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**ISSUE 79-08**



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## CITATION

Cite all material in the Washington State Register by its issue number and sequence within that issue, preceded by the acronym WSR. Example: The 123rd item in the February, 1978, Register would be cited as WSR 78-02-123.

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

DENNIS W. COOPER  
Code Reviser

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# WASHINGTON STATE REGISTER

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## STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

### 1. ARRANGEMENT OF THE REGISTER

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

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

The three types of rule-making actions taken under the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW) may be distinguished by the size and style of type in which they appear.

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

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

RCW 34.04.058 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 matter is new matter;
  - (ii) ~~deleted matter is ((lined out and bracketed between double parentheses));~~
- (b) Complete new sections are prefaced by the heading **NEW SECTION**;
- (c) The repeal of an entire section is shown by listing its WAC section number and caption under the heading **REPEALER**.

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

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

### 5. EFFECTIVE DATE OF RULES

- (a) Permanently adopted agency rules take effect thirty days after the rules and the agency order adopting them are filed with the code reviser. This effective date may be delayed, but not advanced, and a delayed 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 and remain effective for a maximum of ninety days from that date.
- (c) Rules of the state Supreme Court generally contain an effective date clause in the order adopting the rules.

### 6. EDITORIAL CORRECTIONS

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

### 7. INDEX AND TABLES

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

1979 - 1980

**DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION**

Issue No.	Distribution Date	First Agency Action Date <sup>2</sup>	Closing Dates <sup>1</sup>		
			OTS <sup>3</sup> or 10 pages maximum (14 days)	Non-OTS and 11 to 29 pages (28 days)	Non-OTS and 30 pages or more (42 days)
79-07	Jul 18	Aug 7	Jul 3	Jun 20	Jun 6
79-08	Aug 15	Sep 4	Aug 1	Jul 18	Jul 3
79-09	Sep 19	Oct 9	Sep 5	Aug 22	Aug 8
79-10	Oct 17	Nov 6	Oct 3	Sep 19	Sep 5
79-11	Nov 21	Dec 11	Nov 7	Oct 24	Oct 10
79-12	Dec 19	Jan 8, 1980	Dec 5	Nov 21	Nov 7
80-01	Jan 16	Feb 5	Jan 2, 1980	Dec 19, 1979	Dec 5, 1979
80-02	Feb 20	Mar 4	Feb 6	Jan 23	Jan 9
80-03	Mar 19	Apr 8	Mar 5	Feb 20	Feb 6
80-04	Apr 16	May 6	Apr 2	Mar 19	Mar 5
80-05	May 21	Jun 10	May 7	Apr 23	Apr 9
80-06	Jun 18	Jul 8	Jun 4	May 21	May 7

<sup>1</sup>All documents are due at the Code Reviser's Office by 5:00 p.m. on the applicable closing date for inclusion in a particular issue of the Register; see WAC 1-12-035 or 1-13-035.

<sup>2</sup>No proceeding shall be held on any rule until twenty days have passed from the distribution date of the register in which notice thereof was contained." RCW 28B.19.030(2) and 34.04.025(2). These dates represent the twentieth day after the distribution date of the immediately preceding Register.

<sup>3</sup>OTS is the acronym used for the Order Typing Service offered by the Code Reviser's Office which is briefly explained in WAC 1-12-220 and WAC 1-13-240.

**WSR 79-08-001**  
**PROPOSED RULES**  
**COLUMBIA BASIN COLLEGE**  
 [Filed July 5, 1979]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that the Columbia Basin College intends to adopt, amend, or repeal rules concerning tuition and fee waivers for full-time employees; and that the adoption, amendment, or repeal of such rules will take place at 7 p.m., Monday, September 9, 1979, in the Board Room, Columbia Basin College.

The authority under which these rules are proposed is chapters 28B.10 and 28B.50 RCW.

Interested persons may submit data, views, or arguments to this institution orally at 7 p.m., Monday, September 10, 1979, Board Room, Columbia Basin College.

Dated: July 2, 1979

By: Fred L. Esvelt

**WAC 132S-195-010 TUITION AND FEE WAIVERS FOR FULL-TIME EMPLOYEES.** Pursuant to the authority granted by chapter 82, Laws of 1979, Columbia Basin College is authorized to and may waive tuition, operating and service and activities fees for full-time employees under the following conditions:

(a) Enrollment shall be on a space-available basis after opportunity has been given for other students to register for courses offered by the college.

(b) No new or additional courses or course sections shall be created for the purpose of accommodating enrollments of students enrolled on the basis of waivers under this section.

(c) Enrollment information on employees enrolled on a space-available basis shall be maintained separately from other enrollment information and shall not be included in official enrollment reports, nor shall persons enrolled pursuant to the provisions of this section be considered in any enrollment statistics which would affect budgetary determinations.

(d) Computations of enrollment levels, student-faculty ratio, or other similar enrollment rated statistics must exclude student credit hours generated by enrollments for which waivers have been granted under this section.

(e) Employees enrolling on a space-available basis shall be charged a registration fee of not less than five dollars per quarter.

(f) The number of courses per quarter for which an employee may enroll pursuant to this section is limited to no more than the equivalent of 5 quarter hours per quarter.

(g) Employees taking tuition free courses shall do so after their normal working hours; any exception will require special permission of the employee's dean level supervisor and the president.

(h) The definition of full time professional employee, for the purposes of this act, shall be as stated in WAC 132S-08-020, and WAC 132S-190-020; definition of full time classified employee, for the purposes of this act, shall be as stated in WAC 251-04-020.

**WSR 79-08-002**  
**ADOPTED RULES**  
**BOARD OF HEALTH**  
 [Order 181—Filed July 5, 1979]

Be it resolved by the Washington State Board of Health acting at Spokane, Washington, that it does promulgate and adopt the annexed rules relating to:

Rep WAC 248-100-162 Immunization of school children.  
 New WAC 248-100-163 RCW 28-A 31-ESHB 502, 1979.

This action is taken pursuant to Notice No. WSR 79-05-111 filed with the code reviser on 5/2/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Washington State Board of Health as authorized in RCW 43.20.050.

The undersigned hereby declare that they have complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

This order after being first recorded in the order register of this governing body is herewith transmitted to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED June 13, 1979.

By Irma Goertzen

Chairman

John B. Conway

Robert H. Barnes

Fred Quarnstrom

John A. Beare, MD

Secretary

**NEW SECTION**

**WAC 248-100-163 IMMUNIZATION OF SCHOOL CHILDREN AGAINST CERTAIN VACCINE-PREVENTABLE DISEASES. (1) Definitions.**

(a) "Chief administrator" means the person with the authority and responsibility for the immediate supervision of the operation of a school or, in the alternative, such other person as may be designated in writing for the purpose of carrying out the requirements of this statute by the statutory or corporate board of directors of the school district or school or, if none, such other persons or person with the authority and responsibility for the general supervision of the operation of the school district or school.

(b) "Full immunization" means immunization against the following vaccine-preventable diseases: Diphtheria, pertussis (whooping cough), tetanus, poliomyelitis, measles (rubeola), rubella (German Measles), and mumps in accordance with schedules and with immunizing agents approved by the state board of health in these regulations.

(c) "Local health department" means the city, town, county, district or combined city-county health department, board of health, or health officer which provides health services.

(d) "School" means and includes each building, facility, and location at or within which any or all portions of a preschool, kindergarten and grades one through twelve program of education and related activities are conducted for two or more children by or in behalf of any public school district and by or in behalf of any private school or private institution subject to approval by the state

board of education pursuant to RCW 28A.04.120(4) and 28A.02.201 through 28A.02.260.

(e) "Immunizing agents" means any vaccine or other biologic currently licensed and approved by the Bureau of Biologics, United States Public Health Service for immunization of persons against diphtheria, pertussis (whooping cough), tetanus (DTP, DT, Td), measles (rubeola), rubella (German Measles), mumps, and poliomyelitis Types I, II, and III (TOPV, IPV).

(f) "Student" means a person under eighteen years of age admitted to any preschool, kindergarten and grades one through twelve program of education in any public school district or in any private school or private institution subject to approval by the state board of education pursuant to RCW 28A.04.120(4) and 28A.02.201 through 28A.02.260.

(g) "Transfer student" means a student who previously enrolled in grades kindergarten through twelve who moves from one school district or system to another at any time during the school year. Students transferring within a district or system are not considered transfer students for the purposes of these regulations: PROVIDED, That the school transfers records within the district.

(h) "Immunization requirement" means the minimal acceptable schedule of immunizing agents as defined by the state board of health in these regulations for attendance of a child at any public or private school.

(i) "Initiation of a schedule of immunization" is defined as the process of beginning or continuing a course of immunizations. The immunizing agents administered as part of this process must have been provided not later than forty-five calendar days of the child's first day of attendance.

(2) Immunization requirements.

The Washington state board of health requires the following minimum immunization requirements for compliance with the school immunization law RCW 28A.31.118.

Effective September 1, 1979 and thereafter:

(a) Children attending kindergarten through sixth grade must present proof of the following no later than forty-five days after the child's first day of attendance:

At least 3 doses of either DTP, DT, or Td vaccine provided that the last dose was administered at or after age 4;

At least 3 doses of trivalent poliomyelitis vaccine provided that the last dose was administered at or after age 4;

One dose of live virus measles vaccine administered at or after one year of age. A student meets the measles immunization requirement as a result of having had measles (rubeola) disease. In such instances, a physician must document and certify the month and year of disease occurrence.

One dose of live virus rubella vaccine administered at or after one year of age; except for females twelve years of age or older.

One dose of live virus mumps vaccine administered at or after one year of age for students in kindergarten or first grade, whichever is the entry level.

Effective September 1, 1980 and thereafter:

(b) Students in grades seven through twelve must present proof of the following no later than forty-five days after a student's first day of attendance:

At least 3 doses of either DTP, DT, or Td vaccine provided that the last dose was administered at or after age 4;

At least 3 doses of trivalent poliomyelitis vaccine provided that the last dose was administered at or after age 4;

One dose of live virus measles vaccine administered at or after one year of age. A student meets the measles immunization requirement as a result of having had measles (rubeola) disease. In such instances, a physician must document and certify the month and year of disease occurrence.

One dose of live virus rubella vaccine administered at or after one year of age except for females twelve years of age or older.

One or more doses of tetanus toxoid (without diphtheria toxoid) administered for wound management will not fulfill the DTP/DT/Td requirements.

(3) Initiation and continuation of a schedule of immunization.

(a) Attendance at a school by a child who has not received full immunization shall be conditioned upon the presentation of proof that the child's immunization schedule has been initiated according to subsection (1)(i) of these regulations.

(b) Admission in subsequent year. A student who is admitted conditionally as provided in subsection (3)(a) of this section, shall present proof of completion of the required immunization(s) as soon as possible and not later than on the student's first day of attendance in the following school year. If the student has not completed the required schedule of immunization by the first day of attendance in the following school year, there shall be no forty-five day grace period. The "chief administrator" of the school shall immediately notify the local health department of the name and address of the student along with a report of the status of the student's immunization schedule and when the student was first conditionally admitted to school. If there has been a sufficient period of time to reasonably permit the student to have completed the required immunization schedule, the health department shall issue an order of exclusion in the manner required by subsection (7) of this section. If there has not been sufficient time to complete the schedule, the health department shall notify the student's parents and the "chief administrator" of the school as to when the schedule must be completed. If the schedule is not completed by that date, the health department shall issue an order of exclusion.

(4) Documentary proof.

(a) Proof of full immunization, initiation or continuation of a schedule, or exemptions shall be documented on a Certificate of Immunization Status. Immunization data on the Certificate of Immunization Status form shall be based on a written personal immunization record given to the person immunized or to his or her parent or guardian by the physician or agency administering the immunization. This personal immunization record shall not be surrendered to school authorities and

shall not substitute for the Certificate of Immunization Status form.

(b) The Certificate of Immunization Status form shall include, at least the following information required to fulfill the intent of RCW 28A.31.118.

- (i) Name of the person;
- (ii) Birthdate;
- (iii) Sex;
- (iv) Type of vaccine administered;
- (v) Date of each dose of vaccine, specifying month and year;
- (vi) Signature of parent, legal guardian or adult in loco parentis.

(c) The Revised Certificate of Immunization Status form, DSHS 13-263 shall be provided by the department of social and health services and will be the only acceptable form for all new enrollees registering in kindergarten through sixth grade after September 1, 1979 and for new enrollees in all grades after September 1, 1980 and thereafter. For students already registered or enrolled in schools prior to enactment of these regulations, previous Certificates of Immunization Status (e.g. DSHS 13-263) or locally developed forms approved by DSHS shall be acceptable as the official Certificate of Immunization Status: PROVIDED, That dates for the latest doses of DTP/Td and poliomyelitis vaccines are indicated and that dates (month and year) are provided for each dose of measles, rubella, and mumps vaccine if required. Students meet minimum immunization requirements if the last of three or more doses of DTP/Td and trivalent poliomyelitis vaccines were administered at or after age four and if requirements for measles, rubella and mumps are met.

(d) Proof in subsequent years. Once proof of full immunization or proof of exemption from immunization has been presented, no further proof shall be required as a condition to attendance at a particular school provided that the Certificate of Immunization Status form on such a child remains on file at the school.

(5) Medical exemptions.

(a) Certification of medical contraindication for one or more immunization(s) shall be provided on the Certificate of Immunization Status form, certified and signed by a licensed physician.

(b) A student who is temporarily exempt from immunization for medical reasons shall be admitted on condition that required immunizations are obtained at the termination of the duration of exemption. If the medical condition is permanent or life-long, the student shall be admitted and the Certificate of Immunization Status filed on each such student.

(6) Religious, philosophical, personal exemptions.

(a) A student may be exempt from immunization because of religious, philosophical, or personal objections. These exempt children shall be admitted to school and the fact of the exemption shall be recorded on the Certificate of Immunization Status form signed by the parent, guardian, or adult in loco parentis.

(b) Each school shall keep on file the Certificate of Immunization Status form for each child so enrolled.

(7) Exclusion from school.

(a) Conditions for attendance not fulfilled. Any student in attendance at a school who fails to provide documentary proof of full immunization; or proof of initiation or continuation of a schedule of immunization; or proof of either medical, religious, philosophical or personal objection; no later than forty-five calendar days after the child's first day of attendance, shall be excluded from school until an acceptable Certificate of Immunization Status form is submitted to the "chief administrator" of the school.

(b) Notification to local health department. The "chief administrator" of a school shall collect at the end of the forty-five day grace period and within five working days the names and addresses of students in schools who do not comply with the requirements of these regulations and forward the names to the local health department.

(c) Exclusion order from local health department. Upon receipt of name(s) and address(es) of student(s) failing to comply with the provisions for attendance at school from the "chief administrator" of a school, the local health department shall notify the "chief administrator" and provide the "chief administrator" with a written order to exclude the student(s) failing to comply with requirements of these regulations.

(d) Exclusion letter to parents of children failing to comply. Pursuant to the written exclusion order to the "chief administrator" from the local health department, the local health department will provide a standard exclusion notification letter to parents of children failing to comply with attendance requirements. This exclusion notification letter shall be of a form approved by the department of social and health services and signed by the local health officer. This shall serve as the written notice to parent(s) or legal guardian(s) of each child or to the adult(s) in loco parentis to each child, who is not in compliance with the requirements of these regulations. The notice shall fully inform such person(s) of the following:

(i) The requirements established by and pursuant to RCW 28A.31.118;

(ii) The fact that the child will be prohibited from further attendance at the school until requirements are met;

(iii) Due process for exclusion of the child pursuant to the state board of education's rules and regulations;

(iv) The immunization services that are available from or through the local health department and other public agencies.

(e) List of children excluded.

The "chief administrator" of a school shall retain a record at the school of the name, address, and date of exclusion of each child excluded from school pursuant to the requirements of these regulations for not less than three years following the date of a child's exclusion.

(f) A student in attendance in a school by virtue of presenting proof of "initiation of a schedule of immunization" or by presenting documentation of medical, religious, philosophical or personal objection may be subject to exclusion in the event of exposure to a communicable disease in a school.

(8) Records.

(a) The official proof for documentation of compliance with these regulations shall be the Certificate of Immunization Status form. The revised Certificate of Immunization Status form will be required of all new enrollees registering in kindergarten through sixth grade after September 1, 1979, and for all new enrollees in all grades after September 1, 1980, and thereafter.

If a child was enrolled in a school prior to the effective date of these regulations the Certificate of Immunization Status DSHS 13-263, or approved locally-developed forms, on file will serve as documentary proof for admittance if requirements are met.

Schools shall have on file an approved Certificate of Immunization Status form for every child enrolled. When a child withdraws, transfers or is promoted to a new school within a school district or between school districts, the chief administrator shall return the Certificate of Immunization Status to the parent, guardian or adult in loco parentis, or it may be transferred with the child's records to the new school.

(b) The "chief administrator" of a school shall allow agents of state and local health departments access during business hours to the health records retained on each student or child enrolled.

(c) Personal immunization record. The immunizations required by these regulations may be obtained from any private or public source desired provided that the immunization is administered and records are made in accordance with these regulations. Any person or organization administering immunizations shall furnish each person immunized, or his or her parent or legal guardian, or any adult in loco parentis to the child, with a written record of immunization, the content of which the state board of health has prescribed.

#### (9) Reporting.

(a) The "chief administrator" of a school shall file a written annual report (multiple carbonized form) with the department of social and health services and local health departments on the immunization status of students in school by November 1 of each year and on forms prescribed by the department of social and health services. In the event of a late school opening, the report will be required sixty days after the first day of school.

(b) The annual report from schools shall reflect the status of all students enrolled in September 1979 in kindergarten through sixth grade; in September 1980 the annual report will include the status of new admissions and transfer students in grades kindergarten through seven and all students in grades eight through twelve; in 1981 and thereafter the annual report will cover only new admissions and transfer students in all grades.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 248-100-162 IMMUNIZATION OF SCHOOL CHILDREN.

#### WSR 79-08-003

#### EMERGENCY RULES

#### DEPARTMENT OF NATURAL RESOURCES

[Order 316—Filed July 5, 1979]

I, Bert L. Cole, Commissioner of Public Lands, do promulgate and adopt at Olympia, Washington 98504, the annexed rules relating to the adoption of an emergency rule describing hazardous areas protected by the Department of Natural Resources which are closed to entry from midnight July 7, 1979 through midnight October 5, 1979, WAC 332-26-010 through 332-26-020 and WAC 332-26-040 through 332-26-070.

I, Bert L. Cole, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is the above described forest areas contain an abnormal concentration of forest fuels and because of the usual summer increase in drying conditions, are particularly exposed to fire danger. Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 76.04.140 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED July 5, 1979.

By Bert L. Cole  
Commissioner of Public Lands

#### NEW SECTION

WAC 332-26-010 SOUTHWEST AREA CLOSURES *Wahkiakum and Skamania Counties. Wahkiakum County, KM Unit, beginning at the northeast corner of Section 14, Township 10 North, Range 7 West, W.M.; thence north to the south bank of Fossil Creek, thence northwesterly along the south bank of Fossil Creek to its junction with the west section line of Section 10, Township 10 North, Range 7 West, W.M.; thence south approximately 1/2 mile to the north shoulder of the Ocean Beach Highway (State Highway 4), thence southeasterly along the north shoulder of said Highway 4, to its junction with the Crown Zellerbach 800 Road, thence northeasterly along the north shoulder of the Crown Zellerbach 800 Road, to its junction with the east section line of Section 14, Township 10 North, Range 7 West, W.M., thence north approximately 1/2 mile to the point of beginning.*

*Skamania County, South Coldwater Unit, beginning at the northeast corner of Section 5, Township 9 North, Range 5 East, W.M., thence west 1 1/2 miles, south 1 mile, west 1/2 mile, south 1/2 mile, east 2 miles, north 1 1/2 miles to the point of beginning. Excluding corridors*

along the U.S. Forest Service N928 Road and along the U.S. Forest Service N-208 Trail.

When, in the opinion of the Area Manager, the fire hazard is sufficiently low on the lands herein described to permit public access thereto, he may suspend this Notice by issuing a news release to the newspapers of general circulation in the area and to radio and television stations serving the area, specifying the date and time of the suspension, and by removing the posted notice of the hazardous area closure at access points.

When, in the opinion of the Area Manager, the fire hazard is no longer sufficiently low to permit public access to the above-described lands, he will reinstate this hazardous area notice by giving the same notice to the public, specifying the date and time this notice again becomes effective, and replacing the posted notice of the hazardous area closure at the access points.

For the protection of the above described areas against fire, the following will be enforced: Entry into this area is prohibited except as provided by law with reference to permanent residents and industrial operations.

Anyone violating any such rules and regulations or closing any forest region shall be guilty of a misdemeanor.

Effective from midnight, July 7, 1979 to midnight, October 5, 1979.

#### NEW SECTION

WAC 332-26-020 OLYMPIC AREA CLOSURES Grays Harbor, Jefferson and Clallam Counties. Grays Harbor County, Township 17 North, Range 11 West: NE1/4, SE1/4NW1/4, N1/2SE1/4, NE1/4SW1/4 of Section 1. Township 18 North, Range 9 West: All of Section 35. Township 18 North, Range 11 West: NW1/4 of Section 1; E1/2NE1/4 of Section 2. Township 19 North, Range 10 West: E1/2NE1/4 of Section 7; NW1/4, S1/2 of Section 8; W1/2 of Section 16; All of Section 17; All of Section 18; All of Section 19; N1/2 of Section 20; W1/2 north of Failor Creek of Section 21. Township 19 North, Range 11 West: All of Section 13; E1/2 of Section 23; All of Section 24; W1/2 of Section 25; All of Section 26; E1/2 south of County road of Section 27. Township 20 North, Range 11 West: NW1/4 west of County road of Section 14; N1/2, SW1/4 of Section 15; S1/2, S1/2N1/2 of Section 19; SW1/4, S1/2NW1/4, W1/2SE1/4 of Section 20. Township 20 North, Range 12 West: S1/2SE1/4 of Section 13; N1/2, W1/2SW1/4, N1/2SE1/4 of Section 24.

Jefferson County, Township 24 North, Range 12 West: NW1/4SE1/4, SW1/4 of Section 14; S1/2 of Section 15; NE1/4, S1/2, NE1/4NW1/4 south of Q-3000 road, S1/2NW1/4 south of Q-3000 road of Section 21; N1/2, SW1/4, NW1/4SE1/4 of Section 22; N1/2NW1/4, NW1/4NE1/4, Lot 1 of Section 28; Lot 2 of Section 29. Township 25 North, Range 12 West: NE1/4, N1/2SE1/4 of Section 1; W1/2E1/2, W1/2 of Section 4; all except SW1/4SW1/4 of Section 5; N1/2NE1/4, S1/2N1/2, N1/2S1/2, S1/2SW1/4 of Section 6; NW1/4, W1/2NE1/4, NE1/4NE1/4 of

Section 9. Township 25 North, Range 13 West: N1/2 of Section 1; N1/2, N1/2SW1/4 of Section 2; N1/2, SW1/4 of Section 3; NW1/4, S1/2 of Section 4; N1/2N1/2, S1/2NE1/4, SE1/4 of Section 9; S1/2N1/2 of Section 10; N1/2S1/2 of Section 11. Township 26 North, Range 12 West: E1/2SE1/4 of Section 14; all except SW1/4SW1/4 of Section 23; NE1/4, E1/2NW1/4, S1/2 of Section 24; all of Section 25; NE1/4, S1/2 of Section 26; SE1/4 of Section 27; all of Section 31; E1/2NE1/4 of Section 34; N1/2, E1/2SW1/4, SE1/4 of Section 35; W1/2NW1/4 of Section 36. Township 26 North, Range 13 West: W1/2 of Section 2; N1/2, NE1/4SE1/4 north of the G-3000 road of Section 4; NE1/4 north of Jefferson County road of Section 12; N1/2NE1/4, S1/2N1/2, S1/2 of Section 25; S1/2NE1/4, S1/2 of Section 26; NE1/4, NE1/4SE1/4 of Section 34; all of Section 35; NE1/4NE1/4, NW1/4NW1/4 of Section 36. Township 26 North, Range 14 West: E1/2E1/2 of Section 12; NE1/4NE1/4 of Section 13. Township 27 North, Range 13 West: W1/2SE1/4, E1/2SW1/4 of Section 29; E1/2SE1/4 of Section 30; N1/2NW1/4 of Section 32; all of Section 33; all of Section 34; SW1/4 of Section 35.

Clallam County, Township 29 North, Range 15 West: SE1/4, E1/2SW1/4, SE1/4NW1/4, S1/2NE1/4 of Section 4; SE1/4 of Section 8; N1/2N1/2 of Section 9; NE1/4, NE1/4SE1/4 of Section 17; SE1/4, E1/2SW1/4, S1/2NW1/4 south of 5050 road of Section 21; SW1/4SW1/4 of Section 22; W1/2NW1/4 of Section 27; E1/2NE1/4, NW1/4NE1/4 of Section 28. Township 30 North, Range 13 West: W1/2SW1/4 south of 9000 road of Section 13; S1/2NW1/4 except for corridor along 9000 road of Section 24. Township 31 North, Range 14 West: SW1/4SW1/4 of Section 6; W1/2W1/2 of Section 7; S1/2, S1/2NW1/4, SW1/4NE1/4 of Section 23; S1/2SW1/4 of Section 24; N1/2NW1/4, SW1/4NW1/4 of Section 25; all of Section 26. Township 31 North, Range 15 West: all except N1/2NE1/4 of Section 1; all of Section 2; NE1/4, NE1/4NW1/4, E1/2SE1/4, NW1/4SE1/4 of Section 3; all except NE1/4NE1/4 of Section 4; all of Section 5; NE1/4, E1/2NW1/4 of Section 6; NE1/4 of Section 9; NE1/4 and NE1/4SE1/4 east of Ozette mainline of Section 10; all of Section 11. Township 31 North, Range 15 West: all of Section 12; all of Section 13; all except W1/2SW1/4 of Section 14; NE1/4 of Section 23; N1/2 of Section 24. Township 32 North, Range 15 West: S1/2 of Section 17; E1/2SE1/4 of Section 18; E1/2NE1/4, SE1/4 of Section 19; all of Section 20; W1/2NW1/4, SW1/4 of Section 21; W1/2 of Section 28; all of Section 29; E1/2, E1/2SW1/4 of Section 30; E1/2, E1/2SW1/4 of Section 31; all of Section 32; W1/2, W1/2E1/2 of Section 33; S1/2SW1/4 of Section 34; all except W1/2SW1/4 of Section 35; W1/2 of Section 36.

**GRAYS HARBOR AND JEFFERSON COUNTIES** All the area in the Quinault Indian Reservation north of the Quinault River in Grays Harbor and Jefferson Counties, except the portion described as Township 23 North, Range 9 and Range 10 West, and Township 22 North, Range 10 West.

This rule will not apply to Indian people of the Quinault tribe under trust status.

When, in the opinion of the Area Manager, the fire hazard is sufficiently low on the lands herein described to permit public access thereto, he may suspend this Notice by issuing a news release to the newspapers of general circulation in the area and to radio and television stations serving the area, specifying the date and time of the suspension, and by removing the posted notice of the hazardous area closure at the access points.

When, in the opinion of the Area Manager, the fire hazard is no longer sufficiently low to permit public access to the above-described lands, he will reinstate this hazardous area notice by giving the same notice to the public, specifying the date and time this notice again becomes effective, and replacing the posted notice of the hazardous area closure at the access points.

For the protection of the above described areas against fire, the following will be enforced: Entry into this area is prohibited except as provided by law with reference to permanent residents and industrial operations.

Anyone violating any such rules and regulations or order closing any forest region shall be guilty of a misdemeanor.

Effective from midnight, July 7, 1979 to midnight, October 5, 1979.

#### NEW SECTION

**WAC 332-26-040 CENTRAL AREA CLOSURES** Pacific, Grays Harbor, Thurston and Lewis Counties. Pacific County, Pacific District, Township 9 North, Range 9 West: NW1/4 of Section 1; all of Section 2; all lying east of Hwy. 401 of Section 4. Township 9 North, Range 10 West: All of Section 12; E1/2E1/2 lying north and west of Hwy. 401 of Section 13. Township 10 North, Range 9 West: W1/2, SW1/4SE1/4 lying west of Hwy. 401 of Section 17; E1/2 of Section 18; N1/2 lying west of Hwy. 401 of Section 20; S1/2 of Section 25; S1/2 of Section 26; all of Section 27; E1/2E1/2, SW1/4SE1/4 lying east of Hwy. 401 of Section 28; all of Section 32; S1/2, N1/2NE1/4 lying east of Hwy. 401 of Section 33; all of Section 34; all of Section 35; SW1/4 of Section 36. Township 11 North, Range 7 West: E1/2 of Section 8; all of Section 9; S1/2 of Section 10; W1/2 of Section 14; all of Section 15. Township 12 North, Range 6 West: S1/2 of Section 27; all of Section 32; all of Section 33; all of Section 34; all of Section 35. Township 12 North, Range 9 West: E1/2 of Section 11; all of Section 12; N1/2 of Section 13. Township 13 North, Range 9 West: W1/2 of Section 17; E1/2, E1/2SW1/4, SE1/4NW1/4 of Section 18; E1/2, E1/2NW1/4 of Section 19; W1/2 of Section 20; NE1/4NE1/4 of Section 30.

Grays Harbor County, Harbor District, Township 18 North, Range 8 West: all of Section 15; points lying east of Wynoochee County Road of Section 21; all of Section 22; NW1/4NW1/4, S1/2NW1/4, SW1/4, S1/2SE1/4 of Section 23; N1/2NW1/4 of Section 26; NW1/4, N1/2SW1/4 of Section 27; points of NE1/4 lying east of Wynoochee County Road of Section 28.

Thurston County, Lewis District, Township 15 North, Range 3 East: E1/2 of Section 24. Township 15 North, Range 4 East: S1/2 of Section 19; that portion of the S1/2 lying west of an arm of Alder Lake of Section 20; W1/2E1/2, W1/2 of Section 29; N1/2NE1/4, SE1/4NE1/4, NE1/4SE1/4 of Section 30; all of Section 31; W1/2 of Section 32.

Lewis County, Lewis District, Township 11 North, Range 4 West: NW1/4 of Section 7. Township 11 North, Range 5 West: all of Section 1; all of Section 2; all of Section 3; all of Section 4; all of Section 5; all of Section 6; all of Section 7; all of Section 8; all of Section 9; all of Section 10; all of Section 11; all of Section 12; all of Section 13; all of Section 14; all of Section 15; all of Section 16; all of Section 17; all of Section 18; all of Section 19; all of Section 20; all of Section 21; all of Section 22; all of Section 23; all of Section 24; all of Section 25; all of Section 26; all of Section 27; all of Section 28; N1/2 of Section 29; all of Section 35; all of Section 36. Lewis District, Township 12 North, Range 4 West: N1/2 of section 7. Township 12 North, Range 5 West: SE1/4 of Section 1; NE1/4 of Section 12; all of Section 27; E1/2, SW1/4 of Section 28; all of Section 29; S1/2S1/2 of Section 30; all of Section 31; all of Section 32; all of Section 33; all of Section 34; all of Section 35. Township 12 North, Range 6 West: all of Section 25; all of Section 26; all of Section 35; N1/2NE1/4, NE1/4NW1/4 of Section 36. Township 14 North, Range 6 West: that portion lying east of Fall River of Section 11; NW1/4 and S1/2 of Section 12; all of Section 13; all of Section 24. Township 14 North, Range 2 East: that portion lying east of Skookumchuck River of Section 10; that portion lying east of Skookumchuck River of Section 11; S1/2N1/2, S1/2 of Section 12; that portion lying west of Skookumchuck River of Section 13; that portion lying east of Skookumchuck River of Section 14. Township 14 North, Range 3 East: that portion lying east of Deschutes River of Section 1; N1/2 of Section 4; all of Section 6; W1/2SE1/4, SW1/4, SW1/4NE1/4, S1/2NW1/4 of Section 7. Township 14 North, Range 4 East: All of Section 7. Township 15 North, Range 3 East: E1/2 of Section 25; S1/2 of Section 29; all of Section 32; all of Section 33; W1/2NE1/4, NW1/4 of Section 34. Tilton District, Township 13 North, Range 2 East: all of Section 1; all of Section 12; N1/2, N1/2SE1/4, NE1/4SW1/4 of Section 13. Township 13 North, Range 3 East: all of Section 5; all of Section 7; E1/2 of Section 13; N1/2, N1/2S1/2, S1/2SE1/4, SE1/4SW1/4 of Section 17; N1/2, NW1/4SE1/4, NE1/4SW1/4, Lots 3, 4, & 7 of Section 18. Township 13 North, Range 4 East: Pts. N1/2, N1/2SW1/4 along north side of Tumble Creek of Section 7; North of E 450 Road of Section 19; North of E 450 Road of Section 20; N1/2NW1/4 of Section 28; N1/2NE1/4, NE1/4NW1/4 of Section 29. Township 13 North, Range 7 East: all of Section 4; all of Section 6. Township 14 North, Range 2 East: NE1/4 of Section 31; S1/2 of Section 32. Township 14 North, Range 3 East: all of Section 29. Township 14 North, Range 4 East: parts S1/2SE1/4, access to lakes is not restricted of Section 29. Township 14 North, Range 5 East: N1/2 of

Section 7; all of Section 21; all of Section 22; that portion lying west of Mineral Creek of Section 23; all of Section 25; all of Section 26; all of Section 27; N1/2, SE1/4 of Section 28; N1/2, N1/2SE1/4, SW1/4SE1/4, SW1/4 of Section 29; all of Section 31; all of Section 33; N1/2, SE1/4 of Section 34; all of Section 35.

When, in the opinion of the Area Manager, the fire hazard is sufficiently low on the lands herein described to permit public access thereto, he may suspend this Notice by issuing a news release to the newspapers of general circulation in the area and to radio and television stations serving the area, specifying the date and time of suspension, and by removing the posted notice of the hazardous area closure at the access points.

When, in the opinion of the Area Manager, the fire hazard is no longer sufficiently low to permit public access to the above-described lands, he will reinstate this hazardous area notice by giving the same notice to the public, specifying the date and time this notice again becomes effective, and replacing the posted notice of the hazardous area closure at the access points.

For the protection of the above described areas against fire, the following rule will be enforced: Entry into this area is prohibited except as provided by law with reference to permanent residents and industrial operations.

Anyone violating any such rules and regulations or order closing any forest region shall be guilty of a misdemeanor.

Effective from midnight, July 7, 1979 to midnight, October 5, 1979.

#### NEW SECTION

**WAC 332-26-050 NORTHWEST AREA CLOSURES** Whatcom, Skagit and Snohomish Counties. Whatcom County, Township 40 North, Range 6 East: Portion of the SW1/4 of Section 1; NE1/4 of Section 2; S1/2SW1/4 of Section 22; N1/2NW1/4, SE1/4NW1/4 of Section 26. Township 39 North, Range 7 East: SW1/4 of Section 17; S1/2 of Section 18; E1/2NE1/4, W1/2 of Section 19; W1/2NW1/4, NE1/4NW1/4 - less corridor for Coal Cr. Rd. of Section 20; W1/2NE1/4, E1/2NW1/4, S1/2 of Section 29; N1/2NW1/4, and E1/2SW1/4 of Section 30. Township 39 North, Range 6 East: S1/2N1/2, SE1/4 of Section 13; W1/2E1/2 of Section 24; SE1/4, SE1/4NW1/4, NE1/4SW1/4, NE1/4 of Section 29; Pt. NE1/4NE1/4 - North of DE-SP-800 Rd. of Section 32; NW1/4NW1/4, E1/2SE1/4, S1/2NW1/4SE1/4 of Section 33; S1/4NW1/4, NE1/4SW1/4 of Section 35. Township 39 North, Range 5 East: NW1/4NE1/4 of Section 24; E1/2NW1/4SW1/4, SW1/4SW1/4 of Section 25. Township 38 North, Range 6 East: E1/2E1/2 of Section 2; SE1/4SE1/4 of Section 11; NE1/4NE1/4 of Section 14; NE1/4SE1/4 of Section 19; W1/2SW1/2 of Section 28; W1/2NW1/4, SE1/4NW1/4, E1/2SW1/4, SE1/4 all North of N-4000 Rd. of Section 29; E1/2E1/2 less 30 ft. corridor for N-4000 Rd. of Section 30; W1/2NW1/4 south of N-4000 Rd. '79 logging slash only and N1/2S1/2 less 30 ft. corridor for N-4000

Rd. '79 logging slash only of Section 33; Pt. W1/4NW1/4 1979 logging slash only of Section 34. Township 38 North, Range 5 East: Pt. NW1/4 of Section 13. Township 38 North, Range 4 East: W1/2 of Section 10; W1/2 of Section 15; S1/2NW1/4, N1/2SW1/4 and Pt. W1/2SW1/4NE1/4 of Section 26. Township 37 North, Range 6 East: Pt. NW1/4 1979 logging slash only of Section 4; W1/2NE1/2NW1/4, N1/2SW1/4 of Section 8; SW1/4NE1/4 1979 logging slash only of Section 9. Township 37 North, Range 5 East: S1/2SW1/4 of Section 14; NW1/4 of Section 23.

Skagit County, Township 36 North, Range 8 East: W1/2, NW1/4SE1/4, S1/2SE1/4, N1/2NE1/4, SW1/4NE1/4 of Section 18; all of Section 19; S1/2, W1/2NW1/4 of Section 20; S1/2SW1/4, SW1/4SE1/4 West of Baker Lake Hiway of Section 21; NW1/4NW1/4 of Section 28; all except SW1/4SW1/4 of Section 30; N1/2NE1/4NW1/4 of Section 31. Township 36 North, Range 7 East: S1/2SE1/4NW1/4, S1/2NE1/4, S1/2 of Section 22; S1/2SW1/4, NW1/4SW1/4, S1/2SE1/4 of Section 23; NE1/4SW1/4, S1/2S1/2 of Section 24; N1/2, NE1/4SE1/4 of Section 25; NE1/4NE1/4, N1/2NW1/4NE1/4 of Section 26. Township 36 North, Range 6 East: SW1/4 of Section 17; S1/2NE1/4, E1/2NW1/4, N1/2SE1/4 of Section 18. Township 36 North, Range 5 East: SE1/4NW1/4, S1/2SW1/4, SE1/4 of Section 10; all of Section 15; N1/2N1/2, W1/2NW1/4SE1/4, SW1/4SE1/4, SW1/4NE1/4 of Section 22; S1/2, SE1/4NE1/4SW1/4, SW1/4NW1/4SE1/4 of Section 23; SW1/4NE1/4, NW1/4NW1/4, W1/2SE1/4SE1/4 of Section 25; NW1/4SE1/4, N1/2 of Section 26. Township 35 North, Range 11 East: S1/2SW1/4, SW1/4SE1/4, E1/2NE1/4SE1/4NW1/4, W1/2SW1/4NE1/4 of Section 29; SE1/4SW1/4, SE1/4, SW1/4NE1/4 of Section 30; N1/2NE1/4, NW1/4, W1/2SW1/4 of Section 32. Township 35 North, Range 8 East: S1/2SW1/4 south of Finney Creek of Section 25; SE1/4NW1/4, S1/2 of Section 26; S1/2NW1/4, S1/2 of Section 27; NE1/4, SE1/4NW1/4, N1/2SW1/4, NW1/4SE1/4 of Section 28; SE1/4NE1/4 of Section 34; W1/2, NE1/2NE1/4 of Section 35. Township 34 North, Range 9 East: S1/2 of Section 7; S1/2 of Section 8; S1/2SW1/4NW1/4, SW1/4 of Section 9; N1/2 of Section 17; all of Section 18. Township 33 North, Range 10 East: S1/2S1/2SW1/4NW1/4, SW1/4SE1/4NW1/4 of Section 3.

Snohomish County, Township 31 North, Range 7 East: SW1/4SE1/4 of Section 15; NE1/4, NW1/4SE1/4, SE1/4SE1/4 of Section 21; W1/2SW1/4, NE1/4SW1/4, SE1/4NE1/4 of Section 22; SW1/4SE1/4, S1/2NE1/4 of Section 23; E1/2, NE1/4NW1/4, SE1/4SW1/4 of Section 24; N1/2NE1/4, S1/2 of Section 25; NE1/4SE1/4 of Section 26; N1/2NW1/4, SW1/4NW1/4 of Section 27; NE1/4NE1/4 of Section 28; SW1/4 of Section 36. Township 31 North, Range 6 East: E1/2SW1/4, SE1/4SE1/4NW1/4, W1/2SE1/4 of Section 16. Township 30 North, Range 7 East: N1/2NW1/4, W1/2SW1/4, NE1/4NE1/4, S1/2NE1/4, NE1/4SE1/4 of Section 2; SE1/4NE1/4, SE1/4 of

Section 3; SE1/4, S1/2NE1/4 AND SW1/4 south of River of Section 9; NE1/4NE1/4, S1/2NW1/4, W1/2NE1/4 west of River, W1/2SW1/4 of Section 10; SW1/4NE1/4, SE1/4NW1/4, NW1/4NW1/4, NE1/4SW1/4, W1/2SE1/4, SE1/4SW1/4 of Section 11; S1/2NW1/4 (to be logged during summer of 1979) of Section 14; SE1/4NW1/4 of Section 15; NE1/4NE1/4 of Section 17; all except W1/2W1/2 of Section 23; S1/2 of Section 24; all except SW1/4SW1/4 of Section 25; E1/2NE1/4 of Section 26.

When, in the opinion of the Area Manager, the fire hazard is sufficiently low on the lands herein described to permit public access thereto, he may suspend this Notice by issuing a news release to the newspapers of general circulation in the area and to radio and television stations serving the area, specifying the date and time of the suspension, and by removing the posted notice of the hazardous area closure at the access points.

When, in the opinion of the area Manager, the fire hazard is no longer sufficiently low to permit public access to the above-described lands, he will reinstate this hazardous area notice by giving the same notice to the public, specifying the date and time this notice again becomes effective, and replacing the posted notice of the hazardous area closure at the access points.

For protection of the above described areas against fire, the following rule will be enforced: Entry into this area is prohibited except as provided by law with reference to permanent residents and industrial operations.

Anyone violating any such rules and regulations or order closing any forest region shall be guilty of a misdemeanor.

Effective from midnight, July 7, 1979 to midnight, October 5, 1979

#### NEW SECTION

WAC 332-26-060 SOUTH PUGET SOUND AREA King County. King County, Township 20 North, Range 11 East: E1/2, SW1/4, E1/2NW1/4 of Section 25. Township 20 North, Range 12 East: All of Section 27; W1/2, W1/2NE1/4 of Section 35, except the 800 Road up Tacoma Creek and a portion of the 208 road tying the 800 Road to Tacoma Pass, which shall be designated as a corridor.

When, in the opinion of the Area Manager, the fire hazard is sufficiently low on the lands herein described to permit public access thereto, he may suspend this Notice by issuing a news release to the newspapers of general circulation in the area and to radio and television stations serving the area, specifying the date and time of the suspension, and by removing the posted notice of the hazardous area closure at the access points.

When, in the opinion of the Area Manager, the fire hazard is no longer sufficiently low to permit public access to the above-described lands, he will reinstate this hazardous area notice by giving the same notice to the public, specifying the date and time this notice again becomes effective, and replacing the posted notice of the hazardous area closure at the access points.

For protection of the above described areas against fire, the following rule will be enforced: Entry into this

area is prohibited except as provided by law with reference to permanent residents and industrial operations.

Anyone violating any such rules and regulations or order closing any forest region shall be guilty of a misdemeanor.

Effective from midnight, July 7, 1979 to midnight, October 5, 1979.

#### NEW SECTION

WAC 332-26-070 SOUTHEAST AREA CLOSURES Skamania and Klickitat Counties. Skamania County, Township 4 North, Range 9 East: S1/2SE1/4 of Section 13; S1/2NE1/4 of Section 24.

Klickitat County, Township 4 North, Range 10 East: SW1/4 of Section 5; NW1/4NW1/4 of Section 8.

When, in the opinion of the Area Manager, the fire hazard is sufficiently low on the lands herein described to permit public access thereto, he may suspend this Notice by issuing a news release to the newspapers of general circulation in the area and to radio and television stations serving the area, specifying the date and time of suspension, and by removing the posted notice of the hazardous area closure at the access points.

When, in the opinion of the Area Manager, the fire hazard is no longer sufficiently low to permit public access to the above-described lands, he will reinstate this hazardous area notice by giving the same notice to the public, specifying the date and time this notice again becomes effective, and replacing the posted notice of the hazardous area closure at the access points.

For protection of the above described areas against fire, the following rule will be enforced: Entry into this area is prohibited except as provided by law with reference to permanent residents and industrial operations.

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Effective from midnight, July 7, 1979 to midnight, October 5, 1979.

#### WSR 79-08-004

#### NOTICE OF PUBLIC MEETINGS URBAN ARTERIAL BOARD [Memorandum—July 6, 1979]

Beginning at 9:30 a.m., Thursday, July 19, 1979

1. Minutes of UAB meeting, April 19, 1979
2. Report of Chairman
  - a. Functional Classification Update
  - b. Needs Study Update
3. Apportionment of funds deposited into the Urban Arterial Trust Account between April 1, 1979 and June 30, 1979.
4. Allocation of Urban Arterial Trust Funds to previously authorized projects for the third quarter 1979.

5. Review obligation status of Urban Arterial Trust Funds.
6. Proposed authorization of Urban Arterial Trust Funds for construction on approved projects in Federal Urban Areas and Rural Incorporated Cities.
7. Review and consider adoption of proposed WAC rule changes previously filed with Code Reviser's Office.

247-16 Procedures and Fees for Preparation and Processing of Applications for Authority Assistance

Chapter 247-02 WAC

ORGANIZATION, OPERATIONS AND PROCEDURES

WAC

- |            |                             |
|------------|-----------------------------|
| 247-02-010 | Purpose                     |
| 247-02-020 | Rules of Interpretation     |
| 247-02-030 | Definitions                 |
| 247-02-040 | Description of Organization |
| 247-02-050 | Operations and Procedures   |

NEW SECTION

WAC 247-02-010 PURPOSE. The purpose of this chapter shall be to ensure compliance by the Washington Health Care Facilities Authority with the provisions of chapter 42.17 RCW (Initiative 276), and chapter 34.04 RCW.

NEW SECTION

WAC 247-02-020 RULES OF INTERPRETATION. (1) All adjectives and adverbs, including but not limited to the words "adequate," "approved," "qualified," "reasonable," "reputable," "satisfactory," "sufficiently," and "suitable," as used in Title 247 WAC to qualify a person, procedure, process or otherwise shall be as determined by the Authority or its designee.

(2) Where the word "shall" is used in Title 247 WAC, the subject rule or action to which the word relates is mandatory.

(3) Where the word "should" is used in Title 247 WAC, it indicates suggestion or recommendation but not a requirement.

(4) Where the word "may" is used in Title 247 WAC, the action or rule to which the word relates is permissive or discretionary.

(5) Words importing the singular number may also be applied to the plural of persons and things; words importing the plural may be applied to the singular, and words importing the masculine gender or relating to a man may also be extended to the feminine gender and be considered to relate equally to a woman.

NEW SECTION

WAC 247-02-030 DEFINITIONS. (1) "Act" means chapter 147, Laws of 1974, 1st ex. sess., and chapter 70.37 RCW.

(2) "Washington Health Care Facilities Authority" and "Authority" each mean the corporate and politic public body created by the Act and also refer to the staff and employees of the Authority.

The terms defined in the Act shall have the same meaning when used in Title 247 WAC.

NEW SECTION

WAC 247-02-040 DESCRIPTION OF ORGANIZATION. (1) The Authority is a public entity established under the provisions of chapter 70.37 RCW, which exercises essential governmental functions.

(2) Members. The Authority consists of the Governor, the Lieutenant Governor, the Insurance Commissioner,

WSR 79-08-005

EMERGENCY RULES

HEALTH CARE FACILITIES AUTHORITY

[Order 1, Resolution 1—Filed July 6, 1979]

Be it resolved by the Washington Health Care Facilities Authority, acting at the office of the Governor, Legislative Building, Olympia, Washington, that it does promulgate and adopt the annexed rules relating to the organization and general operating rules of the Authority; and the procedures for the preparation and processing of applications for financing of health care facilities, and for the issuance of bonds, through the Authority.

We, the Washington Health Care Facilities Authority, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is implementation of Authority tax-exempt financing requires prior court test of its constitutionality; immediate rules are needed to permit application for such funding as a basis for such test; since such funding should substantially reduce health care costs to both the State and Federal Governments and private individuals, there is urgency to contain and reduce these costs as promptly as possible.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 70.37.050 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED June 26, 1979.

By Anthony I. Eyring  
Secretary

Title 247 WAC

WASHINGTON HEALTH CARE FACILITIES AUTHORITY

Chapters

- |        |   |
|--------|---|
| 247-02 | Organization, Operations and Procedures |
| 247-12 | Public Records                          |

the Chairman of the Washington State Hospital Commission; and one public member appointed by the Governor on the basis of his or her interest or expertise in health care delivery, and confirmed by the Senate for a term of four years. If the public office of any of the first four mentioned members is abolished, the resulting vacancy on the Authority shall be filled by the officer who shall succeed substantially to the powers and duties thereof.

(3) **Officers.** The officers of the Authority shall be a Chairman, who shall be the Governor, and a Secretary. The Secretary shall hold office for two years, or until his or her successor is later elected, and shall be elected by a majority vote of the members from among themselves. Whenever a vacancy occurs in the office of Secretary, the members of the Authority shall elect a successor who shall serve out the remaining term.

(4) **Authority staff:** The staff of the Authority shall consist of an Executive Director and such other employees as are determined by the Authority as necessary to fulfill its responsibilities and duties. The Executive Director shall be the chief administrative officer of the Authority and subject to its direction. All other staff shall be under his or her supervision and direction. The Executive Director shall keep a record of the proceedings of the Authority and, when required by the Authority, shall sign notes, contracts and other instruments and affix thereto the seal of the Authority. The Executive Director shall have custody of and be responsible for all moneys and securities of the Authority and shall deposit all such moneys forthwith in such banks as the Authority may designate from time to time.

Provided, however, that the Secretary of the Authority, elected from time to time, shall exercise the duties of Executive Director specified in these rules until such time as an Executive Director is retained by the Authority.

(5) **Administrative Office:** The Administrative Office of the Authority shall be located, until such time as an Executive Director is retained by the Authority, at 4300 Seattle-First National Bank Building, Seattle, WA 98154, which office shall be open each day for the transaction of business from 9:00 a.m. to 5:00 p.m. (Saturdays, Sundays and legal holidays excepted, and except for business relating to public records, which is governed by WAC 247-12-050).

(5) **Address for Communications:** All communications with the Authority, including but not limited to the submission of materials pertaining to its operations and these rules, requests for copies of the Authority's decisions and other matters, shall be addressed as follows: Washington Health Care Facilities Authority, 4300 Seattle-First National Bank Building, Seattle, WA 98154.

## NEW SECTION

**WAC 247-02-050 OPERATIONS AND PROCEDURES.** (1) **Uniform Procedure Rules:** Practice and procedure in and before the Authority are governed by the Uniform Procedural Rules codified in the Washington Administrative Code, WAC 1-08-005

through 1-08-590, as now or hereafter amended, which rules the Authority adopts as its own, subject to any additional rules the Authority may add from time to time. The Authority reserves the right to make whatever determination is fair and equitable should any question not covered by its rules come before the Authority, said determination to be in accordance with the spirit and intent of the law.

(2) **Authority Meetings:** The meetings of the Authority shall all be "special meetings" as that designation is applied in chapter 42.30 RCW. They may be called at any time and place by the Chairman or a majority of the members of the Authority. At least ten days' notice of all special meetings shall be given by delivering personally or by mail to each member a written notice specifying the time and place of the meeting and a copy of the agenda prepared by the Executive Director in consultation with the Chairman, and by giving such notice to the public as may be required by law. If an emergency is deemed to exist, the Chairman may shorten the notice period to not less than twenty-four hours. An executive session may be called by the Chairman or by a majority of all members of the Authority to consider the appointment, employment or dismissal of an officer or employee, and such other matters as are permitted by RCW 42.30.110.

(3) **Quorum:** Three members shall constitute a quorum, and the act of a majority of the members present at any meeting, if there is a quorum, shall be deemed the act of the Authority except as specified hereafter in WAC 247-02-050(7).

(4) **Chairman's Voting Rights:** The Chairman shall have the right to vote on all matters before the Authority, just as any other Authority member.

(5) **Minutes of Meetings:** Minutes shall be kept of the proceedings of the Authority.

(6) **Rules of Order:** The Authority shall generally follow Robert's Rules of Order, newly revised, in conducting its business meetings.

(7) **Form of Authority Action:** The Authority may act on the basis of a motion except when authorizing issuance of bonds pursuant to WAC 247-16-070 and when adopting a plan and system of an applicant pursuant to WAC 247-16-080, and when otherwise taking official and formal action with respect to the creation of special funds and the issuance and sale of bonds for a project of a participant, in which case the Authority shall act by resolution. Such resolutions shall be adopted upon the affirmative vote of a majority of the members of the Authority and shall be signed by the Chairman and attested by the Secretary. Motions shall be adopted upon the affirmative vote of a majority of a quorum of members present at any meeting and shall be signed by the Chairman and attested by the Secretary except in the absence from the meeting of either the Chairman or the Secretary, in which case the motion shall be signed by the members voting affirmatively.

(8) **Public participation in the meetings of the Authority shall be as follows:**

(a) Any person or organization wishing to make a formal presentation at a regularly scheduled meeting of the Authority shall so notify the Executive Director in

writing at least forty-eight hours prior to the time of the meeting.

(i) Such notification shall contain the name of the person, association, corporation or organization that desires to make a presentation; the address of such person and; if applicable, the address of the entity to be represented in the presentation; and the topic to be presented or discussed.

(ii) Permission to make a presentation to the Authority shall be granted by the Executive Director as authorized by the Authority.

(iii) Confirmation of permission to make a presentation to the Authority shall be made, if at all possible, by the Authority staff prior to the meeting of the Authority and shall include the date and time of the meeting and time set for the formal presentation.

(b) The Chairman of the Authority shall have the discretion to recognize anyone in the audience who indicates in writing at the time of the meeting a desire to speak at such meeting, provided that remarks by any individual person shall be limited to five minutes unless a time extension is granted by the Chairman.

**Chapter 247-12 WAC  
PUBLIC RECORDS**

**WAC**

247-12-010	Purpose
247-12-020	Definitions
247-12-030	Public Records Available
247-12-040	Public Records Officer
247-12-050	Office Hours
247-12-060	Requests for Public Records
247-12-070	Copying
247-12-080	Exemptions and Denials of Requested Public Records
247-12-090	Review of Denials of Public Records Requests
247-12-100	Protection of Public Records
247-12-101	Records Index

**NEW SECTION**

**WAC 247-12-010 PURPOSE.** The purpose of this chapter shall be to ensure compliance by the Washington Health Care Facilities Authority with the provisions of RCW 42.17.250 through .340, dealing with public records.

**NEW SECTION**

**WAC 247-12-020 DEFINITIONS.** (1) "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency, regardless of physical form or characteristics.

(2) "Writing" means handwriting, typewriting, printing, photostating, photographing and every other means of recording any form of communication or representation, including letters, words, pictures, sounds or symbols, or any combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and

prints, magnetic or punched cards, discs, drums and other documents.

(3) "Washington Health Care Facilities Authority" and "Authority" each refers to that state agency described in WAC 247-02-030.

**NEW SECTION**

**WAC 247-12-030 PUBLIC RECORDS AVAILABLE.** All public records of the Authority are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW 42.17.310.

**NEW SECTION**

**WAC 247-12-040 PUBLIC RECORDS OFFICER.** The Authority's public records shall be under the charge of the Public Records Officer designated by the Executive Director of the Authority. The person so designated shall be located in the Administrative Office of the Authority. The Public Records Officer shall be responsible for implementing the Authority's rules and regulations regarding release of public records, coordinating the staff of the Authority in this regard and generally ensuring compliance by the staff with the public records disclosure requirements of chapter 42.17 RCW.

**NEW SECTION**

**WAC 247-12-050 OFFICE HOURS.** Public records shall be available for inspection and copying from 9:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

**NEW SECTION**

**WAC 247-12-060 REQUESTS FOR PUBLIC RECORDS.** In accordance with the requirements of chapter 42.17 RCW that agencies prevent unreasonable invasion of privacy, that they protect public records from damage or disorganization and that they prevent excessive interference with essential functions of the agency, public records may be inspected or copied or copies of such records may be obtained by members of the public upon compliance with the following procedures:

(1) A request shall be made in writing upon a form prescribed by the Authority, which form shall be available at its Administrative Office. The form shall be presented by the Public Records Officer, or to any member of the Authority's staff if the Public Records Officer is not available, at the Administrative Office of the Authority during the office hours specified in WAC 247-12-050. The request shall include the following information:

- (a) The name of the person requesting the record;
- (b) The time of day and calendar date on which the request was made;
- (c) The nature of the request;
- (d) If the matter requested is referenced within the current index maintained by the Public Records Officer,

a reference to the requested record as it is described in such current index;

(e) If the requested matter is not identifiable by reference to the Authority's current index, an appropriate description of the record requested.

#### NEW SECTION

**WAC 247-12-070 COPYING.** No fee shall be charged for the inspection of public records. The Authority shall charge a fee of 25 cents per page of copy for providing copies of public records and for use of the Authority's copying equipment. This charge is the amount necessary to reimburse the Authority for its actual costs incident to such copying.

#### NEW SECTION

**WAC 247-12-080 EXEMPTIONS AND DENIALS OF REQUESTED PUBLIC RECORDS.**

(1) The Authority reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 247-12-060 is exempt under the provisions of RCW 42.17.310.

(2) In addition, pursuant to RCW 42.17.260, the Authority reserves the right to delete identifying details when it makes available or publishes any public record in any cases when there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 42.17 RCW. The Public Records Officer will fully justify such deletion in writing.

(3) All denials of requests for public records must be accompanied by a written statement specifying the reason for authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld.

#### NEW SECTION

**WAC 247-12-090 REVIEW OF DENIALS OF PUBLIC RECORDS REQUESTS.** (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement by the Public Records Officer or other staff member which constituted or accompanied the denial.

(2) Immediately after receiving a written request for review of a decision denying a public record, the Public Records Officer or other staff member denying the request shall refer it to the Executive Director of the Authority. The Executive Director may request that a special meeting of the Authority be called as soon as legally possible to review the denial. In any case, the request shall be returned with a final decision within two business days following the original denial.

(3) Administrative remedies shall not be considered exhausted until the Authority has returned the petition with a decision or until the close of the second business day following denial of inspection, whichever occurs first.

#### NEW SECTION

**WAC 247-12-100 PROTECTION OF PUBLIC RECORDS.** In order that public records maintained on the premises of the Authority may be protected from damage or disorganization as required by chapter 42.17 RCW, the following procedures and practices are hereby instituted:

(1) Upon receipt of a request by a member of the public for a public record, the Public Records Officer or the staff member in the Authority's office receiving the request shall review the request for a public record and the requested public record to determine whether deletions from such record should be made or the request for such record should be denied pursuant to WAC 247-12-080.

(2) Only after a determination has been made that all or such portion of a public record as is not deleted may be inspected shall such public record or portion thereof be made available for inspection by a member of the public.

(3) Only the staff and members of the Authority may open Authority files to gain access to Authority records for either Authority business or to respond to a request for a public record.

(4) No public record of the Authority may be taken from the premises of the Authority by a member of the public.

(5) Public inspection of Authority records shall be done only in such locations as are approved by the Public Records Officer, which locations must provide an opportunity for Authority staff members to ensure that no public record of the Authority is damaged, destroyed, unreasonably disorganized or removed from its proper location or order by a member of the public.

(6) Public records of the Authority may be copied only on the copying machines of the Authority unless other arrangements are authorized by the Public Records Officer.

#### NEW SECTION

**WAC 247-12-101 RECORDS INDEX.** (1) The Authority has available to all persons a current index which provides identifying information as to the following records issued, adopted or promulgated since its inception:

(a) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(b) Those statements of policy and interpretations of policy statute and the Constitution which have been adopted by the Authority;

(c) Administrative staff manuals and instructions to staff that affect a member of the public;

(d) Planning policies and goals, and interim and final planning decisions;

(e) Factual staff reports and studies, factual consultants' reports and studies, scientific reports and studies, and reports or surveys, whether conducted by public employees or others, and

(f) Correspondence, and materials referred to therein, by and with the Commission relating to any regulatory,

supervisory or enforcement responsibilities of the Authority whereby the Authority determines, or opines upon, or is asked to determine or opine upon the rights of the state, the public, a subdivision of state government or any private party.

(2) The current index promulgated by the Authority shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection.

**Chapter 247-16 WAC  
PROCEDURES AND FEES FOR PREPARATION  
AND PROCESSING OF APPLICATIONS FOR  
AUTHORITY ASSISTANCE**

**WAC**

247-16-010	Purpose
247-16-020	Definitions
247-16-030	Applications for Financial Assistance
247-16-040	Fees
247-16-050	Processing of Application
247-16-060	Priorities Regarding Applicant Funding
247-16-070	Authority Action on Applications
247-16-080	Adoption of Plan and System

**NEW SECTION**

**WAC 247-16-010 PURPOSE.** The purpose of this chapter shall be to set forth the procedures pursuant to which the Authority determines those hospitals to which the Authority will give financial assistance.

**NEW SECTION**

**WAC 247-16-020 DEFINITIONS.** (1) "Applicant" means a participant which submits an application to the Authority.

(2) "Application" means a formal request for the providing of bonds for the financing of a health care facility by the Authority, in a format and containing such information as the Authority shall specify in these rules or in the application instructions and which is signed and sworn to by a representative designated by formal action of the applicant's governing board or equivalent.

**NEW SECTION**

**WAC 247-16-030 APPLICATIONS FOR FINANCIAL ASSISTANCE.** Because the needs of hospitals in the state vary substantially, no application forms shall be provided by the Authority. However, an applicant should furnish the following information to the Authority, where applicable, with its request for financial assistance, and such other information as is deemed pertinent by the applicant or the Executive Director of the Authority:

(1) Identification of applicant:

(a) Legal name and address of applicant;

(b) Names, titles and telephone numbers of Chief Executive Officer, Chief Financial Officer and person assigned responsibility for liaison with the Authority;

(c) Names, addresses and telephone numbers of applicant's legal counsel, outside accounting firm and financial consultant or investment banking firm (if any);

(d) Description of applicant's legal structure (e.g., private nonprofit corporation, public district hospital). If private, describe type and ownership of stock, if any, how assets held and by whom; and attach copies of Articles of Incorporation or similar documentation;

(e) If applicant is a private hospital, attach a copy of IRS determination of 501(c)(3) status;

(f) Religious or other group affiliation, if any.

(2) Project for which financial assistance is sought (if applicable):

(a) Amount and requested terms of repayment for financing sought;

(b) General description of project to be accomplished with Authority financial assistance;

(c) Current status of planning for project and dates proposed for (i) completion of drawings for project, if necessary (attach copies if completed); (ii) filing of environmental impact statement, if necessary; (iii) entry into construction contract; and (iv) completion or occupancy;

(d) Recommendations of the appropriate regional Health Systems Agency, and of the State Hospital Commission, or the current status of their respective reviews;

(e) Current status of certificate of need for project. If certificate has been issued, attach copy;

(f) Cost of project (including simple breakdown of costs of general construction, site work, utilities, equipment, land acquisition, architects' and other fees, contingency, interim interest, other);

(g) Sources of funds for payment of project costs and dates of expected receipt (assistance from Authority, interim financing, grants, funds on hand, interest and profit on interim investment of construction funds, other);

(h) Amount of projected revenues to be derived from project, the sources of such revenues, when expected to begin, and a three-year projection;

(i) Feasibility studies on project, if any (attach copy if one has been completed);

(j) Proposed security for Authority-issued bonds;

(k) Contracts or preliminary arrangements with planners, architects, consultants, investment banking firm, if any, regarding project.

(3) Debt to be refinanced with Authority assistance (if applicable):

(a) Amount, date, maturity or maturities, interest rate or rates, prepayment penalties, if any, debt service and form of applicant's existing debt to be refinanced;

(b) Source of revenue for payment of existing debt, security for debt and rating, if any, assigned to debt instruments at time of debt issuance;

(c) Most recent decision and order of the State Hospital Commission on its annual review of the applicant's budget;

(d) Holder of debt (if ascertainable);

(e) Any negative debt service payment history;

(f) Proposed security for new Authority-issued debt;

(g) Proposed date schedule for accomplishing debt refinancing.

(4) Finances of applicant:

(a) Audited (if audited) financial statements for past three years;

(b) Latest current financial statement;

(c) Current year's budget of revenues, expenses and capital expenditures;

(d) Projection of revenues, expenses, capital expenditures for next three-five years, including revenues and expenses of proposed project (if applicable);

(e) Description of long-term debts of applicant, if not already given above, including date incurred, by whom held, debt service schedule, interest rate, form of debt, source of revenues for repayment, security for repayment;

(f) Sources of hospital revenues (private patient, Medicare, Medicaid, welfare, Blue Cross, grants, etc.) and approximate dollar volumes and percentages of total revenues for each source in last three years.

(5) General:

(a) Pending or threatened litigation or administrative actions with potential of material adverse effect on applicant;

(b) Willingness and ability of applicant to convey all of the real and personal property of hospital or of the project to Authority until bonds are retired, with reconveyance of said property to applicant thereafter for \$10.00. If willing and able to convey, estimate of time to accomplish and any expected obstacles;

(c) Brief description of existing medical facilities, including number of beds, number of medical and other staff, categories of medical services offered, and laboratory and research facilities, if any;

(d) Brief description of hospital expansion plans, if any, in next ten years;

(e) Brief summary of statistics (last three years, if available) on percentage of bed occupancy and types and numbers of patients cared for (inpatient, outpatient, welfare, etc);

(f) Estimate of aggregate savings over the life of the proposed financing to be realized by applicant through Authority financing by tax-exempt bonds as compared to financing through taxable obligations. Specify interest assumptions on which savings calculations based;

(g) Describe means applicant proposes to use to ensure that savings from tax-exempt financing are passed on to patients of applicant.

#### NEW SECTION

WAC 247-16-040 FEES. (1) Authorization to charge fees: The Authority, pursuant to RCW 70.37.090, shall require applicants to pay fees and charges to the Authority to provide it with funds for investigations, financial feasibility studies, expenses of issuance and sale of bonds, and other charges for services provided by the Authority in connection with projects undertaken, as well as the operating and administrative expenses of the Authority. In accordance with this authorization, an applicant shall pay to the Authority such fees and charges as are necessary to

meet any and all expenses incurred by the Authority in connection with the processing of the application of the applicant, together with an annual service fee to defray expenses of the Authority in administering and servicing the financing provided to the applicant and other allocable expenses of the Authority.

All of the costs and expenses of the Authority shall be paid from such fees. No moneys of the State of Washington shall be expended for such purposes.

(2) Initial payment on fees and charges obligation: An applicant shall submit with its application an initial remittance of \$7,500.00, to be credited against the fees and charges imposed or to be imposed by the Authority on such applicant pursuant to this section. In addition, the application shall contain an appropriate legal commitment to indemnify the Authority against any expenses or costs incurred by it in connection with the processing of the applicant's application and the completion of any project or plan and system subsequently approved and undertaken by the Authority, as well as an annual service fee to defray expenses of the Authority in administering and servicing the financing provided to the applicant and other allocable expenses of the Authority, which annual fee shall be imposed so long as financing is being provided by the Authority to the applicant.

Provided, however, that the initial applicants whose applications are used for purposes of testing in court the constitutionality of the Act shall pay such fees as are necessary to defray all expenses of the Authority in processing such applications and conducting such court test. The amount or amounts of such fees and the time or times and the manner in which such fees are to be paid shall be determined by the Secretary of the Authority, elected from time to time. Such initial applicants shall provide to the Authority an appropriate legal commitment to indemnify the Authority against such expenses. If such court test is successful and financing is provided by the Authority pursuant to such initial applications, the Authority may waive the levy of annual service fees upon such applicants.

(3) Refund of excess fees: The Authority will refund any surplus fees paid or deposited by an applicant or participant which exceed the actual application-processing expenses and Authority-determined pro rata administrative and operating costs of the Authority.

#### NEW SECTION

WAC 247-16-050 PROCESSING OF APPLICATION. An application will be reviewed by the Executive Director and such Authority staff as he or she determines. Upon completion of Authority staff analysis and recommendations, such staff analysis and recommendations and the application shall be presented to the Authority for appropriate action.

#### NEW SECTION

WAC 247-16-060 PRIORITIES REGARDING APPLICANT FUNDING. The Authority may establish and revise priorities for the providing of assistance to

applicants based on criteria which best effectuate the purposes of the Act, including but not limited to:

(1) Determinations of area-wide needs for additional or improved health care facilities;

(2) Determinations regarding public benefit and good; and

(3) Determinations regarding the reasonable expectations that the project can be funded on terms satisfactory to the Authority.

#### NEW SECTION

**WAC 247-16-070 AUTHORITY ACTION ON APPLICATIONS.** (1) The Authority shall meet to review and consider the staff analysis and recommendations and the application.

(2) The Authority may approve an application and its proposed plan or system and adopt a resolution authorizing the issuance of bonds for the requested financing where it determines:

(a) It is necessary or advisable for the benefit of the public health for the Authority to provide financing for the proposed project;

(b) The applicant can reasonably be expected to achieve successful completion of the health care facilities to be financed by the Authority;

(c) The proposed project and the issuance of bonds by the Authority for such project are economically feasible and can be undertaken on terms economically satisfactory to the Authority;

(d) The proposed health care facility, if completed as described in the application, will carry out the purposes and policies of the Act;

(e) The applicant has satisfied the Authority that substantially all of the savings realized by the applicant from the availability of financing through tax-exempt bonds, as contrasted to financing through taxable debt, will be passed on by the applicant to its patients;

(f) The applicant has reasonably satisfied the requirements of the Act and these regulations; and

(g) Other criteria that the Authority has determined are appropriate factors in its decision-making process have been met.

