl logbooks. Notwithstanding the provisions of WAC 220-48-013, effective immediately until further notice if is unlawful to any operator of beam trawl or otter trawl gear to fail to obtain and accurately maintain a "Washington Inside Waters Trawl Logbook" while fishing for, or while in possession of bottomfish taken from east of the Bonilla-Tatoosh line. A logbook must be obtained from the Washington department of fisheries and must be kept aboard the vessel while fishing, or in possession of bottomfish taken east of the Bonilla-Tatoosh line.

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

WSR 98-14-021
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 98-104—Filed June 19, 1998, 4:39 p.m., effective July 1, 1998, 12:01 a.m.]

Date of Adoption: June 19, 1998.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-04600B and 220-52-04600C; and amending WAC 220-52-046.

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: Recently-analyzed shipboard data collected in late April show an unusually high number of sublegal crab in a premolt condition, indicating the potential for an early recruit molt. Historical data show that fishing during the crab molt damages the resource because softshell crab are discarded at sea, and many discarded softshell crabs do not survive. A fishing closure is needed to minimize damage to the resource. In addition, a deep water closure will minimize the risk to fishers and processors of being cited for possessing crabs that do not meet the legal standard. There is insufficient time to promulgate permanent rules.

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 2.

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: July 1, 1998, 12:01 a.m.

June 19, 1998

Larry Peck
for Bern Shanks
Director

NEW SECTION

WAC 220-52-04600C Crab fishery—Seasons, areas and gear restrictions Notwithstanding the provisions of WAC 220-52-046, effective 12:01 a.m. July 1, 1998 until further notice, it is unlawful for non-Indian commercial fishers to place gear, fish for or take Dungeness crab for commercial purposes in the following area during the period indicated:

(1) The following area is closed through September 15, 1998.

Those waters west of straight lines drawn in sequence from south to north between the following coordinates:

Table with 2 columns: Land description and Coordinate. Lists 13 points from Washington-Oregon border to Cape Flattery.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-52-04600B Crab fishery—Seasons, areas, and gear restrictions. (98-40)

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. September 16, 1998:

WAC 220-52-04600C Crab fishery—Seasons, areas, and gear restrictions.

WSR 98-14-022
EMERGENCY RULES
WASHINGTON STATE PATROL

[Filed June 22, 1998, 9:36 a.m.]

Date of Adoption: June 12, 1998.

Purpose: To allow specific exemptions for agricultural operations transporting certain hazardous materials to be in effect prior to July 1, 1998.

EMERGENCY

Citation of Existing Rules Affected by this Order: Amending WAC 446-65-010.

Statutory Authority for Adoption: RCW 46.48.170.

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: Recent federal rule making under HM200 preempts the state's authority to regulate the intrastate transportation of hazardous materials. Under HM200 states are allowed to provide certain specific exemptions for agricultural operations transporting hazardous material if specifically authorized by a state statute or regulation in effect before July 1, 1998. In order for the state's agricultural operations to continue to operate as in the past the state must adopt the following rules prior to July 1, 1998.

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 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: Immediately.

June 19, 1998

Annette M. Sandberg
Chief

AMENDATORY SECTION (Amending WSR 96-22-035, filed 10/31/96, effective 12/1/96)

WAC 446-65-010 Transportation requirements. (1) The Washington state patrol hereby adopts the following parts of Title 49 Code of Federal Regulations, for motor carriers used in intrastate or interstate commerce, in their entirety: Parts 390 General, 391 Qualification of drivers, 392 Driving of motor vehicles, 393 Parts and accessories necessary for safe operation, 395 Hours of service of drivers, 396 Inspection, repair, and maintenance, 397 Transportation of hazardous materials; driving and parking rules, provided, however, motor carriers operating vehicles with a gross vehicle weight rating between 10,001 lbs. and 26,000 lbs. operating solely intrastate, and not used to transport hazardous materials in a quantity requiring placarding, are exempt from Parts 390 General, 391 Qualifications of drivers, 392 Driving of motor vehicles, 395 Hours of service, and 396 Inspection, repair, and maintenance.

(2) As provided in Part 395, exemption for agricultural transporters, the harvest dates are defined as starting February 1 and ending November 30 of each year.

(3) Agricultural operations exceptions:

(a) Agricultural operations transporting agricultural products other than Class 2 material (Compressed Gases), over roads, other than the National System of Interstate Defense Highways, between fields of the same farm, is exempted from part 397 when:

(i) The agricultural product is transported by a farmer who is an intrastate private motor carrier.

(ii) The movement of the agricultural product conforms to all other laws in effect on or before July 1, 1998, and 49 CFR 173.24, 173.24a, and 173.24b.

(b) The transportation of an agricultural product to or from a farm within one hundred fifty miles of the farm, is exempted from the requirements of 49 CFR part 172 subpart G (emergency response information) and H (training requirements) when:

(i) The agricultural product is transported by a farmer who is an intrastate private motor carrier;

(ii) The total amount of agricultural product being transported on a single vehicle does not exceed:

(A) Sixteen thousand ninety-four pounds of ammonium nitrate fertilizer properly classed as Division 5.1, PGIII, in bulk packaging; or

(B) Five hundred two gallons for liquids or gases, or five thousand seventy pounds for solids, of any other agricultural product;

(iii) The packaging conforms to the requirements of state law and is specifically authorized for transportation of the agricultural product by state law and such state law has been in effect on or before July 1, 1998; and

(iv) Each person having any responsibility for transporting the agricultural product or preparing the agricultural product for shipment has been instructed in the applicable requirements of 49 CFR adopted in this section.

(C) Formulated liquid agricultural products in specification packaging of fifty-eight gallon capacity or less, with closures manifolded to a closed mixing system and equipped with a positive dry disconnect device, may be transported by a private motor carrier between a final distribution point and an ultimate point of application or for loading aboard an airplane for aerial application.

(4) Copies of Title 49 CFR, parts 390 through 397, now in force are on file at the code reviser's office, Olympia and at the Washington state patrol headquarters, commercial vehicle enforcement section, Olympia. Additional copies may be available for review at Washington state patrol district headquarters offices, public libraries, Washington utilities and transportation commission offices, and at the United States Department of Transportation, Bureau of Motor Carrier Safety Office, Olympia. Copies of the CFR may be purchased through the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402.

WSR 98-14-035
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Children's Administration)

[Filed June 23, 1998, 12:48 p.m.]

Date of Adoption: June 23, 1998.

Purpose: On November 1, 1997, working connections child care (WCCC) began. It incorporated the four main DSHS child care subsidy programs (employment, income assistance, JOBS, and transitional child care). WCCC rules are covered in chapter 388-290 WAC. Changes needed to be made in chapter 388-15 WAC for the children's administrations child care subsidy programs to ensure consistency with chapter 388-290 WAC and to comply with the governor's executive order criteria. WAC 388-15-177 describes the methodology used to set the DSHS maximum child care subsidy rates.

Citation of Existing Rules Affected by this Order: Amending WAC 388-15-170.

Statutory Authority for Adoption: RCW 74.12.340.

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: On November 1, 1997, the rules regarding eligibility and copayments for the employment child care program were covered in chapter 388-290 WAC. WAC 388-15-170 needs immediate revision [to] reflect this change and ensure consistent rules for child care subsidy programs still covered in this WAC. Emergency adoption will ensure there are no gaps in a family's child care because of conflicting WAC. The department is currently proposing these rules for permanent adoption.

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 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 4, 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 4, Amended 1, Repealed 0.

Effective Date of Rule: Immediately.

June 23, 1998

Marie Myerchin-Redifer, Manager
 Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 93-10-021, filed 4/28/93, effective 5/29/93)

WAC 388-15-170 General and seasonal child ((day)) care services definitions. ~~((1))~~ The department may approve child day care funding to facilitate care, protection, and related services for a) "**Child**" means a person twelve years of age or younger ~~((The department may approve special needs child care for a child))~~ or a person nineteen years of age or younger who is physically ~~((or)),~~ mentally, or emotionally incapable of ~~((caring for himself or herself))~~ self care as verified by ~~((the state, supported by))~~ a licensed medical ~~((documentation))~~ practitioner or masters level or above mental health professional.

~~((2))~~ The department shall only fund child day care during the portion of the twenty-four-hour day when neither of the child's parents or guardians are able to provide necessary care and supervision. The department may authorize child day care services for the following reasons:

(a) Parents, or parent in a single-parent household, are employed and are not aid to families with dependent children (AFDC) grant recipients;

(b) Parents, or parent in a single-parent household, are employed and receiving AFDC;

(c) Parents, or parent in a single-parent household, are receiving AFDC and are enrolled in job opportunity and basic skills (JOBS);

(d) School-aged parent is enrolled in an approved secondary education or GED program;

(e) Parent and/or child are in need of treatment or support as part of a child protective or child welfare services case plan. Such services may include, but are not limited to, those provided by a professional child welfare or educational agency; or

(f) The child is receiving an AFDC grant and lives with a nonresponsible relative who is not receiving an AFDC grant and is employed.

(3) The department shall limit goals for general child day care services as specified under WAC 388-15-010 (1)(a), (d), (c), and (2).

(4) The department may purchase child day care, except for seasonal farmworker child care, within available funds for families:

(a) With gross income equal to or below thirty-eight percent of the state median income adjusted for family size (SMIAFS). These families pay the provider a minimum monthly co-payment toward the cost of child day care;

(b) With gross income above thirty-eight and at or below fifty-two percent of the SMIAFS. The family shall pay to the child day care provider part of the family's gross monthly income above the thirty-eight percent SMIAFS toward the cost of child day care; and

(c) In need of child day care as an integral part of a child protective or child welfare service plan. The department shall provide such service without regard to family income up to seventy-five percent SMIAFS.

(5) The department may purchase seasonal child day care within available funds for children who are members of family units residing in Washington state where:

(a) ~~Both parents, or the single parent (in the case of the one-parent family), are currently employed or seeking work in agriculturally related work;~~

(b) ~~Fifty percent or more of the family's annual income is derived from agriculturally related work;~~

(c) ~~In a two-parent household, the primary wage earner has more than one agricultural employer per year; in a one-parent household, the single parent has more than one agricultural employer per year;~~

(d) ~~Family gross income for the past twelve months does not exceed thirty-eight percent of the state median income adjusted for family size (SMIAFS). The family shall pay the provider a minimum monthly co-payment toward the cost of child day care. The family with gross income above thirty-eight percent and at or below fifty-two percent of the SMIAFS shall pay the child day care provider fifty percent of the family's average gross monthly income above the thirty-eight percent SMIAFS toward the cost of child day care; and~~

(e) ~~Failure of parents to meet the requirements of subsection (5)(b) and (d) of this section due to status within the past year as an AFDC recipient shall not result in ineligibility for seasonal child care.~~

(6) ~~The department shall establish waiting lists, if necessary, to ensure child day care services, under WAC 388-15-170, are provided within legislatively appropriated funds.~~

(7) ~~The department shall consider in-home care or relative, relative's home care as the care and supervision of a child:~~

(a) ~~By a relative in the child's own home or a relative's home; or~~

(b) ~~In the child's own home with an unrelated person.~~

(8) ~~When the parent or guardian chooses in-home care or relative, relative's home care, the parent or guardian shall make the following assurances:~~

(a) ~~The in-home caretaker shall meet the following minimum qualifications:~~

(i) ~~Be eighteen years of age or older;~~

(ii) ~~Be free of communicable disease;~~

(iii) ~~Be of sufficient physical, emotional, and mental health to meet the needs of the child in care. Subject to the discretion of the social worker, the parent or guardian shall provide written evidence to the department that the caretaker of the parent's or guardian's choice is in sufficient physical, emotional, and mental health to be a safe caretaker;~~

(iv) ~~Be able to work with the child without using corporal punishment or psychological abuse;~~

(v) ~~Be able to accept and follow instructions;~~

(vi) ~~Be able to maintain personal cleanliness;~~

(vii) ~~Be prompt and regular in job attendance; and~~

(viii) ~~Meet the department's in-home caretaker registration requirement. Parents or guardians are required to provide the caretaker's name and address to the department. This registration is done at the time child care is authorized.~~

(b) ~~The in-home caretaker's primary function while on duty is that of child caretaker. The in-home caretaker shall have the following responsibilities:~~

(i) ~~Provide constant care and supervision of the child for whom the caretaker is responsible throughout the time the caretaker is on duty in accordance with the needs of the child; and~~

(ii) ~~Provide developmentally appropriate activities for the child under the caretaker's care.~~

(c) ~~The child is current on the immunization schedule as described in the National Immunization Guidelines, developed by the American Academy of Pediatrics and the Advisory Committee on Immunization Practices;~~

(d) ~~The parent's or guardian's home or the relative's home is safe for the care of the child; and~~

(e) ~~The in-home or relative caretaker is informed about basic health practices, prevention, and control of infectious disease, immunizations, and building and physical premises safety relevant to the care of the child.~~

~~The parent or guardian shall make assurances described under subsection (8) of this section at the time child care is authorized. The child care authorizing worker shall provide the parent or guardian with information about basic health practices, prevention, and control of infectious disease, immunizations, and building and physical premises safety relevant to the care of the child.~~

(9) ~~Payment standards for child day care. The department shall establish maximum child care rates taking into consideration prevailing community rates.~~

(a) ~~When the parent or guardian chooses in-home care or relative, relative's home care, the parent or guardian shall receive payment for the cost of child day care and shall pay the caretaker according to the amount specified in the approved child care plan.~~

(b) ~~The in-home, or relative, relative's home caretaker shall sign a receipt at the time payment is received. The parent must retain the payment receipt for review by the authorizing worker at the time of the next eligibility determination.~~

(c) ~~If total payments to an in-home provider are fifty dollars or more in any one quarter, the department shall add the employer's share of the Federal Insurance Contributions Act (FICA) tax to the amount authorized for in-home care.~~

(d) ~~Payment for child day care by relative. The department shall not allow payment for child care services by the following relatives: Father, mother, brother, sister, stepfather, stepmother, stepbrother, or stepsister, except for adult siblings residing outside the child's home.)~~

"Co-payment" means the amount of money the family is required to pay the child care provider toward the cost of child care each month.

"Income" means the gross earned income minus the average payroll and income tax paid at that income level, plus any unearned income.

"In-home/relative child care provider" see definition for "in-home/relative provider" under WAC 388-290-020.

"Parent" see definition for "parent" under WAC 388-290-020.

"Teen parent" means a parent twenty-one years of age or younger.

NEW SECTION

WAC 388-15-171 Subsidized child care for teen parents. (1) The department may authorize teen parent child care within available funds for parents who:

(a) Are twenty-one years of age or younger;

(b) Are enrolled in an approved secondary education or general equivalency diploma (GED) program;

(c) Are not receiving a temporary assistance for needy families (TANF) grant; and

(d) Have an income at or below one hundred seventy-five percent of the Federal Poverty Level (FPL).

(2) All teen parents contribute to the cost of child care by making a monthly co-payment to the child care provider which is:

(a) Determined by the teen parent's income; and

(b) Calculated by using the rules under WAC 388-290-090 (2)(a), (b), and (c)(i) and (ii).

(3) The department funds child care only during the portion of the day when the child's parent(s) is unable to provide necessary care and supervision due to the parents participation in DSHS approved activities.

NEW SECTION

WAC 388-15-174 Subsidized child care for seasonal workers. (1) The department may purchase seasonal child care within available funds for children residing in Washington state where:

(a) Both parents, or the single parent (in the case of the one-parent family), are currently employed or seeking work in agriculturally related work;

(b) Fifty percent or more of the family's annual income is derived from agriculturally related work;

(c) In a two-parent household, the primary wage earner is employed in agricultural work for eleven months or less with any given employer, in the twelve months previous to the time of application;

(d) In a one-parent household, the single parent is employed in agricultural work for eleven months or less with any given employer, in the twelve months previous to the time of application; and

(e) The family's monthly income, averaged for the twelve months prior to the time of application, is at or below one hundred and seventy-five percent of the FPL.

(2) Failure of the parent(s) to meet the requirements of (b) of this subsection due to receipt of TANF within the past twelve months shall not result in ineligibility for seasonal child care.

(3) The parent(s) participates in the cost of child care by making a monthly co-payment to the child care provider which is:

(a) Determined by the parent's income averaged for the twelve months prior to the time of application; and

(b) Calculated by using the rules under WAC 388-290-090 (2)(a), (b), and (c)(i) and (ii).

(4) The department will fund child care during the portion of the day described under WAC 388-15-171(3).

NEW SECTION

WAC 388-15-175 Child care for child protective services (CPS) and child welfare services (CWS). The department may purchase CPS/CWS child care within available funds for children of families in need of support as part of a CPS/CWS case plan. This service is short-term and time-lim-

ited. Social workers must determine if other resources are available to meet this need before authorizing payment by the department.

NEW SECTION

WAC 388-15-176 In-home/relative child care. (1) When the parent(s) chooses in-home/relative child care, the parent(s) will give the in-home/relative child care provider's name and address to the department and make the following assurances at the time child care is authorized:

(a) The in-home/relative provider is:

(i) Eighteen years of age or older;

(ii) Of sufficient physical, emotional, and mental health to meet the needs of the child in care. If requested by the department, the parent(s) must provide written evidence that the in-home child care provider of the parent's choice is of sufficient physical, emotional, and mental health to be a safe child care provider;

(iii) Able to work with the child without using corporal punishment or psychological abuse;

(iv) Able to accept and follow instructions;

(v) Able to maintain personal cleanliness; and

(vi) Prompt and regular in job attendance.

(b) The child is current on the immunization schedule as described in the National Immunization Guidelines, developed by the American Academy of Pediatrics and the Advisory Committee on Immunization Practices;

(c) The home where care is provided is safe for the care of the child; and

(d) The in-home/relative child care provider is informed about basic health practices, prevention and control of infectious disease, immunizations, and home and physical premises safety relevant to the care of the child.

(2) The in-home/relative child care provider's primary function while on duty is to provide child care. The in-home/relative child care provider will have the following responsibilities:

(a) Provide constant care and supervision of the child for whom the provider is responsible throughout the arranged time of care in accordance with the needs of the child; and

(b) Provide developmentally appropriate activities for the child who is under the in-home/relative child care provider's care.

(3) The department provides the parent(s) with information about basic health practices, prevention and control of infectious diseases, immunizations, and building and physical premises safety relevant to the care of the child.

WSR 98-14-037

EMERGENCY RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 98-109—Filed June 24, 1998, 8:26 a.m.]

Date of Adoption: June 23, 1998.

Purpose: Commercial fishing rules—Subsistence.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-32-05500P; and amending WAC 220-32-055.

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: Opens the Klickitat River to spring chinook subsistence fishing. Klickitat Hatchery is expected to achieve its production needs for spring chinook. There is insufficient time to promulgate permanent rules.

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: Immediately.

June 23, 1998

Larry Peck
for Bern Shanks
Director

NEW SECTION

WAC 220-32-05500Q Columbia River tributaries - Subsistence Notwithstanding the provisions of WAC 220-32-055, effective immediately until further notice, it is unlawful for a person possessing treaty fishing rights under the Yakima treaty to take or possess salmon taken for subsistence purposes from the Klickitat River, Icicle River, and Ringold in the Columbia River except under the following provisions:

1) In the Klickitat River from the site of the former Swinging Bridge (RM 1.5) upstream to Fishway Number 5 (RM 2.2), fishing is allowed from noon Wednesday to 6 p.m. Saturday each week effective June 24 until further notice.

2) In the Columbia River from the marker located approximately 1/2 mile upstream of Spring Creek (Ringold Hatchery rearing pond outlet) downstream to a boundary marker approximately 1/4 mile downstream of Ringold wasteway outlet, fishing is allowed from 6 a.m. Monday to 6 p.m. Saturday, weekly effective immediately until July 25.

3) In the Icicle River where it borders the property of the Leavenworth National Fish Hatchery, fishing is allowed from

9:00 p.m. Wednesdays to noon Saturdays, weekly effective immediately until July 4.

4) ALLOWABLE GEAR:

Dipnets, setbag nets, or rod and reel with bait or lures. Any other fishing methods, such as snagging of fish, are unlawful.

5) OTHER RULES:

It shall be unlawful to place fishing platforms, or to take, molest, injure, or fish for salmon and steelhead within 25 feet of the dam or any fish ladder, fishway, or fish bypass pipes. Fishing is not allowed from boats or any other floating devices, except in the Wind River.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-32-05500P Columbia River tributaries—
Subsistence. (98-98)

WSR 98-14-038

EMERGENCY RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 98-110—Filed June 24, 1998, 8:29 a.m., effective July 1, 1998, 12:01 a.m.]

Date of Adoption: June 23, 1998.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-04600C and 220-52-04600D; and amending WAC 220-52-046.

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: Recently-analyzed shipboard data collected in late April show an unusually high number of sublegal crab in a premolt condition, indicating the potential for an early recruit molt. Historical data show that fishing during the crab molt damages the resource because softshell crab are discarded at sea, and many discarded softshell crabs do not survive. A fishing closure is needed to minimize damage to the resource. In addition, a deep water closure will minimize the risk to fishers and processors of being cited for possessing crabs that do not meet the legal standard. There is insufficient time to promulgate permanent rules.

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.

EMERGENCY

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 2.

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: July 1, 1998, 12:01 a.m.

June 23, 1998

Larry Peck
for Bern Shanks
Director

NEW SECTION

WAC 220-52-04600D Crab fishery—Seasons, areas and gear restrictions Notwithstanding the provisions of WAC 220-52-046, effective 12:01 a.m. July 1, 1998 until further notice, it is unlawful for non-Indian commercial fishers to place gear, fish for or take Dungeness crab for commercial purposes in the following area during the period indicated:

(1) The following area is closed through September 15, 1998.

Those waters west of straight lines drawn in sequence from south to north between the following coordinates:

Land description	Coordinate	
1) Washington - Oregon border	46°15.00' N	124°10.00' W
2) Seaview	46°20.00' N	124°10.00' W
3) Willapa Bay entrance	46°40.00' N	124°10.00' W
4) Grayland	46°50.00' N	124°12.30' W
5) Ocean Shores	47°00.00' N	124°16.00' W
6) Moclips	47°15.00' N	124°19.00' W
7) Raft River	47°27.00' N	124°28.60' W
8) Destruction Island	47°40.10' N	124°29.00' W
9) Lapush	47°55.00' N	124°46.00' W
10) Carol Island	48°00.00' N	124°49.50' W
11) N. Lake Ozette	48°07.60' N	124°51.40' W
12) Makah Bay	48°20.00' N	124°50.00' W
13) Cape Flattery	Point on land	

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-52-04600C Crab fishery—Seasons, areas, and gear restrictions. (98-104)

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. September 16, 1998:

WAC 220-52-04600D Crab fishery—Seasons, areas, and gear restrictions.

**WSR 98-14-039
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 98-102—Filed June 24, 1998, 8:31 a.m., effective July 1, 1998, 12:01 a.m.]

Date of Adoption: June 23, 1998.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-56-305.

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: This regulation is intended to allow the recreational harvest of sturgeon from John Day Reservoir and its tributaries to continue within the established harvest guidelines. The harvest quota for 1998 has not been reached. There is insufficient time to promulgate permanent rules.

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 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: July 1, 1998, 12:01 a.m.

June 23, 1998

Larry Peck
for Bern Shanks
Director

NEW SECTION

WAC 220-56-30500B Sturgeon—Areas and seasons. Notwithstanding the provisions of WAC 220-56-305, effective 12:01 a.m. July 1, 1998 until further notice, it is lawful to fish for and possess sturgeon from those waters of the Columbia River and its tributaries from John Day Dam to McNary Dam.

EMERGENCY

WSR 98-14-047
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 98-108—Filed June 24, 1998, 2:03 p.m.]

Date of Adoption: June 23, 1998.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:
 Repealing WAC 220-57-17500I and 220-57-31000X; and
 amending WAC 220-57-175 and 220-57-310.

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: Returns of spring chinook are projected to be less than forecasted to the Cowlitz and Kalama rivers and hatchery escapement needs are expected to be only 32% of the goal for the Cowlitz Hatchery. There is insufficient time to promulgate permanent rules.

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 0, Repealed 2.

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: Immediately.

June 23, 1998

Larry Peck
 for Bern Shanks
 Director

NEW SECTION

WAC 220-57-17500J Cowlitz River. Notwithstanding the provisions of WAC 220-57-175, effective immediately through July 31, 1998, it is unlawful to take, fish for or possess salmon in those waters of the Cowlitz River downstream from the Barrier Dam to the mouth.

NEW SECTION

WAC 220-57-31000Y Kalama River. Notwithstanding the provisions of WAC 220-57-310, effective immediately through July 31, 1998, it is unlawful to take, fish for or possess salmon in those waters of the Kalama River downstream

from the deadline below the Kalama Falls Hatchery to the mouth.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 220-57-17500I Cowlitz River. (98-26)

WAC 220-57-31000X Kalama River. (98-26)

WSR 98-14-063
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 98-111—Filed June 29, 1998, 3:09 p.m., effective June 30, 1998, 6:00 p.m.]

Date of Adoption: June 29, 1998.

Purpose: Commercial fishing rules—Subsistence.

Citation of Existing Rules Affected by this Order:
 Repealing WAC 220-32-05700Y.

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: Closure is necessary to keep the tribal sturgeon harvest within the guideline for the John Day Pool. The states and tribes have agreed to close the set-line fishery as of June 30, 1998. Action is consistent with the results of the Columbia River Compact hearing of June 25, 1998. There is insufficient time to promulgate permanent rules.

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 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: June 30, 1998, 6:00 p.m.

June 29, 1998

Larry Peck
 for Bern Shanks
 Director

EMERGENCY

REPEALER

The following section of the Washington Administrative Code is repealed effective 6:00 p.m. June 30, 1998:

WAC 220-32-05700Y Columbia River sturgeon seasons above Bonneville. (98-35)

Effective Date of Rule: July 1, 1998, 12:01 a.m.

June 29, 1998

Larry Peck
for Bern Shanks
Director

WSR 98-14-064

**EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 98-114—Filed June 29, 1998, 3:12 p.m., effective July 1, 1998, 12:01 a.m.]

Date of Adoption: June 29, 1998.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-04600D and 220-52-04600E; and amending WAC 220-52-046.

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: Recently-analyzed shipboard data collected in late April show an unusually high number of sublegal crab in a premolt condition, indicating the potential for an early recruit molt. Historical data show that fishing during the crab molt damages the resource because softshell crab are discarded at sea, and many discarded softshell crabs do not survive. A fishing closure is needed to minimize damage to the resource. In addition, a deep water closure will minimize the risk to fishers and processors of being cited for possessing crabs that do not meet the legal standard. There is insufficient time to promulgate permanent rules.

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 2.

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.

NEW SECTION

WAC 220-52-04600E Crab fishery—Seasons, areas and gear restrictions. Notwithstanding the provisions of WAC 220-52-046, effective 12:01 a.m. July 1, 1998 until further notice, it is unlawful for non-Indian commercial fishers to place gear, fish for or take Dungeness crab for commercial purposes in the following area during the period indicated:

(1) The following area is closed through September 15, 1998.

Those waters west of straight lines drawn in sequence from south to north between the following coordinates:

Land description	Coordinate
1) Washington - Oregon border	46°15.00' N 124°10.00' W
2) Seaview	46°20.00' N 124°10.00' W
3) Willapa Bay entrance	46°40.00' N 124°10.00' W
4) N. Willapa Bay spits	46°43.50' N 124°11.50' W
5) Grayland	46°50.00' N 124°12.30' W
6) Grays Harbor	46°54.70' N 124°16.00' W
7) Ocean Shores	47°00.00' N 124°16.00' W
8) Moclips	47°15.00' N 124°19.00' W
9) Cape Elizabeth	47°20.00' N 124°25.00' W
10) Raft River	47°27.00' N 124°28.60' W
	(follow TD 41880 to way-point # 11 N. Destruction Island)
11) N. Destruction Island	47°42.40' N 124°31.50' W
12) Lapush	47°55.00' N 124°46.00' W
13) Carol Island	48°00.00' N 124°49.50' W
14) N. Lake Ozette	48°07.60' N 124°51.40' W
15) Makah Bay	48°20.00' N 124°50.00' W
16) Cape Flattery	Point on land

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-52-04600D Crab fishery—Seasons, areas and gear restrictions. (98-110)

EMERGENCY

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. September 15, 1998:

WAC 220-52-04600E Crab fishery—Seasons, areas and gear restrictions.

WSR 98-14-086
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed June 30, 1998, 2:42 p.m., effective July 1, 1998]

Date of Adoption: June 30, 1998.

Purpose: To ensure that persons who are fleeing prosecution or confinement related to a felony or attempted felony or who have violated a condition of parole or probation do not receive benefits under the state's general assistance programs.

Citation of Existing Rules Affected by this Order: Amending WAC 388-230-0060, 388-233-0035, and 388-235-0030.

Statutory Authority for Adoption: RCW 74.08.090.

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: Implementing new state law RCW 74.04.005 (6)(h) signed by the governor on May 12, 1998, and taking effect on June 12, 1998, that denies benefits under the state's general assistance program to fugitive felons or probation or parole violators.

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 2, 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 1, Amended 2, Repealed 0.

Effective Date of Rule: July 1, 1998.

June 30, 1998

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 97-20-128, filed 10/1/97, effective 11/1/97)

WAC 388-230-0060 Eligibility conditions—Program criteria. ~~((For)) The GA-S(;) program uses the ((department shall apply the))~~ temporary assistance for needy families (TANF) program ~~((criteria applicable to))~~ rules about:

- (1) Citizenship or alien status;
- (2) Social Security number;
- (3) Residency; and
- (4) Minor teen living arrangements, as defined by the TANF program; and
- (5) Effective July 1, through August 31, 1998, fugitive felons and probation and parole violators.

NEW SECTION

WAC 388-233-0035 Fugitive felons and probation and parole violators. From July 1, through August 31, 1998, a child is not eligible for general assistance who is a fugitive felon or probation and parole violator as defined in WAC 388-215-1550.

AMENDATORY SECTION (Amending WSR 93-16-058, filed 7/29/93, effective 8/29/93)

WAC 388-235-0030 Summary of eligibility conditions. The department shall authorize GAU to a client who:

- (1) Meets categorical requirements as follows:
 - (a) Be incapacitated as provided under WAC 388-235-5000 through 388-235-6000;
 - (b) Meet age limitations as specified under WAC 388-235-0050;
 - (c) Be a resident of the state of Washington as provided under WAC 388-235-0060 through 388-235-0090;
 - (d) Be a citizen or alien as provided under WAC 388-235-0100;
 - (e) Furnish a social security number as provided under WAC 388-235-0110.
- (2) Meets financial eligibility requirements as specified under WAC 388-235-2000 through 388-235-4000;
- (3) Undergoes a treatment and referral assessment as provided under WAC 388-235-7000 through 388-235-7600;
- (4) Assigns interim assistance as provided under WAC 388-235-9200 and 388-235-9300;
- (5) Is not eligible for or receiving benefits from other programs as specified under WAC 388-235-9000; ~~((and))~~
- (6) Meets requirements, if living in an institution, as required under WAC 388-235-1500; and
- (7) From July 1, through August 31, 1998, is not a fugitive felon or probation or parole violator as defined in WAC 388-215-1550.

EMERGENCY

WSR 98-14-087
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Aging and Adult Services Administration)
 (Office of Rates Management)
 [Filed June 30, 1998, 2:45 p.m., effective July 1, 1998]

Date of Adoption: June 30, 1998.

Purpose: To increase boarding home license fees to cover the cost of additional quality assurance.

Citation of Existing Rules Affected by this Order: Amending WAC 246-316-990.

Statutory Authority for Adoption: 2SSB 6544, chapter 272, Laws of 1998.

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: In the 1998 session, the legislature transferred responsibility for boarding home licensing to the Department of Social and Health Services. An integral piece of the transfer is to ensure the health and safety of boarding home residents through quality assurance activities. An immediate increase in license fees is needed to perform the quality assurance activities.

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 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: July 1, 1998.

June 30, 1998

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 98-01-165, filed 12/22/97, effective 1/22/98)

WAC 246-316-990 Fees. The licensee or applicant shall:

(1) Submit an annual license fee of ~~((fifty-four))~~ **seventy-eight** dollars **and fifty-eight cents** per bed of the licensed resident bed capacity for initial and renewed licenses;

(2) Submit an additional one hundred fifty dollars when billed by the department for:

(a) A third on-site visit resulting from failure of the licensee or applicant to adequately respond to a statement of deficiencies; and

(b) A complete on-site survey resulting from a substantiated complaint; and

(3) Submit an additional late fee in the amount of ten dollars per day from the license renewal date until the date of mailing the fee, as evidenced by the postmark.

WSR 98-14-092
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 98-112—Filed June 30, 1998, 3:30 p.m., effective June 30, 1998, 6:00 p.m.]

Date of Adoption: June 30, 1998.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-35000T.

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: Large numbers of small clams are available for recreational harvest. There is insufficient time to promulgate permanent rules.

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 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: June 30, 1998, 6:00 p.m.

June 30, 1998

Larry Peck
for Bern Shanks
Director

NEW SECTION

WAC 220-56-35000T Clams other than razor clams—Areas and seasons. Notwithstanding the provisions of WAC 220-56-310 and WAC 220-56-350, effective 12:01 a.m. July 1, 1998 through September 30, 1998 it is unlawful

EMERGENCY

to harvest or possess clams, cockles, or mussels taken for personal use from the following public tideland during the closed periods herein, and lawful to harvest only during the open periods to the amounts specified.

(1) Quilcene Bay - All state-owned tidelands in Quilcene Bay north of a line drawn from the North boundary of the Port of Port Townsend public beach/boat launch to Fisherman's Point are closed to the harvest of clams the entire year, except those tidelands on the west side of the bay defined by boundary markers and a sign in the parking area are open July 1 through September 30, 1998, daily from official sunrise to official sunset only. Access to these tidelands shall be by the designated upland parking lot only. Boat access is prohibited.

(2) The daily limit on these tidelands is 80 clams in the aggregate, not to exceed 10 pounds in weight.

(3) The minimum size for all species of clams is one and one-quarter inches.

(4) Clams taken from these tidelands may not be transported to another public beach.

REPEALER

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. September 30, 1998:

WAC 220-56-35000T Clams other than razor clams—Areas and seasons.

**WSR 98-14-093
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 98-113—Filed June 30, 1998, 3:35 p.m., effective July 1, 1998, 12:01 a.m.]

Date of Adoption: June 30, 1998.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-48-015.

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: The deep water season is scheduled to end on June 30 to protect Pacific cod. However, the catch of Pacific cod is below the quota so that an extension of the bottom and beam trawl season is justified. There is insufficient time to promulgate permanent rules.

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 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: July 1, 1998, 12:01 a.m.

June 30, 1998

Larry Peck

for Bern Shanks

Director

NEW SECTION

WAC 220-48-01500F Beam trawl and bottom trawl—Seasons. Notwithstanding the provisions of WAC 220-48-015, effective 12:01 a.m. July 1, 1998 until further notice, it is lawful to fish for or possess bottomfish taken with bottom trawl and beam trawl gear in Marine Fish Shellfish Management and Catch Reporting Areas 20A, 20B, 21A, 22A, and 22B in waters deeper than 30 feet, except those waters of Area 20A east of a line projected from Point Whitehorn to Sandy Point are closed to bottom trawl and beam trawl fishing at all times.

**WSR 98-14-094
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 98-115—Filed June 30, 1998, 3:40 p.m., effective July 1, 1998, 12:01 a.m.]

Date of Adoption: June 30, 1998.

Purpose: Commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-44-05000M; and amending WAC 220-44-050.

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: These regulations are necessary to achieve conservation goals and to maintain consistency between state and federal regulations. There is insufficient time to promulgate permanent rules.

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.

EMERGENCY

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: July 1, 1998, 12:01 a.m.

June 30, 1998

Larry Peck
for Bern Shanks
Director

NEW SECTION

WAC 220-44-05000N Coastal bottomfish catch limits. Notwithstanding the provisions of WAC 220-44-050, effective 12:01 a.m. July 1, 1998 until further notice it is unlawful to possess, transport through the waters of the state or land in any Washington State port bottomfish taken from Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A-1, 59A-2, 59B, 60A-1, 60A-2, 61, 62, or 63 in excess of the amounts or less than the minimum sizes shown below for the following species:

1. The following definitions apply to this section:

a. **Cumulative limit** - A cumulative limit is the maximum amount of fish that may be taken and retained, possessed or landed per vessel per calendar month, without a limit on the number of landings or trips. For B-platoon vessels (see section 1.b.) A calendar month shall be the 16th of the month through the 15th of the following month. The cumulative limit includes all fish harvested by a vessel during the month, whether taken in limited entry or open access fisheries. Once a cumulative limit has been achieved, an operator may begin fishing on the next cumulative limit so long as the fish are not landed until after the beginning of the next cumulative limit.

b. **Two-month cumulative limit** is the maximum amount of fish that may be taken and retained, possessed or landed per vessel per two, fixed calendar months, without a limit on the number of landings or trips. The fixed two-two month periods are July-August and September-October except for vessels that have elected to be endorsed in the "B-platoon" on their trawl federal limited entry permit. Two-month cumulative limits for B-platoon vessels begin on the 16th of the calendar month. These periods are: May 16th-July 15 and July 16th-September 15. No more than sixty percent of any two-month cumulative limit may be taken and retained, possessed or landed per vessel in either calendar month of the fixed, two-month period, except for vessels in the B-platoon during the final period of the calendar year. The first calendar month for purposes of the 60 percent restriction for B-platoon vessels in other periods shall be defined as the period beginning on the 16th of the month in which the trip limit begins through the 15th of the following month. The second calendar month period shall be defined as beginning on the 16th of

the second month in the period through the end of the cumulative period. The two-month cumulative limit includes all fish harvested by a vessel during the two-month period, whether taken in limited entry or open access fisheries. Once a two-month cumulative limit has been achieved, an operator may begin fishing on the next two-month cumulative limit so long as the fish are not landed until after the beginning of the next two-month cumulative period.

c. **Daily trip limit** - The maximum amount of fish that may be taken and retained, possessed or landed per vessel from a single fishing trip in 24 consecutive hours, starting at 0001 hours.

d. **Groundfish limited entry fishery** - Fishing activity by a trawl, setline or bottomfish pot equipped vessel that has received a federal limited entry permit issued by the National Marine Fisheries Service endorsed for the qualifying gear type.

e. **Groundfish open access fishery** - Fishing activity by a vessel equipped with setline or bottomfish pot gear that has not received a federal limited entry permit, or a vessel using gear other than trawl, setline or bottomfish pot gear.

f. **Vessel trip** - A vessel trip is defined as having occurred upon the initiation of transfer of catch from a fishing vessel.

g. **Vessel trip limit** - The amount of fish that may not be exceeded per vessel trip. All fish aboard a fishing vessel upon the initiation of transfer of catch are to be counted towards the vessel trip limit.

h. **Dressed length** - The dressed length of a fish is the distance from the anterior insertion of the first dorsal fin to the tip of the tail.

2. **Groundfish limited entry fishery limits.** The following limits apply to the groundfish limited entry fishery in Coastal Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A-1, 59A-2, 59B, 60A-1, 60A-2, 61, 62, and 63 (notwithstanding the provisions of WAC 220-44-030):

a. **Pacific ocean perch** - Two-month cumulative limit of 8,000 pounds. No minimum size.

b. **Widow rockfish** - Two-month cumulative limit of 30,000 pounds. No minimum size.

c. **Shortbelly rockfish** - No minimum size. No maximum poundage.

d. **Black rockfish** - The vessel trip limit for black rockfish for commercial fishing vessels using hook-and-line gear between the U.S. Canada border and Cape Alava (48°09'30" N. latitude) and between Destruction Island (47°40'00" N. latitude) and Leadbetter Point (46°38'10" N. latitude), is 100 pounds (round weight) or 30 percent by weight of all fish on board including salmon, whichever is greater, per vessel trip.

e. **Sebastes complex** - All species of rockfish except Pacific ocean perch, widow, shortbelly, and thornyhead (*Sebastes* spp.) Two-month cumulative limit of 40,000 pounds, of which no more than 13,000 pounds may be yellowtail rockfish and no more than 15,000 pounds may be canary rockfish.

f. **DTS Complex - (Dover sole, Thornyhead rockfish, and Sablefish)** - Dover sole, two-month cumulative limit of 22,000 pounds. Longspine thornyheads, two-month cumulative limit of 12,000 pounds. Shortspine thornyheads, two-month cumulative limit of 5,000 pounds. Sablefish; for trawl

vessels, two-month cumulative limit of 6,000 pounds; for non-trawl vessels, two-month cumulative limit of 1,800 pounds.

g. Sablefish -

(1) **Trawl vessels** - Not more than 500 pounds (round weight) of sablefish per trip may be smaller than 22 inches. Sablefish total length of 22 inches is equivalent to dressed length of 15.5 inches. To convert sablefish from dressed weight to round weight, multiply the dressed weight by 1.6.

(2) **Non-trawl vessels** - Daily trip limit of 300 pounds (round weight) not to exceed 1,800 pounds in any fixed, two-month calendar period calendar month. The restriction of landing no more than 60% of the two-month cumulative allowance in a single calendar month does not apply. No minimum size. Effective noon, July 30, until noon August 1, closed to taking, possessing, transporting or landing sablefish. All non-trawl groundfish gear must be out of the water. Effective noon August 1 through noon August 7, the following cumulative limits will be in effect for non-trawl vessels possessing a federal sablefish endorsement:

Vessels with a tier 1 endorsement - 52,000 pounds (round weight)

Vessels with a tier 2 endorsement - 23,500 pounds (round weight)

Vessels with a tier 3 endorsement - 13,500 pounds (round weight)

Not more than 1,500 pounds (round weight) may be sablefish less than 22 inches (15.5 inches dressed, head off). These limits may be taken in any number of landings during the 6-day period. During this period, the non-trawl sablefish fishery remains closed for limited entry vessels with no sablefish endorsement. Once a vessel has landed its cumulative limit, no more sablefish may be landed by that vessel until the daily trip limit resumes on August 8. Effective noon August 7 until 6 p.m. August 8 taking and landing of groundfish with non-trawl groundfish gear is prohibited. Gear may remain in the water. Effective 6:01 p.m. August 8, daily trip limit of 300 pounds (round weight) not to exceed 1,800 pounds in any fixed, two-month cumulative period. The restriction of landing no more than 60% of the two-month cumulative allowance in a single calendar month does not apply. No minimum size.

h. Pacific Whiting - No maximum poundage. No minimum size.

i. Lingcod - Two-month cumulative limit of 1,000 pounds. Total length minimum size limit of 24 inches. Lingcod total length of 24 inches is equivalent to dressed length of 19.5 inches. To convert lingcod from dressed weight to round weight, multiply the dressed weight by 1.5. To convert lingcod from dressed, head on (gutted only), weight, multiply the dressed weight by 1.1.

(1) It shall be lawful to land up to 100 pounds of lingcod under 24 inches taken in the trawl fishery only.

3. Groundfish open access fishery limits. The following limits apply to the groundfish open access fishery in Coastal Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A1, 59A-2, 59B, 60A-1, 60A-2, 61, 62, and 63 (notwithstanding the provisions of WAC 220-44-030). Notwithstanding the provisions of this subsection, no groundfish

open access fishery limit may exceed a groundfish limited entry fishery daily, vessel or cumulative limit or more than 50% of any 2-month cumulative limit:

(a) **Sablefish** - Daily trip limit of 300 pounds (round weight) not to exceed 1,800 pounds in any fixed, 2-month cumulative period. The restriction of landing no more than 60% of the two-month cumulative allowance in a single calendar month does not apply. No minimum size. Effective noon, July 30, until noon August 1, closed to taking, possessing, transporting or landing sablefish; all non-trawl groundfish gear must be out of the water. Effective noon, August 1 through noon, August 7 daily trip limit of 300 pounds (round weight) not to exceed 1,800 pounds in any fixed, 2-month cumulative period. Effective noon August 7 until 6 p.m. August 8 taking, possessing or landing of groundfish with non-trawl groundfish gear is prohibited. Gear may remain in the water. Effective 6:01 p.m. August 8, daily trip limit of 300 pounds (round weight) not to exceed 1,800 pounds in any fixed, 2-month cumulative period.

(b) **Rockfish** - Rockfish includes all *Sebastes* complex, widow rockfish, thornyhead rockfish, shortbelly rockfish and Pacific ocean perch. Vessel trip limit of 10,000 pounds. Cumulative monthly limit of 40,000 pounds.

(c) **Sebastes complex** - Monthly cumulative limit of 33,000 pounds (round weight). Of which, no more than 6,500 pounds (round weight) may be yellowtail rockfish and no more than 200 pounds (round weight) may be canary rockfish. No minimum size.

(d) **Black rockfish** - The vessel trip limit for black rockfish for commercial fishing vessels using hook-and-line gear between the U.S. Canada border and Cape Alava (48° 09'30"N. latitude) and between Destruction Island (47° 40'00" N. latitude) and Leadbetter Point (46° 38'10" N. latitude, is 100 pounds (round weight) or 30 percent by weight of all fish on board including salmon, whichever is greater, per vessel trip.

(e) **Widow Rockfish** - Monthly cumulative limit of 3,000 pounds. No minimum size.

(f) **Lingcod** - Monthly cumulative limit of 250 pounds (round weight). Total length minimum size limit of 24 inches. Lingcod total length of 24 inches is equivalent to dressed length of 19.5 inches. To convert lingcod from dressed weight to round weight, multiply the dressed weight by 1.5. To convert lingcod from dressed, head on (gutted only), weight, multiply the dressed weight by 1.1. Effective 12:01 a.m. August 1, illegal to take, possess, transport or land lingcod.

(g) **Thornyhead rockfish** - Illegal to take, possess, transport or land thornyhead rockfish.

4. It is unlawful during the unloading of the catch and prior to its being weighed or leaving the unloading facility to intermix with any other species or category of bottomfish having a cumulative limit, vessel trip limit or daily trip limit.

5. The fisher's copy of all fish receiving tickets showing landings of species provided for in this section shall be retained aboard the landing vessel for 90 days after landing.

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

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

REPEALER

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. June 30, 1998:

WAC 220-44-05000M Coastal bottomfish catch limits. (97-242)

**WSR 98-14-095
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 98-116—Filed June 30, 1998, 3:45 p.m., effective July 2, 1998, 6:00 a.m.]

Date of Adoption: June 30, 1998.

Purpose: Commercial fishing rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-72-076.

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: This regulation is needed to control the spread of the European green crab from Willapa Bay, where a live specimen was discovered on June 26, 1997 [1998]. There is insufficient time to promulgate permanent rules.

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 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: July 2, 1998, 6:00 a.m.

June 30, 1998

Larry Peck

for Bern Shanks

Director

NEW SECTION

WAC 220-72-07600A Unlawful acts—Permit required. Notwithstanding the provisions of WAC 220-72-076, effective 6:00 a.m. July 2, 1998, until further notice, it shall be unlawful to transfer shellfish aquaculture products (including all oysters and clams, oyster seed, cultch, and shell), and aquaculture equipment (including aquaculture vehicles and vessels) from the waters and tidelands of Willapa Bay inside and easterly of a line projected from the most northern tip of Leadbetter Point true north to Cape Shoalwater without obtaining written permission from the director of fish and wildlife or the director's authorized agent. Such written permit must be affixed to or otherwise accompany the conveyance affecting the physical transfer of such shellfish, shellfish aquaculture products (including oyster seed, cultch, and shell), or aquaculture equipment (including aquaculture vehicles and vessels).

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

**WSR 98-14-126
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Medical Assistance Administration)

[Filed July 1, 1998, 10:45 a.m.]

Date of Adoption: July 1, 1998.

Purpose: This rule adopts recent changes in the federal standards for community spouse needs allowance, family needs allowance, and the standard shelter allocation effective July 1, 1998. This rule also adopts a state plan amendment, allowing an increase in the personal needs allowance (PNA) by the amount of income garnisheed for child support subject to the following limitations: (1) The increase applies only to garnishments made in the same period covered by the PNA; and (2) the increase does not apply to any amount of the garnishment that is deducted under another provision in the posteligibility process.

Citation of Existing Rules Affected by this Order: Amending WAC 388-513-1380.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.500.

Other Authority: State Plan Supplement 12 to Attachment 2.6-A Page 1.

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: This amendment must go into effect by July 1, 1998, to comply with federal regulations.

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.

EMERGENCY

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 1, Repealed 0.

Effective Date of Rule: Immediately.

July 1, 1998

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 98-08-077, filed 3/31/98, effective 4/1/98)

WAC 388-513-1380 Institutional—Participation—Client share of monthly institutional payments. This section describes ~~((the))~~ allocations which ~~((can be))~~ are deducted ~~((from the institutional client's income and excess resources in order to determine the amount available for the))~~ when determining a client's participation in the cost of care for institutional/waivered services.

(1) ~~((The client's))~~ Deductions to reduce excess resources are ~~((available to meet the cost of care after))~~ taken in the following ~~((deductions in this))~~ order:

(a) Health insurance and Medicare premiums, deductions, and co-insurance not ~~((paid by a))~~ subject to third-party payment; and

(b) Noncovered medical bills ~~((which are the liability of the client and not paid by a))~~ not subject to third-party payment for which the client is liable.

(2) ~~((The allocations))~~ Deductions used to reduce excess resources under subsection (1) ~~((of this section))~~ cannot be used to reduce income under subsection (3) ~~((of this section))~~.

(3) ~~((The client's nonexempt))~~ Deductions to reduce income ~~((is available to meet the cost of care after))~~ not excluded in WAC 388-513-1340 are taken in the following ~~((deductions in this))~~ order:

(a) Deductions described in subsection (3)(a) may not total more than the one-person medically needy income level (MNIL):

(i) A personal needs allowance (PNA) as follows:

(A) One hundred sixty dollars ~~((for))~~, if the client is a veteran living in a ~~((Medicaid-certified))~~ state veteran's home ~~((nursing facility))~~;

(B) Ninety dollars ~~((for a single veteran, for widow or widower of a veteran receiving an improved veteran's))~~, if the client is a veteran not living in a state's veteran home or a veteran's surviving spouse, who receives an improved pension; or

(C) Forty-one dollars and sixty-two cents for all other clients in a medical facility.

(ii) Federal, state, or local income taxes:

(A) Mandatorily withheld from earned or unearned income for income tax purposes before receipt by the client; or

(B) Not covered by withholding, but are owed or have been paid by the client.

(iii) Wages for a client who:

(A) Is SSI-related; and

(B) Receives the wages as part of a department-approved training or rehabilitative program designed to prepare the client for a less restrictive placement. When determining this deduction employment expenses are not deducted.

(iv) Guardianship fees and administrative costs including any attorney fees paid by the guardian, after June 15, 1998, only as allowed by chapter 388-79 WAC.

(v) Income garnished for child support.

(b) A monthly needs allowance for the community spouse not to exceed, effective January 1, 1998, two thousand nineteen dollars, unless specified in subsection (5) of this section. The monthly needs allowance is:

(i) An amount added to the community spouse's gross income to provide a total of one thousand three hundred fifty-~~((eight))~~ six dollars;

(ii) Excess shelter expenses as specified under subsection (4) ~~((of this section))~~; and

(iii) Allowed only to the extent the client's income is made available to the community spouse.

(c) A monthly maintenance needs amount for each dependent or minor child, dependent parent or dependent sibling:

(i) Residing with the community spouse, equal to one-third of the amount that one thousand three hundred fifty-~~((eight))~~ six dollars exceeds the family member's income. Child support received from an absent parent is the child's income.

(ii) Not residing with the community spouse, equal to the MNIL for the number of family members in the home less the income of the family members.

(d) Incurred medical expenses, not subject to third-party payment ~~((-))~~ for which ~~((are the current liability of the))~~ the client is liable, including:

(i) Health insurance premiums, deductions, and coinsurance amounts; and

(ii) Necessary medical care recognized under state law, but not covered under Medicaid.

(e) Maintenance of the home of a single person or institutionalized couple:

(i) Up to one hundred percent of the one-person federal poverty level per month;

(ii) Limited to a six-month period;

(iii) When a physician has certified that the client is likely to return to the home within the six-month period; and

(iv) When social service staff documents initial need for the income exemption and reviews the person's circumstances after ninety days.

(4) For the purposes of this section, "excess shelter expenses" equal the actual expenses under subsection (4)(a) ~~((of this section))~~ less the standard shelter allocation under subsection (4)(b) ~~((of this section))~~:

(a) Shelter expenses are the actual required maintenance expenses for the community spouse's principal residence for:

- (i) Rent;
- (ii) Mortgage;
- (iii) Taxes and insurance;
- (iv) Any maintenance care for a condominium or cooperative; and

(v) The food stamp standard utility allowance, provided the utilities are not included in the maintenance charges for a condominium or cooperative.

(b) The standard shelter allocation is four hundred ~~((eight))~~ seven dollars, effective ~~((April 1, 1997))~~ July 1, 1998.

(5) The amount the institutional spouse may allocate to the community spouse may be greater than the amount in subsection (3)(b) ~~((of this section))~~ only when:

(a) A court enters an order against the institutionalized client for the support of the community spouse; or

(b) A hearings officer determines a greater amount is needed because of exceptional circumstances resulting in extreme financial duress.

(6) SSI clients shall continue to receive total payment under 1611 (b)(1) of the Social Security Act for the first three full calendar months of institutionalization in a public or Medicaid-approved medical institution or facility when the:

(a) Stay in the institution or facility is not expected to exceed three months; and

(b) The client plans to return to former living arrangements.

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.

EMERGENCY

WSR 98-13-020
RULES OF COURT
STATE SUPREME COURT

[June 4, 1998]

PROPOSED AMENDMENT TO RULES OF
PROFESSIONAL CONDUCT
RPC 7.5
FIRM NAMES AND DESIGNATIONS

IN THE MATTER OF THE ADOPTION) ORDER
OF THE AMENDMENTS TO RPC 7.5(a);) NO. 25700-A-624
RAP 2.2, RAP 2.3, RAP 2.4, RAP 3.2, RAP)
3.3, RAP 4.3, RAP 5.1, RAP 5.2, RAP)
5.3(c) AND (j), RAP 5.4, RAP 5.5, RAP 7.2,)
RAP 9.2, RAP 9.5, RAP 9.6, RAP 9.7, RAP)
9.8, RAP 9.10, RAP 10.1, RAP 10.2, RAP)
10.3, RAP 10.4, RAP 10.5, RAP 11.3, RAP)
12.4, RAP 12.5, RAP 12.7, RAP 13.4, RAP)
13.7, RAP 14.2, RAP 14.3(a), RAP 14.6,)
RAP 16.9, RAP 16.10, RAP 16.11, RAP)
17.4, RAP 17.5, RAP 18.3, RAP 18.6, RAP)
18.9, RAP 18.23; RALJ 8.1, RALJ 9.1,)
RALJ 9.3, RALJ 10.2 AND NEW RALJ)
10.3)

(a) A lawyer shall not use a firm name, letterhead or other professional designation that violates Rule 7.1 or Rule 7.4. A trade name may be used by a lawyer in private practice if it does not imply a connection with a government agency or charitable legal services organization and is not otherwise in violation of Rule 7.1 or Rule 7.4. A trade name may not be used by a lawyer in private practice except that the use of the words "legal clinic" may be used in private practice except that the use of the words "legal clinic" may be used alone or in conjunction with a geographical designation or the name of one or more of the lawyers connected with the practice so long as the name is not otherwise in violation of rule 7.1 and except if otherwise lawful a firm may use as, or continue to include in, its name the name or names of one or more deceased or retired members of the firm of a predecessor firm in a continuing line of succession.

The Washington State Bar Association having recommended the adoption of the proposed amendments to RPC 7.5(a); RAP 2.2, RAP 2.3, RAP 2.4, RAP 3.2, RAP 3.3, RAP 4.3, RAP 5.1, RAP 5.2, RAP 5.3 (c) and (j), RAP 5.4, RAP 5.5, RAP 7.2, RAP 9.2, RAP 9.5, RAP 9.6, RAP 9.7, RAP 9.8, RAP 9.10, RAP 10.1, RAP 10.2, RAP 10.3, RAP 10.4, RAP 10.5, RAP 11.3, RAP 12.4, RAP 12.5, RAP 12.7, RAP 13.4, RAP 13.7, RAP 14.2, RAP 14.3(a), RAP 14.6, RAP 16.9, RAP 16.10, RAP 16.11, RAP 17.4, RAP 17.5, RAP 18.3, RAP 18.6, RAP 18.9, RAP 18.23; RALJ 8.1, RALJ 9.1, RALJ 9.3, RALJ 10.2 and New RALJ 10.3, and the Court having considered the amendments and comments submitted thereto, and having determined that the proposed amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

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

(b) That the amendments will be published in the Washington Reports and will become effective September 1, 1998.

DATED at Olympia, Washington this 4th day of June, 1998.

Durham, C.J.

Dolliver, J.

Guy, J.

Talmadge, J.

Johnson, J.

Sanders, J.

Alexander, J.

PROPOSED AMENDMENTS TO RULES OF
APPELLATE PROCEDURE
RAP 2.2

DECISIONS OF THE SUPERIOR COURT WHICH MAY BE
APPEALED

(a) Unchanged.

(b) Appeal by State or a Local Government in Criminal Case. Except as provided in section (c), the State or a local government may appeal in a criminal case only from the following superior court decisions and only if the appeal will not place the defendant in double jeopardy:

(1) - (5) Unchanged.

(6) Sentence in Criminal Case. A sentence in a criminal case which is below outside the standard range for the offense or which the state or local government believes involves a miscalculation of the standard range.

(c) - (d) Unchanged.

RAP 2.3

DECISIONS OF THE TRIAL COURT WHICH MAY BE REVIEWED
BY
DISCRETIONARY REVIEW

(a) Unchanged.

(b) Considerations Governing Acceptance of Review. Except as provided in section (d), discretionary review will be accepted only:

(1) If the superior court has committed an obvious error which would render further proceedings useless;

(2) If the superior court has committed probable error and the decision of the superior court substantially alters the status quo or substantially limits the freedom of a party to act; or

(3) If the superior court has so far departed from the accepted and usual course of judicial proceedings, or so far

sanctioned such a departure by an inferior court or administrative agency, as to call for review by the appellate court.

The appellate court may consider that the superior court has certified, or that all parties to the litigation have stipulated, that the order involves a controlling question of law as to which there is substantial ground for a difference of opinion and that immediate review of the order may materially advance the ultimate termination of the litigation.

(c) - (d) Unchanged.

RAP 2.4

SCOPE OF REVIEW OF A TRIAL COURT DECISION

(a) - (f) Unchanged.

(g) Award of Attorney Fees. An appeal from a decision on the merits of a case brings up for review an award of attorney fees entered after the appellate court accepts review of the decision on the merits, if the party seeking review files within the time provided in RAP 5.2 an amended notice of appeal or an amended notice for discretionary review as provided in rule 7.2(d).

RAP 3.2

SUBSTITUTION OF PARTIES

(a) - (b) Unchanged.

(c) Where to Make Motion. The motion to substitute parties must be made in the appellate court if the motion is made after review is accepted the notice of appeal was filed or discretionary review was granted. In other cases, the motion should be made in the trial court.

(d) - (f) Unchanged.

RAP 3.3

CONSOLIDATION OF CASES

(a) Cases Tried Together. If two or more cases have been tried together or consolidated for trial, the cases are consolidated for the purpose of review unless the appellate court otherwise directs.

(b) Unchanged.

RAP 4.3

TRANSFER OF CASES BY SUPREME COURT

The Supreme Court, to promote the orderly administration of justice may, on its own initiative, upon certification by the Court of Appeals, or on motion of a party, transfer a case from the Court of Appeals to the Supreme Court or from one division to another division of the Court of Appeals. The Court of Appeals, on its own initiative or on motion of a party, may transfer a case from one division to another division pursuant to CAR 21(a).

RAP 5.1

REVIEW INITIATED BY FILING OF APPEAL OR NOTICE FOR DISCRETIONARY REVIEW

(a) Unchanged.

(b) Filing Fee. The first party to file a notice of appeal or notice for discretionary review must, at the time the notice is filed, pay the statutory filing fee to the clerk of the superior court in which the notice is filed. For cases that were tried together or consolidated for trial, only one filing fee need be paid, notwithstanding that separate notices are filed for each case.

(c) - (f) Unchanged.

RAP 5.2

TIME ALLOWED TO FILE NOTICE

(a) Notice of Appeal. Except as provided in rules 3.2(e); and 5.2(d) and (f), ~~and 15.2(a);~~ a notice of appeal must be filed in the trial court within the longer of (1) 30 days after the entry of the decision of the trial court which the party filing the notice wants reviewed, or (2) the time provided in section (e).

(b) Notice for Discretionary Review. Except as provided in rules 3.2(e); and 5.2(d) and (f), ~~and 15.2(a);~~ a notice for discretionary review must be filed in the trial court within 30 days after the act of the trial court which the party filing the notice wants reviewed.

(c) - (g) Unchanged.

RAP 5.3

CONTENT OF NOTICE—FILING

(a) Content of Notice of Appeal. A notice of appeal must (1) be titled a notice of appeal, (2) specify the party or parties seeking the review, (3) designate the decision or part of decision which the party wants reviewed, and (4) name the appellate court to which the review is taken.

The party filing the notice of appeal should attach to the notice of appeal a copy of the signed order or judgment from which the appeal is made, and, in a criminal case in which two or more defendants were joined for trial by order of the trial court, provide the names and superior court cause numbers of all codefendants.

(b) Unchanged.

(c) Identification of Parties, Counsel, and Address of Defendant in Criminal Case. The party seeking review should ~~advise the trial court clerk of~~ include on the notice of appeal the name and address of the attorney for each of the parties ~~by placing this information on the notice.~~ In a criminal case the attorney for the defendant should also notify the appellate court clerk of the defendant's address, by placing this information on the notice. The attorney for a defendant in a criminal case must also keep the appellate court clerk advised of any changes in defendant's address during review.

(d) - (i) Unchanged.

(j) Assistance to Defendant in Criminal Case. The trial court clerk shall, if requested by a defendant in a criminal case in open court or in writing, supply a notice of appeal form, ~~or a notice for discretionary review form, or a form for a motion for order of indigency,~~ and file it the forms upon completion by the defendant.

RAP 5.4

FILING AND SERVICE OF NOTICE

(a) **Filing of Notice by Clerk of Trial Court.** The clerk of the trial court shall ~~immediately upon~~ within 14 days of the filing of a notice of appeal or notice for discretionary review file a copy of the notice with the appellate court designated in the notice and ~~transmit the filing fee to~~ notify that court ~~whether the filing fee has been paid~~. The clerk shall indicate on the notice in the clerk's file, or on a separate paper, the date the notice was mailed to the appellate court. Failure by the clerk to file the notice with the appellate court has no effect on the rights of any party to review.

(b) Unchanged.

RAP 5.5

SETTLEMENT CONFERENCE IN COURT OF APPEALS

(a) Unchanged.

(b) **Settlement Conference.** A settlement conference may be held in a civil appeal when directed by the Court of Appeals or when all parties to the appeal agree that a conference would be beneficial. The parties should direct a request for a settlement conference in writing to the clerk of the court. If a settlement conference is requested by all parties, or directed by the Court of Appeals, the clerk of the court will then give notice to the parties of the date, time, and place of conference; the name of the judge, judge pro tempore, or commissioner who will conduct the conference; and whether the parties are required to attend the conference. The clerk will also advise the parties if a civil appeal statement or answer is required and, if so, the date by which the document should be filed.

(c) **Form of Civil Appeal Statement.** The statement should be captioned "Civil Appeal Statement," contain the title of the case as provided in rule 3.4, and contain under appropriate headings and in the order here indicated:

(1) - (12) Unchanged.

(13) **Certificate of Counsel.** A statement signed by counsel for the party filing the statement certifying that the appeal is taken in good faith; the appeal is not taken for the purpose of delay; and that the party represented by counsel is or is not prepared to ~~immediately~~ take all steps immediately to complete the appeal. If the ~~statement indicates~~ the party is not prepared to ~~immediately~~ take all steps immediately to complete the appeal, the certificate of counsel must state the reason(s) why the party is not immediately prepared to complete the appeal.