(3) The Authority may approve an application and its proposed plan or system and a bond resolution on a conditional basis where the criteria of WAC 247-16-070(2) have been met and pending satisfaction of such other conditions or requirements as the Authority shall determine to be reasonable and necessary in order the carry out the purposes, policies and requirements of the Act and these regulations. The applicant shall be notified in writing of such conditions or requirements, which may include, but need not be limited to, the amendment of an application, plan, or system or proposed bond resolution in order to meet the availability of funds, changes in costs, or other purposes or circumstances which may enhance the ability of the Authority or the applicant to complete the project or better serve the purposes and policies of the Act. Upon the satisfaction of such additional conditions or requirements, the application shall be deemed approved pursuant to WAC 247-16-070(2).

(4) The Authority may also deny an application; in such event, it shall notify the applicant of such action, specifying in writing the reasons for its denial.

#### NEW SECTION

**WAC 247-16-080 ADOPTION OF PLAN AND SYSTEM.** If the Authority approves an application for the financing of a health care facility pursuant to WAC 247-16-070(2), it shall:

(1) Work out and finalize, in cooperation with the participant, a project plan or system and the agreements and contracts to be entered into in order to carry out the purposes and policies of the Act, including contracts with respect to construction, financing, maintenance, operation and management;

(2) Adopt a system and plan therefor and declare the estimated cost thereof, as near as may be, including as part of such cost funds necessary for the expenses incurred in the financing, as well as in the construction or purchase or other acquisition, or in connection with the rental or other payment for the use thereof, interest during construction, reserve funds and any funds necessary for initial start-up costs; and

(3) Sell and issue its bonds for the purposes of the proposed plan or system pursuant to the resolution authorizing such bonds.

#### **WSR 79-08-006**

#### **EMERGENCY RULES**

#### **DEPARTMENT OF FISHERIES**

[Order 79-48—Filed July 6, 1979]

I, Gordon Sandison, director of Washington State Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing regulations.

I, Gordon Sandison, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is modifications of Puget Sound Salmon Management and Catch Reporting Areas were adopted at a hearing on June 13, 1979. This order provides immediate implementation. Areas closed for conservation by previous orders are now designated according to the new regulations. Area 6D is closed to protect Dungeness pink and fall chinook stocks. Portions of Area 10 are closed to protect Lake Washington sockeye. Areas 10C and 10D.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education

Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED July 6, 1979.

By Gordon Sandison  
Director

### NEW SECTION

**WAC 220-22-03000A PUGET SOUND SALMON MANAGEMENT AND CATCH REPORTING AREAS.** Notwithstanding the provisions of WAC 220-22-030, effective immediately until further notice:

(1) Area 4B shall include those waters of Puget Sound easterly of a line projected from the Bonilla Point Light on Vancouver Island to the Tatoosh Island Light, thence to the most westerly point on Cape Flattery and westerly of a line projected true north from the fishing boundary marker at the mouth of the Sekiu River.

(2) Area 5 shall include those waters of Puget Sound easterly of a line projected true north from the fishing boundary marker at the mouth of the Sekiu River and westerly of a line projected true north from Low Point.

(3) Area 6 shall include those waters of Puget Sound easterly of a line projected from the Angeles Point Monument to the William Head Light on Vancouver Island, northerly of a line projected from the Angeles Point Monument to the Partridge Point Light, westerly of a line projected from the Partridge Point Light to the Smith Island Light, to vessel traffic lane buoy R to the Trial Island Light.

(4) Area 6A shall include those waters of Puget Sound easterly of a line projected from the Partridge Point Light to the Smith Island Light to the most northeasterly of the Lawson Reef lighted buoys (RB 1 QK FL Bell) to Northwest Island to the Initiative 77 marker on Fidalgo Island and westerly of a line projected from Reservation Head on Fidalgo Island to West Point on Whidbey Island.

(5) Area 6B shall include those waters of Puget Sound southerly of a line projected from the Angeles Point Monument to the Partridge Point Light, westerly of a line projected from the Partridge Point Light to the Point Wilson Light, and easterly of a line projected 155° true from Dungeness Spit Light to Kulo Kala Point.

(6) Area 6C shall include those waters of Puget Sound easterly of a line projected true north from Low Point and westerly of a line projected from the Angeles Point Monument to the William Head Light on Vancouver Island.

(7) Area 6D shall include those water of Puget Sound westerly of a line projected 155° true from the Dungeness Spit Light to Kulo Kala Point.

(8) Area 7 shall include those waters of Puget Sound southerly of a line projected true west from the Sandy Point Light, northerly of a line projected from the Trial Island Light to vessel traffic lane buoy R to the Smith Island Light to the most northeasterly of the Lawson Reef lighted buoys (RB 1 QK FL Bell) to Northwest Island to the Initiative 77 marker on Fidalgo Island, and westerly of a line projected from Gooseberry Point on

the mainland true South to its intersection with Lummi Island (the Initiative 77 line), thence along the eastern shoreline of Lummi Island to Carter Point, thence to the most northerly tip of Vendovi Island, thence to Clark Point on Guemes Island following the shoreline to Southeast Point on Guemes Island, thence to March Point on Fidalgo Island.

(9) Area 7A shall include those waters of Puget Sound northerly of a line projected true west from the Sandy Point Light.

(10) Area 7B shall include those waters of Puget Sound easterly of a line projected from Gooseberry Point on the mainland true south to its intersection with Lummi Island (the Initiative 77 line), thence along the eastern shoreline of Lummi Island to Carter Point, thence to the most northerly tip of Vendovi Island, thence to Clark Point on Guemes Island, thence to March Point on Fidalgo Island and westerly of a line projected from William Point on Samish Island 28° true to Whiskey Rock at the North shore of Samish Bay.

(11) Area 7C shall include those waters of Puget Sound easterly of a line projected from William Point on Samish Island 28° true to Whiskey Rock at the north shore of Samish Bay.

(12) Area 8 shall include those waters of Puget Sound easterly of a line projected from West Point on Whidbey Island to Reservation Head on Fidalgo Island and northerly of a line projected from the light on East Point 340° true to the light on Camano Island (Saratoga Pass Light #2, Ser. No. 2497), and northerly of the State Highway 532 bridges between Camano Island and the mainland.

(13) Area 8A shall include those waters of Puget Sound southerly of a line projected from the East Point Light on Whidbey Island 340° true to the light on Camano Island (Saratoga Pass Light #2, Ser. No. 2497), northerly of a line projected from the southern tip of Possession Point true east to the mainland, and southerly of the State Highway 532 bridges between Camano Island and the mainland.

(14) Area 9 shall include those waters of Puget Sound southerly and easterly of a line projected from the Partridge Point Light to the Point Wilson Light, northerly of the Hood Canal Floating Bridge, southerly of a line projected from the southern tip of Possession Point true east to the mainland, and northerly of a line projected from the Apple Cove Point Light to Edwards Point.

(15) Area 10 shall include those waters of Puget Sound southerly of a line projected from the Apple Cove Point Light to Edwards Point, westerly of a line projected 70° true from flashing light No. 33 (Ser. No. 2470) located on Pt. Webster near the mouth of the Lake Washington Ship Canal to a point on the opposite shore, westerly of a line projected 7° true from a point on Duwamish Head through the Duwamish Head Light to Pier 91, northerly of a true east-west line passing through the Point Vashon Light, easterly of a line projected from Orchard Point to Beans Point on Bainbridge Island, and northerly and easterly of a line projected true west from Agate Point on Bainbridge Island to the mainland.

(16) Area 10A shall include those waters of Puget Sound easterly of a line projected 7° true from a point on Duwamish Head through the Duwamish Head Light to Pier 91.

(17) Area 10B shall include those waters of Puget Sound easterly of a line projected 70° true from flashing light No. 33 (Ser. No. 2470) located on Pt. Webster near the mouth of the Lake Washington Ship Canal to a point on the opposite shore, Salmon Bay, the Lake Washington Ship Canal, Lake Union, Portage Bay, Lake Washington northerly of the Evergreen Point Floating Bridge, and waters of the Sammamish River north of State Highway 908 Bridge.

(18) Area 10C shall include those waters of Lake Washington southerly of the Evergreen Point Floating Bridge.

(19) Area 10D shall include those waters of the Sammamish River south of the State Highway 908 Bridge and Lake Sammamish.

(20) Area 10E shall include those waters of Puget Sound westerly of a line projected from Orchard Point to Beans Point on Bainbridge Island and southerly and westerly of a line projected true west from Agate Point on Bainbridge Island to the mainland.

(21) Area 11 shall include those waters of Puget Sound southerly of a true east-west line passing through the Point Vashon Light, northerly of a line projected 240° true from the Browns Point Light to a point on the opposite shore in line with the KCPQ TV Tower in Tacoma, and northerly of the Tacoma Narrows Bridge.

(22) Area 11A shall include those waters of Puget Sound southerly of a line projected 240° true from the Browns Point Light to a point on the opposite shore in line with the KCPQ TV Tower in Tacoma.

(23) Area 12 shall include those waters of Puget Sound southerly of the Hood Canal Floating Bridge and northerly and easterly of a line projected from the Tskutsko Point Light to Misery Point.

(24) Area 12A shall include those waters of Puget Sound northerly of a line projected from Pulali Point true east to the mainland.

(25) Area 12B shall include those waters of Puget Sound southerly of a line projected from Pulali Point true east to the mainland, northerly of a line projected from Ayock Point true east to the mainland, and westerly of a line projected from the Tskutsko Point Light to Misery Point.

(26) Area 12C shall include those waters of Puget Sound southerly of a line projected from Ayock Point true east to the mainland and northerly and westerly of a line projected from Ayres Point to the fishing boundary marker at Union.

(27) Area 12D shall include those waters of Puget Sound easterly of a line projected from Ayers Point to the fishing boundary marker at Union.

(28) Area 13 shall include those waters of Puget Sound southerly of the Tacoma Narrows Bridge and a line projected 93° true from the marker on the Longbranch Peninsula to the point immediately north of Green Point and northerly and easterly of a line projected from the Devils Head Light to Treble Point, thence through lighted buoy No. 3 to the mainland.

(29) Area 13A shall include those waters of Puget Sound northerly of a line projected 93° true from the marker on the Longbranch Peninsula to the point immediately north of Green Point.

(30) Area 13B shall include those waters of Puget Sound westerly of a line projected from the Devils Head Light to Treble Point, thence through lighted buoy No. 3 to the mainland.

#### NEW SECTION

WAC 220-28-00400B MINIMUM SIZE-SALMON Effective July 6, 1979, until further notice, it shall be unlawful for treaty Indian fishermen to take, fish for or possess chinook salmon for commercial purposes less than 28 inches in length, taken with troll gear, from Washington coastal waters and Puget Sound Salmon Management and Catch Reporting Area 4B.

#### NEW SECTION

WAC 22-28-004BOL CLOSED AREA Effective July 6 through September 15, 1979, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes in Puget Sound Salmon Management and Catch Reporting Area 4B with drift gill net gear having a mesh size greater than 5-7/8 inches.

#### NEW SECTION

WAC 220-28-00500M CLOSED AREA Effective July 6, through September 15, 1979, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes in Puget Sound Salmon Management and Catch Reporting Area 5 with drift gill net gear having a mesh size greater than 5-7/8 inches.

#### NEW SECTION

WAC 220-28-00600M CLOSED AREA Effective July 6 through September 22, 1979, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes in Puget Sound Salmon Management and Catch Reporting Area 6 with net gear having a mesh size greater than 5-7/8 inches.

#### NEW SECTION

WAC 220-28-006A0I CLOSED AREA Effective July 6, through September 22, 1979, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes in Puget Sound Salmon Management and Catch Reporting Area 6A with net gear having a mesh size greater than 5-7/8 inches.

#### NEW SECTION

WAC 220-28-006B0L CLOSED AREA Effective July 6 through September 15, 1979, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes

with any type of gear in Puget Sound Salmon Management and Catch Reporting Area 6B.

#### NEW SECTION

WAC 220-28-006C0G CLOSED AREA Effective July 6 through September 15, 1979, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes in Puget Sound Salmon management and Catch Reporting Area 6C with drift gill net gear having a mesh size greater than 5-7/8 inches.

#### NEW SECTION

WAC 220-28-006D0A CLOSED AREA Effective immediately through September 22, 1979, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes with any type of gear in Puget Sound Salmon Management and Catch Reporting Area 6D.

#### NEW SECTION

WAC 220-28-00700D CLOSED AREA Effective July 6 through September 22, 1979, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes in Puget Sound Salmon Management and Catch Reporting Area 7 with net gear having a mesh size greater than 5-7/8 inches.

#### NEW SECTION

WAC 220-28-007A0C CLOSED AREA Effective July 6 through September 22, 1979, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes in Puget Sound Salmon Management and Catch Reporting Area 7A with net gear having a mesh size greater than 5-7/8 inches. In that portion of Area 7A north of a line from Iwersen's Dock on Point Roberts to the Georgina Point Light at the entrance to Active Pass, it shall be unlawful to take, fish for or possess salmon for commercial purposes with net gear having a mesh size greater than 5-7/8 inches through October 6, 1979.

#### NEW SECTION

WAC 220-28-007C0M CLOSED AREA Effective July 6, 1979, until further notice, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes with any type of gear in that portion of Puget Sound Salmon Management and Catch Reporting Area 7C inside a line projected from the mouth of Oyster Creek 237° True to a fishing boundary marker on Samish Island.

#### NEW SECTION

WAC 220-28-00800S CLOSED AREA Effective July 6 through August 1, 1979, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes

in Puget Sound Salmon Management and Catch Reporting Area 8 with purse seine gear, or with gill net gear having a mesh size smaller than 6-1/2 inches.

#### NEW SECTION

WAC 220-28-00900F CLOSED AREA Effective July 6, through September 15, 1979, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes with any type of gear in Puget Sound Salmon Management and Catch Reporting Area 9.

#### NEW SECTION

WAC 220-28-01000I CLOSED AREA Effective July 6, 1979, and through those times and in those portions of Puget Sound Salmon Management and Catch Reporting Area 10 listed below, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes with any type of gear:

(a) effective July 6 through July 15, 1979, that portion of Area 10 easterly of a line projected from West Pint to Alki Point.

(b) effective July 6 through September 8, 1979, that portion of Area 10 north of a line projected from West Point to Skiff Point.

#### NEW SECTION

WAC 220-28-010B0M CLOSED AREA Effective July 6 through September 15, 1979, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes with any type of gear in Puget Sound Salmon Management Catch and Reporting Area 10B.

#### NEW SECTION

WAC 220-28-010C0J CLOSED AREA Effective July 6 through December 31, 1979, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes with any type of gear in Puget Sound Salmon Management and Catch Reporting Area 10C and the Cedar River.

#### NEW SECTION

WAC 220-28-010D0I CLOSED AREA Effective July 6 through October 6, 1979, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes with any type of gear in Puget Sound Salmon Management and Catch Reporting Area 10D.

#### NEW SECTION

WAC 220-28-012C0H CLOSED AREA Effective July 6, 1979 until further notice, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes with any type of gear from that portion of Puget Sound Salmon Management and Catch Reporting Area 12C

between the Warfield Trailer Park and Hoodspout Marina dock within 1,000 feet of the western shore.

#### NEW SECTION

**WAC 220-28-012D0J** **CLOSED AREA** Effective July 6 through September 8, 1979, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes with any type of gear in Puget Sound Salmon Management and Catch Reporting Area 12D.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

<b>WAC 220-28-04000A</b>	<b>MINIMUM SIZE SALMON (79-29)</b>
<b>WAC 220-28-004B0K</b>	<b>CLOSED AREA (79-46)</b>
<b>WAC 220-28-00500L</b>	<b>CLOSED AREA (79-46)</b>
<b>WAC 220-28-00600L</b>	<b>CLOSED AREA (79-44)</b>
<b>WAC 220-28-006A0H</b>	<b>CLOSED AREA (79-44)</b>
<b>WAC 220-28-006B0K</b>	<b>CLOSED AREA (79-40)</b>
<b>WAC 220-28-006C0F</b>	<b>CLOSED AREA (79-46)</b>
<b>WAC 220-28-00700C</b>	<b>CLOSED AREA (79-44)</b>
<b>WAC 220-28-007A0B</b>	<b>CLOSED AREA (79-44)</b>
<b>WAC 220-28-007C0L</b>	<b>CLOSED AREA (79-46)</b>
<b>WAC 220-28-00800R</b>	<b>CLOSED AREA (79-40)</b>
<b>WAC 220-28-00900E</b>	<b>CLOSED AREA (79-40)</b>
<b>WAC 220-28-01000H</b>	<b>CLOSED AREA (79-40)</b>
<b>WAC 220-28-010A0L</b>	<b>CLOSED AREA (79-40)</b>
<b>WAC 220-28-010B0L</b>	<b>CLOSED AREA (79-40)</b>
<b>WAC 220-28-010C0I</b>	<b>CLOSED AREA (79-40)</b>
<b>WAC 220-28-010D0H</b>	<b>CLOSED AREA (79-40)</b>
<b>WAC 220-28-012E0D</b>	<b>CLOSED AREA (79-46)</b>

#### **WSR 79-08-007**

#### **EMERGENCY RULES**

#### **DEPARTMENT OF FISHERIES**

[Order 79-47—Filed July 6, 1979]

I, Gordon Sandison, director of Washington Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing regulations.

I, Gordon Sandison, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is salmon and sturgeon are available for harvest in Grays Harbor. Willapa Harbor regulations were adopted at a hearing June 15, 1979. This order is necessary for immediate implementation.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED July 5, 1979.

By Gordon Sandison  
Director

#### NEW SECTION

**WAC 220-36-02100M** **GRAYS HARBOR GILL NET—SEASONS** Notwithstanding the provisions of WAC 220-36-021 and WAC 220-36-022, it shall be unlawful to take, fish for or possess salmon for commercial purposes with gill net gear in the following Grays Harbor Fishing Areas except during the seasons provided for hereinafter in each respective fishing area:

Areas 2B, 2C, and 2D

6:00 p.m. July 6 to 6:00 p.m. August 15, 1979—open continuously.

#### NEW SECTION

**WAC 220-40-02100H** **WILLAPA HARBOR GILL NET—SEASONS** Notwithstanding the provisions of WAC 220-40-021 and WAC 220-40-022, it shall be unlawful to take, fish for or possess salmon for commercial purposes with gill net gear in the following Willapa Harbor Fishing Areas, except during the seasons provided for hereinafter in each respective fishing area:

Areas 2G, 2J, and 2K

6:00 p.m. July 6 to 6:00 p.m. August 19, 1979—open continuously.

#### **WSR 79-08-008**

#### **ADOPTED RULES**

#### **DEPARTMENT OF LICENSING**

#### **(Examining Board of Psychology)**

[Order PL-308—Filed July 9, 1979]

Be it resolved by the Washington State Examining Board of Psychology, acting at Seattle, Washington, that it does promulgate and adopt the annexed rules relating to psychology examination dates.

This action is taken pursuant to Notice No. WSR 79-05-020 filed with the code reviser on 4/16/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.83.030, 18.83.050 and 18.83.060 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED June 22, 1979.

By Eldon E. Jacobsen  
Chairman

**NEW SECTION**

**WAC 308-122-225 PSYCHOLOGY EXAMINATION - APPLICATION SUBMITTAL DATE.** To be eligible to take any particular written examination, an applicant for licensure must file his or her application with the department of licensing not less than sixty (60) days prior to the examination date. In the case of late filing, the time requirement for filing may be reduced if good cause for the late filing is shown and the application can still be processed prior to the examination date.

Examinations are normally held in April and October of each year.

**WSR 79-08-009**

**ADOPTED RULES**

**DEPARTMENT OF LICENSING  
(Examining Board of Psychology)  
[Order PL-309—Filed July 9, 1979]**

Be it resolved by the Washington State Examining Board of Psychology acting at Seattle, Washington, that it does promulgate and adopt the annexed rules relating to oral and written examinations of psychologists, amending WAC 308-122-220, 308-122-230 and 308-122-410.

This action is taken pursuant to Notice No. WSR 79-03-041 filed with the code reviser on 3/1/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.83.050 and is intended to administratively implement the statute.

The undersigned hereby declare that they have complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED June 22, 1979.

By Eldon E. Jacobsen  
Chairman

**AMENDATORY SECTION** (Amending Order #PL-245, filed 4-15-76)

**WAC 308-122-220 PSYCHOLOGISTS—WRITTEN EXAMINATION.** Written examination requirements: The written examination that is used in the state of Washington is the examination of Professional Practice of Psychology. The examination consists of objective multiple choice questions covering the major areas of psychology. Each form of the examination contains between 150 and 200 items in the areas listed below:

(1) Background information, including physiological psychology and comparative psychology, learning,

history, theory and systems, sensation and perception, motivation, social psychology, personality, cognitive processes, developmental psychology and psychopharmacology.

(2) Methodology including research design and interpretation, statistics, test construction and interpretation, scaling.

(3) Clinical psychology including test usage and interpretation, diagnosis, psychopathology, therapy, judgment in clinical situations, community mental health.

(4) Behavior modification including learning and applications.

(5) Other specialties including management consulting, industrial and human engineering, social psychology, t-groups, counseling and guidance, communication systems analysis.

(6) Professional conduct and ethics including inter-disciplinary relations and knowledge of professional affairs.

((The test is not a speed test.)) The cutoff score which the Washington state board of examiners ((currently)) uses is ((~~one-half standard deviation below the cumulative~~)) the current national mean, as achieved by doctorates taking the examination for the first time.

**AMENDATORY SECTION** (Amending Order #PL-245, filed 4-15-76)

**WAC 308-122-230 PSYCHOLOGISTS—ORAL EXAMINATION.** Oral examination: The oral exam covers the same core issues for all candidates ranging through ((three)) four major foci:

(1) Professional judgment in areas of stated competence;

(2) Knowledge of state laws pertaining to psychologist and psychological ethics;

(3) Knowledge and skills in area of stated competence. The candidate must be able to articulate and relate conceptual rationale and methodological interventions;

(4) Adequacy of candidate's professional training, supervision and experience.

**AMENDATORY SECTION** (Amending Order #PL-202, filed 10-1-75)

**WAC 308-122-410 PSYCHOLOGISTS—WRITTEN EXAMINATION.** The applicant must satisfactorily pass the written examination developed by the professional testing service of the American Association of State Psychology Boards. The cutting score for the written examination shall be ((~~one-half standard deviation below~~)) the ((~~cumulative~~)) current national mean, as achieved by doctorates taking the examination for the first time. Any applicant who fails to make a passing score on the examination shall be allowed to take the examination again, subject to the standard examination fee. Written examinations shall be administered at least once a year ((~~by the board secretary~~)).

WSR 79-08-010  
EMERGENCY RULES  
DEPARTMENT OF FISHERIES  
[Order 79-49—Filed July 9, 1979]

I, Gordon Sandison, director of Washington Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal-use fishing regulations.

I, Gordon Sandison, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is the intense sport salmon fishing season for 1979 is just beginning. An emergency regulation is necessary to assist on control of illicit sales.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED July 9, 1979.

By Gordon Sandison  
Director

NEW SECTION

WAC 220-20-01000A UNLAWFUL ACTS—FOOD FISH AND SHELLFISH Effective immediately until further notice, it shall be unlawful to sell, or offer for sale, any food fish or shellfish unless taken with lawful commercial gear, in an area open to commercial fishing for that species, and the fisherman has in his possession at the time of sale a valid commercial fishing license.

WSR 79-08-011  
PROPOSED RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Public Assistance)  
[Filed July 9, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning:

- Amd WAC 388-35-060 GAN—Reapplication.
- Amd WAC 388-35-070 GAN—Requirements.

It is the intention of the secretary to adopt WAC 388-35-070 on an emergency basis effective July 1, 1979.

Correspondence concerning this notice and proposed rules attached should be addressed to:

Michael Stewart  
Executive Assistant  
Department of Social and Health Services  
Mailstop OB-44 C  
Olympia, WA 98504;

that such agency will at 10:00 a.m., Wednesday, September 12, 1979, in the Auditorium, State Office Building #2, 12th and Jefferson, Olympia, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, September 19, 1979, in William B. Pope's office, 3-D-14, State Office Building #2, 12th and Jefferson, Olympia.

The authority under which these rules are proposed is RCW 74.08.090.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to September 12, 1979, and/or orally at 10:00 a.m., Wednesday, September 12, 1979, Auditorium, State Office Building #2, 12th and Jefferson, Olympia, WA.

Dated: June 28, 1979  
By: Michael S. Stewart  
Executive Assistant

AMENDATORY SECTION (Amending Order 1337, filed 9/15/78)

WAC 388-35-060 REAPPLICATION. (1) A person must reapply and have eligibility redetermined prior to the issuance of each grant. Persons shall be recertified only when they have applied for and/or utilized to the full extent available any resources for which they might be eligible including but not limited to:

- (a) Employment counseling and referral if they are required to register with WSES as a condition of eligibility;
- (b) Benefits, entitlements, compensation;
- (c) Failure to pursue and/or (~~utilized~~) utilize such resources without good cause shall result in a period of ineligibility of 30 days or until the person begins to pursue and/or (~~utilized~~) utilize such resources, whichever period is less. The period of ineligibility shall begin the day after the current certification ends.
- (d) The following conditions shall constitute good cause:
  - (i) Mental or physical inability of the person to pursue and/or utilize such resources;
  - (ii) Inability of the person to get to and from the job, interview, counseling appointment, or application for such resources without undue cost or hardship.

(2) Persons who are required to register with WSES as a condition of eligibility shall be recertified only when it is verified that they have been actively seeking work.

(3) If more than 30 days have elapsed since the end of the last certification period, a person shall be treated as a new applicant.

AMENDATORY SECTION (Amending Order 1337, filed 9/15/78)

WAC 388-35-070 NONCONTINUING GENERAL ASSISTANCE—REQUIREMENTS. (1) The standards for (~~basic~~) monthly requirements for a noncontinuing general assistance applicant(~~or~~)/recipient, effective July 1, 1979, shall be:

Number of GA-N recipients in assistance unit

1	2	3	4	5	6	7	8	9
<del>(\$ 60</del>	<del>\$ 95</del>	<del>\$125</del>	<del>\$157</del>	<del>\$194</del>	<del>\$228</del>	<del>\$260</del>	<del>\$294</del>	<del>\$327)</del>
\$ 66	\$105	\$138	\$173	\$213	\$251	\$286	\$323	\$360
10	11	12	13	14	15	16	17	18 or more
<del>(\$361</del>	<del>\$396</del>	<del>\$430</del>	<del>\$464</del>	<del>\$499</del>	<del>\$532</del>	<del>\$566</del>	<del>\$599</del>	<del>\$634)</del>
\$397	\$436	\$473	\$510	\$549	\$585	\$623	\$659	\$697

(2) An emergency shelter requirement shall be authorized by the CSO in the following circumstances:

- (a) The applicant((or))/recipient has been given, and presents to the CSO, a notice to quit premises or pay rent.
- (b) The CSO has contacted the landlord and has been assured that payment of up to one month's rent standard will be sufficient to forestall eviction.
- (c) The amount authorized shall be the actual amount needed to forestall eviction, not to exceed the following standards:

Number of GA-N recipients in assistance unit									
1	2	3	4	5	6	7	8	9	
<del>(\$ 82</del>	<del>\$119</del>	<del>\$124</del>	<del>\$126</del>	<del>\$126</del>	<del>\$129</del>	<del>\$133</del>	<del>\$135</del>	<del>\$138)</del>	
<u>\$ 90</u>	<u>\$131</u>	<u>\$136</u>	<u>\$139</u>	<u>\$139</u>	<u>\$142</u>	<u>\$146</u>	<u>\$149</u>	<u>\$152</u>	
10	11	12	13	14	15	16	17	18 or more	
<del>(\$141</del>	<del>\$143</del>	<del>\$145</del>	<del>\$147</del>	<del>\$150</del>	<del>\$152</del>	<del>\$153</del>	<del>\$157</del>	<del>\$159)</del>	
<u>\$155</u>	<u>\$157</u>	<u>\$160</u>	<u>\$162</u>	<u>\$165</u>	<u>\$167</u>	<u>\$168</u>	<u>\$173</u>	<u>\$175</u>	

(3) An emergency utility requirement shall be authorized by the CSO in the following circumstances:

- (a) The applicant((or))/recipient has been given, and presents to the CSO, a notice of impending utility shut-off issued by the company providing the service, or it is otherwise verified by the CSO that the applicant or recipient is without necessary fuel for heating or cooking.
- (b) The CSO has contacted the utility company or other provider of fuel to determine the amount necessary to forestall shut-off or otherwise provide necessary fuel.
- (c) The amount authorized shall be the actual amount needed to forestall shut-off or to purchase one month's supply of fuel, not to exceed the following standards:

Number of GA-N recipients in assistance unit									
1	2	3	4	5	6	7	8	9	
<del>(\$ 42</del>	<del>\$ 44</del>	<del>\$ 61</del>	<del>\$ 70</del>	<del>\$ 75</del>	<del>\$ 80</del>	<del>\$ 86</del>	<del>\$ 92</del>	<del>\$101)</del>	
<u>\$ 46</u>	<u>\$ 48</u>	<u>\$ 67</u>	<u>\$ 77</u>	<u>\$ 83</u>	<u>\$ 88</u>	<u>\$ 95</u>	<u>\$101</u>	<u>\$111</u>	
10	11	12	13	14	15	16	17	18 or more	
<del>(\$109</del>	<del>\$118</del>	<del>\$127</del>	<del>\$137</del>	<del>\$147</del>	<del>\$156</del>	<del>\$166</del>	<del>\$175</del>	<del>\$185)</del>	
<u>\$120</u>	<u>\$130</u>	<u>\$140</u>	<u>\$151</u>	<u>\$162</u>	<u>\$172</u>	<u>\$183</u>	<u>\$193</u>	<u>\$206</u>	

**WSR 79-08-012**  
**PROPOSED RULES**  
**LIQUOR CONTROL BOARD**  
 [Filed July 10, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and WAC 1-12-030, that the Washington State Liquor Control Board intends to adopt, amend, or repeal rules concerning WAC 314-52-015 General. (Rule 116.5);

and that the adoption, amendment, or repeal of such rules will take place at 9:30 a.m., Tuesday, July 17, 1979, in the Office of the Liquor Control Board, 5th Floor, Capitol Plaza Building, 1025 East Union Avenue, Olympia, WA 98504.

The authority under which these rules are proposed is RCW 66.08.030, 66.08.060, 66.98.070 and Title 34 RCW.

This notice is connected to and continues the matter noticed in Notice No. WSR 79-06-008 filed with the code reviser's office on May 8, 1979.

Dated: July 10, 1979  
 By: L. H. Pederson  
 Chairman

ATTACHMENT A

AMENDATORY SECTION (Amending Order 46, filed 6/9/76)

WAC 314-52-015 GENERAL. (RULE 116.5). All liquor advertising shall be modest, dignified and in good taste and shall not contain:

- (1) Any statement or illustration that is false or misleading in any material particular.
  - (2) Any statement or illustration that is disparaging of a competitor's product.
  - (3) Any statement, design, device, or representation which is obscene or indecent.
  - (4) Any statement, design, device, or representation of or relating to analyses, standards, or tests, irrespective of falsity, which is likely to mislead the consumer.
  - (5) Any statement, design, device, or representation of or relating to any guaranty, irrespective of falsity, which is likely to mislead the consumer.
- Nothing in this section shall prohibit the use of any enforceable guaranty in substantially the following form: "We will refund the purchase price to the purchaser if he is in any manner dissatisfied with the contents of this package."
- (6) Any statement that the product is produced, blended, made, bottled, packed or sold under, or in accordance with, any authorization, law, or regulation of any municipality, county, or state, federal or foreign government unless such statement is required or specifically authorized by the laws or regulations of such government; and if municipal, state or federal permit number is stated, such permit number shall not be accompanied by any additional statement relating thereto.
  - (7) Any statement that is inconsistent with any statement on the label of the product.
  - (8) Any statement, design or device representing that the use of liquor has curative or therapeutic effects, if such statement is untrue in any particular, or tends to create a misleading impression.
  - (9) Any representation that the product was manufactured in, or imported from, a place or country other than that of its actual origin, or was produced or processed by one who was not in fact the actual producer or processor.
  - (10) Any statement, design, device or pictorial representation of or relating to, or capable of being construed as relating to the armed forces of the United States, or of the American Flag, any state flag, or any emblem, seal, or insignia or decoration associated with any such flag or the armed forces of the United States; nor shall any advertisement contain any statement, device, design or pictorial representation of or concerning any flag, seal, coat of arms, crest, or other insignia, likely to falsely lead the consumer to believe that the product has been endorsed, made, or used by, or produced for, or under the supervision of, or in accordance with the specifications of the government organization, family, or individual with whom such flag, seal, coat of arms, crest or insignia is associated.
  - (11) Any statement, picture, or illustration implying that the consumption of liquor enhances athletic prowess, or any statement, picture, or illustration referring to any known athlete, if such statement, picture, or illustration implies, or if the reader may reasonably infer, that the use of liquor contributed to such known athlete's athletic achievements.
  - (12) Any depiction of a child or other person under legal age to consume liquor; any depiction of objects, such as toys, suggestive of the presence of a child, nor any other depiction designed in any manner as to be especially appealing to children or other persons under legal age to consume liquor.
  - (13) Any picture or illustration of a man or woman which is immodest, undignified or in bad taste.
  - (14) Reference to any brand, type or package not actually on sale in the state of Washington.
  - (15) Any reference to any religious character, sign or symbol, except in relation to kosher wines or where such are a part of an approved label.
  - (16) ~~((The word "saloon."~~  
~~(+7)))~~ The words "new," "now," "now available," or words of similar import, in connection with price change, package modification or any other change, or new listings, more than six months after such change.
  - ~~((+8)))~~ (17) Any statement, picture, or illustration which promotes overconsumption.

**WSR 79-08-013**  
**ADOPTED RULES**  
**BOARD OF HEALTH**  
 [Order 180—Filed July 10, 1979]

Be it resolved by the Washington State Board of Health, acting at Spokane, Washington, that it does promulgate and adopt the annexed rules relating to:

- Amd WAC 248-100-075 Reportable diseases—List of.
- Amd WAC 248-100-105 Reports of local health officers.
- Amd WAC 248-100-335 German measles.
- Amd WAC 248-100-395 Measles.
- Amd WAC 248-100-410 Mumps.
- Amd WAC 248-100-435 Poliomyelitis.
- Rep WAC 248-100-165 Schools and public gatherings.
- Amd WAC 248-101-010 Purpose.
- Amd WAC 248-101-020 Definition.
- Rep WAC 248-101-030 through WAC 248-101-210 Specific diseases.
- New WAC 248-101-220 Control of communicable (contagious) disease.

This action is taken pursuant to Notice No. WSR 79-05-088 filed with the code reviser on 5/1/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 70.41.030 and is intended to administratively implement the statute.

The undersigned hereby declare that they have complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

This order after being first recorded in the order register of this governing body is herewith transmitted to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED June 13, 1979.

By Irma Goertzen  
 \_\_\_\_\_  
 Chairman  
 John B. Conway  
 \_\_\_\_\_  
 Robert H. Barnes  
 \_\_\_\_\_  
 Fred Quarnstrom  
 \_\_\_\_\_  
 John A. Beare, MD  
 \_\_\_\_\_  
 Secretary

**AMENDATORY SECTION** (Amending Regulation .100.075, effective 3/11/60)

**WAC 248-100-075 REPORTABLE DISEASES—LIST OF.** The state board of health does hereby declare the following diseases to be notifiable (reportable) in accordance with the procedures indicated in these rules and regulations:

- (1) Amoebic dysentery
- (2) Anthrax

- (3) (~~(Asseptic)~~) Aseptic meningitis
- (4) Botulism
- (5) Brucellosis
- (6) Chancroid
- (7) Chicken pox
- (8) Cholera
- (9) Conjunctivitis, infectious (incl. Ophthalmia neonatorum)
- (10) Coxsackie disease
- (11) Diarrhea, epidemic (incl. Diarrhea of Newborn)
- (12) Diphtheria and Carrier State
- (13) Dysentery, bacillary (Shigellosis and Salmonellosis)
- (14) Encephalitis, infectious
- (15) Food poisoning
- (16) (~~(German measles~~ Gonorrhea
- (~~(17))~~) (17) Granuloma inguinale
- (~~(19))~~) (18) Hepatitis, infectious
- (~~(20) Impetigo~~ (19) Influenza and Epidemic Respiratory infection
- (~~(22))~~) (20) Leprosy
- (~~(23))~~) (21) Leptospirosis
- (~~(24))~~) (22) Lymphogranuloma venereum
- (~~(25))~~) (23) Malaria
- (~~(26))~~) (24) Measles
- (~~(27))~~) (25) Meningococcal infection
- (~~(28))~~) (26) Mumps
- (~~(29))~~) (27) Pertussis
- (~~(30))~~) (28) Plague
- (~~(31))~~) (29) Poliomyelitis
- (~~(32))~~) (30) Psittacosis
- (~~(33))~~) (31) Rabies
- (~~(34))~~) (32) Rheumatic fever
- (~~(35) Ringworm of face and scalp~~ (33) Rocky Mt. Spotted fever
- (~~(36))~~) (34) Rubella
- (~~(37))~~) (35) Salmonellosis (see Dysentery)
- (~~(38))~~) (36) Smallpox
- (~~(39))~~) (37) Staphylococcal infections in hospitalized patients
- (~~(40))~~) (38) Streptococcal infections. Scarlet fever and Septic Sore Throat
- (~~(41))~~) (39) Syphilis
- (~~(42))~~) (40) Tetanus
- (~~(43))~~) (41) Tick paralysis
- (~~(44))~~) (42) Trachoma
- (~~(45))~~) (43) Trichinosis
- (~~(46))~~) (44) Tuberculosis
- (~~(47))~~) (45) Tularemia
- (~~(48))~~) (46) Typhoid and paratyphoid fever and carrier state

**AMENDATORY SECTION** (Amending Rule .100.105, filed 6/4/63)

**WAC 248-100-105 REPORTS OF LOCAL HEALTH OFFICERS—DISEASES REPORTABLE BY NUMBER OF CASES.** The following diseases are to be reported by number of cases only, at the close of each week as specified below:

- (1) Chicken pox under 15 years of age  
 (2) ~~((German measles under 15 years of age  
 (3) Measles under 15 years of age  
 (4)))~~ Mumps under 15 years of age  
~~((5))~~ (3) Scarlat fever and Strept. sore throat  
~~((6) Pertussis  
 (7))~~ (4) Epidemic respiratory illness including influenza  
~~((8))~~ (5) Epidemic diarrhea, nausea, or vomiting  
~~((9))~~ (6) Conjunctivitis, infectious  
~~((10) Impetigo  
 (11) Ringworm of face and scalp))~~

AMENDATORY SECTION (Amending Regulation .100.335, effective 3/11/60)

WAC 248-100-335 ~~((GERMAN MEASLES))~~  
RUBELLA.

~~((Regulations:))~~

Local health departments shall report to the ~~((state department of health cases in persons under 15 years of age by number only. Individual case report is to be submitted for all patients over 15 years of age and all cases in pregnant women regardless of age))~~ health services division all cases of rubella or congenital rubella syndrome. Upon identification of a presumptive case of rubella, the local health officer shall immediately act to identify and protect, by medically appropriate means, all exposed females in the childbearing years.

~~((Isolation of cases for three days after appearance of eruption:))~~

AMENDATORY SECTION (Amending Order 73, filed 4/11/72)

WAC 248-100-395 MEASLES.

~~((Regulations:))~~

Report to state department of social and health services, health services division, cases in persons under 15 years of age by number only.)

Individual case report ~~((is to))~~ shall be made of all ~~((patients 15 years of age or older))~~ cases. Suspected cases shall immediately be reported to the local health department by the most rapid means available. The local health department shall investigate suspect cases immediately upon receiving such report.

The local health department shall report to the health services division no later than the following working day all cases which satisfy the clinical criteria for a presumptive diagnosis of measles, as those criteria are defined by the state director of health.

Upon identification of a presumptive case of measles, the local health officer shall immediately act to identify and protect, by medically appropriate means, exposed susceptible persons. (Where school populations are involved see WAC 248-101-220.)

~~((Isolation of case for a minimum of five days after appearance of rash:))~~

Restriction of contacts:

~~Susceptible child contacts are to be immediately isolated upon appearance of symptoms of upper respiratory infection, and shall be excluded from school for a minimum of five days from onset of symptoms:))~~

AMENDATORY SECTION (Amending Regulation .100.410, effective 3/11/60)

WAC 248-100-410 MUMPS.

Regulations:

Report to state department of health cases in persons under 15 years of age by number only. Individual case report is to be made of all patients 15 years of age or older.

~~((Isolation of case for minimum of seven days, and until swelling of salivary glands has subsided:))~~

AMENDATORY SECTION (Amending Regulation .100.435, effective 3/11/60)

WAC 248-100-435 POLIOMYELITIS.

Regulations:

Report cases by type - paralytic or nonparalytic.

Case: Isolation of case for one week from date of onset, or for duration of acute febrile stage, if longer.

~~((Contacts: Children in household of case shall be restricted to their home premises for one week from date of onset of first case. Adults who are food handlers shall be prohibited from handling food for public consumption for one week following date of onset of first case in household:))~~

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 248-100-165 SCHOOLS AND PUBLIC GATHERINGS—IMPETIGO, RINGWORM OF THE SCALP, PEDICULOSIS.

AMENDATORY SECTION (Amending Order 62, filed 11/1/71)

WAC 248-101-010 PURPOSE. The following regulations are adopted pursuant to chapter 32, Laws of 1971, for the purpose of governing the presence on or about any school premises of persons who have, or who have been exposed to, ~~((the disease named))~~ a communicable disease. These regulations are in addition to other requirements imposed by WAC 248-100-001 through 248-100-555.

In furtherance of the purpose and intent of the law and these regulations, it is recommended that parents of students whose medical supervision seems inadequate should be encouraged to obtain the services of a physician for the child. When the economic situation warrants, the parents should be guided to the appropriate source of community-sponsored medical care. These regulations are not intended to imply that any diagnosis or treatment will be performed by school personnel.

AMENDATORY SECTION (Amending Order 62, filed 11/1/71)

WAC 248-101-020 DEFINITION. As used in this portion of these regulations, (~~a contact means a person who has more than incidental association with a person in the infectious stage of a disease, including one who has simultaneously occupied the same classroom or work area for several hours, or had closer association.~~) these terms shall mean:

(1) "Contact" means any person who has had more than incidental association with a person, or animal, in the infectious state of a disease, or with a contaminated environment, for periods sufficient to have provided the opportunity to acquire the infection. Such association may include simultaneous occupancy of the same classroom or work area or other area such as to constitute exposure to the disease.

(2) "Exposure" means such association with a person or animal in the infectious stage of a disease, or with a contaminated environment, as to provide the opportunity to acquire the infection.

(3) "Susceptible" means a person who does not possess sufficient resistance, whether natural or induced, to a pathogenic agent or disease to prevent contracting that disease when exposed thereto.

(4) "Communicable disease (contagious disease)" means any illness, infection or infestation which arises from, or is propagated through, the transmission of a micro-organism, parasite or insect from an infected or contaminated reservoir, whether another human, animal or inanimate environmental vector, either directly or indirectly to persons who are susceptible to that illness, infection or infestation.

Communicable (contagious) diseases include, but are not limited to:

- (a) Chickenpox
- (b) Conjunctivitis
- (c) Diphtheria
- (d) Gonorrhoea
- (e) Impetigo
- (f) Infectious Mononucleosis
- (g) Measles
- (h) Meningitis
- (i) Mumps
- (j) Pediculosis
- (k) Ringworm
- (l) Rubella
- (m) Salmonellosis
- (n) Shigellosis
- (o) Scabies
- (p) Streptococcal Infections
- (q) Syphilis
- (r) Tuberculosis
- (s) Viral Hepatitis
- (t) Whooping Cough.

NEW SECTION

WAC 248-101-220 CONTROL OF COMMUNICABLE (CONTAGIOUS) DISEASE. In the event of the occurrence in a school of any communicable disease,

as defined in WAC 248-101-020, the local health officer, upon a review of the circumstances of said occurrence, and after consultation, as appropriate, with the state director of health or his designee, shall take any and all actions which are in conformity with good medical practice and deemed to be appropriate and necessary to control or eliminate the spread of the disease in the school population. To that end these actions may include, but are not hereby limited to, any of the following which are medically appropriate: The closure of the affected school(s) or part(s) thereof; cessation of selected school activities or functions; or ordering the exclusions from school or from selected school activities or functions, of those persons who are infected with or are deemed to be susceptible to and exposed to the disease: PROVIDED, That prior to any such action the local health officer or his/her designee shall consult with the superintendent of the school district or his/her designee on the proposed action: PROVIDED, FURTHER, That the decision of the local health officer as to the action to be taken shall be provided in writing to the board of directors and the superintendent of the school district in the form and substance of an order directing them to take action(s). Where these actions have been taken the health officer shall set the terms and conditions permitting the reopening of school or the readmittance to school or the resumption of school activities or functions. The health officer shall pursue, in consultation with the state director of health and school officials, the investigation of the source of disease and order those actions necessary to the ultimate control of the disease.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 248-101-029999 SPECIFIC DISEASES
- (2) WAC 248-101-030 CHICKEN POX.
- (3) WAC 248-101-040 CONJUNCTIVITIS.
- (4) WAC 248-101-050 DIPHTHERIA.
- (5) WAC 248-101-060 GONORRHEA.
- (6) WAC 248-101-070 IMPETIGO.
- (7) WAC 248-101-080 INFECTIOUS MONONUCLEOSIS.
- (8) WAC 248-101-090 MEASLES.
- (9) WAC 248-101-100 MENINGITIS (ALL TYPES).
- (10) WAC 248-101-110 MUMPS.
- (11) WAC 248-101-120 PEDICULOSIS.
- (12) WAC 248-101-130 RINGWORM.
- (13) WAC 248-101-140 RUBELLA.
- (14) WAC 248-101-150 SALMONELLOSIS AND SHIGELLOSIS.
- (15) WAC 248-101-160 SCABIES.
- (16) WAC 248-101-170 STREPTOCOCCAL INFECTIONS.
- (17) WAC 248-101-180 SYPHILIS.
- (18) WAC 248-101-190 TUBERCULOSIS.
- (19) WAC 248-101-200 VIRAL HEPATITIS.
- (20) WAC 248-101-210 WHOOPING COUGH.

*Some stumpage tables  
but may not use  
are in computer*

**WSR 79-08-014**  
**ADOPTED RULES**  
**DEPARTMENT OF REVENUE**  
[Order FT 79-37—Filed July 10, 1979]

I, Charles W. Hodde, director of Department of Revenue, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Stumpage values—Tables for 7/1/78 through 12/31/78, amending WAC 458-40-18623.

This action is taken pursuant to Notice No. WSR 79-06-095 filed with the code reviser on June 6, 1979. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to section 1, chapter 6, Laws of 1979 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED July 10, 1979.

By Donald R. Burrows  
Deputy Director

TABLE 1—CONT.

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Western Hemlock <sup>1</sup>	WH	1	152	148	144	140	136
		2	128	124	120	116	112
		3	118	114	110	106	102
True Fir <sup>2</sup>	TF	1	152	148	144	140	136
		2	128	124	120	116	112
		3	118	114	110	106	102
Western Red Cedar <sup>3</sup>	RC	1	311	307	303	299	295
		2	287	283	279	275	271
		3	150	146	142	138	134
Sitka Spruce	SS	1	200	196	192	188	184
		2	151	147	143	139	135
		3	111	107	103	99	95
Other Conifer	OC	1	152	148	144	140	136
		2	128	124	120	116	112
		3	111	107	103	99	95
Red Alder	RA	1	31	25	19	13	7
Cottonwood	BC	1	22	16	10	4	1
Other Hardwoods	OH	1	24	18	12	6	1
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	19	19	19	19	19

<sup>1</sup>Includes Western and Mountain Hemlock.

<sup>2</sup>Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Alpine Fir.

<sup>3</sup>Includes Alaska Yellow Cedar.

**AMENDATORY SECTION (Amending Order FT 78-2, filed 6/30/78)**

**WAC 458-40-18623 STUMPAGE VALUES—TABLES FOR 7/1/78 THROUGH 12/31/78.** As required by RCW 82.04.291, and as amended by section 1, chapter 6, Laws of 1979, the department has prepared tables which assign stumpage value rates for the various harvest types, which rates vary depending upon the stumpage value area, species, timber quality code number and hauling distance zone involved. Where the timber harvested is used to produce harvest type "special forest products" the value tables of this section shall establish the values for such special forest products.

The following stumpage value and special forest product value tables are hereby adopted for use during the period of July 1, 1978 through December 31, 1978.

**TABLE 1—STUMPAGE VALUE TABLE**  
**STUMPAGE VALUE AREA 1**  
(for 7/1/78 through 12/31/78)  
**OLD GROWTH FINAL HARVEST**  
(100 years of age and older)

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$206	\$202	\$198	\$194	\$190
		2	203	199	195	191	187
		3	199	195	191	187	183
		4	161	157	153	149	145

**TABLE 2—STUMPAGE VALUE TABLE**  
**STUMPAGE VALUE AREA 1**  
(for 7/1/78 through 12/31/78)  
**YOUNG GROWTH FINAL HARVEST**  
(Under 100 years of age and not including thinning)

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$195	\$189	\$183	\$177	\$171
		2	173	167	161	155	149
		3	138	132	126	120	114
		4	73	67	61	55	49
Western Hemlock <sup>1</sup>	WH	1	170	164	158	152	146
		2	136	130	124	118	112
		3	102	96	90	84	78
		4	58	52	46	40	34
True Fir <sup>2</sup>	TF	1	170	164	158	152	146
		2	136	130	124	118	112
		3	102	96	90	84	78
		4	58	52	46	40	34
Western Red Cedar <sup>3</sup>	RC	1	224	218	212	206	200
		2	171	165	159	153	147
		3	154	148	142	136	130
Other Conifer	OC	1	170	164	158	152	146
		2	136	130	124	118	112
		3	102	96	90	84	78
		4	58	52	46	40	34

TABLE 2—CONT.

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Red Alder	RA	1	31	25	19	13	7
Cottonwood	BC	1	22	16	10	4	1
Other Hardwoods	OH	1	24	18	12	6	1
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	19	19	19	19	19

<sup>1</sup>Includes Western and Mountain Hemlock.  
<sup>2</sup>Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Alpine Fir.  
<sup>3</sup>Includes Alaska Yellow Cedar.

TABLE 3—STUMPAGE VALUE TABLE  
 STUMPAGE VALUE AREA 1  
 (for 7/1/78 through 12/31/78)  
 THINNING  
 See definition WAC 458-40-18619(9)(d)

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$177	\$171	\$165	\$159	\$153
		2	155	149	143	137	131
		3	120	114	108	102	96
		4	55	49	43	37	31
Western Hemlock <sup>1</sup>	WH	1	152	146	140	134	128
		2	118	112	106	100	94
		3	84	78	72	66	60
		4	40	34	28	22	16
True Fir <sup>2</sup>	TF	1	152	146	140	134	128
		2	118	112	106	100	94
		3	84	78	72	66	60
		4	40	34	28	22	16
Other Conifer	OC	1	152	146	140	134	128
		2	118	112	106	100	94
		3	84	78	72	66	60
		4	40	34	28	22	16
Red Alder	RA	1	31	25	19	13	7
Cottonwood	BC	1	22	16	10	4	1
Other Hardwoods	OH	1	24	18	12	6	1
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	19	19	19	19	19

<sup>1</sup>Includes Western and Mountain Hemlock.  
<sup>2</sup>Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Alpine Fir.

TABLE 4—STUMPAGE VALUE TABLE  
 STUMPAGE VALUE AREA 1  
 (for 7/1/78 through 12/31/78)  
 SPECIAL FOREST PRODUCTS

Species Name and Product	Species Code	Quality Code Number	Rates Per Unit by Hauling Distance Zone Number					
			1	2	3	4	5	
Western Red Cedar—Shake Blocks & Boards <sup>1</sup>	RCS	1	(((\$231))(\$227))(\$223))(((\$219))(\$215))	\$166	\$162	\$158	\$154	\$150
Western Red Cedar Flatsawn & Shingle Blocks <sup>1</sup>	RCF	1	(((\$2))(\$2))(((\$2))(\$2))(((\$2))(\$2))(((\$2))(\$2))(((\$2))(\$2))	66	62	58	54	50
Western Red Cedar & Other Posts <sup>2</sup>	RCP	1	0.15	0.15	0.15	0.15	0.15	
Douglas Fir Christmas Trees <sup>3</sup>	DFX	1	0.13	0.13	0.13	0.13	0.13	
True Fir & Other Christmas Trees <sup>3</sup>	TFX	1	0.35	0.35	0.35	0.35	0.35	

<sup>1</sup>Stumpage Value per MBF net Scribner Scale.  
<sup>2</sup>Stumpage Value per 8 lineal feet or portion thereof.  
<sup>3</sup>Stumpage Value per lineal foot.

TABLE 5—STUMPAGE VALUE TABLE  
 STUMPAGE VALUE AREA 2  
 (for 7/1/78 through 12/31/78)  
 OLD GROWTH FINAL HARVEST  
 (100 years of age and older)

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$233	\$229	\$225	\$221	\$217
		2	221	217	213	209	205
		3	215	211	207	203	199
		4	129	125	121	117	113
Western Hemlock <sup>1</sup>	WH	1	137	133	129	125	121
		2	136	132	128	124	120
		3	117	113	109	105	101
True Fir <sup>2</sup>	TF	1	137	133	129	125	121
		2	136	132	128	124	120
		3	117	113	109	105	101
Western Red Cedar <sup>3</sup>	RC	1	257	253	249	245	241
		2	247	243	239	235	231
		3	233	229	225	221	217
Sitka Spruce	SS	1	189	185	181	177	173
		2	149	145	141	137	133
		3	113	109	105	101	97
Other Conifer	OC	1	137	133	129	125	121
		2	136	132	128	124	120
		3	113	109	105	101	97
Red Alder	RA	1	39	33	27	21	15
Cottonwood	BC	1	34	28	22	16	10
Other Hardwoods	OH	1	29	23	17	11	5
Hardwood Utility	HU	5	5	5	5	5	5

TABLE 5—CONT.

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Conifer Utility	CU	5	14	14	14	14	14

<sup>1</sup>Includes Western and Mountain Hemlock.  
<sup>2</sup>Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Alpine Fir.  
<sup>3</sup>Includes Alaska Yellow Cedar.

TABLE 6—STUMPAGE VALUE TABLE  
 STUMPAGE VALUE AREA 2  
 (for 7/1/78 through 12/31/78)  
 YOUNG GROWTH FINAL HARVEST  
 (Under 100 years of age and not including thinning)

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$203	\$197	\$191	\$185	\$179
		2	182	176	170	164	158
		3	141	135	129	123	117
		4	80	74	68	62	56
Western Hemlock <sup>1</sup>	WH	1	146	140	134	128	122
		2	142	136	130	124	118
		3	102	96	90	84	78
		4	67	61	55	49	43
True Fir <sup>2</sup>	TF	1	146	140	134	128	122
		2	142	136	130	124	118
		3	102	96	90	84	78
		4	67	61	55	49	43
Western Red Cedar <sup>3</sup>	RC	1	210	204	198	192	186
		2	193	187	181	175	169
		3	148	142	136	130	124
Other Conifer	OC	1	146	140	134	128	122
		2	142	136	130	124	118
		3	102	96	90	84	78
		4	67	61	55	49	43
Red Alder	RA	1	39	33	27	21	15
Cottonwood	BC	1	34	28	22	16	10
Other Hardwoods	OH	1	29	23	17	11	5
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	14	14	14	14	14

<sup>1</sup>Includes Western and Mountain Hemlock.  
<sup>2</sup>Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Alpine Fir.  
<sup>3</sup>Includes Alaska Yellow Cedar.

TABLE 7—STUMPAGE VALUE TABLE  
 STUMPAGE VALUE AREA 2  
 (for 7/1/78 through 12/31/78)  
 THINNING  
 See definition WAC 458-40-18619(9)(d)

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$185	\$179	\$173	\$167	\$161
		2	164	158	152	146	140
		3	123	117	111	105	99
		4	62	56	50	44	38
Western Hemlock <sup>1</sup>	WH	1	128	122	116	110	104
		2	124	118	112	106	100
		3	84	78	72	66	60
		4	49	43	37	31	25
True Fir <sup>2</sup>	TF	1	128	122	116	110	104
		2	124	118	112	106	100
		3	84	78	72	66	60
		4	49	43	37	31	25
Other Conifer	OC	1	128	122	116	110	104
		2	124	118	112	106	100
		3	84	78	72	66	60
		4	49	43	37	31	25
Red Alder	RA	1	39	33	27	21	15
Cottonwood	BC	1	34	28	22	16	10
Other Hardwoods	OH	1	29	23	17	11	5
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	14	14	14	14	14

<sup>1</sup>Includes Western and Mountain Hemlock.  
<sup>2</sup>Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Alpine Fir.

TABLE 8—STUMPAGE VALUE TABLE  
 STUMPAGE VALUE AREA 2  
 (for 7/1/78 through 12/31/78)  
 SPECIAL FOREST PRODUCTS

Species Name and Product	Species Code	Quality Code Number	Rates Per Unit by Hauling Distance Zone Number				
			1	2	3	4	5
Western Red Cedar-Shake Blocks & Boards <sup>1</sup>	RCS	1	<del>(\$237)</del> \$166	<del>(\$233)</del> \$162	<del>(\$229)</del> \$158	<del>(\$225)</del> \$154	<del>(\$221)</del> \$150
Western Red Cedar Flatsawn & Shingle Blocks <sup>1</sup>	RCF	1	<del>(84)</del> 66	<del>(80)</del> 62	<del>(76)</del> 58	<del>(72)</del> 54	<del>(68)</del> 50
Western Red Cedar & Other Posts <sup>2</sup>	RCP	1	0.15	0.15	0.15	0.15	0.15
Douglas Fir Christmas Trees <sup>3</sup>	DFX	1	0.13	0.13	0.13	0.13	0.13
True Fir & Other Christmas Trees <sup>3</sup>	TFX	1	0.35	0.35	0.35	0.35	0.35

<sup>1</sup>Stumpage Value per MBF net Scribner Scale.  
<sup>2</sup>Stumpage Value per 8 lineal feet or portion thereof.  
<sup>3</sup>Stumpage Value per lineal foot.

**TABLE 9—STUMPAGE VALUE TABLE**  
**STUMPAGE VALUE AREA 3**  
 (for 7/1/78 through 12/31/78)  
**OLD GROWTH FINAL HARVEST**  
 (100 years of age and older)

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$218	\$214	\$210	\$206	\$202
		2	177	173	169	165	161
		3	175	171	167	163	159
		4	144	140	136	132	128
Western Hemlock <sup>1</sup>	WH	1	178	174	170	166	162
		2	149	145	141	137	133
		3	148	144	140	136	132
True Fir <sup>2</sup>	TF	1	178	174	170	166	162
		2	149	145	141	137	133
		3	148	144	140	136	132
Western Red Cedar	RC	1	293	289	285	281	277
		2	278	274	270	266	262
		3	127	123	119	115	111
Sitka Spruce	SS	1	154	150	146	142	138
		2	123	119	115	111	107
		3	99	95	91	87	83
Alaska Yellow Cedar	YC	1	302	298	294	290	286
		2	223	219	215	211	207
		3	181	177	173	169	165
Other Conifer	OC	1	154	150	146	142	138
		2	123	119	115	111	107
		3	99	95	91	87	83
Red Alder	RA	1	47	41	35	29	23
Cottonwood	BC	1	47	41	35	29	23
Other Hardwoods	OH	1	34	28	22	16	10
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	13	13	13	13	13

<sup>1</sup>Includes Western and Mountain Hemlock.  
<sup>2</sup>Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Alpine Fir.

**TABLE 10—STUMPAGE VALUE TABLE**  
**STUMPAGE VALUE AREA 3**  
 (for 7/1/78 through 12/31/78)  
**YOUNG GROWTH FINAL HARVEST**  
 (Under 100 years of age and not including thinning)

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$196	\$190	\$184	\$178	\$172
		2	182	176	170	164	158
		3	137	131	125	119	113
		4	76	70	64	58	52
Western Hemlock <sup>1</sup>	WH	1	175	169	163	157	151
		2	145	139	133	127	121
		3	115	109	103	97	91
		4	73	67	61	55	49

**TABLE 10—CONT.**

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
True Fir <sup>2</sup>	TF	1	175	169	163	157	151
		2	145	139	133	127	121
		3	115	109	103	97	91
		4	73	67	61	55	49
Western Red Cedar <sup>3</sup>	RC	1	210	204	198	192	186
		2	169	163	157	151	145
		3	137	131	125	119	113
Other Conifer	OC	1	175	169	163	157	151
		2	145	139	133	127	121
		3	115	109	103	97	91
		4	73	67	61	55	49
Red Alder	RA	1	47	41	35	29	23
Cottonwood	BC	1	47	41	35	29	23
Other Hardwoods	OH	1	34	28	22	16	10
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	13	13	13	13	13

<sup>1</sup>Includes Western and Mountain Hemlock.  
<sup>2</sup>Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Alpine Fir.  
<sup>3</sup>Includes Alaska Yellow Cedar.

**TABLE 11—STUMPAGE VALUE TABLE**  
**STUMPAGE VALUE AREA 3**  
 (for 7/1/78 through 12/31/78)  
**THINNING**  
 See definition WAC 458-40-18619(9)(d)

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$178	\$172	\$166	\$160	\$154
		2	164	158	152	146	140
		3	119	113	107	101	95
		4	58	52	46	40	34
Western Hemlock <sup>1</sup>	WH	1	157	151	145	139	133
		2	127	121	115	109	103
		3	97	91	85	79	73
		4	55	49	43	37	31
True Fir <sup>2</sup>	TF	1	157	151	145	139	133
		2	127	121	115	109	103
		3	97	91	85	79	73
		4	55	49	43	37	31
Other Conifer	OC	1	157	151	145	139	133
		2	127	121	115	109	103
		3	97	91	85	79	73
		4	55	49	43	37	31
Red Alder	RA	1	47	41	35	29	23
Cottonwood	BC	1	47	41	35	29	23
Other Hardwoods	OH	1	34	28	22	16	10
Hardwood Utility	HU	5	5	5	5	5	5

TABLE 11—CONT.

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Conifer Utility	CU	5	13	13	13	13	13

<sup>1</sup>Includes Western and Mountain Hemlock.

<sup>2</sup>Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Alpine Fir.

TABLE 12—STUMPAGE VALUE TABLE  
STUMPAGE VALUE AREA 3  
(for 7/1/78 through 12/31/78)  
SPECIAL FOREST PRODUCTS

Species Name and Product	Species Code	Quality Code Number	Rates Per Unit by Hauling Distance Zone Number				
			1	2	3	4	5
Western Red Cedar-Shake Blocks & Boards <sup>1</sup>	RCS	1	\$290	\$286	\$282	\$278	\$274
Western Red Cedar Flatsawn & Shingle Blocks <sup>1</sup>	RCF	1	102	98	94	90	86
Western Red Cedar & Other Posts <sup>2</sup>	RCP	1	0.15	0.15	0.15	0.15	0.15
Douglas Fir Christmas Trees <sup>3</sup>	DFX	1	0.13	0.13	0.13	0.13	0.13
True Fir & Other Christmas Trees <sup>3</sup>	TFX	1	0.35	0.35	0.35	0.35	0.35

<sup>1</sup>Stumpage Value per MBF net Scribner Scale.

<sup>2</sup>Stumpage Value per 8 lineal feet or portion thereof.

<sup>3</sup>Stumpage value per lineal foot.

TABLE 13—STUMPAGE VALUE TABLE  
STUMPAGE VALUE AREA 4  
(for 7/1/78 through 12/31/78)  
OLD GROWTH FINAL HARVEST  
(100 years of age and older)

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$211	\$207	\$203	\$199	\$195
		2	206	202	198	194	190
		3	190	186	182	178	174
		4	179	175	171	167	163
Western Hemlock <sup>1</sup>	WH	1	223	219	215	211	207
		2	128	124	120	116	112
		3	120	116	112	108	104
True Fir <sup>2</sup>	TF	1	223	219	215	211	207
		2	128	124	120	116	112
		3	120	116	112	108	104
Western Red Cedar	RC	1	172	168	164	160	156
		2	169	165	161	157	153
		3	146	142	138	134	130

TABLE 13—CONT.

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Sitka Spruce	SS	1	154	150	146	142	138
		2	123	119	115	111	107
		3	94	90	86	82	78
Noble Fir	NF	1	250	246	242	238	234
		2	139	135	131	127	123
		3	116	112	108	104	100
Alaska Yellow Cedar	YC	1	302	298	294	290	286
		2	223	219	215	211	207
		3	181	177	173	169	165
Other Conifer	OC	1	154	150	146	142	138
		2	123	119	115	111	107
		3	94	90	86	82	78
Red Alder	RA	1	39	33	27	21	15
Cottonwood	BC	1	38	32	26	20	14
Other Hardwoods	OH	1	43	37	31	25	19
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	13	13	13	13	13

<sup>1</sup>Includes Western and Mountain Hemlock.

<sup>2</sup>Includes Pacific Silver Fir, Grand Fir, and Alpine Fir.

TABLE 14—STUMPAGE VALUE TABLE  
STUMPAGE VALUE AREA 4  
(for 7/1/78 through 12/31/78)  
YOUNG GROWTH FINAL HARVEST  
(Under 100 years of age and not including thinning)

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$204	\$198	\$192	\$186	\$180
		2	187	181	175	169	163
		3	144	138	132	126	120
		4	82	76	70	64	58
Western Hemlock <sup>1</sup>	WH	1	166	160	154	148	142
		2	146	140	134	128	122
		3	113	107	101	95	89
		4	93	87	81	75	69
True Fir <sup>2</sup>	TF	1	166	160	154	148	142
		2	146	140	134	128	122
		3	113	107	101	95	89
		4	93	87	81	75	69
Western Red Cedar <sup>3</sup>	RC	1	210	204	198	192	186
		2	172	166	160	154	148
		3	170	164	158	152	146
Other Conifer	OC	1	166	160	154	148	142
		2	146	140	134	128	122
		3	113	107	101	95	89
		4	82	76	70	64	58
Red Alder	RA	1	39	33	27	21	15
Cottonwood	BC	1	38	32	26	20	14

TABLE 14—CONT.

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Other Hardwoods	OH	1	43	37	31	25	19
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	13	13	13	13	13

<sup>1</sup>Includes Western and Mountain Hemlock.  
<sup>2</sup>Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Alpine Fir.  
<sup>3</sup>Includes Alaska Yellow Cedar.

TABLE 15—STUMPAGE VALUE TABLE  
 STUMPAGE VALUE AREA 4  
 (for 7/1/78 through 12/31/78)

THINNING

See definition WAC 458-40-18619(9)(d)

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$186	\$180	\$174	\$168	\$162
		2	169	163	157	151	145
		3	126	120	114	108	102
		4	64	58	52	46	40
Western Hemlock <sup>1</sup>	WH	1	148	142	136	130	124
		2	128	122	116	110	104
		3	95	89	83	77	71
		4	75	69	63	57	51
True Fir <sup>2</sup>	TF	1	148	142	136	130	124
		2	128	122	116	110	104
		3	95	89	83	77	71
		4	75	69	63	57	51
Other Conifer	OC	1	148	142	136	130	124
		2	128	122	116	110	104
		3	95	89	83	77	71
		4	64	58	52	46	40
Red Alder	RA	1	39	33	27	21	15
Cottonwood	BC	1	38	32	26	20	14
Other Hardwoods	OH	1	43	37	31	25	19
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	13	13	13	13	13

<sup>1</sup>Includes Western and Mountain Hemlock.  
<sup>2</sup>Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Alpine Fir.

TABLE 16—STUMPAGE VALUE TABLE  
 STUMPAGE VALUE AREA 4  
 (for 7/1/78 through 12/31/78)  
 SPECIAL FOREST PRODUCTS

Species Name and Product	Species Code	Quality Code Number	Rates Per Unit by Hauling Distance Zone Number				
			1	2	3	4	5
Western Red Cedar—Shake Blocks & Boards <sup>1</sup>	RCS	1	\$278	\$274	\$270	\$266	\$262
Western Red Cedar Flatsawn & Shingle Blocks <sup>1</sup>	RCF	1	98	94	90	86	82
Western Red Cedar & Other Posts <sup>2</sup>	RCP	1	0.15	0.15	0.15	0.15	0.15
Douglas Fir Christmas Trees <sup>3</sup>	DFX	1	0.13	0.13	0.13	0.13	0.13
True Fir & Other Christmas Trees <sup>3</sup>	TFX	1	0.35	0.35	0.35	0.35	0.35

<sup>1</sup>Stumpage value per MBF net Scribner Scale.  
<sup>2</sup>Stumpage value per 8 lineal feet or portion thereof.  
<sup>3</sup>Stumpage value per lineal foot.

TABLE 17—STUMPAGE VALUE TABLE  
 STUMPAGE VALUE AREA 5  
 (for 7/1/78 through 12/31/78)  
 OLD GROWTH FINAL HARVEST  
 (100 years of age and older)

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$260	\$256	\$252	\$248	\$244
		2	251	247	243	239	235
		3	213	209	205	201	197
		4	163	159	155	151	147
Western Hemlock <sup>1</sup>	WH	1	188	184	180	176	172
		2	148	144	140	136	132
		3	109	105	101	97	93
True Fir <sup>2</sup>	TF	1	188	184	180	176	172
		2	148	144	140	136	132
		3	109	105	101	97	93
Western Red Cedar <sup>3</sup>	RC	1	239	235	231	227	223
		2	213	209	205	201	197
		3	189	185	181	177	173
Sitka Spruce	SS	1	154	150	146	142	138
		2	123	119	115	111	107
		3	91	87	83	79	75
Noble Fir	NF	1	250	246	242	238	234
		2	139	135	131	127	123
		3	116	112	108	104	100
Other Conifer	OC	1	154	150	146	142	138
		2	123	119	115	111	107
		3	91	87	83	79	75
Red Alder	RA	1	38	32	26	20	14
Cottonwood	BC	1	47	41	35	29	23
Other Hardwoods	OH	1	51	45	39	33	27

TABLE 17—CONT.