(d) - (f) Unchanged.

(g) **Attendance at Settlement Conference.** The attorney for each party, and the party if the notice requires it, must attend the settlement conference on the date, time, and place specified in the clerk's notice. Those in attendance should be ready to ~~seriously~~ consider seriously the possibility of settlement, limitation of the issues to be presented for review, and other matters ~~which that~~ may promote the prompt and fair disposition of the appeal.

(h) - (j) Unchanged.

RAP 7.2

AUTHORITY OF TRIAL COURT AFTER
REVIEW ACCEPTED

(a) - (c) Unchanged.

(d) **Attorney Fees and Litigation Expenses.** The trial court has authority to award attorney fees and litigation expenses for an appeal in a marriage dissolution, a legal separation, a declaration of invalidity proceeding, or an action to modify a decree in any of these proceedings, and in any other action in which applicable law gives the trial court authority to do so. To obtain review of a trial court decision on attorney fees and litigation expenses in the same review proceeding as that challenging the judgment, a party must file an amended notice of appeal or an amended notice for discretionary review in the trial court.

(e) - (l) Unchanged.

RAP 9.2

VERBATIM REPORT OF PROCEEDINGS

(a) **Transcription and Statement of Arrangements.** If the party seeking review intends to provide a verbatim report of proceedings, the party should arrange for transcription of and payment for an original and one copy of the verbatim report of proceedings within 45 days after ~~acceptance of review~~ the notice of appeal was filed or discretionary review was granted. If the proceeding being reviewed was recorded on videotape, transcription of the videotapes shall be completed by a court-approved transcriber in accordance with procedures developed by the Office of the Administrator for the Courts. Copies of these procedures are available at the court administrator's office in each county where there is a courtroom that videotapes proceedings or through the Office of the Administrator for the Courts. The party seeking review must file with the appellate court and serve on all parties of record ~~and all named court reporters~~ a statement that arrangements have been made for the transcription of the report ~~and file proof of service with the appellate court~~. The statement must be filed within 45 days after ~~acceptance of review~~ the notice of appeal was filed or discretionary review was granted. The party must indicate the date that the report of proceedings was ordered, the financial arrangements which have been made for payment of transcription costs, the name of each court reporter or other person authorized to prepare a verbatim report of proceedings who will be preparing the transcript, the hearing dates, and the trial court judge. If the party seeking review does not intend to provide a verbatim report of proceedings, a statement to that effect should be filed in lieu of a statement of arrangements within 45 days after ~~acceptance of review~~ the notice of appeal was filed or discretionary review was granted and served on all parties of record.

(b) **Content.** A party should arrange for the transcription of ~~only all~~ those portions of the verbatim report of proceedings necessary to present the issues raised on review. A verbatim report of proceedings provided at public expense will not include the voir dire examination or opening statement unless so ordered by the trial court. If the party seeking review intends to urge that a verdict or finding of fact is not

supported by the evidence, the party should include in the record all evidence relevant to the disputed verdict or finding. If the party seeking review intends to urge that the court erred in giving or failing to give an instruction, the party should include in the record all of the instructions given, the relevant instructions proposed, the party's objections to the instructions given, and the court's ruling on the objections.

(c) **Notice of Partial Report of Proceedings and Issues.** If a party seeking review arranges for less than all of the verbatim report of proceedings, the party should ~~include in the statement of arrangements file and serve on all other parties within 45 days after review is accepted a description of the parts of the verbatim report of proceedings which the party intends to include in the record and~~ a statement of the issues the party intends to present on review. Any other party who wishes to add to the verbatim report of proceedings should within 10 days after service of the ~~description and notice statement of arrangements~~ file and serve on all other parties ~~and the court reporter~~ a designation of additional parts of the verbatim report of proceedings ~~and file proof of service with the appellate court.~~ If the party seeking review refuses to provide the additional parts of the verbatim report of proceedings, the party seeking the additional parts may provide them at the party's own expense or apply to the trial court for an order requiring the party seeking review to pay for the additional parts of the verbatim report of proceedings.

(d) **Payment of Expenses.** Unchanged.

(e) **Title Page and Table of Contents.** The ~~court reporter or other authorized transcriber~~ shall include at the beginning of each volume of the verbatim report of proceedings ~~should include~~ a title page and a table of contents.

(1) The title page should include the following:

(A) ~~e~~Case name,

(B) ~~t~~Trial court and appellate cause numbers,

(C) ~~d~~Date(s) of hearings,

(D) ~~t~~Trial court judge(s),

(E) ~~N~~ames of attorneys at trial of record on appeal, and the

(F) ~~n~~Name, business address and telephone number of each court reporter or other authorized ~~person~~ transcriber.

(2) The table of contents ~~should~~ shall follow the title page and shall indicate, under the headings listed below, the pages where the following appear:

(1A) **Proceedings.** The beginning of each proceeding and the nature of that proceeding;

(2B) **Witnesses Testimony.** The testimony of each witness, the page where it begins, and the type of examination, i.e., direct, cross, re-direct, re-cross, and the page where the plaintiff rests and the defendant rests;

(3C) **Exhibits.** The marking and admission into evidence of exhibits and depositions;

(4) **Motions.** All motions and decisions of motions;

(5D) **Argument.** The pages where opening statements opening and closing arguments occur, except as otherwise provided in rule 9.2(b) for verbatim reports of proceedings provided at public expense;

(6E) **Instructions.** All instructions proposed and given. Any other events should be listed under a suitable heading which would help the reviewing court locate separate parts of the verbatim report of proceedings.

(F) **Multiple Days.** If a volume includes hearings from more than one day, there shall be a separate table of contents for each day.

(f) **Form Generally.**

(1) **Generally.** The verbatim report of proceedings ~~must~~ shall be on 8-1/2-by 11-inch paper. Margins ~~should~~ shall be lined 1-3/8 inches from the left and 5/8 inches from the right side of each page. ~~The type should fill the space between the lines.~~ Indentations from the left lined margin should be: 1 space for "Q" and "A"; 3 1/2 spaces for the body of the testimony; 8 spaces for commencement of a paragraph; and 10 spaces for quoted authority. Typing should be double spaced or 1-1/2 spaced except that comments by the reporter should be single spaced. ~~If double spaced, the~~ The page should have 25 lines of type. ~~If 1-1/2 spaced, the page should have 33 lines of type.~~ Type must be pica type or its equivalent with no more than 10 characters an inch.

(A) **Witnesses Designated/Examination.** Indicate at the top or bottom of each page the name of the witness and whether the examination is on direct, cross, re-direct, re-cross, or rebuttal.

(B) **Jury In/Out.** Indicate when the jury is present, when the jury leaves, and when the jury returns.

(C) **Bench/Side Bar Conferences.** Designate whether a bench/side bar conference is on or off the record.

(D) **Chamber Conferences.** If the conference is recorded, note the presence or absence of persons participating in chamber conferences.

(E) **Speaker/Event Identification.** Identify speakers and events that occur throughout the proceedings in capital letters centered on the appropriate line. For example: recess/court reconvene; direct examination, cross examination, re-direct examination, re-cross examination, plaintiff rests; defendant's evidence; direct examination, cross examination, re-direct examination, re-cross examination, defense rests; instructions, conference, closing arguments; for plaintiff, for defense, and rebuttal.

(2) **Volume and Pages.**

(A) Pages in each volume of the verbatim report of proceedings shall be numbered consecutively.

(B) Each volume shall include no more than 200 pages. The volumes shall be either bound or fastened securely.

(3) **Copies.** The verbatim report of proceedings should be legible, clean and reproducible.

RAP 9.5

FILING AND SERVICE OF REPORT OF PROCEEDINGS —
OBJECTIONS

(a) **Generally.** The party seeking review must file an agreed or narrative report of proceedings with the clerk of the trial court within 90 45 days after review is accepted by the appellate court the statement of arrangements is filed. The court reporter or person authorized to prepare the verbatim report of proceedings must file ~~it~~ a verbatim report of proceedings within 90 45 days after review is accepted the statement of arrangements is filed and all named court reporters are served. If the proceeding being reviewed was recorded on videotape, the transcript must be filed by the transcriber with the clerk of the trial court within 90 45 days after review

~~is accepted by the appellate court the statement of arrangements is filed and all named court reporters are served. The party who caused a report of proceedings to be filed should at the time of filing the report of proceedings serve one copy on an adverse party and serve notice that the report of proceedings has been filed and file proof of the service on all other parties.~~

~~(1) A party filing a brief must promptly forward a copy of the verbatim report of proceedings with a copy of the brief to the party with the right to file the next brief. If more than one party has the right to file the next brief, the parties must cooperate in the use of the report of proceedings. The party who files the last brief should return the copy of the report of proceedings to the party who paid for it.~~

~~(2) If the transcript was computer-generated, one diskette (using ASCII format with hard page returns) shall be filed with the original verbatim report of proceedings and a second diskette shall be provided to the party who receives the verbatim report of proceedings. The party who files the last brief should return the diskette to the party who paid for the verbatim report of proceedings.~~

~~(b) Filing and Service of Verbatim Report of Proceedings. If a verbatim report of proceedings cannot be completed within 90 45 days after review is accepted by the appellate court the statement of arrangements is filed, the court reporter or video transcriber or authorized person shall, no later than 10 days before the report of proceedings is due to be filed, submit an affidavit stating the reasons for the delay to the party who filed the statement of arrangements; the ordered the report of proceedings stating the reasons for the delay. The party who requested the verbatim report of proceedings should move for an extension of time from the appellate court. The clerk will notify the parties of the action taken on the motion. When the court reporter or video transcriber or authorized person files the verbatim report of proceedings, a copy shall be provided to the party who arranged for transcription and either the reporter or video transcriber or authorized person shall serve and file notice of the filing on all other parties. Failure to timely file the verbatim report of proceedings may subject the court reporter or video transcriber or authorized person to sanctions as provided in rule 18.9.~~

~~(c) - (d) Unchanged.~~

~~(e) Use of Copy of Report of Proceedings. The party who has the right to file the next brief must be given the use of the copy of the report of proceedings. If more than one party has the right to file the next brief, the parties must cooperate in the use of the report of proceedings. When all briefs are filed, the copy of the report of proceedings should be returned to the party who paid for it.~~

RAP 9.6

DESIGNATIONS OF CLERK'S PAPERS AND EXHIBITS

~~(a) Generally. The party seeking review should, within 15 days after review is accepted the notice of appeal is filed or discretionary review is granted, serve on all other parties and file with the trial court clerk and the appellate court clerk a designation of those clerk's papers and exhibits the party wants the trial court clerk to transmit to the appellate court.~~

Any party may supplement the designation of clerk's papers and exhibits prior to or with the filing of the party's last brief. Thereafter, a party may supplement the designation only by order of the appellate court, upon motion. Each party is encouraged to designate only clerk's papers and exhibits needed to review the issues presented to the appellate court.

(b) - (c) Unchanged.

RAP 9.7

PREPARING CLERK'S PAPERS AND EXHIBITS FOR APPELLATE COURT

~~(a) Clerk's Papers. The clerk of the trial court shall make copies at cost, not to exceed 50 cents a page, of those portions of the clerk's papers designated by the parties and prepare them for transmission to the appellate court. The clerk shall assemble the copies and number each page of the clerk's papers in chronological order of filing, and bind in volumes of no more than 200 pages. The clerk shall prepare a cover sheet for the papers with the title "Clerk's Papers" and prepare an alphabetical index to the papers. The clerk shall promptly send a copy of the index to each party. The reproduction costs must be paid to the trial court clerk within 14 days of receipt of the index. Failure to do so may result in sanctions under rule 18.9. Upon receipt of payment, the clerk shall forward the clerk's papers to the appellate court.~~

(b) - (c) Unchanged.

RAP 9.8

TRANSMITTING RECORD ON REVIEW

~~(a) Unchanged.~~

~~(b) Cumbersome Exhibits. The clerk of the trial court shall transmit to the appellate court exhibits which are difficult or unusually expensive to transmit only if the appellate court directs or if a party makes arrangements with the clerk to transmit the exhibits at the expense of the party requesting the transfer of the exhibits. No weapons, controlled substances, or currency shall be forwarded unless directed by the appellate court.~~

(c) Unchanged.

RAP 9.10

CORRECTING OR SUPPLEMENTING RECORD AFTER TRANSMITTAL TO APPELLATE COURT

If a party has made a good faith effort to provide those portions of the record required by rule 9.2(b), the appellate court will not ordinarily dismiss a review proceeding or affirm, reverse, or modify a trial court decision or administrative adjudicative order certified for direct review by the superior court because of the failure of the party to provide the appellate court with a complete record of the proceedings below. If the record is not sufficiently complete to permit a decision on the merits of the issues presented for review, the appellate court may, on its own initiative or on the motion of a party (1) direct the transmittal of additional clerk's papers and exhibits or administrative records and exhibits certified by the administrative agency, or (2) correct, or direct the supplementation or correction of, the report of proceedings. The

appellate court may impose sanctions as provided in rule 18.9(a) as a condition to correcting or supplementing the record on review. The party directed or permitted to supplement the record on review must file either a designation of clerk's papers as provided in rule 9.6 or a statement of arrangements as provided in rule 9.2 within the time set by the appellate court.

RAP 10.1

BRIEFS WHICH MAY BE FILED

(a) - (c) Unchanged.

(d) Pro Se Supplemental Brief in Criminal Case. A defendant/appellant in a review of a criminal case may file a brief supplementing the brief filed by the defendant/appellant's counsel, but only if the defendant/appellant files a notice of intention to file a pro se supplemental brief. The court will not accept a pro se supplemental brief from a defendant/respondent. The notice of intent should be filed within 30 days after the defendant/appellant has received the brief prepared by defendant/appellant's counsel, a notice from the clerk of the appellate court advising the defendant/appellant of the substance of this section, rules 10.2(e), and 10.3(d), and a form of notice of intention to file a pro se supplemental brief. The clerk will advise all parties if the defendant/appellant files the notice of intention. If a defendant/appellant files a notice of intent to file a pro se supplemental brief, the appellate court will provide a copy of the verbatim report of proceedings to the defendant/appellant. The cost for reproducing the verbatim report of proceedings for an indigent defendant/appellant will be reimbursed to the appellate court from the appellate indigent defense fund.

(e) Unchanged.

(f) Briefs in Cases Involving Cross Review. If a cross review is filed, the party first filing a notice of appeal or notice of discretionary review is deemed the appellant or petitioner for the purpose of this title, unless the parties otherwise agree or the appellate court otherwise orders. The following briefs may be filed in cases involving cross review: (1) brief of appellant, (2) brief of respondent/cross appellant, (3) reply brief of appellant/cross respondent, and (4) reply brief of cross respondent.

(g) Unchanged.

(h) Other Briefs. The appellate court may in a particular case, on its own motion or on motion of a party, authorize or direct the filing of briefs on the merits other than those listed in this rule.

RAP 10.2

TIME FOR FILING BRIEFS

(a) - (c) Unchanged.

(d) Reply Brief. A reply brief of an appellant or petitioner should be filed with the appellate court within ~~the sooner of~~ 30 days after service of the brief of respondent ~~or unless oral argument is set fewer than 30 days after the brief of respondent is filed.~~ In that instance, the reply brief must be filed at least 14 days before oral argument.

(e) Pro Se Supplemental Brief in Criminal Case. A pro se supplemental brief in a criminal case should be filed

with the appellate court within 60 days after the defendant/appellant has ~~received been served with a verbatim the respondent's brief and has had the opportunity to review the report of proceedings.~~

(f) - (g) Unchanged.

(h) Service of Briefs. At the time a party files a brief, the party should serve one copy on every other party and on any amicus curiae, and file proof of service with the appellate court. In a criminal case in which the defendant is the appellant, appellant's counsel shall serve the appellant and file proof of service with the appellate court. Service and proof of service should be made in accordance with rules 18.5 and 18.6.

(i) Unchanged.

RAP 10.3

CONTENT OF BRIEFS

(a) Brief of Appellant or Petitioner. The brief of the appellant or petitioner should contain under appropriate headings and in the order here indicated:

(1) - (6) Unchanged.

(7) Appendix. An appendix to the brief if deemed appropriate by the party submitting the brief. An appendix may not include materials not contained in the record on review without permission from the appellate court, except as provided in rule 10.4(c).

(b) - (c) Unchanged.

(d) Pro Se Supplemental Brief in Criminal Case. The pro se supplemental brief in a criminal case should be limited to those matters which defendant/appellant believes have not been adequately covered by the brief filed by the defendant/appellant's counsel.

(e) Amicus Curiae Brief. The brief of amicus curiae should conform to section (a), except assignments of error are not required and the brief should set forth a separate section regarding the identity and interest of amicus and be limited to the issues of concern to amicus. Amicus must review all briefs on file and avoid repetition of matters in other briefs.

(f) - (h) Unchanged.

RAP 10.4

PREPARATION AND FILING OF BRIEF BY PARTY

(a) Typing or Printing Brief. Briefs shall conform to the following requirements:

(1) ~~One~~ An original and one legible, clean, and reproducible copy of the brief must be filed with the appellate court. The original brief should be printed or typed in black on 20-pound substance 8-1/2- by 11-inch white paper. Margins should be at least 2 inches on the left side and 1-1/2 inches on the right side and on the top and bottom of each page.

(2) The text of any brief typed or printed in a proportionally spaced typeface must appear in print as 12 point or larger type with no more than 10 characters per inch and double spaced. The same typeface and print size should be standard throughout the brief, except that footnotes may appear in print as 10 point or larger type and be the equivalent of single spaced. ~~and quotations~~ Quotations may be the equivalent of single spaced. Except for material in an appendix, the type-

MISC.

written or printed material in the brief shall not be reduced or condensed by photographic or other means.

(3) The text of any brief typed or printed in a mono-spaced typeface shall be done in pica type or the equivalent at no more than 10 characters per inch. The lines must be double spaced. Quotations and footnotes may be single spaced. Except for material in an appendix, the typewritten or printed material in the brief shall not be reduced or condensed by photographic or other means.

(b) Length of Brief. A brief of appellant, petitioner, or respondent, and a pro se brief in a criminal case should not exceed 50 pages. ~~A Appellant's reply brief should not exceed 25 pages. An amicus curiae brief, or answer thereto, should not exceed 20 pages. In a cross-appeal, the brief of appellant, brief of respondent/cross appellant, and reply brief of appellant/cross respondent should not exceed 50 pages and the reply brief of the cross respondent should not exceed 25 pages.~~ For the purpose of determining compliance with this rule appendices, the title sheet, table of contents, and table of authorities are not included. For compelling reasons the court may grant a motion to file an over-length brief.

(c) Text of Statute, Rule, Jury Instruction, or the Like. If a party presents an issue which requires study of a statute, rule, regulation, jury instruction, finding of fact, exhibit, or the like, the party should type the material portions of the text out verbatim or include them by copy in the text or in an appendix to the brief.

(d) Motion in Brief. A party may include in a brief only a motion which, if granted, would preclude hearing the case on the merits.

(e) Reference to Party. References to parties by such designations as "appellant" and "respondent" should be kept to a minimum. It promotes clarity to use the designations used in the lower court, the actual names of the parties, or descriptive terms such as "the employee," "the injured person," and "the taxpayer."

(f) Reference to Record. A reference to the record should designate the page and part of the record. Exhibits should be referred to by number. The clerk's papers should be abbreviated as "CP"; exhibits should be abbreviated as "Ex"; and the report of proceedings should be abbreviated as "RP." Suitable abbreviations for other recurrent references may be used.

(g) Citations. Citations must be in conformity with the form used in current volumes of the Washington Reports. Decisions of the Supreme Court and of the Court of Appeals must be cited to the official report thereof and should include the national reporter citation and the year of the decision. The citation of other state court decisions should include both the state and national reporter citations. The citation of a United States Supreme Court decision should include the United States Reports, the United States Supreme Court Reports Lawyers' Edition, and the Supreme Court Reporter. The citation of a decision of any other federal court should include the federal reporter citation and the district of the district court or circuit of the court of appeals deciding the case. Any citation should include the year decided and a reference to and citation of any subsequent decision of the same case.

(h) Unpublished Opinions. A party may not cite as an authority an unpublished opinion of the Court of Appeals. Unpublished opinions of the Court of Appeals are those opinions not published in the Washington Appellate Reports.

RAP 10.5

REPRODUCTION AND SERVICE OF BRIEFS BY CLERK

(a) Reproduction of Brief. The appellate court commissioner or clerk will arrange for the economical reproduction of each brief and bill the party or amicus filing the brief for the cost of reproduction. Each brief will be reproduced in the number of copies deemed necessary by the commissioner or clerk. The party or amicus must pay the cost of reproduction of the brief within 10 days after receiving the bill from the clerk. The appellate court commissioner or clerk may permit, under appropriate standards, a governmental party to reproduce and directly supply to the commissioner or clerk the number of copies required by the court in lieu of reproduction of the briefs being made by the court.

(b) Distribution of Brief. A party filing a brief must serve it in accordance with rules 10.2(h) and 18.5(a). The time for filing the next brief shall run from the time the preceding brief is served. ~~In addition, after the briefs filed by the parties are reproduced, the clerk will send two copies of each brief to each party and one each to the defendant in a criminal case and to any amicus curiae.~~ The state law librarian shall determine how many copies of briefs from the Supreme Court and the Court of Appeals are to be transmitted to the State Law Library. The briefs will be transmitted by the clerks and provided at no cost to the State Law Library.

(c) Service and Notice to Defendant Appellant in Criminal Case when Defendant is Appellant. In a criminal case, the clerk will, at the time of filing of ~~the defendant/appellant's~~ brief, serve the defendant/appellant with a notice and form as provided in rule 10.1(d).

RAP 11.3

DATE OF ARGUMENT

(a) Unchanged.

(b) Postponement Rescheduling. A request to ~~postpone reschedule~~ oral argument must be made by motion filed ~~reasonably in advance of within 15 days of receipt of the letter setting the date fixed for oral argument, except upon a showing of good cause.~~

RAP 12.4

MOTIONS FOR RECONSIDERATION OF DECISION TERMINATING REVIEW

(a) - (d) Unchanged.

(e) Length — One Copy. The motion, answer, or reply should not exceed 25 pages in length ~~if double spaced or 20 pages if one and one-half spaced unless additional length is authorized under rule 18.8. Only one legible copy should be filed.~~

(f) - (h) Unchanged.

RAP 12.5
MANDATE

(a) Unchanged.

(b) **When Mandate Issued by Court of Appeals.** The clerk of the Court of Appeals will issues the mandate for a Court of Appeals decision terminating review upon stipulation of the parties that no motion for reconsideration or petition for review will be filed. In the absence of that stipulation, and except to the extent the mandate is stayed as provided in rule 12.6, the clerk will issues the mandate:

(1) Thirty (30) days after the decision is filed, unless (i) a motion for reconsideration of the decision has been earlier filed, (ii) a petition for review to the Supreme Court has been earlier filed, or (iii) the decision is a ruling of the commissioner or clerk and a motion to modify the ruling has been earlier filed.

(2) - (3) Unchanged.

(c) - (d) Unchanged.

(e) Certificate of Finality. A Certificate of Finality is the written notification by the clerk of the appellate court to the trial court and to the parties of the completion of the proceeding in the appellate court when review is not accepted. The clerk of the Court of Appeals will issue the Certificate of Finality 30 days after the decision is filed unless (i) a motion to modify has been earlier filed or (ii) a motion for discretionary review to the Supreme Court has been earlier filed.

RAP 12.7
FINALITY OF DECISION

(a) Unchanged.

(b) **Supreme Court.** The Supreme Court loses the power to change or modify a decision of the Court of Appeals upon issuance of the mandate of the Court of Appeals in accordance with rule 12.5, except when the mandate is recalled as provided in rule 12.9. The Supreme Court loses the power to change or modify a Supreme Court decision upon issuance of the mandate of the Supreme Court in accordance with rule 12.5, except when the mandate is recalled as provided in rule 12.9.

(c) - (d) Unchanged.

RAP 13.4
DISCRETIONARY REVIEW OF DECISION TERMINATING REVIEW

(a) How to Seek Review. A party seeking discretionary review by the Supreme Court of a Court of Appeals decision terminating review must file a petition for review or an answer to the petition which raises new issues. The petition for review must be filed in the Court of Appeals within 30 days after an order is filed denying a timely motion for reconsideration of all or any part of that decision. If the petition for review is filed prior to the Court of Appeals determination on the motion for reconsideration or on a motion to publish, the petition will not be forwarded to the Supreme Court until the Court of Appeals files an order on all such motions. If no motion for reconsideration of all or part of the Court of Appeals decision is made, a petition for review must be filed within 30 days after the decision is filed. The first party to

file a petition for review must, at the time the petition is filed, pay the statutory filing fee to the clerk of the Court of Appeals in which the petition is filed.

(b) - (i) Unchanged.

RAP 13.7
PROCEEDINGS AFTER ACCEPTANCE OF REVIEW

(a) - (d) Unchanged.

(e) Supplemental Briefs, Special Requirements.

(1) - (2) Unchanged.

(3) *Filing and Service.* A supplemental brief should be filed in the Supreme Court and served in accordance with rule 10.2(h).

RAP 14.2
WHO IS ENTITLED TO COSTS

A commissioner or clerk of the appellate court will award costs to the party that substantially prevails on review, unless the appellate court directs otherwise in its decision terminating review. If there is no substantially prevailing party on review, the commissioner or clerk will not award costs to any party. An award of costs will specify the party who must pay the award. In a criminal case involving an indigent juvenile or adult offender, an award of costs will apportion the money owed between the county and the State. A party who is a nominal party only will not be awarded costs and will not be required to pay costs. A "nominal party" is one who is named but has no real interest in the controversy.

RAP 14.3
EXPENSES ALLOWED AS COSTS

(a) Generally. Only statutory attorney fees and the reasonable expenses actually incurred by a party for the following items which were reasonably necessary for review may be awarded to a party as costs: (1) preparation of the original and one copy of the report of proceedings, (2) copies of the clerk's papers, (3) preparation of a brief or other original document to be reproduced by the clerk, as provided in rule 14.3(b), (4) transmittal of the record on review, (5) expenses incurred in superseding the decision of the trial court, but not ordinarily greater than the usual cost of a commercial surety bond, (6) the lesser of the charges of the clerk for reproduction of briefs, petitions, and motions, or the costs incurred by the party reproducing brief as authorized under rule 10.5(a), and (7) the filing fee, and (8) such other sums as provided by statute. If a party has incurred an expense for one of the designated items, the item is presumed to have been reasonably necessary for review; which presumption is rebuttable. The amount paid by a party for the designated item is presumed reasonable, which presumption is rebuttable.

(b) Unchanged.

RAP 14.6
AWARD OF COSTS

(a) - (b) Unchanged.

(c) Transmitting Judgment for Costs. The commissioner or clerk will award costs in the mandate or in a ~~supplemental post-mandate judgment ruling or order~~. An award of costs may be enforced as part of the judgment in the trial court.

RAP 16.9

PERSONAL RESTRAINT PETITION — RESPONSE TO PETITION

The respondent must, within ~~20~~ 30 days after the petition is served, unless the time is extended by the commissioner or clerk for good cause shown, serve and file a response to the petition. The response must answer the allegations in the petition. The response must state the authority for the restraint of petitioner by respondent and, if the authority is in writing, include a conformed copy of the writing. If an allegation in the petition can be answered by reference to a record of another proceeding, the response should so indicate and include a copy of those parts of the record which are relevant. Respondent should also identify in the response all material disputed questions of fact.

RAP 16.10

PERSONAL RESTRAINT PETITION—BRIEFS

(a) Briefs Allowed. The following briefs may be, but need not be, filed:

(1) Unchanged.

(2) *Petitioner's Reply Brief.* Petitioner's reply brief, which should be filed within ~~20~~ 30 days after the answering brief is served on petitioner. ~~If the brief is mailed, it must be mailed within 17 days after the answering brief is served on petitioner.~~

(b) - (e) Unchanged.

RAP 16.11

PERSONAL RESTRAINT PETITION—CONSIDERATION OF PETITION

(a) Generally. The Chief Judge will consider the petition promptly after the time has expired to file petitioner's reply brief. The Chief Judge determines at the initial consideration if the petition will be retained by the appellate court for determination on the merits or transferred to a superior court for determination on the merits or for a reference hearing. For the purpose of rules in this Title 16, "Chief Judge" includes "Acting Chief Judge."

(b) - (c) Unchanged.

RAP 17.4

FILING AND SERVICE OF MOTION — ANSWER TO MOTION

(a) Unchanged.

(b) Emergency Motion. In an emergency, a person may present a motion to the commissioner or clerk on notice less than that required by section (a) and at any time and place the commissioner or clerk will make available to hear the motion. ~~The movant shall notify all parties, amicus, and other persons entitled to notice of the date, time, and place the~~

~~motion will be heard. The notice may be written or oral. The person presenting the motion must, at the time the motion is heard made, file an affidavit stating the type of notice given and the time and date the notice was given to each person. The court will notify the parties and other persons entitled to notice of the date, time, and place the motion will be heard.~~ The commissioner or clerk may decide the motion only if satisfied (1) that adequate relief cannot be given if a decision of the motion is delayed to permit the notice required by section (a), and (2) the movant has taken reasonable steps under the circumstances to give notice to persons who would be affected by the ruling sought.

(c) Summary Determination.

(1) The commissioner or clerk may summarily determine without oral argument, ~~and without awaiting a response,~~ a motion which, in the judgment of the commissioner or clerk, does not affect a substantial right of a party. ~~The commissioner or clerk may also hear and decide verbal ex parte motions which, in the judgment of the commissioner or clerk, involve minor matters and seek relief which would be routinely granted without sanctions.~~

(2) If the commissioner or clerk makes a summary determination granting a motion under subsection (c)(1) of this rule, and a party files and serves a timely responsive pleading after the ruling has been entered, the commissioner or clerk will treat the responsive pleading as a motion for reconsideration of the ruling. If such a responsive pleading is filed, the commissioner or clerk may permit the moving party to file a reply and may allow oral argument on the motion.

(g) Form of Papers and Number of Copies. All papers relating to motions or responses should be filed ~~in duplicate~~ in the form provided for briefs in rule 10.4(a), provided an original only and no copy should be filed. The appellate court commissioner or clerk will reproduce additional copies that may be necessary for the appellate court and charge the appropriate party as provided in rule 10.5(a).

RAP 17.5

ORAL ARGUMENT OF MOTIONS

(a) - (c) Unchanged.

(d) Time Allowed, Order, and Conduct of Oral Argument. ~~If oral argument is held, each side is allowed 10 minutes for argument of a motion. The Supreme Court and each division of the Court of Appeals will define by general order the amount of time each side is allowed for oral argument. If there is more than one party to a side in a single review or in a consolidated review, the parties on that side will share the allotted time equally, unless the parties on that side agree to some other allocation. The appellate court may grant additional time for oral argument upon motion of a party.~~ The moving party is entitled to open and conclude oral argument. Rule 11.5 applies to the conduct of argument of motions.

(e) Telephone Argument. The appellate court may direct the parties to conduct oral argument of a motion to the commissioner or clerk or to the court by ~~means of a~~ conference telephone call. The expense of the call will be ~~shared~~ equally paid by the parties moving party, unless the appellate court directs otherwise in the ruling or decision on the

motion. A party may request telephone conference argument by letter or telephone call to the appellate court clerk.

RAP 18.3
WITHDRAWAL BY COUNSEL

(a) **Criminal Cases.**

(1) Counsel for a defendant in a criminal case may withdraw only with the permission of the appellate court on a showing of good cause. The appellate court will not ordinarily grant permission to withdraw after the opening brief has been filed. ~~A motion to withdraw must be served on all parties and on the defendant personally. Counsel must serve the motion to withdraw on all parties, and may serve the defendant by mail at the last known address.~~ An affidavit of service must be filed with the motion to withdraw.

- (2) - (4) Unchanged.
- (b) Unchanged.

RAP 18.6
COMPUTATION OF TIME

(a) - (b) Unchanged.

(c) **Filing by Mail.** A brief authorized by Title 10 ~~or Title 13~~ is timely filed if mailed to the appellate court within the time permitted for filing. Except as provided in rule 17.4, any other paper is timely filed only if it is received by the appellate court within the time permitted for filing.

RAP 18.9
VIOLATION OF RULES

(a) **Sanctions.** The appellate court on its own initiative or on motion of a party may order a party or counsel, or a court reporter or other authorized person preparing a verbatim report of proceedings, who uses these rules for the purpose of delay, files a frivolous appeal, or fails to comply with these rules to pay terms or compensatory damages to any other party who has been harmed by the delay or the failure to comply or to pay sanctions to the court. The appellate court may condition a party's right to participate further in the review on compliance with terms of an order or ruling including payment of an award which is ordered paid by the party. If an award is not paid within the time specified by the court, the appellate court will transmit the award to the superior court of the county where the case arose and direct the entry of a judgment in accordance with the award.

- (b) - (d) Unchanged.

RAP 18.23
MAIL ADDRESSED TO APPELLATE COURTS

All briefs and other papers submitted to the Supreme Court and the Court of Appeals to be filed or considered in a case should be addressed to the clerk of the appropriate court and should clearly show, in the brief or paper itself or in a cover letter, (1) the name of the court to which the brief or paper is being submitted, (2) the caption of the case, and (3) the docket number of the case in the appellate court or, if

none, the docket number of the case in the trial court and the name of the trial court.

A pleading will be considered timely filed by the Supreme Court and the Court of Appeals if it is timely filed in any Division of the Court of Appeals or in the Supreme Court.

PROPOSED AMENDMENTS TO RULES FOR APPEAL
OF DECISIONS OF COURTS OF LIMITED
JURISDICTION
RALJ 8.1 [RESERVED]
WHO MAY PRESENT ARGUMENT

A party of record who has failed to file a brief may present oral argument only with leave of court.

RALJ 9.1
BASIS FOR DECISION ON APPEAL

(a) - (b) Unchanged.

(c) ~~Limitation on Scope of Review.~~ The superior court will ordinarily limit its consideration of issues to those asserted in the notice of appeal or in an amending statement filed pursuant to rule 2.6(d). [Reserved.]

(d) - (h) Unchanged.

RALJ 9.3
COSTS

(a) - (b) Unchanged.

(c) **Expenses Allowed as Costs.** Only the reasonable expenses actually incurred by a party for the following items which were reasonably necessary for review may be awarded to a party as costs: (1) statutory attorney fees allowed for a superior court nonjury trial, (2) the superior court filing fee, (3) the expense of obtaining a copy of the record of proceedings and the log for the record as provided in rule 6.3, (4) the cost of preparing the transcript as required by rule 6.3A, and (5) the expense of bonds given in connection with the appeal, and (6) such other sums as provided by statute.

(d) - (g) Unchanged.

RALJ 10.2
DISMISSAL OF APPEAL

(a) Unchanged.

(b) ~~Extension of Time, Restrictions.~~ The superior court may, on its own initiative or on motion of a party, extend the time for filing a notice of appeal, but only in extraordinary circumstances and to prevent a gross miscarriage of justice. The superior court will ordinarily hold that the desirability of finality of decisions outweighs the privilege of a litigant to obtain an extension of time under this section. A motion to extend time is determined by the superior court to which the untimely notice of appeal is directed. [Reserved.]

(c) Unchanged.

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RALJ 10.3
[NEW RULE]

EXTENSION AND REDUCTION OF TIME

(a) **Generally.** The superior court may, on its own initiative or on motion of a party, enlarge or shorten the time within which an act must be done in a particular case in order to serve the ends of justice, subject to the restrictions in section (c).

(b) **Procedure for Motion.** A party moving to extend or reduce time shall file a written motion with the Superior Court and serve it upon all non-moving parties. The motion shall state (1) the date the act is scheduled or required to occur; (2) the new date requested; and (3) the specific reasons for the motion. The motion shall be considered without oral argument unless called for by the superior court. A non-moving party may respond to the motion in writing. A response must be filed with the superior court and served upon the moving party within five days after service of the motion to extend or reduce time.

(c) **Restrictions on Extension of Time.**

(1) The superior court will only in extraordinary circumstances and to prevent a gross miscarriage of justice extend the time within which a party must file a notice of appeal. The superior court will ordinarily hold that the desirability of finality of decisions outweighs the privilege of a litigant to obtain an extension of time under this section. A motion to extend time is determined by the superior court to which the untimely notice of appeal is directed.

(2) The superior court will not enlarge the time provided in rule 9.2 within which the superior court enters and transmits its decision.

(d) **Terms.** The remedy for violation of these rules is set forth in rule 10.1. The superior court may condition the exercise of its authority under this rule by imposing terms as provided in rule 10.1.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the State Supreme Court and appear in the Register pursuant to the requirements of RCW 34.08.040.

WSR 98-14-001
NOTICE OF PUBLIC MEETINGS
PIERCE COLLEGE

[Memorandum—June 15, 1998]

The board of trustees of Community College District Number Eleven (Pierce College) would like to announce a **special board meeting**. The time and location are below. This is a special meeting to discuss the budget.

<u>Meeting Date/Location</u>	<u>Time</u>
Monday, June 22, 1998 Board Room, 325H Pierce College at Fort Steilacoom 9401 Farwest Drive S.W. Lakewood, WA	11:00 a.m.

WSR 98-14-010
NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE LIBRARY
[Memorandum—June 18, 1998]

WASHINGTON STATE LIBRARY COMMISSION
WSL COMMISSION BUSINESS MEETING
WEDNESDAY, JULY 22, 1998

The Washington State Library Commission are scheduled to meet as listed below:

DATE: Wednesday, July 22, 1998
TIME: 9:00 a.m.
SUBJECT: WSL Commission Business Meeting
LOCATION: *VIA Telephone Conference Call

For additional information, please do not hesitate to contact Cathy M. Stussy at (360) 753-2914, FAX (360) 586-7575 or INTERNET cstussy@statelib.wa.gov.

WSR 98-14-025
NOTICE OF PUBLIC MEETINGS
EDMONDS COMMUNITY COLLEGE
[Memorandum—June 18, 1998]

BOARD OF TRUSTEES
SUPPLEMENTAL
NOTICE OF SPECIAL MEETINGS
TO MEDIA/OTHER

June 22, 1998 Edmonds Community College Board of Trustees Special Meeting: EdCC, Snohomish Hall, Room 304A, 20226 [68th] Avenue West, Lynnwood, WA, 4:00 p.m. *Purpose: Tuition and budget issues.*

June 25, 1998* WACTC Meeting: Olympic College, 1600 Chester Avenue, Bremerton, WA, 9:30 a.m. *Purpose: Routine monthly WACTC issues.*

June 26, 1998* WACTC Meeting: Olympic College, 1600 Chester Avenue, Bremerton, WA, 8:00 a.m. *Purpose: Routine monthly WACTC issues.*

*This event is being scheduled as a special meeting, which is a study session where no action will be taken.

WSR 98-14-026
NOTICE OF PUBLIC MEETINGS
EASTERN WASHINGTON UNIVERSITY
[Memorandum—June 22, 1998]

Eastern Washington University
BOARD OF TRUSTEES
June 26, 1997 [1998], 9:00 a.m.
Cheney Campus
Pence Union Building
Room 263-67

Breakfast, which is open to the public, will be served to board members prior to the meeting at 8:00 a.m. at the Pence Union Building, Room 261.

Eastern Washington University strives to satisfy all requests for special access needs for persons with disabilities. Requests for such accommodation are welcome and may be made by calling President's Office, 359-2371.

Title: MEC Policy on Providing Beverages and Other Light Refreshments at Certain Functions.

Issuing Entity: Marine Employees' Commission (MEC).

Description: Establishes conditions under which beverages and other light refreshments may be provided for functions sponsored by MEC.

Contact: Janis Lien, Director, Marine Employees' Commission, Evergreen Plaza Building, P.O. Box 40902, Olympia, WA 98504-0902, phone (360) 586-6354, fax (360) 586-0820.

Effective Date: May 1, 1998.

Janis Lien
Director

WSR 98-14-030
POLICY STATEMENT
MARINE EMPLOYEES' COMMISSION

[Filed June 23, 1998, 8:50 a.m.]

NOTICE OF ADOPTION OF POLICY STATEMENT

WSR 98-14-046
AGENDA
DEPARTMENT OF TRANSPORTATION

[Filed June 24, 1998, 1:31 p.m.]

Department of Transportation
Semi-Annual Rule Agenda
July 1, 1998 - December 31, 1998

WAC Chapter	Chapter Title	Sections	Purpose of Rule	Agency Contact	Approx. CR-101 Filing Date
468-18	State aid	All	To delete obsolete information and update other information.	Wayne Gruen (360) 705-7374	9/98
468-38	Type of escort cars	110	Establishes equipment requirements and operational procedures for escort vehicles.	Barry Diseth (360) 664-9497	8/98
468-38	Flag persons	150	Establishes requirements for flag persons used during the transport of over-dimensional loads.	Barry Diseth (360) 664-9497	9/98
468-38	Days on which permit movements are prohibited	230	Establishes specific holidays and other specific times that are restricted from permitted moves.	Barry Diseth (360) 664-9497	7/98
468-38	Farm implements	290	Sets permit limits and operational requirements for moving over-dimensional farm implements on state highways.	Barry Diseth (360) 664-9497	12/98
468-550	Safety oversight of rail fixed guideway systems rules	All (new)	Complies with federal regulations which require the state of Washington to oversee the safety and security plans of rail fixed guideway systems (RFGS) not regulated by the Federal Railroad Administration. These rules prescribe the system safety and security criteria to be met by RFGSs.	Paul Gamble (360) 705-7912	7/1/98

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WAC Chapter	Chapter Title	Sections	Purpose of Rule	Agency Contact	Approx. CR-101 Filing Date
468-16	Prequalification of contractors (highways)	All	Prequalification of contractors as required by RCW 47.28.070.	Ken Walker (360) 705-7017	9/1/98
468-310	Prequalification of contractors (marine)	All	Prequalification of contractors as required by RCW 47.60.690.	Ken Walker (360) 705-7017	9/1/98

WSR 98-14-050
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed June 25, 1998, 4:26 p.m.]

Policy and Interpretive Statements

In accordance with RCW 34.05.320(12), the following policy and interpretive statements were recently issued by the department:

WISHA Services Division

WISHA Interim Interpretive Memorandum #98-2-A, "Non-Agricultural Use of Pesticides," provides guidance to WISHA enforcement and consultation staff regarding the appropriate application of pesticide safety requirements to employees and activities outside the scope of the agricultural standard. (Issued February 26, 1998)

WISHA Interim Interpretive Memorandum #98-2-B, "Further Delays in Methylene Chloride Enforcement," rescinds WISHA Interim Memorandum #97-11-A and enacts a limited stay in enforcement identical to that of federal OSHA. This WIM will remain in effect until August 31, 1998. (Issued February 26, 1998)

WISHA Interim Operations Memorandum #98-5-A, "Enforcement of chapter 296-45 (High Voltage)," provides guidance to WISHA enforcement and consultation staff comparable to that provided by federal policy. (Issued May 4, 1998)

WISHA Interim Operations Memorandum #98-5-B, "Charter Boat Safety Inspection," provides guidance to WISHA staff regarding annual and biennial inspection procedures. (Issued May 4, 1998)

WISHA Interim Operations Memorandum #98-5-C, "Training Requirements for Newly Hired WISHA Staff," provides guidance regarding training requirements for newly hired WISHA enforcement and consultation staff, including hygienists and safety and health specialists who began their duties on or after July 1, 1997. (Issued May 4, 1998)

WISHA Interim Operations Memorandum #98-5-D, "Technical Training of Current WISHA Staff," provides guidance regarding WISHA technical training and the fulfillment of the 40-hour requirement. (Issued May 4, 1998)

WISHA Interim Operations Memorandum #98-5-E, "Overview of Explosives Inspection Activity," provides regional managers, safety compliance supervisors, and explosives inspectors general guidance in the scheduling and conduct of explosives inspections. (Issued May 4, 1998)

WISHA Interim Operations Memorandum #98-5-F, "Inspection Procedures Unique to Explosives Inspections," provides regional managers, safety compliance supervisors and explosives inspectors appropriate guidance regarding inspection procedures unique to enforcement of the Explosives Act. (Issued May 4, 1998)

WISHA Interim Operations Memorandum #98-5-G, "Explosives Magazine Licensing Inspection Procedures," provides guidance to regional managers, safety compliance supervisors, and explosives inspectors regarding such inspections. (Issued May 4, 1998)

Contact: Teri Neeley
 Mailstop 4-4648
 (360) 902-5503
 Michael Silverstein
 Assistant Director

Donna Copeland
 Legislative and Governmental
 Affairs Office

WSR 98-14-054
NOTICE OF PUBLIC MEETINGS
WORKFORCE TRAINING AND
EDUCATION COORDINATING BOARD

[Memorandum—June 25, 1998]

MEETING NOTICE
 WASHINGTON STATE
 WORKFORCE TRAINING AND
 EDUCATION COORDINATING BOARD
 MEETING NO. 61
 JULY 16 and 17, 1998
 WALLA WALLA COMMUNITY COLLEGE
 500 TAUSICK WAY
 WALLA WALLA, WA 99362
 (509) 527-5275

MISC.

July 16, 1998
Noon - 5:00 p.m.

The Workforce Training and Education Coordinating Board will hold its meetings on July 16 and 17, 1998, at the Walla Walla Community College, Walla Walla, Washington.

The board will discuss their rule; and the Strategic Plan for 99-01.

July 17, 1998
8:00 a.m. - 3:00 p.m.

The board will hear a presentation on the governor's agenda.

The board will discuss the draft comprehensive plan including recommendations; OSPI, ESD, SBCTC, and WTECB biennial budget and policy plans and interests, and federal workforce initiatives.

The board will also discuss the Report on Gender Differences in Training Results; and Additional School-to-Work Findings.

The board will take action on WTECB's 1998-99 Operating Budget.

The meeting site is barrier free. People needing special accommodations, please call Caroline Haggard at least 10 days in advance at (360) 753-5677.

WSR 98-14-058

AGENDA

JAIL INDUSTRIES BOARD

[Filed June 29, 1998, 11:29 a.m.]

The board anticipates rule-making activity on the following items:

1. Chapter 288-04 WAC, Policy and procedure on administration of the prison industries enhancement certification program (PIECP). Purpose: To establish the policy and procedure under which the Jail Industries Board will certify private sector inmate employment programs per federal criteria and manage the program.

2. Chapter 288-06 WAC, Prison industries enhancement certification program adjudicative proceedings. Purpose: To provide an appeal process to board certification and decertification actions.

3. New WAC. Purpose: Establish an arbitration process for resolving conflicts arising among the local business community and labor organizations concerning new industries programs, products, services, or wages.

Jill Will
 Executive Director

WSR 98-14-067
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF AGRICULTURE
(Beef Commission)

[Memorandum—June 25, 1998]

This is to notify you that the August 20, 1998, board meeting for the Washington State Beef Commission has been changed to August 21. The meeting location remains the same.

If there are questions, please contact (206) 444-2902.

WSR 98-14-111

AGENDA

PUBLIC EMPLOYMENT RELATIONS COMMISSION

[Filed July 1, 1998, 10:05 a.m.]

RULES DEVELOPMENT AGENDA

OF THE

PUBLIC EMPLOYMENT RELATIONS COMMISSION

July 1, 1998

This agenda is prepared pursuant to RCW 34.05.314. The commission adopted changes to its rules on June 16, 1998, as part of the first-year phase of the four-year rules review process mandated by Executive Order 97-02. The changes affect the following sections of chapter 391-08 WAC:

- 1) 391-08-001 Application and scope of chapter 391-08 WAC.
- 2) 391-08-100 Computation of time.
- 3) 391-08-120 Filing and service of papers.
- 4) 391-08-180 Continuances.
- 5) 391-08-230 Summary judgment.
- 6) 391-08-300 Subpoenas—Discovery.
- 7) 391-08-310 Subpoenas—Issuance to parties.
- 8) 391-08-315 Interpreters.
- 9) 391-08-520 Declaratory orders.
- 10) 391-08-630 Agency structure—Substitution for executive director.
- 11) 391-08-640 Adjudicative proceedings—Appeals.
- 12) 391-08-800 Agency records—Public access.
- 13) 391-08-810 Agency records—Confidentiality.

Conforming changes were also adopted to the following rules in chapters 391-25, 391-35, 391-45, 391-55, and 391-95 WAC:

- 1) 391-25-050 Petition form—Number of copies—Filing—Service.
- 2) 391-25-090 Contents of petition filed by employer.
- 3) 391-25-110 Supporting evidence.
- 4) 391-25-190 Intervention—By organization other than incumbent.

MISC.

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|-----|------------|--|-----|------------|---|
| 5) | 391-25-210 | Showing of interest confidential. | 38) | 391-55-245 | Interest arbitration—Award. |
| 6) | 391-25-220 | Investigation conferences. | 39) | 391-55-345 | Educational employees—Findings of fact and recommendations. |
| 7) | 391-25-230 | Election agreements. | 40) | 391-95-070 | Union security—Disputes resolved by commission. |
| 8) | 391-25-250 | Cross-check agreements. | 41) | 391-95-090 | Union security—Petition form—Number of copies—Filing—Service. |
| 9) | 391-25-270 | Supplemental agreements. | 42) | 391-95-150 | Union security—Initial processing by executive director. |
| 10) | 391-25-350 | Hearings—Nature and scope. | 43) | 391-95-230 | Hearings—Nature and scope. |
| 11) | 391-25-370 | Blocking charges—Suspension of proceedings—Request to proceed. | 44) | 391-95-250 | Examiner decision. |
| 12) | 391-25-390 | Proceedings before the executive director. | 45) | 391-95-260 | Withdrawal or modification of examiner decision. |
| 13) | 391-25-391 | Special provision—Public employees. | 46) | 391-95-270 | Appeals. |
| 14) | 391-25-410 | Cross-check of records. | 47) | 391-95-280 | Filing and service of cross-petition for review. |
| 15) | 391-25-450 | Disclaimers. | 48) | 391-95-290 | Commission action on appeals. |
| 16) | 391-25-590 | Filing and service of objections to improper conduct and interim orders. | | | |
| 17) | 391-25-630 | Procedure where conduct objections are filed. | | | |
| 18) | 391-25-650 | Briefs and written arguments on objections. | | | |
| 19) | 391-25-660 | Appeals from orders and jurisdictional rulings. | | | |
| 20) | 391-25-670 | Commission action on objections and appeals. | | | |
| 21) | 391-35-030 | Petition form—Number of copies—Filing—Service. | | | |
| 22) | 391-35-170 | Hearings—Nature and scope. | | | |
| 23) | 391-35-190 | Proceedings before the executive director. | | | |
| 24) | 391-35-210 | Appeals. | | | |
| 25) | 391-35-230 | Filing and service of cross-petition for review. | | | |
| 26) | 391-35-250 | Commission action on appeals. | | | |
| 27) | 391-45-030 | Form—Number of copies—Filing—Service. | | | |
| 28) | 391-45-110 | Preliminary ruling by executive director. | | | |
| 29) | 391-45-190 | Answer—Filing and service. | | | |
| 30) | 391-45-250 | Motion to make complaint more definite and certain. | | | |
| 31) | 391-45-290 | Briefs and proposed findings. | | | |
| 32) | 391-45-310 | Examiner decision. | | | |
| 33) | 391-45-330 | Withdrawal or modification of examiner decision. | | | |
| 34) | 391-45-350 | Appeals. | | | |
| 35) | 391-45-370 | Filing and service of cross-petition for review. | | | |
| 36) | 391-45-390 | Commission action on appeals. | | | |
| 37) | 391-45-430 | Motion for temporary relief. | | | |

Please contact Mark S. Downing, rules coordinator, at (360) 753-2955 if you have any questions concerning this matter.

WSR 98-14-113
POLICY STATEMENT
DEPARTMENT OF HEALTH
 [Filed July 1, 1998, 10:20 a.m.]

NOTICE OF ADOPTION OF POLICY

Title of Policy: Water Rights and Drinking Water Program Guiding Principles Policy (C.06).

Effective Date: New May 29, 1998.

Issuing Agency/Division: Department of Health (DOH), Environmental Health Programs, Division of Drinking Water.

Description: RCW 43.70.310 directs the Department of Health, where feasible, to integrate its efforts and endorse policies in common with the Department of Ecology. To ensure adequate public health protection, water system reliability, and coordination of state agency programs, DOH will coordinate its responsibilities under chapter 246-290 WAC, Approval procedures and criteria for water system plans, construction documents, project reports, source approval, and water system reliability and chapter 246-294 WAC, criteria used by DOH in establishing operating permit status of public water systems, with the water right responsibilities and programs administered by ecology.

Contact: Judy J. Sides, Division of Drinking Water, Headquarters, P.O. Box 47822, Olympia, WA 98504-7822, phone (360) 236-3096, Internet jjw0303@hub.doh.wa.gov.

WSR 98-14-114
INTERPRETIVE STATEMENT
DEPARTMENT OF HEALTH

[Filed July 1, 1998, 10:21 a.m.]

NOTICE OF ADOPTION OF INTERPRETIVE STATEMENT

Title: 1.) Is a nurse required by law to sign documentation on essential client records?

2.) Is it ever acceptable practice for a nurse to sign another nurse's name including the RN title and to initial that signature on essential client records?

Issuing Entity: Washington State Nursing Care Quality Assurance Commission.

Subject: The commission issued an advisory opinion in response to the request from Barbara Deymonaz, RN, Port Orchard, Washington.

Effective Date: May 29, 1998.

Contact Person: Jeanne E. Vincent, RN, MS, Associate Nurse Practice Manager, Department of Health, Nursing Care Commission, P.O. Box 47864, Olympia, WA 98504-7864, (360) 664-2881.

WSR 98-14-115
INTERPRETIVE STATEMENT
DEPARTMENT OF HEALTH

[Filed July 1, 1998, 10:22 a.m.]

NOTICE OF ADOPTION OF INTERPRETIVE STATEMENT

Title: "May an RN delegate to an unlicensed person in a school setting the task of double checking a dose of insulin for a student ordered by a physician, which is contained in a dial-a-dose pen injector system? In such a situation the student self-injects the insulin and the unlicensed person's sole function is to verify the number reading on the pen injector system which does not involve handling the actual syringe."

Issuing Entity: Washington State Nursing Care Quality Assurance Commission.

Subject: The commission issued an advisory opinion in response to the request from Heidi Higgins, American Diabetes Association, Seattle, Washington.

Effective Date: May 29, 1998.

Contact Person: Jeanne E. Vincent, RN, MS, Associate Nurse Practice Manager, Department of Health, Nursing Care Commission, P.O. Box 47864, Olympia, WA 98504-7864, (360) 664-2881.

WSR 98-14-116
INTERPRETIVE STATEMENT
DEPARTMENT OF HEALTH

[Filed July 1, 1998, 10:23 a.m.]

NOTICE OF ADOPTION OF INTERPRETIVE STATEMENT

Title: "May an RN with ACLS certification and under physician supervision, administer IV conscious sedation using agents such as Propofol and Ketamine in a private outpatient surgery center?"

Issuing Entity: Washington State Nursing Care Quality Assurance Commission.

Subject: The commission issued an advisory opinion in response to the request from Roberta Hart, RN, Renton, Washington.

Effective Date: May 29, 1998.

Contact Person: Jeanne E. Vincent, RN, MS, Associate Nurse Practice Manager, Department of Health, Nursing Care Commission, P.O. Box 47864, Olympia, WA 98504-7864, (360) 664-2881.

WSR 98-14-128
INTERPRETIVE STATEMENT
DEPARTMENT OF REVENUE

[Filed July 1, 1998, 10:51 a.m.]

ADOPTION OF INTERPRETIVE STATEMENT

**Excise Tax Advisory 2001—Numbering
and use of excise tax advisories**

**Excise Tax Advisory 2002.16.179—Low-density
light and power utility deduction**

This announcement of the adoption of this interpretive statement is being published in the Washington State Register pursuant to the requirements of RCW 34.05.230(4).

The Department of Revenue has adopted the following Excise Tax Advisories:

Excise Tax Advisory 2001 (Numbering and use of excise tax advisories). This advisory explains the purpose and use of the Excise Tax Advisories (ETAs) which are replacing the Excise Tax Bulletin series. It also explains the ETA numbering system, and the conditions under which ETAs will be issued.

Excise Tax Advisory 2002 (Low-density light and power utility deduction). This advisory explains the public utility tax deduction provided by RCW 82.16.053 to qualifying power and light businesses.

RCW 82.16.053 requires that the Department determine the state average electric power rate each year and inform taxpayers of this rate. This rate is used by the power and light business to compute the amount of the deduction. This document updates the information previously provided in Excise Tax Bulletin (ETB) 566 to provide the rate to be used during the period of July 1998 through June 1999.

Requests for copies of these advisories may be directed to: Roseanna Hodson, Legislation and Policy, P.O. Box 47467, Olympia, WA 98504-7467, phone (360) 586-4281, fax (360) 664-0693.

Claire Hesselholt
Policy Counsel

WSR 98-14-129
INTERPRETIVE STATEMENT
DEPARTMENT OF REVENUE

[Filed July 1, 1998, 10:52 a.m.]

REPEAL OF INTERPRETIVE STATEMENTS

This announcement of the repeal of these interpretive statements is being published in the Washington State Register pursuant to the requirements of RCW 34.05.230(4).

The Department of Revenue has repealed the following Excise Tax Bulletins (ETBs) effective June 30, 1998. These bulletins, with the exception of ETB 566, will not be replaced with Excise Tax Advisories (ETAs).

ETB 31.12.178 (Use tax on advertising brochures asserted at destination) This ETB addresses a specific circumstance not discussed in Rule 178, but provides no information regarding the general application of use tax that is not included in the current rule and statute.

ETB 43.12.178 (A hop picking machine as real property) The information contained in this ETB is of limited value because of its narrow scope. The broader issue of real vs. personal property would best be addressed either in a revision of WAC 458-20-130 (Sales of real property, etc.) or in a new rule.

ETB 79.12.178 (Use tax imposed on the manufacture of dies) The information provided by this ETB is outdated and incorrect. Manufactured tooling will generally be exempt from use tax under the manufacturing machinery and equipment exemption provided by RCW 82.12.02565.

ETB 89.12.178 (Successive users of automobiles) This ETB is of limited value because of its very narrow scope. The issues of "intervening" use of property held for sale and the use tax responsibilities of successive users of the same property are discussed in a number of other documents issued by the department, including ETB 418.12.102.178 (Use tax imposed where property not exclusively held for resale) and ETB 482.12.178 (Meaning of "resale ... in the regular course of business).

ETB 120.04.114 (Initiation fees for health care services) The information provided in this ETB is narrow in scope and of limited value.

ETB 150.16.211 (Lease contracts of drivers and equipment—retail sale or service?) The information in the ETB is currently provided in the rule.

ETB 180.12.178 (Out-of-state division of in-state corporation for use tax collection) The use tax collection requirements of persons making sales into Washington from outside Washington are discussed in other documents published by the department, including WAC 458-20-193 (Inbound and outbound interstate sales of tangible personal property) and 458-20-221 (Collection of use tax by retailers and selling agents).

ETB 189.12.178 (Use tax on articles distributed or destroyed) The information is outdated and of limited value.

ETB 227.12.178 ("Skid tanks" used for shipping gas out of state which are returned to the seller for re-use) The taxability of containers (sales and use taxes) is sufficiently discussed in WAC 458-20-115 (Sales of packing materials and containers).

ETB 228.12.178 (Purchase of radio program materials such as tapes, transcriptions, and scripts) WAC 458-20-241 (Radio and television broadcasting) sufficiently discusses the application of the retail sales and use taxes on supplies used by broadcasters.

ETB 285.04.208 (Accommodation sales and wholesale incidental to principal business activity) The statute was amended to omit the language that this ETB addresses. RCW 82.04.425 no longer includes a provision that wholesale sales be incidental to total sales.

ETB 313.04.208 (Sale of raw peas between frozen food processors not considered an accommodation sale) This document is of limited value. It does not clarify the application of RCW 82.04.425 or Rule 208 (Accommodation sales). It merely explains that in the accommodation sale conditions are not met by a business that enters into a five-year contract to provide a product.

ETB 396.08.141 (Purchases of occupant lists on "dick" strip rolls) The information provided in this document is currently contained in Rule 141 (Duplicating industry and mailing bureaus).

ETB 475.12.178 (Use tax as applied to construction "pins and loads") The ETB addresses a very narrow issue. Rule 170 (Constructing and repairing of new or existing buildings etc.) explains that the retail sales tax does not apply to purchases which become part of the structure being built.

ETB 478.12.178 (No apportionment of use tax) The tax reporting instructions are generally correct, but are incorrect for specific situations. Persons engaged in business outside Washington who bring articles for temporary business use in this state for no more than 180 days in any 365 day period are required to remit use tax only upon a reasonable rental value. RCW 82.12.010 (1)(d). Likewise, vessel dealers and manufacturers using vessels held in inventory for personal uses remit use tax only upon a reasonable rental value. Chapter 293, Laws of 1997.

ETB 480.12.178 (Use tax as applied to communications equipment located in Washington and used for interstate communications) Rule 178 (Use tax) sufficiently addresses the taxability of articles installed or stored within Washington.

ETB 528.08.244 (Delivered food products—Food vending vans—Combination businesses—Sales at malls) Rule 244 (Food products) currently addresses the subject matter discussed in this ETB. The ETB is also incorrect in some respects because it does not recognize the 1988 legislation that revised the food products tax exemption.

ETB 565.04.136/209 (Cubing of hay) The information provided by this ETB is incorrect. The cubing of hay is no longer a manufacturing activity. Chapter 384, Laws of 1997, amended the definition of "to manufacture" to specifically exclude this activity.

ETB 566.16.179 (Low-density light and power utility deduction) The information provided in this document is required to be updated on an annual basis. Effective July 1, 1998, the information will be provided by Excise Tax Advisory (ETA) 2002.16.179.

Questions regarding the repeal of these bulletins may be directed to Alan R. Lynn, Legislation and Policy, P.O. Box

47467, Olympia, WA 98504-7467, phone (360) 586-9040,
fax (360) 664-0693, Internet alanl@dor.wa.gov.

Claire Hesselholt
Policy Counsel

Questions regarding the repeal of these directives may be
directed to Alan R. Lynn, Legislation and Policy, P.O. Box
47467, Olympia, WA 98504-7467, phone (360) 586-9040,
fax (360) 664-0693, Internet alanl@dor.wa.gov.

Claire Hesselholt
Policy Counsel

WSR 98-14-130

**INTERPRETIVE STATEMENT
DEPARTMENT OF REVENUE**

[Filed July 1, 1998, 10:53 a.m.]

REPEAL OF INTERPRETIVE STATEMENTS

This announcement of the repeal of these interpretive statements is being published in the Washington State Register pursuant to the requirements of RCW 34.05.230(4).

The Department of Revenue has repealed the following Audit Directives (ADs) and Revenue Policy Memorandum (RPM) effective June 30, 1998.

AD 8114.1 (Comparable usage rates under Rule 114) This document was actually superseded by ETB 548.

AD 8179.1 (Contributions in aid of construction—Water suppliers) The contribution in aid of construction deduction discussed in this rule was repealed by chapter 25, Laws of 1993, sp. sess.

AD 8179.2 (New v. existing customers of utility companies—ETB 529) Thin [The] information provided in this document is currently provided in Rule 179 (Public utility tax).

AD 8183.1 (Water slides) This document provides no useful or pertinent information.

AD 8183.2 (Racquet ball) This document provides no useful or pertinent information.

AD 818801.2 (Audits of the medical industry) The information contained in this document is currently addressed in Rule 18801 (Prescription drugs, etc.).

AD 818801.3 (Audits of "57 Hospitals") The information regarding audit and refund processes were directed to internal staff and are now established practices. The information regarding the taxability of medical devices was previously incorporated into Rule 18801 (Prescription drugs, etc.).

AD 8190.1 (Use tax on purchases from military exchanges) The instructions provided in this document are directed to Department of Revenue staff, and are incorrect under law.

AD 8228.1 (Negligence penalty) This information is currently provided in Rule 228 (Returns, remittances, penalties, extensions, interest, stay of collection).

AD 8238.1 (Use of nonresident permits on boat purchases) The information contained in this document is both incorrect and in conflict with the current rule. In addition, the nonresident permit discussed in the directive was eliminated by chapter 96, Laws of 1988.