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	15	15	15	15	15

<sup>1</sup>Includes Western and Mountain Hemlock.  
<sup>2</sup>Includes Pacific Silver Fir, Grand Fir, and Alpine Fir.  
<sup>3</sup>Includes Alaska Yellow Cedar.

TABLE 18—STUMPAGE VALUE TABLE  
 STUMPAGE VALUE AREA 5  
 (for 7/1/78 through 12/31/78)  
 YOUNG GROWTH FINAL HARVEST  
 (Under 100 years of age and not including thinning)

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$223	\$217	\$211	\$205	\$199
		2	187	181	175	169	163
		3	141	135	129	123	117
		4	80	74	68	62	56
Western Hemlock <sup>1</sup>	WH	1	158	152	146	140	134
		2	145	139	133	127	121
		3	124	118	112	106	100
		4	83	77	71	65	59
True Fir <sup>2</sup>	TF	1	158	152	146	140	134
		2	145	139	133	127	121
		3	124	118	112	106	100
		4	83	77	71	65	59
Western Red Cedar <sup>3</sup>	RC	1	210	204	198	192	186
		2	157	151	145	139	133
		3	141	135	129	123	117
Other Conifer	OC	1	158	152	146	140	134
		2	145	139	133	127	121
		3	124	118	112	106	100
		4	80	74	68	62	56
Red Alder	RA	1	38	32	26	20	14
Cottonwood	BC	1	47	41	35	29	23
Other Hardwoods	OH	1	51	45	39	33	27
Hardwood Utility	HU	5	5	5	5	5	
Conifer Utility	CU	5	15	15	15	15	

<sup>1</sup>Includes Western and Mountain Hemlock.  
<sup>2</sup>Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Alpine Fir.  
<sup>3</sup>Includes Alaska Yellow Cedar.

TABLE 19—STUMPAGE VALUE TABLE  
 STUMPAGE VALUE AREA 5  
 (for 7/1/78 through 12/31/78)  
 THINNING  
 See definition WAC 458-40-18619(9)(d)

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$205	\$199	\$193	\$187	\$181
		2	169	163	157	151	145
		3	123	117	111	105	99
		4	62	56	50	44	38
Western Hemlock <sup>1</sup>	WH	1	140	134	128	122	116
		2	127	121	115	109	103
		3	106	100	94	88	82
		4	65	59	53	47	41
True Fir <sup>2</sup>	TF	1	140	134	128	122	116
		2	127	121	115	109	103
		3	106	100	94	88	82
		4	65	59	53	47	41
Other Conifer	OC	1	140	134	128	122	116
		2	127	121	115	109	103
		3	106	100	94	88	82
		4	62	56	50	44	38
Red Alder	RA	1	38	32	26	20	14
Cottonwood	BC	1	47	41	35	29	23
Other Hardwoods	OH	1	51	45	39	33	27
Hardwood Utility	HU	5	5	5	5	5	
Conifer Utility	CU	5	15	15	15	15	

<sup>1</sup>Includes Western and Mountain Hemlock.  
<sup>2</sup>Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Alpine Fir.

TABLE 20—STUMPAGE VALUE TABLE  
 STUMPAGE VALUE AREA 5  
 (for 7/1/78 through 12/31/78)  
 SPECIAL FOREST PRODUCTS

Species Name and Product	Species Code	Quality Code Number	Rates Per Unit by Hauling Distance Zone Number				
			1	2	3	4	5
Western Red Cedar-Shake Blocks & Boards <sup>1</sup>	RCS	1	\$280	\$276	\$272	\$268	\$264
Western Red Cedar Flatsawn & Shingle Blocks <sup>1</sup>	RCF	1	99	95	91	87	83
Western Red Cedar & Other Posts <sup>2</sup>	RCP	1	0.15	0.15	0.15	0.15	0.15
Douglas Fir Christmas Trees <sup>3</sup>	DFX	1	0.13	0.13	0.13	0.13	0.13
True fir & Other Christmas Trees <sup>3</sup>	TFX	1	0.35	0.35	0.35	0.35	0.35

<sup>1</sup>Stumpage value per MBF net Scribner Scale.  
<sup>2</sup>Stumpage Value per 8 lineal feet or portion thereof.  
<sup>3</sup>Stumpage value per lineal foot.

**TABLE 21—STUMPAGE VALUE TABLE**  
**STUMPAGE VALUE AREA 6**  
 (for 7/1/78 through 12/31/78)  
**MERCHANTABLE SAWTIMBER, ALL AGES**

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Ponderosa Pine	PP	1	\$119	\$115	\$111	\$107	\$103
		2	92	88	84	80	76
Douglas Fir	DF	1	91	87	83	79	75
Western Larch	WL	1	91	87	83	79	75
Western Hemlock <sup>1</sup>	WH	1	82	78	74	70	66
True fir <sup>2</sup>	TF	1	82	78	74	70	66
Engelmann Spruce	ES	1	77	73	69	65	61
White Pine	WP	1	154	150	146	142	138
Western Red Cedar	RC	1	75	71	67	63	59
Lodgepole Pine	LP	1	57	53	49	45	41
Hardwoods	OH	1	14	10	6	2	1
Utility	CU	4	9	9	9	9	9

<sup>1</sup>Includes Western and Mountain Hemlock.  
<sup>2</sup>Includes Pacific Silver fir, Noble Fir, Grand Fir, and Alpine Fir.

**TABLE 23—STUMPAGE VALUE TABLE**  
**STUMPAGE VALUE AREA 7**  
 (for 7/1/78 through 12/31/78)  
**MERCHANTABLE SAWTIMBER, ALL AGES**

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Ponderosa Pine	PP	1	\$119	\$115	\$111	\$107	\$103
		2	92	88	84	80	76
Douglas Fir	DF	1	91	87	83	79	75
Western Larch	WL	1	91	87	83	79	75
Western Hemlock <sup>1</sup>	WH	1	82	78	74	70	66
True Fir <sup>2</sup>	TF	1	82	78	74	70	66
Engelmann Spruce	ES	1	77	73	69	65	61
White Pine	WP	1	154	150	146	142	138
Western Red Cedar	RC	1	75	71	67	63	59
Lodgepole Pine	LP	1	57	53	49	45	41
Hardwoods	OH	1	14	10	6	2	1
Utility	CU	4	9	9	9	9	9

<sup>1</sup>Includes Western and Mountain Hemlock.  
<sup>2</sup>Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Alpine Fir.

**TABLE 22—STUMPAGE VALUE TABLE**  
**STUMPAGE VALUE AREA 6**  
 (for 7/1/78 through 12/31/78)  
**SPECIAL FOREST PRODUCTS**

Species Name and Product	Species Code	Quality Code Number	Rates Per Unit by Hauling Distance Zone Number				
			1	2	3	4	5
Western Red Cedar Flatsawn & Shingle Blocks <sup>1</sup>	RCF	1	\$80	\$76	\$74	\$70	\$66
Western Larch Flatsawn Blocks <sup>1</sup>	WLF	1	65	61	57	53	49
Lodgepole Pine & Other Posts <sup>2</sup>	LPP	1	0.15	0.15	0.15	0.15	0.15
Pine Christmas Trees <sup>3</sup>	PX	1	0.13	0.13	0.13	0.13	0.13
Douglas Fir & Other Christmas Trees <sup>4</sup>	DFX	1	0.13	0.13	0.13	0.13	0.13

<sup>1</sup>Stumpage value per MBF net Scribner scale.  
<sup>2</sup>Stumpage value per 8 lineal feet or portion thereof.  
<sup>3</sup>Stumpage value per lineal foot. Includes Ponderosa Pine, White Pine, and Lodgepole Pine.  
<sup>4</sup>Stumpage value per lineal foot.

**TABLE 24—STUMPAGE VALUE TABLE**  
**STUMPAGE VALUE AREA 7**  
 (for 7/1/78 through 12/31/78)  
**SPECIAL FOREST PRODUCTS**

Species Name and Product	Species Code	Quality Code Number	Rates Per Unit by Hauling Distance Zone Number				
			1	2	3	4	5
Western Red Cedar Flatsawn & Shingle Blocks <sup>1</sup>	RCF	1	\$80	\$76	\$74	\$70	\$66
Western Larch Flatsawn Blocks <sup>1</sup>	WLF	1	65	61	57	53	49
Lodgepole Pine & Other Posts <sup>2</sup>	LPP	1	0.15	0.15	0.15	0.15	0.15
Pine Christmas Trees <sup>3</sup>	PX	1	0.13	0.13	0.13	0.13	0.13
Douglas Fir & Other Christmas Trees <sup>4</sup>	DFX	1	0.13	0.13	0.13	0.13	0.13

<sup>1</sup>Stumpage value per MBF net Scribner scale.  
<sup>2</sup>Stumpage value per 8 lineal feet or portion thereof.  
<sup>3</sup>Stumpage value per lineal foot. Includes Ponderosa Pine, White Pine, and Lodgepole Pine.  
<sup>4</sup>Stumpage value per lineal foot.

**TABLE 25—STUMPAGE VALUE TABLE  
STUMPAGE VALUE AREA 8  
(for 7/1/78 through 12/31/78)  
MERCHANTABLE SAWTIMBER, ALL AGES**

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Ponderosa Pine	PP	1	\$119	\$115	\$111	\$107	\$103
		2	92	88	84	80	76
Douglas Fir	DF	1	91	87	83	79	75
Western Larch	WL	1	91	87	83	79	75
Western Hemlock <sup>1</sup>	WH	1	82	78	74	70	66
True Fir <sup>2</sup>	TF	1	82	78	74	70	66
Engelmann Spruce	ES	1	77	73	69	65	61
White Pine	WP	1	154	150	146	142	138
Western Red Cedar	RC	1	75	71	67	63	59
Lodgepole Pine	LP	1	57	53	49	45	41
Hardwoods	OH	1	14	10	6	2	1
Utility	CU	1	9	9	9	9	9

<sup>1</sup>Includes Western and Mountain Hemlock.

<sup>2</sup>Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Alpine Fir.

**TABLE 27—STUMPAGE VALUE TABLE  
STUMPAGE VALUE AREA 9  
(for 7/1/78 through 12/31/78)  
MERCHANTABLE SAWTIMBER, ALL AGES**

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Ponderosa Pine	PP	1	\$119	\$115	\$111	\$107	\$103
		2	92	88	84	80	76
Douglas Fir	DF	1	91	87	83	79	75
Western Larch	WL	1	91	87	83	79	75
Western Hemlock <sup>1</sup>	WH	1	82	78	74	70	66
True Fir <sup>2</sup>	TF	1	82	78	74	70	66
Engelmann Spruce	ES	1	77	73	69	65	61
White Pine	WP	1	154	150	146	142	138
Western Red Cedar	RC	1	75	71	67	63	59
Lodgepole Pine	LP	1	57	53	49	45	41
Hardwoods	OH	1	14	10	6	2	1
Utility	CU	4	9	9	9	9	9

<sup>1</sup>Includes Western and Mountain Hemlock.

<sup>2</sup>Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Alpine Fir.

**TABLE 26—STUMPAGE VALUE TABLE  
STUMPAGE VALUE AREA 8  
(for 7/1/78 through 12/31/78)  
SPECIAL FOREST PRODUCTS**

Species Name and Product	Species Code	Quality Code Number	Rates Per Unit by Hauling Distance Zone Number				
			1	2	3	4	5
Western Red Cedar Flatsawn & Shingle Blocks <sup>1</sup>	RCF	1	\$80	\$76	\$74	\$70	\$66
Western Larch Flatsawn Blocks <sup>1</sup>	WLF	1	65	61	57	53	49
Lodgepole Pine & Other Posts <sup>2</sup>	LPP	1	0.15	0.15	0.15	0.15	0.15
Pine Christmas Trees <sup>3</sup>	PX	1	0.13	0.13	0.13	0.13	0.13
Douglas Fir & Other Christmas Trees <sup>4</sup>	DFX	1	0.13	0.13	0.13	0.13	0.13

<sup>1</sup>Stumpage value per MBF Scribner scale.

<sup>2</sup>Stumpage value per 8 lineal feet or portion thereof.

<sup>3</sup>Stumpage value per lineal foot. Includes Ponderosa Pine, White Pine, and Lodgepole Pine.

<sup>4</sup>Stumpage value per lineal foot.

**TABLE 28—STUMPAGE VALUE TABLE  
STUMPAGE VALUE AREA 9  
(for 7/1/78 through 12/31/78)  
SPECIAL FOREST PRODUCTS**

Species Name and Product	Species Code	Quality Code Number	Rates Per Unit by Hauling Distance Zone Number				
			1	2	3	4	5
Western Red Cedar Flatsawn & Shingle Blocks <sup>1</sup>	RCF	1	\$80	\$76	\$74	\$70	\$66
Western Larch Flatsawn Blocks <sup>1</sup>	WLF	1	65	61	57	53	49
Lodgepole Pine & Other Posts <sup>2</sup>	LPP	1	0.15	0.15	0.15	0.15	0.15
Pine Christmas Trees <sup>3</sup>	PX	1	0.13	0.13	0.13	0.13	0.13
Douglas Fir & Other Christmas Trees <sup>4</sup>	DFX	1	0.13	0.13	0.13	0.13	0.13

<sup>1</sup>Stumpage value per MBF Scribner scale.

<sup>2</sup>Stumpage value per 8 lineal feet or portion thereof.

<sup>3</sup>Stumpage value per lineal foot. Includes Ponderosa Pine, White Pine, and Lodgepole Pine.

<sup>4</sup>Stumpage value per lineal foot.

**TABLE 29—STUMPAGE VALUE TABLE**  
**STUMPAGE VALUE AREA 10**  
 (for 7/1/78 through 12/31/78)  
**MERCHANTABLE SAWTIMBER, ALL AGES**

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Ponderosa Pine	PP	1	\$138	\$134	\$130	\$126	\$122
		2	123	119	115	111	107
		3	109	105	101	97	93
Douglas Fir	DF	1	171	167	163	159	155
		2	128	124	120	116	112
		3	79	75	71	67	63
Western Larch	WL	1	171	167	163	159	155
		2	128	124	120	116	112
		3	79	75	71	67	63
Western Hemlock <sup>1</sup>	WH	1	111	107	103	99	95
		2	102	98	94	90	86
		3	93	89	85	81	77
True Fir <sup>2</sup>	TF	1	111	107	103	99	95
		2	102	98	94	90	86
		3	93	89	85	81	77
Other Conifer	OC	1	111	107	103	99	95
		2	102	98	94	90	86
		3	93	89	85	81	77
Hardwoods	OH	1	14	10	6	2	1
Utility	CU	1	12	12	12	12	12

<sup>1</sup>Includes Western and Mountain Hemlock.  
<sup>2</sup>Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Alpine Fir.

**TABLE 30—STUMPAGE VALUE TABLE**  
**STUMPAGE VALUE AREA 10**  
 (for 7/1/78 through 12/31/78)  
**SPECIAL FOREST PRODUCTS**

Species Name and Product	Species Code	Quality Code Number	Rates Per Unit Hauling Distance Zone Number				
			1	2	3	4	5
Western Red Cedar Flatsawn & Shingle Blocks <sup>1</sup>	RCF	1	\$80	\$76	\$74	\$70	\$66
Western Larch Flatsawn Blocks <sup>1</sup>	WLF	1	65	61	57	53	49
Lodgepole Pine & Other Posts <sup>2</sup>	LPP	1	0.15	0.15	0.15	0.15	0.15
Fine Christmas Trees <sup>3</sup>	PX	1	0.13	0.13	0.13	0.13	0.13
Douglas Fir & Other Christmas Trees <sup>4</sup>	DFX	1	0.13	0.13	0.13	0.13	0.13

<sup>1</sup>Stumpage value per MBF Scribner scale.  
<sup>2</sup>Stumpage value per 8 lineal feet or portion thereof.  
<sup>3</sup>Stumpage value per lineal foot. Includes Ponderosa Pine, White Pine, and Lodgepole Pine.  
<sup>4</sup>Stumpage value per lineal foot.

**WSR 79-08-015**  
**ADOPTED RULES**  
**DEPARTMENT OF REVENUE**  
 [Order FT 79-36—Filed July 10, 1979]

I, Charles W. Hodde, director of Department of Revenue, do promulgate and adopt at Olympia, Washington, the annexed rules relating to forest land values amended for Eastern Washington for year 1978, amending WAC 458-40-19101.

This action is taken pursuant to Notice No. WSR 79-06-094 filed with the code reviser on June 6, 1979. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 84.33.120 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED July 10, 1979.

By Donald R. Burrows  
 Deputy Director

**AMENDATORY SECTION** (Amending Order 77-3, filed 11/30/77)

**WAC 458-40-19101 FOREST LAND VALUES ((-)) AMENDED FOR EASTERN WASHINGTON FOR YEAR 1978.** The true and fair values, per acre, for each grade of forest land for the 1978 assessment year are determined to be as follows:

1978 FOREST LAND VALUES			
Land Quality	Accessi-bility & Topography	Western Washington <sup>1</sup>	Eastern Washington <sup>2</sup>
GOOD	Favorable	\$137.00	<del>(\$54.00)</del> \$36.00
	Average	\$119.00	<del>(\$50.00)</del> \$31.00
	Difficult	\$ 87.00	<del>(\$42.00)</del> \$24.00
	Inoperable	\$ 5.00	\$ 1.00
AVERAGE	Favorable	\$ 98.00	<del>(\$32.00)</del> \$22.00
	Average	\$ 85.00	<del>(\$29.00)</del> \$18.00
	Difficult	\$ 60.00	<del>(\$26.00)</del> \$14.00
	Inoperable	\$ 3.00	\$ 1.00

Land Quality	Accessi- bility & Topography	Western Washington <sup>1</sup>	Eastern Washington <sup>2</sup>
POOR	Favorable	\$ 54.00	<del>(\$15.00)</del> \$10.00
	Average	\$ 47.00	<del>(\$13.00)</del> \$9.00
	Difficult	\$ 33.00	<del>(\$11.00)</del> \$6.00
	Inoperable	\$ 1.00	\$ 1.00

<sup>1</sup> For Western Washington: All private land lying west of the Summit of the Cascade Range of mountains.

<sup>2</sup> For Eastern Washington: All private land lying east of the Summit of the Cascade Range of mountains.

**WSR 79-08-016**  
**ADOPTED RULES**  
**COMMISSION FOR THE BLIND**  
[Order 79-01—Filed July 10, 1979]

Be it resolved by the Washington State Commission for the Blind, acting at 3411 South Alaska Street, Seattle, WA 98118, that it does promulgate and adopt the annexed rules relating to Vending Facility Program for the Blind, to adopt new sections establishing rules for the conduct of the vending facility program for the blind in the State of Washington, chapter 67-32 WAC.

This action is taken pursuant to Notice No. WSR 79-05-106 filed with the code reviser on May 2, 1979. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Washington State Commission for the Blind as authorized in RCW 74.17.040, 74.16.430(1) and 74.16.450.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED June 9, 1979.  
By Kenneth M. Hopkins  
Director

Chapter 67-32 WAC  
**VENDING FACILITY PROGRAM FOR THE  
BLIND**

**NEW SECTION**

**WAC 67-32-010 DESCRIPTION—PURPOSE.**  
The vending facility program for the blind is a part of the vocational rehabilitation program for the blind. The purpose of the vending facility program is to provide increased employment opportunities for blind citizens of

the state, and at the same time, provide a visible demonstration of the normal skills of blind persons. The Washington state commission for the blind, vending facility program, provides training and placement of blind persons in vending facilities. The primary function of this program is to provide the opportunity for the blind person to become a successful, independent business person. This is accomplished through varied informative training programs, establishment and maintenance of vending facilities, continuous professional guidance and administrative support. By legislation, blind persons participating in the vending facility program are given preference in the operation of vending facilities on federal, state, county, municipal, and other local governmental property.

**NEW SECTION**

**WAC 67-32-020 PUBLIC INFORMATION—HOW TO APPLY.** The public may obtain additional information about the program, including how to apply for services by contacting the vending facility program staff (the vending facility program supervisor and vending facility program counselors) at the Commission for the Blind, P.O. Box 18379, 3411 South Alaska Street, Seattle, WA 98118, phone (206) 721-4422, toll-free 1-800-552-7103; or by contacting commission for the blind offices located in several large cities of the state. An application for service under the vending facility program may be made to a vocational rehabilitation counselor located in any office of the commission for the blind.

**NEW SECTION**

**WAC 67-32-030 TERMS DEFINED.** The terms defined in this section shall have the indicated meaning when used in this chapter.

(1) "Agreement" means that document issued by the commission to a blind licensee assigning responsibility for the management of a designated vending facility in accordance with these rules and the terms and conditions of the permit or contract.

(2) "Blind" means visual acuity of no more than 20/200 in the better eye with correcting lenses; or if visual acuity is greater than 20/200, a limitation in the field of vision of the better eye so that its widest diameter subtends an angle of no greater than 20 degrees, as determined by an examination by a physician skilled in diseases of the eye, or an optometrist, whichever the person chooses.

(3) "Blind licensee" or "licensee" means a person licensed by the commission to operate a vending facility in the vending facility program, but who is not assigned a vending facility.

(4) "Blind vendor" or "vendor" means a person licensed by the commission to operate a vending facility in the vending facility program and who is assigned a vending facility.

(5) "Commission" means the Washington commission for the blind.

(6) "Contract" means the negotiated terms and conditions between the manager controlling federal or other

property and the commission covering the operation of a vending facility on federal or other property.

(7) "Equipment" means all appliances, utensils, counters, cupboards, storage devices, furniture and other furnishings used in the operation of the vending facility, to which the commission retains title.

(8) "Federal property" means any building, land or other real property owned, leased or occupied by any department, agency or instrumentality of the United States including the department of defense and the United States postal service, or any other instrumentality wholly owned by the United States.

(9) "License" means a written instrument issued by the commission to a blind person authorizing that person to operate a vending facility on federal or other property.

(10) "Management services" means supervision, inspection, quality control, consultation, accounting, regulating, in-service training, and other related services provided on a systematic basis to support and improve vending facilities operated by blind vendors. "Management services" does not include those services or costs which pertain to the ongoing operation of an individual facility after the initial establishment period.

(11) "Other property" means property which is not federal property.

(12) "Permit" means the official approval given the commission by a department, agency or instrumentality in control of the maintenance, operation and protection of federal property, or a person in control of other property, whereby the commission is authorized to establish a vending facility.

(13) "Public building" means any building owned by the state of Washington or any political subdivision thereof, and any space leased by the state of Washington or any political subdivision thereof in any privately-owned building and designated by the commission as being appropriate for inclusion in the vending facility program: PROVIDED, HOWEVER, That any vending facility or vending machine under the jurisdiction and control of another established state or local board or authority responsible for its maintenance and operation, shall not be designated without the consent of such state or local board or authority.

(14) "Program" means the vending facility program, (also known as the business enterprises program) including all of the activities, obligations and relationships described in this chapter.

(15) "Set aside funds" means any income from vending machines on federal property received by the commission and not paid to vendors as income under provision of 45 C.F.R., section 1369.32 (b), (c) and (d).

(16) "Vending facility" means cafeterias, snack bars, vending counters, vending carts, vending machines or any combination of the above, at which food, tobacco, refreshments or sundries are offered for sale, and which operate under the vending facility program. Vending facilities will be identified by the following classifications:

(a) "Cafeteria" means a food dispensing vending facility capable of merchandising a broad variety of prepared foods and beverages. Characteristically, the cafeteria has specialized equipment, a food preparation

area, and booths and tables for seating. Vending machines may be part of a cafeteria.

(b) "Dry stand" means a vending facility which merchandises, among other things, tobacco, sundries and prepackaged food and refreshment items. Characteristically, the dry stand has no specialized equipment for refrigerating or heating foods or beverages, nor any food preparation area. Merchandise is consumed away from the dry stand. Vending machines may be a part of the dry stand.

(c) "Lunch counter" means a vending facility which merchandises, among other things, lines of refreshment and food items suitable for a light meal. Characteristically, the lunch counter has specialized equipment for the refrigerating, cooking or heating of foods and beverages, and has a limited food preparation area. Merchandise may be consumed at or away from the lunch counter. Vending machines may be part of the facility.

(d) "Snack bar" means a vending facility which merchandises, among other things, limited lines of refreshment and prepared food items. Characteristically, a snack bar has specialized equipment for refrigerating or heating foods and beverages but has no food preparation area. Merchandise may be consumed at or away from the snack bar. Vending machines may be a part of the facility.

(e) "Vending machine facility" means a vending facility comprised of coin or currency operated machines merchandising, among other things, a variety of food and refreshment items. The vendor is responsible for the management of the machines and usually performs such functions as loading and servicing the machines and other customer-related services. Characteristically, there is no provision for booth or table seating at such a facility.

(17) "Vending machine" means any coin-operated machine offering food, refreshments, tobacco or sundries for sale.

#### NEW SECTION

WAC 67-32-040 ELIGIBILITY. To be eligible to enter the training program to become a blind licensee, the applicant must meet the following requirements:

- (1) Blind as defined in WAC 67-32-030(2);
- (2) A citizen of the United States;
- (3) Determined eligible for vocational rehabilitation services under 45 C.F.R., sections 1361.34 and 1361.35;
- (4) Found by a vocational rehabilitation thorough diagnostic study to possess adequate alternative skills to the use of vision in reading, writing and independent travel;
- (5) Has successfully completed a work evaluation in vending facility management conducted in Seattle by the vending facility program staff.

#### NEW SECTION

WAC 67-32-050 LICENSEE TRAINING. The commission operates a training course for those who have met the requirements in WAC 67-32-040. In accepting persons into the training course, preference is

given to those who are in need of work, otherwise persons are entered into the course according to the earliest application. The commission maintains a course which includes training and experience with written criteria which the trainee must achieve. The training course is of undetermined length, and the time of completion depends upon the trainee's ability to meet the criteria set forth in the course. Upon successful completion of the course, the trainee receives a license and is eligible for benefits granted a licensee in this chapter.

#### NEW SECTION

**WAC 67-32-055 LICENSEE—FORMER OR CURRENT OUT-OF-STATE.** Any individual currently licensed in another state or who formerly held a license which was terminated in this program in the state of Washington may attempt, for a minimum two-week period, to demonstrate at a commission operated training facility their knowledge and ability to manage a vending facility. If he/she is successful in this attempt, this trainee will be granted a license, will receive the minimum basic evaluation score of thirty-five points, and will be eligible for benefits granted a licensee in this chapter.

#### NEW SECTION

**WAC 67-32-060 SELECTING A LICENSEE OR VENDOR TO OPERATE VENDING FACILITY—NOTICE.** When a vending facility becomes available a "notice of available facility" is prepared by the vending facility program staff and sent to all licensees and vendors. The "notice of available facility" will contain sufficient information to enable licensees and vendors to determine if they are interested in applying to become the vendor in the available facility. A closing time and date for accepting applications is specified in the "notice", but in no event shall the closing time be less than two weeks from the date of mailing, unless the commission declares an emergency requiring less than two weeks notice. Applications may be accepted in writing or by telephone. Lack of response from a licensee or vendor within the allotted time period will be considered to be a negative response. Applications are time and date stamped when they are received.

#### NEW SECTION

**WAC 67-32-070 SELECTING A LICENSEE OR VENDOR TO OPERATE VENDING FACILITY—PROCEDURE.** (1) To select a licensee or vendor to operate an available vending facility, a basic evaluation score is computed for each licensee or vendor. The basic evaluation score will reflect an operator's level of competency as measured by the financial activities of the vending facility and compared to vending facilities which operations are more similar than dissimilar. To achieve relative ranking of vendor and licensee effectiveness, vending facilities have been grouped into ten classifications: Dry stands; snack bars under \$100,000 annual gross sales; snack bars over \$100,000 annual gross sales; lunch counters under \$100,000 annual gross sales; lunch

counters over \$100,000 annual gross sales; cafeterias under \$100,000 annual gross sales; cafeterias from \$100,000 to \$200,000 annual gross sales; cafeterias over \$200,000 annual gross sales and/or those with limited income percentage; vending machines grouped to form a facility; and commission training cafeteria. For each group of vending facilities, an average percent is calculated for each item used in the evaluation. Points are assigned to percentages which deviate from the average to reward superior management and to discourage overpricing and excess profiteering. One point for each year of experience in the vending facility program up to five years and .2 point for each year of experience in the vending facility program beyond five years is added to the basic evaluation score to obtain the final evaluation score. Each federal fiscal year the average percentage for the three items of evaluation will be calculated for each of the ten groups of vending facilities, and vendors shall be informed in writing of the average percentages and to which classification their vending location is assigned. Any vending facility which, as a result of modification, belongs in a different facility classification will be assigned to that classification and will use the average percentages applicable to that classification.

(2) The basic evaluation score for a vendor is determined by using three items reported on the vendor's quarterly report: Cost of merchandise sold; all other operating costs; and net profit. The vendor will separately report the value of any volunteer labor received which is essential to the operation of the facility; the cost of purchasing, leasing or renting equipment; and income received from any personnel training programs for the purpose of adjusting the category of "all other operating expenses." Income received from vending machines not managed or operated by the vendor shall not be considered in the evaluation process. Cost of merchandise sold, adjusted all other operating expenses, and adjusted net profit is determined and converted into a percentage of gross sales. The percentages in each category are converted to points, as shown in WAC 67-32-080, and the sum of the three separate scores becomes the basic evaluation score. The basic evaluation score for each of the most current two quarters will be averaged, and this average plus points earned by seniority becomes the evaluation score except that the quarter in which a licensee or operator assumes responsibility for a new or different location shall not be included in the two most current quarters used in determining an evaluation score.

(3) A trainee shall receive a basic evaluation score by the same method as set forth in subsection (2) of this section except that the period of basic evaluation shall include only those months when a trainee is in certification training and is managing a vending facility under the training program of the commission for the blind. The basic evaluation score shall be computed monthly, and adjustment factors are not used.

(4) The licensee or vendor applying for an available facility and having the highest evaluation score shall be designated the vendor of the available facility except as provided for in subsections (5) and (6) of this section.

(5) No vendor or licensee who has been designated to operate an available vending facility will within the next

six months thereafter be designated to operate a subsequently available vending facility, unless such vendor(s) or licensee(s) is (are) the only applicant(s).

(6) The loss of any vending facility to the vending facility program for reasons beyond the control of the vendor assigned that facility, as determined by the staff of the vending facility program, shall permit assignment of the next available vending facility to that vendor without respect to other provisions of this section. Any vendor so assigned may make application for a subsequently available facility without respect to subsection (5) of this section.

## NEW SECTION

**WAC 67-32-080 LICENSEE OR VENDOR EVALUATION FORM—EXPLANATION.** A licensee or vendor may accumulate a maximum of 25 basic evaluation points for the item of "cost of merchandise sold"; a maximum of 20 basic evaluation points for the item of "adjusted all other operating costs"; and a maximum of 30 basic evaluation points for the item of "adjusted net profit" for a maximum basic evaluation score of 75 points.

### (1) Dry Stands

For the item of "cost of merchandise sold," the average percentage shall receive 20 points. For each .5% less than the average, 1 point shall be added, to a maximum of 5 additional points. For each .5% greater than the average, 1 point shall be deducted from 20 points, to a minimum score of zero.

For the item of "adjusted all other operating costs," the average percentage shall receive 15 points. For each .33% less than the average, 1 point shall be added, to a maximum of 5 additional points. For each .33% greater than the average, 1 point shall be deducted from 15 points, to a minimum score of zero.

For the item of "adjusted net profit," the average percentage shall receive 20 points. For each 1% greater than the average, 1 point shall be added, to a maximum of 10 additional points. For each percentage point beyond that necessary to earn 30 points, 1 point shall be deducted from 30 points. For each 1% less than the average, 1 point shall be deducted from 20 points, to a minimum score of zero.

### (2) Snack Bar Under \$100,000 Annual Gross Sales

For the item of "cost of merchandise sold," the average percentage shall receive 20 points. For each .5% less than the average, 1 point shall be added, to a maximum of 5 additional points. For each .5% greater than the average, 1 point shall be deducted from 20 points, to a minimum score of zero.

For the item of "adjusted all other operating costs," the average percentage shall receive 15 points. For each .5% less than the average, 1 point shall be added, to a maximum of 5 additional points. For each .5% above that percentage necessary to achieve maximum points, 1 point shall be deducted from 20 points. For each .5% greater than the average, 1 point shall be deducted from 15 points, to a minimum of zero.

For the item of "adjusted net profit," the average percentage shall receive 20 points. For each 1% greater than the average, 1 point shall be added, to a maximum

of 10 additional points. For each percentage point beyond that necessary to earn 30 points, 1 point shall be deducted from 30 points. For each 1% less than the average, 1 point shall be deducted from 20 points, to a minimum score of zero.

### (3) Snack Bar Over \$100,000 Annual Gross Sales

For the item of "cost of merchandise sold," the average percentage shall receive 20 points. For each 1% less than the average, 1 point shall be added, to a maximum of 5 additional points. For each 1% greater than the average, 1 point shall be deducted from 20 points, to a minimum score of zero.

For the item of "adjusted all other operating costs," the average percentage shall receive 15 points. For each 1% less than the average, 1 point shall be added, to a maximum of 5 additional points. For each 1% above that percentage necessary to achieve maximum points, 1 point shall be deducted from 20 points. For each 1% greater than the average, 1 point shall be deducted from 15 points, to a minimum score of zero.

For the item of "adjusted net profit," the average percentage shall receive 20 points. For each 1% greater than the average, 1 point shall be added, to a maximum of 10 additional points. For each percentage point beyond that necessary to earn 30 points, 1 point shall be deducted from 30 points. For each 1% less than the average, 1 point shall be deducted from 20 points, to a minimum score of zero.

### (4) Lunch Counter Under \$100,000 Annual Gross Sales

For the item of "cost of merchandise sold," the average percentage shall receive 20 points. For each .5% less than the average, 1 point shall be added, to a maximum of 5 additional points. For each .5% greater than the average, 1 point shall be deducted from 20 points, to a minimum of zero.

For the item of "adjusted all other operating costs," the average percentage shall receive 15 points. For each .5% less than the average, 1 point shall be added, to a maximum of 5 additional points. For each .5% above that percentage necessary to achieve maximum points, 1 point shall be deducted from 20 points. For each .5% greater than the average, 1 point shall be deducted from 15 points, to a minimum score of zero.

For the item of "adjusted net profit," the average percentage shall receive 20 points. For each 1% greater than the average, 1 point shall be added, to a maximum of 10 additional points. For each percentage point beyond that necessary to earn 30 points, 1 point shall be deducted from 30 points. For each 1% less than the average, 1 point shall be deducted from 20 points, to a minimum score of zero.

### (5) Lunch Counter Over \$100,000 Annual Gross Sales

For the item of "cost of merchandise sold," the average percentage shall receive 20 points. For each 1% less than the average, 1 point shall be added, to a maximum of 5 additional points. For each 1% greater than the average, 1 point shall be deducted from 20 points, to a minimum score of zero.

For the item of "adjusted all other operating costs," the average percentage shall receive 15 points. For each

1% less than the average, 1 point shall be added, to a maximum of 5 additional points. For each 1% above that percentage necessary to achieve maximum points, 1 point shall be deducted from 20 points. For each 1% greater than the average, 1 point shall be deducted from 15 points, to a minimum score of zero.

For the item of "adjusted net profit," the average percentage shall receive 20 points. For each 1% greater than the average, 1 point shall be added, to a maximum of 10 additional points. For each percentage point beyond that necessary to earn 30 points, 1 point shall be deducted from 30 points. For each 1% less than the average, 1 point shall be deducted from 20 points, to a minimum score of zero.

**(6) Cafeteria Under \$100,000 Annual Gross Sales**

For the item of "cost of merchandise sold," the average percentage shall receive 20 points. For each 1% less than the average, 1 point shall be added, to a maximum of 5 additional points. For each 1% greater than the average, 1 point shall be deducted from 20 points, to a minimum of zero.

For the item of "adjusted all other operating costs," the average percentage shall receive 15 points. For each 1% less than the average, 1 point shall be added, to a maximum of 5 additional points. For each 1% above that percentage necessary to achieve maximum points, 1 point shall be deducted from 20 points. For each 1% greater than the average, 1 point shall be deducted from 15 points, to a minimum score of zero.

For the item of "adjusted net profit," the average percentage shall receive 20 points. For each 1% greater than the average, 1 point shall be added, to a maximum of 10 additional points. For each percentage point beyond that necessary to earn 30 points, 1 point shall be deducted from 30 points. For each 1% less than the average, 1 point shall be deducted from 20 points, to a minimum score of zero.

**(7) Cafeteria From \$100,000 to \$200,000 Annual Gross Sales**

For the item of "cost of merchandise sold," the average percentage shall receive 20 points. For each 1% less than the average, 1 point shall be added, to a maximum of 5 additional points. For each 1% greater than the average, 1 point shall be deducted from 20 points, to a minimum score of zero.

For the item of "adjusted all other operating costs," the average percentage shall receive 15 points. For each .66% less than the average, 1 point shall be added, to a maximum of 5 additional points. For each .66% above that percentage necessary to achieve maximum points, 1 point shall be deducted from 20 points. For each .66% greater than the average, 1 point shall be deducted from 15 points, to a minimum score of zero.

For the item of "adjusted net profit," the average percentage shall receive 20 points. For each 1% greater than the average, 1 point shall be added, to a maximum of 10 additional points. For each percentage point beyond that necessary to earn 30 points, 1 point shall be deducted from 30 points. For each 1% less than the average, 1 point shall be deducted from 20 points, to a minimum score of zero.

**(8) Cafeterias Over \$200,000 Annual Gross Sales and/or Those With Limited Income**

For the item of "cost of merchandise sold," the average percentage shall receive 20 points. For each 1% less than the average, 1 point shall be added, to a maximum of 5 additional points. For each 1% greater than the average, 1 point shall be deducted from 20 points, to a minimum score of zero.

For the item of "adjusted all other operating costs," the average percentage shall receive 15 points. For each .5% less than the average, 1 point shall be added, to a maximum of 5 additional points. For each .5% above that percentage necessary to achieve maximum points, 1 point shall be deducted from 20 points. For each .5% greater than the average, 1 point shall be deducted from 15 points, to a minimum score of zero.

For the item of "adjusted net profit," the average percentage shall receive 20 points. For each .5% greater than the average, 1 point shall be added, to a maximum of 10 additional points. For each .5% beyond that necessary to earn 30 points, 1 point shall be deducted from 30 points. For each .5% less than the average, 1 point shall be deducted from 20 points, to a minimum score of zero.

**(9) Vending Machines Grouped to Form a Facility**

For the item of "cost of merchandise sold," the average percentage shall receive 20 points. For each .2% less than the average, 1 point shall be added, to a maximum of 5 additional points. For each .2% greater than the average, 1 point shall be deducted from 20 points, to a minimum score of zero.

For the item of "adjusted all other operating costs," the average percentage shall receive 15 points. For each .5% less than the average, 1 point shall be added, to a maximum of 5 additional points. For each .5% greater than the average, 1 point shall be deducted from 15 points, to a minimum score of zero.

For the item of "adjusted net profit," the average percentage shall receive 20 points. For each .33% greater than the average, 1 point shall be added, to a maximum of 10 additional points. For each .33% beyond that necessary to earn 30 points, 1 point shall be deducted from 30 points. For each .33% less than the average, 1 point shall be deducted from 20 points, to a minimum score of zero.

**(10) Commission Training Cafeteria**

For the item of "cost of merchandise sold," the average percentage shall receive 20 points. For each .5% less than the average, 1 point shall be added, to a maximum of 5 additional points. For each .5% greater than the average, 1 point shall be deducted from 20 points, to a minimum of zero.

For the item of "all other operating costs," the average percentage shall receive 15 points. For each .33% less than the average, 1 point shall be added, to a maximum of 5 additional points. For each .33% above that percentage necessary to achieve maximum points, 1 point shall be deducted from 20 points. For each .33% greater than the average, 1 point shall be deducted from 15 points, to a minimum of zero.

For the item of "net profit," the average percentage shall receive 20 points. For each .5% greater than the average, 1 point shall be added, to a maximum of 10

additional points. For each .5% beyond that necessary to earn 30 points, 1 point shall be deducted from 30 points. For each .5% less than the average, 1 point shall be deducted from 20 points, to a minimum score of zero.

#### NEW SECTION

**WAC 67-32-090 ASSIGNMENT TO A VENDING FACILITY—AGREEMENT.** To execute the assignment of a licensee or vendor to a vending facility, the licensee or vendor shall enter into an agreement with the commission which states the terms and conditions of the assignment to the specific vending facility. The commission will provide each vendor with a copy of these rules which include the description of the arrangements for providing services. The commission will take adequate steps to assure that each vendor understands the provisions of any permit, contract or agreement under which he/she operates as evidenced by the vendor's signed statement. An existing agreement between the commission and a vendor is automatically terminated when the vendor signs a new agreement with the commission.

#### NEW SECTION

**WAC 67-32-100 POSTEMPLOYMENT SERVICES.** A vendor shall be provided with such postemployment services as are necessary to assure that the maximum vocational potential of each blind vendor is achieved. The postemployment services will be provided by the vocational rehabilitation counselor. Postemployment services will be provided in accordance with 45 C.F.R., section 1361.40(a)(13).

#### NEW SECTION

**WAC 67-32-110 DISCRIMINATION PROHIBITED.** The commission, through its staff or any other agency, through any contract, permit or agreement is prohibited from discriminating against any licensee or vendor on the basis of race, color, sex, national origin, creed or religion, physical or mental impairment, age, marital status or political affiliation.

#### NEW SECTION

**WAC 67-32-120 STATE COMMITTEE OF BLIND VENDORS—ELECTION—REPRESENTATION—MEETINGS.** The committee of blind vendors consists of seven vendors elected by vendors divided into three geographical areas. One committee vendor is elected by vendors in eastern Washington (east of the Cascade Mountains). Three committee vendors are elected by vendors in northwest Washington including Pierce county thru Whatcom county. Two committee vendors are elected by vendors in southwest Washington including Thurston county thru Clark county. One committee vendor is elected at large by all vendors on a state-wide basis.

(1) Members of the committee are elected for a two-year term and are elected during the month of January of each even-numbered year. Any vendor serving as a representative who chooses to transfer or promote to a

vending facility outside the area that individual represents thereby relinquishes membership in the vendors committee. The vendors in an area having lost such representation shall elect a replacement for the remainder of that term. All vendors are entitled to vote in the election. The committee elects its own chairperson.

(NOTE: The vendors are urged to constitute the blind vendors committee so that it is representative of the various types of vending facilities including those established on federal and non-federal property and those that are cafeterias, snack bars, dry stands, lunch counters and vending machine facilities.)

(2) There are two scheduled blind vendor committee meetings per year. Additional meetings can be called by the supervisor of the vending facility program or by the chairperson of the blind vendors committee.

(3) The commission will conduct all elections and pay for all expenses in connection therewith and publish the results.

#### NEW SECTION

**WAC 67-32-130 BLIND VENDORS COMMITTEE—PURPOSE.** The blind vendors committee shall:

(1) Actively participate with the commission in major administrative decisions and policy and program development decisions affecting the overall administration of the vending facility program;

(2) Receive and transmit to the commission grievances at the request of vendors, and serve as the advocates for such vendors in connection with such grievances;

(3) Actively participate with the commission in the development and administration of the commission's system for the transfer and promotion of vendors;

(4) Actively participate with the commission in the development of training and retraining programs for vendors;

(5) Sponsor, with the assistance of the commission, meetings and instructional conferences for vendors.

#### NEW SECTION

**WAC 67-32-140 VENDING MACHINE INCOME DISPERSED BY COMMISSION.** Vending machine income from vending machines on federal property which has been received by the commission pursuant to 45 C.F.R., section 1369.32 (b), (c) and (d) shall be paid to each blind vendor (if any) operating a vending facility on such federal property in an amount not to exceed the average income of all blind vendors in the state of Washington as determined each fiscal year on the basis of each prior year's operation, or the average net income of all blind vendors in the United States, whichever is less.

(1) No vendor shall receive less vending machine income than he/she was receiving during the calendar year 1973 as a direct result of any limitation imposed on such income by this section.

(2) No limitation shall be imposed on income from vending machines combined to create a vending facility,

when such facility is maintained, serviced or operated by a blind vendor.

(3) The commission shall disperse vending machine income to vendors on at least a quarterly basis.

(4) Vending machine income from vending machines on federal property received by the commission and not eligible for distribution to blind vendors under the provisions of this section shall be retained by the commission.

(5) Vending machine income which is retained under subsection (4) of this section shall be used by the commission for the establishment and maintenance of retirement or pension funds, for health insurance contributions, and for the provision of paid sick leave and vacation time, for vendors, if it is so determined by a majority vote of all vendors after the commission has provided to each vendor information on all matters relevant to such purposes. Any vending machine income not necessary for such purposes shall be used by the commission for the maintenance and replacement of equipment, the purchase of new equipment, management services, and assuring a fair minimum return to vendors.

#### NEW SECTION

WAC 67-32-150 SET ASIDE FUNDS—USE AS DETERMINED. Vending machine income received by the commission as described in WAC 67-32-140(4) shall be known as set aside funds. Set aside funds shall be used for the purchase of initial stock and supplies, repair of vending facility equipment, the replacement of obsolete or worn-out vending equipment, the purchase of new or additional vending facility equipment, management services, the purchase of liability insurance and the costs necessary to the conduct of the state blind vendors committee.

(1) Vendors whose income from their vending facility is at the national average or above for all vendors as determined each federal fiscal year on the basis of each prior year's operation shall pay repair charges for each separate repair job on vending facility equipment of fifty dollars or ten percent of the current or replacement cost of the equipment, whichever is greater.

(2) Vendors whose income from their vending facility is below the national average of such income for all vendors as determined each federal fiscal year on the basis of each prior year's operation shall pay a voluntary amount for each separate repair job on vending facility equipment at their facility.

(3) The remainder of the charges for repair or maintenance of vending facility equipment described in subsections (1) and (2) of this section shall be paid for from set aside funds. If set aside funds are entirely depleted, the vendor shall pay the costs of repair of vending facility equipment at his/her facility.

(4) For purposes of this section vending facility equipment shall include equipment provided by the commission and equipment furnished as a part of the contract or permit for which the commission and operator assumes the responsibility of maintenance.

#### NEW SECTION

WAC 67-32-160 BUSINESS ENTERPRISES REVOLVING FUND. There is established in the general fund of the state of Washington an account known as the business enterprises revolving fund. The net proceeds from any vending facility or any vending machines in a public building, other than such an operation managed by or assigned to a vendor, shall be made payable to the business enterprises revolving fund. Net proceeds for purposes of this section shall mean the gross amount received less the cost of the operation including a fair minimum return to the vending machine company.

#### NEW SECTION

WAC 67-32-170 BUSINESS ENTERPRISES REVOLVING FUND—USES. All moneys in the business enterprises revolving fund shall be expended only for equipment, services and payment to vendors in the vending facility program.

#### NEW SECTION

WAC 67-32-180 ACCESS TO PROGRAM AND FINANCIAL INFORMATION. The commission shall provide to any interested person upon written request, program and financial information concerning the operation of the program, except that confidential information concerning any applicant, trainee, licensee or vendor shall not be released directly or indirectly without written permission of such applicant, trainee, licensee or vendor.

#### NEW SECTION

WAC 67-32-190 COMMISSION RESPONSIBILITY—DEVELOPMENT OF NEW VENDING FACILITY LOCATIONS. The staff of the vending facility program will select suitable locations for vending facilities and negotiate with the property management a permit or contract specifying the space to be occupied, hours of operation, services and articles to be vended, equipment to be installed and other items as required. The permit or contract will be executed between the commission and the management of the property where the vending facility is located.

#### NEW SECTION

WAC 67-32-200 COMMISSION RESPONSIBILITY—ARCHITECTURE AND CONSTRUCTION. The commission will select and provide architectural services and follow through on construction of the facility, within the guidelines prescribed by the state department of general administration, division of engineering and architecture, the state division of health and the local health department having jurisdiction.

#### NEW SECTION

WAC 67-32-210 COMMISSION RESPONSIBILITY—INITIAL EQUIPMENT—INITIAL STOCK AND SUPPLIES. The commission will provide

suitable initial equipment necessary for the efficient operation of the vending facility. The commission will provide funds for the initial stock and supplies, necessary business licenses, fees and deposits, and minimum operating cash required to commence operation of the facility, as determined by the vending facility program.

#### NEW SECTION

WAC 67-32-220 TITLE TO INITIAL EQUIPMENT—RIGHT TO INITIAL STOCK AND CASH. The right, title to and interest in initial equipment as provided for in WAC 67-32-210 will be vested in the commission. The right to and interest in the initial stock, and minimum operating cash provided under WAC 67-32-210 shall continue with the commission to the extent that should the vendor discontinue to operate the vending facility, the vendor or vendor's heirs will furnish to the commission an equal monetary amount of saleable stock and cash which may be transferred to the next vendor.

#### NEW SECTION

WAC 67-32-230 COMMISSION RESPONSIBILITY—MAINTAINED FACILITY. The commission will, within program resources, maintain or cause to be maintained each facility in good repair and attractive condition. The commission will, within program resources, or in accordance with terms and conditions of the permit or contract, replace, or cause to be replaced obsolete or worn-out equipment.

#### NEW SECTION

WAC 67-32-240 COMMISSION RESPONSIBILITY—VENDOR-OWNED EQUIPMENT. The vendor may purchase with the knowledge of the commission vending facility equipment. The commission shall retain a first option to repurchase such equipment if vendor places the equipment up for sale. In the event the vendor dies, or for any reason ceases to be a vendor, ownership of such equipment that is necessary for the operation of the facility shall become vested in the commission for transfer to a successor vendor subject to an obligation on the part of the commission to pay to the vendor, or the vendor's estate the fair value of the equipment. The vendor, the vendor's personal representative or next of kin shall be entitled to an opportunity for a full evidentiary hearing with respect to the determination of the necessity of the equipment or the amount to be paid by the commission for the vendor's ownership in the equipment. When dissatisfied with any decision rendered as the result of such hearing, the vendor, the vendor's personal representative or next of kin, may file a complaint with the secretary under 45 C.F.R., section 1369.13 to request the convening of an ad hoc arbitration panel.

#### NEW SECTION

WAC 67-32-250 COMMISSION RESPONSIBILITY—ADVANCE TRAINING. The commission

will provide vendors with an opportunity to obtain training and information so as to increase their skills and assist them in upward mobility. This training and information shall include training provided by the vending facility program; opportunity to engage in home study through the use of tape recorded instructions provided by the commission; and at least one instructional meeting per year conducted by the blind vendors committee with the assistance of the commission.

#### NEW SECTION

WAC 67-32-260 COMMISSION RESPONSIBILITY—OPENING FOR BUSINESS. The commission will assist the vendor upon request in procuring the necessary business licenses and permits; in selecting the necessary employees; and otherwise assist a vendor in opening a new facility for business.

#### NEW SECTION

WAC 67-32-270 COMMISSION RESPONSIBILITY—CONSULTATION. The staff of the vending facility program is available to the vendor during regular office hours either in person or by telephone, to work with the vendor in resolving problems; and to develop procedures to secure a maximum net profit for the vendor; the maximum service to the patrons; and a feeling of cooperation between building management, the blind vendor and the commission.

#### NEW SECTION

WAC 67-32-280 COMMISSION RESPONSIBILITY—INSPECTION—REQUIRED CONTACTS. The vending facility program staff will make bimonthly inspections of the vending facility. The results will be reviewed with the vendor to determine if improvements can be made, and if so, what actions should be taken. To the maximum extent possible the bimonthly inspections will occur at various times of the day so as to include the different activities of the vending facility. The vending facility program staff upon adequate notice to the vendor shall inspect records and reports kept by the vendor.

#### NEW SECTION

WAC 67-32-290 COMMISSION RESPONSIBILITY—CONTACT WITH PROPERTY MANAGEMENT. The staff of the vending facility program will make regularly scheduled contacts with the property management person controlling the property where the vending facility is located to determine if terms of the permit or contract are being met and to process any other problems or requests which may exist.

#### NEW SECTION

WAC 67-32-300 COMMISSION RESPONSIBILITY—NEGOTIATION WITH VENDING MACHINE COMPANIES. The staff of the vending facility program may negotiate agreements with vending machine companies for the installation of vending machines in public buildings and determine where the net proceeds from each machine shall go.

NEW SECTION

**WAC 67-32-310 COMMISSION RESPONSIBILITY—LIABILITY INSURANCE.** The commission shall arrange for the liability insurance that meets the specification of contracts and permits; and that can be purchased at a group rate. Within funds available the commission will provide this insurance in accordance with WAC 67-32-150.

NEW SECTION

**WAC 67-32-320 VENDOR RESPONSIBILITY—INDEPENDENT—NOT STATE EMPLOYEE.** The vendor is an independent vendor in the vending facility program and in no way can be considered to be an employee of the commission. The blind vendor receives all profits from the vending facility except as provided for in WAC 67-32-140(4).

NEW SECTION

**WAC 67-32-330 VENDOR RESPONSIBILITY—APPLICABLE FEDERAL AND STATE LAWS, RULES AND REGULATIONS.** The vendor will assume responsibility for securing and renewing all necessary business licenses and paying all fees required by, and for the operation of the facility. It is the responsibility of the vendor to operate the facility in accordance with all federal and state laws, rules and regulations; including applicable health laws, rules and regulations.

NEW SECTION

**WAC 67-32-340 VENDOR RESPONSIBILITY—VENDING FACILITY MANAGEMENT—NONDISCRIMINATION.** The vendor is responsible for maintaining a high level of customer service to assure the maintenance of the vending location and accommodate within reasonable limits other persons who may come to the facility. Determination of appropriate vending facility management activities will be in accordance with generally accepted practices in the food service industry and satisfaction of the building population and the building management. No customer or employee can be discriminated against by reason of race, color, sex, national origin, creed or religion, physical or mental impairment, age, marital status or political affiliation.

NEW SECTION

**WAC 67-32-350 VENDOR RESPONSIBILITY—MAINTAINING EQUIPMENT.** The vendor will be responsible to exercise proper care of and maintain all equipment and furnishings assigned to the facility including proper cleanliness and mechanical repair of equipment, unless otherwise specified by the terms and conditions of a permit or contract. If the vendor fails to maintain equipment which results in necessary repair, the commission may require necessary repair of such equipment and the cost of such required repair may become the sole responsibility of the vendor.

NEW SECTION

**WAC 67-32-360 VENDOR RESPONSIBILITY—MISCELLANEOUS EQUIPMENT—INITIAL STOCK AND SUPPLIES—MINIMUM OPERATING CASH.** It is the vendor's responsibility to maintain miscellaneous equipment, initial stock and supplies, and minimum operating cash originally furnished by the commission, unless otherwise specified by the terms and conditions of a permit or contract. Any vendor whose agreement with the commission has been terminated for any reason is responsible to return to the commission miscellaneous equipment, initial stock and supplies, and minimum operating cash equal in monetary value to those originally furnished by the vending facility program. Any vendor refusing to comply with the responsibilities in this section shall have their license terminated.

NEW SECTION

**WAC 67-32-370 VENDOR RESPONSIBILITY—COOPERATE.** It is the responsibility of the vendor to cooperate with the duly authorized representative of the commission in connection with their official responsibilities; to take no action derogatory to, or inconsistent with the paramount right, title and interest of the commission for the blind to the vending facility, its equipment, or the contract or permit with the management of the property where the facility is located.

NEW SECTION

**WAC 67-32-380 VENDOR RESPONSIBILITY—REPORTS.** It is the vendor's responsibility to submit such reports of the operation of the vending facility at such times, and in such formats, as the commission may from time to time require. The reports may include, but not necessarily limited to, the following items for the reporting period: Gross sales, beginning inventory, purchases, ending inventory, gross profit, personnel costs, other expenses, total expenses, net profit, percentage of profit, other income and total profit.

NEW SECTION

**WAC 67-32-390 VENDOR RESPONSIBILITY—ACCOUNTS PAYABLE.** The vendor will be responsible for the payment of all goods and services, materials and merchandise, received from suppliers subsequent to the initial stock and supplies provided by the commission. The vendor must assure each supplier that accounts are based on the vendor's credit record or reference.

NEW SECTION

**WAC 67-32-400 VENDOR RESPONSIBILITY—EMPLOYMENT OF STAFF.** The vendor is responsible for sufficient staff to assure the efficient operation of the facility and to provide adequate service to the customers. The vendor's relationship to his/her employed staff shall be the normal employer-

employee relationship existing in private business enterprises.

(1) In the employment of a temporary relief vendor the vendor shall give preference to a licensee of the vending facility program.

(2) The vendor will maintain all records, make all payments, and make all reports required of an employer by federal, state and local statutes.

(3) The vendor will pay employees an agreed upon wage in accordance with applicable state and federal laws and/or contract provisions.

#### NEW SECTION

WAC 67-32-410 **VENDOR RESPONSIBILITY—REBATES.** Rebates, commissions or bonuses received by the vendor from suppliers must be accounted for as income of the vending facility. Under no circumstances can such funds be treated as separate personal funds of the vendor.

#### NEW SECTION

WAC 67-32-420 **TERMINATION OF LICENSE—TERMINATION OF AGREEMENT.** The license to participate in the program is issued for an indefinite period of time. However, the vendor's license or vendor's agreement with the commission may be terminated after a thirty-day notice and/or after affording the vendor or licensee an opportunity for a full evidentiary hearing if the commission finds that the vending facility is not being operated in accordance with its rules, the terms and conditions of the permit or contract, or the terms and conditions of the agreement between the vendor and the commission. Following the completion of the thirty-day notice the vendor's license will be terminated or the vendor's agreement shall be terminated pending completion of the full evidentiary hearing process, the convening of any ad hoc arbitration panel and court review. Following termination of the vendor's agreement the commission will operate the vending facility until any grievance procedure is completed. The net profit from the operation of the vending facility during this time will be placed in trust in the business enterprises revolving fund for disbursement in accordance with any final decision of the grievance process.

#### NEW SECTION

WAC 67-32-430 **LICENSE SUSPENSION PRIOR TO EVIDENTIARY HEARING.** If the commission determines that its right, title to and interest in a vending facility is in eminent jeopardy due to the action, or lack of action of the vendor or licensee, the commission may suspend or terminate the license of the vendor or licensee and remove the vendor or licensee from the vending facility, pending an informal resolution of the problem, a full evidentiary hearing, or the decision of an ad hoc arbitration panel. For purposes of this section, the commission's interest in a vending facility includes the safety and well-being of the patrons of such facility.

#### NEW SECTION

WAC 67-32-440 **SUSPENSION OR TERMINATION OF LICENSE—OTHER REASONS.** The license of a licensee or vendor may be suspended or terminated automatically for any of the following reasons:

(1) Improvement of vision so that the licensee or vendor no longer meets the definition of blindness in WAC 67-32-030(2);

(2) Withdrawal of the licensee or vendor from the program upon written notification to the commission.

#### NEW SECTION

WAC 67-32-450 **SUSPENSION OR TERMINATION OF LICENSE—DISUSE.** If after two years the licensee has not participated as a vendor in the vending facility program, the commission will suspend the license.

#### NEW SECTION

WAC 67-32-460 **RELICENSING.** When a licensee's or vendor's license has been suspended by the commission, he/she must meet the requirements in WAC 67-32-040, and must demonstrate competency in meeting the criteria of the training course through a period of evaluation or retraining at the commission for the blind in order to become relicensed. Upon relicensing, the licensee or vendor shall retain his/her last previously established evaluation score.

#### NEW SECTION

WAC 67-32-470 **ADMINISTRATIVE REVIEW.** All licensees and vendors will be advised of their right to an administrative review on any decision or action, or inaction, taken by the commission regarding service provided the licensee or vendor under this chapter, or request for such service. The request for an administrative review must be filed within thirty days of the date of the decision, action or inaction, or lack of service being appealed.

The request for an administrative review may be made verbally or in writing and may be filed in any office of the commission. A verbal request will promptly be reduced to writing by the commission staff member receiving the request, and shall include the name and address of the licensee or vendor requesting the administrative review, the name and address of the representative (if any) of the licensee or vendor; the date of the request for administrative review; the date of the decision or action, or inaction, being appealed; as precisely as possible the issue to be resolved by the administrative review; and the signature of the licensee or vendor, or his/her representative.

#### NEW SECTION

WAC 67-32-480 **ADMINISTRATIVE REVIEW—WHO—WHEN—WHERE.** The administrative review will be conducted by the supervisor of the vending facility program unless the supervisor is a party to the decision, action or inaction being reviewed, in

which case the supervisor's supervisor shall conduct the administrative review. The administrative review will be held and a decision rendered within fifteen days of receipt of a request for administrative review. The review will be held at a commission office or in a location selected by the commission in the county in which the licensee or vendor resides. After the conclusion of the administrative review the person conducting the administrative review will certify his/her findings to the licensee or vendor in writing, specifying in detail the findings and decision of the administrative review, and informing the licensee or vendor of his/her right to request a full evidentiary hearing if dissatisfied with the decision.

NEW SECTION

WAC 67-32-490 FULL EVIDENTIARY HEARING. A licensee or vendor who desires a full evidentiary hearing will request such hearing within thirty days after receiving notice from the commission of the findings and decision of the administrative review, or within thirty days of the commission's failure to hold a fair hearing, or to render a decision in a fair hearing. The request for a full evidentiary hearing may be made verbally or in writing, and may be filed in any office of the commission. If made verbally such request will promptly be reduced to writing as specified in WAC 67-32-470. A full evidentiary hearing shall be provided by the director of the Washington commission for the blind, or his/her designee; and will be held within thirty days after the submission of the request. The full evidentiary hearing will be held in a location as specified in WAC 67-32-480.

NEW SECTION

WAC 67-32-500 FULL EVIDENTIARY HEARING—RIGHT TO INFORMATION. Upon the filing of a request for a full evidentiary hearing the licensee or vendor shall be informed of all information in the case file and shall have the right of access to, and may examine any file or record owned by the commission regarding his/her case which may contain information relevant and material to his/her grievance; except for documents and information disclosure of which is prohibited by federal or state law, and/or rules and regulations. This right of access to and examination of information shall be extended to the licensee's or vendor's representative, attorney and/or the blind vendors committee when functioning as an advocate for the licensee or vendor if so authorized in writing by the licensee or vendor or his/her legal guardian.

NEW SECTION

WAC 67-32-510 FULL EVIDENTIARY HEARING—TRANSCRIPT. A transcript of the testimony of the full evidentiary hearing will be made by the commission, and a copy of this transcript shall be made available to the aggrieved party upon request.

NEW SECTION

WAC 67-32-520 FULL EVIDENTIARY HEARING—DECISION IN WRITING. Within ten working days after the conclusion of the full evidentiary hearing the director of the commission or his/her designee will certify findings to the licensee or vendor in writing specifying in detail the findings and the decision reached, and informing the licensee or vendor of his/her right to request from the secretary of the United States department of health, education and welfare the convening of an ad hoc arbitration panel as provided for in 45 C.F.R., section 1369.13 and section 1369.6(e).

NEW SECTION

WAC 67-32-910 SAMPLE AGREEMENT.

Sample Agreement

This AGREEMENT entered in this ..... day of ..... 19.., by and between the Commission for the Blind, hereinafter referred to as the commission, and ....., hereinafter referred to as the vendor.

Name and Address of Facility ..... City: ....., Washington

IT IS HEREBY AGREED:

1. The provisions of the permit or contract between the commission and the property management as now exists or as may be renegotiated in the future, and chapter 67-32 WAC (the Vending Facility Program rules), which described the rights and responsibilities of the commission and the rights and responsibilities of the vendor, as presently exist or as may be amended in the future, are both by reference incorporated into and made part of this agreement.
2. The vendor is entitled to all profits of the vending facility, and vending machine revenue from site, except as provided for in WAC 67-32-140.
3. The vendor is responsible to submit reports to the commission as required.
4. The vendor must maintain the business hours agreed upon or as stated in the permit or contract.
5. The vendor shall receive a copy of the permit or contract and all applicable commission rules.
6. The vendor shall obtain and maintain continuously as provided in WAC 67-32-310 public liability insurance and/or other insurance necessary to comply with the hold harmless agreement incorporated herein with limits of liability not less than:

\$100,000.00 each person, personal injury  
 \$300,000.00 each occurrence, personal injury

\$ 25,000.00 each occurrence, property damage

- 7. The vendor shall not discriminate in the employment of persons on the grounds of race, color, sex, national origin, creed or religion, physical or mental impairment, age, marital status or political affiliation.
- 8. The vendor or the vendor's employees shall not subject customers to discrimination or deny them participation in, or the benefits of the vending facility on the grounds of race, color, sex, national origin, creed or religion, physical or mental impairment, age, marital status or political affiliation.
- 9. The commission may upon thirty days notice terminate the license and/or terminate the agreement with the vendor for failure to operate the facility in accordance with the permit or contract or the vending facility rules and shall provide an opportunity for a full evidentiary hearing as provided for in WAC 67-32-420, except in those instances where aggravated emergency conditions require immediate termination of license and/or termination of agreement and removal of the vendor due to gross neglect or misconduct, as provided for in WAC 67-32-430.
- 10. The vendor may terminate this agreement upon giving thirty days written notice to the commission.

I HEREBY CERTIFY THAT I FULLY UNDERSTAND THE ARTICLES AND TERMS SET FORTH IN THE ABOVE AGREEMENT AND HAVE RECEIVED ALL NECESSARY EXPLANATIONS OF THE PERMIT OR CONTRACT AND THE VENDING FACILITY PROGRAM RULES AND HAVE RECEIVED WRITTEN COPIES THEREOF.

Signed: ... (Vendor) ..... Date: ....., 19...  
Signed: (Commission for the Blind) ... Date: ....., 19...

**WSR 79-08-017**  
**EMERGENCY RULES**  
**SECRETARY OF STATE**  
[Order 79-2—Filed July 11, 1979]

I, Bruce K. Chapman, Secretary of State, do promulgate and adopt at Olympia, Washington, the annexed rules relating to declarations of candidacy of candidates for offices in cities or towns portions of which are in two or more counties.

I, Bruce K. Chapman, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action

would be contrary to public interest. A statement of the facts constituting such emergency is without corrective regulation, candidates for public office in certain cities and towns would not have clear statutory direction regarding the office with which to file declarations of candidacy during the filing period (July 30–August 3) for such municipal offices for the odd-year municipal general election.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated under the general rule-making authority of the Office of the Secretary of State as authorized in RCW 29.04.080.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED July 11, 1979.

By Carmela M. Bowns  
Asst. Secretary of State

NEW SECTION

WAC 434-28-050. FILING OF DECLARATIONS OF CANDIDACY FOR OFFICES IN CITIES AND TOWNS LYING IN TWO OR MORE COUNTIES. Any candidate for municipal office in a city or town lying in two or more counties shall file the declaration of candidacy required by Chapter 29.21 RCW with the county auditor of the county in which a plurality of the inhabitants of the city or town reside according to the most recent population estimate by the office of financial management. The county auditor receiving such declarations shall transmit a copy of each such declaration to the county auditor of each county or counties containing a portion of that city or town no later than the next Friday following the close of the filing period.

**WSR 79-08-018**  
**PROPOSED RULES**  
**UTILITIES AND TRANSPORTATION**  
**COMMISSION**  
[Filed July 11, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Utilities and Transportation Commission intends to adopt, amend, or repeal rules concerning the adopting of new section, WAC 480-80-125, relating to notice by utility to customers concerning hearing on rate increase request. Cause No. U-79-29;

and that the adoption, amendment, or repeal of such rules will take place at 8:00 a.m., Wednesday, August 1, 1979, in the Commission's conference room, Seventh Floor, Highways-Licenses Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 80.01.040(4) and 80.04.160.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 27, 1979, and/or orally at 8:00 a.m., Wednesday, August 1, 1979, Commission's conference room, Seventh Floor, Highways-Licenses Building, Olympia, Washington.

This notice is connected to and continues the matter noticed in Notice No. WSR 79-06-058 filed with the code reviser's office on May 23, 1979.

Dated: July 11, 1979

By: David Rees  
Secretary

**WSR 79-08-019**  
**ADOPTED RULES**  
**INSURANCE COMMISSIONER**  
[Order R 79-3—Filed July 11, 1979]

I, Dick Marquardt, Insurance Commissioner, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the distribution and placement of business under the FAIR PLAN, by amending WAC 248-19-070; and concerning the composition of the Governing Committee of the FAIR PLAN FACILITY by amending WAC 284-19-140 to increase the committee from 5 to 9, three of whom must be individuals not interested in any insurer except as policyholders.

This action is taken pursuant to Notice No. WSR 79-06-062 filed with the code reviser on 5/23/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Insurance Commissioner as authorized in RCW 48.02.060 to effectuate RCW 48.01.030, 48.30.020 and 48.18.480.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED July 11, 1979.

Dick Marquardt  
Insurance Commission  
By Robert E. Johnson  
Deputy Commissioner

AMENDATORY SECTION (Order R 69-1 filed 1/28/69)

WAC 284-19-070 FAIR PLAN BUSINESS—DISTRIBUTION AND PLACEMENT. (1) The Facility may not require, as a precondition (~~((for referral of an inspection report to a Service Insurer))~~) to the placement of business under the FAIR plan, that the applicant make a showing that he is unable (~~((after reasonably diligent efforts,))~~) to obtain insurance in the normal market, but the Facility may require an agent or

broker to furnish the Facility with copies of documents or information showing what effort was made by such agent or broker to obtain insurance in the normal market, and the Facility shall forward to the Commissioner the names of such agents or brokers who fail to cooperate or who appear to fail to make reasonable efforts on behalf of applicants for insurance to obtain insurance in the normal market.

(2) Thereafter, the Facility, upon receipt of an application for coverage and the corresponding inspection report from the Inspection Bureau, shall assign such application to the Service Insurer designated by the applicant or by his agent; or if no Service Insurer is so designated, it shall assign the application to a Service Insurer, keeping the assignments evenly distributed, based on the volume of property insurance writings in this state of the various Service Insurers.

(3) Assessments upon each Insurer participating in this Program shall be levied by the Facility on the same percentage allocation basis as such Insurer's Premiums Written bears to the total of all Premiums Written by all Insurers participating in the Program.