RPM 89-1R.1.92 (A statement of purpose and intent with respect to the taxability of hazardous waste cleanup contracts) The information contained in this document has been superseded by chapter 308, Laws of 1998, which provides a specific tax rate for environmental remedial actions.

WSR 98-14-131

**INTERPRETIVE STATEMENT
DEPARTMENT OF REVENUE**

[Filed July 1, 1998, 10:54 a.m.]

REPEAL OF INTERPRETIVE STATEMENTS

This announcement of the repeal of these interpretive statements is being published in the Washington State Register pursuant to the requirements of RCW 34.05.230(4).

The Department of Revenue has repealed the following Property Tax Bulletins (PTBs) effective June 30, 1998.

PTB 74-2 (Open space) The information is either obsolete, was incorporated into the 1995 revisions to chapter 458-30 WAC, or is a part of established practices within assessors' offices.

PTB 85-4 (1986 Current Use Assessment Interest Rate - Five-Year Average Grain Price and Component for Property Tax) Both parts of this bulletin have been superseded by either a rule or bulletin on the same subject for the subsequent assessment year, thereby changing the five-year interest rate and grain price.

PTB 86-4 (1987 Current Use Assessment Interest Rate - Five-Year Average Grain Price and Component for Property Tax) Both parts of this bulletin have been superseded by either a rule or bulletin on the same subject for the subsequent assessment year, thereby changing the five-year interest rate and grain price.

PTB 87-1 (1988 Current Use Assessment Interest Rate - Five-Year Average Grain Price and Component for Property Tax) Both parts of this bulletin have been superseded by either a rule or bulletin on the same subject for the subsequent assessment year, thereby changing the five-year interest rate and grain price.

PTB 89-1 (1989 Current Use Assessment Interest Rate - Five-Year Average Grain Price and Component for Property Tax) Both parts of this bulletin have been superseded by either a rule or bulletin on the same subject for the subsequent assessment year, thereby changing the five-year interest rate and grain price.

PTB 90-1 (1990 Current Use Assessment Interest Rate - Five-Year Average Grain Price) Both parts of this bulletin have been superseded by either a rule or bulletin on the same subject for the subsequent assessment year, thereby changing the five-year interest rate and grain price.

Questions regarding the repeal of these bulletins may be directed to Kim M. Qually, Legislation and Policy, P.O. Box 47467, Olympia, WA 98504-7467, phone (360) 664-0086, fax (360) 664-0693, Internet kimq@dor.wa.gov.

Claire Hesselholt
Policy Counsel

WSR 98-14-133**AGENDA****FOREST PRACTICES BOARD**

[Filed July 1, 1998, 11:06 a.m.]

**Forest Practices Board
Rule Development Agenda
July-December 1998**

The following sections of Title 222 WAC, Forest Practices Board, are in the rule-making process or being developed. The board's mandate is to adopt rules to protect the state's natural resources while maintaining a viable forest products industry.

1. Forestry Module

Timber, fish and wildlife (TFW) participants are presently negotiating a comprehensive revision to the water quality and fish protection forest practices rules, called the "Forestry Module." This is an effort to put a revised set of forest practices rules in place to contribute to the recovery of Washington's salmon and steelhead runs and to coordinate meeting both federal and state laws. TFW has established a September 1, 1998, deadline to have a proposal to the Forest Practices Board. Because these rules pertain to water quality, they will be coadopted by the Department of Ecology.

In the interim, the board has continued an emergency stream typing rule. The same language has been proposed as a permanent rule, which may be modified when the Forestry Module recommendation is developed:

- WAC 222-16-030 Water typing systems, the proposed rule modifies the definitions of Type 2 and 3 waters so that appropriate riparian protection is provided along fish-bearing streams.
- WAC 222-12-090(13) Implementation guidelines in the Forest Practices Board manual.

The board also adopted (on May 13, 1998) an emergency rule to protect threatened and endangered steelhead listed by the National Marine Fisheries Service. The rule provides protection to the listed species by setting SEPA triggers that would classify certain forest practices within the listed areas as Class IV-Special. The rule includes a "salmonid listed areas" map that shows listed areas, SEPA guidance, road maintenance and abandonment plans, and stream temperature provisions from some nonfish bearing streams in the listed areas.

2. Forest Practices on Islands

The board was petitioned by a citizens' group, SaltWater Islanders For Timberedlands (SWIFT) to consider their proposal to revise forest practices rules for Washington's islands. The board has established a committee to work with concerned citizens and address their concerns via rule making or other appropriate means. The committee anticipates recommending proposed rules to the board, but they have not as yet established a time line.

3. Small Landowner Pilot Rule Making

The Forest Practices Board convened a committee to develop pilot rules for small landowners that would allow more flexibility and innovative ways to meet certain forest practices rules while assuring resource protection. Public meetings were held in 1997 to gather input, and more than two hundred fifty landowners and concerned citizens partici-

pated. The committee used this information to develop a concept paper with three alternatives that was presented to the board on November 12, 1997. The board referred the concepts to TFW for inclusion in the Forestry Module discussions. In an effort to avoid duplication, the Forest Practices Board will evaluate the Forestry Module efforts before asking the committee to refine its preliminary approaches.

4. Other

The board received a request to consider additional forest practices rules for chemical spray applications near certified organic farms. The board directed staff to consult with Department of Agriculture and report back at its next meeting.

Board staff may also develop a proposal for procedural rule changes in the next six months.

Contact Person: Judith Holter, Forest Practices Board, Rules Coordinator, Department of Natural Resources, Forest Practices Division, P.O. Box 47012, Olympia, WA 98504-7012, phone (360) 902-1412, fax (360) 902-1784, e-mail Judith.Holter@WADNR.GOV.

WSR 98-14-143**AGENDA****DEPARTMENT OF
NATURAL RESOURCES**

[Filed July 1, 1998, 11:50 a.m.]

Semiannual Agenda for Rules Under Development

In accordance with section 206, chapter 409, Laws of 1997, E2SHB 1032, the Department of Natural Resources (DNR) is filing the following agenda for rules under development. The agenda distinguishes between new rules and amended rules.

Title of Amended Rule: WAC 332-24-710 Forest Protection Zone—Kitsap County.

Contact Person: Mark Gray, phone 902-1754.

Approximate Time of Filing: October 1998.

Scope of Rule Amendment: Correct typographical errors; revise format of rule to make it more readable.

Purpose/Mandate for Rule: RCW 76.04.165 Legislative declaration—Forest protection zones, requires that DNR should work with the state's other fire control agencies to define geographic areas of responsibility that are more consistent with their respective primary missions.

Title of Amended Rule: WAC 332-24-720 Forest Protection Zone—Pierce County.

Contact Person: Mark Gray, phone 902-1754.

Approximate Time of Filing: October 1998.

Scope of Rule Amendment: Correct typographical errors; revise format of rule to make it more readable.

Purpose/Mandate for Rule: RCW 76.04.165 Legislative declaration—Forest protection zones, requires that DNR should work with the state's other fire control agencies to define geographic areas of responsibility that are more consistent with their respective primary missions.

Title of Amended Rule: WAC 332-24-730 Forest Protection Zone—King County.

Contact Person: Mark Gray, phone 902-1754.

Approximate Time of Filing: October 1998.

Scope of Burn Rule Amendment: Correct typographical errors; revise format of rule to make it more readable.

Purpose/Mandate for Rule: RCW 76.04.165 Legislative declaration—Forest protection zones, requires that DNR should work with the state's other fire control agencies to define geographic areas of responsibility that are more consistent with their respective primary missions.

Title of New Rule: Exchange of state-owned tidelands and shorelands.

Contact Person: Dave Dietzman, phone 902-1633.

Approximate Time of Filing: Preproposal Statement of Inquiry-July 1998; Notice of Proposed Rule Making - September 1998.

Scope of Rule: Establish criteria for determining when an exchange is in the public interest and actively contributes to those benefits.

Purpose/Mandate for Rule: RCW 79.70.457 [79.90.457], legislation enacted in 1995 requires the Board of Natural Resources to establish criteria for determining when an exchange is in the public interest and actively contributes to the benefits established in RCW 79.90.455.

Dave Dietzman
Rules Coordinator

MISC.

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:

- C = Continuance of previous proposal
- E = Emergency action
- P = Proposed action
- S = Supplemental notice
- W = Withdrawal of proposed action
- XA = Expedited adoption
- XR = Expedited repeal

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.

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
1-21-010	AMD-XA	98-09-083	16-167-060	AMD-XA	98-04-076	16-319-041	AMD	98-12-031
1-21-010	AMD	98-14-048	16-167-060	AMD	98-09-048	16-325-005	NEW-XA	98-05-106
1-21-020	AMD-XA	98-09-083	16-168-010	AMD	98-03-089	16-325-005	NEW	98-09-071
1-21-020	AMD	98-14-048	16-168-020	AMD	98-03-089	16-325-010	NEW-XA	98-05-106
4-25	AMD-C	98-05-020	16-168-030	AMD	98-03-089	16-325-010	NEW	98-09-071
4-25	AMD-C	98-07-025	16-168-040	AMD	98-03-089	16-325-015	NEW-XA	98-05-106
4-25-410	AMD	98-12-020	16-168-050	AMD	98-03-089	16-325-015	NEW	98-09-071
4-25-520	AMD	98-12-021	16-168-060	AMD	98-03-089	16-325-020	NEW-XA	98-05-106
4-25-540	AMD	98-12-022	16-168-070	AMD	98-03-089	16-325-020	NEW	98-09-071
4-25-550	AMD	98-12-023	16-168-075	NEW	98-03-089	16-325-025	NEW-XA	98-05-106
4-25-551	AMD	98-12-047	16-168-080	AMD	98-03-089	16-325-025	NEW	98-09-071
4-25-620	AMD	98-12-048	16-168-090	AMD	98-03-089	16-333-200	REP-XR	98-07-108
4-25-622	AMD	98-12-049	16-168-100	AMD	98-03-089	16-333-200	REP	98-13-033
4-25-625	REP	98-12-056	16-200	PREP	98-12-039	16-333-205	REP-XR	98-07-108
4-25-626	NEW	98-12-055	16-200-695	AMD-E	98-12-018	16-333-205	REP	98-13-033
4-25-627	REP	98-12-056	16-200-695	AMD-E	98-13-013	16-333-210	REP-XR	98-07-108
4-25-631	AMD	98-12-050	16-200-705	AMD-E	98-12-018	16-333-210	REP	98-13-033
4-25-810	AMD	98-12-051	16-200-705	AMD-E	98-13-013	16-333-215	REP-XR	98-07-108
16-08-151	AMD-XA	98-04-082	16-200-7061	NEW-E	98-12-018	16-333-215	REP	98-13-033
16-08-151	AMD	98-09-085	16-200-7061	NEW-E	98-13-013	16-333-220	REP-XR	98-07-108
16-32-009	PREP	98-05-104	16-200-7062	NEW-E	98-12-018	16-333-220	REP	98-13-033
16-32-009	REP-P	98-09-104	16-200-7062	NEW-E	98-13-013	16-333-225	REP-XR	98-07-108
16-32-009	REP	98-14-036	16-200-7063	NEW-E	98-12-018	16-333-225	REP	98-13-033
16-32-011	AMD-P	98-09-104	16-200-7063	NEW-E	98-13-013	16-333-230	REP-XR	98-07-108
16-32-011	AMD	98-14-036	16-200-7064	NEW-E	98-12-018	16-333-230	REP	98-13-033
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16-46-010	REP	98-13-118	16-200-708	AMD-E	98-12-018	16-333-235	REP	98-13-033
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16-86	PREP	98-11-010	16-212	PREP	98-11-024	16-333-240	REP	98-13-033
16-89	PREP	98-08-023	16-212-030	AMD-P	98-07-106	16-333-245	REP-XR	98-07-108
16-102	PREP	98-04-075	16-212-030	AMD	98-12-058	16-333-245	REP	98-13-033
16-129-010	REP-XR	98-08-020	16-212-060	AMD-P	98-07-106	16-334-010	NEW-XA	98-07-109
16-129-010	REP	98-13-029	16-212-060	AMD	98-12-058	16-334-010	NEW	98-11-048
16-129-020	REP-XR	98-08-020	16-212-070	AMD-P	98-07-106	16-334-020	NEW-XA	98-07-109
16-129-020	REP	98-13-029	16-212-070	AMD	98-12-058	16-334-020	NEW	98-11-048
16-129-025	REP-XR	98-08-020	16-212-080	AMD-P	98-07-106	16-334-030	NEW-XA	98-07-109
16-129-025	REP	98-13-029	16-212-080	AMD	98-12-058	16-334-030	NEW	98-11-048
16-129-030	REP-XR	98-08-020	16-212-082	AMD-P	98-07-106	16-334-040	NEW-XA	98-07-109
16-129-030	REP	98-13-029	16-212-082	AMD	98-12-058	16-334-040	NEW	98-11-048
16-167-010	AMD-XA	98-04-076	16-228-155	PREP	98-07-003	16-334-050	NEW-XA	98-07-109
16-167-010	AMD	98-09-048	16-228-155	AMD-P	98-10-069	16-334-050	NEW	98-11-048
16-167-020	AMD-XA	98-04-076	16-316-474	PREP	98-06-093	16-334-060	NEW-XA	98-07-109
16-167-020	AMD	98-09-048	16-316-474	AMD-P	98-09-101	16-334-060	NEW	98-11-048
16-167-030	AMD-XA	98-04-076	16-316-474	AMD	98-12-032	16-334-070	NEW-XA	98-07-109
16-167-030	AMD	98-09-048	16-316-525	PREP	98-06-093	16-334-070	NEW	98-11-048
16-167-040	AMD-XA	98-04-076	16-316-525	AMD-P	98-09-101	16-334-080	NEW-XA	98-07-109
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16-167-050	AMD-XA	98-04-076	16-319-041	PREP	98-06-094	16-354-002	REP-P	98-06-082
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16-354-010	AMD	98-09-049	16-532-0414	REP	98-13-122	30-22-090	PREP	98-09-082
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16-354-050	AMD	98-09-049	16-573-030	NEW	98-04-093	51-06-120	AMD	98-02-049
16-354-070	AMD-P	98-06-082	16-573-040	NEW	98-04-093	51-11	PREP	98-13-051
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16-354-100	AMD-P	98-06-082	16-573-050	NEW	98-04-093	51-11-0101	AMD	98-03-003
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16-471-010	REP-W	98-13-127	16-662-115	AMD	98-13-072	51-11-0630	AMD	98-03-003
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16-471-015	REP-P	98-10-115	16-675-030	AMD	98-12-030	51-11-0800	AMD	98-03-003
16-471-015	REP-W	98-13-127	16-675-040	AMD-P	98-09-099	51-11-1002	AMD	98-03-003
16-471-015	REP-P	98-13-128	16-675-040	AMD	98-12-030	51-11-1003	AMD	98-03-003
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16-471-020	REP-W	98-13-127	16-752	PREP	98-04-077	51-11-1005	AMD	98-03-003
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16-471-030	REP-P	98-10-115	16-752-610	AMD	98-13-008	51-11-1007	AMD	98-03-003
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16-471-030	REP-P	98-13-128	25-18-010	REP	98-05-027	51-11-1009	AMD	98-03-003
16-471-040	REP-P	98-10-115	25-18-020	REP	98-05-027	51-11-1010	REP	98-03-003
16-471-040	REP-W	98-13-127	25-18-030	REP	98-05-027	51-11-1120	AMD	98-03-003
16-471-040	REP-P	98-13-128	25-18-040	REP	98-05-027	51-11-1130	AMD	98-03-003
16-471-050	REP-P	98-10-115	25-18-050	REP	98-05-027	51-11-1132	AMD	98-03-003
16-471-050	REP-W	98-13-127	25-18-060	REP	98-05-027	51-11-1133	AMD	98-03-003
16-471-050	REP-P	98-13-128	25-18-070	REP	98-05-027	51-11-1210	AMD	98-03-003
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16-471-060	REP-W	98-13-127	25-18-090	REP	98-05-027	51-11-1312	AMD	98-03-003
16-471-060	REP-P	98-13-128	25-18-100	REP	98-05-027	51-11-1322	AMD-W	98-05-064
16-471-070	REP-P	98-10-115	25-18-110	REP	98-05-027	51-11-1323	AMD	98-03-003
16-471-070	REP-W	98-13-127	25-18-120	REP	98-05-027	51-11-1331	AMD	98-03-003
16-471-070	REP-P	98-13-128	25-18-130	REP	98-05-027	51-11-1334	AMD	98-03-003
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16-471-080	REP-W	98-13-127	25-36-020	REP	98-05-027	51-11-1412	AMD	98-03-003
16-471-080	REP-P	98-13-128	25-36-030	REP	98-05-027	51-11-1414	AMD	98-03-003
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16-532-010	AMD	98-13-122	25-36-050	REP	98-05-027	51-11-1422	AMD	98-03-003
16-532-0402	REP-P	98-02-073	25-36-060	REP	98-05-027	51-11-1423	AMD	98-03-003
16-532-0402	REP	98-13-122	25-36-070	REP	98-05-027	51-11-1433	AMD	98-03-003
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16-532-0408	REP-P	98-02-073	25-36-120	REP	98-05-027	51-11-1701	AMD	98-03-003
16-532-0408	REP	98-13-122	25-36-130	REP	98-05-027	51-11-2005	AMD	98-03-003
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51-26-0401	REP	98-02-055	51-30-1101	REP	98-02-054	51-32-1100	REP	98-02-056
51-26-0500	REP	98-02-055	51-30-1102	REP	98-02-054	51-32-1101	REP	98-02-056
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51-26-2300	REP	98-02-055	51-30-1203	REP	98-02-054	51-34-0223	REP	98-02-053
51-26-2301	REP	98-02-055	51-30-1600	REP	98-02-054	51-34-0900	REP	98-02-053
51-27-001	REP	98-02-055	51-30-1614	REP	98-02-054	51-34-0901	REP	98-02-053
51-27-002	REP	98-02-055	51-30-1700	REP	98-02-054	51-34-0902	REP	98-02-053
51-27-003	REP	98-02-055	51-30-1702	REP	98-02-054	51-34-1000	REP	98-02-053
51-27-004	REP	98-02-055	51-30-1900	REP	98-02-054	51-34-1003	REP	98-02-053
51-27-008	REP	98-02-055	51-30-1909	REP	98-02-054	51-34-1007	REP	98-02-053
51-30-001	REP	98-02-054	51-30-2200	REP	98-02-054	51-34-2500	REP	98-02-053
51-30-002	REP	98-02-054	51-30-2211	REP	98-02-054	51-34-2501	REP	98-02-053
51-30-003	REP	98-02-054	51-30-2400	REP	98-02-054	51-34-5200	REP	98-02-053
51-30-004	REP	98-02-054	51-30-2406	REP	98-02-054	51-34-5201	REP	98-02-053
51-30-005	REP	98-02-054	51-30-2900	REP	98-02-054	51-34-5204	REP	98-02-053
51-30-007	REP	98-02-054	51-30-2902	REP	98-02-054	51-34-6100	REP	98-02-053
51-30-008	REP	98-02-054	51-30-2903	REP	98-02-054	51-34-6103	REP	98-02-053
51-30-009	REP	98-02-054	51-30-2904	REP	98-02-054	51-34-6104	REP	98-02-053
51-30-0100	REP	98-02-054	51-30-2910	REP	98-02-054	51-34-6105	REP	98-02-053
51-30-0104	REP	98-02-054	51-30-3102	REP	98-02-054	51-34-6106	REP	98-02-053
51-30-0200	REP	98-02-054	51-30-31200	REP	98-02-054	51-34-6107	REP	98-02-053
51-30-0204	REP	98-02-054	51-30-31201	REP	98-02-054	51-34-6301	REP	98-02-053
51-30-0207	REP	98-02-054	51-30-31202	REP	98-02-054	51-34-6302	REP	98-02-053
51-30-0217	REP	98-02-054	51-30-31203	REP	98-02-054	51-34-6303	REP	98-02-053
51-30-0220	REP	98-02-054	51-30-31204	REP	98-02-054	51-34-6304	REP	98-02-053
51-30-0300	REP	98-02-054	51-30-31205	REP	98-02-054	51-34-6305	REP	98-02-053
51-30-0302	REP	98-02-054	51-30-31206	REP	98-02-054	51-34-6306	REP	98-02-053
51-30-0304	REP	98-02-054	51-30-31207	REP	98-02-054	51-34-6307	REP	98-02-053
51-30-0305	REP	98-02-054	51-30-31208	REP	98-02-054	51-34-6308	REP	98-02-053
51-30-0307	REP	98-02-054	51-30-31209	REP	98-02-054	51-34-6309	REP	98-02-053
51-30-0310	REP	98-02-054	51-30-31210	REP	98-02-054	51-34-6310	REP	98-02-053
51-30-0313	REP	98-02-054	51-30-3400	REP	98-02-054	51-34-6311	REP	98-02-053
51-30-0400	REP	98-02-054	51-30-3404	REP	98-02-054	51-34-6312	REP	98-02-053
51-30-0403	REP	98-02-054	51-30-93115	REP	98-02-054	51-34-6313	REP	98-02-053
51-30-0405	REP	98-02-054	51-30-93116	REP	98-02-054	51-34-6314	REP	98-02-053
51-30-0500	REP	98-02-054	51-30-93117	REP	98-02-054	51-34-6315	REP	98-02-053
51-30-0510	REP	98-02-054	51-30-93118	REP	98-02-054	51-34-6316	REP	98-02-053
51-30-0600	REP	98-02-054	51-30-93119	REP	98-02-054	51-34-6317	REP	98-02-053
51-30-0601	REP	98-02-054	51-30-93120	REP	98-02-054	51-34-6318	REP	98-02-053
51-30-0800	REP	98-02-054	51-32-001	REP	98-02-056	51-34-6319	REP	98-02-053
51-30-0804	REP	98-02-054	51-32-002	REP	98-02-056	51-34-6320	REP	98-02-053

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
51-34-6321	REP	98-02-053	51-40-1091	NEW	98-02-054	51-44-001	NEW	98-02-053
51-34-6322	REP	98-02-053	51-40-1100	NEW	98-02-054	51-44-002	NEW	98-02-053
51-34-6323	REP	98-02-053	51-40-1101	NEW	98-02-054	51-44-003	NEW	98-02-053
51-34-6324	REP	98-02-053	51-40-1102	NEW	98-02-054	51-44-007	NEW	98-02-053
51-34-7800	REP	98-02-053	51-40-1103	NEW	98-02-054	51-44-007	PREP	98-13-051
51-34-7802	REP	98-02-053	51-40-1104	NEW	98-02-054	51-44-008	NEW	98-02-053
51-34-7900	REP	98-02-053	51-40-1105	NEW	98-02-054	51-44-0103	NEW	98-02-053
51-34-7902	REP	98-02-053	51-40-1106	NEW	98-02-054	51-44-0200	NEW	98-02-053
51-34-7904	REP	98-02-053	51-40-1107	NEW	98-02-054	51-44-0900	NEW	98-02-053
51-34-8000	REP	98-02-053	51-40-1108	NEW	98-02-054	51-44-1003	NEW	98-02-053
51-34-8001	REP	98-02-053	51-40-1109	NEW	98-02-054	51-44-1007	NEW	98-02-053
51-34-8003	REP	98-02-053	51-40-1110	NEW	98-02-054	51-44-10210	NEW	98-02-053
51-34-9100	REP	98-02-053	51-40-1111	NEW	98-02-054	51-44-1109	NEW	98-02-053
51-34-9101	REP	98-02-053	51-40-1112	NEW	98-02-054	51-44-2500	NEW	98-02-053
51-34-9102	REP	98-02-053	51-40-1113	NEW	98-02-054	51-44-5200	NEW	98-02-053
51-34-9103	REP	98-02-053	51-40-1114	NEW	98-02-054	51-44-6100	NEW	98-02-053
51-34-9104	REP	98-02-053	51-40-1191	NEW	98-02-054	51-44-6300	NEW	98-02-053
51-34-9105	REP	98-02-053	51-40-1192	NEW	98-02-054	51-44-7404	NEW	98-02-053
51-34-9106	REP	98-02-053	51-40-1193	NEW	98-02-054	51-44-7802	NEW	98-02-053
51-34-9107	REP	98-02-053	51-40-1194	NEW	98-02-054	51-44-7900	NEW	98-02-053
51-34-9108	REP	98-02-053	51-40-1195	NEW	98-02-054	51-44-8000	NEW	98-02-053
51-35-001	REP	98-02-053	51-40-1196	NEW	98-02-054	51-45-001	NEW	98-02-053
51-35-002	REP	98-02-053	51-40-1203	NEW	98-02-054	51-45-002	NEW	98-02-053
51-35-003	REP	98-02-053	51-40-1506	NEW-W	98-05-065	51-45-003	NEW	98-02-053
51-35-007	REP	98-02-053	51-40-1616	NEW	98-02-054	51-45-007	NEW	98-02-053
51-35-008	REP	98-02-053	51-40-1702	NEW	98-02-054	51-45-008	NEW	98-02-053
51-35-52000	REP	98-02-053	51-40-1909	NEW	98-02-054	51-45-80400	NEW	98-02-053
51-35-52400	REP	98-02-053	51-40-23110	NEW	98-02-054	51-46-001	NEW	98-02-055
51-35-52440	REP	98-02-053	51-40-2406	NEW	98-02-054	51-46-002	NEW	98-02-055
51-35-52441	REP	98-02-053	51-40-2900	NEW	98-02-054	51-46-003	NEW	98-02-055
51-35-52442	REP	98-02-053	51-40-2929	NEW	98-02-054	51-46-007	NEW	98-02-055
51-35-52500	REP	98-02-053	51-40-3004	NEW	98-02-054	51-46-007	PREP	98-13-051
51-35-52510	REP	98-02-053	51-40-3102	NEW	98-02-054	51-46-008	NEW	98-02-055
51-35-52520	REP	98-02-053	51-40-31200	NEW	98-02-054	51-46-0100	NEW	98-02-055
51-35-52530	REP	98-02-053	51-40-3404	NEW	98-02-054	51-46-0101	NEW	98-02-055
51-35-52540	REP	98-02-053	51-40-93115	NEW	98-02-054	51-46-0102	NEW	98-02-055
51-35-52550	REP	98-02-053	51-40-93116	NEW	98-02-054	51-46-0103	NEW	98-02-055
51-35-52560	REP	98-02-053	51-40-93117	NEW	98-02-054	51-46-0200	NEW	98-02-055
51-35-52570	REP	98-02-053	51-40-93118	NEW	98-02-054	51-46-0205	NEW	98-02-055
51-35-52580	REP	98-02-053	51-40-93119	NEW	98-02-054	51-46-0215	NEW	98-02-055
51-35-52590	REP	98-02-053	51-40-93120	NEW	98-02-054	51-46-0218	NEW	98-02-055
51-35-52600	REP	98-02-053	51-42-001	NEW	98-02-056	51-46-0300	NEW	98-02-055
51-40	PREP	98-14-125	51-42-002	NEW	98-02-056	51-46-0301	NEW	98-02-055
51-40-001	NEW	98-02-054	51-42-003	NEW	98-02-056	51-46-0310	NEW	98-02-055
51-40-002	NEW	98-02-054	51-42-004	NEW	98-02-056	51-46-0311	NEW	98-02-055
51-40-003	NEW	98-02-054	51-42-005	NEW	98-02-056	51-46-0313	NEW	98-02-055
51-40-004	NEW	98-02-054	51-42-007	NEW	98-02-056	51-46-0314	NEW	98-02-055
51-40-005	NEW	98-02-054	51-42-007	PREP	98-13-051	51-46-0316	NEW	98-02-055
51-40-007	NEW	98-02-054	51-42-008	NEW	98-02-056	51-46-0392	NEW	98-02-055
51-40-007	PREP	98-13-051	51-42-0200	NEW	98-02-056	51-46-0400	NEW	98-02-055
51-40-008	NEW	98-02-054	51-42-0223	NEW	98-02-056	51-46-0402	NEW	98-02-055
51-40-009	NEW	98-02-054	51-42-0303	NEW	98-02-056	51-46-0412	NEW	98-02-055
51-40-0200	NEW	98-02-054	51-42-0504	NEW	98-02-056	51-46-0413	NEW	98-02-055
51-40-0302	NEW	98-02-054	51-42-0600	NEW	98-02-056	51-46-0500	NEW	98-02-055
51-40-0303	NEW	98-02-054	51-42-0601	NEW	98-02-056	51-46-0501	NEW	98-02-055
51-40-0304	NEW	98-02-054	51-42-0605	NEW	98-02-056	51-46-0502	NEW	98-02-055
51-40-0305	NEW	98-02-054	51-42-0901	NEW	98-02-056	51-46-0505	NEW	98-02-055
51-40-0307	NEW	98-02-054	51-42-1000	NEW	98-02-056	51-46-0507	NEW	98-02-055
51-40-0308	NEW	98-02-054	51-42-1002	NEW	98-02-056	51-46-0509	NEW	98-02-055
51-40-0310	NEW	98-02-054	51-42-1004	NEW	98-02-056	51-46-0512	NEW	98-02-055
51-40-0311	NEW	98-02-054	51-42-1005	NEW	98-02-056	51-46-0513	NEW	98-02-055
51-40-0313	NEW	98-02-054	51-42-1100	NEW	98-02-056	51-46-0514	NEW	98-02-055
51-40-0403	NEW	98-02-054	51-42-1101	NEW	98-02-056	51-46-0515	NEW	98-02-055
51-40-0405	NEW	98-02-054	51-42-1102	NEW	98-02-056	51-46-0516	NEW	98-02-055
51-40-0510	NEW	98-02-054	51-42-1103	NEW	98-02-056	51-46-0517	NEW	98-02-055
51-40-0804	NEW	98-02-054	51-42-1104	NEW	98-02-056	51-46-0518	NEW	98-02-055
51-40-0902	NEW	98-02-054	51-42-1105	NEW	98-02-056	51-46-0519	NEW	98-02-055
51-40-0904	NEW	98-02-054	51-42-1106	NEW	98-02-056	51-46-0520	NEW	98-02-055
51-40-1000	NEW	98-02-054	51-42-1107	NEW	98-02-056	51-46-0521	NEW	98-02-055
51-40-1002	NEW	98-02-054	51-42-1108	NEW	98-02-056	51-46-0522	NEW	98-02-055
51-40-1003	NEW	98-02-054	51-42-1311	NEW	98-02-056	51-46-0523	NEW	98-02-055
51-40-1004	NEW	98-02-054	51-42-1312	NEW	98-02-056	51-46-0524	NEW	98-02-055
51-40-1007	NEW	98-02-054	51-42-1401	NEW	98-02-056	51-46-0525	NEW	98-02-055