(a) The maximum limit of liability which may be placed through this Program on any one property at one location is \$1,500,000. The Facility shall undertake the responsibility of seeking to place that portion of a risk which exceeds \$1,500,000.

(b) The term "at one location" as used herein refers to real and personal property consisting of and contained in a single building, or consisting of and contained in contiguous buildings under one ownership.

AMENDATORY SECTION (Order R 69-1 filed 1/28/69)

WAC 284-19-140 ADMINISTRATION. (1) This Program shall be administered by a Governing Committee (hereinafter referred to as the Committee) of the Facility, subject to the supervision of the Commissioner, and operated by a Manager appointed by the Committee.

(2) On and after September 1, 1979, ((F)) the Committee shall consist of nine members, including five Insurers, one of which shall be elected from each of the following: American Insurance Association, ((American Mutual Insurance)) Alliance of American Insurers, National Association of Independent Insurers, all other stock insurers, and all other nonstock insurers. A sixth member shall be the Insurer designated as the Service Insurer under the Program (or, if there be more than one Service Insurer, the sixth member shall be such Service Insurer as the Commissioner designates as the member). The other three members shall be individuals who are appointed by the Commissioner to so serve, none of whom shall be interested, directly or indirectly in any insurer except as a policyholder. The individual members shall serve for a period of one year or until their successors are appointed. Not more than one Insurer in a group under the same management or ownership shall serve on the Committee at the same time. One of the ((five)) six Insurers on the Governing Committee shall be a domestic insurer.

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

**Reviser's Note:** RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

**WSR 79-08-020**  
**PROPOSED RULES**  
**DEPARTMENT OF ECOLOGY**  
 [Filed July 11, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Ecology intends to adopt, amend, or repeal rules concerning NPDES delegation, amending WAC 173-60-060;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Monday, July 16, 1979, in the Hearings Room, Department of Ecology, Lacey, Washington.

The authority under which these rules are proposed is RCW 43.21A.090.

This notice is connected to and continues the matter noticed in Notice No. WSR 79-06-015 filed with the code reviser's office on May 11, 1979.

Dated: July 10, 1979

By: Elmer C. Vogel  
 Deputy Director

**WSR 79-08-021**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Public Assistance)  
 [Filed July 12, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning:

Amd WAC 388-86-050 Inpatient hospital care.  
 Amd WAC 388-92-045 Medical care—Excluded resources.

Correspondence concerning this notice and proposed rules attached should be addressed to:

Michael Stewart  
 Executive Assistant  
 Department of Social and Health Services  
 Mailstop OB-44 C  
 Olympia, WA 98504;

that such agency will at 10:00 a.m., Wednesday, September 12, 1979, in the Auditorium, State Office Building #2, 12th and Jefferson, Olympia, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, September 19, 1979, in William B. Pope's office, 3-D-14, State Office Building #2, 12th and Jefferson, Olympia.

The authority under which these rules are proposed is RCW 74.08.090.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to 9/12/79, and/or orally at 10:00 a.m., Wednesday, September 12, 1979, Auditorium, State Office Building #2, 12th and Jefferson, Olympia, WA.

Dated: July 10, 1979

By: Michael S. Stewart  
 Executive Assistant

AMENDATORY SECTION (Amending Order 1395, filed 5/16/79)

WAC 388-86-050 INPATIENT HOSPITAL CARE. (1) The department will provide hospitalization for recipients under age sixty-five and for recipients sixty-five and over who have exhausted medicare benefits. With exceptions and limitations listed below, the recipient will have free choice of hospitalization.

~~((2) Hospitalization requires approval of~~

~~(a) the local medical consultant for admission and extension of length of stay for recipients of GAU and MO;~~

~~(b) the local medical consultant for prior approved nonemergent surgery; or~~

~~(c) the professional standards review organization (PSRO) for medical illness and emergent surgery for recipients on federally related programs.))~~

(2) Hospitalization for services covered by the program requires approval by:

(a) The local medical consultant for:

(i) Prior approval of nonemergent surgery;

(ii) admission and length of stay for recipients on the GAU and MO programs;

(iii) retroactive certification and out-of-state care, including hospitalization in border cities, for recipients on federal aid programs;

(b) The professional standards review organization (PSRO) by certification, when previous agreement with the department and the PSRO exists, and when review is timely and concurrent with hospitalization, for:

(i) Medical illness and emergent surgery for recipients on federal programs;

(ii) admission and length of stay for recipients on federal programs.

(3) Department authorization for inpatient hospital care for eligible individuals shall be limited to the lesser of the minimum number of days consistent with practice normally followed in the community or the maximum number of days established at the 75th percentile in the edition adopted by the department of the publication "Length of Stay in PAS Hospitals, by Diagnosis United States Western Region", unless prior contractual arrangements are made by the department for a specified length of stay (see WAC 388-80-005(46) and 388-87-013(2)). Hospital stays shall be subject to the same utilization review as established for private patients in the community. A daily list of all recipient inpatients with diagnostic information shall be submitted by the hospital to the local medical consultant. In rare instances medical complications develop or new medical conditions are diagnosed which may require care exceeding the maximum number of days of hospitalization provided for under the specified PAS time limits. In such cases, when presented within sixty days of final service and adequately justified by the attending physician, extensions may be granted by the chief of the office of medical assistance, or by his professional designee, or by the full time medical consultant in the CSO or regional office where such is employed for recipients of GAU and MO. The professional standards review organization (PSRO) will determine length of stay for recipients on federally-related programs.

(a) Eligible recipients are covered for involuntary admissions for acute psychiatric conditions up to a maximum of seventeen days under the Involuntary Treatment Act in hospitals certified as evaluation and treatment facilities. If an involuntarily committed recipient reverts to voluntary status, PAS days are computed from day of admission and applied to any period exceeding the mandatory seventeen days. If PAS days are less than seventeen, the maximum of seventeen days will prevail.

(b) No payment will be made for care in a private psychiatric hospital that has not been certified under Title XVIII. Authorization for admission of an eligible individual to a private psychiatric hospital

shall be under the same conditions and program limitations as for treatment of psychiatric conditions in a general hospital.

(c) Medicaid payment will be made for care in a state mental institution for AFDC recipients or SSI beneficiaries under age twenty-one and for all recipients age sixty-five and older. Other age groups are covered under the Involuntary Treatment Act and/or other state funded programs. (See WAC 388-82-025.)(:)

(4) The department is prohibited from paying for hospitalization of any individual for the treatment of tuberculosis in a general hospital after such a diagnosis has been established. (See WAC 388-82-025.)

(5) Hospitalization for the treatment of acute and chronic renal failure shall be provided, except that the department shall pay only deductibles and coinsurance for a recipient who is a medicare beneficiary and who is hospitalized for such treatment or for kidney transplant.

(6) Except for an emergency no hospital admission shall be made on Friday or Saturday for scheduled surgery on Monday. The attending physician may admit the recipient on Sunday to accomplish the necessary preoperative work-up.

(7) Approval for hospitalization of a recipient shall be based on the recipient's need for semi-private accommodations and reimbursement made at the multiple occupancy rate regardless of accommodations provided by the hospital. Special rates may be established for recipients covered by the Involuntary Treatment Act. Semi-private accommodations shall mean not less than two nor more than a four-bed room.

#### AMENDATORY SECTION (Amending Order 1015, filed 3/27/75)

**WAC 388-92-045 EXCLUDED RESOURCES.** Applicants or recipients may transfer or exchange an exempt resource. Cash received from the sale of an exempt resource is excluded provided the total amount of cash is used to replace or reinvest in another exempt resource within three months. Any remaining portion in excess of allowed resources shall be considered newly acquired nonexempt income if the individual's eligibility continues without a break in certification. In determining the resources of an individual and spouse, if any, the following items shall be excluded up to the dollar limit, if any, as indicated:

(1) The home as defined in WAC 388-28-420. The proceeds from the sale of a home, which is an excluded resource, will also be excluded to the extent that they are re-invested in the purchase of another home which is similarly excluded within three months of the date of receipt of proceeds.

(2) Household goods and personal effects as defined in WAC 388-28-430(1).

(3) An automobile will be totally excluded if it is used for employment or for the individual's medical treatment; otherwise, the current retail market value up to \$1,200, any excess to be counted against the resource limit in WAC 388-92-050.

(4) Property of a trade or business which is essential to the means of self-support; however, it shall not include liquid resources as defined in WAC 388-92-005 even though such liquid resource may be producing income. This property means items commonly referred to as tangible business assets such as land and buildings, equipment and supplies, inventory, cash on hand, accounts receivable, etc. The current market value shall not exceed limits which take into account the nature of the business and the gross and net income such business may be expected to produce in light of such property.

(5) Nonbusiness property which is essential to the means of self-support. This shall include:

(a) Nonliquid (see WAC 388-92-005), nonbusiness property if it is relied upon by the individual as a significant factor in producing income on which he can live, or is used to produce goods, or provide services essential to the individual's support.

(b) Property used exclusively to produce items for home consumption provided the items are significant factors for support and maintenance of the individual.

(c) Tools, equipment, uniforms and similar items required by the individual's employer.

(d) A motor vehicle (in addition to that already excluded) which is essential because of climate, terrain, or similar factors, or special modification, and required to provide necessary transportation. The limitation on value of such vehicle is the same as (3) above.

(6) Resources of a blind or disabled individual which are necessary to fulfill an approved plan for achieving self-support for so long as such plan remains in effect.

(7) Shares of stock held in a regional or village corporation during the period of ((20)) twenty years ending January 1, 1992, in which such stock is inalienable pursuant to the Alaska Native Claims Settlement Act.

(8) Life insurance owned by an individual and spouse, if any, to the extent of its cash surrender value, provided that the total face value of policies held by each individual is \$1500 or less, in which case the cash surrender value is not evaluated. If the face value of policy(ies) is over \$1500, cash surrender value must be applied to resource limitations in WAC 388-92-050 and the excess must be applied to participation. Term or burial insurance with no cash surrender value is not considered in determining face value.

(9) Restricted allotted land owned by an enrolled member and spouse, if any, of an Indian tribe, if such land cannot be sold, transferred or otherwise disposed of without permission of other individuals, his tribe or an agency of the federal government.

(10) Cash received from an insurance company for purposes of repairing or replacing an excluded resource that is lost, damaged, or stolen, etc., is excluded as a resource provided the total amount of the cash is used to repair or replace such excluded resource within three months if the resource is personal property, and six months if the resource is real property. Any such cash not so used within such time periods is considered as an available resource.

#### WSR 79-08-022 EMERGENCY RULES DEPARTMENT OF LABOR AND INDUSTRIES [Order 79-10—Filed July 12, 1979]

I, James T. Hughes, director of Labor and Industries, do promulgate and adopt at the Director's office, Olympia, Washington, the annexed rules relating to lead, identical to 1910.1025 OSHA, new section WAC 296-62-07349.

I, James T. Hughes, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is to prevent material impairment of health or functional capacity to employees exposed to lead in the work environment. Adopting this emergency rule will keep WISHA as effective as OSHA.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 49.17.450[49.17.050] and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED July 12, 1979.

By James T. Hughes  
Director

#### NEW SECTION

**WAC 296-62-07349 LEAD.** (1) *Scope and Application.* (a) This section applies to all occupational exposure to lead, except as provided in subdivision (1)(b).

(b) This section does not apply to construction work as defined in 29 CFR 1910.12(b) or to agricultural operations covered by 29 CFR Part 1928.

(2) Definitions as applicable to this part.

(a) "Action level" – employee exposure, without regard to the use of respirators, to an airborne concentration of lead of 30 micrograms per cubic meter of air ( $30 \mu\text{g}/\text{m}^3$ ) averaged over an 8-hour period.

(b) "Director" – the director of the Department of Labor and Industries.

(c) "Lead" Metallic lead, all inorganic lead compounds, and organic lead soaps. Excluded from this definition are all other organic lead compounds.

(3) Permissible exposure limit (PEL). (a) The employer shall assure that no employee is exposed to lead at concentrations greater than fifty micrograms per cubic meter of air ( $50 \mu\text{g}/\text{m}^3$ ) averaged over an 8-hour period.

(b) If an employee is exposed to lead for more than eight hours in any work day, the permissible exposure limit, as a time weighted average (TWA) for that day, shall be reduced according to the following formula:

Maximum permissible limit (in  $\mu\text{g}/\text{m}^3$ ) =  $400 \div$  hours worked in the day.

(c) When respirators are used to supplement engineering and work practice controls to comply with the PEL and all the requirements of subsection (6) have been met, employee exposure, for the purpose of determining whether the employer has complied with the PEL, may be considered to be at the level provided by the protection factor of the respirator for those periods the respirator is worn. Those periods may be averaged with exposure levels during periods when respirators are not worn to determine the employee's daily TWA exposure.

(4) Exposure Monitoring. (a) General. (i) For the purposes of subsection (4), employee exposure is that exposure which would occur if the employee were not using a respirator.

(ii) With the exception of monitoring under subdivision (4)(c), the employer shall collect full shift (for at least seven continuous hours) personal samples including at least one sample for each shift for each job classification in each work area.

(iii) Full shift personal samples shall be representative of the monitored employee's regular, daily exposure to lead.

(b) Initial determination. Each employer who has a workplace or work operation covered by this standard shall determine if any employee may be exposed to lead at or above the action level.

(c) Basis of initial determination. (i) The employer shall monitor employee exposures and shall base initial determinations on the employee exposure monitoring results and any of the following, relevant considerations:

(A) Any information, observations, or calculations which would indicate employee exposure to lead;

(B) Any previous measurements of airborne lead; and

(C) Any employee complaints of symptoms which may be attributable to exposure to lead.

(ii) Monitoring for the initial determination may be limited to a representative sample of the exposed employees who the employer reasonably believes are exposed to the greatest airborne concentrations of lead in the workplace.

(iii) Measurements of airborne lead made in the preceding 12 months may be used to satisfy the requirement to monitor under item (4)(c)(i) if the sampling and analytical methods used meet the accuracy and confidence levels of subdivision (4)(i) of this section.

(d) Positive initial determination and initial monitoring. (i) Where a determination conducted under subdivision (4)(b) and (4)(c) of this section shows the possibility of any employee exposure at or above the action level, the employer shall conduct monitoring which is representative of the exposure for each employee in the workplace who is exposed to lead.

(ii) Measurements of airborne lead made in the preceding 12 months may be used to satisfy this requirement if the sampling and analytical methods used meet the accuracy and confidence levels of subdivision (4)(i) of this section.

(e) Negative initial determination. Where a determination, conducted under subdivisions (4)(b) and (4)(c) of this section is made that no employee is exposed to airborne concentrations of lead at or above the action level, the employer shall make a written record of such determination. The record shall include at least the information specified in subdivision (4)(c) of this section and shall also include the date of determination, location within the worksite, and the name and social security number of each employee monitored.

(f) Frequency. (i) If the initial monitoring reveals employee exposure to be below the action level the measurements need not be repeated except as otherwise provided in subdivision (4)(g) of this section.

(ii) If the initial determination or subsequent monitoring reveals employee exposure to be at or above the action level but below the permissible exposure limit the employer shall repeat monitoring in accordance with this subsection at least every six months. The employer shall continue monitoring at the required frequency until at least two consecutive measurements, taken at least seven days apart, are below the action level at which time the employer may discontinue monitoring for that employee except as otherwise provided in subdivision (4)(g) of this section.

(iii) If the initial monitoring reveals that employee exposure is above the permissible exposure limit the employer shall repeat monitoring quarterly. The employer shall continue monitoring at the required frequency until at least two consecutive measurements, taken at least seven days apart, are below the PEL but at or above the action level at which time the employer shall repeat monitoring for that employee at the frequency specified in item (4)(f)(ii), except as otherwise provided in subdivision (4)(g) of this section.

(g) Additional monitoring. Whenever there has been a production, process, control or personnel change which may result in new or additional exposure to lead, or whenever the employer has any other reason to suspect a change which may result in new or additional exposures

to lead, additional monitoring in accordance with this subsection shall be conducted.

(h) Employee notification. (i) Within five working days after the receipt of monitoring results, the employer shall notify each employee in writing of the results which represent that employee's exposure.

(ii) Whenever the results indicate that the representative employee exposure, without regard to respirators, exceeds the permissible exposure limit, the employer shall include in the written notice a statement that the permissible exposure limit was exceeded and a description of the corrective action taken or to be taken to reduce exposure to or below the permissible exposure limit.

(i) Accuracy of measurement. The employer shall use a method of monitoring and analysis which has an accuracy (to a confidence level of 95 percent) of not less than plus or minus 20 percent for airborne concentrations of lead equal to or greater than 30  $\mu\text{g}/\text{m}^3$ .

(5) Method of Compliance. (a) Engineering and work practice controls. The employer shall implement engineering and work practice controls (including administrative controls) to reduce and maintain employee exposure to lead in accordance with the implementation schedule in Table I. Failure to achieve exposure levels without regard to respirators is sufficient to establish a violation of this provision.

TABLE I  
IMPLEMENTATION SCHEDULE

Industry <sup>1</sup>	Compliance Dates <sup>2</sup>		
	200 $\mu\text{g}/\text{m}^3$	100 $\mu\text{g}/\text{m}^3$	50 $\mu\text{g}/\text{m}^3$
Primary lead production .....	(3)	3	10
Secondary lead production .....	(3)	3	5
Lead-acid battery manufacturing .....	(3)	2	5
Nonferrous foundries .....	(3)	1	5
Lead pigment manufacturing .....	(3)	3	5
All other industries .....	(3)	Not Applicable	1

<sup>1</sup> Includes ancillary activities located on the same worksite.

<sup>2</sup> Expressed as the number of years from the effective date by which compliance with the given airborne exposure level, as an 8-hour TWA, must be achieved.

<sup>3</sup> On effective date. This continues an obligation from Table Z-2 of 29 CFR 1910.1000 which had been in effect since 1971 but which was deleted upon the effectiveness of this section.

(b) Respiratory protection. Where engineering and work practice controls do not reduce employee exposure to or below the 50  $\mu\text{g}/\text{m}^3$  permissible exposure limit, the employer shall supplement these controls with respirators in accordance with subsection (6).

(c) Compliance program. (i) Each employer shall establish and implement a written compliance program to reduce exposures to or below the permissible exposure limit, and interim levels if applicable, solely by means of engineering and work practice controls in accordance with the implementation schedule in subdivision (5)(a).

(ii) Written plans for these compliance programs shall include at least the following:

(A) A description of each operation in which lead is emitted; e.g., machinery used, material processed, controls in place, crew size, employee job responsibilities, operating procedures and maintenance practices;

(B) A description of the specific means that will be employed to achieve compliance, including engineering plans and studies used to determine methods selected for controlling exposure to lead;

(C) A report of the technology considered in meeting the permissible exposure limit;

(D) Air monitoring data which documents the source of lead emissions;

(E) A detailed schedule for implementation of the program, including documentation such as copies of purchase orders for equipment, construction contracts, etc.;

(F) A work practice program which includes items required under subsections (8),(9) and (10) of this regulation;

(G) An administrative control schedule required by subdivision (5)(f), if applicable; and

(H) Other relevant information.

(iii) Written programs shall be submitted upon request to the director, and shall be available at the worksite for examination and copying by the director, any affected employee or authorized employee representatives.

(iv) Written programs shall be revised and updated at least every six months to reflect the current status of the program.

(d) Bypass of interim level. Where an employer's compliance plan provides for a reduction of employee exposures to or below the PEL solely by means of engineering and work practice controls in accordance with the implementation schedule in Table I, and the employer has determined that compliance with the 100  $\mu\text{g}/\text{m}^3$  interim level would divert resources to the extent that it clearly precludes compliance, otherwise attainable, with the PEL by the required time, the employer may proceed with the plan to comply with the PEL in lieu of compliance with the interim level if:

(i) The compliance plan clearly documents the basis of the determination;

(ii) The employer takes all feasible steps to provide maximum protection for employees until the PEL is met; and

(iii) The employer notifies the director in writing within ten working days of the completion or revision of the compliance plan reflecting the determination.

(e) Mechanical ventilation. (i) When ventilation is used to control exposure, measurements which demonstrate the effectiveness of the system in controlling exposure, such as capture velocity, duct velocity, or static pressure shall be made at least every three months. Measurements of the system's effectiveness in controlling exposure shall be made within five days of any change in production, process, or control which might result in a change in employee exposure to lead.

(ii) Recirculation of air. If air from exhaust ventilation is recirculated into the workplace, the employer

shall assure than (A) the system has a high efficiency filter with reliable back-up filter; and (B) controls to monitor the concentration of lead in the return air and to bypass the recirculation system automatically if it fails are installed, operating, and maintained.

(f) Administrative controls. If administrative controls are used as a means of reducing employees TWA exposure to lead, the employer shall establish and implement a job rotation schedule which includes:

(i) Name or identification number of each affected employee;

(ii) Duration and exposure levels at each job or work station where each affected employee is located; and

(iii) Any other information which may be useful in assessing the reliability of administrative controls to reduce exposure to lead.

(6) Respiratory Protection. (a) General. Where the use of respirators is required under this section, the employer shall provide, at no cost to the employee, and assure the use of respirators which comply with the requirements of this subsection. Respirators shall be used in the following circumstances:

(i) During the time period necessary to install or implement engineering or work practice controls, except that after the dates for compliance with the interim levels in Table I, no employer shall require an employer to wear a negative pressure respirator longer than 4.4 hours per day;

(ii) In work situations in which engineering and work practice controls are not sufficient to reduce exposures to or below the permissible exposure limit; and

(iii) Whenever an employee requests a respirator.

(b) Respirator selection. (i) Where respirators are required under this section the employer shall select the appropriate respirator or combination of respirators from Table II.

TABLE II

RESPIRATORY PROTECTION FOR LEAD AEROSOLS

Airborne Concentration of Lead or Condition of Use	Required Respirator <sup>1</sup>
Not in excess of 0.5 mg/m <sup>3</sup> (10X PEL).	Half-mask, air-purifying respirator equipped with high efficiency filters. <sup>2</sup>
Not in excess of 2.5 mg/m <sup>3</sup> (50X PEL).	Full facepiece, air-purifying respirator with high efficiency filters <sup>2</sup> .
Not in excess of 50 mg/m <sup>3</sup> (1000X PEL).	(1) Any powered, air-purifying respirator with high efficiency filters <sup>2</sup> ; or (2) Half-mask supplied-air respirator operated in positive-pressure mode. <sup>2</sup>
Not in excess of 100 mg/m <sup>3</sup> (2000X PEL).	Supplied-air respirators with full facepiece, hood, helmet, or suit, operated in positive pressure mode.
Greater than 100 mg/m <sup>3</sup> , unknown concentration, or fire fighting.	Full facepiece, self-contained breathing apparatus operated in positive-pressure mode.

<sup>1</sup> Respirators specified for high concentrations can be used at lower concentrations of lead.

<sup>2</sup> Full facepiece is required if the lead aerosols cause eye or skin irritation at the use concentrations.

<sup>3</sup> A high efficiency particulate filter means 99.97 percent efficient against 0.3 micron size particles.

(ii) The employer shall provide a powered, air-purifying respirator in lieu of the respirator specified, in Table II whenever:

(A) An employee chooses to use this type of respirator; and

(B) This respirator will provide adequate protection to the employee.

(iii) The employer shall select respirators from among those approved for protection against lead dust, fume, and mist by the Mine Safety and Health Administration and the National Institute for Occupational Safety and Health (NIOSH) under the provisions of 30 CFR Part 11.

(c) Respirator usage. (i) The employer shall assure that the respirator issued to the employee exhibits minimum facepiece leakage and that the respirator is fitted properly.

(ii) Employers shall perform quantitative face fit tests at the time of initial fitting and at least semiannually thereafter for each employee wearing negative pressure respirators. The test shall be used to select facepieces that provide the required protection as prescribed in Table II.

(iii) If an employee exhibits difficulty in breathing during the fitting test or during use, the employer shall make available to the employee an examination in accordance with subitem (10)(c)(i)(C) of this section to determine whether the employee can wear a respirator while performing the required duty.

(d) Respirator program. (i) The employer shall institute a respiratory protection program in accordance with WAC 296-24-08103, 296-24-08107, 296-24-80109 and 296-24-08111.

(ii) The employer shall permit each employee who uses a filter respirator to change the filter elements whenever an increase in breathing resistance is detected and shall maintain an adequate supply of filter elements for this purpose.

(iii) Employees who wear respirators shall be permitted to leave work areas to wash their face and respirator facepiece whenever necessary to prevent skin irritation associated with respirator use.

(7) Protective Work Clothing and Equipment. (a) Provision and use. If an employee is exposed to lead above the PEL, without regard to the use of respirators or where the possibility of skin or eye irritation exists, the employer shall provide at not cost to the employee and assure that the employee uses appropriate protective work clothing and equipment such as, but not limited to:

(i) Coveralls or similar full-body work clothing;

(ii) Gloves, hats, and shoes or disposable shoe coverlets; and

(iii) Face shields, vented goggles, or other appropriate protective equipment which complies with WAC 296-24-078.

(b) Cleaning and replacement. (i) The employer shall provide the protective clothing required in subdivision (7)(a) of this section in a clean and dry condition at least weekly, and daily to employees whose exposure

levels without regard to a respirator are over  $200 \mu\text{g}/\text{m}^3$  of lead as an 8-hour TWA.

(ii) The employer shall provide for the cleaning, laundering, or disposal of protective clothing and equipment required by subdivision (7)(a) of this section.

(iii) The employer shall repair or replace required protective clothing and equipment as needed to maintain their effectiveness.

(iv) The employer shall assure that all protective clothing is removed at the completion or a work shift only in change rooms provided for that purpose as prescribed in subdivision (9)(b) of this section.

(v) The employer shall assure that contaminated protective clothing which is to be cleaned, laundered, or disposed of, is placed in a closed container in the change-room which prevents dispersion of lead outside the container.

(vi) The employer shall inform in writing any person who cleans or launders protective clothing or equipment of the potentially harmful effects of exposure to lead.

(vii) The employer shall assure that the containers of contaminated protective clothing and equipment required by subdivision (7)(b)(v) are labelled as follows:

**CAUTION: CLOTHING CONTAMINATED WITH LEAD. DO NOT REMOVE DUST BY BLOWING OR SHAKING. DISPOSE OF LEAD CONTAMINATED WASH WATER IN ACCORDANCE WITH APPLICABLE LOCAL, STATE, OR FEDERAL REGULATIONS.**

(viii) The employer shall prohibit the removal of lead from protective clothing or equipment by blowing, shaking, or any other means which disperses lead into the air.

(8) Housekeeping. (a) Surfaces. All surfaces shall be maintained as free as practicable of accumulations of lead.

(b) Cleaning floors. (i) Floors and other surfaces where lead accumulates may not be cleaned by the use of compressed air.

(ii) Shoveling, dry or wet sweeping, and brushing may be used only where vacuuming or other equally effective methods have been tried and found not to be effective.

(c) Vacuuming. Where vacuuming methods are selected, the vacuums shall be used and emptied in a manner which minimizes the reentry of lead into the workplace.

(9) Hygiene Facilities and Practices. (a) The employer shall assure that in areas where employees are exposed to lead above the PEL, without regard to the use of respirators, food or beverage is not present or consumed, tobacco products are not present or used, and cosmetics are not applied, except in change room, lunchrooms, and showers required under subdivision (9)(b) - (9)(d) of this section.

(b) Change rooms. (i) The employer shall provide clean change rooms for employees who work in areas where their airborne exposure to lead is above the PEL, without regard to the use of respirators.

(ii) The employer shall assure that change rooms are equipped with separate storage facilities for protective

work clothing and equipment and for street clothes which prevent cross-contamination.

(c) Showers. (i) The employer shall assure that employees who work in areas where their airborne exposure to lead is above the PEL, without regard to the use of respirators, shower at the end of the work shift.

(ii) The employer shall provide shower facilities in accordance with WAC 296-24-12009.

(iii) The employer shall assure that employees who are required to shower pursuant to item (9)(c)(i) do not leave the workplace wearing any clothing or equipment worn during the work shift.

(d) Lunchrooms. (i) The employer shall provide lunchroom facilities for employees who work in areas where their airborne exposure to lead is above the PEL, without regard to the use of respirators.

(ii) The employer shall assure that lunchroom facilities have a temperature controlled, positive pressure, filtered air supply, and are readily accessible to employees.

(iii) The employer shall assure that employees who work in areas where their airborne exposure to lead is above the PEL without regard to the use of a respirator wash their hands and face prior to eating, drinking, smoking or applying cosmetics.

(iv) The employer shall assure that employees do not enter lunchroom facilities with protective work clothing or equipment unless surface lead dust has been removed by vacuuming, downdraft booth, or other cleaning method.

(e) Lavatories. The employer shall provide an adequate number of lavatory facilities which comply with WAC 296-24-12009(1) and (2).

(10) Medical Surveillance. (a) General. (i) The employer shall institute a medical surveillance program for all employees who are or may be exposed above the action level for more than 30 days per year.

(ii) The employer shall assure that all medical examinations and procedures are performed by or under the supervision of a licensed physician.

(iii) The employer shall provide the required medical surveillance including multiple physician review under item (10)(a)(iii) without cost to employees and at a reasonable time and place.

(b) Biological monitoring. (i) Blood lead and ZPP level sampling and analysis. The employer shall make available biological monitoring in the form of blood sampling and analysis for lead and zinc protoporphyrin levels to each employee covered under item (10)(a)(i) of this section on the following schedule:

(A) At least every six months to each employee covered under item (10)(a)(i) of this section;

(B) At least every two months for each employee whose last blood sampling and analysis indicated a blood lead level at or above  $400 \mu\text{g}/100 \text{g}$  of whole blood. This frequency shall continue until two consecutive blood samples and analyses indicate a blood lead level below  $40 \mu\text{g}/100 \text{g}$  of whole blood; and

(C) At least monthly during the removal period of each employee removed from exposure to lead due to an elevated blood lead level.

(ii) *Follow-up blood sampling tests.* Whenever the results of a blood lead level test indicate that an employee's blood lead level exceeds the numerical criterion for medical removal under item (11)(a)(i), the employer shall provide a second (follow-up) blood sampling test within two weeks after the employer receives the results of the first blood sampling test.

(iii) *Accuracy of blood lead level sampling and analysis.* Blood lead level sampling and analysis provided pursuant to this section shall have an accuracy (to a confidence level of 95 percent) within plus or minus 15 percent or 6 µg/100 ml, whichever is greater, and shall be conducted by a laboratory licensed by the Center for Disease Control (CDC), United States Department of Health, Education and Welfare or which has received a satisfactory grade in blood lead proficiency testing from CDC in the prior twelve months.

(iv) *Employee notification.* Within five working days after the receipt of biological monitoring results, the employer shall notify in writing each employee whose blood lead level exceeds 40 µg/100 g: (A) of that employee's blood lead level and (B) that the standard requires temporary medical removal with Medical Removal Protection benefits when an employee's blood lead level exceeds the numerical criterion for medical removal under item (11)(a)(i) of this section.

(c) *Medical examinations and consultations.* (i) *Frequency.* The employer shall make available medical examinations and consultations to each employee covered under item (10)(a)(i) of this section on the following schedule:

(A) At least annually for each employee for whom a blood sampling test conducted at any time during the preceding 12 months indicated a blood lead level at or above 40 µg/100 g;

(B) Prior to assignment for each employee being assigned for the first time to an area in which airborne concentrations of lead are at or above the action level;

(C) As soon as possible, upon notification by an employee either that the employee has developed signs or symptoms commonly associated with lead intoxication, that the employee desires medical advice concerning the effects of current or past exposure to lead on the employee's ability to procreate a healthy child, or that the employee has demonstrated difficulty in breathing during a respirator fitting test or during use; and

(D) As medically appropriate for each employee either removed from exposure to lead due to a risk of sustaining material impairment to health, or otherwise limited pursuant to a final medical determination.

(ii) *Content.* Medical examinations made available pursuant to subitems (10)(c)(i)(A)-(B) of this section shall include the following elements:

(A) A detailed work history and a medical history, with particular attention to past lead exposure (occupational and nonoccupational), personal habits (smoking, hygiene), and past gastrointestinal, hematologic, renal, cardiovascular, reproductive and neurological problems;

(B) A thorough physical examination, with particular attention to teeth, gums, hematologic, gastrointestinal,

renal, cardiovascular, and neurological systems. Pulmonary status should be evaluated if respiratory protection will be used;

(C) A blood pressure measurement;

(D) A blood sample and analysis which determines:

(aa) Blood lead level;

(bb) Hemoglobin and hematocrit determinations, red cell indices, and examination of peripheral smear morphology;

(cc) Zinc protoporphyrin;

(dd) Blood urea nitrogen; and

(ee) Serum creatinine;

(E) A routine urinalysis with microscopic examination; and

(F) Any laboratory or other test which the examining physician deems necessary by sound medical practice.

The content of medical examinations made available pursuant to subitems (10)(c)(i)(C)-(D) of this section shall be determined by an examining physician and, if requested by an employee, shall include pregnancy testing or laboratory evaluation of male fertility.

(iii) *Multiple physician review mechanism.* (A) If the employer selects the initial physician who conducts any medical examination or consultation provided to an employee under this section, the employee may designate a second physician:

(aa) To review any findings, determinations or recommendations of the initial physician; and

(bb) To conduct such examinations, consultations, and laboratory tests as the second physician deems necessary to facilitate this review.

(B) The employer shall promptly notify an employee of the right to seek a second medical opinion after each occasion that an initial physician conducts a medical examination or consultation pursuant to this section. The employer may condition its participation in, and payment for, the multiple physician review mechanism upon the employee doing the following within fifteen days after receipt of the foregoing notification, or receipt of the initial physician's written opinion, whichever is later:

(aa) The employee informing the employer that he or she intends to seek a second medical opinion, and

(bb) The employee initiating steps to make an appointment with a second physician.

(C) If the findings, determinations or recommendations of the second physician differ from those of the initial physician, then the employer and the employee shall assure that efforts are made for the two physicians to resolve any disagreement.

(D) If the two physicians have been unable to quickly resolve their disagreement, then the employer and the employee through their respective physicians shall designate a third physician:

(aa) To review any findings, determinations or recommendations of the prior physicians; and

(bb) To conduct such examinations, consultations, laboratory tests and discussions with the prior physicians as the third physician deems necessary to resolve the disagreement of the prior physicians.

(E) The employer shall act consistent with the findings, determinations and recommendations of the third physician, unless the employer and the employee reach

an agreement which is otherwise consistent with the recommendations of at least one of the three physicians.

(iv) Information provided to examining and consulting physicians.

(A) The employer shall provide an initial physician conducting a medical examination or consultation under this section with the following information:

(aa) A copy of this regulation for lead including all Appendices;

(bb) A description of the affected employee's duties as they relate to the employee's exposure;

(cc) The employee's exposure level or anticipated exposure level to lead and to any other toxic substance (if applicable);

(dd) A description of any personal protective equipment used or to be used;

(ee) Prior blood lead determinations; and

(ff) All prior written medical opinions concerning the employee in the employer's possession or control.

(B) The employer shall provide the foregoing information to a second or third physician conducting a medical examination or consultation under this section upon request either by the second or third physician, or by the employee.

(v) Written medical opinions. (A) The employer shall obtain and furnish the employee with a copy of a written medical opinion from each examining or consulting physician which contains the following information:

(aa) The physician's opinion as to whether the employee has any detected medical condition which would place the employee at increased risk of material impairment of the employee's health from exposure to lead;

(bb) Any recommended special protective measures to be provided to the employee, or limitations to be placed upon the employee's exposure to lead;

(cc) Any recommended limitation upon the employee's use of respirators, including a determination of whether the employee can wear a powered air purifying respirator if a physician determines that the employee cannot wear a negative pressure respirator; and

(dd) The results of the blood lead determinations.

(B) The employer shall instruct each examining and consulting physician to:

(aa) Not reveal either in the written opinion, or in any other means of communication with the employer, findings, including laboratory results, or diagnoses unrelated to an employee's occupational exposure to lead; and

(bb) Advise the employee of any medical condition, occupational or nonoccupational, which dictates further medical examination or treatment.

(vi) Alternate physician determination mechanisms. The employer and an employee or authorized employee representative may agree upon the use of any expeditious alternate physician determination mechanism in lieu of the multiple physician review mechanism provided by this subsection so long as the alternate mechanism otherwise satisfies the requirements contained in this subsection.

(d) Chelation. (i) The employer shall assure that any person whom he retains, employs, supervises or controls does not engage in prophylactic chelation of any employee at any time.

(ii) If therapeutic or diagnostic chelation is to be performed by any person in item (10)(d)(i), the employer shall assure that it be done under the supervision of a licensed physician in a clinical setting with thorough and appropriate medical monitoring and that the employee is notified in writing prior to its occurrence.

(11) Medical Removal Protection. (a) Temporary medical removal and return of an employee.

(i) Temporary removal due to elevated blood lead levels.

(A) First year of the standard. During the first year following the effective date of the standard, the employer shall remove an employee from work having a daily eight hour TWA exposure to lead at or above  $100 \mu\text{g}/\text{m}^3$  on each occasion that a periodic and a follow-up blood sampling test conducted pursuant to this section indicate that the employee's blood lead level is at or above  $80 \mu\text{g}/100 \text{ g}$  of whole blood;

(B) Second year of the standard. During the second year following the effective date of the standard, the employer shall remove an employee from work having a daily eight hour TWA exposure to lead at or above  $50 \mu\text{g}/\text{m}^3$  on each occasion that a periodic and a follow-up blood sampling test conducted pursuant to this section indicate that the employee's blood lead level is at or above  $70 \mu\text{g}/100 \text{ g}$  of whole blood;

(C) Third year of the standard, and thereafter. Beginning with the third year following the effective date of the standard, the employer shall remove an employee from work having an exposure to lead at or above the action level on each occasion that a periodic and a follow-up blood sampling test conducted pursuant to this section indicate that the employee's blood lead level is at or above  $60 \mu\text{g}/100 \text{ g}$  of whole blood; and

(D) Fifth year of the standard, and thereafter. Beginning with the fifth year following the effective date of the standard, the employer shall remove an employee from work having an exposure to lead at or above the action level on each occasion that the average of the last three blood sampling tests conducted pursuant to this section (or the average of all blood sampling tests conducted over the previous six months, whichever is longer) indicates that the employee's blood lead level is at or above  $50 \mu\text{g}/100 \text{ g}$  of whole blood; provided, however, that an employee need not be removed if the last blood sampling test indicates a blood lead level at or below  $40 \mu\text{g}/100 \text{ g}$  of whole blood.

(ii) Temporary removal due to a final medical determination.

(A) The employer shall remove an employee from work having an exposure to lead at or above the action level on each occasion that a final medical determination results in a medical finding, determination, or opinion that the employee has a detected medical condition which places the employee at increased risk of material impairment to health from exposure to lead.

(B) For the purposes of this section, the phrase "final medical determination" shall mean the outcome of the multiple physician review mechanism or alternate medical determination mechanism used pursuant to the medical surveillance provisions of this section.

(C) Where a final medical determination results in any recommended special protective measures for an employee, or limitations on an employee's exposure to lead, the employer shall implement and act consistent with the recommendation.

(iii) Return of the employee to former job status. (A) The employer shall return an employee to his or her former job status:

(aa) For an employee removed due to a blood lead level at or above 80  $\mu\text{g}/100\text{ g}$ , when two consecutive blood sampling tests indicate that the employee's blood lead level is at or below 60  $\mu\text{g}/100\text{ g}$  of whole blood;

(bb) For an employee removed due to a blood lead level at or above 70  $\mu\text{g}/100\text{ g}$ , when two consecutive blood sampling tests indicate that the employee's blood lead level is at or below 50  $\mu\text{g}/100\text{ g}$  of whole blood;

(cc) For an employee removed due to a blood lead level at or above 60  $\mu\text{g}/100\text{ g}$ , or due to an average blood lead level at or above 50  $\mu\text{g}/100\text{ g}$ , when two consecutive blood sampling tests indicate that the employee's blood lead level is at or below 40  $\mu\text{g}/100\text{ g}$  of whole blood;

(dd) For an employee removed due to a final medical determination, when a subsequent final medical determination results in a medical finding, determination, or opinion that the employee no longer has a detected medical condition which places the employee at increased risk of material impairment to health from exposure to lead.

(B) For the purposes of this section, the requirement that an employer return an employee to his or her former job status is not intended to expand upon or restrict any rights an employee has or would have had, absent temporary medical removal, to a specific job classification or position under the terms of a collective bargaining agreement.

(iv) Removal of other employee special protective measure or limitations. The employer shall remove any limitations placed on an employee or end any special protective measures provided to an employee pursuant to a final medical determination when a subsequent final medical determination indicates that the limitations or special protective measures are no longer necessary.

(v) Employer options pending a final medical determination. Where the multiple physician review mechanism, or alternate medical determination mechanism used pursuant to the medical surveillance provisions of this section, has not yet resulted in a final medical determination with respect to an employee, the employer shall act as follows:

(A) Removal. The employer may remove the employee from exposure to lead, provide special protective measures to the employee, or place limitations upon the employee, consistent with the medical findings, determinations, or recommendations of any of the physicians who have reviewed the employee's health status.

(B) Return. The employer may return the employee to his or her former job status, end any special protective measures provided to the employee, and remove any limitations placed upon the employee, consistent with

the medical findings, determinations, or recommendations of any of the physicians who have reviewed the employee's health status, with two exceptions. If:

(aa) The initial removal, special protection, or limitation of the employee resulted from a final medical determination which differed from the findings, determinations, or recommendations of the initial physician; or

(bb) The employee has been on removal status for the preceding 18 months due to an elevated blood lead level, then the employer shall await a final medical determination.

(b) Medical removal protection benefits. (i) Provision of medical removal protection benefits. The employer shall provide to an employee up to 18 months of medical removal protection benefits on each occasion that an employee is removed from exposure to lead or otherwise limited pursuant to this section.

(ii) Definition of medical removal protection benefits. For the purposes of this section, the requirement that an employer provide medical removal protection benefits means that the employer shall maintain the earnings, seniority and other employment rights and benefits of an employee as though the employee had not been removed from normal exposure to lead or otherwise limited.

(iii) Follow-up medical surveillance during the period of employee removal or limitation. During the period of time that an employee is removed from normal exposure to lead or otherwise limited, the employer may condition the provision of medical removal protection benefits upon the employee's participation in follow-up medical surveillance made available pursuant to this section.

(iv) Workers' compensation claims. If a removed employee files a claim for workers' compensation payments for a lead-related disability, then the employer shall continue to provide medical removal protection benefits pending disposition of the claim. To the extent that an award is made to the employee for earnings lost during the period of removal, the employer's medical removal protection obligation shall be reduced by such amount. The employer shall receive no credit for workers' compensation payments received by the employee for treatment related expenses.

(v) Other credits. The employer's obligation to provide medical removal protection benefits to a removed employee shall be reduced to the extent that the employee receives compensation for earnings lost during the period of removal either from a publicly or employer-funded compensation program, or receives income from employment with another employer made possible by virtue of the employee's removal.

(vi) Employees whose blood lead levels do not adequately decline within 18 months of removal. The employer shall take the following measures with respect to any employee removed from exposure to lead due to an elevated blood lead level whose blood lead level has not declined within the past 18 months of removal so that the employee has been returned to his or her former job status:

(A) The employer shall make available to the employee a medical examination pursuant to this section to

obtain a final medical determination with respect to the employee;

(B) The employer shall assure that the final medical determination obtained indicates whether or not the employee may be returned to his or her former job status, and if not, what steps should be taken to protect the employee's health;

(C) Where the final medical determination has not yet been obtained, or once obtained indicates that the employee may not yet be returned to his or her former job status, the employer shall continue to provide medical removal protection benefits to the employee until either the employee is returned to former job status, or a final medical determination is made that the employee is incapable of ever safely returning to his or her former job status.

(D) Where the employer acts pursuant to a final medical determination which permits the return of the employee to his or her former job status despite what would otherwise be an unacceptable blood lead level, later questions concerning removing the employee again shall be decided by a final medical determination. The employer need not automatically remove such an employee pursuant to the blood lead level removal criteria provided by this section.

(vii) Voluntary removal or restriction of an employee. Where an employer, although not required by this section to do so, removes an employee from exposure to lead or otherwise places limitations on an employee due to the effects of lead exposure on the employee's medical condition, the employer shall provide medical removal protection benefits to the employee equal to that required by item (11)(b)(i) of this section.

(12) Employee Information and Training. (a) Training program.

(i) Each employer who has a workplace in which there is a potential exposure to airborne lead at any level shall inform employees of the content of Appendices A and B of this regulation.

(ii) The employer shall institute a training program for and assure the participation of all employees who are subject to exposure to lead at or above the action level or for whom the possibility of skin or eye irritation exists.

(iii) The employer shall provide initial training by 180 days from the effective date for those employees covered by item (12)(a)(ii) on the standard's effective date and prior to the time of initial job assignment for those employees subsequently covered by this subsection.

(iv) The training program shall be repeated at least annually for each employee.

(v) The employer shall assure that each employee is informed of the following:

(A) The content of this standard and its appendices;

(B) The specific nature of the operations which could result in exposure to lead above the action level;

(C) The purpose, proper selection, fitting, use, and limitations of respirators;

(D) The purpose and a description of the medical surveillance program, and the medical removal protection program including information concerning the adverse health effects associated with excessive exposure to

lead (with particular attention to the adverse reproductive effects on both males and females);

(E) The engineering controls and work practices associated with the employee's job assignment;

(F) The contents of any compliance plan in effect; and

(G) Instructions to employees that chelating agents should not routinely be used to remove lead from their bodies and should not be used at all except under the direction of a licensed physician.

(b) Access to information and training materials. (i) The employer shall make readily available to all affected employees a copy of this standard and its appendices.

(ii) The employer shall provide, upon request, all materials relating to the employee information and training program to the director.

(iii) In addition to the information required by item (12)(a)(v), the employer shall include as part of the training program, and shall distribute to employees, any materials pertaining to the Occupational Safety and Health Act, the regulations issued pursuant to that Act, and this lead standard, which are made available to the employer by the director.

(13) Signs. (a) General. (i) The employer may use signs required by other statutes, regulations or ordinances in addition to, or in combination with, signs required by this subsection.

(ii) The employer shall assure that no statement appears on or near any sign required by this subsection which contradicts or detracts from the meaning of the required sign.

(b) Signs. (i) The employer shall post the following warning signs in each work area where the PEL is exceeded:

WARNING

LEAD WORK AREA

POISON

NO SMOKING OR EATING

(ii) The employer shall assure that signs required by this subsection are illuminated and cleaned as necessary so that the legend is readily visible.

(14) Recordkeeping. (a) Exposure monitoring. (i) The employer shall establish and maintain an accurate record of all monitoring required in subsection (4) of this section.

(ii) This record shall include:

(A) The date(s), number, duration, location and results of each of the samples taken, including a description of the sampling procedure used to determine representative employee exposure where applicable;

(B) A description of the sampling and analytical methods used and evidence of their accuracy;

(C) The type of respiratory protective devices worn, if any;

(D) Name, social security number, and job classification of the employee monitored and of all other employees whose exposure the measurement is intended to represent; and

(E) The environmental variables that could affect the measurement of employee exposure.

(iii) The employer shall maintain these monitoring records for at least 40 years or for the duration of employment plus 20 years, whichever is longer.

(b) Medical surveillance. (i) The employer shall establish and maintain an accurate record for each employee subject to medical surveillance as required by subsection (10) of this section.

(ii) This record shall include:

(A) The name, social security number, and description of the duties of the employee;

(B) A copy of the physician's written opinions;

(C) Results of any airborne exposure monitoring done for that employee and the representative exposure levels supplied to the physician; and

(D) Any employee medical complaints related to exposure to lead.

(iii) The employer shall keep, or assure that the examining physician keeps, the following medical records:

(A) A copy of the medical examination results including medical and work history required under subsection (10) of this section;

(B) A description of the laboratory procedures and a copy of any standards or guidelines used to interpret the test results or references to that information; and

(C) A copy of the results of biological monitoring.

(iv) The employer shall maintain or assure that the physician maintains those medical records for at least 40 years, or for the duration of employment plus 20 years, whichever is longer.

(c) Medical removals. (i) The employer shall establish and maintain an accurate record for each employee removed from current exposure to lead pursuant to subsection (11) of this section.

(ii) Each record shall include:

(A) The name and social security number of the employee;

(B) The date on each occasion that the employee was removed from current exposure to lead as well as the corresponding date on which the employee was returned to his or her former job status;

(C) A brief explanation of how each removal was or is being accomplished; and

(D) A statement with respect to each removal indicating whether or not the reason for the removal was an elevated blood lead level.

(iii) The employer shall maintain each medical removal record for at least the duration of an employee's employment.

(d) Availability. (i) The employer shall make available upon request all records required to be maintained by subsection (14) of this section to the director for examination and copying.

(ii) Upon request, the employer shall make environmental monitoring, biological monitoring, and medical removal records available to affected employees, former employees or their authorized employee representatives for inspection and copying.

(iii) Upon request, the employer shall make an employee's medical records required to be maintained by this section available to the affected employee or former

employee or to a physician or other individual designated by such affected employee or former employees for examination and copying.

(e) Transfer of records. (i) Whenever the employer ceases to do business, the successor employer shall receive and retain all records required to be maintained by subsection (14) of this section.

(ii) Whenever the employer ceases to do business and there is no successor employer to receive and retain the records required to be maintained by this section for the prescribed period, these records shall be transmitted to the director.

(iii) At the expiration of the retention period for the records required to be maintained by this section, the employer shall notify the director at least three months prior to the disposal of such records and shall transmit those records to the director if requested within the period.

(15) Observation of Monitoring. (a) Employee observation. The employer shall provide affected employees or their designated representatives an opportunity to observe any monitoring of employee exposure to lead conducted pursuant to subsection (4) of this section.

(b) Observation procedures. (i) Whenever observation of the monitoring of employee exposure to lead requires entry into an area where the use of respirators, protective clothing or equipment is required, the employer shall provide the observer with and assure the use of such respirators, clothing and such equipment, and shall require the observer to comply with all other applicable safety and health procedures.

(ii) Without interfering with the monitoring, observers shall be entitled to:

(A) Receive an explanation of the measurement procedures;

(B) Observe all steps related to the monitoring of lead performed at the place of exposure; and

(C) Record the results obtained or receive copies of the results when returned by the laboratory.

(16) Effective Date. This Emergency Rule shall become effective upon filing with the Code Reviser.

(17) Appendices. The information contained in the appendices to this section is not intended by itself, to create any additional obligations not otherwise imposed by this standard nor detract from any existing obligation.

(18) Startup Dates. All obligations of this standard commence on the effective date except as follows:

(a) The initial determination under subdivision (4)(b) shall be made as soon as possible but no later than 30 days from the effective date.

(b) Initial monitoring under subdivision (4)(d) shall be completed as soon as possible but no later than 90 days from the effective date.

(c) Initial biological monitoring and medical examinations under subsection (10) shall be completed as soon as possible but no later than 180 days from the effective date. Priority for biological monitoring and medical examinations shall be given to employees whom the employer believes to be at greatest risk from continued exposure.

(d) Initial training and education shall be completed as soon as possible but no later than 180 days from the effective date.

(e) Hygiene and lunchroom facilities under subsection (9) shall be in operation as soon as possible but no later than one year from the effective year.

(f) Respiratory protection required by subsection (6) shall be provided as soon as possible but no later than the following schedule:

(i) Employees whose 8-hour TWA exposure exceeds  $200 \mu\text{g}/\text{m}^3$ —on the effective date.

(ii) Employees whose 8-hour TWA exposure exceeds the PEL but is less than  $200 \mu\text{g}/\text{m}^3$ —150 days from the effective date.

(iii) Powered, air-purifying respirators provided under (6)(b)(ii) — 210 days from the effective date.

(iv) Quantitative fit testing requirement under item (6)(c)(ii) — one year from effective date. Qualitative fit testing is required in the interim.

(g) Written compliance plans required by subdivision (5)(c) shall be completed and available for inspection and copying as soon as possible but no later than the following schedule:

(i) Employers for whom compliance with the PEL or interim level is required within one year from the effective date — six months from the effective date.

(ii) Employers in secondary smelting and refining, lead storage battery manufacturing lead pigment manufacturing and nonferrous foundry industries — one year from the effective date.

(iii) Employers in primary smelting and refining industry — one year from the effective date for the interim level; five years from the effective date for PEL.

(iv) Plans for construction of hygiene facilities, if required — six months from the effective date.

(h) The permissible exposure limit in subsection (3) shall become effective 150 days from the effective date.

**Reviser's Note:** Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

### WSR 79-08-023

#### NOTICE OF PUBLIC MEETINGS HOSPITAL COMMISSION

[Memorandum—July 9, 1979]

The State Hospital Commission is scheduled to meet on Thursday, July 26, 1979, beginning at 9:00 a.m., at the University Tower Hotel, N.E. 45th and Brooklyn Avenue, Seattle, Washington. This is in addition to the meeting scheduled for July 12, 1979, notices of which have already been mailed.

The hospitals scheduled for informal hearings have previously filed with the Commission their annual budget and rate requests or their requests for amendments to their previously approved budget and rates. Staff findings and recommendations will be prepared and transmitted to the scheduled hospitals and to members of the Hospital Commission in accordance with WAC 261-40-135. Such information is on file in the Commission's office and is available for inspection.

### WSR 79-08-024

#### ADOPTED RULES INSURANCE COMMISSIONER

[Order R 79-4—Filed July 12, 1979]

I, Dick Marquardt, Insurance Commissioner, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the inspection and copying of public records, by amending WAC 283-03-090 to eliminate the specified charge per page for copies and substitute therefor a copying charge to be based upon actual cost.

This action is taken pursuant to Notice No. WSR 79-06-065 filed with the code reviser on 5/23/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 42.17.250 and 42.17.300 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED July 12, 1979.

Dick Marquardt  
Insurance Commissioner  
By Robert E. Johnson  
Deputy Commissioner

#### AMENDATORY SECTION (Order No. 75-1 filed 5/19/75)

WAC 284-03-090 COPYING FEES. No fee shall be charged for the inspection of public records. The office ~~((shall))~~ will charge a ~~per-page~~ fee ~~((of 35¢ (thirty-five cents) per page of copy))~~ for providing copies of public records. ~~((when))~~ If copies of photographs are ~~((desired))~~ requested, a ~~((nominal))~~ fee ~~((shall))~~ will be charged ~~((to cover the actual duplicating costs))~~ for the duplication of such photographs. ~~((These charges are necessary to reimburse the office for the costs of providing the copies and the use of the copying equipment.))~~ Copying fees will be set at amounts equal to the actual costs to the office incident to such copying, including costs of materials, machinery, and personnel. The fees charged will be reviewed periodically to assure their accuracy, and shall be modified accordingly.

### WSR 79-08-025

#### ADOPTED RULES CENTRAL WASHINGTON UNIVERSITY

[Order 44—Filed July 13, 1979]

I, Gregory Trujillo, Associate Dean of Student Development, of the Central Washington University, do promulgate and adopt at Bouillon Hall, Room 207A, on the CWU campus, the annexed rules relating to Equal Employment Opportunity Policy, chapter 106-112 WAC.

This action is taken pursuant to Notice No. WSR 79-06-045 filed with the code reviser on May 16, 1979. Such rules shall take effect pursuant to RCW 28B.19.050(2).

This rule is promulgated pursuant to RCW 28B.19.050 and 28B.40.120 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED July 10, 1979.

By Gregory Trujillo  
Associate Dean of Student Development

AMENDATORY SECTION (Amending Order 36, filed 11/14/77)

WAC 106-112-200 EQUAL EMPLOYMENT OPPORTUNITY POLICY. Central Washington University provides equal employment opportunity to all persons on the basis of merit without regard to race, creed, color, religion, sex, age, national origin, marital status, or the presence of any sensory, physical, or mental handicap unless based upon a bona fide positional requirement. The university also provides equal employment opportunity to persons who have had criminal convictions; however, the employment of such persons will be contingent upon a thorough review of specific offenses and their relationship to the welfare of the university. The university precludes the employment of persons having had criminal convictions in the Campus Police Department.

The university will take affirmative action to ensure equal employment opportunity for all qualified minorities, women, Vietnam era and disabled veterans, handicapped persons and persons between the ages of 40 and ((65)) 70 in all personnel actions pursuant to Federal Executive Orders 11246, 11375 and 11141, U.S. Department of Labor's Revised Order No. 4, Sections 501-504 of the Vocational Rehabilitation Act of 1973 and Chapter 42, Section 2012 of the Vietnam Era Veterans' Readjustment Act of 1974 and the Governor's Executive Order 78-1. Further, the university will ensure that all personnel actions are administered without regard to race, creed, color, religion, sex, age, national origin, marital status, or the presence of any sensory, physical or mental handicap pursuant to the Governor's Executive Order 72-07 and RCW 49.60.

No department, organizational unit, employing authority or employee will be excluded from compliance with the provisions of this policy.

**WSR 79-08-026**

**PROPOSED RULES**

**FORT STEILACOOM COMMUNITY COLLEGE**

[Filed July 13, 1979]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that the Community College District No. 11 (Fort Steilacoom Community College), intends to adopt, amend, or repeal rules concerning Notice of Intent to Withhold Services and/or Offset Wages for Outstanding Debts, new chapter 132K-300 WAC;

that such institution will at 2:30 p.m., Tuesday, September 11, 1979, in the Fort Steilacoom Community College Campus P 12 Board Room, 9401 Farwest Drive S.W. Tacoma, WA 98498, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 2:30 p.m., Tuesday, September 11, 1979, in the Fort Steilacoom Community College Campus P 12 Board Room, 9401 Farwest Drive S.W. Tacoma, WA 98498.

The authority under which these rules are proposed is RCW 28B.50.140.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to September 11, 1979, and/or orally at 2:30 p.m., Tuesday, September 11, 1979, Fort Steilacoom Community College Campus, P 12 Board Room, 9401 Farwest Drive S.W. Tacoma, WA 98498.

Dated: July 9, 1979

By: Dr. Robert H. Stauffer  
President/Board Secretary

**CHAPTER WAC 132K-300  
NOTICE OF INTENT TO  
WITHHOLD SERVICES AND/OR OFFSET WAGES FOR  
OUTSTANDING DEBTS  
COMMUNITY COLLEGE DISTRICT NO. 11  
Fort Steilacoom Community College**

NEW SECTION

WAC 132K-300-010 POLICY. If any person, including faculty, staff, student, or former student, be indebted to the institution for an outstanding overdue debt, the institution shall not provide any further services of any kind to such individual, including but not limited to transmitting files, records, transcripts, or other services which have been requested by any such person. Further, if the person is an employee of the institution, the institution shall have the right to offset such outstanding debts against wages owed to the employee.

NEW SECTION

WAC 132K-300-020 NOTIFICATION. Upon receipt of such a request for services where there is an outstanding debt due the institution from that person, the institution shall notify the person by registered mail addressed to his last known mailing address, that the services will not be provided since there is an outstanding debt due the institution and, further, that until that debt is paid in full or arrangements are made to pay the debt over time, no such services as are requested will be provided the individual. If the outstanding debt is due the institution from an employee, the institution shall notify the employee by registered mail addressed to his last known address of the debt owed to the institution, the basis of the debt, and the intent to offset it against the wages or other payments due the employee.

NEW SECTION

WAC 132K-300-030 INFORMAL HEARING NOTIFICATION. The letter of notification contained in WAC 132K-300-020 shall also notify the individual that he has a right to a hearing before

the dean of administrative services or a person designated by the president of the institution for the purpose of determining whether the individual is in fact indebted to the institution as alleged in the notice of the intent to withhold services and/or offset wages for outstanding debts. The letter shall also indicate that the request for the hearing must be made within twenty days from the date of receipt of said letter.

**NEW SECTION**

**WAC 132K-300-040 PROCEDURE FOR INFORMAL HEARING.** Upon receipt of a timely request for a hearing, the dean of administrative services or the person designated by the president shall have the records and files of the institution available for review and, at that time, shall hold an informal hearing concerning whether the individual in fact owes any outstanding debts to the institution. After the informal hearing, a decision shall be rendered by the president's designee indicating whether in fact the institution is correct in withholding services and/or wages for the outstanding debt, and if the outstanding debt is in fact owed by the individual involved, no services shall be provided and, if an employee, the debt will be offset against wages owed to the individual. Notification of this shall be sent to the individual within five days after the hearing. Said decision shall constitute an informal proceeding established by the institution pursuant to the Higher Education Administrative Procedures Act as defined in RCW 28B.19.110.

**WSR 79-08-027  
EMERGENCY RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Public Assistance)  
[Order 1415—Filed July 13, 1979]**

I, Michael Stewart, Ex. Assist. of the Department of Social and Health Services do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

- Amd WAC 388-28-530 Net cash income—Board, room rental, board and room.
- Amd ch. 388-29 WAC AFDC and GAU—Eligibility—Standards of assistance.
- Amd WAC 388-42-150 Maximum cost standards for funeral director's services and burial or cremation services.

I, Michael Stewart, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is these amendments are necessary to implement the Budget Act which was effective July 1, 1979.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated under the general rule-making authority of the secretary of Department of Social and Health Services as authorized in RCW 74.08.090.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED July 12, 1979.

By M. S. Stewart  
Executive Assistant

**AMENDATORY SECTION (Amending Order 1344, filed 9/22/78)**

**WAC 388-28-530 NET CASH INCOME—BOARD, ROOM RENTAL, BOARD AND ROOM.**

(1) The net income from operating a rooming, boarding, or boarding and rooming home shall be computed as follows effective July 1, ((+978)) 1979:

(a) Boarder - The board payment received minus ((~~\$54~~)) \$61,

(b) Roomer - The room rental received minus ((~~\$5~~)) \$5.50,

(c) Boarder and roomer - The board and room payment received minus ((~~\$59~~)) \$66.50.

(2) If a recipient is engaged in the management and operation of a rooming, boarding or boarding and rooming home, the net income as computed in accordance with subsection (1) is considered earned income to that recipient.

(3) These standards are effective July 1, 1979.

**AMENDATORY SECTION (Amending Order 1321, filed 7/28/78)**

**WAC 388-29-100 MONTHLY STANDARDS FOR BASIC REQUIREMENTS—AFDC AND CONTINUING GENERAL ASSISTANCE.**

(1) The state-wide monthly standards for food, clothing, personal maintenance and necessary incidentals, household maintenance and shelter for those owning (including life estate), buying or renting an apartment or house shall be:

Recipients in Household	State Standard	Area Differential for King, Pierce, Snohomish, Kitsap and Thurston Counties	State Standard Plus Area Differential for King, Pierce, Snohomish, Kitsap and Thurston Counties
1	(( <del>\$200</del> )) <u>\$220</u>	(( <del>\$12</del> )) <u>\$13</u>	(( <del>\$22</del> )) <u>\$233</u>
2	(( <del>277</del> )) <u>305</u>	(( <del>31</del> )) <u>34</u>	(( <del>308</del> )) <u>339</u>
3	(( <del>348</del> )) <u>383</u>	(( <del>27</del> )) <u>30</u>	(( <del>375</del> )) <u>413</u>
4	(( <del>412</del> )) <u>453</u>	(( <del>27</del> )) <u>30</u>	(( <del>439</del> )) <u>483</u>
5	(( <del>476</del> )) <u>523</u>	(( <del>27</del> )) <u>30</u>	(( <del>503</del> )) <u>553</u>
6	(( <del>540</del> )) <u>593</u>	(( <del>27</del> )) <u>30</u>	(( <del>567</del> )) <u>623</u>
7	(( <del>604</del> )) <u>663</u>	(( <del>27</del> )) <u>30</u>	(( <del>631</del> )) <u>693</u>
8	(( <del>668</del> )) <u>733</u>	(( <del>27</del> )) <u>30</u>	(( <del>695</del> )) <u>763</u>
9	(( <del>732</del> )) <u>803</u>	(( <del>27</del> )) <u>30</u>	(( <del>759</del> )) <u>833</u>
10	(( <del>796</del> )) <u>873</u>	(( <del>27</del> )) <u>30</u>	(( <del>823</del> )) <u>903</u>
11	(( <del>860</del> )) <u>943</u>	(( <del>27</del> )) <u>30</u>	(( <del>887</del> )) <u>973</u>
12	(( <del>924</del> )) <u>1,013</u>	(( <del>27</del> )) <u>30</u>	(( <del>951</del> )) <u>1,043</u>
13	(( <del>988</del> )) <u>1,083</u>	(( <del>27</del> )) <u>30</u>	(( <del>1015</del> )) <u>1,113</u>
14	(( <del>1052</del> )) <u>1,153</u>	(( <del>27</del> )) <u>30</u>	(( <del>1079</del> )) <u>1,183</u>
15	(( <del>1116</del> )) <u>1,223</u>	(( <del>27</del> )) <u>30</u>	(( <del>1143</del> )) <u>1,253</u>
16	(( <del>1180</del> )) <u>1,293</u>	(( <del>27</del> )) <u>30</u>	(( <del>1207</del> )) <u>1,323</u>
17	(( <del>1244</del> )) <u>1,363</u>	(( <del>27</del> )) <u>30</u>	(( <del>1271</del> )) <u>1,393</u>
18 or more	(( <del>1308</del> )) <u>1,433</u>	(( <del>27</del> )) <u>30</u>	(( <del>1335</del> )) <u>1,463</u>

(2) Deleted

(3) Household with supplied shelter.

The monthly standard for supplied shelter includes requirements for food, clothing, personal maintenance and necessary incidentals, and household maintenance.

Recipients in household— all counties

1	(( <del>\$130</del> ))	\$143
2	(( <del>189</del> ))	208
3	(( <del>251</del> ))	276
4	(( <del>313</del> ))	344
5	(( <del>377</del> ))	412
6	(( <del>438</del> ))	480
7	(( <del>498</del> ))	548
8	(( <del>560</del> ))	616
9	(( <del>621</del> ))	684
10	(( <del>682</del> ))	752
11	(( <del>744</del> ))	820
12	(( <del>806</del> ))	888
13	(( <del>868</del> ))	956
14	(( <del>929</del> ))	1,024
15	(( <del>991</del> ))	1,092
16	(( <del>1054</del> ))	1,160
17	(( <del>1114</del> ))	1,228
18 or more	(( <del>1176</del> ))	1,296

(4) These standards are effective July 1, 1979.

AMENDATORY SECTION (Amending Order 1321, filed 7/28/78)

WAC 388-29-110 MAXIMUMS TO MONTHLY STANDARDS FOR BASIC REQUIREMENTS. (1) Grants to families of 7 or more shall not exceed the following maximums. In computing the grant amount non-exempt income and resources which are available to meet need shall be deducted from the monthly standard specified in WAC 388-29-100.

Number of recipients in household						
	7	8	9	10	11	12
Maximum	(( <del>\$631</del> ))	(( <del>\$664</del> ))	(( <del>\$695</del> ))	(( <del>\$724</del> ))	(( <del>\$751</del> ))	(( <del>\$776</del> ))
	\$694	\$727	\$758	\$787	\$814	\$839
	13	14	15	16	17	18
Maximum	(( <del>\$799</del> ))	(( <del>\$820</del> ))	(( <del>\$839</del> ))	(( <del>\$856</del> ))	(( <del>\$871</del> ))	(( <del>\$884</del> ))
	\$862	\$883	\$902	\$919	\$934	\$947

(2) These standards are effective July 1, 1979.

AMENDATORY SECTION (Amending Order 1241, filed 9/23/77)

WAC 388-29-125 COST STANDARDS FOR REQUIREMENTS—PERSONS IN MEDICAL INSTITUTION. (1) The monthly cost standard for clothing, personal maintenance and necessary incidentals for a person eligible for AFDC, supplemental security income or the "H" medical care program who is in a skilled nursing home, a public nursing home, a general or tuberculosis hospital or an intermediate care facility shall be ((~~\$25.00~~)) \$32.50.

(2) The monthly cost standard for clothing, personal maintenance and necessary incidentals for a person eligible for continuing general assistance who is in an institution specified in subsection (1) shall be ((~~\$25.00~~)) \$32.50.

(3) These standards are effective July 1, 1979.

AMENDATORY SECTION (Amending Order 1379, filed 3/22/79)

WAC 388-29-130 COST STANDARDS FOR REQUIREMENTS—PERSON IN CONGREGATE CARE FACILITY. (1) The cost standard for congregate care shall be the rate established by the department for payment to specific congregate care facilities.

(2) Congregate care facility residents who receive SSI or GAU benefits are entitled to the earned and unearned income exemptions applicable to those programs. Any remaining nonexempt income shall be applied first toward the monthly cost standard for clothing, personal maintenance, and necessary incidentals, and then toward the cost of care. SSI grant deductions for overpayments shall first reduce the money available for clothing, personal maintenance and necessary incidentals and then reduce the money available to meet the cost of CCF care. The department shall not pay the difference toward cost of care caused by the SSI reduction.

(3) The monthly cost standard for clothing, personal maintenance, and necessary incidentals for a person in a congregate care facility shall be ((~~\$25.00, except that for a resident converted to the SSI program on January 1, 1974, the standard shall be \$27.30. This amount includes the monthly allowance of \$4.20 which is applicable to a resident on the date of conversion~~)) \$32.50.

(4) These standards are effective July 1, 1979.

AMENDATORY SECTION (Amending Order 1321, filed 7/28/78)

WAC 388-29-135 COST STANDARDS FOR REQUIREMENTS—MATERNITY HOME CARE. (1) The payment standard for a recipient of AFDC residing in a maternity home shall be ((~~\$426.45~~)) \$457.80 per month, ((~~including \$28.95~~)) which includes \$32.50 for clothing and personal incidentals.

(2) The standard for maternity home care for an unmarried child eligible for foster care payment shall be the rate established in the agreement between the department and the maternity home agency.

(3) These standards are effective July 1, 1979.

AMENDATORY SECTION (Amending Order 1241, filed 9/23/77)

WAC 388-29-145 MONTHLY STANDARDS FOR BASIC REQUIREMENTS—AFDC—CHILD IN NEED OF SPECIALIZED EDUCATION OR TRAINING. (1) A child attending school under temporary absence provisions according to WAC 388-24-125(3)(b) is eligible for clothing and personal maintenance and necessary incidentals only. The monthly standard shall be ((~~\$27.45~~)) \$32.50. The child shall not be included as a member of the household in computing the requirements for the household.