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
51-46-0600	NEW	98-02-055	82-28-140	REP-XR	98-14-065	131-16	AMD-C	98-08-028
51-46-0603	NEW	98-02-055	82-28-150	REP-XR	98-14-065	131-16-010	AMD-P	98-06-075
51-46-0604	NEW	98-02-055	82-28-160	REP-XR	98-14-065	131-16-010	AMD-E	98-09-044
51-46-0608	NEW	98-02-055	82-28-170	REP-XR	98-14-065	131-16-010	AMD	98-14-033
51-46-0609	NEW	98-02-055	82-28-180	REP-XR	98-14-065	131-16-011	AMD-P	98-06-075
51-46-0610	NEW	98-02-055	82-28-190	REP-XR	98-14-065	131-16-011	AMD-E	98-09-044
51-46-0700	NEW	98-02-055	82-28-200	REP-XR	98-14-065	131-16-011	AMD	98-14-033
51-46-0701	NEW	98-02-055	82-28-210	REP-XR	98-14-065	131-16-015	REP-P	98-06-075
51-46-0704	NEW	98-02-055	82-28-220	REP-XR	98-14-065	131-16-021	AMD-P	98-06-075
51-46-0710	NEW	98-02-055	82-28-230	REP-XR	98-14-065	131-16-021	AMD-E	98-09-044
51-46-0713	NEW	98-02-055	82-36-010	REP-XR	98-14-016	131-16-021	AMD	98-14-033
51-46-0793	NEW	98-02-055	82-36-020	REP-XR	98-14-016	131-16-031	AMD-P	98-06-075
51-46-0800	NEW	98-02-055	82-36-030	REP-XR	98-14-016	131-16-031	AMD-E	98-09-044
51-46-0810	NEW	98-02-055	82-36-033	REP-XR	98-14-016	131-16-031	AMD	98-14-033
51-46-0814	NEW	98-02-055	82-36-035	REP-XR	98-14-016	131-16-040	REP-P	98-06-075
51-46-0815	NEW	98-02-055	82-36-040	REP-XR	98-14-016	131-16-045	AMD-P	98-06-075
51-46-0900	NEW	98-02-055	82-36-050	REP-XR	98-14-016	131-16-045	AMD-E	98-09-044
51-46-0903	NEW	98-02-055	82-36-060	REP-XR	98-14-016	131-16-045	AMD	98-14-033
51-46-1000	NEW	98-02-055	82-36-070	REP-XR	98-14-016	131-16-050	AMD-P	98-06-075
51-46-1003	NEW	98-02-055	82-36-080	REP-XR	98-14-016	131-16-050	AMD-E	98-09-044
51-46-1012	NEW	98-02-055	82-36-090	REP-XR	98-14-016	131-16-050	AMD	98-14-033
51-46-1300	NEW	98-02-055	82-36-120	REP-XR	98-14-016	131-16-055	AMD-P	98-06-075
51-46-1301	NEW	98-02-055	82-36-130	REP-XR	98-14-016	131-16-055	AMD-E	98-09-044
51-46-1302	NEW	98-02-055	82-36-140	REP-XR	98-14-016	131-16-055	AMD	98-14-033
51-46-1303	NEW	98-02-055	82-36-150	REP-XR	98-14-016	131-16-056	AMD-P	98-06-075
51-46-1304	NEW	98-02-055	82-40-010	REP-XR	98-14-017	131-16-056	AMD-E	98-09-044
51-46-1305	NEW	98-02-055	82-40-020	REP-XR	98-14-017	131-16-056	AMD	98-14-033
51-46-1400	NEW	98-02-055	82-40-030	REP-XR	98-14-017	131-16-060	REP-P	98-06-075
51-46-1401	NEW	98-02-055	82-40-040	REP-XR	98-14-017	131-16-061	AMD-P	98-06-075
51-46-1491	NEW	98-02-055	82-40-050	REP-XR	98-14-017	131-16-061	AMD-E	98-09-044
51-46-97120	NEW	98-02-055	82-40-060	REP-XR	98-14-017	131-16-061	AMD	98-14-033
51-46-97121	NEW	98-02-055	82-40-070	REP-XR	98-14-017	131-16-062	REP-P	98-06-075
51-46-97122	NEW	98-02-055	82-44-010	REP-XR	98-14-015	131-16-065	REP-P	98-06-075
51-46-97123	NEW	98-02-055	82-44-020	REP-XR	98-14-015	131-16-066	REP-P	98-06-075
51-46-97124	NEW	98-02-055	82-44-030	REP-XR	98-14-015	131-16-080	AMD-P	98-10-113
51-46-97125	NEW	98-02-055	82-44-040	REP-XR	98-14-015	131-16-210	REP-P	98-10-113
51-46-97126	NEW	98-02-055	82-44-050	REP-XR	98-14-015	131-16-220	REP-P	98-10-113
51-46-97127	NEW	98-02-055	82-44-060	REP-XR	98-14-015	131-16-400	AMD-P	98-10-113
51-46-97128	NEW	98-02-055	82-44-070	REP-XR	98-14-015	131-16-450	AMD-P	98-10-046
51-46-97129	NEW	98-02-055	82-44-080	REP-XR	98-14-015	131-24	AMD-C	98-07-059
51-47-001	NEW	98-02-055	82-44-090	REP-XR	98-14-015	131-24-010	AMD-P	98-06-073
51-47-002	NEW	98-02-055	82-50-021	AMD-P	98-09-084	131-24-020	AMD-P	98-06-073
51-47-003	NEW	98-02-055	82-50-021	AMD	98-14-079	131-24-030	AMD-P	98-06-073
51-47-007	NEW	98-02-055	98-70-010	PREP	98-11-039	131-24-040	REP-P	98-06-073
51-47-008	NEW	98-02-055	118-40-010	AMD	98-07-028	131-28	AMD-C	98-07-059
82-24-010	REP-XR	98-14-066	118-40-020	AMD	98-07-028	131-28-005	NEW-P	98-06-072
82-24-020	REP-XR	98-14-066	118-40-030	AMD	98-07-028	131-28-015	AMD-P	98-10-047
82-24-030	REP-XR	98-14-066	118-40-040	AMD	98-07-028	131-28-025	AMD-P	98-06-072
82-24-040	REP-XR	98-14-066	118-40-050	AMD	98-07-028	131-28-02501	AMD-P	98-06-072
82-24-050	REP-XR	98-14-066	118-40-060	AMD	98-07-028	131-28-02501	AMD-P	98-10-047
82-24-060	REP-XR	98-14-066	118-40-070	AMD	98-07-028	131-28-026	AMD-P	98-06-072
82-24-070	REP-XR	98-14-066	118-40-080	AMD	98-07-028	131-28-027	AMD-P	98-06-072
82-24-080	REP-XR	98-14-066	118-40-090	REP	98-07-028	131-28-045	AMD-P	98-06-072
82-24-090	REP-XR	98-14-066	118-40-100	REP	98-07-028	131-28-080	REP-P	98-06-072
82-24-100	REP-XR	98-14-066	118-40-150	AMD	98-07-028	131-28-085	REP-P	98-06-072
82-24-110	REP-XR	98-14-066	118-40-160	AMD	98-07-028	131-28-090	REP-P	98-06-072
82-24-120	REP-XR	98-14-066	118-40-170	AMD	98-07-028	131-32-010	AMD-P	98-10-044
82-24-130	REP-XR	98-14-066	118-40-180	AMD	98-07-028	131-32-020	AMD-P	98-10-044
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82-28-020	REP-XR	98-14-065	118-40-300	AMD	98-07-028	131-32-035	AMD-P	98-10-112
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173-308-210	NEW	98-05-101	180-26-015	AMD-P	98-14-146	180-30-115	REP-P	98-14-148
173-308-220	NEW	98-05-101	180-26-020	AMD-P	98-14-146	180-30-116	REP-P	98-14-148
173-308-230	NEW	98-05-101	180-26-030	REP-P	98-14-146	180-30-117	REP-P	98-14-148
173-308-240	NEW	98-05-101	180-26-040	AMD-P	98-14-146	180-30-120	REP-P	98-14-148
173-308-250	NEW	98-05-101	180-26-057	AMD-P	98-14-146	180-30-125	REP-P	98-14-148
173-308-260	NEW	98-05-101	180-26-058	REP-P	98-14-146	180-30-130	REP-P	98-14-148
173-308-270	NEW	98-05-101	180-27	PREP	98-06-005	180-30-135	REP-P	98-14-148
173-308-275	NEW	98-05-101	180-27-005	AMD-P	98-14-149	180-30-200	REP-P	98-14-148
173-308-280	NEW	98-05-101	180-27-015	AMD-P	98-14-149	180-30-205	REP-P	98-14-148
173-308-290	NEW	98-05-101	180-27-016	AMD-P	98-14-149	180-30-210	REP-P	98-14-148
173-308-295	NEW	98-05-101	180-27-019	AMD-P	98-14-149	180-30-215	REP-P	98-14-148
173-308-300	NEW	98-05-101	180-27-030	AMD-P	98-14-149	180-30-220	REP-P	98-14-148
173-308-310	NEW	98-05-101	180-27-035	AMD-P	98-14-149	180-30-225	REP-P	98-14-148
173-308-320	NEW	98-05-101	180-27-045	AMD-P	98-14-149	180-30-230	REP-P	98-14-148
173-308-900	NEW	98-05-101	180-27-050	AMD-P	98-14-149	180-30-250	REP-P	98-14-148
173-360-190	AMD-XA	98-10-091	180-27-052	REP-P	98-14-149	180-30-350	REP-P	98-14-148
173-400	PREP	98-06-090	180-27-054	AMD-P	98-14-149	180-30-355	REP-P	98-14-148
173-400-060	AMD-P	98-10-034	180-27-056	AMD-P	98-14-149	180-30-360	REP-P	98-14-148
173-400-070	AMD-P	98-10-034	180-27-057	AMD-P	98-14-149	180-30-365	REP-P	98-14-148
173-400-075	AMD-P	98-10-034	180-27-058	REP-P	98-14-149	180-30-370	REP-P	98-14-148
173-400-105	AMD-P	98-10-034	180-27-060	AMD-P	98-14-149	180-30-380	REP-P	98-14-148
173-400-110	AMD-P	98-10-034	180-27-070	AMD-P	98-14-149	180-30-400	REP-P	98-14-148
173-400-115	AMD-P	98-09-097	180-27-075	AMD-P	98-14-149	180-30-405	REP-P	98-14-148
173-415	PREP	98-10-090	180-27-080	AMD-P	98-14-149	180-30-406	REP-P	98-14-148
173-430-030	AMD-P	98-08-079	180-27-082	NEW-P	98-14-149	180-30-407	REP-P	98-14-148
173-430-030	AMD	98-12-016	180-27-083	NEW-P	98-14-149	180-30-408	REP-P	98-14-148
173-430-040	AMD-P	98-08-079	180-27-095	AMD-P	98-14-149	180-30-410	REP-P	98-14-148
173-430-040	AMD	98-12-016	180-27-105	AMD-P	98-14-149	180-30-415	REP-P	98-14-148
173-430-045	NEW-P	98-08-079	180-27-115	AMD-P	98-14-149	180-30-420	REP-P	98-14-148
173-430-045	NEW	98-12-016	180-27-120	AMD-P	98-14-149	180-30-425	REP-P	98-14-148
173-460-060	AMD	98-04-062	180-27-400	REP-P	98-14-149	180-30-430	REP-P	98-14-148
173-460-060	AMD-P	98-10-034	180-27-415	AMD-P	98-14-149	180-30-435	REP-P	98-14-148
173-481	PREP	98-10-090	180-27-420	AMD-P	98-14-149	180-30-440	REP-P	98-14-148
173-490-203	REP	98-04-061	180-27-425	AMD-P	98-14-149	180-30-450	REP-P	98-14-148
173-531A-060	AMD	98-08-062	180-27-500	AMD-P	98-14-149	180-30-455	REP-P	98-14-148
173-563-015	REP	98-08-062	180-27-505	AMD-P	98-14-149	180-30-460	REP-P	98-14-148
173-563-020	AMD	98-08-062	180-27-515	AMD-P	98-14-149	180-30-465	REP-P	98-14-148
173-806-020	AMD-P	98-12-092	180-27-530	AMD-P	98-14-149	180-30-470	REP-P	98-14-148
173-806-030	AMD-P	98-12-092	180-27-990	REP-P	98-14-149	180-30-475	REP-P	98-14-148
173-806-050	AMD-P	98-12-092	180-29	PREP	98-06-004	180-30-480	REP-P	98-14-148
173-806-053	AMD-P	98-12-092	180-29-005	AMD-P	98-14-147	180-30-485	REP-P	98-14-148
173-806-055	REP-P	98-12-092	180-29-015	REP-P	98-14-147	180-30-490	REP-P	98-14-148
173-806-058	AMD-P	98-12-092	180-29-020	REP-P	98-14-147	180-30-495	REP-P	98-14-148
173-806-065	AMD-P	98-12-092	180-29-021	AMD-P	98-14-147	180-30-500	REP-P	98-14-148
173-806-090	AMD-P	98-12-092	180-29-025	AMD-P	98-14-147	180-30-505	REP-P	98-14-148
173-806-100	AMD-P	98-12-092	180-29-030	REP-P	98-14-147	180-30-510	REP-P	98-14-148
173-806-128	AMD-P	98-12-092	180-29-035	AMD-P	98-14-147	180-30-515	REP-P	98-14-148
173-806-130	AMD-P	98-12-092	180-29-080	AMD-P	98-14-147	180-30-520	REP-P	98-14-148
173-806-132	NEW-P	98-12-092	180-29-085	AMD-P	98-14-147	180-30-575	REP-P	98-14-148
173-806-150	AMD-P	98-12-092	180-29-090	AMD-P	98-14-147	180-30-610	REP-P	98-14-148
173-806-160	AMD-P	98-12-092	180-29-1075	AMD-P	98-14-147	180-30-620	REP-P	98-14-148
173-806-170	AMD-P	98-12-092	180-29-1076	REP-P	98-14-147	180-30-625	REP-P	98-14-148
173-806-175	AMD-P	98-12-092	180-29-115	AMD-P	98-14-147	180-30-630	REP-P	98-14-148
173-806-180	AMD-P	98-12-092	180-29-116	REP-P	98-14-147	180-30-635	REP-P	98-14-148
173-806-185	AMD-P	98-12-092	180-29-155	AMD-P	98-14-147	180-30-640	REP-P	98-14-148
173-806-190	AMD-P	98-12-092	180-29-200	AMD-P	98-14-147	180-30-645	REP-P	98-14-148
180-16-002	AMD-P	98-04-088	180-30	PREP	98-06-001	180-30-650	REP-P	98-14-148
180-16-002	AMD	98-08-039	180-30-003	REP-P	98-14-148	180-30-655	REP-P	98-14-148
180-16-180	REP-P	98-04-088	180-30-005	REP-P	98-14-148	180-30-660	REP-P	98-14-148
180-16-180	REP	98-08-039	180-30-010	REP-P	98-14-148	180-30-710	REP-P	98-14-148
180-18-010	AMD	98-05-001	180-30-015	REP-P	98-14-148	180-30-715	REP-P	98-14-148
180-22-150	AMD	98-05-003	180-30-030	REP-P	98-14-148	180-30-720	REP-P	98-14-148
180-25	PREP	98-06-007	180-30-035	REP-P	98-14-148	180-30-725	REP-P	98-14-148

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180-30-735	REP-P	98-14-148	180-59-047	REP	98-05-007	192-18-050	REP-XR	98-07-023
180-30-740	REP-P	98-14-148	180-59-050	REP	98-05-007	192-18-050	REP	98-14-031
180-30-750	REP-P	98-14-148	180-59-055	REP	98-05-007	192-18-060	REP-XR	98-07-023
180-30-755	REP-P	98-14-148	180-59-060	REP	98-05-007	192-18-060	REP	98-14-031
180-30-760	REP-P	98-14-148	180-59-065	REP	98-05-007	192-18-070	REP-XR	98-07-023
180-30-765	REP-P	98-14-148	180-59-070	REP	98-05-007	192-18-070	REP	98-14-031
180-30-770	REP-P	98-14-148	180-59-075	REP	98-05-007	192-20-010	REP-XR	98-07-024
180-30-775	REP-P	98-14-148	180-59-080	REP	98-05-007	192-20-010	REP	98-14-032
180-30-780	REP-P	98-14-148	180-59-090	REP	98-05-007	192-23-018	AMD	98-06-097
180-30-800	REP-P	98-14-148	180-59-095	REP	98-05-007	192-32	AMD	98-05-042
180-30-805	REP-P	98-14-148	180-59-100	REP	98-05-007	192-32-001	REP	98-05-042
180-30-807	REP-P	98-14-148	180-59-105	REP	98-05-007	192-32-010	AMD	98-05-042
180-30-810	REP-P	98-14-148	180-59-110	REP	98-05-007	192-32-015	REP	98-05-042
180-30-815	REP-P	98-14-148	180-59-115	REP	98-05-007	192-32-025	REP	98-05-042
180-30-820	REP-P	98-14-148	180-59-120	REP	98-05-007	192-32-035	AMD	98-05-042
180-30-825	REP-P	98-14-148	180-59-125	REP	98-05-007	192-32-045	AMD	98-05-042
180-30-830	REP-P	98-14-148	180-59-130	REP	98-05-007	192-32-050	AMD	98-05-042
180-30-845	REP-P	98-14-148	180-59-135	REP	98-05-007	192-32-055	AMD	98-05-042
180-31	PREP	98-06-003	180-59-140	REP	98-05-007	192-32-065	AMD	98-05-042
180-31-005	AMD-P	98-14-150	180-59-145	REP	98-05-007	192-32-075	AMD	98-05-042
180-31-020	AMD-P	98-14-150	180-59-150	REP	98-05-007	192-32-085	AMD	98-05-042
180-31-025	AMD-P	98-14-150	180-59-155	REP	98-05-007	192-32-095	AMD	98-05-042
180-31-035	AMD-P	98-14-150	180-59-160	REP	98-05-007	192-32-100	NEW	98-05-042
180-31-040	AMD-P	98-14-150	180-59-165	REP	98-05-007	192-32-105	AMD	98-05-042
180-31-045	NEW-P	98-14-150	180-78A	PREP	98-06-030	192-32-115	AMD	98-05-042
180-32	PREP	98-06-002	180-78A-165	AMD	98-05-022	192-32-120	REP	98-05-042
180-32-005	AMD-P	98-14-151	180-79A-117	AMD	98-05-024	192-32-125	REP	98-05-042
180-32-020	AMD-P	98-14-151	180-79A-220	AMD-P	98-04-089	192-32-130	NEW	98-05-042
180-32-025	AMD-P	98-14-151	180-79A-220	AMD	98-08-068	192-32-135	NEW	98-05-042
180-32-035	AMD-P	98-14-151	180-79A-340	AMD	98-05-023	192-33-005	NEW	98-05-042
180-32-040	AMD-P	98-14-151	180-79A-420	PREP	98-04-087	192-33-006	NEW	98-05-042
180-32-050	AMD-P	98-14-151	180-79A-420	AMD-P	98-10-102	192-130-050	NEW	98-14-068
180-32-055	REP-P	98-14-151	180-79A-422	PREP	98-04-087	192-210-005	NEW-E	98-13-015
180-33	PREP	98-06-008	180-79A-422	AMD-P	98-10-102	192-210-010	NEW-E	98-13-015
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180-33-040	AMD-P	98-14-144	180-87	PREP	98-08-038	192-310-020	NEW	98-14-068
180-33-042	AMD-P	98-14-144	180-90-125	PREP	98-10-024	192-310-025	NEW	98-14-068
180-33-043	REP-P	98-14-144	182-04-070	AMD-XA	98-13-078	192-310-030	NEW	98-14-068
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180-34-015	REP	98-05-002	182-25-010	AMD-XA	98-10-086	194-10-020	REP	98-05-027
180-34-020	REP	98-05-002	182-25-020	AMD	98-07-002	194-10-030	REP	98-05-027
180-34-025	REP	98-05-002	182-25-030	AMD	98-07-002	194-10-040	REP	98-05-027
180-36-007	NEW	98-05-021	182-25-040	AMD	98-07-002	194-10-050	REP	98-05-027
180-39-025	AMD	98-05-004	182-25-070	AMD	98-07-002	194-10-060	REP	98-05-027
180-39-027	REP	98-05-004	182-25-080	AMD	98-07-002	194-10-070	REP	98-05-027
180-39-028	REP	98-05-004	182-25-090	AMD	98-07-002	194-10-080	REP	98-05-027
180-39-030	REP	98-05-004	182-25-100	AMD	98-07-002	194-10-090	REP	98-05-027
180-39-035	REP	98-05-004	182-25-105	AMD	98-07-002	194-10-100	REP	98-05-027
180-51-050	PREP	98-06-028	192-12-030	AMD-P	98-09-106	194-10-110	REP	98-05-027
180-56-003	REP	98-05-005	192-12-030	REP	98-14-068	194-10-120	REP	98-05-027
180-58-010	REP	98-05-006	192-12-040	AMD-P	98-09-105	194-10-130	REP	98-05-027
180-58-015	REP	98-05-006	192-12-040	REP	98-14-068	194-10-140	REP	98-05-027
180-58-020	REP	98-05-006	192-12-041	AMD-P	98-09-105	196-04	PREP	98-11-025
180-58-030	REP	98-05-006	192-12-041	REP	98-14-068	196-08-010	REP-P	98-08-078
180-58-040	REP	98-05-006	192-12-042	AMD-P	98-09-105	196-08-010	REP	98-12-045
180-58-045	REP	98-05-006	192-12-042	REP	98-14-068	196-08-040	REP-P	98-08-078
180-58-055	REP	98-05-006	192-12-141	AMD	98-06-097	196-08-040	REP	98-12-045
180-58-065	REP	98-05-006	192-16-051	PREP	98-08-072	196-08-050	REP-P	98-08-078
180-58-075	REP	98-05-006	192-16-051	REP-E	98-13-015	196-08-050	REP	98-12-045
180-58-085	REP	98-05-006	192-16-052	PREP	98-08-072	196-08-060	REP-P	98-08-078
180-58-090	REP	98-05-006	192-16-052	REP-E	98-13-015	196-08-060	REP	98-12-045
180-59-005	REP	98-05-007	192-16-057	PREP	98-08-072	196-08-070	REP-P	98-08-078
180-59-010	REP	98-05-007	192-18-010	REP-XR	98-07-023	196-08-070	REP	98-12-045
180-59-015	REP	98-05-007	192-18-010	REP	98-14-031	196-08-080	REP-P	98-08-078
180-59-020	REP	98-05-007	192-18-012	REP-XR	98-07-023	196-08-080	REP	98-12-045
180-59-025	REP	98-05-007	192-18-012	REP	98-14-031	196-08-090	REP-P	98-08-078
180-59-030	REP	98-05-007	192-18-020	REP-XR	98-07-023	196-08-090	REP	98-12-045
180-59-032	REP	98-05-007	192-18-020	REP	98-14-031	196-08-100	REP-P	98-08-078
180-59-035	REP	98-05-007	192-18-030	REP-XR	98-07-023	196-08-100	REP	98-12-045
180-59-037	REP	98-05-007	192-18-030	REP	98-14-031	196-08-110	REP-P	98-08-078
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196-08-120	REP	98-12-045	196-08-490	REP-P	98-08-078	204-10-130	REP	98-04-053
196-08-130	REP-P	98-08-078	196-08-490	REP	98-12-045	204-10-140	REP	98-04-053
196-08-130	REP	98-12-045	196-08-500	REP-P	98-08-078	204-10-150	REP	98-04-053
196-08-140	REP-P	98-08-078	196-08-500	REP	98-12-045	204-24-050	PREP	98-11-035
196-08-140	REP	98-12-045	196-08-510	REP-P	98-08-078	204-46-010	PREP	98-14-049
196-08-150	REP-P	98-08-078	196-08-510	REP	98-12-045	204-46-020	PREP	98-14-049
196-08-150	REP	98-12-045	196-08-520	REP-P	98-08-078	204-46-030	PREP	98-14-049
196-08-160	REP-P	98-08-078	196-08-520	REP	98-12-045	204-72-030	AMD	98-04-054
196-08-160	REP	98-12-045	196-08-530	REP-P	98-08-078	204-72-040	AMD	98-04-054
196-08-170	REP-P	98-08-078	196-08-530	REP	98-12-045	204-90-030	AMD	98-04-052
196-08-170	REP	98-12-045	196-08-540	REP-P	98-08-078	204-90-040	AMD	98-04-052
196-08-180	REP-P	98-08-078	196-08-540	REP	98-12-045	204-90-070	AMD	98-04-052
196-08-180	REP	98-12-045	196-08-550	REP-P	98-08-078	204-90-120	AMD	98-04-052
196-08-190	REP-P	98-08-078	196-08-550	REP	98-12-045	204-90-140	AMD	98-04-052
196-08-190	REP	98-12-045	196-08-560	REP-P	98-08-078	208-418	PREP	98-13-084
196-08-200	REP-P	98-08-078	196-08-560	REP	98-12-045	208-436	PREP	98-13-084
196-08-200	REP	98-12-045	196-08-570	REP-P	98-08-078	208-440	PREP	98-13-084
196-08-210	REP-P	98-08-078	196-08-570	REP	98-12-045	208-444	PREP	98-13-084
196-08-210	REP	98-12-045	196-08-580	REP-P	98-08-078	208-444-010	AMD	98-10-072
196-08-220	REP-P	98-08-078	196-08-580	REP	98-12-045	208-444-020	AMD	98-10-072
196-08-220	REP	98-12-045	196-08-590	REP-P	98-08-078	208-444-030	AMD	98-10-072
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196-08-250	REP-P	98-08-078	196-09-020	NEW	98-12-045	208-480	PREP	98-13-084
196-08-250	REP	98-12-045	196-12-010	AMD-P	98-08-105	212-17-185	AMD	98-04-007
196-08-260	REP-P	98-08-078	196-12-010	AMD	98-12-052	212-17-190	REP-XR	98-07-019
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196-08-270	REP-P	98-08-078	196-12-020	AMD	98-12-052	212-17-190	REP-E	98-13-039
196-08-270	REP	98-12-045	196-12-030	AMD-P	98-08-105	212-17-195	REP-XR	98-07-019
196-08-280	REP-P	98-08-078	196-12-030	AMD	98-12-052	212-17-195	REP	98-13-038
196-08-280	REP	98-12-045	196-12-045	NEW-P	98-08-105	212-17-195	REP-E	98-13-039
196-08-290	REP-P	98-08-078	196-12-045	NEW	98-12-052	212-17-200	REP-XR	98-07-019
196-08-290	REP	98-12-045	196-12-050	AMD-P	98-08-105	212-17-200	REP	98-13-038
196-08-300	REP-P	98-08-078	196-12-050	AMD	98-12-052	212-17-200	REP-E	98-13-039
196-08-300	REP	98-12-045	196-12-060	REP-P	98-08-105	212-17-205	REP-XR	98-07-019
196-08-310	REP-P	98-08-078	196-12-060	REP	98-12-052	212-17-205	REP	98-13-038
196-08-310	REP	98-12-045	196-12-085	REP-P	98-08-105	212-17-205	REP-E	98-13-039
196-08-320	REP-P	98-08-078	196-12-085	REP	98-12-052	212-17-210	REP-XR	98-07-019
196-08-320	REP	98-12-045	196-24-030	REP-P	98-08-105	212-17-210	REP	98-13-038
196-08-330	REP-P	98-08-078	196-24-030	REP	98-12-052	212-17-210	REP-E	98-13-039
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196-08-340	REP-P	98-08-078	196-24-040	REP	98-12-052	212-17-215	REP	98-13-038
196-08-340	REP	98-12-045	196-24-050	REP-P	98-08-105	212-17-215	REP-E	98-13-039
196-08-350	REP-P	98-08-078	196-24-050	REP	98-12-052	212-17-21503	NEW	98-04-007
196-08-350	REP	98-12-045	196-24-105	AMD-P	98-08-105	212-17-21505	NEW	98-04-007
196-08-360	REP-P	98-08-078	196-24-105	AMD	98-12-052	212-17-21507	NEW	98-04-007
196-08-360	REP	98-12-045	196-25-001	NEW-P	98-08-106	212-17-21509	NEW	98-04-007
196-08-370	REP-P	98-08-078	196-25-001	NEW	98-12-053	212-17-21511	NEW	98-04-007
196-08-370	REP	98-12-045	196-25-002	NEW-P	98-08-106	212-17-21513	NEW	98-04-007
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196-08-380	REP	98-12-045	196-25-005	NEW-P	98-08-106	212-17-21517	NEW	98-04-007
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246-358-610	NEW-E	98-11-001	246-815-060	REP	98-14-123	246-830-480	REP	98-05-060
246-358-620	NEW-E	98-11-001	246-815-070	REP-XR	98-07-087	246-830-990	AMD	98-05-060
246-358-630	NEW-E	98-11-001	246-815-070	REP	98-14-123	246-834-060	AMD	98-05-060
246-358-640	NEW-E	98-11-001	246-815-080	REP-XR	98-07-087	246-834-060	PREP	98-11-064
246-358-650	NEW-E	98-11-001	246-815-080	REP	98-14-123	246-834-065	AMD	98-05-060
246-780	PREP	98-14-117	246-815-090	REP-XR	98-07-087	246-834-070	PREP	98-11-064
246-802-020	REP	98-05-060	246-815-090	REP	98-14-123	246-834-080	PREP	98-11-064

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246-834-200	AMD	98-05-060	246-853-040	REP	98-05-060	246-922-320	REP	98-05-060
246-834-260	AMD	98-05-060	246-853-045	AMD	98-05-060	246-922-990	AMD	98-05-060
246-834-400	NEW	98-05-060	246-853-060	AMD	98-05-060	246-922-995	NEW	98-05-060
246-834-500	REP	98-05-060	246-853-080	AMD	98-05-060	246-924-110	AMD	98-05-060
246-834-990	AMD-P	98-07-085	246-853-210	AMD	98-05-060	246-924-120	REP	98-05-060
246-834-990	AMD	98-11-069	246-853-230	AMD	98-05-060	246-924-230	AMD	98-05-060
246-836-080	AMD	98-05-060	246-853-240	REP	98-05-060	246-924-290	REP	98-05-060
246-836-090	REP	98-05-060	246-853-270	REP	98-05-060	246-924-320	REP	98-05-060
246-836-410	AMD	98-05-060	246-853-275	REP	98-05-060	246-924-490	REP	98-05-060
246-836-990	AMD-W	98-05-058	246-853-990	AMD	98-05-060	246-924-500	AMD	98-05-060
246-836-990	AMD	98-05-060	246-854-050	AMD	98-05-060	246-924-990	AMD	98-05-060
246-840-010	AMD	98-05-060	246-854-080	AMD	98-05-060	246-926-160	REP	98-05-060
246-840-010	AMD-C	98-08-116	246-854-110	AMD	98-05-060	246-926-170	AMD	98-05-060
246-840-010	AMD-W	98-09-040	246-855-100	AMD	98-05-060	246-926-200	AMD	98-05-060
246-840-020	AMD	98-05-060	246-861-010	AMD	98-05-060	246-926-990	AMD	98-05-060
246-840-040	AMD	98-05-060	246-861-020	AMD	98-05-060	246-926-995	NEW-W	98-05-059
246-840-080	AMD	98-05-060	246-861-120	REP	98-05-060	246-928	PREP	98-08-114
246-840-090	AMD	98-05-060	246-863-030	AMD	98-05-060	246-928-090	REP	98-05-060
246-840-100	REP	98-05-060	246-863-050	REP	98-05-060	246-928-190	AMD	98-05-060
246-840-110	REP	98-05-060	246-863-070	AMD	98-05-060	246-928-990	AMD	98-05-060
246-840-111	NEW	98-05-060	246-863-080	AMD	98-05-060	246-930-020	AMD	98-05-060
246-840-115	REP	98-05-060	246-863-090	AMD	98-05-060	246-930-400	REP	98-05-060
246-840-120	AMD	98-05-060	246-863-120	AMD	98-05-060	246-930-410	AMD	98-05-060
246-840-340	AMD	98-05-060	246-869-050	REP	98-05-060	246-930-420	AMD	98-05-060
246-840-350	AMD	98-05-060	246-869-220	PREP	98-11-065	246-930-430	REP	98-05-060
246-840-360	AMD	98-05-060	246-879-070	AMD	98-05-060	246-930-431	NEW	98-05-060
246-840-365	AMD	98-05-060	246-883-050	REP-XR	98-07-088	246-930-990	AMD	98-05-060
246-840-410	AMD	98-05-060	246-887-020	AMD	98-05-060	246-930-995	NEW	98-05-060
246-840-440	AMD	98-05-060	246-887-170	AMD	98-02-084	246-933-180	REP	98-05-060
246-840-450	AMD	98-05-060	246-901-065	AMD	98-05-060	246-933-305	AMD	98-05-060
246-840-730	PREP	98-09-115	246-901-120	AMD	98-05-060	246-933-420	AMD	98-05-060
246-840-985	NEW-C	98-08-116	246-904	PREP	98-04-037	246-933-430	REP	98-05-060
246-840-985	NEW-W	98-09-040	246-907-020	REP	98-05-060	246-933-470	REP	98-05-060
246-840-990	AMD	98-05-060	246-907-030	AMD	98-05-060	246-933-480	AMD	98-05-060
246-840-990	PREP	98-10-108	246-907-030	AMD-P	98-07-086	246-933-990	AMD	98-05-060
246-841-520	NEW	98-05-060	246-907-030	AMD	98-10-052	246-935-130	AMD	98-05-060
246-841-610	AMD	98-05-060	246-907-995	NEW	98-05-060	246-935-990	AMD	98-05-060
246-841-990	AMD	98-05-060	246-915-010	AMD	98-05-060	246-937-050	AMD	98-05-060
246-843-150	AMD	98-05-060	246-915-050	AMD	98-05-060	246-937-080	AMD	98-05-060
246-843-155	REP	98-05-060	246-915-060	REP	98-05-060	246-937-990	AMD	98-05-060
246-843-160	REP	98-05-060	246-915-085	AMD	98-05-060	246-976-470	REP	98-04-038
246-843-162	AMD	98-05-060	246-915-110	AMD	98-05-060	246-976-475	REP	98-04-038
246-843-180	AMD	98-05-060	246-915-990	AMD	98-05-060	246-976-480	REP	98-04-038
246-843-230	AMD	98-05-060	246-918-006	REP	98-05-060	246-976-485	NEW	98-04-038
246-843-250	REP	98-05-060	246-918-008	REP	98-09-118	246-976-490	NEW	98-04-038
246-843-320	REP	98-05-060	246-918-009	REP	98-09-118	246-976-500	AMD	98-04-038
246-843-330	AMD	98-05-060	246-918-080	AMD	98-05-060	246-976-510	AMD	98-04-038
246-843-990	AMD	98-05-060	246-918-081	NEW	98-05-060	246-976-520	AMD	98-04-038
246-845-100	REP	98-05-060	246-918-085	REP	98-05-060	246-976-550	AMD	98-04-038
246-845-990	AMD	98-05-060	246-918-160	REP	98-09-119	246-976-560	AMD	98-04-038
246-845-990	PREP	98-09-116	246-918-170	AMD	98-05-060	246-976-560	AMD-XA	98-14-121
246-847-055	AMD	98-05-060	246-918-180	AMD	98-05-060	246-976-570	AMD	98-04-038
246-847-060	REP	98-05-060	246-918-990	AMD	98-05-060	246-976-600	AMD	98-04-038
246-847-065	AMD	98-05-060	246-919-030	REP	98-05-060	246-976-610	AMD	98-04-038
246-847-068	AMD	98-05-060	246-919-305	REP	98-05-060	246-976-610	AMD-XA	98-14-121
246-847-070	AMD	98-05-060	246-919-380	AMD	98-05-060	246-976-615	NEW	98-04-038
246-847-190	AMD	98-05-060	246-919-400	REP	98-05-060	246-976-620	NEW	98-04-038
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246-849-110	AMD	98-05-060	246-919-430	AMD	98-05-060	246-976-650	AMD-XA	98-14-121
246-849-210	AMD	98-05-060	246-919-440	REP	98-05-060	246-976-680	AMD	98-04-038
246-849-220	AMD	98-05-060	246-919-460	AMD	98-05-060	246-976-690	AMD	98-04-038
246-849-260	AMD	98-05-060	246-919-480	AMD	98-05-060	246-976-720	AMD	98-04-038
246-849-990	AMD	98-05-060	246-919-500	REP	98-09-118	246-976-720	AMD-XA	98-14-121
246-849-995	NEW	98-05-060	246-919-510	REP	98-09-118	246-976-730	AMD	98-04-038
246-851-020	REP	98-05-060	246-919-990	AMD	98-05-060	246-976-730	AMD-XA	98-14-121
246-851-090	AMD	98-05-060	246-922-070	AMD	98-05-060	246-976-740	AMD	98-04-038
246-851-100	REP	98-05-060	246-922-275	REP	98-05-060	246-976-770	AMD	98-04-038
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246-851-240	REP	98-05-060	246-922-285	NEW	98-05-060	246-976-780	AMD	98-04-038
246-851-430	AMD	98-05-060	246-922-290	AMD	98-05-060	246-976-780	AMD-XA	98-14-121
246-851-510	REP	98-05-060	246-922-295	AMD	98-05-060	246-976-790	AMD	98-04-038