(2) These standards are effective July 1, 1979.

AMENDATORY SECTION (Amending Order 1321, filed 7/28/78)

WAC 388-29-160 STANDARDS FOR ADDITIONAL REQUIREMENTS UNDER SPECIFIC

**CIRCUMSTANCES—RESTAURANT MEALS.** (1) Restaurant meals shall be an additional requirement only when:

(a) The individual is physically or mentally unable to prepare any of his meals, and

(b) Board, or board and room, is not available or the use of such facilities is not feasible for an individual.

(2) The monthly additional requirement for restaurant meals shall be (~~(\$65.80)~~) \$72.40.

(3) These standards are effective July 1, 1979.

**AMENDATORY SECTION** (Amending Order 1321, filed 7/28/78)

**WAC 388-29-170 STANDARDS FOR ADDITIONAL REQUIREMENTS UNDER SPECIFIED CIRCUMSTANCES—DAILY RESTAURANT MEALS.** (1) The standard for emergency restaurant meals shall be (~~(\$3.50)~~) \$3.85 per day.

(2) The daily restaurant meal standard shall be used only when such assistance is required pending full determination of eligibility, or for temporary assistance of a week or less. The emergency standard shall be used not to exceed one week within a thirty-day period. When need for restaurant meals continues beyond one week, the standard in WAC 388-29-160 shall be used.

(3) The emergency restaurant meal allowance is a subsistence standard and does not provide adequate nutrition for a prolonged period.

(4) These standards are effective July 1, 1979.

**AMENDATORY SECTION** (Amending Order 1241, filed 9/23/77)

**WAC 388-29-180 HOME DELIVERED MEALS (MEALS-ON-WHEELS).** (1) For some recipients who cannot be expected to prepare all of their own meals, prepared and home delivered meals may be available.

(2) Where a (~~(local office)~~) CSO approved home delivery service of prepared meals is available recipients who need and would benefit from such service should be encouraged, authorized and assisted, if necessary, to obtain it.

(3) Standards and criteria used to authorize the service are as follows:

(a) The recipient requires help in preparation of some of his meals and would benefit nutritionally or otherwise from home delivered meals,

(b) Such help is not reasonably available without cost to the recipient,

(c) Board (or board and room) is not feasible or possible for the recipient,

(4) When a plan for use of this service is approved by (~~(local office)~~) the CSO, the cost standard to be used for the total food requirement of the recipient using the service shall be established by the department's office of economic services at the (~~(local office's)~~) CSO's request.

**AMENDATORY SECTION** (Amending Order 1321, filed 7/28/78)

**WAC 388-29-200 STANDARDS FOR ADDITIONAL REQUIREMENTS UNDER SPECIFIED CIRCUMSTANCES—FOOD FOR GUIDE DOG.** (1)

The cost of food for a guide dog shall be an additional requirement when an applicant for SSI or an assistance grant has a guide dog assigned to him by an accredited guide dog organization. The cost standard for food for a guide dog shall be (~~(\$21.15)~~) \$23.25.

(2) These standards are effective July 1, 1979.

**AMENDATORY SECTION** (Amending Order 1321, filed 7/28/78)

**WAC 388-29-220 STANDARDS FOR ADDITIONAL REQUIREMENTS UNDER SPECIFIED CIRCUMSTANCES—LAUNDRY.** (1) Laundry is an additional requirement when:

(a) The applicant or recipient is physically unable to do his laundry, and

(b) He has no one able to perform this service for him.

(2) The monthly cost standard for laundry shall be (~~(\$5.75)~~) \$6.35.

(3) These standards are effective July 1, 1979.

**AMENDATORY SECTION** (Amending Order 1321, filed 7/28/78)

**WAC 388-29-260 REQUIREMENTS OF PERSON IN BOARDING HOME—CONTINUING GENERAL ASSISTANCE.** (1) The standard for board and room shall be (~~(\$145.50)~~) \$160.00 per month or (~~(\$4.78)~~) \$5.26 per day.

(2) The monthly standard for clothing and (~~(person)~~) personal maintenance and necessary incidentals shall be (~~(\$25.00)~~) \$27.50.

(3) These standards are effective July 1, 1979.

**AMENDATORY SECTION** (Amending Order 1321, filed 7/28/78)

**WAC 388-29-280 ADULT FAMILY HOME CARE—COST STANDARDS.** (~~(The monthly cost standards for the grant requirements of an adult receiving approved care in an adult family home are:~~

~~(1) \$255.15 a month for room, board, laundry, personal and social care and nursing care as appropriate or required, or~~

~~(2) \$223.35 a month for room, board, laundry, personal and social care and necessary supervision, and~~

~~(3) \$25 for clothing and personal maintenance and necessary incidentals.))~~

(1) The cost standard for adult family home care shall be the rate established by the department for payment to the adult family home sponsor.

(2) The monthly cost standard for clothing and personal maintenance and necessary incidentals for a person in an adult family home shall be \$32.50.

(3) These standards are effective July 1, 1979.

**AMENDATORY SECTION** (Amending Order 1393, filed 5/8/79)

**WAC 388-29-155 STANDARDS FOR ADDITIONAL REQUIREMENTS UNDER SPECIFIED CIRCUMSTANCES—CHILD CARE EXPENSES FOR EMPLOYED PERSONS.** (1) The expense of

child care shall be authorized as an additional requirement only when financial services has determined the care is necessary due to employment and there is no one reasonably available to perform such service without cost, except that child care expenses for employed WIN participants shall be authorized as specified in WAC 388-57-057.

(2) The cost allowed for child care shall be the most reasonable which can be obtained for the type of care required.

(a) Out-of-home day care

(i) An additional requirement shall be authorized for licensed out-of-home day care. Licensure is not required of those persons exempted in RCW 74.15.020.

(ii) Recipients utilizing unlicensed out-of-home day care will be given thirty days to obtain appropriate care. Such thirty-day period shall begin on the date the client is given written notice of this requirement. Payment will not be withheld from ~~((recipients))~~ recipients whose out-of-home day care provider has made application for licensure.

(iii) The part-time payment standard for day care of less than seven hours per day shall be ~~((97-cents))~~ \$1.04 per hour for each child.

(iv) The full-time payment standard for day care of seven hours or more per day shall be ~~((6.79))~~ \$7.27 per day for each child.

(b) In-home child care

(i) The payment standard for in-home care shall be ~~((97-cents))~~ \$1.04 per hour for the care of three children or less in the family, or ~~((1.26))~~ \$1.35 per hour for care of four or more children in the family.

(ii) If total payments to an individual providing in-home care are expected to be \$50 or more in any one quarter, the employer's share of the FICA tax must be added to the amount authorized for in-home care.

(3) No payments shall be allowed for child care provided by the child's parent or stepparent.

(4) The payment standards in subsection (2)(a) and (b) of this section may be exceeded provided that the actual rate is the least expensive rate available to the client, for the type of care required.

(5) Payment based upon the rate incurred through an enrollment contract can be made provided that:

(a) The requirements in subsection (4) of this section are met; and

(b) No other noncontractual child care is reasonably available to the client; and

(c) Any absence in excess of two days per month is attributable to illness.

(6) "Enrollment contract" shall be defined as a legally binding written agreement between a client and a day care facility in which fees are set on the basis of the child's registration for attendance in the facility.

(7) These rules shall be effective ~~((March))~~ July 1, 1979.

AMENDATORY SECTION (Amending Order 1340, filed 9/22/78)

WAC 388-42-150 MAXIMUM COST STANDARDS FOR FUNERAL DIRECTOR'S SERVICES AND BURIAL OR CREMATION SERVICES. (1)

Funeral director's services—Actual charges, but not to exceed

(a) Minimum service

Adult or older child (casket 5 feet or larger) ((~~\$203~~))  
\$217

Child (casket 2 feet 6 inches, less than 5 feet) ((~~\$158~~))  
\$169

Child (casket less than 2 feet 6 inches) ((~~\$76~~))  
\$ 81

(b) Regular service

Adult or older child (casket 5 feet or larger) ((~~\$464~~))  
\$496

Child (casket 2 feet 6 inches, less than 5 feet) ((~~\$195~~))  
\$209

Child (casket less than 2 feet 6 inches) ((~~\$76~~))  
\$ 81

(2) Burial or cremation services

(a) Burial only ((~~\$208~~))  
\$223

Burial in grave of another ((~~\$208~~))  
\$223

Burial with lot included ((~~\$235~~))  
\$251

(b) Cremation only ((~~\$208~~))  
\$223

Cremation with burial place included ((~~\$215~~))  
\$230

(3) These standards include all applicable taxes.

(4) These standards shall be effective July 1, ~~((1978))~~ 1979.

**WSR 79-08-028  
PROPOSED RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**

(Public Assistance)

[Filed July 13, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning:

- Amd WAC 388-28-530 Net cash income—Board, room rental, board and room.
- Amd ch. 388-29 WAC AFDC and GAU—Eligibility—Standards of assistance.
- Amd WAC 388-42-150 Maximum cost standards for funeral director's services and burial or cremation services.

It is the intention of the secretary to adopt these rules on an emergency basis prior to the hearing.

Correspondence concerning this notice and proposed rules attached should be addressed to:

Michael Stewart  
Executive Assistant

Department of Social and Health Services  
 Mailstop OB-44 C  
 Olympia, WA 98504;

that such agency will at 10:00 a.m., Wednesday, September 12, 1979, in the Auditorium, State Office Building #2, 12th and Jefferson, Olympia, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, September 19, 1979, in William B. Pope's office, 3-D-14, State Office Building #2, 12th and Jefferson, Olympia.

The authority under which these rules are proposed is RCW 74.08.090.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to September 12, 1979, and/or orally at 10:00 a.m., Wednesday, September 12, 1979, Auditorium, State Office Building #2, 12th and Jefferson, Olympia, WA.

Dated: July 12, 1979  
 By: M. S. Stewart  
 Executive Assistant

**AMENDATORY SECTION** (Amending Order 1344, filed 9/22/78)

**WAC 388-28-530 NET CASH INCOME—BOARD, ROOM RENTAL, BOARD AND ROOM.** (1) The net income from operating a rooming, boarding, or boarding and rooming home shall be computed as follows effective July 1, ~~((+978))~~ 1979:

- (a) Boarder - The board payment received minus ~~((54))~~ \$61.
- (b) Roomer - The room rental received minus ~~((5))~~ \$5.50.
- (c) Boarder and roomer - The board and room payment received minus ~~((59))~~ \$66.50.

(2) If a recipient is engaged in the management and operation of a rooming, boarding or boarding and rooming home, the net income as computed in accordance with subsection (1) is considered earned income to that recipient.

(3) These standards are effective July 1, 1979.

**AMENDATORY SECTION** (Amending Order 1321, filed 7/28/78)

**WAC 388-29-100 MONTHLY STANDARDS FOR BASIC REQUIREMENTS—AFDC AND CONTINUING GENERAL ASSISTANCE.** (1) The state-wide monthly standards for food, clothing, personal maintenance and necessary incidentals, household maintenance and shelter for those owning (including life estate), buying or renting an apartment or house shall be:

Recipients in Household	State Standard	Area Differential for King, Pierce, Snohomish, Kitsap and Thurston Counties	State Standard Plus Area Differential for King, Pierce, Snohomish, Kitsap and Thurston Counties
1	<del>((200))</del> \$220	<del>((32))</del> \$13	<del>((22))</del> \$233
2	<del>((277))</del> 305	<del>((34))</del> 34	<del>((308))</del> 339
3	<del>((348))</del> 383	<del>((37))</del> 30	<del>((375))</del> 413
4	<del>((412))</del> 453	<del>((37))</del> 30	<del>((439))</del> 483
5	<del>((476))</del> 523	<del>((37))</del> 30	<del>((503))</del> 553
6	<del>((540))</del> 593	<del>((37))</del> 30	<del>((567))</del> 623
7	<del>((604))</del> 663	<del>((37))</del> 30	<del>((631))</del> 693
8	<del>((668))</del> 733	<del>((37))</del> 30	<del>((695))</del> 763
9	<del>((732))</del> 803	<del>((37))</del> 30	<del>((759))</del> 833
10	<del>((796))</del> 873	<del>((37))</del> 30	<del>((823))</del> 903
11	<del>((860))</del> 943	<del>((37))</del> 30	<del>((887))</del> 973
12	<del>((924))</del> 1,013	<del>((37))</del> 30	<del>((951))</del> 1,043
13	<del>((988))</del> 1,083	<del>((37))</del> 30	<del>((1015))</del> 1,113
14	<del>((1052))</del> 1,153	<del>((37))</del> 30	<del>((1079))</del> 1,183
15	<del>((1116))</del> 1,223	<del>((37))</del> 30	<del>((1143))</del> 1,253
16	<del>((1180))</del> 1,293	<del>((37))</del> 30	<del>((1207))</del> 1,323
17	<del>((1244))</del> 1,363	<del>((37))</del> 30	<del>((1271))</del> 1,393
18 or more	<del>((1308))</del> 1,433	<del>((37))</del> 30	<del>((1335))</del> 1,463

(2) Deleted

(3) Household with supplied shelter.

The monthly standard for supplied shelter includes requirements for food, clothing, personal maintenance and necessary incidentals, and household maintenance.

Recipients in household - all counties

1	<del>((130))</del> \$143
2	<del>((189))</del> 208
3	<del>((251))</del> 276
4	<del>((313))</del> 344
5	<del>((377))</del> 412
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7	<del>((498))</del> 548
8	<del>((560))</del> 616
9	<del>((621))</del> 684
10	<del>((682))</del> 752
11	<del>((744))</del> 820
12	<del>((806))</del> 888
13	<del>((868))</del> 956
14	<del>((929))</del> 1,024
15	<del>((991))</del> 1,092
16	<del>((1054))</del> 1,160
17	<del>((1114))</del> 1,228
18 or more	<del>((1176))</del> 1,296

(4) These standards are effective July 1, 1979.

**AMENDATORY SECTION** (Amending Order 1321, filed 7/28/78)

**WAC 388-29-110 MAXIMUMS TO MONTHLY STANDARDS FOR BASIC REQUIREMENTS.** (1) Grants to families of 7 or more shall not exceed the following maximums. In computing the grant amount nonexempt income and resources which are available to meet need shall be deducted from the monthly standard specified in WAC 388-29-100.

	Number of recipients in household					
	7	8	9	10	11	12
Maximum	<del>((631))</del>	<del>((664))</del>	<del>((695))</del>	<del>((724))</del>	<del>((751))</del>	<del>((776))</del>
	\$694	\$727	\$758	\$787	\$814	\$839
Maximum	<del>((799))</del>	<del>((828))</del>	<del>((859))</del>	<del>((886))</del>	<del>((917))</del>	<del>((944))</del>
	\$862	\$883	\$902	\$919	\$934	\$947

(2) These standards are effective July 1, 1979.

**AMENDATORY SECTION** (Amending Order 1241, filed 9/23/77)

**WAC 388-29-125 COST STANDARDS FOR REQUIREMENTS—PERSONS IN MEDICAL INSTITUTION.** (1) The monthly cost standard for clothing, personal maintenance and necessary incidentals for a person eligible for AFDC, supplemental security income or the "H" medical care program who is in a skilled nursing home, a public nursing home, a general or tuberculosis hospital or an intermediate care facility shall be ~~((25.00))~~ \$32.50.

(2) The monthly cost standard for clothing, personal maintenance and necessary incidentals for a person eligible for continuing general assistance who is in an institution specified in subsection (1) shall be ~~((25.00))~~ \$32.50.

(3) These standards are effective July 1, 1979.

**AMENDATORY SECTION** (Amending Order 1379, filed 3/22/79)

**WAC 388-29-130 COST STANDARDS FOR REQUIREMENTS—PERSON IN CONGREGATE CARE FACILITY.** (1) The cost standard for congregate care shall be the rate established by the department for payment to specific congregate care facilities.

(2) Congregate care facility residents who receive SSI or GAU benefits are entitled to the earned and unearned income exemptions applicable to those programs. Any remaining nonexempt income shall be applied first toward the monthly cost standard for clothing, personal maintenance, and necessary incidentals, and then toward the cost of care. SSI grant deductions for overpayments shall first reduce the money available for clothing, personal maintenance and necessary incidentals and then reduce the money available to meet the cost of CCF care. The department shall not pay the difference toward cost of care caused by the SSI reduction.

(3) The monthly cost standard for clothing, personal maintenance, and necessary incidentals for a person in a congregate care facility

shall be ~~((\$25.00, except that for a resident converted to the SSI program on January 1, 1974, the standard shall be \$27.30. This amount includes the monthly allowance of \$4.20 which is applicable to a resident on the date of conversion)) \$32.50.~~

(4) These standards are effective July 1, 1979.

**AMENDATORY SECTION** (Amending Order 1321, filed 7/28/78)

**WAC 388-29-135 COST STANDARDS FOR REQUIREMENTS—MATERNITY HOME CARE.** (1) The payment standard for a recipient of AFDC residing in a maternity home shall be ~~((\$426.45)) \$457.80 per month, ~~((including \$28.95))~~ which includes \$32.50 for clothing and personal incidentals.~~

(2) The standard for maternity home care for an unmarried child eligible for foster care payment shall be the rate established in the agreement between the department and the maternity home agency.

(3) These standards are effective July 1, 1979.

**AMENDATORY SECTION** (Amending Order 1241, filed 9/23/77)

**WAC 388-29-145 MONTHLY STANDARDS FOR BASIC REQUIREMENTS—AFDC—CHILD IN NEED OF SPECIALIZED EDUCATION OR TRAINING.** (1) A child attending school under temporary absence provisions according to WAC 388-24-125(3)(b) is eligible for clothing and personal maintenance and necessary incidentals only. The monthly standard shall be ~~((\$27.45)) \$32.50. The child shall not be included as a member of the household in computing the requirements for the household.~~

(2) These standards are effective July 1, 1979.

**AMENDATORY SECTION** (Amending Order 1321, filed 7/28/78)

**WAC 388-29-160 STANDARDS FOR ADDITIONAL REQUIREMENTS UNDER SPECIFIC CIRCUMSTANCES—RESTAURANT MEALS.** (1) Restaurant meals shall be an additional requirement only when:

(a) The individual is physically or mentally unable to prepare any of his meals, and

(b) Board, or board and room, is not available or the use of such facilities is not feasible for an individual.

(2) The monthly additional requirement for restaurant meals shall be ~~((\$65.80)) \$72.40.~~

(3) These standards are effective July 1, 1979.

**AMENDATORY SECTION** (Amending Order 1321, filed 7/28/78)

**WAC 388-29-170 STANDARDS FOR ADDITIONAL REQUIREMENTS UNDER SPECIFIED CIRCUMSTANCES—DAILY RESTAURANT MEALS.** (1) The standard for emergency restaurant meals shall be ~~((\$3.50)) \$3.85 per day.~~

(2) The daily restaurant meal standard shall be used only when such assistance is required pending full determination of eligibility, or for temporary assistance of a week or less. The emergency standard shall be used not to exceed one week within a thirty-day period. When need for restaurant meals continues beyond one week, the standard in WAC 388-29-160 shall be used.

(3) The emergency restaurant meal allowance is a subsistence standard and does not provide adequate nutrition for a prolonged period.

(4) These standards are effective July 1, 1979.

**AMENDATORY SECTION** (Amending Order 1241, filed 9/23/77)

**WAC 388-29-180 HOME DELIVERED MEALS (MEALS—ON—WHEELS).** (1) For some recipients who cannot be expected to prepare all of their own meals, prepared and home delivered meals may be available.

(2) Where a ~~((local office))~~ CSO approved home delivery service of prepared meals is available recipients who need and would benefit from such service should be encouraged, authorized and assisted, if necessary, to obtain it.

(3) Standards and criteria used to authorize the service are as follows:

(a) The recipient requires help in preparation of some of his meals and would benefit nutritionally or otherwise from home delivered meals,

(b) Such help is not reasonably available without cost to the recipient,

(c) Board (or board and room) is not feasible or possible for the recipient,

(4) When a plan for use of this service is approved by ~~((local office))~~ the CSO, the cost standard to be used for the total food requirement of the recipient using the service shall be established by the department's office of economic services at the ~~((local office's))~~ CSO's request.

**AMENDATORY SECTION** (Amending Order 1321, filed 7/28/78)

**WAC 388-29-200 STANDARDS FOR ADDITIONAL REQUIREMENTS UNDER SPECIFIED CIRCUMSTANCES—FOOD FOR GUIDE DOG.** (1) The cost of food for a guide dog shall be an additional requirement when an applicant for SSI or an assistance grant has a guide dog assigned to him by an accredited guide dog organization. The cost standard for food for a guide dog shall be ~~((\$21.15)) \$23.25.~~

(2) These standards are effective July 1, 1979.

**AMENDATORY SECTION** (Amending Order 1321, filed 7/28/78)

**WAC 388-29-220 STANDARDS FOR ADDITIONAL REQUIREMENTS UNDER SPECIFIED CIRCUMSTANCES—LAUNDRY.** (1) Laundry is an additional requirement when:

(a) The applicant or recipient is physically unable to do his laundry, and

(b) He has no one able to perform this service for him.

(2) The monthly cost standard for laundry shall be ~~((\$5.75)) \$6.35.~~

(3) These standards are effective July 1, 1979.

**AMENDATORY SECTION** (Amending Order 1321, filed 7/28/78)

**WAC 388-29-260 REQUIREMENTS OF PERSON IN BOARDING HOME—CONTINUING GENERAL ASSISTANCE.** (1) The standard for board and room shall be ~~((\$145.50)) \$160.00 per month or ~~((\$4.70)) \$5.26 per day.~~~~

(2) The monthly standard for clothing and ~~((person))~~ personal maintenance and necessary incidentals shall be ~~((\$25.00)) \$27.50.~~

(3) These standards are effective July 1, 1979.

**AMENDATORY SECTION** (Amending Order 1321, filed 7/28/78)

**WAC 388-29-280 ADULT FAMILY HOME CARE—COST STANDARDS.** ~~((The monthly cost standards for the grant requirements of an adult receiving approved care in an adult family home are:~~  
~~(1) \$255.15 a month for room, board, laundry, personal and social care and nursing care as appropriate or required, or~~  
~~(2) \$223.35 a month for room, board, laundry, personal and social care and necessary supervision, and~~  
~~(3) \$25 for clothing and personal maintenance and necessary incidentals.))~~

~~(1) \$255.15 a month for room, board, laundry, personal and social care and nursing care as appropriate or required, or~~  
~~(2) \$223.35 a month for room, board, laundry, personal and social care and necessary supervision, and~~  
~~(3) \$25 for clothing and personal maintenance and necessary incidentals.))~~

(1) The cost standard for adult family home care shall be the rate established by the department for payment to the adult family home sponsor.

(2) The monthly cost standard for clothing and personal maintenance and necessary incidentals for a person in an adult family home shall be \$32.50.

(3) These standards are effective July 1, 1979.

**AMENDATORY SECTION** (Amending Order 1393, filed 5/8/79)

**WAC 388-29-155 STANDARDS FOR ADDITIONAL REQUIREMENTS UNDER SPECIFIED CIRCUMSTANCES—CHILD CARE EXPENSES FOR EMPLOYED PERSONS.** (1) The expense of child care shall be authorized as an additional requirement only when financial services has determined the care is necessary due to employment and there is no one reasonably available to perform such service without cost, except that child care expenses for employed WIN participants shall be authorized as specified in WAC 388-57-057.

(2) The cost allowed for child care shall be the most reasonable which can be obtained for the type of care required.

(a) Out-of-home day care

(i) An additional requirement shall be authorized for licensed out-of-home day care. Licensure is not required of those persons exempted in RCW 74.15.020.

(ii) Recipients utilizing unlicensed out-of-home day care will be given thirty days to obtain appropriate care. Such thirty-day period shall begin on the date the client is given written notice of this requirement. Payment will not be withheld from ~~((recipient's))~~ recipients

whose out-of-home day care provider has made application for licensure.

(iii) The part-time payment standard for day care of less than seven hours per day shall be ~~((97-cents))~~ \$1.04 per hour for each child.

(iv) The full-time payment standard for day care of seven hours or more per day shall be ~~((56-79))~~ \$7.27 per day for each child.

(b) In-home child care

(i) The payment standard for in-home care shall be ~~((97-cents))~~ \$1.04 per hour for the care of three children or less in the family, or ~~((51-26))~~ \$1.35 per hour for care of four or more children in the family.

(ii) If total payments to an individual providing in-home care are expected to be \$50 or more in any one quarter, the employer's share of the FICA tax must be added to the amount authorized for in-home care.

(3) No payments shall be allowed for child care provided by the child's parent or stepparent.

(4) The payment standards in subsection (2)(a) and (b) of this section may be exceeded provided that the actual rate is the least expensive rate available to the client, for the type of care required.

(5) Payment based upon the rate incurred through an enrollment contract can be made provided that:

(a) The requirements in subsection (4) of this section are met; and

(b) No other noncontractual child care is reasonably available to the client; and

(c) Any absence in excess of two days per month is attributable to illness.

(6) "Enrollment contract" shall be defined as a legally binding written agreement between a client and a day care facility in which fees are set on the basis of the child's registration for attendance in the facility.

(7) These rules shall be effective ~~((March))~~ July 1, 1979.

AMENDATORY SECTION (Amending Order 1340, filed 9/22/78)

WAC 388-42-150 MAXIMUM COST STANDARDS FOR FUNERAL DIRECTOR'S SERVICES AND BURIAL OR CREMATION SERVICES. (1) Funeral director's services—Actual charges, but not to exceed

(a) Minimum service

Adult or older child (casket 5 feet or larger)	<del>((203))</del>
	\$217
Child (casket 2 feet 6 inches, less than 5 feet)	<del>((158))</del>
	\$169
Child (casket less than 2 feet 6 inches)	<del>((76))</del>
	\$ 81

(b) Regular service

Adult or older child (casket 5 feet or larger)	<del>((464))</del>
	\$496
Child (casket 2 feet 6 inches, less than 5 feet)	<del>((195))</del>
	\$209
Child (casket less than 2 feet 6 inches)	<del>((76))</del>
	\$ 81

(2) Burial or cremation services

(a) Burial only	<del>((208))</del>
	\$223
Burial in grave of another	<del>((208))</del>
	\$223
Burial with lot included	<del>((235))</del>
	\$251
(b) Cremation only	<del>((208))</del>
	\$223
Cremation with burial place included	<del>((215))</del>
	\$230

(3) These standards include all applicable taxes.

(4) These standards shall be effective July 1, ~~((1978))~~ 1979.

WSR 79-08-029  
ADOPTED RULES  
DEPARTMENT OF PERSONNEL  
(Personnel Board)

[Order 130—Filed July 16, 1979]

Be it resolved by the State Personnel Board, acting at Department of Personnel, 600 South Franklin, Olympia, WA 98504, that it does promulgate and adopt the annexed rules relating to:

- Amd WAC 356-15-120 Special assignment pay provisions.
- Amd WAC 356-30-050 Appointments—Emergency—How made—Status.

This action is taken pursuant to Notice No. WSR 79-06-081 filed with the code reviser on June 1, 1979. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 46.06.150(17)[41.06.150(17)] and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED July 12, 1979.

By Leonard Nord  
Secretary

AMENDATORY SECTION (Amending Order 127, filed 12/18/78)

WAC 356-15-120 SPECIAL ASSIGNMENT PAY PROVISIONS. Classes to which this Rule applies are marked with the letters "AP" after their titles in the Compensation Plan.

(1) For supervision, training and counseling of mentally retarded residents or mental patients. Basic salary range plus one salary range shall be paid only to employees in the classes below who have this supervision assigned.

- 0610 - Retail Clerk 1
- 0612 - Retail Clerk 2
- 8003 - Food Service Aide 1
- 8005 - Food Service Aide 2
- 8007 - Food Service Aide 3
- 8205 - Laundry Worker 1
- 8430 - Seamstress 1
- 8432 - Seamstress 2

(2) For full time assignment to forklift operations. Basic salary range plus \$10 per month shall be paid only to employees in the class below who have this duty assigned.

7770 - Warehouse Worker 1

(3) For required Scuba diving. Basic salary range plus \$7.50 per diving hour shall be paid to employees (other than Master Diver) who have this duty assigned.

(4) For (a) assignment to a telephone board with four or more positions; (b) specific assignment to primary responsibility for security communications control or emergency admissions processing at an institution; or (c)

direct supervisory responsibility over PBX Operators having assignments (a) or (b) above. Basic salary range plus one range shall be paid only to employees in the classes below who are assigned these responsibilities.

0215 - PBX Operator

0216 - Chief PBX Operator

(5) For assignment to operate highway equipment rated above their present classification. Basic salary range plus the hourly difference between the top step of the Maintenance Technician 3 class and the top step of the salary range representing a two-range increase over the Maintenance Technician 3 class. Employees operating higher rated highway equipment shall be credited with a minimum of four hours pay at the higher rate for each work day in which they are required to operate the higher level equipment. Overtime for such assignments will be computed at one-and-one-half times the higher salary rate. This special assignment pay shall not apply to employees operating higher level highway equipment in a bona fide training assignment. This special pay provision shall apply only to employees in the classes below.

7107 - Maintenance Technician 1

7109 - Maintenance Technician 2

7111 - Maintenance Technician 3

7115 - Maintenance Lead Technician

7182 - Ferry Operator 1

(6) The Board may approve special pay provisions to the Compensation Plan to reflect hazardous/dangerous working conditions of specific positions when: (1) such conditions are not normally expected of those positions assigned to the respective classes; and (2) such provisions are found to be in accordance with prevailing practices in the industry and/or local community in which the position works.

(7) Basic salary range plus two ranges shall be paid to employees in the Wildlife Control Agent (4105), Wildlife Agent 1 (4110) and 2 (4111) classes. This compensation is for all hours worked subject to provisions of WAC 356-15-030(1)(e).

(8) Basic salary plus two ranges shall be paid to Fisheries employees in the Fisheries Patrol Officer (4120), Fisheries Patrol Boat Operator 1 (4127) and Airplane Pilot 1 (7348) classes. This compensation is in lieu of all hours worked subject to provisions of WAC 356-15-030(1)(e).

(9) Basic salary range plus two ranges for each day employees within the classification of Custodian are assigned specific duties which require the use of scaffolding or safety harnesses when cleaning windows from the outside and above the first floor. Also, basic salary plus one range for employees within the classification of Custodian who are assigned fulltime to a floor care crew and operate heavy duty floor cleaning and waxing equipment.

AMENDATORY SECTION (Amending Order 109, filed 9/7/77)

WAC 356-30-050 APPOINTMENTS—EMERGENCY—HOW MADE—STATUS. (1) When an emergency occurs requiring the immediate services of a person or persons (~~who cannot be secured from appropriate registers~~), the appointing authority may appoint

a person without following the normal procedures governing appointment. However, the appointment shall be based on the availability and fitness of the applicant without regard to race, religion, sex, age, national origin, political affiliation or other nonjob related considerations. Emergency appointments and their justification shall be reported immediately to the Director of Personnel on the approved form.

(2) An emergency appointment of an individual shall not exceed 60 calendar days.

(3) Service in an emergency appointment shall not constitute a part of the employee's probationary service.

**WSR 79-08-030**

**EMERGENCY RULES**

**DEPARTMENT OF PERSONNEL**

**(Personnel Board)**

[Order 131—Filed July 16, 1979]

Be it resolved by the State Personnel Board, acting at 600 South Franklin, Olympia, WA 98504, that it does promulgate and adopt the annexed rules relating to the amending of WAC 356-18-050.

We, the Washington State Personnel Board, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is proposed emergency for advances information purposes for the welfare of the employees of the state and the intent of the law - but to be effective the date the law becomes effective, i.e. September 1, 1979.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 41.06.150(17) and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED July 12, 1979.

By Leonard Nord  
Secretary

AMENDATORY SECTION (Amending Order 80, filed 7/16/75)

WAC 356-18-050 SICK LEAVE CREDIT—PURPOSE ((AND)) —ACCRUAL—CONVERSION.

(1) Sick leave credits are granted as a form of insurance to minimize loss of compensation to employees due solely to reasons specified in WAC 356-18-060.

(2) ((~~One day~~)) Eight hours of sick leave credit shall be granted for each month in which a fulltime employee is in pay status for 15 or more calendar days.

(3) ((No form of compensation or other form of leave with pay may be granted for sick leave credits.)) Employees shall be eligible to receive monetary compensation for accrued sick leave as follows:

(a) In January of each year, and at no other time, an employee whose sick leave balance at the end of the previous year exceeds 480 hours may elect to convert their sick leave hours earned in the previous calendar year, minus those hours used during the year, to monetary compensation.

(i) No sick leave hours may be converted which would reduce the calendar year-end balance below 480 hours.

(ii) Monetary compensation for converted hours shall be paid at the rate of 25% and shall be based upon the employee's current salary.

(iii) All converted hours will be deducted from the employee's sick leave balance.

(b) Employees who separate from state service on or after September 1, 1979 due to retirement or death shall be compensated for their total unused sick leave accumulation at the rate of 25%. Compensation shall be based upon the employee's salary at the time of separation. For the purpose of this subsection, retirement shall not include "vested out-of-service" employees who leave funds on deposit with the Department of Retirement Systems (DRS).

(c) No contributions are to be made to the Department of Retirement Systems (DRS) for such payments in (a) or (b) above, nor shall such payments be reported to DRS as compensation.

(4) An employee who separates for any reason other than retirement or death shall not be paid for his or her accrued sick leave.

((4)) (5) Former employees who are again employed within two years of their separation from service shall be granted all unused sick leave credits, if any, to which they were entitled at time of separation for the purpose of using sick leave for the reasons prescribed in WAC 356-18-060. Upon any subsequent retirement or death of a retiree who was again employed, only that unused sick leave accrued since the original retirement minus that taken within the same period may be compensated per the conversion provisions of WAC 356-18-050 (3) (b).

((5)) (6) Employees coming under the jurisdiction of the State Personnel Board from the jurisdiction of the Higher Education Personnel Board by the provisions of WAC 356-06-055(4) shall be credited with their sick leave accumulated with the Higher Education system.

**WSR 79-08-031**

**PROPOSED RULES**

**DEPARTMENT OF PERSONNEL**

**(Personnel Board)**

[Filed July 16, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 41.06.040, that the State Personnel Board intends to adopt, amend, or repeal rules

concerning new WAC 356-30-075 Appointments—Veterans—Non-competitive;

that such agency will at 10:00 a.m., Thursday, August 9, 1979, in the Board Meeting Room, 600 South Franklin, Olympia, WA 98504, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Thursday, August 9, 1979, in the Board Meeting Room, 600 South Franklin, Olympia, WA 98504.

The authority under which these rules are proposed is RCW 41.06.040 and 41.06.050.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to August 7, 1979, and/or orally at 10:00 a.m., Thursday, August 9, 1979, Board Meeting Room, 600 South Franklin, Olympia, WA 98504.

This notice is connected to and continues the matter noticed in Notice No. WSR 70-07-026[79-07-026] filed with the code reviser's office on June 15, 1979.

Dated: July 12, 1979

By: Leonard Nord  
Secretary

**WSR 79-08-032**

**EMERGENCY RULES**

**STATE BOARD OF EDUCATION**

[Order 9-79—Filed July 16, 1979]

Be it resolved by the State Board of Education, acting at Bellingham, Washington, that it does promulgate and adopt the annexed rules relating to Pupils—Suspensions, amending chapter 180-40 WAC.

We, the State Board of Education, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is that WAC 180-40-205, 180-40-245, 180-40-260, 180-40-275 and 180-40-315 need corrective language to be consistent with chapter 173, Laws of 1979 1st ex. sess. and chapter 201, Laws of 1979 1st ex. sess., as of the commencement of the 1979-80 school year and school districts must be aware of these amendments to chapter 180-40 WAC in order to amend their rules, print and give notice of the same, and otherwise implement these amendments.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to chapter 173 and chapter 201, Laws of 1979 1st ex. sess. and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as

appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED July 6, 1979.

By Wm. Ray Broadhead  
Secretary

AMENDATORY SECTION (Amending Order 6-77, filed 6/2/77)

WAC 180-40-205 DEFINITIONS. As used in this chapter the term: (1) "Discipline" shall mean all forms of corrective action or punishment other than suspension and expulsion and shall include the exclusion of a student from a class or activity by a teacher or administrator for a period of time not exceeding the balance of the immediate class, subject, or activity period: PROVIDED, That the student is in the custody of a school district employee for the balance of such period.

(2) "Suspension" shall mean a denial of attendance (other than for the balance of the immediate class, subject, or activity period for "discipline" purposes) at any single subject or class, or at any full schedule of subjects or classes, or at any other type of activity conducted by or in behalf of a school district, and any combination of the foregoing, for a stated period of time. A suspension also may include a denial of admission to or entry upon real and personal property that is owned, leased, rented, or controlled by the school district.

(3) "Short-term suspension" shall mean a suspension for any portion of a calendar day up to and not exceeding five consecutive (~~calendar~~) school days: PROVIDED, That the total number of days upon which a short-term suspension is made effective shall not exceed ten calendar days inclusive of intervening nonschool days which are designated in the notification of suspension and exclusive of intervening nonschool days not designated.

(4) "Long-term suspension" shall mean a suspension which exceeds (~~five consecutive calendar days~~) a "short-term suspension" as defined in subsection (3) of this section.

(5) "Expulsion" shall mean a denial of attendance at any single subject or class or at any full schedule of subjects or classes, a denial of attendance at any other type of activity conducted by or in behalf of a school district, and any combination of the foregoing, for an indefinite period of time. An expulsion also may include a denial of admission to or entry upon real and personal property that is owned, leased, rented, or controlled by the school district.

(6) "School business day" shall mean any calendar day, exclusive of Saturdays, Sundays, and any federal and school holidays, upon which the office of the superintendent of the school district is open to the public for the conduct of business. A school business day shall be concluded or terminated upon the closure of said office for the calendar day.

AMENDATORY SECTION (Amending Order 13-77, filed 10/18/77)

WAC 180-40-245 SHORT-TERM SUSPENSION-CONDITIONS AND LIMITATIONS. A

short-term suspension may be imposed upon a student for violation of school district rules adopted pursuant to WAC 180-40-225, subject to the following limitations or conditions, the prior informal conference procedures set forth in WAC 180-40-250, and the grievance procedures set forth in WAC 180-40-255:

(1) The nature and circumstances of the violation must reasonably warrant a short-term suspension and the length of the suspension imposed.

(2) No student shall be suspended unless other forms of corrective action or punishment reasonably calculated to modify his or her conduct have failed or unless there is good reason to believe that other forms of corrective action or punishment would fail if employed.

(3) In addition to the alternative corrective action requirement of subsection (2) of this section, no student subject to compulsory attendance pursuant to chapter 28A.27 RCW, as now or hereafter amended, shall be suspended by reason, in whole or part, of one or more unexcused absences unless the school district has also first:

(a) Provided notice to the student's parent(s) or guardian(s) or custodial parent(s) in writing in English or, if different, the primary language of the parent(s), guardian(s) or custodial parent(s) that the student has failed to attend school without valid justification, and by other means reasonably necessary to achieve notice of such fact;

(b) Scheduled a conference or conferences with the parent(s) or guardian(s) or custodial parent(s) and the student at a time and place reasonably convenient to all persons included to analyze the causes for the student's absence; and

(c) Taken steps to reduce the student's absence which include, where appropriate in the judgment of local school officials, adjustments of the student's school program or school or course assignment or assisting the student or parent to obtain supplementary services that might ameliorate the cause(s) for the student's absence from school.

(4) Kindergarten through grade four—No student in grades kindergarten through four shall be subject to short-term suspensions for more than a total of five school days during any single semester or trimester as the case may be, and (~~not~~) no loss of academic grades or credit shall be imposed by reason of the suspension of such a student.

~~((4))~~ (5) Grade five and above program—No student in the grade five and above program shall be subjected to short-term suspensions for more than a total of ~~((15))~~ fifteen school days during any single semester or ~~((10))~~ ten school days during any single trimester, as the case may be.

~~((5))~~ (6) Any student subject to a short-term suspension shall be provided the opportunity upon his or her return to make up assignments and tests missed by reason of the short-term suspension if:

(a) Such assignments or tests have a substantial effect upon the student's semester or trimester grade or grades, or

(b) Failure to complete such assignments or tests would preclude the student from receiving credit for the course or courses.

~~((6))~~ (7) Any student who has been suspended shall be allowed to make application for readmission at any time. Each school district board of directors shall adopt written rules which provide for such an application for readmission and set forth the procedures to be followed.

AMENDATORY SECTION (Amending Order 6-77, filed 6/2/77)

WAC 180-40-260 LONG-TERM SUSPENSION-CONDITIONS AND LIMITATIONS. A long-term suspension may be imposed upon a student for violation of school district rules adopted pursuant to WAC 180-40-225, subject to the following limitations or conditions and the notice requirements set forth in WAC 180-40-265 and the hearing requirements set forth in WAC 180-40-270:

(1) The nature and circumstances of the violation must reasonably warrant a long-term suspension and the length of the suspension imposed.

(2) No student shall be suspended unless other forms of corrective action or punishment reasonably calculated to modify his or her conduct have failed or unless there is good reason to believe that other forms of corrective action or punishment would fail if employed.

(3) In addition to the alternative corrective action requirement of subsection (2) of this section, no student subject to compulsory attendance pursuant to chapter 28A.27 RCW, as now or hereafter amended, shall be suspended by reason, in whole or part, of one or more unexcused absences unless the school district has also first:

(a) Provided notice to the student's parent(s) or guardian(s) or custodial parent(s) in writing in English or, if different, the primary language of the parent(s), guardian(s) or custodial parent(s) that the student has failed to attend school without valid justification, and by other means reasonably necessary to achieve notice of such fact;

(b) Scheduled a conference or conferences with the parent(s) or guardian(s) or custodial parent(s) and the student at a time and place reasonably convenient to all persons included to analyze the causes for the student's absence; and

(c) Taken steps to reduce the student's absence which include, where appropriate in the judgment of local school officials, adjustments of the student's school program or school or course assignment or assisting the student or parent to obtain supplementary services that might ameliorate the cause(s) for the student's absence from school.

(4) Kindergarten through grade four—No student in grades kindergarten through four shall be subject to short-term and long-term suspensions for more than a total of ten school days during any single semester or trimester, as the case may be, and no loss of academic grades or credit shall be imposed by reason of the suspension of such a student.

~~((4))~~ (5) Grade five and above program—No single long-term suspension shall be imposed upon a student in

the grade five and above program in a manner which causes the student to lose academic grades or credit for in excess of one semester or trimester, as the case may be, during the same school year.

~~((5))~~ (6) Any student who has been suspended shall be allowed to make application for readmission at any time. Each school district board of directors shall adopt written rules which provide for such an application for readmission and set forth the procedures to be followed.

~~((6))~~ (7) All long-term suspensions and the reasons therefor shall be reported in writing to the superintendent of the school district or his or her designee within twenty-four hours after the imposition of the suspension.

AMENDATORY SECTION (Amending Order 6-77, filed 6/2/77)

WAC 180-40-275 EXPULSION-CONDITIONS AND LIMITATIONS. A student may be expelled for violation of school district rules adopted pursuant to WAC 180-40-225, subject to the following limitations or conditions, the notice requirements set forth in WAC 180-40-280, and the hearing requirements set forth in WAC 180-40-285:

(1) The nature and circumstances of the violation must reasonably warrant the harshness of expulsion.

(2) No student shall be expelled unless other forms of corrective action or punishment reasonably calculated to modify his or her conduct have failed or unless there is good reason to believe that other forms of corrective action or punishment would fail if employed.

(3) In addition to the alternative corrective action requirement of subsection (2) of this section, no student subject to compulsory attendance pursuant to chapter 28A.27 RCW, as now or hereafter amended, shall be expelled by reason, in whole or part, of one or more unexcused absences unless the school district has also first:

(a) Provided notice to the student's parent(s) or guardian(s) or custodial parent(s) in writing in English or, if different, the primary language of the parent(s), guardian(s) or custodial parent(s) that the student has failed to attend school without valid justification, and by other means reasonably necessary to achieve notice of such fact;

(b) Scheduled a conference or conferences with the parent(s) or guardian(s) or custodial parent(s) and the student at a time and place reasonably convenient to all persons included to analyze the causes for the student's absence; and

(c) Taken steps to reduce the student's absence which include, where appropriate in the judgment of local school officials, adjustments of the student's school program or school or course assignment or assisting the student or parent to obtain supplementary services that might ameliorate the cause(s) for the student's absence from school.

(4) Once a student has been expelled in compliance with this chapter the expulsion shall be brought to the attention of appropriate local and state authorities including, but not limited to, juvenile authorities acting pursuant to chapter 13.04 RCW in order that such authorities may address the student's educational needs.

~~((4))~~ (5) Any student who has been expelled shall be allowed to make application for readmission at any time. Each school district board of directors shall adopt written rules which provide for such an application for readmission and set forth the procedures to be followed.

~~((5))~~ (6) All expulsions and the reasons therefor shall be reported in writing to the superintendent of the school district or his or her designee within twenty-four hours after the imposition of the expulsion.

AMENDATORY SECTION (Amending Order 6-77, filed 6/2/77)

WAC 180-40-315 APPEALS—HEARING BEFORE SCHOOL BOARD—PROCEDURES. (1) If a notice of appeal to the school board of directors is received pursuant to WAC ~~((180-40-305))~~ 180-40-310(1) within the required three school business days, the board shall schedule and hold an informal conference to review the matter within ten school business days after the date of receipt of such appeal notice. The purpose of the meeting shall be to meet and confer with the parties in order to decide upon the most appropriate means of disposing of the appeal as provided for in this section. At that time the student or the student's parent(s) or guardian(s) or legal counsel shall be given the right to be heard and shall be granted the opportunity to present such witnesses and testimony as the board deems reasonable. The board shall agree to one of the following procedures prior to adjournment or recess:

(a) Study the hearing record or other material submitted and render its decision within ten school business days after the date of the informal conference, or

(b) Schedule and hold a meeting to hear further arguments based on the record before the board and render its decision within fifteen school business days after the date of the informal conference, or

(c) Schedule and hold a meeting within ten school business days after the date of the informal conference for the purpose of hearing the case de novo.

(2) In the event the school board of directors elects to hear the appeal de novo, the following rights and procedures shall govern the proceedings:

(a) The student and his or her parent(s) or guardian(s) shall have the right to:

(i) inspect in advance of the hearing any documentary and other physical evidence which the school district intends to introduce at the hearing,

(ii) question and confront witnesses,

(iii) present his or her explanation of the alleged misconduct, and

(iv) make such relevant showings by way of witnesses and the introduction of documentary and other physical evidence as he or she desires,

(b) The designee(s) of the school district assigned to present the district's case shall have the right to inspect in advance of the hearing any documentary and other physical evidence that the student and his or her parent(s) or guardian(s) intend to introduce at the hearing, and

(c) Either a tape-recorded or verbatim record of the hearing shall be made.

WSR 79-08-033  
PROPOSED RULES  
DEPARTMENT OF LICENSING  
(Massage Examining Board)  
[Filed July 16, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Massage Examining Board intends to adopt, amend, or repeal rules concerning grading of examinations, amending WAC 308-51-110;

that such agency will at 10:00 a.m., Monday, September 10, 1979, in the Rainier Room of the Sea Tac Hyatt House, 17000 Pacific Highway South, Seattle, WA 98188, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Monday, September 10, 1979, in the Rainier Room of the Sea Tac Hyatt House, 17000 Pacific Highway South, Seattle, WA 98188.

The authority under which these rules are proposed is RCW 18.108.020.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to September 10, 1979, and/or orally at 10:00 a.m., Monday, September 10, 1979, Rainier Room of the Sea Tac Hyatt House, 17000 Pacific Highway South, Seattle, WA 98188.

Dated: July 16, 1979

By: Yvonne Braeme  
Administrative Assistant

AMENDATORY SECTION (Order PL 248, filed 5/25/76)

WAC 308-51-110 GRADING OF EXAMINATIONS. (1) The grading of all written examinations, and of oral questions given in lieu thereof, will be based upon a possible score of 100% and the minimum passing score shall be 70%.

(2) The grading of the practical demonstration and the oral questions given each applicant during such demonstration will be based upon a possible score of 100% and the minimum passing score shall be 70%. In determining the applicant's ~~(overall)~~ grade, the board members' grading for each element shown in WAC 308-51-100(4) for the practical demonstration will be totaled, and the total will then be averaged to establish the final grade for ~~(this phase of the examination)~~ each element of the practical demonstration.

(3) After the score of the applicant has been determined for each element of the practical demonstration, the Board will arrive at the applicant's overall score by applying the following formula:

(a) The scores achieved by the applicant on the elements of professional manner, draping, and use of lubricants will be totaled and averaged.

(b) The scores achieved by the applicant on the elements of effleurage, petrissage, rhythm, pressure, friction, vibration, Swedish gymnastics, tapotement, nerve strokes and contact will be totaled and averaged.

(c) The scores achieved by the applicant on the oral questions asked during the practical demonstration will be totaled and averaged.

(d) The applicant's overall grade on the practical demonstration will consist of a weighted average of the scores determined under (a), (b) and (c) above. The score determined under (a) above will count 10%. The score determined under (b) above will count 60%. The score determined under (c) above will count 30%.

~~((3))~~ (4) Each applicant must obtain a grade of 70% or better on each portion of the examination, i.e., written (or oral in lieu of written), and practical demonstration, before being considered by the board to be technically qualified for licensing as a massage operator.

Reviser's Note: Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

**WSR 79-08-034**  
**ADOPTED RULES**  
**DEPARTMENT OF ECOLOGY**  
 [Order DE 79-10—Filed July 16, 1979]

I, Wilbur G. Hallauer, director of the Department of Ecology, do promulgate and adopt at the Department of Ecology, Lacey, Washington, the annexed rules relating to NPDES Delegation, amending WAC 173-06-060.

This action is taken pursuant to Notice Nos. WSR 79-06-015 and 79-08-020 filed with the code reviser on 5/11/79 and 7/11/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 43.21A-.090 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED July 16, 1979.

By Wilbur G. Hallauer  
 Director

AMENDATORY SECTION (Amending Order DE 77-12, filed 8/2/77)

WAC 173-06-060 NPDES DELEGATION. (~~Except as hereinafter provided in this section,~~) The sole and complete responsibility for the administration of the National Pollutant Discharge Elimination System permit program is delegated by the director to (~~Bruce A. Cameron, an assistant director. During any period when Bruce A. Cameron, due to illness, vacation or otherwise, is not available to make decisions necessary to the effective and efficient administration of the program, Donald Provost, an assistant director, is delegated backup authority to administer the National Pollutant Discharge Elimination System permit program. This delegation shall be effective until July 1, 1979, unless otherwise modified by further adoption of rules by the director~~) Elmer C. Vogel, the deputy director.

**WSR 79-08-035**  
**REPEALED RULES—SUNSET ACT**  
**DEPARTMENT OF LICENSING**  
**(Proprietary Schools)**  
 [Filed July 17, 1979]

WAC 308-160-010 relating to licensing fees for proprietary schools has been repealed effective June 30, 1979, pursuant to RCW 43.131.090(4) and section 17, chapter 289, Laws of 1977 ex. sess. (the Sunset Act).

By Dennis W. Cooper  
 Code Reviser

**WSR 79-08-036**  
**ADOPTED RULES**  
**LIQUOR CONTROL BOARD**  
 [Order 68, Resolution 77—Filed July 17, 1979]

Be it resolved by the Washington State Liquor Control Board, acting at Capitol Plaza Building, 1025 East Union Avenue, 5th Floor, Olympia, WA, that it does promulgate and adopt the annexed rules relating to WAC 314-52-015 General. (Rule 116.5).

This action is taken pursuant to Notice No. WSR 79-08-012 filed with the code reviser on 7/10/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 66.08.060 and is intended to administratively implement that statute.

This rule is promulgated under the general rule-making authority of the Washington State Liquor Control Board as authorized in RCW 66.08.030, 66.08.060, 66.98.070 and Title 34 RCW.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED July 17, 1979.

By L. H. Pedersen  
 Chairman

AMENDATORY SECTION (Amending Order 46, filed 6/9/76)

WAC 314-52-015 GENERAL. (RULE 116.5). All liquor advertising shall be modest, dignified and in good taste and shall not contain:

- (1) Any statement or illustration that is false or misleading in any material particular.
- (2) Any statement or illustration that is disparaging of a competitor's product.
- (3) Any statement, design, device, or representation which is obscene or indecent.
- (4) Any statement, design, device, or representation of or relating to analyses, standards, or tests, irrespective of falsity, which is likely to mislead the consumer.
- (5) Any statement, design, device, or representation of or relating to any guaranty, irrespective of falsity, which is likely to mislead the consumer.

Nothing in this section shall prohibit the use of any enforceable guaranty in substantially the following form: "We will refund the purchase price to the purchaser if he is in any manner dissatisfied with the contents of this package."

- (6) Any statement that the product is produced, blended, made, bottled, packed or sold under, or in accordance with, any authorization, law, or regulation of any municipality, county, or state, federal or foreign government unless such statement is required or specifically authorized by the laws or regulations of such government; and if municipal, state or federal permit number is stated, such permit number shall not be accompanied by any additional statement relating thereto.

(7) Any statement that is inconsistent with any statement on the label of the product.

(8) Any statement, design or device representing that the use of liquor has curative or therapeutic effects, if such statement is untrue in any particular, or tends to create a misleading impression.

(9) Any representation that the product was manufactured in, or imported from, a place or country other than that of its actual origin, or was produced or processed by one who was not in fact the actual producer or processor.

(10) Any statement, design, device or pictorial representation of or relating to, or capable of being construed as relating to the armed forces of the United States, or of the American Flag, any state flag, or any emblem, seal, or insignia or decoration associated with any such flag or the armed forces of the United States; nor shall any advertisement contain any statement, device, design or pictorial representation of or concerning any flag, seal, coat of arms, crest, or other insignia, likely to falsely lead the consumer to believe that the product has been endorsed, made, or used by, or produced for, or under the supervision of, or in accordance with the specifications of the government organization, family, or individual with whom such flag, seal, coat of arms, crest or insignia is associated.

(11) Any statement, picture, or illustration implying that the consumption of liquor enhances athletic prowess, or any statement, picture, or illustration referring to any known athlete, if such statement, picture, or illustration implies, or if the reader may reasonably infer, that the use of liquor contributed to such known athlete's athletic achievements.

(12) Any depiction of a child or other person under legal age to consume liquor; any depiction of objects, such as toys, suggestive of the presence of a child, nor any other depiction designed in any manner as to be especially appealing to children or other persons under legal age to consume liquor.

(13) Any picture or illustration of a man or woman which is immodest, undignified or in bad taste.

(14) Reference to any brand, type or package not actually on sale in the state of Washington.

(15) Any reference to any religious character, sign or symbol, except in relation to kosher wines or where such are a part of an approved label.

(16) ~~((The word "saloon."~~

~~(+7))~~ The words "new," "now," "now available," or words of similar import, in connection with price change, package modification or any other change, or new listings, more than six months after such change.

~~((+8))~~ (17) Any statement, picture, or illustration which promotes overconsumption.

## WSR 79-08-037

### PROPOSED RULES

## HEALTH CARE FACILITIES AUTHORITY

[Filed July 17, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Health Care Facilities Authority intends to adopt, amend, or repeal rules concerning the organization and general operating rules of the Authority; and the procedures for the preparation and processing of applications for financing of health care facilities, and for the issuance of bonds, through the Authority;

that such agency will at 10:00 a.m., Wednesday, September 5, 1979, at 4300 Seattle-First National Bank Building, Seattle, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 2:00 p.m., Wednesday, September 12, 1979, in the Office of the Governor, Legislative Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 70.37.050.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to September 5, 1979, and/or orally at 10:00 a.m., Wednesday, September 5, 1979, 4300 Seattle-First National Bank Building, Seattle, WA.

Dated: July 14, 1979

By: Anthony I. Eyring  
Secretary

### TITLE 247 WAC

#### WASHINGTON HEALTH CARE FACILITIES AUTHORITY

#### Chapters

247-02	Organization, Operations and Procedures
247-12	Public Records
247-16	Procedures and Fees for Preparation and Processing of Applications for Authority Assistance

#### Chapter 247-02 WAC

#### ORGANIZATION, OPERATIONS AND PROCEDURES

#### WAC

247-02-010	Purpose
247-02-020	Rules of Interpretation
247-02-030	Definitions
247-02-040	Description of Organization
247-02-050	Operations and Procedures

#### NEW SECTION

WAC 247-02-010 PURPOSE. The purpose of this chapter shall be to ensure compliance by the Washington Health Care Facilities Authority with the provisions of chapter 42.17 RCW (Initiative 276), and chapter 34.04 RCW.

#### NEW SECTION

WAC 247-02-020 RULES OF INTERPRETATION. (1) All adjectives and adverbs, including but not limited to the words "adequate," "approved," "qualified," "reasonable," "reputable," "satisfactory," "sufficiently," and "suitable," as used in Title 247 WAC to qualify a person, procedure, process or otherwise shall be as determined by the Authority or its designee.

(2) Where the word "shall" is used in Title 247 WAC, the subject rule or action to which the word relates is mandatory.

(3) Where the word "should" is used in Title 247 WAC, it indicates suggestion or recommendation but not a requirement.

(4) Where the word "may" is used in Title 247 WAC, the action or rule to which the word relates is permissive or discretionary.

(5) Words importing the singular number may also be applied to the plural of persons and things; words importing the plural may be applied to the singular; and words importing the masculine gender or relating to a man may also be extended to the feminine gender and be considered to relate equally to a woman.

**NEW SECTION**

**WAC 247-02-030 DEFINITIONS.** (1) "Act" means chapter 147, Laws of 1974, 1st ex. sess., and chapter 70.37 RCW.

(2) "Washington Health Care Facilities Authority" and "Authority" each mean the corporate and politic public body created by the Act and also refer to the staff and employees of the Authority.

The terms defined in the Act shall have the same meaning when used in Title 247 WAC.

**NEW SECTION**

**WAC 247-02-040 DESCRIPTION OF ORGANIZATION.** (1) The Authority is a public entity established under the provisions of chapter 70.37 RCW, which exercises essential governmental functions.

(2) **Members.** The Authority consists of the Governor; the Lieutenant Governor; the Insurance Commissioner; the Chairman of the Washington State Hospital Commission; and one public member appointed by the Governor on the basis of his or her interest or expertise in health care delivery, and confirmed by the Senate for a term of four years. If the public office of any of the first four mentioned members is abolished, the resulting vacancy on the Authority shall be filled by the officer who shall succeed substantially to the powers and duties thereof.

(3) **Officers.** The officers of the Authority shall be a Chairman, who shall be the Governor, and a Secretary. The Secretary shall hold office for two years, or until his or her successor is later elected, and shall be elected by a majority vote of the members from among themselves. Whenever a vacancy occurs in the office of Secretary, the members of the Authority shall elect a successor who shall serve out the remaining term.

(4) **Authority staff:** The staff of the Authority shall consist of an Executive Director and such other employees as are determined by the Authority as necessary to fulfill its responsibilities and duties. The Executive Director shall be the chief administrative officer of the Authority and subject to its direction. All other staff shall be under his or her supervision and direction. The Executive Director shall keep a record of the proceedings of the Authority and, when required by the Authority, shall sign notes, contracts and other instruments and affix thereto the seal of the Authority. The Executive Director shall have custody of and be responsible for all moneys and securities of the Authority and shall deposit all such moneys forthwith in such banks as the Authority may designate from time to time.

Provided, however, that the Secretary of the Authority, elected from time to time, shall exercise the duties of Executive Director specified in these rules until such time as an Executive Director is retained by the Authority.

(5) **Administrative Office:** The Administrative Office of the Authority shall be located, until such time as an Executive Director and/or staff are retained by the Authority, at 4300 Seattle-First National Bank Building, Seattle, WA 98154, which office shall be open each day for the transaction of business from 9:00 a.m. to 5:00 p.m. (Saturdays, Sundays and legal holidays excepted, and except for business relating to public records, which is governed by WAC 247-12-050).

(6) **Address for Communications:** All communications with the Authority, including but not limited to the submission of materials pertaining to its operations and these rules, requests for copies of the Authority's decisions and other matters, until such time as an Executive Director and/or staff are retained by the Authority, shall be addressed as follows: Washington Health Care Facilities Authority, 4300 Seattle-First National Bank Building, Seattle, WA 98154.

**NEW SECTION**

**WAC 247-02-050 OPERATIONS AND PROCEDURES.** (1) **Uniform Procedure Rules:** Practice and procedure in and before the Authority are governed by the Uniform Procedural Rules codified in the Washington Administrative Code, WAC 1-08-005 through 1-08-590, as now or hereafter amended, which rules the Authority adopts as its own, subject to any additional rules the Authority may add from time to time. The Authority reserves the right to make whatever determination is fair and equitable should any question not covered by its

rules come before the Authority, said determination to be in accordance with the spirit and intent of the law.

(2) **Authority Meetings:** The meetings of the Authority shall all be "special meetings" as that designation is applied in chapter 42.30 RCW. They may be called at any time and place by the Chairman or a majority of the members of the Authority. At least ten days' notice of all special meetings shall be given by delivering personally or by mail to each member a written notice specifying the time and place of the meeting and a copy of the agenda prepared by the Executive Director in consultation with the Chairman, and by giving such notice to the public as may be required by law. If an emergency is deemed to exist, the Chairman may shorten the notice period to not less than twenty-four hours. An executive session may be called by the Chairman or by a majority of all members of the Authority to consider the appointment, employment or dismissal of an officer or employee, and such other matters as are permitted by RCW 42.30.110.

(3) **Quorum:** Three members shall constitute a quorum, and the act of a majority of the members present at any meeting, if there is a quorum, shall be deemed the act of the Authority except as specified hereafter in WAC 247-02-050(7).

(4) **Chairman's Voting Rights:** The Chairman shall have the right to vote on all matters before the Authority, just as any other Authority member.

(5) **Minutes of Meetings:** Minutes shall be kept of the proceedings of the Authority.

(6) **Rules of Order:** The Authority shall generally follow Robert's Rules of Order, newly revised, in conducting its business meetings.

(7) **Form of Authority Action:** The Authority may act on the basis of a motion except when authorizing issuance of bonds pursuant to WAC 247-16-070 and when adopting a plan and system of an applicant pursuant to WAC 247-16-080, and when otherwise taking official and formal action with respect to the creation of special funds and the issuance and sale of bonds for a project of a participant, in which case the Authority shall act by resolution. Such resolutions shall be adopted upon the affirmative vote of a majority of the members of the Authority and shall be signed by the Chairman and attested by the Secretary. Motions shall be adopted upon the affirmative vote of a majority of a quorum of members present at any meeting and shall be signed by the Chairman and attested by the Secretary except in the absence from the meeting of either the Chairman or the Secretary, in which case the motion shall be signed by the members voting affirmatively.

(8) **Public participation in the meetings of the Authority shall be as follows:**

(a) Any person or organization wishing to make a formal presentation at a regularly scheduled meeting of the Authority shall so notify the Executive Director in writing at least forty-eight hours prior to the time of the meeting.

(i) Such notification shall contain the name of the person, association, corporation or organization that desires to make a presentation; the address of such person and, if applicable, the address of the entity to be represented in the presentation; and the topic to be presented or discussed.

(ii) Permission to make a presentation to the Authority shall be granted by the Executive Director as authorized by the Authority.

(iii) Confirmation of permission to make a presentation to the Authority shall be made, if at all possible, by the Authority staff prior to the meeting of the Authority and shall include the date and time of the meeting and time set for the formal presentation.

(b) The Chairman of the Authority shall have the discretion to recognize anyone in the audience who indicates in writing at the time of the meeting a desire to speak at such meeting, provided that remarks by any individual person shall be limited to five minutes unless a time extension is granted by the Chairman.

**Chapter 247-12 WAC  
PUBLIC RECORDS**

**WAC**

247-12-010	Purpose
247-12-020	Definitions
247-12-030	Public Records Available
247-12-040	Public Records Officer
247-12-050	Office Hours
247-12-060	Requests for Public Records
247-12-070	Copying
247-12-080	Exemptions and Denials of Requested Public Records
247-12-090	Review of Denials of Public Records Requests

247-12-100 Protection of Public Records  
247-12-101 Records Index

**NEW SECTION**

**WAC 247-12-010 PURPOSE.** The purpose of this chapter shall be to ensure compliance by the Washington Health Care Facilities Authority with the provisions of RCW 42.17.250 through .340, dealing with public records.

**NEW SECTION**

**WAC 247-12-020 DEFINITIONS.** (1) "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency, regardless of physical form or characteristics.

(2) "Writing" means handwriting, typewriting, printing, photostating, photographing and every other means of recording any form of communication or representation, including letters, words, pictures, sounds or symbols, or any combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents.

(3) "Washington Health Care Facilities Authority" and "Authority" each refers to that state agency described in WAC 247-02-030.

**NEW SECTION**

**WAC 247-12-030 PUBLIC RECORDS AVAILABLE.** All public records of the Authority are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW 42.17.310.

**NEW SECTION**

**WAC 247-12-040 PUBLIC RECORDS OFFICER.** The Authority's public records shall be under the charge of the Public Records Officer designated by the Executive Director of the Authority. The person so designated shall be located in the Administrative Office of the Authority. The Public Records Officer shall be responsible for implementing the Authority's rules and regulations regarding release of public records, coordinating the staff of the Authority in this regard and generally ensuring compliance by the staff with the public records disclosure requirements of chapter 42.17 RCW.

**NEW SECTION**

**WAC 247-12-050 OFFICE HOURS.** Public records shall be available for inspection and copying from 9:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

**NEW SECTION**

**WAC 247-12-060 REQUESTS FOR PUBLIC RECORDS.** In accordance with the requirements of chapter 42.17 RCW that agencies prevent unreasonable invasion of privacy, that they protect public records from damage or disorganization and that they prevent excessive interference with essential functions of the agency, public records may be inspected or copied or copies of such records may be obtained by members of the public upon compliance with the following procedures:

(1) A request shall be made in writing upon a form prescribed by the Authority, which form shall be available at its Administrative Office. The form shall be presented by the Public Records Officer, or to any member of the Authority's staff if the Public Records Officer is not available, at the Administrative Office of the Authority during the office hours specified in WAC 247-12-050. The request shall include the following information:

- (a) The name of the person requesting the record;
- (b) The time of day and calendar date on which the request was made;
- (c) The nature of the request;
- (d) If the matter requested is referenced within the current index maintained by the Public Records Officer, a reference to the requested record as it is described in such current index;
- (e) If the requested matter is not identifiable by reference to the Authority's current index, an appropriate description of the record requested.

**NEW SECTION**

**WAC 247-12-070 COPYING.** No fee shall be charged for the inspection of public records. The Authority shall charge a fee of 25 cents per page of copy for providing copies of public records and for use of the Authority's copying equipment. This charge is the amount necessary to reimburse the Authority for its actual costs incident to such copying.

**NEW SECTION**

**WAC 247-12-080 EXEMPTIONS AND DENIALS OF REQUESTED PUBLIC RECORDS.** (1) The Authority reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 247-12-060 is exempt under the provisions of RCW 42.17.310.

(2) In addition, pursuant to RCW 42.17.260, the Authority reserves the right to delete identifying details when it makes available or publishes any public record in any cases when there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 42.17 RCW. The Public Records Officer will fully justify such deletion in writing.

(3) All denials of requests for public records must be accompanied by a written statement specifying the reason for authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld.

**NEW SECTION**

**WAC 247-12-090 REVIEW OF DENIALS OF PUBLIC RECORDS REQUESTS.** (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement by the Public Records Officer or other staff member which constituted or accompanied the denial.

(2) Immediately after receiving a written request for review of a decision denying a public record, the Public Records Officer or other staff member denying the request shall refer it to the Executive Director of the Authority. The Executive Director may request that a special meeting of the Authority be called as soon as legally possible to review the denial. In any case, the request shall be returned with a final decision within two business days following the original denial.

(3) Administrative remedies shall not be considered exhausted until the Authority has returned the petition with a decision or until the close of the second business day following denial of inspection, whichever occurs first.

**NEW SECTION**

**WAC 247-12-100 PROTECTION OF PUBLIC RECORDS.** In order that public records maintained on the premises of the Authority may be protected from damage or disorganization as required by chapter 42.17 RCW, the following procedures and practices are hereby instituted:

(1) Upon receipt of a request by a member of the public for a public record, the Public Records Officer or the staff member in the Authority's office receiving the request shall review the request for a public record and the requested public record to determine whether deletions from such record should be made or the request for such record should be denied pursuant to WAC 247-12-080.

(2) Only after a determination has been made that all or such portion of a public record as is not deleted may be inspected shall such public record or portion thereof be made available for inspection by a member of the public.

(3) Only the staff and members of the Authority may open Authority files to gain access to Authority records for either Authority business or to respond to a request for a public record.

(4) No public record of the Authority may be taken from the premises of the Authority by a member of the public.

(5) Public inspection of Authority records shall be done only in such locations as are approved by the Public Records Officer, which locations must provide an opportunity for Authority staff members to ensure that no public record of the Authority is damaged, destroyed, unreasonably disorganized or removed from its proper location or order by a member of the public.

(6) Public records of the Authority may be copied only on the copying machines of the Authority unless other arrangements are authorized by the Public Records Officer.

**NEW SECTION**

**WAC 247-12-101 RECORDS INDEX.** (1) The Authority has available to all persons a current index which provides identifying information as to the following records issued, adopted or promulgated since its inception:

- (a) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;
  - (b) Those statements of policy and interpretations of policy statute and the Constitution which have been adopted by the Authority;
  - (c) Administrative staff manuals and instructions to staff that affect a member of the public;
  - (d) Planning policies and goals, and interim and final planning decisions;
  - (e) Factual staff reports and studies, factual consultants' reports and studies, scientific reports and studies, and reports or surveys, whether conducted by public employees or others; and
  - (f) Correspondence, and materials referred to therein, by and with the Commission relating to any regulatory, supervisory or enforcement responsibilities of the Authority whereby the Authority determines, or opines upon, or is asked to determine or opine upon the rights of the state, the public, a subdivision of state government or any private party.
- (2) The current index promulgated by the Authority shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection.