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246-976-820	AMD	98-04-038	250-61-090	AMD-XA	98-08-002	255-02-090	NEW-P	98-04-059
246-976-820	AMD-XA	98-14-121	250-61-150	REP	98-08-005	255-02-090	NEW	98-11-005
246-976-822	NEW	98-04-038	250-71-050	AMD	98-08-003	255-02-100	NEW-P	98-04-059
246-976-830	AMD	98-04-038	250-72-015	AMD-E	98-14-008	255-02-100	NEW	98-11-005
246-976-840	AMD	98-04-038	250-72-020	AMD-E	98-14-008	255-02-110	NEW-P	98-04-059
246-976-850	AMD	98-04-038	250-72-025	AMD-E	98-14-008	255-02-110	NEW	98-11-005
246-976-860	AMD	98-04-038	250-72-030	REP-E	98-14-008	260-24-560	PREP	98-10-110
246-976-860	AMD-XA	98-14-121	250-72-035	AMD-E	98-14-008	260-32-180	AMD	98-07-070
246-976-870	NEW	98-04-038	250-72-040	AMD-E	98-14-008	260-32-360	REP	98-07-070
246-976-880	REP	98-04-038	250-72-045	AMD-E	98-14-008	275-25	PREP	98-09-092
246-976-881	NEW	98-04-038	250-73-015	AMD-E	98-14-007	275-26	PREP	98-09-092
246-976-885	AMD	98-04-038	250-73-020	AMD-E	98-14-007	275-27	PREP	98-09-092
246-976-890	AMD	98-04-038	250-73-025	AMD-E	98-14-007	275-27-020	PREP	98-10-040
246-976-935	NEW	98-05-035	250-73-030	REP-E	98-14-007	275-27-020	AMD-E	98-13-041
250-10-010	REP	98-08-006	250-73-035	AMD-E	98-14-007	275-27-023	AMD-E	98-13-041
250-10-020	REP	98-08-006	250-73-040	AMD-E	98-14-007	275-27-030	PREP	98-09-094
250-10-022	REP	98-08-006	250-73-045	AMD-E	98-14-007	275-27-040	AMD-E	98-13-041
250-10-026	REP	98-08-006	251-04-170	NEW-C	98-06-014	275-27-050	AMD-E	98-13-041
250-10-028	REP	98-08-006	251-04-170	NEW	98-08-024	275-27-180	PREP	98-10-040
250-10-030	REP	98-08-006	251-10-030	AMD	98-03-051	275-27-182	PREP	98-10-040
250-10-040	REP	98-08-006	251-19-100	AMD-C	98-06-015	275-27-185	PREP	98-10-040
250-10-050	REP	98-08-006	251-19-100	AMD	98-08-026	275-27-190	PREP	98-10-040
250-10-060	REP	98-08-006	251-19-105	AMD-C	98-06-013	275-27-195	PREP	98-10-040
250-10-070	REP	98-08-006	251-19-105	AMD	98-08-025	275-27-200	PREP	98-10-040
250-10-080	REP	98-08-006	251-19-154	NEW-P	98-09-067	275-27-205	PREP	98-10-040
250-10-090	REP	98-08-006	251-19-154	NEW	98-13-058	275-27-210	PREP	98-10-040
250-10-100	REP	98-08-006	251-22-127	NEW-P	98-10-121	275-27-212	PREP	98-10-040
250-10-110	REP	98-08-006	251-22-127	NEW-E	98-13-056	275-27-230	AMD-E	98-13-041
250-10-120	REP	98-08-006	251-22-127	NEW	98-13-057	275-27-810	PREP	98-09-094
250-10-130	REP	98-08-006	255-01-010	NEW-P	98-04-060	275-27-820	PREP	98-09-094
250-10-140	REP	98-08-006	255-01-010	NEW	98-07-071	275-31	PREP	98-09-092
250-10-150	REP	98-08-006	255-01-020	NEW-P	98-04-060	275-37	AMD-P	98-14-061
250-10-160	REP	98-08-006	255-01-020	NEW	98-07-071	275-37-010	AMD-P	98-14-061
250-10-170	REP	98-08-006	255-01-030	NEW-P	98-04-060	275-37-030	NEW-P	98-14-061
250-12-010	REP	98-08-008	255-01-030	NEW	98-07-071	275-38	PREP	98-09-092
250-12-020	REP	98-08-008	255-01-040	NEW-P	98-04-060	275-41	PREP	98-09-092
250-12-030	REP	98-08-008	255-01-040	NEW	98-07-071	275-46	AMD-P	98-14-061
250-12-040	REP	98-08-008	255-01-050	NEW-P	98-04-060	275-46-010	PREP	98-10-125
250-12-050	REP	98-08-008	255-01-050	NEW	98-07-071	275-46-010	AMD-P	98-14-061
250-12-060	REP	98-08-008	255-01-060	NEW-P	98-04-060	275-46-015	NEW-P	98-14-061
250-12-070	REP	98-08-008	255-01-060	NEW	98-07-071	275-46-020	PREP	98-10-125
250-16-001	REP	98-08-007	255-01-070	NEW-P	98-04-060	275-46-020	AMD-P	98-14-061
250-16-010	REP	98-08-007	255-01-070	NEW	98-07-071	275-46-030	AMD-P	98-14-061
250-16-020	REP	98-08-007	255-01-080	NEW-P	98-04-060	275-46-040	AMD-P	98-14-061
250-16-030	REP	98-08-007	255-01-080	NEW	98-07-071	275-46-050	AMD-P	98-14-061
250-16-040	REP	98-08-007	255-01-090	NEW-P	98-04-060	275-46-060	PREP	98-10-125
250-16-050	REP	98-08-007	255-01-090	NEW	98-07-071	275-46-060	AMD-P	98-14-061
250-16-060	REP	98-08-007	255-01-100	NEW-P	98-04-060	275-46-065	NEW-P	98-14-061
250-18-020	AMD	98-08-004	255-01-100	NEW	98-07-071	275-46-070	PREP	98-10-125
250-18-060	AMD	98-08-004	255-01-110	NEW-P	98-04-060	275-46-070	AMD-P	98-14-061
250-55-010	REP	98-08-009	255-01-110	NEW	98-07-071	275-46-080	NEW-P	98-14-061
250-55-020	REP	98-08-009	255-01-120	NEW-P	98-04-060	275-46-090	NEW-P	98-14-061
250-55-030	REP	98-08-009	255-01-120	NEW	98-07-071	275-46-100	NEW-P	98-14-061
250-55-040	REP	98-08-009	255-01-130	NEW-P	98-04-060	275-59	PREP	98-10-105
250-55-050	REP	98-08-009	255-01-130	NEW	98-07-071	284-01-050	NEW	98-04-063
250-55-060	REP	98-08-009	255-01-140	NEW-P	98-04-060	284-05-040	AMD-XA	98-07-105
250-55-070	REP	98-08-009	255-01-140	NEW	98-07-071	284-05-040	AMD	98-11-089
250-55-080	REP	98-08-009	255-02-010	NEW-P	98-04-059	284-05-060	AMD-XA	98-07-105
250-55-090	REP	98-08-009	255-02-010	NEW	98-11-005	284-05-060	AMD	98-11-089
250-55-100	REP	98-08-009	255-02-020	NEW-P	98-04-059	284-05-070	REP-XA	98-07-105
250-55-110	REP	98-08-009	255-02-020	NEW	98-11-005	284-05-070	REP	98-11-089
250-55-120	REP	98-08-009	255-02-030	NEW-P	98-04-059	284-10	REP-C	98-03-004
250-55-130	REP	98-08-009	255-02-030	NEW	98-11-005	284-10-010	REP	98-04-005
250-55-140	REP	98-08-009	255-02-040	NEW-P	98-04-059	284-10-015	REP	98-04-005
250-55-150	REP	98-08-009	255-02-040	NEW	98-11-005	284-10-020	REP	98-04-005
250-55-160	REP	98-08-009	255-02-050	NEW-P	98-04-059	284-10-030	REP	98-04-005
250-55-170	REP	98-08-009	255-02-050	NEW	98-11-005	284-10-050	REP	98-04-005
250-55-180	REP	98-08-009	255-02-060	NEW-P	98-04-059	284-10-060	REP	98-04-005
250-55-190	REP	98-08-009	255-02-060	NEW	98-11-005	284-10-070	REP	98-04-005
250-55-200	REP	98-08-009	255-02-070	NEW-P	98-04-059	284-10-090	REP	98-04-005
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284-17-220	AMD	98-11-090	284-23-270	REP	98-11-003	284-43-720	NEW	98-04-005
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284-17-570	REP-XA	98-07-065	284-23-610	AMD	98-05-026	284-43-900	NEW	98-04-011
284-17-570	REP	98-11-088	284-23-620	AMD	98-05-026	284-43-905	NEW	98-04-011
284-19-010	AMD-XA	98-08-097	284-23-640	AMD	98-05-026	284-43-910	NEW	98-04-011
284-19-010	AMD	98-13-095	284-23-645	NEW	98-05-026	284-43-915	NEW	98-04-011
284-19-020	AMD-XA	98-08-097	284-23-650	AMD	98-05-026	284-43-920	NEW	98-04-011
284-19-020	AMD	98-13-095	284-23-660	AMD	98-05-026	284-43-925	NEW	98-04-011
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284-19-050	AMD	98-13-095	284-24-015	AMD-P	98-13-092	284-43-945	NEW	98-04-011
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284-19-060	AMD	98-13-095	284-24-062	NEW-P	98-13-092	284-43-955	NEW	98-04-011
284-19-070	AMD-XA	98-08-097	284-24-065	PREP	98-04-081	284-44	REP-C	98-02-063
284-19-070	AMD	98-13-095	284-24-065	AMD-P	98-13-092	284-44	REP-C	98-03-004
284-19-080	AMD-XA	98-08-097	284-24-070	AMD-P	98-13-092	284-44-100	REP	98-04-011
284-19-080	AMD	98-13-095	284-24-080	AMD-P	98-13-092	284-44-110	REP	98-04-011
284-19-090	AMD-XA	98-08-097	284-24-100	AMD-P	98-13-092	284-44-120	REP	98-04-011
284-19-090	AMD	98-13-095	284-24-110	NEW-P	98-13-092	284-44-130	REP	98-04-011
284-19-100	AMD-XA	98-08-097	284-28-001	REP-XA	98-07-065	284-44-140	REP	98-04-011
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284-19-110	AMD-XA	98-08-097	284-36A-010	AMD-XA	98-04-085	284-44-160	REP	98-04-011
284-19-110	AMD	98-13-095	284-36A-010	AMD	98-09-016	284-44-190	REP	98-04-011
284-19-120	AMD-XA	98-08-097	284-36A-020	AMD-XA	98-04-085	284-44-200	REP	98-04-011
284-19-120	AMD	98-13-095	284-36A-020	AMD	98-09-016	284-44-210	REP	98-04-011
284-19-130	AMD-XA	98-08-097	284-36A-025	AMD-XA	98-04-085	284-44-220	REP	98-04-011
284-19-130	AMD	98-13-095	284-36A-025	AMD	98-09-016	284-44-240	REP	98-04-005
284-19-140	AMD-XA	98-08-097	284-36A-030	REP-XA	98-04-085	284-44-360	REP-XA	98-07-065
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284-19-150	AMD-XA	98-08-097	284-36A-040	NEW-XA	98-04-085	284-44-410	REP	98-04-005
284-19-150	AMD	98-13-095	284-36A-040	NEW	98-09-016	284-46	REP-C	98-03-004
284-19-160	AMD-XA	98-08-097	284-36A-045	NEW-XA	98-04-085	284-46-020	REP	98-04-005
284-19-160	AMD	98-13-095	284-36A-045	NEW	98-09-016	284-46-575	REP	98-04-005
284-19-170	AMD-XA	98-08-097	284-36A-050	NEW-XA	98-04-085	284-50	PREP	98-13-091
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284-19-180	AMD-XA	98-08-097	284-36A-055	NEW-XA	98-04-085	284-50-435	REP	98-11-088
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284-20-030	AMD-XA	98-13-093	284-36A-065	NEW-XA	98-04-085	284-54	PREP	98-13-089
284-20-040	AMD-XA	98-13-093	284-36A-065	NEW	98-09-016	284-58-010	AMD-XA	98-08-098
284-20-050	AMD-XA	98-13-093	284-43	AMD-C	98-02-063	284-58-010	AMD	98-13-094
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284-20-100	AMD-XA	98-13-093	284-43	AMD	98-04-005	284-58-020	AMD	98-13-094
284-20-200	AMD-XA	98-13-093	284-43	PREP	98-13-090	284-58-040	REP-XA	98-04-084
284-23	AMD-C	98-02-062	284-43-040	REP	98-04-005	284-58-040	REP	98-09-041
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284-23-210	AMD	98-11-003	284-43-310	NEW	98-04-005	284-58-270	REP	98-13-094
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284-23-220	AMD	98-11-003	284-43-330	NEW	98-04-005	284-58-280	REP	98-13-094
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296-04-005	REP-W	98-12-074	296-04A-400	NEW-W	98-07-058	296-17-31010	NEW-P	98-12-079
296-04-010	REP-W	98-12-074	296-04A-410	NEW-W	98-07-058	296-17-31011	NEW-P	98-12-079
296-04-015	REP-W	98-12-074	296-04A-420	NEW-W	98-07-058	296-17-31012	NEW-P	98-12-079
296-04-040	REP-W	98-12-074	296-04A-430	NEW-W	98-07-058	296-17-31013	NEW-P	98-12-079
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296-04-045	REP-W	98-12-074	296-04A-460	NEW-W	98-07-058	296-17-31015	NEW-P	98-12-079
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296-04-090	REP-W	98-12-074	296-08-001	REP-XR	98-08-102	296-17-31018	NEW-P	98-12-079
296-04-105	REP-W	98-12-074	296-08-020	REP-XR	98-08-102	296-17-31019	NEW-P	98-12-079
296-04-115	REP-W	98-12-074	296-08-030	REP-XR	98-08-102	296-17-31020	NEW-P	98-12-079
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296-17-700	AMD-P	98-12-079	296-17-76209	AMD-P	98-12-079	296-44-02305	REP	98-07-009
296-17-701	AMD-P	98-12-079	296-17-76210	AMD-P	98-12-079	296-44-02309	REP	98-07-009
296-17-703	AMD-P	98-12-079	296-17-76211	AMD-P	98-12-079	296-44-02315	REP	98-07-009
296-17-704	AMD-P	98-12-079	296-17-76212	AMD-P	98-12-079	296-44-02319	REP	98-07-009
296-17-706	AMD-P	98-12-079	296-17-763	AMD-P	98-12-079	296-44-02323	REP	98-07-009
296-17-707	AMD-P	98-12-079	296-17-764	AMD-P	98-12-079	296-44-02329	REP	98-07-009
296-17-708	AMD-P	98-12-079	296-17-765	AMD-P	98-12-079	296-44-02335	REP	98-07-009
296-17-709	AMD-P	98-12-079	296-17-766	AMD-P	98-12-079	296-44-02349	REP	98-07-009
296-17-710	AMD-P	98-12-079	296-17-772	AMD-P	98-12-079	296-44-025	REP	98-07-009
296-17-711	AMD-P	98-12-079	296-17-773	AMD-P	98-12-079	296-44-035	REP	98-07-009
296-17-712	AMD-P	98-12-079	296-17-777	AMD-P	98-12-079	296-44-03505	REP	98-07-009
296-17-713	AMD-P	98-12-079	296-17-778	AMD-P	98-12-079	296-44-03509	REP	98-07-009
296-17-71301	AMD-P	98-12-079	296-17-779	AMD-P	98-12-079	296-44-041	REP	98-07-009
296-17-714	AMD-P	98-12-079	296-17-870	AMD-P	98-12-079	296-44-04105	REP	98-07-009
296-17-715	AMD-P	98-12-079	296-17-895	AMD-P	98-12-079	296-44-04109	REP	98-07-009
296-17-716	AMD-P	98-12-079	296-20-03004	REP-XR	98-08-101	296-44-04125	REP	98-07-009
296-17-717	AMD-P	98-12-079	296-20-135	AMD-P	98-05-100	296-44-04129	REP	98-07-009
296-17-718	AMD-P	98-12-079	296-20-135	AMD	98-09-125	296-44-04135	REP	98-07-009
296-17-719	AMD-P	98-12-079	296-23-220	AMD-P	98-05-100	296-44-051	REP	98-07-009
296-17-721	REP-P	98-12-079	296-23-220	AMD	98-09-125	296-44-05105	REP	98-07-009
296-17-722	AMD-P	98-12-079	296-23-230	AMD-P	98-05-100	296-44-05109	REP	98-07-009
296-17-72201	NEW-P	98-12-079	296-23-230	AMD	98-09-125	296-44-05115	REP	98-07-009
296-17-72202	NEW-P	98-12-079	296-24	PREP	98-08-104	296-44-05119	REP	98-07-009
296-17-723	AMD-P	98-12-079	296-24	PREP	98-11-075	296-44-05125	REP	98-07-009
296-17-724	AMD-P	98-12-079	296-24	PREP	98-12-083	296-44-05129	REP	98-07-009
296-17-725	AMD-P	98-12-079	296-24-060	REP	98-06-061	296-44-05131	REP	98-07-009
296-17-726	AMD-P	98-12-079	296-24-061	NEW	98-06-061	296-44-05135	REP	98-07-009
296-17-727	AMD-P	98-12-079	296-24-06105	NEW	98-06-061	296-44-05141	REP	98-07-009
296-17-729	AMD-P	98-12-079	296-24-06110	NEW	98-06-061	296-44-065	REP	98-07-009
296-17-730	AMD-P	98-12-079	296-24-06115	NEW	98-06-061	296-44-06505	REP	98-07-009
296-17-73105	AMD-P	98-12-079	296-24-06120	NEW	98-06-061	296-44-06511	REP	98-07-009
296-17-73106	AMD-P	98-12-079	296-24-06125	NEW	98-06-061	296-44-06517	REP	98-07-009
296-17-73107	AMD-P	98-12-079	296-24-06130	NEW	98-06-061	296-44-074	REP	98-07-009
296-17-73108	AMD-P	98-12-079	296-24-06135	NEW	98-06-061	296-44-07405	REP	98-07-009
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296-17-735	AMD-P	98-12-079	296-24-06145	NEW	98-06-061	296-44-07417	REP	98-07-009