Chapter 247-16 WAC  
**PROCEDURES AND FEES FOR PREPARATION AND PROCESSING OF APPLICATIONS FOR AUTHORITY ASSISTANCE**

**WAC**

247-16-010	Purpose
247-16-020	Definitions
247-16-030	Applications for Financial Assistance
247-16-040	Fees
247-16-050	Processing of Application
247-16-060	Priorities Regarding Applicant Funding
247-16-070	Authority Action on Applications
247-16-080	Adoption of Plan and System

**NEW SECTION**

**WAC 247-16-010 PURPOSE.** The purpose of this chapter shall be to set forth the procedures pursuant to which the Authority determines those hospitals to which the Authority will give financial assistance.

**NEW SECTION**

**WAC 247-16-020 DEFINITIONS.** (1) "Applicant" means a participant which submits an application to the Authority.  
 (2) "Application" means a formal request for the providing of bonds for the financing of a health care facility by the Authority, in a format and containing such information as the Authority shall specify in these rules or in the application instructions and which is signed and sworn to by a representative designated by formal action of the applicant's governing board or equivalent.

**NEW SECTION**

**WAC 247-16-030 APPLICATIONS FOR FINANCIAL ASSISTANCE.** Because the needs of hospitals in the state vary substantially, no application forms shall be provided by the Authority. However, an applicant should furnish the following information to the Authority, where applicable, with its request for financial assistance, and such other information as is deemed pertinent by the applicant or the Executive Director of the Authority:

- (1) Identification of applicant:
  - (a) Legal name and address of applicant;
  - (b) Names, titles and telephone numbers of Chief Executive Officer, Chief Financial Officer and person assigned responsibility for liaison with the Authority;
  - (c) Names, addresses and telephone numbers of applicant's legal counsel, outside accounting firm and financial consultant or investment banking firm (if any);
  - (d) Description of applicant's legal structure (e.g., private nonprofit corporation, public district hospital). If private, describe type and

ownership of stock, if any; how assets held and by whom; and attach copies of Articles of Incorporation or similar documentation;

- (e) If applicant is a private hospital, attach a copy of IRS determination of 501(c)(3) status;
- (f) Religious or other group affiliation, if any.
- (2) Project for which financial assistance is sought (if applicable):
  - (a) Amount and requested terms of repayment for financing sought;
  - (b) General description of project to be accomplished with Authority financial assistance;
  - (c) Current status of planning for project and dates proposed for (i) completion of drawings for project, if necessary (attach copies if completed); (ii) filing of environmental impact statement, if necessary; (iii) entry into construction contract; and (iv) completion or occupancy;
  - (d) Recommendations of the appropriate regional Health Systems Agency, and of the State Hospital Commission, or the current status of their respective reviews;
  - (e) Current status of certificate of need for project. If certificate has been issued, attach copy;
  - (f) Cost of project (including simple breakdown of costs of general construction, site work, utilities, equipment, land acquisition, architects' and other fees, contingency, interim interest, other);
  - (g) Sources of funds for payment of project costs and dates of expected receipt (assistance from Authority, interim financing, grants, funds on hand, interest and profit on interim investment of construction funds, other);
  - (h) Amount of projected revenues to be derived from project, the sources of such revenues, when expected to begin, and a three-year projection;
  - (i) Feasibility studies on project, if any (attach copy if one has been completed);
  - (j) Proposed security for Authority-issued bonds;
  - (k) Contracts or preliminary arrangements with planners, architects, consultants, investment banking firm, if any, regarding project.
- (3) Debt to be refinanced with Authority assistance (if applicable):
  - (a) Amount, date, maturity or maturities, interest rate or rates, prepayment penalties, if any, debt service and form of applicant's existing debt to be refinanced;
  - (b) Source of revenue for payment of existing debt, security for debt and rating, if any, assigned to debt instruments at time of debt issuance;
  - (c) Most recent decision and order of the State Hospital Commission on its annual review of the applicant's budget;
  - (d) Holder of debt (if ascertainable);
  - (e) Any negative debt service payment history;
  - (f) Proposed security for new Authority-issued debt;
  - (g) Proposed date schedule for accomplishing debt refinancing.
- (4) Finances of applicant:
  - (a) Audited (if audited) financial statements for past three years;
  - (b) Latest current financial statement;
  - (c) Current year's budget of revenues, expenses and capital expenditures;
  - (d) Projection of revenues, expenses, capital expenditures for next three-five years, including revenues and expenses of proposed project (if applicable);
  - (e) Description of long-term debts of applicant, if not already given above, including date incurred, by whom held, debt service schedule, interest rate, form of debt, source of revenues for repayment, security for repayment;
  - (f) Sources of hospital revenues (private patient, Medicare, Medicaid, welfare, Blue Cross, grants, etc.) and approximate dollar volumes and percentages of total revenues for each source in last three years.
- (5) General:
  - (a) Pending or threatened litigation or administrative actions with potential of material adverse effect on applicant;
  - (b) Willingness and ability of applicant to convey all of the real and personal property of hospital or of the project to Authority until bonds are retired, with reconveyance of said property to applicant thereafter for \$10.00. If willing and able to convey, estimate of time to accomplish and any expected obstacles;
  - (c) Brief description of existing medical facilities, including number of beds, number of medical and other staff, categories of medical services offered, and laboratory and research facilities, if any;
  - (d) Brief description of hospital expansion plans, if any, in next ten years;
  - (e) Brief summary of statistics (last three years, if available) on percentage of bed occupancy and types and numbers of patients cared for (inpatient, outpatient, welfare, etc);

(f) Estimate of aggregate savings over the life of the proposed financing to be realized by applicant through Authority financing by tax-exempt bonds as compared to financing through taxable obligations. Specify interest assumptions on which savings calculations based;

(g) Describe means applicant proposes to use to ensure that savings from tax-exempt financing are passed on to patients of applicant.

#### NEW SECTION

**WAC 247-16-040 FEES.** (1) Authorization to charge fees: The Authority, pursuant to RCW 70.37.090, shall require applicants to pay fees and charges to the Authority to provide it with funds for investigations, financial feasibility studies, expenses of issuance and sale of bonds, and other charges for services provided by the Authority in connection with projects undertaken, as well as the operating and administrative expenses of the Authority. In accordance with this authorization, an applicant shall pay to the Authority such fees and charges as are necessary to meet any and all expenses incurred by the Authority in connection with the processing of the application of the applicant, together with an annual service fee to defray expenses of the Authority in administering and servicing the financing provided to the applicant and other allocable expenses of the Authority.

All of the costs and expenses of the Authority shall be paid from such fees. No moneys of the State of Washington shall be expended for such purposes.

(2) Initial payment on fees and charges obligation: An applicant shall submit with its application an initial remittance of \$7,500.00, to be credited against the fees and charges imposed or to be imposed by the Authority on such applicant pursuant to this section. In addition, the application shall contain an appropriate legal commitment to indemnify the Authority against any expenses or costs incurred by it in connection with the processing of the applicant's application and the completion of any project or plan and system subsequently approved and undertaken by the Authority, as well as an annual service fee to defray expenses of the Authority in administering and servicing the financing provided to the applicant and other allocable expenses of the Authority, which annual fee shall be imposed so long as financing is being provided by the Authority to the applicant.

Provided, however, that the initial applicants whose applications are used for purposes of testing in court the constitutionality of the Act shall pay such fees as are necessary to defray all expenses of the Authority in processing such applications and conducting such court test. The amount or amounts of such fees and the time or times and the manner in which such fees are to be paid shall be determined by the Secretary of the Authority, elected from time to time. Such initial applicants shall provide to the Authority an appropriate legal commitment to indemnify the Authority against such expenses. If such court test is successful and financing is provided by the Authority pursuant to such initial applications, the Authority may waive the levy of annual service fees upon such applicants.

(3) Refund of excess fees: The Authority will refund any surplus fees paid or deposited by an applicant or participant which exceed the actual application-processing expenses and Authority-determined pro rata administrative and operating costs of the Authority.

#### NEW SECTION

**WAC 247-16-050 PROCESSING OF APPLICATION.** An application will be reviewed by the Executive Director and such Authority staff as he or she determines. Upon completion of Authority staff analysis and recommendations, such staff analysis and recommendations and the application shall be presented to the Authority for appropriate action.

#### NEW SECTION

**WAC 247-16-060 PRIORITIES REGARDING APPLICANT FUNDING.** The Authority may establish and revise priorities for the providing of assistance to applicants based on criteria which best effectuate the purposes of the Act, including but not limited to:

(1) Determinations of area-wide needs for additional or improved health care facilities;

(2) Determinations regarding public benefit and good; and

(3) Determinations regarding the reasonable expectations that the project can be funded on terms satisfactory to the Authority.

#### NEW SECTION

**WAC 247-16-070 AUTHORITY ACTION ON APPLICATIONS.** (1) The Authority shall meet to review and consider the staff analysis and recommendations and the application.

(2) The Authority may approve an application and its proposed plan or system and adopt a resolution authorizing the issuance of bonds for the requested financing where it determines:

(a) It is necessary or advisable for the benefit of the public health for the Authority to provide financing for the proposed project;

(b) The applicant can reasonably be expected to achieve successful completion of the health care facilities to be financed by the Authority;

(c) The proposed project and the issuance of bonds by the Authority for such project are economically feasible and can be undertaken on terms economically satisfactory to the Authority;

(d) The proposed health care facility, if completed as described in the application, will carry out the purposes and policies of the Act;

(e) The applicant has satisfied the Authority that substantially all of the savings realized by the applicant from the availability of financing through tax-exempt bonds, as contrasted to financing through taxable debt, will be passed on by the applicant to its patients;

(f) The applicant has reasonably satisfied the requirements of the Act and these regulations; and

(g) Other criteria that the Authority has determined are appropriate factors in its decision-making process have been met.

(3) The Authority may approve an application and its proposed plan or system and a bond resolution on a conditional basis where the criteria of WAC 247-16-070(2) have been met and pending satisfaction of such other conditions or requirements as the Authority shall determine to be reasonable and necessary in order to carry out the purposes, policies and requirements of the Act and these regulations. The applicant shall be notified in writing of such conditions or requirements, which may include, but need not be limited to, the amendment of an application, plan, or system or proposed bond resolution in order to meet the availability of funds, changes in costs, or other purposes or circumstances which may enhance the ability of the Authority or the applicant to complete the project or better serve the purposes and policies of the Act. Upon the satisfaction of such additional conditions or requirements, the application shall be deemed approved pursuant to WAC 247-16-070(2).

(4) The Authority may also deny an application; in such event, it shall notify the applicant of such action, specifying in writing the reasons for its denial.

#### NEW SECTION

**WAC 247-16-080 ADOPTION OF PLAN AND SYSTEM.** If the Authority approves an application for the financing of a health care facility pursuant to WAC 247-16-070(2), it shall:

(1) Work out and finalize, in cooperation with the participant, a project plan or system and the agreements and contracts to be entered into in order to carry out the purposes and policies of the Act, including contracts with respect to construction, financing, maintenance, operation and management;

(2) Adopt a system and plan therefor and declare the estimated cost thereof, as near as may be, including as part of such cost funds necessary for the expenses incurred in the financing, as well as in the construction or purchase or other acquisition, or in connection with the rental or other payment for the use thereof, interest during construction, reserve funds and any funds necessary for initial start-up costs; and

(3) Sell and issue its bonds for the purposes of the proposed plan or system pursuant to the resolution authorizing such bonds.

**WSR 79-08-038**

**EMERGENCY RULES**

**DEPARTMENT OF TRANSPORTATION**

**(Transportation Commission)**

[Order 10, Resolution 55—Filed July 18, 1979]

Be it resolved by the Washington State Transportation Commission, acting at Highway Administration Building, Room 1D2, Olympia, Washington 98504 that it does promulgate and adopt the annexed rules relating

to the emergency adoption of an amendment to WAC 468-38-150, pertaining to allowing combination vehicles consisting of a truck tractor, a semitrailer, and another semitrailer to operate by permit within the state.

We, the Washington State Transportation Commission, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is the operation of these combination vehicles will conserve energy by allowing larger loads to be carried while not exceeding allowable axle loadings.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated under the general rule-making authority of the Washington State Transportation Commission as authorized in RCW 46.44.038 and 46.44.090.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED July 17, 1979.

By Ray A. Aardal  
Chairman

Approved as to form:  
Thomas R. Garlington  
Assistant Attorney General

**AMENDATORY SECTION** (Amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)

**WAC 468-38-150 SPECIAL PERMITS FOR MOVEMENT OVER STATE HIGHWAYS OF OVERLEGAL SIZE OR WEIGHT LOADS.** (1) Pursuant to the provisions of these rules, special permits may be issued for movement of overlegal size or weight loads, other than those types of loads covered by other rules of the department of transportation, when:

(a) Application has been submitted in person, in writing, or by other approved method, good cause has been shown, and the applicant is competent to make the move.

(b) The applicant has shown that the load to be moved cannot reasonably be dismantled or disassembled, except as otherwise provided in subsection (2) of this section.

(c) The vehicle, combination, or load has been dismantled and made to conform with legal limitations where practical. Reductions shall be made even though the use of additional vehicles becomes necessary, except as otherwise provided in subsection (2) of this section.

(d) The vehicle or vehicle and load has been thoroughly described and identified; the points of origin and destination and the route of travel have been stated and approved.

(e) The proposed move has been determined to be "not inconsistent with traffic safety."

(f) The permittee affirms that:

(i) The vehicles have been properly licensed to make the proposed move or carry the load described in accordance with the provisions of Washington law;

(ii) The drivers and owners of the vehicles have met all financial responsibility requirements imposed by law;

(iii) The drivers are properly licensed to operate in Washington in the manner proposed; and

(iv) When the permit is requested, such action shall be deemed an unequivocal allegation by the permittee that all operational and financial responsibility requirements have been complied with.

(g) All applicable rules pertaining to the issuance of any special permit shall be complied with.

(2) The provisions of subsection (1) (b) and (c) of this section may be waived and a permit issued when the width of a vehicle or load will not exceed eight feet six inches. Safety appliances may extend beyond the approved width by no more than two inches as defined in RCW 46.44.010 despite the fact that this results in a width in excess of eight feet six inches.

(3) The movement of combination vehicles consisting of a truck tractor, a semitrailer, and another semitrailer may be allowed by permit. These combination vehicles shall be subject to the length, height and weight limitations provided for elsewhere.

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

WSR 79-08-039

EMERGENCY RULES

DEPARTMENT OF NATURAL RESOURCES

[Order 317—Filed July 18, 1979]

I, Bert L. Cole, Commissioner of Public Lands, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the adoption of an emergency rule describing modified logging shutdown, precaution class C, in western Washington in Administrative Order No. 317 effective from midnight July 18, 1979 through midnight July 23, 1979, on forest lands under the protection of the Department of Natural Resources.

I, Bert L. Cole, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is due to existing and forecast weather conditions, the areas included in the modified logging shutdown are particularly exposed to fire danger.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 76.04.190 and 76.04.200 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED July 18, 1979.

By Bert L. Cole  
Commissioner of Public Lands

### NEW SECTION

**WAC 332-26-501 MODIFIED LOGGING SHUTDOWN, PRECAUTION CLASS C IN WESTERN WASHINGTON UNDER THE PROTECTION OF THE CENTRAL, SOUTH PUGET SOUND AND SOUTHWEST AREAS OF THE DEPARTMENT OF NATURAL RESOURCES.** Modified logging shutdown, Precaution Class C, power saws shutdown 1100 to 2000; cable yarding shutdown 1300 to 2000; tractors to continue if spark arrester or turbocharged; loading and hauling to continue in the shutdown zones described: Shutdown zone 5 in parts of Thurston, Pacific, Grays Harbor, Wahkiakum, Lewis and Cowlitz Counties. Shutdown zone 10 in parts of King, Pierce and Lewis Counties. Shutdown zone 25 in parts of Lewis and Cowlitz Counties. Shutdown zone 27 in parts of Skamania and Clark Counties of those forest lands protected by the Department of Natural Resources in the Central, South Puget Sound and Southwest Areas.

Effective from midnight July 18, 1979 through midnight July 23, 1979.

**WSR 79-08-040  
PROPOSED RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Public Assistance)  
[Filed July 19, 1979]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning reregistration and reacceptance to WIN, amending WAC 388-57-064.

It is the intention of the secretary to adopt these rules on an emergency basis prior to the hearing.

Correspondence concerning this notice and proposed rules attached should be addressed to:

Michael Stewart  
Executive Assistant  
Department of Social and Health Services  
Mailstop OB-44 C  
Olympia, WA 98504;

that such agency will at 10:00 a.m., Wednesday, September 12, 1979, in the Auditorium, State Office Building #2, 12th and Jefferson, Olympia, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, September 19, 1979, in William B. Pope's office, 3-D-14, State Office Building #2, 12th and Jefferson, Olympia, WA.

The authority under which these rules are proposed is RCW 74.22.110.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to September 12, 1979, and/or orally at 10:00 a.m., Wednesday, September 12, 1979, Auditorium, State Office Building #2, 12th and Jefferson, Olympia, WA.

Dated: July 16, 1979

By: Glen H. Miller  
Asst. Secretary

### AMENDATORY SECTION (Amending Order 1165, filed 10/27/76)

**WAC 388-57-064 REFUSAL OF TRAINING OR EMPLOYMENT UNDER WIN WITHOUT GOOD CAUSE—REREGISTRATION AND REACCEPTANCE TO WIN.** (1) An individual who has been deregistered because of failure to accept employment or to participate in the WIN program without good cause may again register for WIN, provided ((90-days-have)) the sanction period set by DES has elapsed since deregistration and the individual has given evidence to ((employment security)) DES of willingness to participate.

(2) ((An individual who has been reaccepted into the work incentive program after termination without good cause and who is subsequently terminated for refusal to accept employment or to participate in the work incentive program without good cause shall not be registered for or reaccepted in the work incentive program unless he has given satisfactory evidence to employment security of willingness to participate and six months have elapsed since the effective date of the latest deregistration.

((3))) Reacceptance in the work incentive program may be denied where the termination action was the result of the individual's disruptive behavior or of criminal or other activities which presented a hazard to the staff or other participants.

((4))) (3) Reacceptance may also be denied where ((employment security)) DES determines that the individual's ((60)) sixty-day counseling was not successful and that readmission would be disruptive to the orderly administration of the activity.

**WSR 79-08-041  
PROPOSED RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Public Assistance)  
[Filed July 19, 1979]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning the amending of chapters 388-80, 388-81, 388-83, 388-84, 388-92 and 388-93 WAC relating to medical assistance.

A public hearing relating to these proposed rules was held on July 11. The purpose of this notice is to postpone adoption from July 18 until August 2.

Correspondence concerning this notice and proposed rules attached should be addressed to:

Michael Stewart  
Executive Assistant  
Department of Social and Health Services  
Mailstop OB-44 C  
Olympia, WA 98504;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Thursday, August 2, 1979, in William B. Pope's office, 3-D-14, State Office Building #2, 12th and Jefferson, Olympia, WA.

The authority under which these rules are proposed is RCW 74.08.090.

This notice is connected to and continues the matter noticed in Notice No. WSR 79-06-042 filed with the code reviser's office on 5/21/79.

Dated: July 18, 1979  
By: Gerald E. Thomas  
Assistant Secretary

**WSR 79-08-042**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
[Order 1416—Filed July 19, 1979]

I, Glen Miller, Asst. Secretary of the Department of Social and Health Services do promulgate and adopt at Olympia, Washington, the annexed rules relating to re-registration and reacceptance to WIN, amending WAC 388-57-064.

I, Glen Miller, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is these rule amendments are necessary to comply with a court order.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 74.22.110 which directs that the secretary of the Department of Social and Health Services has authority to implement the provisions of chapter 74.22 RCW.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED July 17, 1979.

By Glen H. Miller  
Assistant Secretary

AMENDATORY SECTION (Amending Order 1165, filed 10/27/76)

WAC 388-57-064 REFUSAL OF TRAINING OR EMPLOYMENT UNDER WIN WITHOUT GOOD CAUSE—REREGISTRATION AND REACCEPTANCE TO WIN. (1) *An individual who has been deregistered because of failure to accept employment or to participate in the WIN program without good cause may again register for WIN, provided ((90 days have)) the sanction period set by DES has elapsed since deregistration and the individual has given evidence to ((employment security)) DES of willingness to participate.*

~~(2) ((An individual who has been reaccepted into the work incentive program after termination without good cause and who is subsequently terminated for refusal to accept employment or to participate in the work incentive program without good cause shall not be registered for or reaccepted in the work incentive program unless he has given satisfactory evidence to employment security of willingness to participate and six months have elapsed since the effective date of the latest deregistration.~~

~~(3)) Reacceptance in the work incentive program may be denied where the termination action was the result of the individual's disruptive behavior or of criminal or other activities which presented a hazard to the staff or other participants.~~

~~((4)) (3) Reacceptance may also be denied where ((employment security)) DES determines that the individual's ((60)) sixty-day counseling was not successful and that readmission would be disruptive to the orderly administration of the activity.~~

**WSR 79-08-043**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
[Order 1417—Filed July 19, 1979]

I, Glen Miller, Assist. Sec. of the Department of Social and Health Services do promulgate and adopt at Olympia, Washington, the annexed rules relating to AFDC—Eligibility—Living in home of relative of specified degree, amending WAC 388-24-125.

This action is taken pursuant to Notice No. WSR 79-06-040 filed with the code reviser on 5/18/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the secretary of Department of Social and Health Services as authorized in RCW 74.08.090.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED July 18, 1979.

By Glen H. Miller  
Assistant Secretary

AMENDATORY SECTION (Amending Order 1338, filed 9/18/78)

WAC 388-24-125 ELIGIBILITY CONDITIONS APPLICABLE TO AFDC-R AND AFDC-E—LIVING IN HOME OF RELATIVE OF SPECIFIED DEGREE. (1) *Relationship of child to relative*

(a) *A dependent child to be eligible for AFDC-R must be living with one or more of the following relatives in a place of residence the relative(s) maintains as his or her own home:*

(i) ~~((Father, mother, grandmother, grandfather, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew or niece. Adoption of a child by a stepparent changes the relationship from stepparent to adoptive parent.))~~ Blood relatives (including those of half-blood); father, mother, brother, sister, uncle, aunt, first cousin, nephew or niece. Relationships to persons of preceding generations as denoted by the prefixes of grand, great, or great-great are within this definition.

(ii) ~~((Relationships to persons of preceding generations as denoted by the prefixes of grand, great, or great-great are within this definition.))~~ Stepfather, stepmother, stepbrother and stepsister. Adoption of a child by a stepparent changes the relationship from stepparent to adoptive parent.

(iii) Persons who legally adopt a child. Relatives of persons who adopt children are included within the definition of "relative" above(-).

(iv) Spouse of any persons named in the above groups are within the scope of this provision, although the marriage is terminated by death or divorce.

(b) A child eligible for AFDC-E must be living with both natural or adoptive parents, or a parent and stepparent, as defined in WAC 388-24-135. A child of unmarried parents is included. In order to determine members of the assistance unit, see WAC 388-24-050 also.

(c) A child eligible for AFDC-FC must live in a licensed family foster home, nonprofit group home, or nonprofit child care institution.

(d) The unborn child is considered to be living with the mother.

(2) Verification of relationships - relative to child and parents to each other.

~~((The declaration of relationship of the relative to the child and of the parents to each other entered on the application or review form is sufficient to establish the declared relationship unless the ESSO has reasonable doubt that the declaration is correct. If doubt exists, the relative may be required to present documentary proof.))~~ All relationships shall be verified in accordance with WAC 388-38-200.

(3) Other considerations in determining when child is living in home of relative of specified degree.

(a) "Living in home of relative" means that the child is an accepted member of a family unit, and therefore, has a close and direct relationship with a specified relative who has assumed parental responsibility for the care, guidance and control of the child.

(b) The "home" is a family setting which is maintained or is in the process of being established for the benefit of the family group. A home exists as long as the responsible relative ((retains)) exercises responsibility for the care and control of the child, even though circumstances may require the temporary absence of either the child or the responsible relative from the customary family setting. Such temporary separations include:

(i) ~~((Deleted~~

~~((iii)))~~ Temporary care of the child or the responsible relative in a hospital or public or private institution when the illness is such that a return to the family can

be expected and parental responsibility continues. If the temporary care exceeds ninety days the monthly grant standard shall be as specified in WAC 388-29-125.

~~((iii)))~~ (ii) Attendance of a child in school when the purpose is primarily for obtaining an education or vocational training, the responsible relative retains full responsibility for the child and the child returns home during a year's period, at least for summer vacation. The monthly grant standard for a child attending school away from home shall be as specified in WAC 388-28-142. However, even temporary absence of a child from his home for this purpose makes a child ineligible for AFDC unless the attendance at the school is due to

(A) Need for specialized education and training not available in the child's home community, and such specialized education is recommended by local school authorities, or

(B) Isolation of the child's home making it necessary for him to be away from home to attend school.

~~((iv)))~~ (iii) Visits in which the child or responsible relative is away from home for ninety days or less, including visits of a child to a parent residing away from the child's customary family home. If the responsible relative or child leaves the home for more than ninety days, eligibility is redetermined in accordance with the new circumstances.

~~((v)))~~ (iv) Attendance in a vocational training program when it is necessary for a responsible relative to reside temporarily apart from his or her family to secure the training. Absence is considered temporary for the period of time required to complete the training program, if the responsible relative retains parental responsibility for the child during the absence and plans to return to the home upon completion of training.

(A) ~~((ESSO))~~ CSO approval is required for the training plan. (See WAC 388-57-028(2)).

(B) A separate assistance unit shall be established for the responsible relative in training away from home.

(v) Temporary placement of the child in foster care while the parent is temporarily receiving care in a residential treatment facility, where such absences do not exceed thirty days.

(c) An AFDC payment can be made for a child who is a ward of the juvenile court, or other agency to whom the court has delegated authority, if all other eligibility factors have been met and the relative of specified degree actually carries out the everyday care, control and supervision of the child.

(d) An AFDC payment cannot be made if the court, or other agency to whom the court has delegated authority, has physical custody of the child and carries out the actual day-to-day care, control and supervision of the child.

(e) An AFDC payment can be made to the caretaker relative in behalf of a child even if the child is in foster care. The caretaker relative can apply for and receive AFDC for him/herself and the child for thirty days, even though the child is not physically in the custody of the relative if:

(i) The caretaker relative is otherwise eligible,

(ii) The child is returned to the relative's home before the end of that thirty day assistance period,

(iii) No AFDC payments are being made for the child, either in another relative's home or through AFDC-FC in that same thirty day period.

**WSR 79-08-044**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Institutions)**  
 [Order 1418—Filed July 19, 1979]

I, Richard Pinsky, Asst. Sec. of the Department of Social and Health Services do promulgate and adopt at Olympia, Washington, the annexed rules relating to cost of care of mentally deficient persons residing in state institutions, amending chapter 275-20 WAC.

This action is taken pursuant to Notice No. WSR 79-06-097 filed with the code reviser on 6/6/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 72.33.660 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED July 18, 1979.

By R. M. Pinsky  
 Assistant Secretary

**AMENDATORY SECTION** (Amending Order 1341, filed 9/22/78)

**WAC 275-20-030 SCHEDULE OF PER CAPITA COST.** Resident charges will be collected on the basis of the following:

	Per Capita Monthly Rate	Per Capita Daily Rate
Lakeland Village	(( <del>\$1,187.77</del> )) <u>\$1,365.40</u>	(( <del>\$39.05</del> )) <u>\$44.89</u>
Rainier School	(( <del>1,190.81</del> )) <u>1,375.44</u>	(( <del>39.15</del> )) <u>45.22</u>
Yakima Valley School	(( <del>1,457.57</del> )) <u>1,651.32</u>	(( <del>47.92</del> )) <u>54.29</u>
Firecrest School	(( <del>1,971.61</del> )) <u>2,149.85</u>	(( <del>64.82</del> )) <u>70.68</u>
Interlake School	(( <del>1,488.99</del> )) <u>1,795.19</u>	(( <del>48.69</del> )) <u>59.02</u>
Frances Haddon Morgan	(( <del>2,187.27</del> )) <u>2,254.79</u>	(( <del>69.28</del> )) <u>74.13</u>
School for Blind - nonresident	(( <del>1,488.99</del> )) <u>2,023.32</u>	(( <del>48.69</del> )) <u>66.52</u>
School for Deaf - nonresident	(( <del>1,867.93</del> )) <u>1,459.70</u>	(( <del>35.11</del> )) <u>47.99</u>
Cerebral Palsy Center	<u>3,415.79</u>	<u>112.30</u>

**NEW SECTION**

**WAC 275-20-080 JUDICIAL REVIEW—APPEAL PROCEDURE.** (1) In all cases where a determination is made that the estate of a mentally or physically deficient person who resides at a state residential school is able to pay all or any portion of the monthly charges for care, support and treatment, a notice and finding of financial responsibility shall be personally served on the guardian of the resident's estate, or if no guardian has been appointed then to his spouse or parents or other person acting in a representative capacity and having property in his possession belonging to the resident of a state school and the superintendent of the state school. In those cases where a resident is an adult acting under

no legal disability, such notice and finding of financial responsibility shall be personally served on him or her. The notice shall set forth the amount the department has determined that such estate is able to pay per month, not to exceed the monthly charges fixed in accordance with RCW 72.33.660, and the responsibility for payment to the department of social and health services shall commence thirty days after personal service of such notice and finding of responsibility.

(2) Appeal from the determination of financial responsibility, as determined pursuant to the foregoing provisions contained in this chapter, may be made by the guardian of the resident's estate or if no guardian has been appointed by his spouse or parents or other person acting in a representative capacity and having property in his possession belonging to a resident of a state school. In those cases involving an adult resident acting under no legal disability, the appeal may be made by such resident personally. Such appeal shall be made to the secretary of the department of social and health services in writing within thirty days of the receipt of the department's notice and finding of financial responsibility. The written notice of appeal shall be served upon the secretary by registered or certified mail. If no appeal is so received by the secretary within this thirty day period, the notice containing the determination of financial responsibility shall be considered final. If an appeal is made as prescribed the execution of the determination and finding of financial responsibility will be held in abeyance, pending a decision on the appeal.

(3) Appeal hearings may be held in any county seat most convenient to the appellant.

(4) The secretary's decision may be appealed to the courts in accordance with existing provisions of the administrative procedures act.

**WSR 79-08-045**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
 [Order 79-50—Filed July 19, 1979]

I, Gordon Sandison, director of Washington Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing regulations.

I, Gordon Sandison, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is the Elwha River is closed for summer-fall chinook and pink protection. Mesh restrictions in Areas 7B, 7C, and the Nooksack River are for protection of pink stocks. A portion of Area 7C is closed for chinook protection. Portions of Area 12C are closed for chinook protection.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED July 19, 1979.

By Gordon Sandison  
Director

#### NEW SECTION

WAC 220-28-005G0B CLOSED AREA Effective July 22 through September 29, 1979, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes from the waters of the Elwha River with any type of gear.

#### NEW SECTION

WAC 220-28-007B0K CLOSED AREA Effective July 22 through August 25, 1979, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes in Puget Sound Salmon Management and Catch Reporting Area 7B with purse seine gear, or with gill net gear having a mesh size smaller than 7-1/2 inches.

#### NEW SECTION

WAC 220-28-007C0N CLOSED AREA (1) Effective immediately and until further notice, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes with any type of gear in that portion of Puget Sound Salmon Management and Catch Reporting Area 7C inside a line projected from the mouth of Oyster Creek 237° True to a fishing boundary marker on Samish Island.

(2) Effective July 22 through August 25, 1979, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes in the remaining portion of Area 7C with purse seine gear, or with gill net gear having a mesh size smaller than 7-1/2 inches.

#### NEW SECTION

WAC 220-28-007F0G MESH RESTRICTION Effective July 22 through September 1, 1979, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes from the waters of the Nooksack River with net gear having a mesh size smaller than 7-1/2 inches.

#### NEW SECTION

WAC 220-28-012C0I CLOSED AREAS Effective immediately and until further notice, it shall be unlawful

for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes with any type of gear from those waters of Puget Sound Salmon Management and Catch Reporting Area 12C listed below:

(a) Those waters within 1,000 feet of the western shore of Hood Canal between the Hoodspout Marina Dock and Warfield Trailer Park.

(b) Those waters 1/4 mile offshore from a line connecting the outermost points at the mouth of Dewatto Bay and Dewatto Bay.

#### REPEALER

The following sections of the Washington Administrative Code are hereby repealed:

WAC 220-28-007C0M CLOSED AREA (79-48)

WAC 220-28-012C0H CLOSED AREA (79-48)

#### WSR 79-08-046

#### ADOPTED RULES

#### PUBLIC DISCLOSURE COMMISSION

[Order 79-03—Filed July 19, 1979]

Be it resolved by the Public Disclosure Commission, acting at 403 Evergreen Plaza Building, FJ-42, Olympia, WA 98504, that it does promulgate and adopt the annexed rules relating to:

Amd	WAC 390-16-120	Abbreviated campaign reporting.
Amd	WAC 390-37-050	Enforcement procedures.
New	WAC 390-37-150	Reconsideration and review of decisions.
New	WAC 390-05-235	Definition—Fair market value.

This action is taken pursuant to Notice No. WSR 79-05-096 filed with the code reviser on 5/2/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 42.17.370(1) which directs that the Public Disclosure Commission has authority to implement the provisions of the Washington State Open Government Act.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED June 19, 1979.

By Graham E. Johnson  
Administrator

#### AMENDATORY SECTION (Amending Order 91, filed 7/22/77)

WAC 390-16-120 ABBREVIATED CAMPAIGN REPORTING—TIMES AND PLACE FOR FILING REPORTS C-1 AND C-4 UNDER \$1,000 EXEMPTION. (1) The report C-1 shall be filed by any candidate or political committee intending to use the abbreviated reporting recognized and regulated by WAC

390-16-105, 390-16-110 or 390-16-115 at the time of becoming a candidate or within ten days of organization of a committee.

(2) In the case of a continuing political committee, the C-1 report shall be filed initially before accepting any contributions or making any expenditures. Thereafter, the C-1 shall be filed each year between January 1 and January 31 for any year in which the committee intends to use the abbreviated reporting system and within ten days of any date a change is made in reportable information. Failure to file a new C-1 during January shall automatically terminate the committee's entitlement to use the abbreviated reporting system until such time as a new C-1 is filed.

(3) The report form C-4 summary page shall be filed by each candidate and political committee within twenty-one days after each special or general election in which there was participation. In the case of a candidate or committee which participates in a primary election but does not participate in the following general election, the C-4 report shall be filed not later than twenty-one days following the general election.

Additionally, in the case of a continuing political committee, the report form C-4 shall be filed (~~December~~) not later than January 31 summarizing the total contributions received and expenditures made during the calendar year.

(4) The original of each report required by this section shall be filed with the Public Disclosure Commission. A copy shall be filed with the auditor of the county in which the candidate or committee treasurer resides and a copy shall be retained by the candidate or committee treasurer.

#### AMENDATORY SECTION (Amending Order 81, filed 7/22/76)

WAC 390-37-050 ENFORCEMENT PROCEDURES—RESPONDENT'S NOTICE OF COMPLAINT. ~~((+))~~ Within ten ~~((+))~~ days of receipt by the commission of a complaint which on its face appears to have merit, the commission shall notify the respondent that a complaint has been filed. The notice shall set forth the nature of the complaint and its origin (citizen complaint, commission or other) and the statutory provision alleged to have been violated.

~~((2) A respondent who is an elected official or a candidate for elective office shall be notified of the complainant's identity as required by RCW 42.17.310(1)(c). A respondent who is an elected official or a candidate for elective office shall be notified of the complainant's identity as required by RCW 42.17.310(1)(c). A respondent who is not an elected official or a candidate for elective office shall be notified of the complainant's identity only if the complainant has consented or if the complaint is a matter of public record or public knowledge.))~~

#### NEW SECTION

WAC 390-37-150 RECONSIDERATION AND REVIEW OF DECISIONS. (1) For purposes of this

rule, "decision" means any findings, conclusions, order, or other action by the commission which is reviewable by a court.

(2) A decision may be reconsidered only upon (a) the written request of the person aggrieved thereby or (b) the motion or written request of a commissioner who voted on the prevailing side when that decision was made.

(3) Such a request for reconsideration shall be served, or motion made, within thirty days after service of the decision of which reconsideration is sought.

(4) A request or motion for reconsideration shall specify the grounds therefor.

(5) Upon being served with a decision, the respondent may treat that decision as final for the purpose of petitioning for judicial review. The commission may not reconsider any decision after being served with a petition for judicial review.

(6) When a request for reconsideration is served, or motion made, enforcement of the decision of which reconsideration is sought shall be stayed and the decision shall not be final until the commission has acted on the reconsideration.

(7) The commission shall act on the reconsideration, at the next meeting at which it practicably may do so, by: (a) Deciding whether to reconsider its decision, and (b) if it decides to do so, either affirming or amending its decision: PROVIDED, That before a decision may be amended other than by lowering a penalty, the respondent shall be given notice and an opportunity to be heard if, and in the same manner as, required for the original decision.

#### NEW SECTION

WAC 390-05-235 DEFINITION—FAIR MARKET VALUE. "Fair market value" or "value" when used in the act or regulation is the amount in cash which a well-informed buyer or lessee, willing but not obligated to buy or lease that property, would pay, and which a well-informed seller, or lessor, willing but not obligated to sell or lease it, would accept, taking into consideration all uses to which the property is adapted and might in reason be applied.

WSR 79-08-047

ADOPTED RULES

DEPARTMENT OF GENERAL ADMINISTRATION

(Division of Savings and Loan)

[Order 79-2—Filed July 19, 1979]

I, F. Lee Green, Supervisor of Savings and Loan Associations, do promulgate and adopt at Room 217C, General Administration Building, Olympia, Washington, the annexed rules relating to credit union participation in commercial business activities.

This action is taken pursuant to Notice No. WSR 79-05-032 filed with the code reviser on April 23, 1979. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Supervisor of Savings and Loan Associations as authorized in RCW 31.12.360.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED July 17, 1979.

By F. Lee Green  
Supervisor

#### WAC 419-40

### RULES ON CREDIT UNION PARTICIPATION IN COMMERCIAL BUSINESS ACTIVITIES

#### NEW SECTION

WAC 419-40-010 CREDIT UNION FINANCIAL INTEREST IN COMMERCIAL ENTERPRISE. No credit union shall have any direct financial interest in a commercial enterprise by way of stock or other ownership interest in a commercial corporation, by way of partnership interest or participation in a joint venture in a general business enterprise or by way of exchanging money or services for a share of the proceeds of any commercial business enterprise except as provided below:

(1) Any credit union may make loans to commercial enterprises and investments in commercial enterprises to the extent permitted by statute;

(2) Any credit union may engage in the business of renting, leasing or sub-leasing portions of the land and building(s), in which the credit union carries on its business, to the extent that such land and buildings are not needed for credit union operations;

(3) The supervisor may upon written application grant permission to a credit union to participate in a business enterprise not otherwise authorized by law or by this section, where the supervisor is satisfied that the business enterprise is appropriate and adjunct to ordinary credit union operations and would not be contrary to law.

#### NEW SECTION

WAC 419-40-020 ENDORSEMENTS OF COMMERCIAL PRODUCTS OR SERVICES. No credit union shall endorse or vouch for the quality of the products or services offered by any other commercial business, nor shall the directors of a credit union spend any credit union money for the purpose of endorsing or advertising the products or services of another commercial business.

#### NEW SECTION

WAC 419-40-030 OFFERING OF GIFTS, PRIZES AND PREMIUMS. No credit union may offer any commercial product or service as an inducement to membership or other participation in credit union activities; Provided, That this section shall not be construed to prohibit a credit union from offering share accounts in

nominal amounts or other items of nominal value to members or prospective members of the credit union, in connection with general promotional activities of the credit union or in connection with the opening of a new credit union, a new credit union office, or the relocation of a credit union office. The supervisor may from time to time issue written guidelines defining the terms "nominal amounts" and "nominal value" as used in this section.

#### NEW SECTION

WAC 419-40-040 USE OF CREDIT UNION SPACE TO ADVERTISE COMMERCIAL PRODUCTS AND SERVICES. Any credit union may permit the use of its property for the advertisement of goods and services offered by other commercial establishments, providing that the space or property devoted to such purposes constitutes a small proportion of the total property occupied by the credit union, and providing that no product or service is displayed or advertised in such a manner as to imply that the product or service is offered for sale directly by the credit union or is endorsed or vouched for by the credit union.

#### NEW SECTION

WAC 419-40-050 COMMERCIAL PROGRAMS OFFERED TO CREDIT UNION MEMBERS. The board of directors of any credit union may by resolution permit any business enterprise to contact its membership for the purpose of offering some product or service to the membership, or the board of directors of any credit union may authorize the use of its own facilities for the purpose of communicating the offer of some commercial product or service to the membership, so long as no funds of the credit union are spent in connection with such an offer, so long as the offer neither states nor implies endorsement of the product or service offered, so long as every such offer states plainly that the product or service offered is not endorsed or vouched for by the credit union and that the credit union will accept no liability in connection with the use of the product or service offered, and so long as the credit union obtains from the business enterprise making the offer a written agreement to hold the credit union harmless from any claim arising out of the sale or use of the product or service concerned.

WSR 79-08-048  
PROPOSED RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Public Assistance)  
[Filed July 20, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning Food stamps—Fraud disqualification, amending chapter 388-54 WAC.

It is the intention of the secretary to adopt these rules on an emergency basis prior to the hearing.

Correspondence concerning this notice and proposed rules attached should be addressed to:

Michael Stewart  
Executive Assistant  
Department of Social and Health Services  
Mailstop OB-44 C  
Olympia, WA 98504;

that such agency will at 10:00 a.m., Wednesday, September 12, 1979, in the Auditorium, State Office Building #2, 12th and Jefferson, Olympia, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, September 19, 1979, in William B. Pope's office, 3-D-14, State Office Building #2, 12th and Jefferson, Olympia, WA.

The authority under which these rules are proposed is RCW 74.04.510.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to 9/12/79, and/or orally at 10:00 a.m., Wednesday, September 12, 1979, Auditorium, State Office Building #2, 12th and Jefferson, Olympia, WA.

Dated: July 19, 1979.

By: Glen H. Miller  
Assistant Secretary

#### NEW SECTION

**WAC 388-54-826 FRAUD DISQUALIFICATION—ADMINISTRATIVE FRAUD HEARING DETERMINED.** (1) Fraud disqualification penalties. These rules are effective July 1, 1979. Individuals found to have committed fraud through an administrative fraud hearing shall be ineligible to participate in the program for three months. Individuals found guilty of criminal or civil fraud by a court of appropriate jurisdiction shall be ineligible for not less than six months and not more than 24 months as determined by the court. The department shall disqualify only the individual and not the entire household.

(2) Definition of fraud. For purpose of determining at an administrative fraud hearing whether or not fraud was committed, fraud shall consist of any action by an individual to knowingly, willfully, and with deceitful intent:

- (a) Make a false statement to the state agency, either orally or in writing, to obtain benefits to which the household is not entitled;
- (b) Conceal information to obtain benefits to which the household is not entitled;
- (c) Alter authorization cards or coupons to obtain benefits to which the household is not entitled;
- (d) Use coupons to buy expensive or conspicuous nonfood items;
- (e) Use or possess improperly obtained coupons or authorization cards;
- (f) Trade or sell coupons or authorization cards.

(3) Administrative disqualification. The department's procedures for conducting fraud hearings are outlined in this section. An administrative fraud hearing shall be initiated by the department whenever the department has documented evidence to substantiate that a currently certified household member has committed one or more acts of fraud as defined in paragraph (2) of this section. Fraud hearings shall not be conducted if the amount the department suspects has been fraudulently obtained is less than \$35 or if the value of the ineligible items that have been purchased with food stamps is under \$35. The burden of proving fraud is on the department. If the household member is not certified when the suspected fraud is discovered, the department shall initiate the hearing when the household member becomes certified. The administrative fraud hearing may still be conducted regardless of whether other legal action is planned against the household member.

(a) Consolidation of administrative fraud hearing with fair hearing. The Office of Hearings may combine a fair hearing and an administrative fraud hearing into a single hearing if the factual issues arise out of the same, or related, circumstances and the household receives prior notice that the hearings will be combined. If the fraud hearing and fair

hearing are combined, the department shall follow the timeliness standards for conducting fraud hearings.

(b) Fraud hearing procedures.

(i) The department provides state level administrative fraud hearings. The procedure for decision rendering is described in WAC 388-54-827.

(ii) The following provisions apply to administrative fraud hearings:

(A) Hearing official. Hearings shall be conducted and decisions rendered by impartial examiners who: do not have any personal stake or involvement in the case; were not directly involved in the initial determination of the action which is being contested; and were not the immediate supervisor of the eligibility worker who took the action. The hearing official shall:

- (I) Administer oaths or affirmations if required by the state;
- (II) Ensure that all relevant issues are considered;
- (III) Request, receive and make part of the record all evidence determined necessary to decide the issues being raised;
- (IV) Regulate the conduct and course of the hearing consistent with due process to ensure an orderly hearing;
- (V) Order, where relevant and useful, an independent medical assessment or professional evaluation from a source mutually satisfactory to the household and the department;
- (B) Attendance at hearing. The hearing shall be attended by a representative of the department and by the household and/or its representative. The hearing may also be attended by friends or relatives of the household if the household so chooses. The hearing examiner shall have the authority to limit the number of persons in attendance at the hearing if space limitations exist.
- (C) Household rights during hearing. The household may not be familiar with the rules of order and it may be necessary to make particular efforts to arrive at the facts of the case in a way that makes the household feel most at ease. The household or its representative must be given adequate opportunity to:

(I) Examine all documents and records to be used at the hearing at a reasonable time before the date of the hearing as well as during the hearing. The contents of the case file including the application form and documents of verification used by the department to establish the household's ineligibility or eligibility, and allotment shall be made available, provided that confidential information, such as the names of individuals who have disclosed information about the household without its knowledge or the nature or status of pending criminal prosecutions, is protected from release. If requested by the household or its representative, the department shall provide a free copy of the portions of the case file that are relevant to the hearing. Confidential information that is protected from release and other documents or records which the household will not otherwise have an opportunity to contest or challenge shall not be introduced at the hearing or affect the hearing official's decision.

(II) Present the case or have it presented by a legal counsel or other person.

(III) Bring witnesses.

(IV) Advance arguments without undue interference.

(V) Question or refute any testimony or evidence, including an opportunity to confront and cross-examine adverse witnesses.

(VI) Submit evidence to establish all pertinent facts and circumstances in the case.

(D) Hearing decisions.

(I) Decisions of the hearing authority shall comply with department regulations and shall be based on the hearing record. This record shall be available to the household or its representative at any reasonable time for copying and inspection.

(II) At the fraud hearing the hearing examiner shall advise the household member or representative that the household member may refuse to answer questions during the hearing.

(III) Within 90 days of the date the household member is notified in writing that a hearing initiated by the department has been scheduled the department shall conduct the hearing, arrive at a decision, and initiate administrative action which will make the decision effective. The household member or representative is entitled to a postponement of up to 30 days. If the hearing is postponed, the above time limits shall be extended for as many days as the hearing is postponed.

(c) Advance notice of hearing.

(i) The department shall provide written notice to the household member suspected of fraud at least 30 days in advance of the date a fraud hearing initiated by the department has been scheduled. The notice shall be mailed certified mail return Receipt Requested, and shall contain, at a minimum:

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(i) The department shall provide written notice to the household member suspected of fraud at least 30 days in advance of the date a fraud hearing initiated by the department has been scheduled. The notice shall be mailed certified mail return Receipt Requested, and shall contain, at a minimum:

- (A) The date, time, and place of the hearing;
- (B) The charge(s) against the household member;
- (C) A summary of the evidence, and how and where the evidence can be examined;

(D) A warning that the decision will be based solely on information provided by the food stamp office if the household member fails to appear at the hearing;

(E) A warning that a determination of fraud will result in a three-month disqualification;

(F) A listing of the household member's rights as contained in WAC 388-54-826(3)(b)(ii)(C).

(G) A statement that the hearing does not preclude the state or federal government from prosecuting the household member for fraud in a civil or criminal court action, or from collecting the overissuance;

(H) A statement that the individual can call the food stamp office to get the name and phone number of someone who can give free legal advice. If free legal advice is not available, the food stamp office shall provide, when called, the phone number of a lawyer referral service of the local bar association.

(ii) A copy of the department's published hearing procedures shall be attached to the 30-day advance notice;

(d) Scheduling of hearing. The time and place of the hearing shall be arranged so that the hearing is accessible to the household member suspected of fraud.

(i) If the household member or its representative cannot be located or fails to appear at a hearing initiated by the department without good cause, the hearing shall be conducted without the household member represented. Even though the household member is not represented, the hearing official is required to carefully consider the evidence and determine if fraud was committed based on clear and convincing evidence. If the household member is found to have committed fraud but a hearing official later determines that the household member or representative had good cause for not appearing, the previous decision shall no longer remain valid and the Office of Hearings shall conduct a new hearing. The household member has ten days from receipt of the notice of the fraud decision to present reasons indicating a good cause for failure to appear. A hearing official must enter the good cause decision into the record.

(e) Participation while awaiting a hearing. A pending fraud hearing shall not affect the individual's or the household's right to be certified and participate in the program. Since the department cannot disqualify a household member for fraud until the hearing authority finds that the individual has committed fraud, the department shall determine the eligibility and benefit level of the household in the same manner it would be determined for any other household. The department shall also reduce or terminate the household's benefits if the department has documentation which substantiates that the household is ineligible or eligible for fewer benefits (even if these facts led to the suspicion of fraud and the resulting fraud hearing) and the household fails to request a fair hearing and continuation of benefits pending the hearing.

(f) Criteria for determining fraud. The hearing authority shall base the determination of fraud on clear and convincing evidence which demonstrates that the household member knowingly, willfully, and with deceitful intent committed fraud, as defined in paragraph (2) of this section.

(g) Decision format. The hearing authority's decision shall specify the reasons for the decision, identify the supporting evidence, identify the pertinent regulation, and respond to reasoned arguments made by the household member or representative.

(h) Appeal rights of the household member. If the hearing authority rules that the household member has committed fraud, the household member may appeal the decision to court. After a household member has been found to have committed fraud by the hearing authority, the household member shall be disqualified for three months beginning with the first month which follows the date the household member has received the hearing decision. The disqualification period shall be three months, without regard to the amount of food stamps fraudulently obtained or the number of fraudulent acts the hearing finds the individual has committed. No further administrative appeal procedure exists after an adverse department hearing. The determination of fraud made by a fraud hearing official cannot be reversed by a subsequent fair hearing decision. The household member, however, is entitled to seek relief in a court having appropriate jurisdiction. The period of disqualification may be subject to stay or other injunctive remedy.

(i) Notification of hearing decision.

(ii) If the hearing authority finds that the household member did not commit fraud, the hearing authority shall provide a written notice which informs the household member of the decision.

(iii) If the administrative fraud hearing authority finds that the household member committed fraud, the department shall mail a written notice to the household member prior to disqualification. The notice shall inform the household member of the decision and the reason for the decision. The notice shall also advise the remaining household members, if any, of either the allotment they will receive during the period of disqualification or that they must reapply because the certification period has expired. The decision shall inform the household member of the date disqualification will take effect.

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

#### NEW SECTION

**WAC 388-54-827 FRAUD ADMINISTRATIVE HEARING—DECISION RENDERING PROCESS.** (1) Initial Decision. These rules are effective July 1, 1979.

(a) The hearing examiner who conducted the hearing shall write an initial decision. The hearing examiner shall file the original of the initial decision in the record of the proceedings and shall mail copies of the initial decision to the parties and their representatives.

(b) The initial decision shall automatically become the final decision of the Secretary if no petition for review is filed in accordance with subsection (2) below within ten days of mailing of the initial decision.

(2) Petition for review.

(a) Within ten days of mailing of the initial decision either party may petition a review examiner, in writing, for review of the initial decision. The petition for review shall set forth in detail the basis for the requested review and shall be mailed postage prepaid to the Office of Hearings and to the other party's last known address.

(b) The petition shall be based on any one of the following grounds materially affecting the substantial rights of a party:

(i) Irregularity in the proceedings by which the moving party was prevented from having a fair hearing. This includes misconduct by the prevailing party and misconduct or abuse of discretion by the hearing examiner.

(ii) The findings of fact are unsupported by substantial evidence in view of the entire record.

(iii) Errors of law.

(iv) Need for clarification in order for the parties to implement the decision.

(v) The decision entered when the appellant failed to appear at the hearing should be vacated and the matter remanded upon a showing that the household member had good cause for not appearing at the hearing.

(c) Within fifteen days of mailing of the initial decision and where one party has filed a petition for review, the responding party may reply in writing to the petition for review. The response shall be mailed postage prepaid to the Office of Hearings and to the other party's last known address.

(3) Procedure for review by review examiner.

(a) A petition for review shall be granted only if, in the reasoned opinion of the review examiner, one of the grounds for review set forth in subsection (2) above are shown. Otherwise, the petition for review shall be denied and the initial decision shall be the final decision of the Secretary as of the date of denial of the petition(s) for review.

(b) In determining whether to grant review and in reviewing the initial decision the review examiner shall consider the initial decision, the petition(s) for review and any reply(s) thereto, the record or any part thereof, and any additional evidence submitted by the agreement of both parties in accordance with subsections (3)(d) and (e) below.

(c) If review is granted, the hearing examiner's initial findings of fact, conclusions of law, and decision shall not be modified by the review examiner unless, in the reasoned opinion of the review examiner:

(i) The findings of fact are unsupported by substantial evidence in view of the entire record, and/or

(ii) The application of law is erroneous, and/or

(iii) One or more of the grounds for filing a petition for review set forth at (2)(b) above is satisfied.

(d) The review examiner may accept additional evidence to correct omissions in the record, but only after notice to and agreement by both parties.

(e) The review examiner may remand the proceedings to the hearing examiner for additional evidence or argument if:

(i) Neither party cited the law correctly applicable to the issue(s) defined at the hearing and additional evidence or argument is needed for the review examiner to reach a reasoned decision. Nothing in this subsection shall be construed to allow the review examiner to remand the case to consider additional grounds for ineligibility or allegations of fraud which were not alleged by the department at the hearing, and/or

(ii) Irregularity in the proceedings occurred by which the party seeking review was prevented from having a fair hearing and additional evidence or argument is necessary to cure the irregularity, and/or

(iii) The review examiner considers a remand necessary and both parties assent to the remand.

(f) If review is granted, the review examiner shall render a reasoned decision affirming, reversing, modifying, or remanding the initial decision. That decision shall be final on the date of filing and shall be the final decision of the Secretary. The review examiner shall file the original of the final decision in the record of the proceedings and shall mail copies to the parties and their representatives.

#### NEW SECTION

**WAC 388-54-828 FRAUD DISQUALIFICATION—COURT IMPOSED.** (1) Court-ordered disqualifications of not less than six months and not more than twenty-four months may be imposed separate and apart from any action taken by the department.

(2) The department shall recommend to the courts that a disqualification penalty as provided in section (6)(b) of the Food Stamp Act be imposed in addition to any other civil or criminal fraud penalties.

(3) The department shall disqualify an individual found guilty of fraud by the courts only when the court orders disqualification and only for the length of time specified by the court. When the court does not specify a date for initiating the disqualification period, the department shall initiate the disqualification period with the first month following the date the disqualification was ordered.

(4) The department shall not initiate or continue a court imposed or administratively imposed fraud disqualification period contrary to a court order.

(5) These rules are effective July 1, 1979.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

(1) WAC 388-54-825 FRAUD DISQUALIFICATION.

**WSR 79-08-049**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 1419—Filed July 20, 1979]

I, Glen Miller, Assist. Sec. of the Department of Social and Health Services do promulgate and adopt at Olympia, Washington the annexed rules relating to Food stamps—Fraud disqualification, amending chapter 388-54 WAC.

I, Glen Miller, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is these rules are necessary to comply with current federal regulations

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 74.04.510 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED July 19, 1979.

Glen H. Miller  
Assistant Secretary

#### NEW SECTION

**FRAUD**

**DISQUALIFICATION—ADMINISTRATIVE FRAUD HEARING DETERMINED.** (1) *Fraud disqualification penalties. These rules are effective July 1, 1979. Individuals found to have committed fraud through an administrative fraud hearing shall be ineligible to participate in the program for three months. Individuals found guilty of criminal or civil fraud by a court of appropriate jurisdiction shall be ineligible for not less than six months and not more than 24 months as determined by the court. The department shall disqualify only the individual and not the entire household.*

(2) *Definition of fraud. For purpose of determining at an administrative fraud hearing whether or not fraud was committed, fraud shall consist of any action by an individual to knowingly, willfully, and with deceitful intent:*

(a) *Make a false statement to the state agency, either orally or in writing, to obtain benefits to which the household is not entitled;*

(b) *Conceal information to obtain benefits to which the household is not entitled;*

(c) *Alter authorization cards or coupons to obtain benefits to which the household is not entitled;*

(d) *Use coupons to buy expensive or conspicuous non-food items;*

(e) *Use or possess improperly obtained coupons or authorization cards;*

(f) *Trade or sell coupons or authorization cards.*

(3) *Administrative disqualification. The department's procedures for conducting fraud hearings are outlined in this section. An administrative fraud hearing shall be initiated by the department whenever the department has documented evidence to substantiate that a currently certified household member has committed one or more acts of fraud as defined in paragraph (2) of this section. Fraud hearings shall not be conducted if the amount the department suspects has been fraudulently obtained is less than \$35 or if the value of the ineligible items that have been purchased with food stamps is under \$35. The burden of proving fraud is on the department. If the household member is not certified when the suspected fraud is discovered, the department shall initiate the hearing when the household member becomes certified. The administrative fraud hearing may still be conducted regardless of whether other legal action is planned against the household member.*

(a) *Consolidation of administrative fraud hearing with fair hearing. The Office of Hearings may combine a fair*

hearing and an administrative fraud hearing into a single hearing if the factual issues arise out of the same, or related, circumstances and the household receives prior notice that the hearings will be combined. If the fraud hearing and fair hearing are combined, the department shall follow the timeliness standards for conducting fraud hearings.

(b) **Fraud hearing procedures.**

(i) The department provides state level administrative fraud hearings. The procedure for decision rendering is described in WAC 388-54-827.

(ii) The following provisions apply to administrative fraud hearings:

(A) **Hearing official.** Hearings shall be conducted and decisions rendered by impartial examiners who: do not have any personal stake or involvement in the case; were not directly involved in the initial determination of the action which is being contested; and were not the immediate supervisor of the eligibility worker who took the action. The hearing official shall:

(I) Administer oaths or affirmations if required by the state;

(II) Ensure that all relevant issues are considered;

(III) Request, receive and make part of the record all evidence determined necessary to decide the issues being raised;

(IV) Regulate the conduct and course of the hearing consistent with due process to ensure an orderly hearing;

(V) Order, where relevant and useful, an independent medical assessment or professional evaluation from a source mutually satisfactory to the household and the department;

(B) **Attendance at hearing.** The hearing shall be attended by a representative of the department and by the household and/or its representative. The hearing may also be attended by friends or relatives of the household if the household so chooses. The hearing examiner shall have the authority to limit the number of persons in attendance at the hearing if space limitations exist.

(C) **Household rights during hearing.** The household may not be familiar with the rules of order and it may be necessary to make particular efforts to arrive at the facts of the case in a way that makes the household feel most at ease. The household or its representative must be given adequate opportunity to:

(I) Examine all documents and records to be used at the hearing at a reasonable time before the date of the hearing as well as during the hearing. The contents of the case file including the application form and documents of verification used by the department to establish the household's ineligibility or eligibility, and allotment shall be made available, provided that confidential information, such as the names of individuals who have disclosed information about the household without its knowledge or the nature or status of pending criminal prosecutions, is protected from release. If requested by the household or its representative, the department shall provide a free copy of the portions of the case file that are relevant to the hearing. Confidential information that is protected from release and other documents or records which the household will not otherwise have an

opportunity to contest or challenge shall not be introduced at the hearing or affect the hearing official's decision.

(II) Present the case or have it presented by a legal counsel or other person.

(III) Bring witnesses.

(IV) Advance arguments without undue interference.

(V) Question or refute any testimony or evidence, including an opportunity to confront and cross-examine adverse witnesses.

(VI) Submit evidence to establish all pertinent facts and circumstances in the case.

(D) **Hearing decisions.**

(I) Decisions of the hearing authority shall comply with department regulations and shall be based on the hearing record. This record shall be available to the household or its representative at any reasonable time for copying and inspection.

(II) At the fraud hearing, the hearing examiner shall advise the household member or representative that the household member may refuse to answer questions during the hearing.

(III) Within 90 days of the date the household member is notified in writing that a hearing initiated by the department has been scheduled the department shall conduct the hearing, arrive at a decision, and initiate administrative action which will make the decision effective. The household member or representative is entitled to a postponement of up to 30 days. If the hearing is postponed, the above time limits shall be extended for as many days as the hearing is postponed.

(c) **Advance notice of hearing.**

(i) The department shall provide written notice to the household member suspected of fraud at least 30 days in advance of the date a fraud hearing initiated by the department has been scheduled. The notice shall be mailed certified mail return Receipt Requested, and shall contain, at a minimum:

(A) The date, time, and place of the hearing;

(B) The charge(s) against the household member;

(C) A summary of the evidence, and how and where the evidence can be examined;

(D) A warning that the decision will be based solely on information provided by the food stamp office if the household member fails to appear at the hearing;

(E) A warning that a determination of fraud will result in a three-month disqualification;

(F) A listing of the household member's rights as contained in WAC 388-54-826(3)(b)(ii)(C).

(G) A statement that the hearing does not preclude the state or federal government from prosecuting the household member for fraud in a civil or criminal court action, or from collecting the overissuance;

(H) A statement that the individual can call the food stamp office to get the name and phone number of someone who can give free legal advice. If free legal advice is not available, the food stamp office shall provide, when called, the phone number of a lawyer referral service of the local bar association.

(ii) A copy of the department's published hearing procedures shall be attached to the 30-day advance notice:

(d) *Scheduling of hearing.* The time and place of the hearing shall be arranged so that the hearing is accessible to the household member suspected of fraud.

(i) If the household member or its representative cannot be located or fails to appear at a hearing initiated by the department without good cause, the hearing shall be conducted without the household member represented. Even though the household member is not represented, the hearing official is required to carefully consider the evidence and determine if fraud was committed based on clear and convincing evidence. If the household member is found to have committed fraud but a hearing official later determines that the household member or representative had good cause for not appearing, the previous decision shall no longer remain valid and the Office of Hearings shall conduct a new hearing. The household member has ten days from receipt of the notice of the fraud decision to present reasons indicating a good cause for failure to appear. A hearing official must enter the good cause decision into the record.

(e) *Participation while awaiting a hearing.* A pending fraud hearing shall not affect the individual's or the household's right to be certified and participate in the program. Since the department cannot disqualify a household member for fraud until the hearing authority finds that the individual has committed fraud, the department shall determine the eligibility and benefit level of the household in the same manner it would be determined for any other household. The department shall also reduce or terminate the household's benefits if the department has documentation which substantiates that the household is ineligible or eligible for fewer benefits (even if these facts led to the suspicion of fraud and the resulting fraud hearing) and the household fails to request a fair hearing and continuation of benefits pending the hearing.

(f) *Criteria for determining fraud.* The hearing authority shall base the determination of fraud on clear and convincing evidence which demonstrates that the household member knowingly, willfully, and with deceitful intent committed fraud, as defined in paragraph (2) of this section.

(g) *Decision Format.* The hearing authority's decision shall specify the reasons for the decision, identify the supporting evidence, identify the pertinent regulation, and respond to reasoned arguments made by the household member or representative.

(h) *Appeal rights of the household member.* If the hearing authority rules that the household member has committed fraud, the household member may appeal the decision to court. After a household member has been found to have committed fraud by the hearing authority, the household member shall be disqualified for three months beginning with the first month which follows the date the household member has received the hearing decision. The disqualification period shall be three months, without regard to the amount of food stamps fraudulently obtained or the number of fraudulent acts the hearing finds the individual has committed. No further administrative appeal procedure exists after an adverse department hearing. The determination of fraud made

by a fraud hearing official cannot be reversed by a subsequent fair hearing decision. The household member, however, is entitled to seek relief in a court having appropriate jurisdiction. The period of disqualification may be subject to stay or other injunctive remedy.

(i) *Notification of hearing decision.*

(ii) If the hearing authority finds that the household member did not commit fraud, the hearing authority shall provide a written notice which informs the household member of the decision.

(iii) If the administrative fraud hearing authority finds that the household member committed fraud, the department shall mail a written notice to the household member prior to disqualification. The notice shall inform the household member of the decision and the reason for the decision. The notice shall also advise the remaining household members, if any, of either the allotment they will receive during the period of disqualification or that they must reapply because the certification period has expired. The decision shall inform the household member of the date disqualification will take effect.

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

#### NEW SECTION

#### WAC 388-54-827 FRAUD ADMINISTRATIVE HEARING—DECISION RENDERING PROCESS.

(1) *Initial Decision.* These rules are effective July 1, 1979.

(a) The hearing examiner who conducted the hearing shall write an initial decision. The hearing examiner shall file the original of the initial decision in the record of the proceedings and shall mail copies of the initial decision to the parties and their representatives.

(b) The initial decision shall automatically become the final decision of the Secretary if no petition for review is filed in accordance with subsection (2) below within ten days of mailing of the initial decision.

(2) *Petition for review.*

(a) Within ten days of mailing of the initial decision either party may petition a review examiner, in writing, for review of the initial decision. The petition for review shall set forth in detail the basis for the requested review and shall be mailed postage prepaid to the Office of Hearings and to the other party's last known address.

(b) The petition shall be based on any one of the following grounds materially affecting the substantial rights of a party:

(i) Irregularity in the proceedings by which the moving party was prevented from having a fair hearing. This includes misconduct by the prevailing party and misconduct or abuse of discretion by the hearing examiner.

(ii) The findings of fact are unsupported by substantial evidence in view of the entire record.

(iii) Errors of law.

(iv) Need for clarification in order for the parties to implement the decision.

(v) The decision entered when the appellant failed to appear at the hearing should be vacated and the matter remanded upon a showing that the household member had good cause for not appearing at the hearing.

(c) Within fifteen days of mailing of the initial decision and where one party has filed a petition for review, the responding party may reply in writing to the petition for review. The response shall be mailed postage prepaid to the Office of Hearings and to the other party's last known address.

(3) Procedure for review by review examiner.

(a) A petition for review shall be granted only if, in the reasoned opinion of the review examiner, one of the grounds for review set forth in subsection (2) above are shown. Otherwise, the petition for review shall be denied and the initial decision shall be the final decision of the Secretary as of the date of denial of the petition(s) for review.

(b) In determining whether to grant review and in reviewing the initial decision the review examiner shall consider the initial decision, the petition(s) for review and any reply(s) thereto, the record or any part thereof, and any additional evidence submitted by the agreement of both parties in accordance with subsections (3)(d) and (e) below.

(c) If review is granted, the hearing examiner's initial findings of fact, conclusions of law, and decision shall not be modified by the review examiner unless, in the reasoned opinion of the review examiner:

(i) The findings of fact are unsupported by substantial evidence in view of the entire record, and/or

(ii) The application of law is erroneous, and/or

(iii) One or more of the grounds for filing a petition for review set forth at (2)(b) above is satisfied.

(d) The review examiner may accept additional evidence to correct omissions in the record, but only after notice to and agreement by both parties.

(e) The review examiner may remand the proceedings to the hearing examiner for additional evidence or argument if:

(i) Neither party cited the law correctly applicable to the issue(s) defined at the hearing and additional evidence or argument is needed for the review examiner to reach a reasoned decision. Nothing in this subsection shall be construed to allow the review examiner to remand the case to consider additional grounds for ineligibility or allegations of fraud which were not alleged by the department at the hearing, and/or

(ii) Irregularity in the proceedings occurred by which the party seeking review was prevented from having a fair hearing and additional evidence or argument is necessary to cure the irregularity, and/or

(iii) The review examiner considers a remand necessary and both parties assent to the remand.

(f) If review is granted, the review examiner shall render a reasoned decision affirming, reversing, modifying, or remanding the initial decision. That decision shall be final on the date of filing and shall be the final decision of the Secretary. The review examiner shall file the original of the final decision in the record of the proceedings and shall mail copies to the parties and their representatives.

#### NEW SECTION

WAC 388-54-828 FRAUD  
DISQUALIFICATION—COURT IMPOSED. (1)

Court-ordered disqualifications of not less than six months and not more than twenty-four months may be imposed separate and apart from any action taken by the department.

(2) The department shall recommend to the courts that a disqualification penalty as provided in section (6) (b) of the Food Stamp Act be imposed in addition to any other civil or criminal fraud penalties.

(3) The department shall disqualify an individual found guilty of fraud by the courts only when the court orders disqualification and only for the length of time specified by the court. When the court does not specify a date for initiating the disqualification period, the department shall initiate the disqualification period with the first month following the date the disqualification was ordered.

(4) The department shall not initiate or continue a court imposed or administratively imposed fraud disqualification period contrary to a court order.

(5) These rules are effective July 1, 1979.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-54-825 FRAUD  
DISQUALIFICATION.

WSR 79-08-050  
ADOPTED RULES  
PLANNING AND  
COMMUNITY AFFAIRS AGENCY  
[Order 79-02—Filed July 20, 1979]

I, Dean Cole, director of the Planning and Community Affairs Agency, do promulgate and adopt at 400 Capitol Center Building, Olympia, Washington, the annexed rules relating to the administration of the state Head Start program.

This action is taken pursuant to Notice No. WSR 79-06-091 filed with the code reviser on 6/5/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Planning and Community Affairs Agency as authorized in RCW 43.06.110 and chapter 43.63A RCW.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED July 10, 1979.

By Dean Cole  
Director

#### NEW SECTION

WAC 365-40-031 ESTABLISHMENT OF ADVISORY COUNCIL. "State Head Start Advisory

Council" is established under authority of RCW 43-.63A.130 to advise the agency in the administration of the state Head Start program and on issues affecting actual or potential participants in Head Start programs. Members are recommended to the director by the Washington State Head Start Parents Council and the Washington Head Start Directors Association and other groups involved with Head Start, including Indian and migrant programs.