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296-45-48515	NEW	98-07-009	296-46-225	AMD	98-12-042	296-86A-030	NEW	98-12-043
296-45-48520	NEW	98-07-009	296-46-23028	AMD-P	98-07-097	296-86A-040	NEW-P	98-07-094
296-45-48525	NEW	98-07-009	296-46-23028	AMD	98-12-042	296-86A-040	NEW	98-12-043
296-45-48530	NEW	98-07-009	296-46-30001	AMD-P	98-07-097	296-86A-060	NEW-P	98-07-094
296-45-48535	NEW	98-07-009	296-46-30001	AMD	98-12-042	296-86A-060	NEW	98-12-043
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296-45-52530	NEW	98-07-009	296-46-915	AMD	98-12-042	296-86A-080	NEW	98-12-043
296-45-52535	NEW	98-07-009	296-46-920	AMD-P	98-07-097	296-87	PREP	98-13-124
296-45-52540	NEW	98-07-009	296-46-920	AMD	98-12-042	296-89	PREP	98-13-124
296-45-52545	NEW	98-07-009	296-46-930	AMD-P	98-07-097	296-91	PREP	98-13-124
296-45-52550	NEW	98-07-009	296-46-930	AMD	98-12-042	296-93A	PREP	98-13-124
296-45-545	NEW	98-07-009	296-46-940	AMD-P	98-07-097	296-94	PREP	98-13-124
296-45-60013	REP	98-07-009	296-46-940	AMD	98-12-042	296-95	PREP	98-13-124
296-45-650	REP	98-07-009	296-52-489	AMD-XA	98-12-103	296-100	PREP	98-13-124
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296-45-65005	REP	98-07-009	296-56	PREP	98-12-080	296-104-700	AMD-P	98-04-017
296-45-65009	REP	98-07-009	296-62	PREP	98-08-104	296-104-700	AMD	98-09-064
296-45-65011	REP	98-07-009	296-62	PREP	98-12-082	296-124-010	REP-XR	98-07-093
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296-45-65017	REP	98-07-009	296-62-07477	AMD	98-10-029	296-124-020	REP	98-14-042
296-45-65019	REP	98-07-009	296-62-07515	AMD-P	98-05-061	296-124-021	REP-XR	98-07-093
296-45-65021	REP	98-07-009	296-62-07515	AMD-E	98-10-028	296-124-021	REP	98-14-042
296-45-65023	REP	98-07-009	296-62-07515	AMD	98-10-029	296-124-022	REP-XR	98-07-093
296-45-65026	REP	98-07-009	296-65	PREP	98-08-104	296-124-022	REP	98-14-042
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296-45-65033	REP	98-07-009	296-81-007	AMD-P	98-07-094	296-124-050	REP	98-14-042
296-45-65035	REP	98-07-009	296-81-007	AMD	98-12-043	296-125	PREP	98-02-079
296-45-65037	REP	98-07-009	296-82	PREP	98-13-124	296-126-098	REP-XR	98-08-103
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296-45-66001	REP	98-07-009	296-86-030	REP	98-12-043	296-150C-0410	AMD-P	98-07-095
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296-45-66011	REP	98-07-009	296-86-060	REP-P	98-07-094	296-150C-0500	AMD	98-14-078
296-45-67543	AMD-W	98-07-008	296-86-060	REP	98-12-043	296-150C-0560	AMD-P	98-07-095
296-45-680	REP	98-07-009	296-86-070	REP-P	98-07-094	296-150C-0560	AMD	98-14-078
296-45-690	REP	98-07-009	296-86-070	REP	98-12-043	296-150C-0800	AMD-P	98-07-095
296-45-695	REP	98-07-009	296-86-075	REP-P	98-07-094	296-150C-0800	AMD	98-14-078
296-45-700	REP	98-07-009	296-86-075	REP	98-12-043	296-150C-0820	AMD-P	98-07-095
296-45-900	NEW	98-07-009	296-86-080	REP-P	98-07-094	296-150C-0820	AMD	98-14-078
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296-45-903	NEW	98-07-009	296-86-080	REP	98-07-094	296-150C-0960	AMD	98-14-078
296-45-905	NEW	98-07-009	296-86-090	REP-P	98-07-094	296-150C-0980	REP-P	98-07-095
296-46	PREP	98-13-123	296-86-090	REP	98-12-043	296-150C-0980	REP	98-14-078
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296-46-140	AMD-P	98-07-097	296-86A-010	NEW	98-12-043	296-150C-1080	AMD	98-14-078
296-46-140	AMD	98-12-042	296-86A-020	NEW-P	98-07-094	296-150C-1170	AMD-P	98-07-095
296-46-155	NEW-P	98-07-097	296-86A-020	NEW	98-12-043	296-150C-1170	AMD	98-14-078
296-46-155	NEW	98-12-042	296-86A-025	NEW-P	98-07-094	296-150C-1303	NEW-P	98-07-095
296-46-21052	AMD-P	98-07-097	296-86A-025	NEW	98-12-043	296-150C-1303	NEW	98-14-078
296-46-21052	AMD	98-12-042	296-86A-028	NEW-P	98-07-094	296-150C-1580	AMD-P	98-07-095
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296-150C-1600	AMD-P	98-07-095	296-150M-0730	REP-P	98-07-095	296-400A-026	NEW-P	98-09-124
296-150C-1600	AMD	98-14-078	296-150M-0730	REP	98-14-078	296-400A-026	NEW	98-13-126
296-150C-1720	AMD-P	98-07-095	296-150M-3000	AMD-P	98-07-096	296-400A-027	NEW-P	98-09-124
296-150C-1720	AMD	98-14-078	296-150M-3000	AMD	98-12-041	296-400A-027	NEW	98-13-126
296-150C-1730	AMD-P	98-07-095	296-150P-3000	AMD-P	98-07-096	296-400A-030	AMD-P	98-09-124
296-150C-1730	AMD	98-14-078	296-150P-3000	AMD	98-12-041	296-400A-030	AMD	98-13-126
296-150C-1740	AMD-P	98-07-095	296-150R-3000	AMD-P	98-07-096	296-400A-031	AMD-P	98-09-124
296-150C-1740	AMD	98-14-078	296-150R-3000	AMD	98-12-041	296-400A-031	AMD	98-13-126
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296-150C-1750	NEW	98-14-078	296-155-229	NEW-P	98-05-073	296-400A-035	AMD	98-13-126
296-150C-1751	NEW-P	98-07-095	296-155-229	NEW	98-13-069	296-400A-045	AMD-P	98-07-096
296-150C-1751	NEW	98-14-078	296-155-24525	AMD	98-05-046	296-400A-045	AMD-P	98-09-124
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296-150C-1752	NEW	98-14-078	296-155-330	AMD	98-13-069	296-400A-045	AMD	98-13-126
296-150C-1753	NEW-P	98-07-095	296-155-481	AMD	98-05-046	296-400A-070	AMD-P	98-09-124
296-150C-1753	NEW	98-14-078	296-155-482	NEW	98-05-046	296-400A-070	AMD	98-13-126
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296-150C-1754	NEW	98-14-078	296-155-484	NEW	98-05-046	296-400A-110	AMD	98-13-126
296-150C-1755	NEW-P	98-07-095	296-155-485	AMD	98-05-046	296-400A-120	AMD-P	98-09-124
296-150C-1755	NEW	98-14-078	296-155-48503	REP	98-05-046	296-400A-120	AMD	98-13-126
296-150C-1756	NEW-P	98-07-095	296-155-48504	REP	98-05-046	296-400A-140	AMD-P	98-09-124
296-150C-1756	NEW	98-14-078	296-155-48505	REP	98-05-046	296-400A-140	AMD	98-13-126
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296-150C-1757	NEW	98-14-078	296-155-48507	REP	98-05-046	296-400A-300	AMD	98-13-126
296-150C-1758	NEW-P	98-07-095	296-155-48508	REP	98-05-046	296-401-020	REP-P	98-07-097
296-150C-1758	NEW	98-14-078	296-155-48509	REP	98-05-046	296-401-020	REP	98-12-042
296-150C-1759	NEW-P	98-07-095	296-155-48510	REP	98-05-046	296-401-030	REP-P	98-07-097
296-150C-1759	NEW	98-14-078	296-155-48511	REP	98-05-046	296-401-030	REP	98-12-042
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296-150F-0020	AMD	98-14-078	296-155-48517	REP	98-05-046	296-401-080	REP	98-12-042
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296-150F-0130	NEW	98-14-078	296-155-48519	REP	98-05-046	296-401-085	REP	98-12-042
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296-150F-0200	AMD	98-14-078	296-155-48525	REP	98-05-046	296-401-087	REP	98-12-042
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296-150F-0210	AMD	98-14-078	296-155-48529	REP	98-05-046	296-401-090	REP	98-12-042
296-150F-0460	AMD-P	98-07-095	296-155-48531	REP	98-05-046	296-401-100	REP-P	98-07-097
296-150F-0460	AMD	98-14-078	296-155-48533	REP	98-05-046	296-401-100	REP	98-12-042
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296-150F-0500	AMD	98-14-078	296-155-487	NEW	98-05-046	296-401-110	REP	98-12-042
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296-150F-3000	AMD	98-12-041	296-155-489	NEW	98-05-046	296-401-120	REP	98-12-042
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296-150M-0020	AMD	98-14-078	296-155-493	NEW	98-05-046	296-401-150	REP	98-12-042
296-150M-0306	NEW-P	98-07-095	296-155-494	NEW	98-05-046	296-401-160	REP-P	98-07-097
296-150M-0306	NEW	98-14-078	296-155-496	NEW	98-05-046	296-401-160	REP	98-12-042
296-150M-0307	NEW-P	98-07-095	296-155-497	NEW	98-05-046	296-401-163	REP-P	98-07-097
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296-150M-0310	AMD	98-14-078	296-155-605	AMD	98-05-046	296-401-165	REP	98-12-042
296-150M-0331	NEW-P	98-07-095	296-155-615	AMD	98-05-046	296-401-168	REP-P	98-07-097
296-150M-0331	NEW	98-14-078	296-155-683	AMD	98-05-046	296-401-168	REP	98-12-042
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314-52-085	AMD-XA	98-12-090	315-11A-148	REP	98-13-018	315-36-110	NEW-C	98-08-064
314-52-090	AMD-XA	98-12-090	315-11A-149	REP-XR	98-07-090	315-36-110	NEW-S	98-12-093
314-52-110	AMD-XA	98-12-090	315-11A-149	REP	98-13-018	315-36-120	NEW-P	98-04-073
314-52-113	AMD-XA	98-12-090	315-11A-150	REP-XR	98-07-090	315-36-120	NEW-C	98-08-064
314-52-115	AMD-XA	98-12-090	315-11A-150	REP	98-13-018	315-36-120	NEW-S	98-12-093
314-60-040	AMD-P	98-09-061	315-11A-151	REP-XR	98-07-090	315-36-130	NEW-P	98-04-073
314-60-040	AMD	98-14-003	315-11A-151	REP	98-13-018	315-36-130	NEW-C	98-08-064
314-64-08001	NEW-P	98-02-069	315-11A-152	REP-XR	98-07-090	315-36-130	NEW-S	98-12-093
314-64-08001	NEW	98-08-041	315-11A-152	REP	98-13-018	315-36-140	NEW-P	98-04-073
314-70-010	AMD-XA	98-12-090	315-11A-153	REP-XR	98-07-090	315-36-140	NEW-C	98-08-064
314-70-020	AMD-XA	98-12-090	315-11A-153	REP	98-13-018	315-36-140	NEW-S	98-12-093
314-70-030	AMD-XA	98-12-090	315-11A-154	REP-XR	98-07-090	315-36-150	NEW-P	98-04-073
314-70-040	AMD-XA	98-12-090	315-11A-154	REP	98-13-018	315-36-150	NEW-C	98-08-064
314-70-080	AMD-XA	98-12-090	315-11A-155	REP-XR	98-07-090	315-36-150	NEW-S	98-12-093
315-02-030	AMD-P	98-04-073	315-11A-155	REP	98-13-018	317-01-010	REP	98-03-073
315-02-030	AMD	98-08-067	315-11A-156	REP-XR	98-07-090	317-01-020	REP	98-03-073
315-02-040	AMD-P	98-04-073	315-11A-157	REP-XR	98-07-090	317-01-030	REP	98-03-073
315-02-040	AMD	98-08-067	315-11A-157	REP	98-13-018	317-02-010	REP	98-03-073
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315-02-060	AMD	98-08-067	315-11A-158	REP	98-13-018	317-02-030	REP	98-03-073
315-02-070	AMD-P	98-04-073	315-11A-159	REP-XR	98-07-090	317-02-040	REP	98-03-073
315-02-070	AMD	98-08-067	315-11A-159	REP	98-13-018	317-02-050	REP	98-03-073
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315-02-080	AMD	98-08-067	315-11A-160	REP	98-13-018	317-02-070	REP	98-03-073
315-02-170	REP-P	98-04-073	315-11A-161	REP-XR	98-07-090	317-02-080	REP	98-03-073
315-02-170	REP	98-08-067	315-11A-161	REP	98-13-018	317-02-090	REP	98-03-073
315-02-180	REP-P	98-04-073	315-11A-162	REP-XR	98-07-090	317-02-100	REP	98-03-073
315-02-180	REP	98-08-067	315-11A-162	REP	98-13-018	317-02-110	REP	98-03-073
315-02-220	AMD-P	98-04-073	315-11A-163	REP-XR	98-07-090	317-02-120	REP	98-03-073
315-02-220	AMD	98-08-067	315-11A-163	REP	98-13-018	317-03-010	REP	98-03-073
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315-10-024	NEW	98-08-067	315-36-010	NEW-S	98-12-093	352-32-080	AMD	98-04-065
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315-11A-138	REP-XR	98-07-090	315-36-040	NEW-C	98-08-064	352-32-195	AMD	98-04-065
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315-11A-139	REP-XR	98-07-090	315-36-050	NEW-P	98-04-073	352-32-210	AMD	98-04-065
315-11A-139	REP	98-13-018	315-36-050	NEW-C	98-08-064	352-32-215	NEW	98-04-065
315-11A-140	REP-XR	98-07-090	315-36-050	NEW-S	98-12-093	352-32-25001	AMD	98-04-065
315-11A-140	REP	98-13-018	315-36-060	NEW-P	98-04-073	352-32-25002	AMD	98-04-065
315-11A-141	REP-XR	98-07-090	315-36-060	NEW-C	98-08-064	352-32-251	AMD	98-04-065
315-11A-141	REP	98-13-018	315-36-060	NEW-S	98-12-093	352-32-252	AMD	98-04-065
315-11A-142	REP-XR	98-07-090	315-36-070	NEW-P	98-04-073	352-32-300	AMD	98-04-065
315-11A-142	REP	98-13-018	315-36-070	NEW-C	98-08-064	352-32-330	AMD	98-04-065
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315-11A-143	REP	98-13-018	315-36-080	NEW-P	98-04-073	352-60-020	AMD	98-07-022
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315-11A-145	REP	98-13-018	315-36-090	NEW-C	98-08-064	352-76	AMD	98-07-021
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356-15-060	AMD-P	98-06-062	388-14-570	NEW-P	98-13-081	388-49-070	REP-P	98-11-084
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365-110-035	AMD-P	98-14-069	388-15-19620	NEW-P	98-14-062	388-49-270	REP-P	98-11-084
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381-10-170	AMD-XA	98-11-072	388-15-201	AMD-E	98-09-042	388-49-350	REP-P	98-11-084
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381-20-100	AMD-XA	98-11-072	388-15-215	REP-W	98-13-077	388-49-370	REP-P	98-11-084
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388-49-580	REP-P	98-11-084	388-76-615	AMD	98-12-054	388-210-1000	REP-P	98-11-084
388-49-590	REP-P	98-11-084	388-76-61500	NEW	98-12-054	388-210-1010	REP-P	98-11-084
388-49-600	REP-P	98-11-084	388-76-61510	NEW	98-12-054	388-210-1020	REP-P	98-11-084
388-49-610	REP-P	98-11-084	388-76-61520	NEW	98-12-054	388-210-1050	REP-P	98-11-084
388-49-620	REP-P	98-11-084	388-76-61530	NEW	98-12-054	388-210-1100	REP-P	98-11-084
388-49-630	REP-P	98-11-084	388-76-61540	NEW	98-12-054	388-210-1200	REP-P	98-11-084
388-49-640	REP-P	98-11-084	388-76-61550	NEW	98-12-054	388-210-1220	REP-P	98-11-084
388-49-650	REP-P	98-11-084	388-76-61560	NEW	98-12-054	388-210-1230	REP-P	98-11-084
388-49-660	REP-P	98-11-084	388-76-61570	NEW	98-12-054	388-210-1250	REP-P	98-11-084
388-49-670	REP-P	98-11-084	388-76-620	AMD-S	98-02-077	388-210-1300	REP-P	98-11-084
388-49-680	REP-P	98-11-084	388-76-620	AMD	98-11-095	388-210-1310	REP-P	98-11-084
388-49-690	REP-P	98-11-084	388-76-635	AMD-S	98-02-077	388-210-1320	REP-P	98-11-084
388-49-700	REP-P	98-11-084	388-76-635	AMD	98-11-095	388-210-1330	REP-P	98-11-084
388-55-006	REP-P	98-11-084	388-76-640	AMD-W	98-08-091	388-210-1340	REP-P	98-11-084
388-55-008	REP-P	98-11-084	388-76-655	AMD-S	98-02-077	388-210-1350	REP-P	98-11-084
388-55-010	REP-P	98-11-084	388-76-655	AMD	98-11-095	388-210-1400	REP-P	98-11-084
388-55-020	REP-P	98-11-084	388-76-660	AMD-S	98-02-077	388-210-1410	REP-P	98-11-084
388-55-030	REP-P	98-11-084	388-76-660	AMD	98-11-095	388-210-1420	REP-P	98-11-084
388-55-040	REP-P	98-11-084	388-76-665	AMD-S	98-02-077	388-212-1000	REP-P	98-11-084
388-55-050	REP-P	98-11-084	388-76-665	AMD	98-11-095	388-212-1050	REP-P	98-11-084
388-55-060	REP-P	98-11-084	388-76-670	AMD-S	98-02-077	388-212-1100	REP-P	98-11-084
388-61-001	AMD	98-07-040	388-76-670	AMD	98-11-095	388-212-1140	REP-P	98-11-084
388-73	PREP	98-08-084	388-76-675	AMD-S	98-02-077	388-212-1150	REP-P	98-11-084
388-76-540	AMD-S	98-02-077	388-76-675	AMD	98-11-095	388-212-1200	REP-P	98-11-084
388-76-540	AMD	98-11-095	388-76-680	AMD-S	98-02-077	388-212-1250	REP-P	98-11-084
388-76-550	AMD-S	98-02-077	388-76-680	AMD	98-11-095	388-215-1000	REP-P	98-11-084
388-76-550	AMD	98-11-095	388-76-685	AMD-S	98-02-077	388-215-1010	REP-P	98-11-084
388-76-560	AMD-S	98-02-077	388-76-685	AMD	98-11-095	388-215-1025	REP-P	98-11-084
388-76-560	AMD	98-11-095	388-76-690	AMD-S	98-02-077	388-215-1050	REP-P	98-11-084
388-76-561	NEW-S	98-04-032	388-76-690	AMD	98-11-095	388-215-1060	REP-P	98-11-084
388-76-570	AMD-S	98-02-077	388-76-695	AMD-S	98-02-077	388-215-1070	REP-P	98-11-084
388-76-570	AMD	98-11-095	388-76-695	AMD	98-11-095	388-215-1080	REP-P	98-11-084
388-76-590	AMD-S	98-04-032	388-76-705	AMD-S	98-02-077	388-215-1100	REP-P	98-11-084
388-76-590	AMD-W	98-08-091	388-76-705	AMD	98-11-095	388-215-1110	REP-P	98-11-084
388-76-590	AMD	98-12-054	388-76-765	AMD-W	98-08-091	388-215-1115	REP-P	98-11-084
388-76-59000	NEW	98-12-054	388-79	NEW-C	98-05-053	388-215-1120	REP-P	98-11-084
388-76-59010	NEW	98-12-054	388-79-010	NEW-P	98-03-085	388-215-1130	REP-P	98-11-084
388-76-59020	NEW	98-12-054	388-79-010	NEW	98-10-055	388-215-1140	REP-P	98-11-084
388-76-59050	NEW	98-12-054	388-79-020	NEW-P	98-03-085	388-215-1150	REP-P	98-11-084
388-76-59060	NEW	98-12-054	388-79-020	NEW	98-10-055	388-215-1160	REP-P	98-11-084
388-76-59070	NEW	98-12-054	388-79-030	NEW-P	98-03-085	388-215-1170	REP-P	98-11-084
388-76-59080	NEW	98-12-054	388-79-030	NEW	98-10-055	388-215-1225	REP-P	98-11-084
388-76-59090	NEW	98-12-054	388-79-040	NEW-P	98-03-085	388-215-1230	REP-P	98-11-084
388-76-59100	NEW	98-12-054	388-79-040	NEW	98-10-055	388-215-1245	REP-P	98-11-084
388-76-59110	NEW	98-12-054	388-86	PREP	98-10-106	388-215-1300	REP-P	98-11-084
388-76-59120	NEW	98-12-054	388-86-015	REP-P	98-13-082	388-215-1320	REP-P	98-11-084
388-76-595	AMD-S	98-02-077	388-86-027	AMD-P	98-11-084	388-215-1325	REP-P	98-11-084
388-76-595	AMD	98-11-095	388-86-045	PREP	98-13-086	388-215-1330	REP-P	98-11-084
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388-76-600	AMD	98-12-054	388-86-095	REP-P	98-13-082	388-215-1340	REP-P	98-11-084
388-76-60000	NEW	98-12-054	388-87	PREP	98-10-106	388-215-1345	REP-P	98-11-084
388-76-60010	NEW	98-12-054	388-87	PREP	98-13-086	388-215-1350	REP-P	98-11-084
388-76-60020	NEW	98-12-054	388-96	PREP	98-03-077	388-215-1355	REP-P	98-11-084
388-76-60030	NEW	98-12-054	388-96	PREP	98-06-066	388-215-1360	REP-P	98-11-084

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388-250-1150	REP-P	98-11-084	388-290-035	AMD-P	98-03-083	388-416-0035	NEW-P	98-11-084
388-250-1200	REP-P	98-11-084	388-290-035	AMD	98-08-021	388-418-0005	NEW-P	98-11-084
388-250-1225	REP-P	98-11-084	388-290-050	AMD-P	98-03-083	388-418-0010	NEW-P	98-11-084
388-250-1250	AMD	98-08-037	388-290-050	AMD	98-08-021	388-418-0015	NEW-P	98-11-084
388-250-1250	REP-P	98-11-084	388-290-055	PREP	98-08-075	388-418-0020	NEW-P	98-11-084
388-250-1300	REP-P	98-11-084	388-290-090	AMD-P	98-03-083	388-418-0025	NEW-P	98-11-084
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388-250-1350	REP-P	98-11-084	388-290-090	PREP	98-08-075	388-420-010	NEW-P	98-11-084
388-250-1400	REP-P	98-11-084	388-310-1300	NEW-S	98-03-080	388-422-0005	NEW-P	98-11-084
388-250-1450	REP-P	98-11-084	388-310-1300	NEW-S	98-07-042	388-422-0010	NEW-P	98-11-084
388-250-1500	REP-P	98-11-084	388-310-1300	NEW	98-10-054	388-422-0020	NEW-P	98-11-084
388-250-1550	REP-P	98-11-084	388-320-340	REP-P	98-08-076	388-422-0030	NEW-P	98-11-084
388-250-1600	REP-P	98-11-084	388-320-340	REP	98-11-034	388-424-0005	NEW-P	98-11-084
388-250-1650	REP-P	98-11-084	388-400-0005	NEW-P	98-11-084	388-424-0010	NEW-P	98-11-084
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388-265-1050	REP-P	98-11-084	388-400-0045	NEW-P	98-13-080	388-430-0005	NEW-P	98-11-084
388-265-1100	REP-P	98-11-084	388-404-0005	NEW-P	98-11-084	388-430-0010	NEW-P	98-11-084
388-265-1150	AMD-P	98-11-074	388-404-0010	NEW-P	98-11-084	388-430-0015	NEW-P	98-11-084
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388-265-1500	AMD-P	98-11-074	388-406-0040	NEW-P	98-11-084	388-436-0020	NEW-P	98-11-084
388-265-1550	REP-P	98-11-074	388-406-0045	NEW-P	98-11-084	388-436-0025	NEW-P	98-11-084
388-265-1550	REP-P	98-11-084	388-406-0050	NEW-P	98-11-084	388-436-0030	NEW-P	98-11-084
388-265-1600	AMD-P	98-11-074	388-406-0055	NEW-P	98-11-084	388-436-0035	NEW-P	98-11-084
388-265-1700	REP-P	98-11-074	388-406-0060	NEW-P	98-11-084	388-436-0040	NEW-P	98-11-084
388-265-1700	REP-P	98-11-084	388-406-0065	NEW-P	98-11-084	388-436-0045	NEW-P	98-11-084
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388-265-1950	REP-P	98-11-084	388-408-0020	NEW-P	98-11-084	388-437-0001	NEW-P	98-11-084
388-265-2000	REP-P	98-11-084	388-408-0025	NEW-P	98-11-084	388-438-0100	NEW-P	98-11-084
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388-270-1010	REP-P	98-11-084	388-408-0035	NEW-P	98-11-084	388-440-0001	NEW-P	98-11-084
388-270-1025	REP-P	98-11-084	388-408-0040	NEW-P	98-11-084	388-440-0005	NEW-P	98-11-084
388-270-1075	REP-P	98-11-084	388-408-0045	NEW-P	98-11-084	388-442-0010	NEW-P	98-11-084
388-270-1100	REP-P	98-11-084	388-408-0050	NEW-P	98-11-084	388-444-0005	NEW-P	98-11-084
388-270-1110	REP-P	98-11-084	388-408-0055	NEW-P	98-11-084	388-444-0010	NEW-P	98-11-084
388-270-1125	REP-P	98-11-084	388-410-0001	NEW-P	98-11-084	388-444-0015	NEW-P	98-11-084
388-270-1150	REP-P	98-11-084	388-410-0005	NEW-P	98-11-084	388-444-0020	NEW-P	98-11-084
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388-270-1250	REP-P	98-11-084	388-410-0015	NEW-P	98-11-084	388-444-0035	NEW-P	98-11-084
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388-270-1600	REP-P	98-11-084	388-410-0040	NEW-P	98-11-084	388-444-0060	NEW-P	98-11-084
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388-275-0020	REP-P	98-11-084	388-412-0010	NEW-P	98-11-084	388-444-0070	NEW-P	98-11-084
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388-275-0050	REP-P	98-11-084	388-412-0020	NEW-P	98-11-084	388-444-0080	NEW-P	98-11-084
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388-275-0070	REP-P	98-11-084	388-412-0030	NEW-P	98-11-084	388-446-0005	NEW-P	98-11-084
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388-290-010	AMD	98-08-021	388-416-0010	NEW-P	98-11-084	388-448-0005	NEW-P	98-11-084
388-290-020	AMD-P	98-03-083	388-416-0015	NEW-P	98-11-084	388-450-0005	NEW-P	98-11-084
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388-450-0035	NEW-P	98-11-084	388-470-0010	NEW-P	98-11-084	388-504-0430	REP-P	98-13-082
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388-450-0195	NEW-P	98-11-084	388-478-0055	NEW-P	98-11-084	388-507-0730	REP-P	98-13-082
388-450-0200	NEW-P	98-11-084	388-478-0060	NEW-P	98-11-084	388-507-0740	AMD-P	98-08-081
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388-450-0215	NEW-P	98-11-084	388-478-0075	NEW-P	98-11-084	388-508	PREP	98-10-106
388-450-0220	NEW-P	98-11-084	388-478-0080	NEW-P	98-11-084	388-508-0805	PREP	98-07-039
388-450-0225	NEW-P	98-11-084	388-478-0085	NEW-P	98-11-084	388-508-0805	AMD-E	98-08-085
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388-462-0010	NEW-P	98-11-084	388-503-0350	REP-P	98-13-082	388-511	PREP	98-10-106
388-462-0015	NEW-P	98-11-084	388-503-0370	REP-P	98-13-082	388-511-1110	REP-P	98-13-082
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388-513-1380	AMD	98-08-077	388-523-2305	AMD-E	98-08-088	390-16-207	AMD	98-12-034
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388-517-1710	AMD	98-11-073	388-525-2570	REP-P	98-13-082	391-08-001	AMD-P	98-10-101
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388-521	PREP	98-10-106	388-555-1250	NEW-E	98-07-052	391-25-250	AMD	98-14-112
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391-25-450	AMD	98-14-112	392-115-015	AMD	98-05-008	392-139-180	REP-P	98-05-040
391-25-590	AMD-P	98-10-101	392-115-020	AMD	98-05-008	392-139-180	REP	98-08-096
391-25-590	AMD	98-14-112	392-115-025	AMD	98-05-008	392-139-182	REP-P	98-05-040
391-25-630	AMD-P	98-10-101	392-115-045	AMD	98-05-008	392-139-182	REP	98-08-096
391-25-630	AMD	98-14-112	392-115-050	AMD	98-05-008	392-139-184	REP-P	98-05-040
391-25-650	AMD-P	98-10-101	392-115-055	AMD	98-05-008	392-139-184	REP	98-08-096
391-25-650	AMD	98-14-112	392-115-060	AMD	98-05-008	392-139-186	REP-P	98-05-040
391-25-660	NEW-P	98-10-101	392-115-065	AMD	98-05-008	392-139-186	REP	98-08-096
391-25-660	NEW	98-14-112	392-115-085	AMD	98-05-008	392-139-215	AMD-P	98-05-040
391-25-670	AMD-P	98-10-101	392-115-090	AMD	98-05-008	392-139-215	AMD	98-08-096
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391-35-030	AMD	98-14-112	392-115-125	AMD	98-05-008	392-139-320	AMD	98-08-096
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391-35-170	AMD	98-14-112	392-115-151	NEW	98-05-008	392-139-611	REP	98-08-096
391-35-190	AMD-P	98-10-101	392-115-155	AMD	98-05-008	392-139-616	REP-P	98-05-040
391-35-190	AMD	98-14-112	392-121-124	NEW-P	98-03-066	392-139-616	REP	98-08-096
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391-35-210	AMD	98-14-112	392-121-138	AMD-P	98-03-066	392-139-620	AMD	98-08-096
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391-45-030	AMD-P	98-10-101	392-134-020	AMD-W	98-04-070	392-139-623	NEW	98-08-096
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391-45-110	AMD-P	98-10-101	392-139-007	AMD-P	98-05-040	392-139-625	AMD	98-08-096
391-45-110	AMD	98-14-112	392-139-007	AMD	98-08-096	392-139-625	REP-P	98-05-040
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391-45-190	AMD	98-14-112	392-139-120	REP	98-08-096	392-139-660	AMD-P	98-05-040
391-45-250	AMD-P	98-10-101	392-139-122	REP-P	98-05-040	392-139-660	AMD	98-08-096
391-45-250	AMD	98-14-112	392-139-122	REP	98-08-096	392-139-661	NEW-P	98-05-040
391-45-290	AMD-P	98-10-101	392-139-126	REP-P	98-05-040	392-139-661	NEW	98-08-096
391-45-290	AMD	98-14-112	392-139-126	REP	98-08-096	392-139-670	AMD-P	98-05-040
391-45-310	AMD-P	98-10-101	392-139-128	REP-P	98-05-040	392-139-670	AMD	98-08-096
391-45-310	AMD	98-14-112	392-139-128	REP	98-08-096	392-139-676	AMD-P	98-05-040
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391-45-350	AMD-P	98-10-101	392-139-130	REP-P	98-05-040	392-139-680	REP	98-08-096
391-45-350	AMD	98-14-112	392-139-130	REP	98-08-096	392-139-681	REP-P	98-05-040
391-45-370	REP-P	98-10-101	392-139-132	REP-P	98-05-040	392-139-681	REP	98-08-096
391-45-370	REP	98-14-112	392-139-132	REP	98-08-096	392-139-685	REP-P	98-05-040
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391-45-390	AMD	98-14-112	392-139-134	REP	98-08-096	392-139-690	REP-P	98-05-040
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391-55-245	AMD	98-14-112	392-139-154	REP-P	98-05-040	392-140-601	AMD	98-08-013
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391-95-070	AMD	98-14-112	392-139-158	REP	98-08-096	392-140-616	AMD-P	98-04-036
391-95-090	AMD-P	98-10-101	392-139-160	REP-P	98-05-040	392-140-616	AMD	98-08-013
391-95-090	AMD	98-14-112	392-139-160	REP	98-08-096	392-140-625	AMD-P	98-04-036
391-95-150	AMD-P	98-10-101	392-139-162	REP-P	98-05-040	392-140-625	AMD	98-08-013
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391-95-230	AMD-P	98-10-101	392-139-164	REP-P	98-05-040	392-140-630	NEW	98-08-013
391-95-230	AMD	98-14-112	392-139-164	REP	98-08-096	392-140-640	AMD-P	98-04-036
391-95-250	AMD-P	98-10-101	392-139-168	REP-P	98-05-040	392-140-640	AMD	98-08-013
391-95-250	AMD	98-14-112	392-139-168	REP	98-08-096	392-140-656	AMD-P	98-04-036
391-95-260	AMD-P	98-10-101	392-139-170	REP-P	98-05-040	392-140-656	AMD	98-08-013
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392-140-680	AMD	98-08-013	392-140-808	NEW	98-04-080	415-108-488	NEW	98-09-059
392-140-685	AMD-P	98-04-036	392-140-810	NEW	98-04-080	415-108-490	REP	98-09-059
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392-140-702	NEW-P	98-03-067	392-140-822	NEW	98-04-080	434-08-020	DECOD	98-08-010
392-140-702	NEW	98-07-061	392-140-824	NEW	98-04-080	434-08-030	DECOD	98-08-010
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392-140-711	NEW-P	98-03-067	392-140-830	NEW	98-04-080	434-08-060	DECOD	98-08-010
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392-140-712	NEW-P	98-03-067	392-140-834	NEW	98-04-080	434-08-080	DECOD	98-08-010
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392-140-724	NEW	98-07-061	392-182-020	AMD	98-04-025	434-32-010	DECOD	98-08-010
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392-140-725	NEW	98-07-061	399-10-030	AMD-P	98-07-033	434-57-020	DECOD	98-08-010
392-140-726	NEW-P	98-03-067	399-20-060	AMD-P	98-07-033	434-57-030	DECOD	98-08-010
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392-140-731	NEW-P	98-03-067	399-30-065	AMD-P	98-07-033	434-57-130	DECOD	98-08-010
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392-140-740	NEW	98-07-061	415-108-456	NEW	98-09-059	434-60-100	DECOD	98-08-010
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392-140-741	NEW	98-07-061	415-108-458	NEW	98-09-059	434-60-120	DECOD	98-08-010
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392-140-744	NEW	98-07-061	415-108-466	NEW	98-09-059	434-60-180	DECOD	98-08-010
392-140-745	NEW-P	98-03-067	415-108-467	NEW	98-09-059	434-60-190	DECOD	98-08-010
392-140-745	NEW	98-07-061	415-108-468	NEW	98-09-059	434-60-200	DECOD	98-08-010
392-140-746	NEW-P	98-03-067	415-108-469	NEW	98-09-059	434-60-210	DECOD	98-08-010
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434-840-070	AMD-P	98-14-006	458-16-300	PREP	98-07-016	460-52A-050	REP-XR	98-14-071
434-840-070	AMD-W	98-14-009	458-16-300	AMD-P	98-14-084	460-52A-060	REP-XR	98-14-071
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434-840-100	AMD-P	98-14-006	458-20-192	PREP	98-09-036	460-70-035	REP-XR	98-14-072
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434-840-110	AMD-P	98-14-006	458-20-259	AMD-XA	98-12-004	460-70-050	REP-XR	98-14-072
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434-840-340	AMD-P	98-14-006	460-17A-030	AMD-P	98-14-074	468-82-120	REP	98-11-044
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468-84-130	REP	98-11-045	468-400-040	NEW	98-06-029	480-120-420	REP-S	98-12-071
468-84-135	REP-P	98-07-005	468-510	PREP	98-04-044	480-120-425	REP-S	98-12-071
468-84-135	REP	98-11-045	468-510-010	NEW-P	98-08-030	480-120-430	REP-S	98-12-071
468-84-200	REP-P	98-07-005	468-510-010	NEW	98-12-062	480-120-435	REP-S	98-12-071
468-84-200	REP	98-11-045	468-510-020	NEW-P	98-08-030	480-120-540	NEW-P	98-11-082
468-84-210	REP-P	98-07-005	468-510-020	NEW	98-12-062	480-121-040	PREP	98-05-055
468-84-210	REP	98-11-045	474-10-010	NEW-P	98-14-139	480-122-020	PREP	98-09-033
468-84-220	REP-P	98-07-005	474-10-020	NEW-P	98-14-139	480-122-020	AMD-P	98-12-070
468-84-220	REP	98-11-045	474-10-030	NEW-P	98-14-139	480-122-070	AMD-P	98-12-070
468-84-230	REP-P	98-07-005	474-10-040	NEW-P	98-14-139	480-123-010	NEW	98-04-028
468-84-230	REP	98-11-045	474-10-050	NEW-P	98-14-139	480-143	PREP	98-14-137
468-84-240	REP-P	98-07-005	474-10-060	NEW-P	98-14-139	480-146	PREP	98-14-138
468-84-240	REP	98-11-045	474-10-070	NEW-P	98-14-139	490-100	PREP	98-14-088
468-84-250	REP-P	98-07-005	474-10-080	NEW-P	98-14-139	495D-104-010	AMD-P	98-06-020
468-84-250	REP	98-11-045	474-10-090	NEW-P	98-14-139	495D-104-010	AMD	98-09-031
468-84-260	REP-P	98-07-005	474-10-100	NEW-P	98-14-139	495E-104-010	REP	98-02-037
468-84-260	REP	98-11-045	478-160-015	AMD-P	98-05-066	516-56-001	AMD-P	98-05-048
468-84-300	REP-P	98-07-005	478-160-015	AMD	98-10-048	516-56-001	AMD	98-14-051
468-84-300	REP	98-11-045	478-160-095	AMD-P	98-05-066	516-56-002	REP-P	98-05-048
468-84-310	REP-P	98-07-005	478-160-095	AMD	98-10-048	516-56-002	REP	98-14-051
468-84-310	REP	98-11-045	478-160-110	AMD-P	98-05-066	516-56-010	REP-P	98-05-048
468-84-320	REP-P	98-07-005	478-160-110	AMD	98-10-048	516-56-010	REP	98-14-051
468-84-320	REP	98-11-045	478-160-120	REP-P	98-05-066	516-56-011	REP-P	98-05-048
468-85	PREP	98-03-031	478-160-120	REP	98-10-048	516-56-011	REP	98-14-051
468-85-010	AMD-P	98-07-006	478-160-142	NEW-P	98-05-066	516-56-012	REP-P	98-05-048
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468-85-015	AMD-P	98-07-006	478-160-143	NEW-P	98-05-066	516-56-020	REP-P	98-05-048
468-85-015	AMD	98-11-046	478-160-143	NEW	98-10-048	516-56-020	REP	98-14-051
468-85-110	AMD-P	98-07-006	478-160-150	AMD-P	98-05-066	516-56-021	REP-P	98-05-048
468-85-110	AMD	98-11-046	478-160-150	AMD	98-10-048	516-56-021	REP	98-14-051
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468-85-120	AMD	98-11-046	478-160-246	AMD	98-10-048	516-56-022	REP	98-14-051
468-85-130	AMD-P	98-07-006	478-160-270	AMD-P	98-05-066	516-56-023	REP-P	98-05-048
468-85-130	AMD	98-11-046	478-160-270	AMD	98-10-048	516-56-023	REP	98-14-051
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468-85-210	AMD	98-11-046	478-160-275	AMD	98-10-048	516-56-030	REP	98-14-051
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468-85-220	AMD	98-11-046	478-160-280	AMD	98-10-048	516-56-040	REP	98-14-051
468-85-230	AMD-P	98-07-006	478-160-280	AMD	98-10-048	516-56-040	REP	98-05-048
468-85-230	AMD	98-11-046	478-160-295	AMD-P	98-05-066	516-56-050	REP-P	98-05-048
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468-85-250	AMD-P	98-07-006	480-63-010	REP-XR	98-14-135	516-56-060	REP	98-14-051
468-85-250	AMD	98-11-046	480-63-020	REP-XR	98-14-135	516-56-070	REP-P	98-05-048
468-85-260	REP-P	98-07-006	480-63-030	REP-XR	98-14-135	516-56-070	REP	98-14-051
468-85-260	REP	98-11-046	480-63-040	REP-XR	98-14-135	516-56-080	REP-P	98-05-048
468-85-270	REP-P	98-07-006	480-63-050	REP-XR	98-14-135	516-56-080	REP	98-14-051
468-85-270	REP	98-11-046	480-63-060	REP-XR	98-14-135	516-56-090	REP-P	98-05-048
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468-85-280	REP	98-11-046	480-63-090	REP-XR	98-14-135			
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468-85-310	AMD	98-11-046	480-95-020	REP-XR	98-14-136			
468-300-010	AMD-P	98-03-050	480-95-030	REP-XR	98-14-136			
468-300-010	AMD	98-08-051	480-95-040	REP-XR	98-14-136			
468-300-020	AMD-P	98-03-050	480-95-050	REP-XR	98-14-136			
468-300-020	AMD	98-08-051	480-95-060	REP-XR	98-14-136			
468-300-040	AMD-P	98-03-050	480-95-070	REP-XR	98-14-136			
468-300-040	AMD	98-08-051	480-95-080	REP-XR	98-14-136			
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		PROP		98-07-025		PREP	98-12-078
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	laboratory testing services and fees	PROP	98-05-104	meetings	MISC	98-01-122	
		PROP	98-09-104	Hops rootstock certification	PROP	98-06-082	
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	scrapie control	PREP	98-08-023	Integrated pest management, interagency coordinating committee meetings	MISC	98-06-081	
	Apple advertising commission assessments	PREP	98-06-083		PREP	98-08-034	
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	EMER	98-01-057	superintendent of public instruction, duties (1998, No. 6)	MISC	98-08-017
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