#### NEW SECTION

WAC 365-40-041 FINANCIAL SUPPORT APPLICATION PROCESS. (1) Each potential applicant will be notified by the agency that application for state Head Start financial assistance is to be made to the agency.

(2) An applicant must make formal application in the form and manner specified by the agency. Such application shall be for the period July 1-June 30 of each fiscal year. Failure of an applicant to make application in a timely manner, within 45 days of receipt of application notice and application form from the agency, will result in no state Head Start funds being allocated.

(3) Applications for state Head Start funds shall contain the following information, in detail:

(a) A description of the services to be provided or activities proposed to be undertaken by the applicant consistent with the provisions of WAC 365-40-051 and 365-40-061.

(b) A budget specifying intended uses of state Head Start funds.

(c) An explanation of how the applicant will monitor the use of state funds to assure that provisions of the approved contract are being met.

(4) The agency shall provide a contract for signature to the applicant or a request for additional information within thirty days of receipt of the completed application from the applicant.

#### NEW SECTION

WAC 365-40-051 ELIGIBILITY CRITERIA. In order to receive Head Start funds, a contractor must provide services to families and individuals eligible according to federal Head Start guidelines who are in need of skills, knowledge, opportunities and motivation to become economically self-sufficient. Each Head Start program must be designed to improve the health and general well-being of the children involved, develop their mental processes, and enhance their conceptual and verbal skills. Head Start funds may be used only for activities which result in direct and measurable services to Head Start program children. State Head Start funds are allocated by a formula recommended by the State Head Start Advisory Council and approved by the director. This formula shall be reviewed annually by the State Head Start Advisory Council.

#### NEW SECTION

WAC 365-40-061 ALLOWED AND FORBIDDEN USES OF STATE HEAD START FUNDS. (1)

Allowable uses of state Head Start funds include but are not limited to:

(a) Purchase of supplies to be consumed by Head Start program children.

(b) Payment of salaries for nonadministrative personnel such as full or part-time teachers or specialists in speech, hearing, hygiene, reading, etc.

(c) Purchases under contract of medical or dental services for Head Start children.

(2) Forbidden uses of Head Start funds include but are not limited to:

(a) Payment of salaries for administrative personnel such as program directors, assistant directors, bookkeepers, secretaries, etc.

(b) Payment of administrative support expenses such as postage, telephone, travel, utilities, and equipment.

(c) Purchase of non-expendable equipment with an original cost of \$100 or more and a useful life of at least one year.

#### NEW SECTION

WAC 365-40-071 METHOD OF PAYMENT AND REPORTING REQUIREMENTS. (1) State Head Start funds will be paid in accordance with the provisions of the applicable contract and these regulations.

(2) All contracts will provide for monthly or quarterly expenditure reimbursement, with vouchers submitted within fifteen days of the end of each quarter or month, as appropriate.

(a) At the time of application the applicant shall state whether vouchers will be submitted on a quarterly or monthly basis.

(b) If vouchers are not submitted in a timely manner, the agency may recapture unclaimed funds.

(c) If a contractor fails to file a claim for expense reimbursement within any six month period, the agency may elect to terminate the contract.

(3) If an intended use is not allowable under these rules or the approved contract, the voucher will not be paid.

(4) The agency will notify the contractor within ten days of its discovery of any deficiency and of the need to take corrective action.

(5) In the event corrective action is not taken within thirty days, the contract will be terminated. Funds allocated to the contractor may be subject to redistribution upon termination of any contract.

(6) By agreement between the agency and the contractor, the provisions of the contract may be amended.

(7) Quarterly reports to the agency to assure that funds are being expended for purposes authorized in the approved contract are required in a format approved by the agency.

(8) The contractor shall submit an annual audit of funds provided under this rule by an independent auditor using standard accepted auditing techniques. Such audit may be that conducted for and provided to other funding sources.

**REPEALER**

The following sections of the Washington Administrative Code are hereby repealed:

WAC 365-40-030	FINANCIAL SUPPORT APPLICATION PROCESS
WAC 365-40-040	ELIGIBILITY CRITERIA
WAC 365-40-050	ALLOWED AND FORBIDDEN USES OF STATE HEAD START FUNDS
WAC 365-40-060	METHOD OF PAYMENT

**WSR 79-08-051****EMERGENCY RULES****DEPARTMENT OF NATURAL RESOURCES**

[Order 318—Filed July 22, 1979]

I, Bert L. Cole, Commissioner of Public Lands, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the lifting of an emergency rule describing modified logging shutdown, precaution class C, in parts of western Washington in Administrative Order No. 318 effective immediately 1600 hours 7/22/79 on forest lands under the protection of the Department of Natural Resources.

I, Bert L. Cole, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is due to existing and forecast weather conditions, the areas included in the modified logging shutdown are no longer exposed to extreme fire danger.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 76.04.190 and 76.04.200 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED July 22, 1979.

By Bert L. Cole  
Commissioner of Public Lands

**AMENDATORY SECTION (Amending Administrative Order No. 317)**

**WAC 332-26-501 LIFTING MODIFIED LOGGING SHUTDOWN, PRECAUTION CLASS C IN WESTERN WASHINGTON UNDER THE PROTECTION OF THE CENTRAL, SOUTH PUGET SOUND AND SOUTHWEST AREAS OF THE DEPARTMENT OF NATURAL RESOURCES. Lifting modified logging shutdown, Precaution Class C, power**

*saws shutdown 1100 to 2000; cable yarding shutdown 1300 to 2000; tractors to continue if spark arrester or turbocharged; loading and hauling to continue in the shutdown zones described: Shutdown zone 5 in parts of Thurston, Pacific, Grays Harbor, Wahkiakum, Lewis and Cowlitz Counties. Shutdown zone 10 in parts of King, Pierce and Lewis counties. Shutdown zone 25 in parts of Lewis and Cowlitz Counties. Shutdown zone 27 in parts of Skamania and Clark Counties of those forest lands protected by the Department of Natural Resources in the Central, South Puget Sound and Southwest Areas.*

*Effective immediately 1600 hours 7/22/79*

**WSR 79-08-052****NOTICE OF PUBLIC MEETINGS****UNIVERSITY OF WASHINGTON**

[Memorandum, Secretary—July 17, 1979]

There will not be a regular meeting of the Board of Regents in August (previously scheduled for August 17). The next regular meeting will be held on September 21, 1979.

**WSR 79-08-053****NOTICE OF PUBLIC MEETINGS****GREEN RIVER COMMUNITY COLLEGE**

[Memorandum, Secretary—July 20, 1979]

Notice is hereby given that the regular meeting of the Board of Trustees for the month of August, scheduled for August 16, 1979, will be held at the Enumclaw Community Education Center, 1409 Blake Street, Enumclaw, Washington.

The meeting will convene at 4:00 p.m.

The agenda will follow the regular order of business.

**WSR 79-08-054****EMERGENCY RULES****DEPARTMENT OF RETIREMENT SYSTEMS**

[Order 1979-01—Filed July 23, 1979]

I, Robert L. Hollister, Jr., director of Department of Retirement Systems, do promulgate and adopt at Department of Retirement Systems, Olympia, Washington, the annexed rules relating to salary deductions for retirement for teachers.

I, Robert L. Hollister, Jr., find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is the proposed rule is necessary for implementation of the provisions of 1979 1st ex. sess. c 249 § 5(28)(b), which became effective July 1, 1979.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated under the general rule-making authority of the Department of Retirement Systems as authorized in RCW 41.50.050(6).

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED July 18, 1979.

By Robert L. Hollister, Jr.  
Director

AMENDATORY SECTION (Amending Order IV, filed 2/15/78)

WAC 415-112-400 SALARY DEDUCTIONS REQUIRED BY EMPLOYER. (1) Plan I.

(a) Salary deductions for retirement shall be made from the beginning of the employment of every teacher employed full time (four-fifths or more) when the employment contract of such teacher calls for ninety or more days of employment in a school year. Salary deductions for retirement shall be required for every member employed full time when his employment contract calls for twenty or more days of employment in a school year.

(b) If a teacher who is not a member is employed for less than ninety days in a school year, and thus fails to establish membership, any salary deductions for retirement shall be refunded in full upon termination of his employment as a teacher and upon filing a refund application with the department. If a member is employed by an employer for less than twenty days in a school year, any salary deductions for retirement based on service during that year shall be refunded in full upon termination of his employment for that year and the filing of a refund application with the department.

~~((c) Membership for Plan II members will be governed by the provisions of chapter 493, Laws of 1977 ex. sess., as now or hereafter amended.))~~

(2) Plan II.

(a) Salary deductions for retirement shall be made from the beginning of the employment of every teacher employed full time (four-fifths or more) when the employment contract of such teacher calls for ninety or more days of employment in a school year.

(b) If a teacher who is not a member is employed for less than ninety days in a school year, and thus fails to establish membership, any salary deductions for retirement shall be refunded in full upon termination of his employment as a teacher and upon filing a refund application with the department.

WSR 79-08-055

PROPOSED RULES

DEPARTMENT OF RETIREMENT SYSTEMS

[Filed July 23, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Retirement Systems intends to adopt, amend, or repeal rules concerning salary deductions for teachers under Retirement Plan II whereby such deductions will be made from the beginning of employment. The proposed rule also provides for a refund upon termination of any teacher who is employed for less than 90 days and thus fails to establish membership;

that such agency will at 9 a.m., Monday, September 10, 1979, in the Department of Retirement Systems, Capital Plaza Building, Olympia, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9 a.m., Monday, September 10, 1979, in the Department of Retirement Systems, Capital Plaza Building, Olympia.

The authority under which these rules are proposed is RCW 41.50.050(6).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to September 10, 1979, and/or orally at 9 a.m., Monday, September 10, 1979, Department of Retirement Systems, Capital Plaza Building, Olympia, WA.

Dated: July 18, 1979

By: Robert L. Hollister, Jr.  
Director

AMENDATORY SECTION (Amending Order IV, filed 2/15/78)

WAC 415-112-400 SALARY DEDUCTIONS REQUIRED BY EMPLOYER. (1) Plan I.

(a) Salary deductions for retirement shall be made from the beginning of the employment of every teacher employed fulltime (four-fifths or more) when the employment contract of such teacher calls for ninety or more days of employment in a school year. Salary deductions for retirement shall be required for every member employed full time when his employment contract calls for twenty or more days of employment in a school year.

(b) If a teacher who is not a member is employed for less than ninety days in a school year, and thus fails to establish membership, any salary deductions for retirement shall be refunded in full upon termination of his employment as a teacher and upon filing a refund application with the department. If a member is employed by an employer for less than twenty days in a school year, any salary deductions for retirement based on service during that year shall be refunded in full upon termination of his employment for that year and the filing of a refund application with the department.

~~((c) Membership for Plan II members will be governed by the provisions of chapter 493, Laws of 1977 ex. sess., as now or hereafter amended.))~~

(2) Plan II.

(a) Salary deductions for retirement shall be made from the beginning of the employment of every teacher employed full time (four-fifths or more) when the employment contract of such teacher calls for ninety or more days of employment in a school year.

(b) If a teacher who is not a member is employed for less than ninety days in a school year, and thus fails to establish membership, any salary deductions for retirement shall be refunded in full upon termination of his employment as a teacher and upon filing a refund application with the department.

## WSR 79-08-056

## ADOPTED RULES

## DEPARTMENT OF TRANSPORTATION

[Order 29—Filed July 23, 1979]

I, W. A. Bulley, Secretary of Transportation, do promulgate and adopt at Room 1D9, Highway Administrative Building, Olympia, Washington, the annexed rules relating to the amendment of WAC 468-42-539 by prohibiting parking along State Route 539 at the Kok Road intersection near Lynden.

This action is taken pursuant to Notice No. WSR 79-06-064 filed with the code reviser on 5/24/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 46.61.570 which directs that the Department of Transportation has authority to implement the provisions of RCW 46.61.570.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED July 16, 1979.

By V. W. Korf  
Deputy Secretary

AMENDATORY SECTION (Amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)

WAC 468-42-539 STATE ROUTE 539. (1) Laurel Road vicinity. Parking is prohibited on both sides of State Route 539 from Laurel Road, Mile Post 5.00, northerly to Mile Post 5.19, a distance of 0.19 mile.

(2) Hemmi Road Intersection. No parking any time on the west side of State Route 539, from 0.05 mile south of Hemmi Road, Mile Post 5.45, to the junction with Hemmi Road, Mile Post 5.50, a distance of 0.05 mile.

(3) Wisner Lake bridge vicinity. Parking is prohibited on both sides of State Route 539 from a point 1,000 feet south of the Wisner Lake bridge at Mile Post 8.24 northerly to a point 650 feet north of said bridge at Mile Post 8.56, a distance of 0.32 mile.

(4) Kok Road Intersection. Parking is prohibited on the west side of State Route 539 from ~~((Kok Road;))~~ Mile Post ~~((10.53))~~ 10.49, northerly to Mile Post 10.63, a distance of ~~((0.10))~~ 0.14 mile, and on the east side from Mile Post 10.49 northerly to Mile Post 10.57, a distance of 0.08 mile.

## WSR 79-08-057

## ADOPTED RULES

## DEPARTMENT OF TRANSPORTATION

[Order 30—Filed July 23, 1979]

I, W. A. Bulley, Secretary of Transportation, do promulgate and adopt at 1D9, Highway Administration Building, Olympia, Washington 98504, the annexed

rules relating to the amendment of WAC 468-42-104 by limiting parking along State Route 104 in the community of Kingston to a maximum of two hours between the hours of 7:00 a.m. to 8:00 p.m.

This action is taken pursuant to Notice No. WSR 79-06-086 filed with the code reviser on 6/5/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 46.61.570 which directs that the Department of Transportation has authority to implement the provisions of RCW 46.61.570.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED July 16, 1979.

By V. W. Korf  
Deputy Secretary

AMENDATORY SECTION (Amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)

WAC 468-42-104 STATE ROUTE 104. (1) Kingston. ~~((Parallel parking is established on both sides of State Route 104 from the northwest end of the Kingston Ferry Dock at Mile Post 24.31 northerly to the county road to Indianola at Mile Post 24.45, a distance of 0.14 mile.))~~ Parking is limited to a maximum of two hours from 7:00 a.m. to 8:00 p.m. on State Route 104 along both sides of the eastbound and westbound roadways from Iowa Avenue, at Mile Post 24.32, to the ferry toll booths, at Mile Post 24.45, a distance of 0.13 mile.

(2) Edmonds vicinity. Parking is prohibited on the north side of State Route 104 from the east corporate limits of Edmonds, which is 600 feet west of Fifth Avenue N.E., Mile Post 29.21, easterly to Fifth Avenue N.E., Mile Post 29.33, a distance of 0.12 mile.

(3) Edmonds vicinity. Parking is prohibited on the south side of State Route 104 from the junction with State Route 99 (west corporate limits of Edmonds), Mile Post 28.33, easterly to Fifth Avenue N.E., Mile Post 29.33, a distance of 1.00 mile.

~~((4) Kingston vicinity. Parking is limited to a maximum of one hour from 9:00 a.m. to 6:00 p.m. on both sides of State Route 104 in the vicinity of Kingston from Iowa Avenue, Mile Post 24.32, to Washington Boulevard, Mile Post 24.43, a distance of 0.11 mile.))~~

## WSR 79-08-058

## ADOPTED RULES

## DEPARTMENT OF TRANSPORTATION

[Order 31—Filed July 23, 1979]

I, W. A. Bulley, Secretary of Transportation, do promulgate and adopt at 1D9, Highway Administration Building, Olympia, Washington 98504, the annexed rules relating to the prohibiting of parking along State

Route 99 in the vicinity of the Seattle-Tacoma Airport, amending WAC 468-42-099.

This action is taken pursuant to Notice No. WSR 79-06-074 filed with the code reviser on 5/30/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 46.61.570 which directs that the Department of Transportation has authority to implement the provisions of RCW 46.61.570.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), The Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED July 16, 1979.

By V. W. Korf  
Deputy Secretary

AMENDATORY SECTION (Amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)

WAC 468-42-099 STATE ROUTE 99. (1) Federal Way vicinity. Parking is prohibited on both sides of State Route 99 from the junction with So. 348th St., Mile Post 8.14 to the junction of South 304th Street, Mile Post 10.94, a distance of 2.80 miles.

(2) Intersection of South 272nd Street. Parking is prohibited on the east and west sides of State Route 99 for a distance of 200 feet, north of the intersection of State Route 99 with South 272nd Street, Mile Post 12.92 to Mile Post 12.96, a distance of 0.04 mile.

(3) Seattle-Tacoma Airport vicinity. Parking is prohibited on ~~((the west))~~ both sides of State Route 99 between South ~~((170th))~~ 188th Street at Mile Post 18.35 and South ~~((188th))~~ 170th Street in the vicinity of the Seattle-Tacoma Airport at Mile Post 19.47, a distance of 1.12 miles.

(4) N. 184th to N. 185th. Parking is prohibited between North 184th Street at Mile Post 42.43 and North 185th Street on State Route 99 at Mile Post 42.49, a distance of 0.06 mile.

(5) Vicinity of North 192nd Street, King county. Parking is prohibited on the east and west sides of State Route 99 from a point 1,000 feet south of the intersection of North 192nd Street at Mile Post 42.61, northerly to a point 750 feet north of the intersection of North 192nd Street, Mile Post 42.94, a distance of 0.33 mile.

(6) South of Everett. Parking is prohibited on the east and west sides of State Route 99 in the vicinity of 168th Street S.W. approximately 10 miles south of Everett from Mile Post 48.71 northerly to Mile Post 48.86, a distance of 0.15 mile.

(7) Vicinity of 112th Street S.W., Snohomish county. Parking is prohibited on both sides of State Route 99 in Snohomish county from Mile Post 52.36, which is 0.50 mile south of 112th Street S.W., northwesterly to the junction with 112th Street S.W. at Mile Post 52.86, a distance of 0.50 mile.

WSR 79-08-059

ADOPTED RULES

DEPARTMENT OF TRANSPORTATION

[Order 32—Filed July 23, 1979]

I, W. A. Bulley, Secretary of Transportation, do promulgate and adopt at Room 1D9, Highway Administration Building, Olympia, Washington, the annexed rules relating to clarifying procedures for limited access hearings, amending chapter 468-54 WAC.

This action is taken pursuant to Notice No. WSR 79-05-091 filed with the code reviser on 5/1/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 47.52.020 which directs that the Department of Transportation has authority to implement the provisions of chapter 47.52 RCW.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED July 16, 1979.

By V. W. Korf  
Deputy Secretary

AMENDATORY SECTION (Amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)

WAC 468-54-010 DEFINITIONS. As used in these rules:

(1) "Fully controlled limited access highway" is a highway where the right of owner or occupants of abutting land or other persons to access, light, air or view in connection with the highway is controlled to give preference to through traffic by providing access connections with selected public roads only, and by prohibiting crossings or direct private driveway connections at grade.

(2) "Partially controlled limited access highway" is a highway where the right of owner or occupants of abutting land or other persons to access, light, air or view in connection with the highway is controlled to give preference to through traffic to a degree that, in addition to access connections with selected public roads, there may be some crossings and some private driveway connections at grade. Commercial approaches to partially controlled limited access highways are allowed only to frontage roads or by means of public road intersections. A partially controlled limited access highway may be designed to provide for separation of a part or all road crossings and the elimination of a part or all direct private driveway connections under a stage plan of future construction.

(3) "Modified controlled limited access highway" is a highway where the right of owner or occupants of abutting land or other persons to access, light, air, or view in connection with the highway is controlled to give preference to through traffic to such a degree that most approaches, including commercial approaches, existing and in use at the time of the establishment, may be allowed.

(4) "An expressway limited access highway" is a partially controlled limited access highway of four or more traffic lanes with the opposing lanes of travel separated by a median strip of arbitrary width.

~~((4))~~ (5) "A freeway limited access highway" is a fully controlled limited access highway of four or more traffic lanes with the opposing traffic lanes separated by a median strip of arbitrary width.

~~((5))~~ (6) "Party" is any person, county, city or town who is entitled to notice of a limited access hearing and who has entered a written appearance at the hearing.

AMENDATORY SECTION (Amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)

WAC 468-54-040 NOTICE OF HEARING. Notice of the proposal to establish a limited highway facility shall be given to the owners of property abutting the section of any existing highway being established as a limited access facility, as indicated in the tax rolls of the county and to the county and/or city or town in which the facility is proposed to be established. The notice shall be by United States mail setting forth a time and place for the hearing to be held not less than fifteen days after mailing the notice. Notice of such hearing shall also be published not less than fifteen days prior to the hearing in one or more newspapers of general circulation within such county, city or town. Such notice shall indicate a suitable location where plans for such proposal may be inspected. Notice given as herein provided shall be deemed sufficient as to any owner or reputed owner or any unknown owner or owner who cannot be located and to the county, city or town. A single hearing may be held for a proposed facility which is located in more than one county, city or town, provided that notice is given to each county, city or town.

AMENDATORY SECTION (Amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)

WAC 468-54-050 CONDUCT OF HEARING. At such hearing the secretary of transportation shall preside, or may designate some suitable person to preside as examiner. The hearing may, at the option of the secretary, be conducted in accordance with federal laws and regulations governing highway design public hearings. The department shall introduce by competent evidence a summary of the proposal for the establishment of a limited access facility and any evidence that supports the adoption of the plan as being in the public interest. ~~((Any persons desiring to be heard must first enter a written appearance, signed by the party seeking to appear or by his attorney.))~~ At the conclusion of the evidence presented by the department, evidence and statements or counterproposals bearing upon the reasonableness of the proposal may be introduced ~~((by persons entitled to notice who have entered a written appearance))~~. Such evidence must be material to the issues before the secretary and shall be presented in an orderly manner. ~~((Any person who desires to present a limited access proposal in the form of a plan for consideration by the commission shall offer at least five copies of an explanatory map or exhibit.))~~ Any such evidence and

statements or counterproposals shall receive reasonable consideration by the secretary or his designee before any proposal is adopted.

AMENDATORY SECTION (Amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)

WAC 468-54-065 HEARING OFFICER. The secretary may designate any suitable person as examiner with respect to hearings on any limited access proposal. Subject to later review and ruling by the secretary or his designee, such examiner may:

- (1) Examine witnesses, and receive evidence;
- (2) Admit evidence which possesses probative value commonly accepted by reasonable, prudent men in the conduct of their affairs, giving effect to the rules of privilege recognized by law and excluding incompetent, irrelevant, immaterial and unduly repetitious evidence;
- (3) Rule on offers of proof and receive relevant evidence;
- (4) Regulate the course of the hearing;
- (5) Hold conferences for the settlement or simplification of the issues by consent of the parties; ~~((and))~~
- (6) Dispose of procedural requests or similar matters;
- (7) Accept statements as to the reasonableness of the proposal; and
- (8) Establish time limits for speakers, when necessary to assure that all persons attending will have an opportunity to present relevant and material statements without undue repetition.

AMENDATORY SECTION (Amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)

WAC 468-54-080 ((FEES FOR)) COPIES OF TRANSCRIPTS OF LIMITED ACCESS HEARINGS. ~~((Whereas numerous requests are being made by private individuals, firms and public agencies for transcripts of the hearings for the establishment of limited access on existing highway sections, and~~

~~Whereas such requests have placed an additional burden upon the department of transportation in supplying or meeting such requests and the department has decided to adopt a policy to be followed in the future with reference to such requests by setting forth a fee schedule for the furnishing of such transcripts to assist in meeting the additional burden by reason thereof;~~

~~Now therefore the department shall collect the following fees for the following services:~~

- ~~(1) For preparing and/or furnishing of a copy of a transcript of any hearing held by the department of transportation, one dollar for the first page and fifty cents for each additional page.~~
- ~~(2) For certifying to any copy furnished, one dollar additional. All fees received by the department for such services shall be forwarded to the accounting section for deposit in the motor vehicle fund.))~~ Copies of transcripts and other hearing documents may be obtained from the headquarters office of the department of transportation. Charges for such copies shall be at the rates established for copying other public records of the department, as authorized by RCW 42.17.300. An additional charge may be imposed for certifying to any copy furnished.

**WSR 79-08-060**  
**ADOPTED RULES**  
**DEPARTMENT OF TRANSPORTATION**  
 [Order 33—Filed July 23, 1979]

I, W. A. Bulley, Secretary of Transportation, do promulgate and adopt at Room 1D9, Highway Administration Building, Olympia, Washington, the annexed rules relating to the signing of school bus stops on partially controlled limited access highways in accordance with the Manual on Uniform Traffic Control Devices.

This action is taken pursuant to Notice No. WSR 79-04-001 filed with the code reviser on 3/8/79. Such rules shall take effect pursuant to RCW 34.04.040 (2).

This rule is promulgated pursuant to RCW 47.36.050 which directs that the Department of Transportation has authority to implement the provisions of RCW 47.36.050.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED July 16, 1979.

V. W. Korf  
Deputy Secretary

**AMENDATORY SECTION** (Amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)

**WAC 468-58-030 LIMITED ACCESS HIGHWAYS—POLICIES ON SERVICE STATION LOCATION, COMMON CARRIER AND SCHOOL BUS STOPS, MAIL BOX LOCATIONS AND PEDESTRIAN CROSSINGS.** (1) Fully controlled limited access highways:

(a) No service stations shall be permitted direct access to main roadway but only to frontage roads when these are provided in the access plan or in the vicinity of interchanges where ramp layout permits.

(b) No common carrier bus stops other than required by law shall be permitted except at locations provided by the state on the interchanges or, in exceptional cases, along the main roadway where pedestrian separation is available.

(c) School bus stops shall not be permitted except as in subparagraph (b) of this subsection.

(d) No mail boxes shall be permitted except on frontage roads.

(e) Pedestrian crossings shall not be permitted at grade.

(2) Partially controlled limited access highways:

(a) Service stations:

(i) For above highway type on new alignment, no service stations shall be permitted except on frontage roads provided in the access plan or at intersections;

(ii) For above highway type on a converted existing highway, service stations or other businesses are to be given consideration in the plan for control of access. Approaches to abutting property or frontage road construction shall be evaluated and determined through

right of way appraisal. Service station locations are not considered a necessary adjunct to the main highway traffic lanes.

(b) Bus stops for both common carriers and school buses shall not be permitted other than as required by law on either two or four lane highways, except as follows:

(i) At locations of intersections, with necessary lanes to be constructed by the state;

(ii) Where shoulder widening has been provided for mail delivery service;

(iii) For a designated school bus loading zone on the traveled lane or adjacent thereto which has been (~~properly posted~~) approved by the department of transportation.

(c) Pedestrian grade crossings will be permitted only where a grade crossing is provided, except that pedestrian crossings will be permitted on two lane highways at mail box locations or at points designated for school children to cross as provided in subparagraph (d) of this subsection.

(d) Pedestrian crossings are prohibited in the immediate vicinity of school bus loading zones (~~when~~) which are located adjacent to the traveled way. Pedestrian crossings may be permitted:

(i) On two lane highways (~~in a marked crosswalk~~) not less than 100 feet from a school bus loading zone adjacent to the traveled lane(;;), if school district and department of transportation personnel determine that stopping in the traveled lane is hazardous.

(ii) On two lane highways at the school bus when stopped on the traveled lane to load or unload passengers and the proper sign and signal lights displayed.

(e) (~~At~~) School bus loading zones on partially controlled access highways shall be posted with school bus loading zone signs, in accordance with the latest edition of the Manual on Uniform Traffic Control Devices.

(f) The list of designated school bus loading zones approved by the department of transportation will be kept on file and maintained by the headquarters traffic engineer.

(g) Mail boxes shall be located on frontage roads or at intersections, with the following exceptions for properties which are served by type A or B approaches:

(i) Mail boxes for type A or B approaches on a four lane highway shall be located only on the side of the highway on which the approach is provided;

(ii) Mail boxes for type A or B approaches on a two lane highway shall all be located on that side of the highway which is on the right in the direction of the mail delivery.

**WSR 79-08-061**  
**ADOPTED RULES**  
**DEPARTMENT OF TRANSPORTATION**  
 [Order 34—Filed July 23, 1979]

I, W. A. Bulley, Secretary of Transportation, do promulgate and adopt at Room 1D9, Highway Administration Building, Olympia, Washington, the annexed rules

relating to the amendment of chapter 468-58 WAC to implement changed policies on limited access highways in conformance with Transportation Commission Resolution No. 41 adopted February 20, 1979.

This action is taken pursuant to Notice No. WSR 79-05-092 filed with the code reviser on 5/1/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 47.52.020 which directs that the Department of Transportation has authority to implement the provisions of chapter 47.52 RCW.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED July 16, 1979.

By V. W. Korf  
Deputy Secretary

AMENDATORY SECTION (Amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)

WAC 468-58-010 DEFINITIONS. The following definitions shall designate limited access highways and shall indicate the control of access to be exercised by each:

(1) "Fully controlled limited access highway" is a highway where the right of owner or occupants of abutting land or other persons to access, light, air, or view in connection with the highway is controlled to give preference to through traffic by providing access connections with selected public roads only, and by prohibiting crossings or direct private driveway connections at grade(;;).

(2) "Partially controlled limited access highway" is a highway where the right of owner or occupants of abutting land or other persons to access, light, air, or view in connection with the highway is controlled to give preference to through traffic to a degree that, in addition to access connections with selected public roads, there may be some crossings and some private driveway connections at grade. Commercial approaches to partially controlled limited access highways are allowed only to frontage roads or by means of public road intersections. A partially controlled limited access highway may be designed to provide for separation of a part or all road crossings and the elimination of a part or all direct private driveway connections under a stage plan of future construction(;;).

(3) "Modified controlled limited access highway" is a highway where the right of owner or occupants of abutting land or other persons to access, light, air, or view in connection with the highway is controlled to give preference to through traffic to such a degree that most approaches, including commercial approaches, existing and in use at the time of the establishment, may be allowed.

(4) "An expressway limited access highway" is a partially controlled limited access highway of four or more traffic lanes with the opposing lanes of travel separated by a median strip of arbitrary width(;;).

~~((4))~~ (5) "A freeway limited access highway" is a fully controlled limited access highway of four or more traffic lanes with the opposing traffic lanes separated by a median strip of arbitrary width.

AMENDATORY SECTION (Amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)

WAC 468-58-020 REVISION TO LIMITED ACCESS HIGHWAY FACILITIES. Subject to the requirements for public hearings, the secretary of transportation or his designee may adopt ~~((the following))~~ revisions to duly established limited access highway facilities(:

~~(1) Revisions of the access control, or right of way line that do not affect a property that was not party to the original establishment of the limited access plan.~~

~~(2) Revisions to modify the use of highway rights of way within the controlled area by the addition, deletion, or revision of transit facilities, rest areas, information centers, viewpoints, historical sites, U-turns, pedestrian-bicycle-equestrian paths, etc., that do not require additional right of way and/or access taking from a property not originally involved in the establishment of the limited access plan.~~

~~(3) Revisions to, but not the addition or deletion of, ingress and egress points, or crossings, of a limited access highway, such as interchanges, intersections, separations, ramps, and approaches to abutting property that do not require the taking of additional right of way and/or access control from a property not originally involved in the establishment of the limited access plan.~~

~~(4) Revisions to allow pedestrian access from adjacent public or private property to public transit facilities which are located within the highway right of way.~~

~~(5) Revisions to allow pedestrian, bicycle, or equestrian access from adjacent public or private property to pedestrian-bicycle-equestrian paths, trail, or other similar facilities which are located within the highway right of way.~~

~~(6) Revisions to accommodate joint development and multiple use of the highway right of way.~~

~~(7) Revisions to permit the addition, deletion, or correction of right of way details that do not affect access features, such as parcel numbers, boundaries, dimensions, and ownerships.~~

~~(8) Revisions to permit the addition or relocation of frontage roads that do not affect property not involved in the original establishment of the limited access plan.~~

~~(9) Revisions which authorize the granting of temporary permits for access to limited access highways where frontage roads are to be constructed in the future, provided that such access and the authorizing permits will be terminated when the frontage roads are constructed.~~

~~(10) Revisions which add turnback lines and designations to allow relinquishment of frontage roads, etc., to local agencies.~~

~~(11) Revisions to provide approaches for ingress and egress to state highway properties required for the construction, operation and/or maintenance of the highway facilities by the department of transportation or its agents. This would include, but not be limited to, pit~~

sites, stockpile sites, quarry sites, waste sites, maintenance sites, etc., that are located adjacent to a partially controlled limited access highway)).

AMENDATORY SECTION (Amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)

WAC 468-58-030 LIMITED ACCESS HIGHWAYS-POLICIES ON ((SERVICE STATION LOCATION)) COMMERCIAL APPROACHES, COMMON CARRIER AND SCHOOL BUS STOPS, MAIL BOX LOCATIONS AND PEDESTRIAN CROSSINGS. (1) Fully controlled limited access highways:

(a) No ((service stations)) commercial approaches shall be permitted direct access to main roadway but only to frontage roads when these are provided in the access plan or ((in the vicinity of interchanges where ramp layout permits)) to the crossroads of interchanges outside the limits of full access control.

(b) No common carrier bus stops other than required by law shall be permitted except at locations provided by the state on the interchanges or, in exceptional cases, along the main roadway where pedestrian separation is available.

(c) School bus stops shall not be permitted except as in subparagraph (b) of this subsection.

(d) No mail boxes shall be permitted except on frontage roads.

(e) Pedestrian crossings shall not be permitted at grade.

(2) Partially controlled limited access highways:

(a) ((Service stations:

(i) ~~For above highway type on new alignment, no service stations))~~ No commercial approaches shall be permitted except on frontage roads provided in the access plan or at intersections((;

(ii) ~~For above highway type on a converted existing highway, service stations or other businesses are to be given consideration in the plan for control of access. Approaches to abutting property or frontage road construction shall be evaluated and determined through right of way appraisal. Service station locations are not considered a necessary adjunct to the main highway traffic lanes))~~.

(b) Bus stops for both common carriers and school buses shall not be permitted other than as required by law on either two or four lane highways, except as follows:

(i) At locations of intersections, with necessary lanes to be constructed by the state;

(ii) Where shoulder widening has been provided for mail delivery service;

(iii) For a designated school bus loading zone on the traveled lane or adjacent thereto which has been properly posted.

(c) Pedestrian grade crossings will be permitted only where a grade crossing is provided, except that pedestrian crossings will be permitted on two lane highways at mail box locations or at points designated for school children to cross as provided in subparagraph (d) of this subsection.

(d) Pedestrian crossings are prohibited in the immediate vicinity of school bus loading zones when located adjacent to the traveled way. Pedestrian crossings may be permitted:

(i) On two lane highways in a marked crosswalk not less than ((+00)) one hundred feet from a school bus loading zone adjacent to the traveled lane;

(ii) On two lane highways at the school bus when stopped on the traveled lane to load or unload passengers and the proper sign and signal lights displayed.

(e) All school bus loading zones on partially controlled access highways shall be posted with school bus loading zone signs.

(f) The list of designated school bus loading zones approved by the department of transportation will be kept on file and maintained by the headquarters traffic engineer.

(g) Mail boxes shall be located on frontage roads or at intersections, with the following exceptions for properties which are served by type A or B approaches:

(i) Mail boxes for type A or B approaches on a four lane highway shall be located only on the side of the highway on which the approach is provided;

(ii) Mail boxes for type A or B approaches on a two lane highway shall all be located on that side of the highway which is on the right in the direction of the mail delivery.

(3) Modified control limited access highways:

(a) Commercial approaches to modified controlled limited access highways may be permitted only where and in the manner specifically authorized at the time the plan is established and access rights are obtained.

(b) Bus stops and pedestrian crossings may be permitted as follows:

(i) In rural areas, bus stops and pedestrian crossings shall be subject to the same restrictions as on partial controlled limited access highways.

(ii) In urban areas bus stops for both commercial carriers and school buses may be permitted without restrictions other than those required by law.

(c) Mail boxes may be located adjacent to or opposite all authorized approaches as follows:

(i) Mail boxes on a four-lane highway shall be located only on the side of the highway on which the approach is provided.

(ii) Mail boxes on a two-lane highway shall all be located on that side of the highway which is on the right in the direction of the mail delivery.

AMENDATORY SECTION (Amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)

WAC 468-58-040 USE OF SPACE BENEATH STRUCTURES ON LIMITED ACCESS HIGHWAYS. The general policy of the department of transportation with respect to the use of space beneath structures on limited access facilities lying within the limits of cities and towns shall be as follows:

(1) Any use of such space shall be in accord with the ((bureau of public roads memorandum IM 21-3-62 dated May 4, 1962)) Federal-Aid Highway Program Manual, Vol. 7, Ch. 4, Sec. 3, dated October 4, 1974, and any amendments and supplements thereto insofar as

applicable and shall be subject to the prior approval of the federal highway administration where required by such regulations.

(2) Any use of such space shall be subject to the prior approval of the city or town in which such space is located. Any applications to the department for such use shall be accompanied by written proof of such city approval.

(3) Any application to the department for the use of such space shall state in detail the use to be made of such space and the physical facilities to be installed and maintained on state right of way.

(4) The lessee or permittee alone shall be responsible for any and all damage to persons or to public or private property that may result from or be caused by his use of such space or from the erection or maintenance of any structure or facility upon the highway right of way. A lessee or permittee shall reimburse the department for any moneys expended by it for the protection or repair of any state facility required as a result of any such use. He shall also indemnify and hold the state of Washington harmless from liability of any sort whatsoever as a result of and caused by any use of such space.

(5) No use of such space shall be allowed which is not primarily for the good of the public or which endangers any state highway facility, or the public's use of it, or impedes the use of such facility for state highway purposes.

(6) Use of such space for any use other than vehicular parking shall be by permit only and as authorized under RCW 47.32.150-47.32.170.

(7) The granting of any use of such space shall be subject to the discretion of the department and upon such terms and conditions in addition to those stated herein as it shall deem proper.

(8) No assignment of any lease or permit by the lessee or permittee shall be of any force and effect unless prior written approval of such assignment has been given by the department and the city or town involved.

#### AMENDATORY SECTION (Amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)

WAC 468-58-080 GUIDES FOR CONTROL OF ACCESS ON CROSSROADS AND INTERCHANGE RAMPS. (1) Fully controlled highways, including interstate.

(a) There shall be no connections to abutting property or local service or frontage roads within the full length of any "off" or "on" interchange ramp from a fully controlled limited access highway. Such ramp shall be considered to terminate at its intersection with the local road which undercrosses or overcrosses the limited access facility, provided that in urban areas "off" and "on" ramps may be terminated at local streets other than crossroads where necessary to service existing local traffic.

(b) There shall be no direct connections from the limited access facility in rural areas to local service or frontage roads except through interchanges.

(c) In both urban and rural areas access control on a fully controlled highway shall be established along the crossroad at an interchange for a minimum distance of

three hundred feet beyond the centerline of the ramp or terminus of transition taper. If a frontage road or local road is located in a generally parallel position within three hundred fifty feet of a ramp, access control should be established along the crossroad and in addition for a minimum distance of one hundred thirty feet in all directions from the center of the intersection of the parallel road and crossroad.

(d) Full control of access should be provided along the crossroad from the centerline of a ramp or terminus of a transition taper for a minimum distance of three hundred ~~((fifty))~~ feet ~~((unless deemed inappropriate by the department of transportation to do so))~~. Upon ~~((such))~~ determination by the department, full control of access ~~((should))~~ may be provided for the first one hundred thirty feet from the centerline of the ramp or terminus of a transition taper and partial control or modified control of access may be provided for the remainder of the distance to the frontage road or local road for a total minimum distance for the two types of control of three hundred ~~((fifty))~~ feet. ~~((Under the latter condition;))~~ Type A, B, C, D and ~~((E))~~ E road approaches, as defined hereafter under subsection (3) of this section, "General," may be permitted on that portion of the crossroad on which partial or modified control of access is established.

(2) Partially controlled highways.

(a) There shall be no connections to abutting property or local service or frontage roads within the full length of any "off" or "on" interchange ramp from a partially controlled limited access highway. Such ramp shall be considered to terminate at its intersection with the local road which undercrosses or overcrosses the limited access facility, provided that in urban areas "off" and "on" ramps may be terminated at local streets other than crossroads where necessary to service existing local traffic.

(b) In both urban and rural areas access control on a partially controlled highway shall be established along the crossroad at an interchange for a minimum distance of three hundred feet beyond the centerline of the ramp or terminus of transition taper. If a frontage road or local road is located in a generally parallel position within three hundred fifty feet of a ramp, access control may be established along the crossroad and in addition for a minimum distance of one hundred thirty feet in all directions from the center of the intersection of the parallel road and crossroad.

(c) Access control limits at the crossroads on a partially controlled highway ~~((shall))~~ should be established along the crossroad at a grade intersection for a minimum distance of three hundred feet from the centerline of the nearest directional roadway. If a parallel road is located within three hundred fifty feet of said grade intersection, access control should be established along the crossroad and in addition for a minimum distance of one hundred thirty feet in all directions from the center of the intersection of the parallel road and crossroad. Type D and E approaches may be permitted closer than one hundred thirty feet from the center of the intersection only when they already exist and cannot reasonably be relocated.

(d) Access control limits at intersections on modified control highways should be established along the cross road for a minimum distance of one hundred thirty feet from the centerline of a two-lane highway or for a minimum of one hundred fifty feet from centerline of a four-lane highway. Type D and E approaches should be allowed within this area only when no reasonable alternative is available.

(3) General.

(a) Access control may be increased or decreased beyond or under the minimum requirements to fit local conditions if so determined by the department.

(b) Type A, B, C, D and ((E)) E approaches are defined as follows:

(i) Type A approach. Type A approach is an Off and On approach in legal manner, not to exceed fourteen feet in width, for sole purpose of serving a single family residence. It may be reserved by abutting owner for specified use at a point satisfactory to the state at or between designated highway stations.

(ii) Type B approach. Type B approach is an Off and On approach in legal manner, not to exceed twenty feet in width, for use necessary to the normal operation of a farm, but not for retail marketing. It may be reserved by abutting owner for specified use at a point satisfactory to the state at or between designated highway stations.

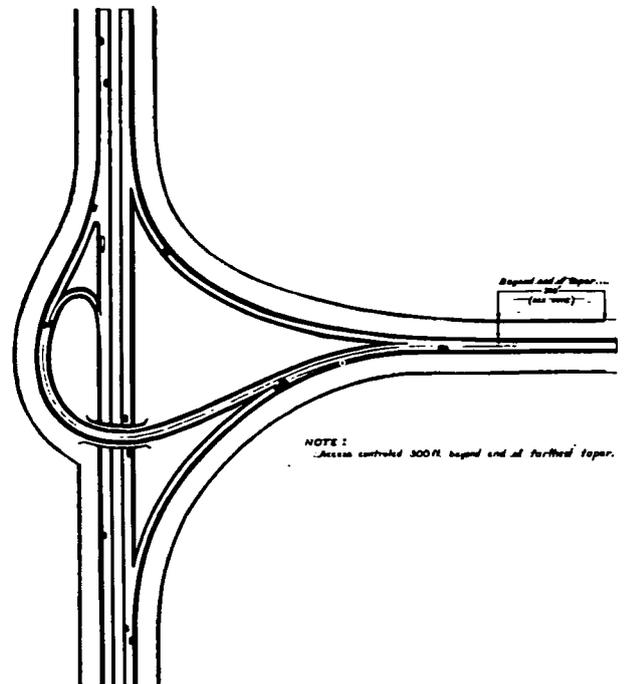
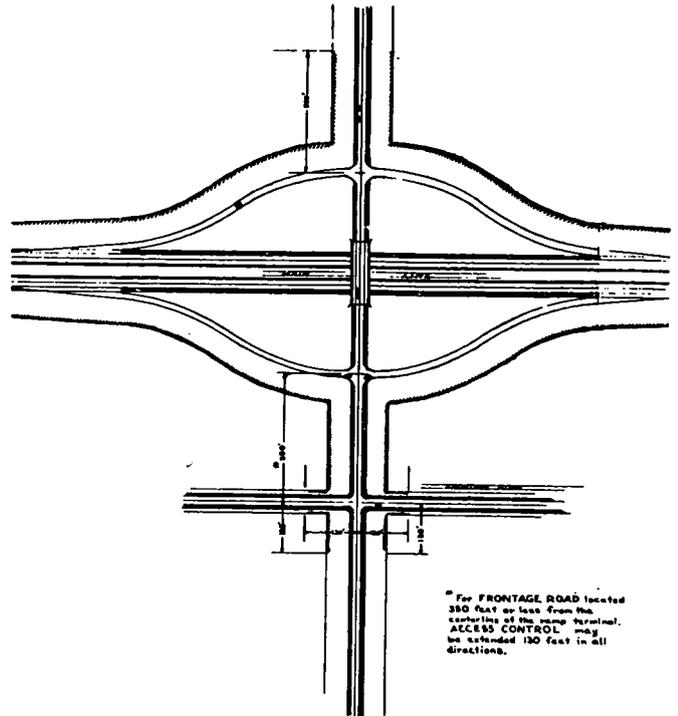
(iii) Type C approach. Type C approach is an Off and On approach in legal manner, for special purpose and width to be agreed upon. It may be specified at a point satisfactory to the state at or between designated highway stations.

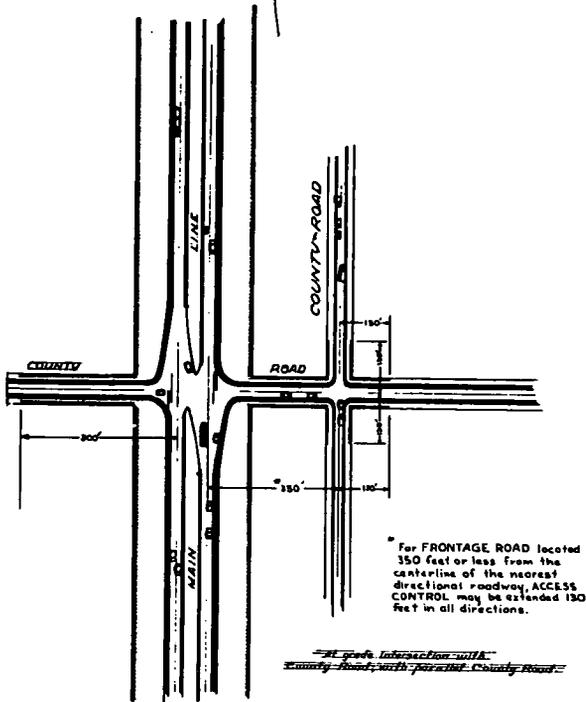
(iv) Type D approach is an off and on approach in a legal manner not to exceed fifty feet in width for use necessary to the normal operation of a commercial establishment. It may be specified at a point satisfactory to the state at or between designated highway stations. Under no circumstances will a change in location or width of this approach be permitted unless approved by the secretary. Noncompliance or violation of these conditions will result in the immediate closure of the approach.

(v) Type E approach is a separated off and on approach in a legal manner, with each opening not exceeding thirty feet in width, for use necessary to the normal operations of a commercial establishment. It may be specified at a point satisfactory to the state at or between designated highway stations. Under no circumstances will a change in location or width of this approach be permitted unless approved by the secretary. Noncompliance or violation of these conditions will result in immediate closure of the approach.

(c) Commercial approaches shall not be permitted within the limits of access control except where modified access control has been approved by the department.

(d) All access control shall be measured from the centerline of the ramps, crossroads or parallel roads or from the terminus of transition tapers. On multiple lane facilities measurement shall be from the centerline of the nearest directional roadway.





**AMENDATORY SECTION** (Amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)

**WAC 468-58-090 GUIDES FOR APPLICATION OF ACCESS CONTROL ((ON)) OF STATE HIGHWAYS.** (1) Fully controlled limited access highways:

(a) All interstate highways shall require full access control ((of access)).

(b) All principal arterial highways requiring four or more through traffic lanes within a ((thirty)) twenty-year design period, shall require full control of access, unless approved for partial or modified access control on existing highways by the ((department)) secretary of transportation or his designee.

((c) Every major highway requiring four or more through traffic lanes, where the estimated traffic volumes exceed 30,000 average daily traffic or 2,000 directional design hour volume within a thirty year design period, shall require full control of access, unless approved for modified access control on existing highways by the department:))

(2) Partially controlled limited access highways:

(a) ((Every)) Principal arterial highways requiring ((only)) two through traffic lanes where the estimated traffic volumes exceed three thousand average daily traffic within a ((thirty)) twenty-year design period shall require partial control of access, unless approved for modified access control on existing highways by the ((department)) secretary of transportation or his designee.

(b) ((Every major highway)) Rural minor arterial highways on both new and existing location and urban minor arterial highways on new location, requiring four or more through traffic lanes within a twenty-year design period, or requiring only two through traffic lanes where the estimated traffic volumes exceed ((3,000)) three thousand average daily traffic within a ((thirty))

twenty-year design period, shall require partial control of access; however, ((unless approved for)) modified access control may be applied on existing ((highways)) location when approved by the ((department)) secretary of transportation or his designee. ((All new rural locations and major relocations in urban areas (other than where full control is required) shall require partial control of access.))

(c) ((All rural)) Collector highways ((and urban collector highways)) on new location requiring four or more through traffic lanes ((within)) in a twenty-year design period shall require partial control of access.

(d) Other rural ((collector)) minor arterial highways with only two lanes ((and urban collector highways with four lanes on new location)) may be considered for partial or modified control of access if the control can be acquired at a reasonable cost; if the route connects two highways of a higher classification; if the potential land development would result in numerous individual approaches such as may be encountered in a recreational area; or if the highway traverses publicly owned lands where access control seems desirable.

((Urban collector highways on locations already established without access control will not normally be considered for development to access control standards.

((d)) (e) Partial access ((rights need)) control will not normally be ((acquired)) used in urban areas, or inside corporate limits on existing principal arterial or ((major)) minor arterial highways where traffic volumes are less than ((700)) seven hundred design hour volume if required levels of urban service, including operating speeds, can be maintained for the estimated traffic under existing ((or)) and estimated future conditions, including traffic engineering operational improvements. If not, the route should be relocated ((and designed)) or reconstructed in accordance with the modified or partial access control standards.

(f) Existing collector highways will normally be considered for access control only where all of the following conditions apply:

(i) The highway serves an area which is not directly served by a higher class of highway.

(ii) Existing or planned development will result in traffic volumes significantly higher than the warrants for access control on minor arterials.

(iii) Partial or modified access control may be established without a major impact on development of abutting properties within the constraints of zoning established at the time access control is proposed.

((e)) (g) Termini of access control sections should be at apparent logical points of design change.

(3) Modified access control - Access control on existing highways:

(a) Modified access control may be established ((when warranted)) on existing highways ((other than Interstate where there is no practical alternative within reasonable cost)). The degree of control applied will be such that most approaches, including commercial approaches, existing and in use at the time of the establishment, may be allowed. Commercial approaches for future development may also be considered in order to avoid economic land locking. No commercial approaches will be allowed

other than those included in the plan at the time access control is established and access rights are acquired.

(b) Selection of facilities on which modified access control will be applied, will be based upon a design analysis considering but not limited to traffic volumes, level of service, route continuity, population density, local land use planning predicted growth rate established by the planning agency having jurisdiction, economic analysis, and safety. A comparison of these factors based on modified access control versus full or partial control shall be the basis of the decision by the ~~((department))~~ secretary of transportation or his designee to establish modified access control on a section or sections of highway.

(c) Where modified access control is to be established on existing highways, commercial areas may be excepted from control when all or most of the abutting property is developed to the extent that few, if any, additional road approaches would be required with full development of the area. Such exceptions will not normally extend to corporate limits or to urban area boundaries.

Nothing in this policy should be construed to prevent short sections of full ~~((or)),~~ partial, or modified control of access where unusual topographic, land use, or traffic conditions exist. Special design problems should be dealt with on the basis of sound engineering-economic principles.

Because specific warrants cannot be logically or economically applied in every circumstance, ~~((the department with reasonable))~~ exceptions may be considered upon presentation to the secretary of transportation or his designee of justification ((may deviate)) for reasonable deviation from this policy.

**AMENDATORY SECTION** (Amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)

**WAC 468-58-100 GUIDES FOR THE APPLICATION OF MODIFIED ACCESS CONTROL ON EXISTING STATE HIGHWAYS.** (1) Definitive standards for road approaches on modified access controlled highways shall be as follows:

(a) The type of approach for each parcel shall be commensurate with the present and potential land use and be based on appraisals which consider the following:

(i) Local ~~((zoning regulations))~~ comprehensive plans, zoning and land use ordinances.

(ii) Property covenants and/or agreements.

(iii) City or county ordinances.

(iv) The highest and best use of the property.

(v) Highest use and best use of adjoining lands.

(vi) Change in use by merger of adjoining ownerships.

(vii) All other factors bearing upon proper land use of the parcel.

(b) The type of approaches\* to be considered are:

(i) Type ~~((\*))~~A (Residential).

(ii) Type ~~((\*))~~B (Farm).

(iii) Type ~~((\*))~~C (Special Use).

(iv) Type D (Commercial single 50 feet width).

(v) Type E (Commercial double 30 feet width).

(c) Once established, the type, size and location of the approach may be modified by the secretary of transportation or his designee.

(d) When type D or E approaches have been established, interim use of type A or B approaches will be allowed.

(2) Design. The number and location of approaches on a modified access control highway shall be carefully planned to provide a safe highway compatible with present and potential land use. The following will be applied:

(a) Parcels which have access to another public road or street as well as frontage on the highway will not normally be allowed direct access to the highway.

(b) Approaches located in areas where sight limitations create undue hazard shall be relocated or closed.

(c) The number of access openings shall be held to a minimum. Access openings are limited to one approach for each parcel of land with the exception of extensive frontages where one approach is unreasonable or for type E approaches which feature separate off and on approaches.

(d) Joint use of access approaches shall be considered, where feasible.

(e) New approaches will be considered at the time of plan adoption to prevent a physical "landlock" by reason of access taking.

(f) Existing access points not meeting the test of these rules as described in this section, will be closed.

~~((3) Type D and E commercial approaches are defined as follows:~~

~~(a) Type D approach is an off and on approach in a legal manner not to exceed 50 feet in width for use necessary to the normal operation of a commercial establishment. It may be specified at a point satisfactory to the state at or between designated highway stations. Under no circumstances will a change in location or width of this approach be permitted unless approved by the secretary or his designee. Noncompliance or violation of these conditions will result in the immediate closure of the approach.~~

~~(b) Type E approach is a separated off and on approach in a legal manner, with each opening not exceeding 30 feet in width, for use necessary to the normal operations of a commercial establishment. It may be specified at a point satisfactory to the state at or between designated highway stations. Under no circumstances will a change in location or width of this approach be permitted unless approved by the secretary or his designee. Noncompliance or violation of these conditions will result in immediate closure of the approach.)~~

\*Refer to WAC 468-58-080 for definitions.

**WSR 79-08-062**

**ADOPTED RULES**

**DEPARTMENT OF LICENSING**

[Order 307—Filed July 23, 1979]

I, R. Y. Woodhouse, director of Department of Licensing, do promulgate and adopt at Highways-Licenses Building, Olympia, Washington 98504, the annexed rules relating to the amending of WAC 308-32-015

Nonparticipating creditors—Terms to be included in contract; WAC 308-32-310 Fees; repealing WAC 308-32-300 License renewal fee.

This action is taken pursuant to Notice No. WSR 79-06-110 filed with the code reviser on 6/6/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.28.170 which directs that the Department of Licensing has authority to implement the provisions of chapter 18.28 RCW.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED July 23, 1979.

By R. Y. Woodhouse  
Director

AMENDATORY SECTION (Order 5, filed 8/20/68)

WAC 308-32-015 NONPARTICIPATING CREDITORS—TERMS TO BE INCLUDED IN CONTRACT. Every contract between a licensee and a debtor shall include a provision that the licensee shall (~~within ninety (90) days of the date the contract is entered into,~~) notify the debtor in writing (~~of all creditors who refuse to accept payment pursuant to the debt adjusting plan~~) within five days of notification to the licensee by a creditor that the creditor refuses to accept payment pursuant to the contract between the licensee and the debtor. No fee shall be charged for an indebtedness when the creditor involved refuses to accept payment.

AMENDATORY SECTION (Order PL 211, filed 11/5/75)

WAC 308-32-310 FEES. The following fees shall be charged by the professional licensing division of the department of (~~motor vehicles~~) licensing:

Title of Fee	Fee
Examination	\$ 50.00
Initial license	<del>((80.00))</del> 200.00
Investigation	50.00
Renewal	<del>((80.00))</del> 200.00
Renewal penalty	<del>((25.00))</del> 50.00
Duplicate license	3.00

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-32-300 LICENSE RENEWAL FEE

WSR 79-08-063

EMERGENCY RULES

DEPARTMENT OF LICENSING

[Order 546-DOL—Filed July 23, 1979]

I, R. Y. Woodhouse, director of Department of Licensing, do promulgate and adopt at Highways-Licenses Building, 12th and Washington, Olympia, Washington 98504, the annexed rules relating to abandoned and inoperative vehicles. Amending WAC 308-61-010, 308-61-025, 308-61-040, 308-61-100, 308-61-110, 308-61-120 and 308-61-130. Adopting as new rules, WAC 308-61-155, 308-61-160, 308-61-165, 308-61-170 and 308-61-180. Repealing WAC 308-61-015 and 308-61-020.

I, R. Y. Woodhouse, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is chapter 178, Laws of 1979, 1st ex. sess., carrying an emergency clause, became effective May 14, 1979 changing the requirements for removal of abandoned vehicles from the public highways and their disposal at public auction. These rules implementing legislation are necessary to prevent the further build up of a backlog of abandoned vehicles on the public highways with the attendant hazards to life and property which this would cause.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 46.52.115 which directs that the director of Department of Licensing has authority to implement the provisions of chapter 46.52 RCW.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED July 23, 1979.

By R. Y. Woodhouse  
Director

AMENDATORY SECTION (Amending Order #451, filed 9-26-77)

WAC 308-61-010 DEFINITIONS—GENERAL.

(1) *Department.* The department of licensing of the state of Washington.

(2) *Director.* The director of the department of licensing.

~~((3) Sheriff. For the purposes of this chapter "sheriff" means the sheriff in a county or the person who fulfills the normal duties of the sheriff including the disposition of abandoned vehicles or automobile hulks.))~~

~~((4))~~ (3) *Destroy.* To destroy means the dismantling, disassembling or wrecking of a vehicle with the intent of never again operating such as a vehicle, or the sustaining of damage to a vehicle either (a) to the extent

that the cost of repairing it exceeds its fair market value immediately prior to the accident or occurrence, or (b) to the extent that the cost of repairing it plus its salvage value in its damaged condition exceeds or approximately equals the market value of the vehicle in its repaired or restored condition.

~~((5))~~ (4) Demolish. To demolish means the rendering of vehicle salvage into recyclable metals, for example, by means of an hydraulic baler and shears or a shredder operated by a licensed scrap processor.

~~((6))~~ (5) Secure area. A secure area is a place of safety for vehicle storage and is an area completely enclosed by a fence of sufficient height and construction to prevent access by the general public, with a gate which can be locked. The fence shall be at least eight feet high with at least two strands of barbed wire at the top.

~~((7))~~ (6) Licensee. A licensee is a person, firm, partnership, association or corporation holding a valid license or registration issued by the department as a registered disposer, wrecker, hulk hauler, or scrap processor as defined in WAC 308-61-020.

~~((8))~~ (7) Written bid. A written bid means a form approved (supplied) by the department in connection with the sale of abandoned vehicles.

~~((9))~~ Major component part. For the purposes of this chapter the following are considered major component parts of a vehicle:

- (a) Engines and short blocks;
- (b) Frames;
- (c) Transmission and transfer cases;
- (d) Cabs;
- (e) Doors;
- (f) Front and/or rear differentials;
- (g) Front and rear clips;
- (h) Quarter panels;
- (i) Truck beds or boxes;
- (j) Vehicle seats;
- (k) Hoods;
- (l) Bumpers.)

(9) Impounded and Abandoned Vehicles - For the purpose of this chapter an impounded vehicle shall be a vehicle taken into custody and stored up to 5 days at the direction of an enforcement officer pursuant to RCW 46.61.565 or Section 3, chapter 178, laws of 1979, 1st ex. sess. After the 5th day if a vehicle has not been reclaimed by the owner, a registered disposer may declare a vehicle abandoned and proceed as provided by RCW 46.52.114.

**AMENDATORY SECTION** (Amending Order #MV451, filed 9-26-77)

**WAC 308-61-025 DEFINITIONS-REPORTS, DOCUMENTS.** (1) Seller's report of sale. A seller's report of sale on a form furnished by the department will relieve a registered owner from personal liability for costs incurred in the removal, storage or disposal of an abandoned vehicle as provided in RCW 46.52.106 and 46.52.112 if submitted to the department within five days of sale. The seller's report of sale need not be filed if the vehicle has been sold or traded to a licensed dealer. This definition does not apply to the sale of a vehicle

by a dealer or to the public sale of an abandoned vehicle hulk.

(2) Abandoned vehicle report. (a) An abandoned vehicle report shall be submitted (~~in duplicate~~) to the department(;) on the forms provided(;) by any registered disposer taking custody of an abandoned vehicle or (~~automobile~~) hulk (~~or garage keeper with whom the vehicle was stored.~~)

(b) If a law enforcement agency has given the registered and legal owner information to a registered disposer, the disposer shall attach such information to the abandoned vehicle report before sending it to the department. The department shall confirm that the information is correct. If it is not correct, the current registered and legal owner information shall be supplied and the disposer shall send a Notice of Custody and Sale to the latest recorded registered and legal owner.

(3) Notice of custody and sale. A notice of custody and sale is that document sent by the registered disposer to the registered owner and legal owner giving legal notice of amount of the registered disposer's or garage keeper's lien for services, when due, place and time of public sale if not paid and right to seek judgment for deficiency against the registered owner for a maximum of ~~(one)~~ two hundred dollars minus the sale price of the vehicle.

(4) Affidavit of sale. An affidavit of sale is that document given to the successful bidder by the registered disposer or garage keeper. The registered disposer or garage keeper shall state in such affidavit of sale that the sale was conducted under proper procedures and shall indicate the disposition of monies derived from such sale. The affidavit may be submitted to the department with an application for certificate of title or may be used by a licensed auto wrecker, hulk hauler or scrap processor in lieu of certificate of title to report the acquisition for destruction or demolition.

(5) Report of disposition of abandoned vehicle. A report of disposition of abandoned vehicle is that document sent to the Washington state patrol, on the form provided, by the registered disposer showing the disposition of the vehicle previously reported to the department on the abandoned vehicle report form provided.

(6) Release of interest. A release of interest is that notarized document, signed by the owner in accordance with the rules pertaining to vehicle titles on a form provided by the department, by which the owner may relinquish interest in a vehicle if the certificate of title is not available for his signature.

(7) Bill of sale. A bill of sale shall include the names and addresses of the seller and purchaser, a description of the vehicle or part being sold, including the make, model and identification or serial number, the date of sale, and the purchase price of the vehicle or part. A private party sale shall include the notarized signature of the seller. Bills of sale are acceptable in lieu of title in the case of vehicles from nontitle states or when an insurance company or private owner has turned in the title to a vehicle previously destroyed as provided under WAC 308-58-030. (~~Sheriff bills of sale issued pursuant to RCW 46.52.116 may also be used in lieu of title.~~)

(8) Abandoned vehicle bid form. An abandoned vehicle bid form is that form provided by the department for the purpose of recording the second and third highest bids at the sale of abandoned vehicles.

**AMENDATORY SECTION** (Amending Order #MV451, filed 9-26-77)

**WAC 308-61-040 DOCUMENTS SUPPORTING ACQUISITION OF VEHICLES.** Any licensee may acquire vehicles for hauling, destruction or demolition if the transferor can furnish proof of ownership, in the form of a certificate of title properly endorsed, from a state issuing a title, or a certificate of registration and notarized bill of sale from a state issuing a registration certificate only. If such evidence of ownership is not available, the following documents may serve to support acquisition or possession when used by an appropriate licensee:

(1) Affidavit of lost or stolen title. When a title is lost or stolen, an affidavit of lost or stolen title executed by the registered or legal owner of record and a release of interest describing the vehicle in full, both of which shall be notarized, will be acceptable in lieu of title.

(2) Permit to wreck. (a) When a licensed wrecker is in possession of a vehicle ten years or older, and ownership of which or whose owner's residence is unknown, a permit to wreck a vehicle, or part thereof, issued by the department, will be acceptable in lieu of title.

(b) Prior to submitting an application for such permit, inquiry shall be made to the department to determine if record of the vehicle is on file. In the event record of the vehicle is on file, the application shall be accompanied by a notarized release of interest from the registered and legal owners. If no registered or legal owner can be located, evidence shall be presented of efforts made to contact the owner(s), such as copies of correspondence and returned receipts for registered or certified mail.

(c) If no record is on file, the wrecker shall conduct a thorough examination of the vehicle to determine its make, model, year and vehicle identification number, and to locate information leading to the name of the state in which the vehicle was last registered. All such information shall be reported to the department, which will communicate with such other states as may be necessary to determine whether the registered and legal owner information is available for the vehicle. When all reasonable efforts to obtain the owner information have proved unsuccessful, the permit to wreck may be issued. Before the issuance of a permit, the department may require inspection by the Washington state patrol for vehicle identification number. A record of all steps taken to locate the owner of the vehicle shall be kept by the wrecker to whom the permit was issued for three years.

(d) A fee of one dollar plus filing fee of one dollar shall be included with the application for the permit to wreck.

(3) Insurance bills of sale. When a vehicle is purchased from an insurance company which has surrendered title to the department, a bill of sale from the insurer will be acceptable in lieu of title.

(4) Authorization to dispose. Upon request from a private person having the right to possession to property

upon which an abandoned junk motor vehicle has been left, or from a governmental unit possessing jurisdiction over public property, a written authorization to dispose of such vehicles will be acceptable in lieu of title. Such authorizations may only be issued by law enforcement officers having jurisdiction or authorized representatives of the department, on forms provided for this purpose, after a determination that the vehicle qualifies as an abandoned junk motor vehicle. The ultimate disposition of such vehicles shall be through a scrap processor or vehicle wrecker. ~~((and such vehicles may never be offered for sale as a whole vehicle.))~~

(5) Affidavit of sale. When an abandoned vehicle is acquired at public sale, an affidavit of sale on the form provided by the department and completed by the registered disposer taking custody of and selling or retaining the vehicle, will be acceptable in lieu of title.

~~((6) Bill of sale. When, pursuant to a city or county ordinance, an abandoned vehicle ten or more years old is impounded and declared a public nuisance, a bill of sale signed by the sheriff will be acceptable in lieu of title.))~~

~~((7))~~ (6) Invoice or bill of sale from wrecker. When vehicles are purchased from a wrecker licensed by the department, which have been properly reported, an invoice or bill of sale from said wrecker listing each vehicle by "yard number" will be acceptable in lieu of title.

**AMENDATORY SECTION** (Amending Order #MV174, filed 10-19-73)

**WAC 308-61-100 REGISTERED DISPOSERS—APPLICATION.** (1) The application for registration of tow truck operators to dispose of abandoned vehicles and ~~((automobile))~~ vehicle hulks shall contain:

~~((a) The name under which the business is conducted, the established business address of such business, and the telephone number of such business.))~~

~~((b) The name and address of the owner, or if a partnership, the name and address of each partner. If the owner is a corporation, the names of the principal officers and their addresses.))~~

~~((c))~~ (a) A statement as to whether the applicant has previously been registered to dispose of abandoned vehicles or abandoned automobile hulks. If the applicant has been so registered, then the registration number shall be shown.

~~((d))~~ (b) A statement as to whether the applicant currently has a towing or storage contract with any unit of government and giving the name of such governmental unit if a contract exists.

~~((e))~~ (c) A statement as to whether the applicant has previously engaged in the vehicle towing or storage business under a different name. If the applicant has, the name, addresses, and dates of the business shall appear. If the applicant has been under a different personal name in said business, that name shall be given.

~~((f))~~ (d) A statement as to the applicant's solvency.

~~((g) A statement and description of insurance coverage.))~~

~~((h))~~ (e) A statement and description of facilities available to the applicant for the storage of abandoned vehicles or automobile hulks.

((†)) (f) A description of each towing vehicle equipped with a lifting mechanism and used by the applicant in his business. Such description shall include the make, year, model or other adequate description, and identification number of the vehicle and the regular Washington license plates assigned to it.

((†)) (g) A statement as to whether the applicant has ever had a business license suspended or revoked and, if so, an explanation of the circumstances.

((†)) (h) A statement setting forth the applicant's standard fee schedule for towing, storage and other charges. (The department shall be notified within ten days of any changes.)

((†)) (i) A statement of the hours available for towing services. If a towing operator has more than one place of business, he shall list hours for each location.

(2) An applicant shall appear for a personal interview if requested by the department.

**AMENDATORY SECTION** (Amending Order #MV451, filed 9-26-77)

**WAC 308-61-110 REGISTERED DISPOSERS—GENERAL PROCEDURES AND REQUIREMENTS.** All registered disposers shall comply with all statutes, rules and regulations relative to the handling and disposition of abandoned vehicles and automobile hulks, and shall make reports in such form and frequency as may be required.

(1) Additional places of business. The address of each place of business operated under the same name and within a single county shall be attached to the registration application. Such additional places of business may be operated under one permit; no additional bond or insurance will be required for such premises so long as each additional place of business is covered by the bond and insurance. The provisions of subsection (5) shall apply to each and every such location.

(2) Change of address. The department shall be notified immediately of any change of address of any business location or of the addition of any such location.

(3) Changes in ownership. Any change of partners or of a corporation's officers' names and addresses, aside from a total sale of the business, shall be reported to the department, in writing, within ten days of such change. A complete sale of business requires a full application from the new owner(s).

(4) Insurance coverage. ~~((Each registered disposer and garage keeper shall carry at least five thousand dollars of insurance to protect against vehicle damage from, including but not limited to, fire and theft incurred from the time a vehicle comes into his custody until it is sold as an abandoned vehicle or reclaimed by the registered or legal owner. Each registered disposer shall also carry at least fifty thousand dollars of liability insurance for property or bodily injury. The department shall be notified within ten days of any change which leaves the disposer or garage keeper without the necessary minimum coverage. A copy of the insurance policy or certificate of coverage shall be filed with the department. The insurer shall notify the department if the policy is cancelled.)) Pursuant to RCW 46.52.108(5) each registered disposer shall file a certificate from an insurance company for:~~

(a) insurance to protect vehicle owners under a garagekeeper legal liability policy for vehicles in his care, custody and control including, but not limited to, fire and theft in the amount of \$10,000.00 for each vehicle.

(b) A minimum of \$50,000.00 general liability insurance coverage for each occurrence including bodily injury or property damage.

(c) The amount of insurance required shall be applicable to each location at which vehicles are held in care, custody and control or where the business as a registered disposer is conducted. It shall be incumbent upon each registered disposer for insurance purposes to provide the necessary information for coverage at each location as determined by annual gross receipts, number of employees, number of vehicles used in the business or other means determined to be appropriate for providing public protection proportionate to the size of each business location.

(d) An insurer shall notify the department at least 10 days prior to cancellation of a policy.

(5) Storage areas. Vehicles in the custody of a registered disposer shall be kept entirely within a secure area owned or operated by the registered disposer. The fencing requirement may be waived in writing by the department where, due to topography, a fence would be impracticable and the storage area is secure without a fence.

(6) Business hours. Each registered disposer shall post his business hours in a place conspicuous to the public when the business is closed and each shall be available for the purpose of releasing vehicles at least five days a week for posted periods of at least four hours' duration between the hours of 8 a.m. and 8 p.m.

(7) Identification of licensee's vehicles. All vehicles equipped for lifting or transporting vehicles or hulks which are operated on the highways of the state shall display the licensee's name, city in which the licensee's established place of business is located, and current business telephone number of such licensee. Such information shall be painted on or permanently affixed to both sides of the vehicle in letters or numerals at least three inches high.

(8) Fee schedule. The department shall be notified within ten days of any change in the fee schedule for towing or storage, which schedule was submitted to the department with the application.

(9) Registration number. The registered disposer's registration number shall appear on all correspondence regarding the disposition of abandoned vehicles and automobile hulks.

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

**AMENDATORY SECTION** (Amending Order #MV174, filed 10-19-73)

**WAC 308-61-120 REGISTERED DISPOSERS—PROCEDURES FOR TAKING CUSTODY.** (1) Vehicles deemed abandoned. Vehicles meeting the requirements of RCW 46.52.102 and 46.52.145 may be deemed

abandoned vehicles and abandoned junk motor vehicles, respectively. In addition, vehicles left in garage storage may be deemed abandoned in the following manner:

(a) Fixed contract of storage. A vehicle stored under a fixed contract of storage may be deemed abandoned on the ~~((fifth))~~ third day following expiration of the contract. The fact of abandonment shall be reported to the department and Washington state patrol ~~((within ten days of the date of abandonment))~~ by the fourth day after expiration of the fixed contract of storage.

(b) Open-ended contract of storage. A vehicle stored under an open-ended contract of storage may be deemed abandoned at any time by the ~~((garage keeper))~~ registered disposer. The fact of abandonment shall be reported to the department and Washington state patrol within ~~((ten days of the date of abandonment))~~ twenty-four hours from the time a vehicle is declared abandoned.

The abandoned vehicle may be offered for public sale pursuant to RCW 46.52.111 and 46.52.112 or other appropriate statutory procedures ~~((as if it were being offered by a registered disposer)).~~ If offered for sale pursuant to RCW 46.52.111 and 46.52.112, the ~~((garage keeper))~~ registered disposer shall in addition notify the owner of the date the vehicle was deemed abandoned.

(2) Must possess written authority to tow or other evidence of lawful possession. Unless the registered disposer has appropriate evidence of ownership or lawful possession for every abandoned vehicle, he shall have in his possession a properly executed written authority to tow from the person requesting removal of the vehicle before he may take custody of any vehicle and while he transports such vehicle.

The properly executed written authority to tow or other evidence of lawful possession will suffice in lieu of current license plates or trip permits for such abandoned vehicles.

(3) Claiming vehicles. (a) Either a registered or legal owner may claim an abandoned vehicle from a registered disposer by payment of the disposer's charges that have accrued to the time of reclamation. If the vehicle was impounded at the direction of or placed in custody by any law enforcement agency, the registered disposer shall notify such agency of the fact that the vehicle has been claimed, and by whom.

(b) A registered owner who prevails at a hearing shall turn in to the disposer evidence from the district court the impound was held to be invalid. A registered disposer is entitled to collect his impounding costs from the impounding enforcement agency in each case in which he has reimbursed a registered owner because an impound was found to be invalid.

(c) Registered disposers shall maintain a separate trust account for the deposit of cash bonds. Such trust account shall be in an amount which is equal to the total of all deposits on cases still to be tried in district court.

(4) Surrendering titles. The registered disposer shall attach to the affidavit of sale any certificate of title voluntarily surrendered to him by the registered or legal owner of an abandoned vehicle. Having the certificate of title in his possession does not relieve the registered disposer of the duty to issue an affidavit of sale to the high bidder at public sale.

### AMENDATORY SECTION (Amending Order #MV451, filed 9-26-77)

WAC 308-61-130 REGISTERED DISPOSERS—PROCEDURES FOR SALE. ~~((Only tow truck operators registered to dispose of abandoned vehicles and hulks and garage keepers with whom an abandoned vehicle has been left, may sell abandoned vehicles.))~~

(1) Notice of custody and sale. Notice of custody and sale given to the registered and legal owners shall describe the abandoned vehicle or hulk by make, model, year and vehicle identification number, and shall state the amount of the lien for towing and storage, and the date and place of public sale if vehicle is not reclaimed within fifteen days after notice was mailed to such owner.

If the department or its authorized agent has received application for transfer of title prior to the registered disposer's request for owner information for an abandoned vehicle in his custody, and so notifies the registered disposer prior to the date of public sale, the registered disposer shall send appropriate notice to the latest owner of record even though the department has given him the name and address of a previous owner of record.

When the registered disposer notifies a later owner of record, he may include the cost of notice to both previous and present owners of record in his actual costs of sale.

(2) Vehicles registered out of state. Abandoned vehicles registered in other states may be sold under the same procedures for the disposition of abandoned vehicles registered in this state. A copy of the notice of custody and sale shall be sent to the department of motor vehicles in the state in which the vehicle was last registered.

If license plates or registration certificates are not on an abandoned vehicle in the custody of a registered disposer or garage keeper, he shall conduct a thorough examination of the vehicle to determine its make, model, year and vehicle identification number, and to locate information leading to the name of the state in which the vehicle was last registered. The department may require an inspection by the Washington state patrol to verify the vehicle identification number of such vehicle. All such information shall be reported to the department, which will communicate with such other states as may be necessary to determine whether the registered and legal owner information is available for the vehicle.

When all reasonable efforts to obtain the owner information have proved unsuccessful, including proof of efforts to follow clues and mail notices to registered and legal owners the vehicle may be disposed of in accordance with all procedures except that the notification of the registered and legal owners by certified or registered mail may be omitted if no clue to their addresses can be found. A record of all steps taken to locate the owner(s) of the vehicle shall be kept by the person having custody thereof for a period of three years.

(3) Examination by potential bidders. (a) The registered disposers shall make vehicles offered for public sale available for examination by potential bidders for a time

period of not less than three hours prior to the sale. Such time period for vehicle examination shall be included in the published ad required under RCW 46.52.112.

(b) The second and third highest bidder on each vehicle may submit a written bid to the registered disposer. The bid shall be on the abandoned vehicle bid forms available from the department. Vehicles shall be sold to the highest bidder but if the high bidder defaults the next highest bidder, if known, shall have the right to purchase for the amount of his bid and this process shall continue until the vehicle is sold or no bidder remains. Bids submitted in writing shall be retained for inspection in the records of the registered disposer for not less than three years.

(c) To implement the procedures set forth in this section, registered disposers shall post a public notice of the bidding procedures which shall clearly set forth to prospective bidders the availability of bid forms for the second and third highest bidders and other information as provided by the department.

(4) May bid himself. The registered disposer may bid on the abandoned vehicle. If his is the high bid and the bid exceeds the amount of his lien and actual costs of sale, he shall transmit the excess half to the county treasurer and half to the state treasurer as he would if the high bid was made by a person other than himself.

The registered disposer may not elect to retain the vehicle if the high bid does not meet the amount of his lien plus his actual costs of sale. If a registered disposer intends to engage in the business of reselling vehicles he acquires he shall first obtain a vehicle dealer licensed as required in chapter 46.70 RCW.

(5) Actual costs of sale. In addition to charges specified in the fee schedule on file with the department, the registered disposer may charge against the registered owner or include in his lien only the actual expenses incurred in the sale of abandoned vehicle or hulk. Such actual expenses may include, by way of example, the amount paid for certified or registered mail, and the amount spent to advertise the sale prorated among the number of vehicles advertised. Any other provable actual costs may be assessed. No registered disposer may charge a flat percentage fee or other fixed amount as his cost of sale for the purpose of subsection (5).

(6) Permissible charges. (a) Prior to the public sale the abandoned disposer has a lien against the vehicle in his possession for all actual costs, including charges for towing and storage.

(b) If the amount for which the vehicle is sold at public sale is not sufficient in dollar amount to pay the amount of the lien and the actual costs of sale or ~~((one))~~ two hundred dollars, whichever is less, then the registered disposer shall have a deficiency claim against the registered owner, on which he may seek a judgment in an appropriate court of law, in an amount which is the lesser of the following:

(i) If the amount of the lien is ~~((one))~~ two hundred dollars or more, then the difference between ~~((one))~~ two hundred dollars and the amount of the successful bid which is less than ~~((one))~~ two hundred dollars;

(ii) If the amount of the lien is ~~((one))~~ two hundred dollars or less, then the difference between the amount

of the lien and the amount of the successful bid which is less than the amount of the lien;

(c) After the public sale, no registered disposer shall attempt to procure from the registered owner of any abandoned vehicle payment in an amount in excess of the permitted deficiency claim;

(d) In addition, no registered disposer shall attempt to procure payment for storage of an abandoned vehicle or hulk for more than thirty days after he receives the owner information from the department unless he receives written authority from the registered or legal owner to store such vehicle for a longer period.

(e) RCW 46.52.111 time limits shall be observed except where delay is unavoidable in such instances as when a later owner of record is found, vehicle processing is delayed pending investigation of a vehicle's true identification number by law enforcement or other circumstance beyond the control of a registered disposer.

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

#### NEW SECTION

WAC 308-61-155 LAW ENFORCEMENT PROCEDURES FOR IMPOUNDING. The notification of impoundment under RCW 46.61.565 or chapter 46.52 RCW mailed to the last registered and legal owner shall include a certificate of mailing and shall be on a format approved by the department and Washington state patrol:

(1) Name, address and phone number of the impounding enforcement agency, location which lead to impoundment, make, model, description, identification number, license plate number of vehicle and state which issued, whether plate is current, comment on condition of vehicle including obvious body damage or missing equipment, brief reason for impounding, name, address and phone number of registered disposer in whose custody the vehicle was placed, steps required to redeem the vehicle, that a hearing may be requested within 10 days of mailing the notification, location and address of the district court in the area of the impound and that the hearing request should be made to the district court by request in an appropriate space on the notification form, provision for the district court to acknowledge and date the hearing request. In addition pursuant to RCW 46.52.114 a warning statement shall state "If a vehicle remains unclaimed for 5 days, it may be deemed abandoned and sold at a public sale."

(2) If a registered owner prevails at a district court hearing the impounding enforcement agency shall be liable to the registered disposer for permitted impoundment, towing and storage charges.

(3) Upon presentation of satisfactory proof to the registered disposer holding the vehicle that the impoundment was held invalid the registered disposer shall release the vehicle to the registered owner and collect the appropriate impoundment amount from the impounding agency.

NEW SECTION

**WAC 308-61-160 LAW ENFORCEMENT NOTIFICATION STICKERS.** (1) When a law enforcement officer discovers an apparently abandoned vehicle or hulk which does not appear to be a public safety hazard under RCW 46.61.565 he shall attach a readily visible notification sticker which shall:

- (a) Give date and time the sticker was attached,
  - (b) Identity of the officer,
  - (c) A statement that if the vehicle is not removed within twenty-four hours from the time the sticker is attached, the vehicle may be taken into custody and stored at the owner's expense,
  - (d) Identity, location and phone number of the enforcement agency where additional information can be obtained.
  - (e) A warning that if the vehicle is taken into custody it may be deemed abandoned 5 days after it has been placed in storage and sold at public auction.
- (2) If the vehicle has current Washington plates and registration, the officer shall check the records to learn the identity of the last owner of record. The officer or his agency shall make a reasonable effort to contact the owner by telephone in order to give the owner the information on the notification sticker.

NEW SECTION

**WAC 308-61-165 PLACING VEHICLES IN CUSTODY.** (1) If a vehicle is not removed in twenty-four hours subsequent to placement of a notification sticker, a law enforcement officer may take custody of the vehicle or hulk and place it in the care of a registered disposer who may tow it to his business location for safekeeping.

(2) Whenever a law enforcement officer or his department obtain the identity of the registered and legal owner of an abandoned vehicle or hulk placed in the custody of a registered disposer such information shall be given to the disposer at the earliest possible time so as to assist registered disposers in sending the required notices to registered and legal owners.

NEW SECTION

**WAC 308-61-170 VEHICLES IMPOUNDED OR TAKEN INTO CUSTODY.** Pursuant to RCW 46.52.114, if a vehicle remains unclaimed for 5 days from the impound date or date taken into custody, it may be deemed abandoned and subject to the provisions of RCW 46.52.111 and RCW 46.52.112; PROVIDED HOWEVER, that where a timely request for a hearing has been made pursuant to section 4, chapter 178, laws of 1979, 1st ex. sess., the procedural requirements of the abandoned vehicle provisions of RCW 46.52.111, RCW 46.52.112 and RCW 46.52.114 (i.e. notice to registered and legal owners and publishing in a newspaper of general circulation of the date, time and place of public sale, etc.) may be commenced but the sale of a vehicle at

public auction shall not take place until after the requested hearing has been held or the request has been otherwise disposed of by order of the district court.

NEW SECTION

**WAC 308-61-180 HEARING REQUESTS** (1) Upon receipt of a hearing request from a registered owner, a district court shall provide the registered disposer and enforcement officer a copy of such request together with the assigned hearing date.

(2) Upon completion of the hearing, the district court shall forward a copy of the judgment to the enforcement agency and the registered disposer as shown on the hearing request document.

REPEALER

The following sections of the Washington Administrative Code are each repealed:

(1) WAC 308-61-015 DEFINITIONS—VEHICLES.

(2) WAC 308-61-020 DEFINITIONS—PERSONS SUBJECT TO REGULATION.

WSR 79-08-064

PROPOSED RULES

LIBRARY COMMISSION

[Filed July 23, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Library Commission intends to adopt, amend, or repeal rules concerning rules and regulations for implementing the Washington Library Network, SB 3094, chapter 31, Laws of 1976 2nd ex. sess., chapter 304-25 WAC;

that such agency will at 10 a.m., Thursday, December 13, 1979, in the Carvery Restaurant Auditorium, Seattle-Tacoma Airport, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10 a.m., Thursday, December 13, 1979, in the Carvery Restaurant Auditorium, Seattle-Tacoma Airport.

The authority under which these rules are proposed is chapter 31, Laws of 1976, 2nd ex. sess.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to 10 a.m., Thursday, December 13, 1979, and/or orally at 10 a.m., Thursday, December 13, 1979, Carvery Restaurant Auditorium, Seattle-Tacoma Airport.

This notice is connected to and continues the matter noticed in Notice No. WSR 79-05-126 filed with the code reviser's office on May 2, 1979.

Dated: July 23, 1979

By: Roderick G. Swartz  
State Librarian

**WSR 79-08-065**  
**PROPOSED RULES**  
**LIBRARY COMMISSION**  
 [Filed July 23, 1979]

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This notice is connected to and continues the matter noticed in Notice No. WSR 79-05-127 filed with the code reviser's office on May 2, 1979.

Dated: July 23, 1979

By: Roderick G. Swartz  
 State Librarian

**WSR 79-08-066**  
**ADOPTED RULES**  
**DEPARTMENT OF GAME**  
 [Order 137-Filed July 23, 1979]

Be it resolved by the Game Commission, State of Washington, acting at Olympia, Washington, that it does promulgate and adopt the annexed rules relating to WAC 232-28-102 1979 Upland Migratory Game Bird Seasons WAC 232-12-655 Definitions - Hydraulic project permits WAC 232-12-205 Checking stations - Inspection of game WAC 232-12-010 Definition of terms WAC 232-12-130 Unlawful firearms for hunting WAC 232-12-070 Game farmer license provisions WAC 232-12-816 Copying WAC 232-12-500 Firearm safety license requirement for juveniles and WAC 232-12-360 Steelhead fishing permit punch card.

This action is taken pursuant to Notice No. WSR 79-05-107 filed with the Code Reviser on May 2, 1979. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule making authority of the Game Commission as authorized in RCW 77.12.040.

The undersigned hereby declares that he had complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW) or the Administrative Procedure

Act (chapter 34.04 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

This order, after being first recorded in the Order Register of this governing body, shall be forwarded to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED July 9, 1979.

By Ralph W. Larson  
 Director

NEW SECTION

WAC 232-28-102 1979 UPLAND MIGRATORY GAME BIRD SEASONS

MOURNING DOVE:

Eastern Washington  
 September 1 - September 16, inclusive

Western Washington  
 September 1 - September 30, inclusive

Daily bag limit: 10  
 Possession limit: 20

BAND-TAILED PIGEON: (Statewide)

September 1 - September 30, inclusive  
 Daily bag limit: 5  
 Possession limit: 5

SHOOTING HOURS as follows:  
 (Daylight Saving Time)

DATES INCLUSIVE	Eastern Washington		Western Washington	
	From A.M.	To P.M.	From A.M.	To P.M.
Sat. Sept. 1 Sun. Sept. 2	5:45	7:40	6:00	7:50
Mon. Sept. 3 Sun. Sept. 9	5:50	7:30	6:05	7:40
Mon. Sept. 10 Sun. Sept. 16	6:00	7:15	6:15	7:25
Mon. Sept. 17 Sun. Sept. 23	6:10	7:00	6:20	7:10
Mon. Sept. 24 Sun. Sept. 30	6:25	6:45	6:30	6:55

NEW SECTION

WAC 232-12-655 DEFINITIONS - HYDRAULIC PROJECT PERMITS For the purposes of RCW 75.20.100, a "river or stream" shall include waters located in a natural or man-made watercourse, including but not limited to all watercourses in which fish may spawn, reside, or through which they may pass, and those which will affect watercourses in which fish may spawn, reside or through which they may pass. This shall also include watercourses which exist on an intermittent basis or which fluctuate in level during the year and shall apply to the entire bed of such watercourse whether or not the water is at peak level.

For the purpose of RCW 75.20.100, the "natural flow or bed" of any such watercourse shall include any segment which has been altered by man. This definition is not meant to include irrigation ditches or canals or other entirely artificial watercourses constructed for specific purposes not related to containing or directing the flow of water from a watershed or from another body of water.

NEW SECTION

WAC 232-12-201 CHECKING STATIONS - INSPECTION OF GAME AND LICENSES. (1) The

Department of Game is authorized to establish checking stations where deemed necessary to inspect licenses of hunters and fishermen and to inspect any game animals, game fish or fur-bearing animals in the possession of hunters and fishermen.

(2) Every person, upon the request of the director, or his authorized representative, or of any wildlife agent, shall produce for inspection any current fish and game license which has been issued to such person and shall produce for inspection any game animals, birds, fish or fur-bearing animals in his possession. Hunters or fishermen entering or leaving areas for which checking stations have been established must stop and report if a checking station is on the hunter's or fishermen's route of travel, to or from the hunting or fishing area. Failure to stop and report at a checking station, when personnel are on duty, shall constitute a misdemeanor.

**AMENDATORY SECTION** (Amending Order #2, filed 4/20/70)

**WAC 232-12-010 DEFINITION OF TERMS.** Unless the wording or context indicates that a different meaning is intended, the following words, terms and phrases shall, for the purposes of all rules and regulations of the state game commission, be given the meanings hereinafter subjoined to them.

- (1) "Director" means the director of game.
- (2) "Department" means the department of game.
- (3) "Commission" means the state game commission.
- (4) "Wildlife Agent" means any persons referred to in RCW Title 77 as "Game Protectors."
- (5) "Person" means and includes any individual, any corporation, or any group of two or more individuals acting in an individual, representative, or official capacity.
- (6) "Hunt" and its derivatives, "hunting," "hunted," etc., and "trap" and its derivatives, "trapping," "trapped," etc., means any effort to kill, injure, capture, or disturb a wild animal or wild bird.
- (7) "Fish" and its derivatives, "fishing," "fished," etc., means any effort made to kill, injure, disturb, capture, or catch a game fish.
- (8) "Closed season" means all of the time during the entire year excepting the "open season" as specified by rule and regulation of the commission.
- (9) "Open season" means the time specified by rule and regulation of the commission when it shall be lawful to hunt, trap, or fish for any game animals, fur-bearing animals, game birds, or game fish. Each period of time specified as an open season shall include the first and last days thereof.
- (10) "Closed area" means any place in the state described, or designated by rule or regulation of the commission wherein it shall be unlawful to hunt or trap for game animals, fur-bearing animals, or game birds.
- (11) "Closed waters" means any lake, river, stream, body of water, or any part thereof within this state described or designated by rule and regulation of the commission wherein it shall be unlawful to fish for any game fish.
- (12) "Game reserve" means any "closed area" designated by the commission as a game reserve.

(13) "Game fish reserve" means any "closed waters" designated by the commission as a game fish reserve.

(14) "Bag limit" means the maximum number of game animals, game birds, fur-bearing animals, or game fish which may be taken, caught, killed, or possessed by any licensee, specified and fixed by rule and regulation of the commission for any particular period of time, or so specified and fixed as to size, sex, or species.

(15) "Valid deer or elk tag" shall mean a supplemental deer or elk tag issued for the current season that has not been altered or notched.

**AMENDATORY SECTION** (Amending Order #110, filed 10/27/77)

**WAC 232-12-130 UNLAWFUL FIREARMS FOR HUNTING.** (1) No person shall hunt any deer, elk, bear, mountain goat, mountain sheep, moose, or caribou with the following:

- (a) Any fully automatic firearm.
- (b) Any pistol or revolver.
- (c) Any rifle that fires a cartridge that: has a caliber diameter less than .240 of an inch (6mm); or has a bullet weight less than 85 grains; or develops less than 900 foot pounds of energy at 100 yards.

(d) Any rifle cartridge containing a bullet other than a mushrooming or expanding type designed for big game hunting.

(3) Any shotgun; except, shotguns 20 gauge or larger containing shells loaded with slugs or buckshot size "0" or larger may be used to hunt deer.

Provided, That muzzleloading rifles that meet the definition of muzzleloader as defined in WAC 232-12-135 may be used.

(2) No person shall hunt game birds with a shotgun having a capacity for holding more than three shells: Provided, An automatic or hand-operated repeating shotgun may be used if the magazine has been cut off or plugged with a plug incapable of removal through the loading end thereof, so that the capacity of said magazine is reduced to two shells.

(3) No person shall hunt game animals or game birds in any other manner than with a firearm held in the hand or fired from the shoulder, or with a bow and arrow, or by means of falconry.

(4) No person shall hunt any game animal or game bird with any shotgun larger than 10 gauge.

(5) No person shall hunt any game bird except blue grouse, spruce grouse, ruffed grouse with a rifle or pistol: Provided, That ~~a rifle may be used to hunt wild turkey during the fall hunting season:~~ during extended grouse seasons rifles and pistols may be prohibited.

(6) No person shall hunt game animals or game birds with a crossbow.

**Reviser's Note:** RCW 34.04.058 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 errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order #95, filed 1/14/77)

WAC 232-12-070 GAME FARMER LICENSE PROVISIONS. (1) Game farmers heretofore licensed may continue to acquire, breed, grow, keep and sell the animals, birds and fish which they now lawfully possess by virtue of their license.

(2) All game farmers hereafter licensed may acquire, propagate, keep or dispose of the following game animals, fur-bearing animals, birds and fish:

- (a) Game animals - bullfrog
- (b) Fur-bearing animals - muskrat and beaver
- (c) Game birds - ~~Chinese pheasant wild turkey Hungarian partridge quail chukar partridge ducks geese and Brant~~ upland game birds and migratory game birds.
- (d) Game fish - trout and Atlantic salmon.

(3) No licensed game farmer may acquire, breed, grow, keep or dispose of classified wild animals as defined in WAC 232-12-040, wild birds or game fish other than those set forth in paragraph (2) of this regulation except as authorized by special permit issued by the Director upon approval of the Commission. Special permits issued under this paragraph shall allow the live sale or disposition of classified wild animals within the State only to another licensed game farmer currently authorized by special permit to keep the species of animal involved or to municipal, county, state, federal or other officially sanctioned zoo. Any such live sale or disposition shall comply with all reporting requirements of this chapter.

Special permits may be issued if it appears to the Commission that the acquisition, breeding, growing, keeping or disposition of the wild animal, wild bird or game fish will not adversely affect any person or property and does not conflict with any plan, program or policy of the Department or principle of conservation.

Application for a special permit shall be made to the Director on forms supplied by the Department. The Director shall cause a report to be made to the Commission describing the property, the proposed method of operation, the effect upon neighboring waters and areas and providing such other information as may aid the Commission in its determination. The commission may request the licensee to appear before the Commission before a permit will be issued.

**Reviser's Note:** RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order #42, filed 7/19/73)

WAC 232-12-816 COPYING. No fee shall be charged for the inspection of public records. The department shall charge a fee of ~~\$1.00 for 1st page, \$0.50 for next five page, \$0.25 for each page over 5~~ 10¢ per page for providing copies of public records and for use of the department's copy equipment, and \$2.00 for certification if requested. These charges are the amounts necessary to reimburse the department.

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

AMENDATORY SECTION (Amending Order #52, filed 5/27/74)

WAC 232-12-500 FIREARM SAFETY LICENSE REQUIREMENT FOR JUVENILES. (1) It shall be unlawful for any person under the age of 18 years to purchase a hunting license in the State of Washington without having completed 6 hours of firearm safety instructions and having been issued an accredited qualification certificate duly signed by an authorized instructor.

(2) It shall be unlawful for a license dealer to sell a hunting license to a person under 18 years of age unless a Firearm Safety Training Certificate issued to said person is presented at the time of the purchase.

(3) It shall be unlawful for a person under 18 years of age to purchase a hunting license unless a Firearm Safety Training Certificate issued to him is presented to the license dealer at the time of purchase.

AMENDATORY SECTION (Amending Order #75, filed 10/17/75)

WAC 232-12-360 STEELHEAD FISHING PERMIT PUNCH CARD REQUIREMENTS. (1) It shall be unlawful for any person, except a treaty Indian possessing a valid federal or treaty fishing identification card, to fish for steelhead trout over twenty inches in length without first having in his possession a valid steelhead fishing permit.

(2) Steelhead fishing permits shall bear a number, which number shall be entered by the dealer upon on the fishing license of the person holding the steelhead fishing permit.

(3) The number of the applicant's fishing license shall be copied by the dealer on the steelhead fishing permit and on the stub of the permit which stub shall be retained by the license dealer. The word "juvenile" shall be entered in lieu of the license number on cards issued to juveniles.

(4) Immediately upon taking a steelhead trout over twenty inches in length, the holder of a steelhead fishing permit shall completely remove from the card one punch and shall enter on the corresponding space the date of the catch and the name of the water in which the fish was caught.

(5) Every person possessing a steelhead fishing permit shall, by June 1, following the year of its issuance, return such card to any authorized license dealer or shall mail such permit card to the Department of Game.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 232-28-101 1978 UPLAND MIGRATORY GAME BIRD SEASONS

**WSR 79-08-067****EMERGENCY RULES****DEPARTMENT OF NATURAL RESOURCES**

[Order 319—Filed July 24, 1979]

I, Bert L. Cole, Commissioner of Public Lands, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the adoption of an emergency rule shutting down from 1200 until 2400 all spark emitting machinery on forest lands under the protection of the Department of Natural Resources' Olympic Area in shutdown zones 1, 2, 3, 13, 16, and 17. Effective midnight July 24, 1979 through midnight July 27, 1979.

I, Bert L. Cole, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is due to existing and forecast weather conditions, the areas included in the shutdown of spark emitting machinery are particularly exposed to fire danger.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 76.04.190 and 76.04.200 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED July 24, 1979.

By Bert L. Cole  
Commissioner of Public Lands

**NEW SECTION**

**WAC 332-26-502 SHUTTING DOWN OF SPARK EMITTING MACHINERY FROM 1200 TO 2400 ON FOREST LANDS UNDER THE PROTECTION OF THE DEPARTMENT OF NATURAL RESOURCES' OLYMPIC AREA.** Shutting down of spark emitting machinery from 1200 to 2400 on forest lands under the protection of the Department of Natural Resources' Olympic Area in shutdown zones 1, 2, 3, 13, 16, and 17. Effective midnight July 24, 1979 through midnight July 27, 1979.

**WSR 79-08-068****PROPOSED RULES****BOARD OF PHARMACY**

[Filed July 24, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Pharmacy intends to adopt, amend, or repeal rules concerning legend drugs, adding new sections

WAC 360-32-050 and 055, repealing WAC 360-32-010, 360-32-035 and 360-32-045;

that such agency will at 1:00 p.m., Thursday, August 23, 1979, in the large meeting room of the Burien Public Library, 14700 Sixth Avenue S.W., Burien, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 1:00 p.m., Thursday, August 23, 1979, in the large meeting room of the Burien Public Library, 14700 Sixth Avenue S.W., Burien, WA.

The authority under which these rules are proposed is chapter 139, Laws of 1979 1st ex. sess.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to August 23, 1979, and/or orally at 1:00 p.m., Thursday, August 23, 1979, large meeting room of the Burien Public Library, 14700 Sixth Avenue S.W., Burien WA.

This notice is connected to and continues the matter noticed in Notice No. WSR 79-06-054 filed with the code reviser's office on May 22, 1979.

Dated: July 24, 1979

By: David C. Campbell, Jr.  
Executive Secretary

**WSR 79-08-069****ADOPTED RULES****BOARD OF PHARMACY**

[Order 148, Resolution 7-79—Filed July 24, 1979]

Be it resolved by the Washington State Board of Pharmacy, acting at large basement meeting room, Home Federal Savings and Loan, 502 West Yakima Avenue, Yakima, WA, that it does promulgate and adopt the annexed rules relating to designation of non-narcotic stimulant drugs for purposes of RCW 69.50.402(a)(3), new section WAC 360-36-115.

This action is taken pursuant to Notice No. WSR 79-06-066 filed with the code reviser on 5/24/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 69.50.201 which directs that the Board of Pharmacy has authority to implement the provisions of Controlled Substances Act.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED July 24, 1979.

By David C. Campbell, Jr.  
Executive Secretary

**NEW SECTION**

**WAC 360-36-115 DESIGNATION OF NON-NARCOTIC STIMULANT DRUGS FOR PURPOSES OF RCW 69.50.402(A)(3)** The board of pharmacy hereby designates, the following schedule II controlled

substances as nonnarcotic stimulants for purposes of RCW 69.50.402(a)(3):

(1) Amphetamine sulfate in any of its generic forms and under the following brand names:

- (a) Benzedrine (SKF);
- (b) Benzedrine spansules (SKF);

(2) Dextroamphetamine sulfate in any of its generic forms and under the following brand names:

- (a) Dexampex (lemmon);
- (b) Dexedrine (SKF);
- (c) Ferndex (ferndale);
- (d) Dexedrine spansules (SKF);
- (e) Diphylets (tutag).

(3) Dextroamphetamine HCL in any of its generic forms and under the following brand names:

- (a) Daro (fellows).
- (4) Dextroamphetamine tannate in any of its generic forms and under the following brand names:

- (a) Obotan (mallinckrodt);
- (b) Obotan forte (mallinckrodt).
- (5) Methamphetamine HCL (desoxyephedrine HCL)

in any of its generic forms and under the following brand names:

- (a) Desoxyn (abbott);
- (b) Methampex (lemmon);
- (c) Obedrin-LA (beechem labs.).
- (6) Amphetamine complex in any of its generic forms and under the following brand names:

- (a) Biphetamine 7 1/2 (pennwalt);
- (b) Biphetamine 12 1/2 (pennwalt);
- (c) Biphetamine 20 (pennwalt).
- (7) Combined amphetamines sold under the following brand names:

- (a) Amphaplex-10 and 20 (palmedico);
- (b) Obetrol-10 and 20 (obetrol);
- (c) Delcobese-5, 10, 15, and 20mg. (delco);
- (d) Dexamyl (SKF);
- (e) Eskatrol (SKF).

(8) Phenmetrazine HCL in any of its generic forms and under the following brand name:

- (a) Preludin (boehringer-ingenheim).

(9) Methylphenidate HCL in any of its generic forms and under the following brand name:

- (a) Ritalin (ciba).

#### WSR 79-08-070

##### EMERGENCY RULES

#### DEPARTMENT OF FISHERIES

[Order 79-51—Filed July 24, 1979]

I, Gordon Sandison, director of State Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing regulations.

I, Gordon Sandison, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity

to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is this order is consistent with regulations promulgated by the U.S. Secretary of Commerce.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and 75.40.050 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED July 24, 1979.

By Gordon Sandison  
Director

#### NEW SECTION

WAC 220-24-02000B UNLAWFUL ACTS (a) It shall be unlawful to take, fish for or possess salmon for commercial purposes in Washington coastal waters from 12:01 AM July 25 through 11:59 PM August 3, 1979.

(b) It shall be unlawful to possess, land or receive salmon taken by troll gear in any Washington state ports from 12:01 AM July 25 through 11:59 PM August 3, 1979.

#### WSR 79-08-071

##### NOTICE OF PUBLIC MEETINGS

#### WESTERN WASHINGTON UNIVERSITY

[Memorandum, President—July 23, 1979]

Shown below is a notice of cancellation of the August 2, 1979, Regular Meeting of the Board of Trustees of Western Washington University. This notice has been sent to all newspapers and radio/television stations in Whatcom County.

The Regular Meeting of the Board of Trustees of Western Washington University, scheduled to be held August 2, 1979 in 340 Old Main on the Western Washington University Campus has been cancelled.

#### WSR 79-08-072

##### EMERGENCY RULES

#### DEPARTMENT OF FISHERIES

[Order 79-52—Filed July 25, 1979]

I, Gordon Sandison, director of Washington Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal-use and commercial fishing regulations.

I, Gordon Sandison, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity

to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency in these sections are now in effect by permanent regulation.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED July 25, 1979.

By Gordon Sandison  
Director

### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 220-22-03000A PUGET SOUND SALMON MANAGEMENT AND CATCH REPORTING AREAS (79-48)

WAC 220-40-02100H WILLAPA HARBOR GILL NET—SEASONS (79-47)

WAC 220-56-06300B SALTWATER SEASONS AND BAG LIMITS (79-22)

### WSR 79-08-073

#### NOTICE OF PUBLIC MEETINGS

#### PARKS AND RECREATION COMMISSION

[Memorandum, Ass't. Att. General—July 24, 1979]

On behalf of the Washington State Parks and Recreation Commission, and pursuant to RCW 42.30.075, notice of a change in the Commission's September 17, 1979 meeting place is hereby filed. The original meeting site of Yakima, Washington, as originally published in WSR 79-01-014, has been changed to the Chautauqua Lodge, Long Beach, Washington. The original 9:00 a.m. time for the meeting is unchanged. Please publish notice of this change in the State Register in such time as to comply with the notice requirements of the cited statute.

### WSR 79-08-074

#### PROPOSED RULES

#### DEPARTMENT OF NATURAL RESOURCES

[Filed July 26, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Natural Resources intends to adopt, amend, or repeal rules concerning exemptions from burning permit requirements in parts of Snohomish county, corrections to legal description;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Tuesday, September 4, 1979, in the Commissioner's Public Lands office, Public Lands Building, Olympia.

The authority under which these rules are proposed is RCW 76.04.020 and 76.04.150.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to September 4, 1979, and/or orally at 10:00 a.m., Tuesday, September 4, 1979, Commissioner's Public Lands office, Public Lands Building, Olympia.

Dated: July 25, 1979

By: Bert L. Cole

Commissioner of Public Lands

#### AMENDATORY SECTION (Amending Order 157, filed 4/2/73)

#### WAC 332-24-192 EXEMPTIONS FROM BURNING PERMIT REQUIREMENTS—PARTS OF SNOHOMISH COUNTY.

(1) Pursuant to the authority of RCW 76.04.150, as amended by section 1, chapter 82, Laws of 1965, the parts of Snohomish County described in subsection (2), below, are exempted from the requirements of said RCW 76.04.150, as amended, and permits for the burning of inflammable material will not, from the effective date of this rule, be required in such exempt parts: PROVIDED, That nothing herein shall affect the operation and effectiveness of the rules of the rural fire protection district and/or local air pollution control authority in which said lands are situated.

(2) All parts of Snohomish County lying within the following described line are exempt from the burning permit requirements of RCW 76.04.150, as amended, in accordance with subsection (1), above:

Beginning at the point on the east boundary of the City of Everett, Snohomish County, Washington, at which the Hewitt Avenue Bridge intersects the east boundary, thence southerly along said east boundary to Lowell-Larimer's Corner Road (Bluff Road); thence southeasterly along said road to its point of intersection with the north line of section 36, township 28 north, range 5 east, W.M.; thence easterly along the said north line and along the north line of sections 31 and 32, township 28 north, range 6 east, W.M., to the point said north line intersects 127th Avenue (Lord's Hill Road), thence northerly one-half mile along said avenue to the Snohomish-Monroe Road; thence southeasterly along said road to 164th Street; thence easterly along said street to Primary State Highway No. ((202)) 522; thence ((southeasterly)) southwesterly along said highway to the Snoqualmie-King County Road; thence southeasterly along said road to the point of its intersection with the Snohomish-King County Line; thence easterly along said county line to the point of its intersection with Secondary State Highway No. 203 (Monroe-Duvall Highway); thence northerly along said highway to the boundary of the City of Monroe; thence northerly along said boundary to United States Highway No. 2; thence northwesterly along said highway to Roosevelt Road; thence northerly along said road to 159th Avenue (Zuber Road); thence northerly along said avenue to ((99th)) 100th Street (Westwick Road); thence westerly along said street to the southwest corner of section 15,

township 28 north, range 6 east, W.M., and 147th Avenue (Jauntz and Nelson Road); thence northerly along said avenue to 68th Street (Three Lakes Road); thence ((easterly)) westerly along said street to the east bank of the Pilchuck River; thence northerly along said east bank to a point due east of 52nd Street (Foss Road); thence westerly across said river and continuing westerly along said street to 87th Avenue (Fobes Cutoff Road); thence northerly along said avenue to its point of intersection with the north line of section 36, township 29 north, range 5 east, W.M.; thence westerly along the said north line and continuing along the north line of section 35, township 29 north, range 5 east, W.M., to its point of intersection with United States Highway No. 2; thence northwesterly along said highway to Hewitt Avenue East (Calaveros Corner); thence westerly along said avenue to the point of beginning.

**WSR 79-08-075****EMERGENCY RULES****DEPARTMENT OF NATURAL RESOURCES**

[Order 320—Filed July 26, 1979]

I, Bert L. Cole, Commission of Public Lands, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the adoption of an emergency rule lifting, effective immediately, the shutting down from 1200 to 2400 all spark emitting machinery on forest lands under the protection of the Department of Natural Resources' Olympic Area in shutdown zones 1, 2, 3, 13, 16, and 17 which was effective from midnight July 24, 1979 through July 27, 1979.

I, Bert L. Cole, find that an emergency exists and that the foregoing order is necessary to for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is due to existing and forecast weather conditions, the areas included in the shutdown of spark emitting machinery are no longer exposed to fire danger.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 76.04.190 and 76.04.200 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED July 26, 1979.

By Bert L. Cole  
Commissioner of Public Lands

**AMENDATORY SECTION** (Amending Emergency Order 319)**WAC 332-26-502 TO LIFT SHUTTING DOWN OF SPARK EMITTING MACHINERY FROM 1200**

**TO 2400 ON FOREST LANDS UNDER THE PROTECTION OF THE DEPARTMENT OF NATURAL RESOURCES' OLYMPIA AREA.** To lift shutting down of spark emitting machinery from 1200 to 2400 on forest lands under the protection of the Department of Natural Resources' Olympic Area in shutdown zones 1, 2, 3, 13, 16, and 17. Effective (~~midnight July 24, 1979~~ through ~~midnight July 27, 1979~~) immediately.

**WSR 79-08-076****EMERGENCY RULES****DEPARTMENT OF FISHERIES**

[Order 79-53—Filed July 26, 1979]

I, Gordon Sandison, director of Washington Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing regulations.

I, Gordon Sandison, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is this order provides for a closure consistent with the troll closure in adjacent coastal waters.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED July 26, 1979.

By Gordon Sandison  
Director

**NEW SECTION**

**WAC 220-36-02000A CLOSED AREA** Notwithstanding the provisions of WAC 220-36-020, effective immediately through 11:59 p.m. August 3, 1979, it shall be unlawful to take, fish for or possess salmon with troll line gear in Grays Harbor.

**NEW SECTION**

**WAC 220-40-02000A CLOSED AREA** Notwithstanding the provisions of WAC 220-40-020, effective immediately through 11:59 p.m. August 3, 1979, it shall be unlawful to take, fish for or possess salmon with troll line gear in Willapa Harbor.

**WSR 79-08-077**

No material was filed under WSR 79-08-077 due to an inadvertent numbering error.

**WSR 79-08-078**  
**ADOPTED RULES**  
**BOARD OF HEALTH**  
 [Order 183—Filed July 26, 1979]

Be it resolved by the Washington State Board of Health acting at Wenatchee, Washington, that it does promulgate and adopt the annexed rules relating to:

- Amd WAC 248-64-260 Buildings.
- Amd WAC 248-64-270 Plumbing water supply and fixtures.
- Amd WAC 248-64-290 Ventilation.
- Rep WAC 248-64-990 Appendix A—Chart.

This action is taken pursuant to Notice No. WSR 79-06-105 filed with the code reviser on 6/6/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Washington State Board of Health as authorized in RCW 43.20.050.

The undersigned hereby declare that they have complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED July 11, 1979.

By Irma Goertzen

Chairman

John B. Conway

Robert H. Barnes

Fred Quarnstrom

John A. Beare, MD

Secretary

**AMENDATORY SECTION** (Amending Order 124, filed 3/18/76)

**WAC 248-64-260 BUILDINGS.** (1) Buildings shall be kept clean and in good repair.

(2) The instructional areas shall be of sufficient size to provide at least 25 square feet of floor space per child. If an approved mechanical ventilation system is provided, the square footage per student may be reduced to 22-1/2 square feet.

(3) Instructional areas shall have a minimum average ceiling height of 8 feet. Ceiling height shall be the clear vertical distance from the finished floor to the finished ceiling. No projections from the finished ceiling shall be less than 7 feet vertical distance from the finished floor, e.g., beams, lighting fixtures, sprinklers, pipe work.

(4) All stairway and steps shall have handrails and nonslip treads.

(5) The floors shall have an easily cleanable surface.

(6) The premises and all buildings shall be free of insects and rodents of public health significance and conditions which attract, provide harborage and promote propagation of vermin.

(7) All poisonous compounds shall be easily identified, used with extreme caution and stored in such a manner as to prevent unauthorized use or possible contamination of food and drink.

(8) There shall be sufficient space provided for the storage of outdoor clothing, play equipment and instructional equipment. The space shall be easily accessible, well lighted, heated and ventilated.

(9) Toilet areas.

(a) Water closets shall be enclosed in stall partitions except in toilet rooms containing only one water closet and one lavatory. Partitions shall be raised a minimum of 12 inches from the floor and shall be so constructed as to be easily cleanable and shall be kept clean.

(b) Toilet room walls, up to a minimum height of 3 feet 6 inches, shall be water impervious. In new construction the minimum height shall be 4 feet.

(c) Toilet room floors shall be constructed of water impervious materials which are highly resistant to uric acid. The intersecting corners between walls and floors shall be coved.

(d) Toilet rooms shall be provided with shelves and coat hooks.

(10) Schools shall be provided with windows sufficient in number, size and location to permit students to see to the outside. Windows are optional in special purpose instructional areas including, but not limited to, little theaters, music areas, multipurpose areas, gymnasiums, auditoriums, shops, libraries and seminar areas. No student shall occupy an instructional area without windows more than 50((%)) percent of the school day.

(11) Exterior sun control shall be provided to exclude direct sunlight from window areas and skylights of instructional areas, assembly rooms and meeting rooms during at least 80 ((per cent)) percent of the normal school hours. Each area shall be considered as an individual case. Sun control is not required for sun angles less than 42 degrees up from the horizontal. Exterior sun control is not required if air conditioning is provided, or special glass installed having a total solar energy transmission factor less than 60 ((per cent)) percent.

~~((12) All new construction shall conform with the American Standard Specifications for Making Buildings and Facilities Accessible to and Usable by the Physically Handicapped (U.S. Patent All 7-1-1961) approved October, 1961 by the American Standards Association, Incorporated, as authorized in chapter 70.92 RCW.))~~

**AMENDATORY SECTION** (Amending Order 124, filed 3/18/76)

**WAC 248-64-270 PLUMBING, WATER SUPPLY AND FIXTURES.** (1) Plumbing shall comply with the Uniform Plumbing Code of the International Association of Plumbing and Mechanical Officials except for Chapter 11, and Appendices C, E, and G.

However, local code requirements shall prevail, when these requirements are more stringent or in excess of the Uniform Plumbing Code.

(2) Water Supply:

(a) Every school shall have a supply of water adequate in quantity and of a safe, sanitary quality conforming with chapter 248-54 WAC relating to public water supplies. Where a municipal water supply is reasonably available, the health officer may require connection thereto, and its exclusive use. Where a municipal water supply is not reasonably available, an individual water supply system may be developed and used as approved by the health officer.

(b) Sufficient residual pressure shall be provided and maintained at all outlets to satisfactorily operate all fixtures and devices. In new construction a minimum residual pressure of 25 p.s.i. shall be provided and maintained.

(c) Drinking fountains shall be provided and shall be of a sanitary type meeting the standards of the American Standards Association, with a ratio of one fountain for each 75 pupils in elementary schools and one to 100 in junior high and high schools. In new construction the ratio shall be one to 75 for both elementary and secondary schools. In no case shall there be less than one drinking fountain conveniently located on each floor and in each building containing instructional areas except for portables. Drinking fountains or bubblers shall not be placed in toilet rooms.

(d) Where drinking fountains are provided at classroom sinks, such fountains shall be located at least 12 inches horizontally from the closest faucet.

(e) All cross-connections, as defined in chapter 248-54 WAC are prohibited.

(f) Any water outlet with a threaded, serrated, or quick-coupling nozzle shall be provided with a vacuum breaker.

(3) Toilet and Handwashing Facilities. The following table establishes the minimum number of toilet and handwashing fixtures for schools. Facilities shall be conveniently located.

(a) Elementary Schools—Toilet Fixtures:

(i) Girls' water closets—one for each 35 girls.

(ii) Boys' water closets—one for each 60 boys. Boys' urinals—one for each 30 boys.

(b) Secondary Schools—Toilet Fixtures:

(i) Girls' water closets—one for each 45 girls. Girls' urinals may be substituted for up to 1/3 of the required number of flush toilets.

(ii) Boys' water closets—one for each 100 boys. Boys' urinals—one for each 30 boys.

(c) Water closets and urinals for multi-installations in new construction shall be operated by a flushometer or other automatic flushing device. (~~All water closets in new construction shall be wall hung.~~)

(d) Handwashing facilities shall be provided with hot water at a maximum temperature of 120 degrees Fahrenheit. If cold water also is provided at handwashing facilities, it must be combined with the hot water through a common outlet. If hand operated self-closing faucets are used, they must be of a metering type. Handwashing

facilities shall be provided in the ratio of one washing station for each 60 pupils in elementary schools and one for each 100 pupils in secondary schools. Each washing station shall consist of one lavatory, 20 inches of trough lavatory, or 17 inches of circular lavatory perimeter. Single-service soap and towels shall be provided. Common use towels are prohibited. Warm air dryers may be used in place of single-service towels.

(e) In elementary schools, toilet and handwashing facilities may be provided adjacent to each instructional area in lieu of the requirements of paragraphs (a) and (d) above. A single water closet for both sexes in each instructional area may be used, except in instructional areas for pupils above the fourth grade, in which at least one water closet for each sex shall be provided. One washing station for handwashing shall be considered the minimum of each instructional area. No water closet or washing station shall service more than 30 pupils. When instructional areas are provided with adjacent toilet and handwashing fixtures, there shall also be at least one general toilet room for each sex, with at least two water closets in girls' toilet rooms and one water closet and two urinals in boys' toilet rooms and at least one washing station for each toilet room.

(f) Toilet paper shall be available, conveniently located adjacent to each flush toilet.

(g) Sanitary toilet seats of the open front type made of nonabsorbent material shall be installed.

(h) In new construction, floor drains shall be provided in all rooms having two or more water closets and/or urinals. The floors in these rooms shall have a uniform slope to the floor drains.

(4) Showers:

(a) Showers shall be provided for classes in physical education, at grades 9 and above. There shall be a minimum of one showerhead for each four girls and one showerhead for each five boys, based upon the maximum demand in any one period. Gang showers shall not have less than 12 square feet of affected shower area per showerhead. Wall showerheads shall be a minimum of three feet on center. An automatically controlled hot water supply of 100 degrees Fahrenheit to 120 degrees Fahrenheit shall be provided. Showers with cold water only shall not be permitted.

(b) Drying areas shall be provided adjacent to the showers and adjacent to locker rooms. Shower and drying areas shall be constructed with water impervious nonskid floors. Walls shall be water impervious up to showerhead height. The base shall be coved. Upper walls and ceiling shall be of smooth, easily washable construction. Floors shall slope uniformly at a minimum rate of 3/16 inch per foot to floor drains. Drains and gutters shall be so arranged that water from one showerhead will not drain through the occupied area of another.

(c) Locker and/or dressing room floors shall have a water impervious surface. Walls shall have a washable surface. A minimum of 12 square feet of floor area per student shall be provided in dressing areas. In new construction floor drains shall be provided in locker and dressing areas. The floor shall slope uniformly at a minimum rate of 1/8 inch per foot to the drain.

(d) In new construction, locker and dressing room areas shall be provided with a hot and cold keyed hose bibb for washdown purposes.

(e) If towels are supplied by the school, they shall be for individual use only and shall be laundered after each use.

**AMENDATORY SECTION** (Amending Order 124, filed 3/18/76)

**WAC 248-64-290 VENTILATION.** (1) Natural Ventilation Requirements—In instructional areas, assembly rooms and meeting rooms, clear opening of not less than 4 percent of floor area shall be provided by operable external windows, doors and/or other openings except in auditoriums and gymnasiums provided with mechanical ventilation or rooms provided with air conditioning, as described hereinafter. Openings must be arranged both at the bottom and the top where they are located all on one wall. To prevent objectionable drafts on occupants, the introduction of supply air into all rooms must be arranged to insure ~~((through {thorough}))~~ thorough mixing with room air and dissipation of velocity before entering the occupied zone.

(2) Mechanical Ventilation.

(a) Instructional areas, meeting and assembly rooms.

(i) All rooms normally used for instructional areas, assembly or meetings shall have a tempered mechanical ventilation system, automatically controlled. Mechanical ventilation will not be required for those rooms occupied less than six hours per week or for rooms such as gymnasiums having a volume of 700 cubic feet or more per occupant or for those schools constructed prior to April 2, 1960, except as hereinafter required.

(ii) The ventilation system air quantities shall be the same as required in Section 64-290(3), Air Conditioning, for rooms provided with air conditioning. In no case shall the air supply rate in instructional areas be less than 1.3 cubic feet per minute (c.f.m.) per square foot of floor area.

(iii) The system shall be designed to automatically mix recirculated air and outside air, to provide atmospheric cooling. The air supply system shall be arranged to provide 100 percent outside air during the nonheating season.

(iv) The minimum outside air introduced after the room is up to temperature during occupancy shall be not less than 5 c.f.m. per occupant.

(v) The heating and distribution system shall provide a temperature differential in the occupied zone not to exceed plus or minus 2 percent Fahrenheit. The terminal air velocities in occupied zone shall not exceed 50 feet per minute (f.p.m.).

(vi) Rooms with air supply systems shall be provided with exhaust equal to the rate of outside air introduction which is in excess of the minimum outside air ventilation requirements as stated in WAC 248-64-290(2)(a)(iv).

(b) Toilet Room Ventilation. All toilet rooms shall be ventilated by means of a mechanical exhaust, exhausting to the outside at the rate of not less than 2.5 c.f.m. per square foot of floor area.

(c) Shower—Drying Areas and Locker Rooms.

(i) All shower drying areas, physical education locker rooms and physical education clothing storage areas shall be ventilated by means of a mechanical exhaust, exhausting to the outside at the rate of not less than 2.5 c.f.m. per square foot of floor area.

(ii) If shower drying or locker rooms are combined into a single use area, the ventilation requirements are satisfied if design is based upon the square footage of the largest single use space, provided the air movement is essentially uniform throughout any given space.

(iii) The supply air may be introduced indirectly from other areas.

(d) Student coat and book locker rooms shall have mechanical exhaust at a minimum rate of 0.67 c.f.m. per square foot of floor area.

(e) Athletic Uniform and Equipment Drying Rooms.

(i) Athletic uniform and equipment drying rooms shall be ventilated by means of a mechanical exhaust, exhausting to the outside at the minimum rate of 2.5 c.f.m. per square foot of floor area.

(ii) The supply air may be introduced indirectly from other areas.

(f) Special Areas.

(i) At all locations where excessive odors, dust, heat fumes or moisture are generated or produced, such as laboratories, kitchens, shops, laundries, etc., whether constructed prior to or after 1960, local mechanical exhaust systems shall be provided. Hood air quantities and design shall comply with Chapter 20, 1970 edition of the American Society of Heating, Refrigeration and Air Conditioning Engineers Guide for Industrial Exhaust Systems.

(ii) Home economics food preparation rooms will not be subject to the foregoing requirements but shall be provided with mechanical supply and exhaust systems capable of exhausting at the minimum rate of 1.33 c.f.m. per square foot of floor area.

(g) Make-up air supply requirements.

(i) Every area which is exhausted shall be provided with a method of introducing tempered make-up air at a rate not less than that exhausted.

(ii) The minimum total outside air quantities introduced into a building to replace exhausted air quantities shall be equal to or in excess of that exhausted.

(iii) Means shall be provided to maintain an air balance throughout the building. Indirect methods of air make-up may be employed if definite means of air transfer between areas are provided.

(3) Air Conditioning.

(a) Air conditioning shall be provided in the following spaces and under the following conditions:

(i) All instructional areas, assembly rooms, and meeting rooms in schools constructed since April 2, 1960 not provided with "Exterior Sun Control" as provided for in WAC 248-64-260(11).

~~((ii) Instructional areas, assembly rooms, office areas and meeting rooms in new construction located in areas having cooling degree days in excess of 545 per year. Cooling degree days for the various areas of the state of Washington are found in appendix attached hereto and incorporated herein by this reference. Cooling degree days are as established by the State Climatologist, U.S.~~

~~Department of Commerce, Environmental Science Services Administration, Weather Bureau, 7005 Federal Office Building, Seattle, Washington, and are based on a base of 60 degrees Fahrenheit for the period 1931-1965. (See Appendix A) The department shall make a determination as to whether air conditioning is required for those areas which are not specifically mentioned in Appendix A:))~~

(b) Air conditioning systems shall be designed to maintain a maximum space environmental condition in the occupied zone of 78 degrees Dry Bulb (DB) and 50 percent Relative Humidity (RH) during the 12 month year. Outside design conditions shall be as set forth in Chapter 22, 1967 edition of the American Society of Heating, Refrigeration and Air Conditioning Engineers Guide and Data Book, using the one percent frequency incident temperature values, or other published U.S. Weather Bureau data for the respective area based on the same frequency incident temperature values.

(c) The air conditioning system (~~an~~ ~~and~~) and the heating system shall provide a temperature differential in the occupied zone not to exceed plus or minus 2 degrees Fahrenheit. The terminal air velocities in the occupied zone shall not exceed 50 feet per minute (f.p.m.). The supply air quantities shall be determined using a supply air temperature not more than 25 degrees Fahrenheit below room temperature.

(d) The introduction of 100 percent of outside air for atmospheric cooling is not required with air conditioning.

(e) Minimum outside air quantities shall be based on not less than 5 c.f.m. per occupant.

(4) Air Filtration.

(a) Where mechanical ventilation or air conditioning is provided, outside air that is introduced into the system and recirculated air shall be filtered.

(b) All hoods capturing grease-laden vapors shall be provided with grease extraction methods.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 248-64-990 APPENDIX A—CHART.

#### WSR 79-08-079

#### EMERGENCY RULES

#### DEPARTMENT OF GENERAL ADMINISTRATION

(Division of Banking)

[Order 41—Filed July 26, 1979]

I, Michael D. Edwards, Supervisor of Banking, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Minimum reserve requirements for state banks and trust companies—Computation, amending WAC 50-12-010.

I, Michael D. Edwards, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action

would be contrary to public interest. A statement of the facts constituting such emergency is said rules are necessary to bring state chartered banks into parity with banks whose reserve requirements are established by the Federal Reserve Board. This change was not made due to apparent administrative oversight in the Supervisor's office, and immediate implementation is necessary to prevent any discrepancies as to state chartered banks.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 30.04.090 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED July 26, 1979.

By Michael D. Edwards

Supervisor of Banking

#### AMENDATORY SECTION (Amending Order No. 38 filed 2/23/77.

**WAC 50-12-010 MINIMUM RESERVE REQUIREMENTS FOR STATE BANKS AND TRUST COMPANIES—COMPUTATIONS.** Every bank or trust company not a member of the Federal Reserve System shall maintain reserves on the following basis: (1) ~~7~~ ~~(+2)~~% of its demand deposits up to \$2,000,000, plus ~~(+0)~~ ~~9~~ ~~1/2~~% of its demand deposits over \$2 million to \$10 million plus ~~(+2)~~ ~~11~~ ~~3/4~~% of such deposits over \$10 million to \$100 million, plus ~~(13)~~ ~~12~~ ~~3/4~~% of its demand deposits over \$100 million to \$400 million, plus fifteen percent for such deposits over \$400 million.

(2) (i) 3% of (a) its savings deposits and (b) its time deposits, open account, that constitute deposits of individuals, such as Christmas club accounts and vacation club accounts, that are made under written contracts providing that no withdrawal shall be made until a certain number of periodic deposits have been made during a period of not less than 3 months; and

(ii) 3% of its time deposits up to \$5 million, outstanding on November 28, 1974, which have an initial maturity of less than 180 days, or are issued on or after November 28, 1974, with an initial maturity of less than 180 days, plus 6% of such deposits in excess of \$5 million~~(\*)~~, and

(iii) 3% of its time deposits outstanding on November 28, 1974, which have an initial maturity of 180 days or more, or are issued on or after November 28, 1974, with an initial maturity of 180 days or more; and

(iv) 1% of its time deposits outstanding on or ~~(are)~~ issued after November 28, 1974, with an initial maturity of four years or more.

(3) In no case may the average of reserves on time and savings deposits be less than 3% for the computation period.

(4) Reserves shall be computed on the basis of semi-monthly periods commencing on the 10th day and 25th

day of each month. Reserves for a Saturday, Sunday, or other holiday shall be computed on the basis of the deposits existing at the close of business on a preceding business day. When the reserve computation period ends with a nonbusiness day, or two or more consecutive nonbusiness days, such nonbusiness days, may, at the option of the bank, be included in the next reserve computation period.

(5) Time certificates of deposit held by the bank or trust company shall not be included for purposes of computing the amount of available funds.

~~((Time deposits issued in the period November 14, 1974, through November 18, 1974, with maturities of between 120 and 179 days may be treated as if they had initial maturities of 180 days or more.))~~

### WSR 79-08-080

#### ADOPTED RULES

#### DEPARTMENT OF ECOLOGY

[Order DE 79-4—Filed July 26, 1979]

I, Elmer C. Vogel, deputy director of the Department of Ecology, do promulgate and adopt at the Department of Ecology, Lacey, Washington, the annexed rules relating to the amending of chapter 173-134 WAC, the establishment of regulations for the administration of the Quincy ground water subarea established pursuant to RCW 90.44.130. The proposed amendments affect management of all ground waters in the subarea. They concern changes to public and artificially stored ground water permits, withdrawals of public ground water, terms of permits, assignments, development schedules, and permit cancellations.

This action is taken pursuant to Notice No. WSR 79-05-112 filed with the code reviser on 5/2/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapters 43.21, 43.21A, 43.27A, 90.03 and 90.44 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED July 26, 1979.

By Elmer C. Vogel  
Deputy Director

#### AMENDATORY SECTION (Amending Order 74-35, filed 1/9/75)

WAC 173-134-010 ADMINISTRATION OF WITHDRAWAL OF ((COMMINGLED PUBLIC GROUND WATERS AND ARTIFICIALLY STORED)) GROUND WATERS IN THE QUINCY SUBAREA. The purpose of this chapter is to set forth

rules of the department of ecology for the administration of all ground waters, ~~((consisting of commingled)) including, among others, commingled~~ public ground waters and artificially stored ground waters, within a subarea and zones (hereinafter the Quincy subarea) established by the department of ecology on January 15, 1973 pursuant to RCW 90.44.130 and set forth in chapter 173-124 WAC. The rules established herein set forth the regulatory and management program for such waters and all such waters shall be authorized for withdrawal and otherwise regulated by the department in accordance with the provisions hereof. This state program is designated to protect both the public interest and private rights and interests in such waters and shall be implemented in a spirit of cooperation with affected persons and entities, public and private, including the holder or holders of declarations accepted by the department pursuant to RCW 90.44.130.

#### AMENDATORY SECTION (Amending Order 74-35, filed 1/9/75)

WAC 173-134-050 QUINCY GROUND WATER SUBAREA—WITHDRAWALS OF WATERS OF DEEP MANAGEMENT UNIT—CONTROLLED BY PRIOR APPROPRIATION PROVISIONS. All withdrawals of waters of the deep management unit will be controlled by the prior appropriation provisions of RCW 90.44.050 and RCW 90.44.060 and related code sections. The total withdrawals from the deep management unit shall not exceed 97,901 acre-feet per year pending the outcome of further studies by the department. However, as an aid to such further studies, this limitation on the amount of water that may be withdrawn from the deep management unit shall not prohibit the department from exercising its discretionary authority in issuing permits and certificates allowing the withdrawal of waters in the deep management unit from a water-bearing stratum, or from water-bearing strata, that are sufficiently distinct and distinguishable from the strata in said unit from which withdrawals are made at present. Said permits shall be issued with such terms or conditions that the department deems reasonable in order to protect existing rights and the public interest, and to provide the department with such information as it deems necessary for the purposes of its management and study of ground waters in the subarea, including but not limited to such terms and conditions as casing and sealing, logging, metering, and limiting well depth. For purposes of the management scheme of this regulation, such withdrawals shall not be computed to help determine the total of actual or authorized withdrawals from the deep management unit. No certificate of water right as provided for in RCW 90.44.080 shall be issued until the department determines that all provisions of the permit have been fully complied with and that existing rights are not adversely affected by the permitted withdrawal, authorized hereunder for study purposes. Should the contrary be found, permits issued under this section shall be terminated in whole or in part.

NEW SECTION

WAC 173-134-055 QUINCY GROUND WATER SUBAREA—PUBLIC GROUND WATER PERMIT AMENDMENTS. The department may approve amendments to public ground water permits for lands located within the Quincy subarea, including amendments regarding changes in points of withdrawal, purpose, and places of use, only if it believes after investigation that the amendment or amendments will not or may not tend to:

- (1) Impair existing rights;
- (2) Prove detrimental to the public welfare;
- (3) Prove contrary to the public interest;
- (4) Cause the tapping of a different body of ground water (as defined herein or as determined by the department on a case-by-case basis); and
- (5) Adversely affect the comprehensive scheme of water management adopted for the Quincy subarea.

The above standards are intended to supplement and complement those of RCW 90.03.290 and 90.44.100.

In addition, with regard to holders of permits or certificates for the use of public ground waters in the Quincy subarea, said permits and certificates shall represent "a valid right to withdraw public ground waters," as that term is used in RCW 90.44.100, only to the extent of beneficial use actually made under the permit or certificate.

AMENDATORY SECTION (Amending Order DE 75-4, filed 2/21/75)

WAC 173-134-060 REGULATION OF WATER OF THE SHALLOW MANAGEMENT UNIT—PERMIT REQUIREMENTS. Waters of the shallow management unit shall be subject to the following:

- (1) Applications for withdrawal of public ground waters shall be processed in accordance with the provisions of ~~((RCW 90.44.050 and RCW 90.44.060))~~ chapters 90.44 and 90.03 RCW.

The total quantity of withdrawals of public waters, whether authorized by permits and certificates issued under RCW 90.44.050, RCW 90.44.060 or otherwise, under state law, shall not exceed ~~((54,560))~~ 58,000 acre-feet per year. It appears there may be relatively small amounts of public waters (in the range of not more than 4,000 acre-feet annually) available for appropriation in the shallow management unit. Such small amounts are reserved for withdrawal for domestic uses, including withdrawals for group domestic uses. No applications for withdrawals for uses, other than for such domestic uses, shall be approved by the department.

(2) No artificially stored ground waters shall be withdrawn by any person without obtaining permission of the department of ecology. Permission to withdraw shall be obtained through the issuance of a permit as provided in chapter 173-136 WAC. Application for a permit shall be on a form furnished by the department. In relation to ruling upon any such application the following shall apply:

- (a) Each permit shall be conditioned to insure that no withdrawal will interfere with the furnishing of adequate supplies of water to the Potholes Reservoir Facility of

the bureau to satisfy existing and future project needs of the bureau.

(b) Each permit shall be conditioned to insure that no interference with rights established under state law, previously or in the future, to withdraw public waters or artificially stored ground waters shall be allowed. Rights described herein shall include rights to the (1) maintenance of certain ground water levels to insure availability and (2) protection of the use ability of certain withdrawal facilities.

(c) To the maximum extent possible, consistent with rights and interest in the ground waters of the Quincy subarea, wildlife, recreation, and other values associated with the general public interest in the ground water in the subarea shall be protected and permits issued hereunder shall be so conditioned.

(d) Each permit shall be conditioned to provide that failure of the permittee to comply with the terms of an executed agreement as described in WAC 173-134-100 shall constitute grounds for the department to suspend or terminate a permit issued under this subsection (2).

(e) Applications for permits shall be processed as follows:

(i) Applications may be filed immediately after the effective date of this chapter. No actions upon applications shall be taken until February 14, 1975. Applications filed between the effective date of this chapter and by February 14, 1975 shall be ruled on in the following order:

(I) Applications for permission to withdraw artificially stored ground waters which are accompanied by a copy of a notice of intention to withdraw ground water filed with the department (or one of its predecessor agencies) under WAC 508-14-010(3a) or an application for a water right filed with the department (or one of its predecessor agencies) under RCW 90.44.060, and pursuant to WAC 508-14-010(3a), covering the same proposed withdrawal of ground water between May 12, 1967 and the effective date of this chapter, shall be processed in order of the date of filing said notice or application with the department. Whenever both a notice of intention and an application, as described in this subsection, were filed in relation to the same proposed withdrawal, the earliest date of filing shall control the order of processing. Applications for permission to withdraw artificially stored waters filed after February 14, 1975, even though accompanied by a notice of intention or an application, as described in this subsection, shall be processed in accordance with WAC 173-134-060(2)(e)(ii).

(II) All other applications for artificially stored ground waters shall be processed after the completion of rulings upon the applications described in WAC 173-134-060(2)(e)(i)(I), and shall be processed in the order of the filing of the application.

(ii) All applications received after February 14, 1975 shall be processed in order of their date of filing with the department of ecology.

(f) Permits granted herein shall pertain to a specific point of withdrawal, and purpose, and place of use ~~((and shall not be transferable to other points, purposes or places without written approval of the department))~~.

No assignment of such permits can be made without written approval of the department. The department may approve an amendment to permits granted herein, including an amendment regarding changes in point of withdrawal, purpose, and place of use, if it believes after investigation that the amendment will not, or may not tend to, result in the consequences set out in WAC 173-134-055(1) through (5). Application for amendments provided herein shall be made on forms provided by the department.

Permits for the use of artificially stored ground waters may be amended as to places of use and purpose only to the extent that waters actually have been placed to beneficial use pursuant to the terms of said permits.

(g) No permit shall authorize the withdrawal of waters from a well for agricultural irrigation use in an amount of more than 1,120 acre-feet annually for irrigation of not more than 320 acres. In the processing of an application for authorization to withdraw more than 1,120 acre-feet annually, the department shall issue a separate permit for each well relating to the application.

(h) The term of a permit issued hereunder shall be ten years provided, however, the permit shall be modifiable and terminable by the department at any time within said term for good cause in order to accomplish the water management and regulation program of this chapter. Modifications and terminations as provided herein shall be effectuated through the issuance of regulatory orders as described in WAC 173-134-070. As hereinafter provided in this subsection (h), a permit issued under WAC 173-134-060(2) shall be extendable for a single 10-year period. Unless a permit has been terminated prior to the beginning of the last year of its term, the department shall, by certified mail, notify the holder of a permit issued under WAC 173-134-060(2), not less than 365 days prior to the end of a term of a permit, that the department has determined:

(i) not to extend the permit for the one additional 10-year term, or

(ii) to extend the permit with conditions differing from those of the existing permit. Such notice shall specify the reasons for the action of the department and direct the permittee, if he should disagree with such action, to appear at a specified time and place when the facts supporting the determination of the department will be presented.

Upon completion of such presentation of facts and any facts presented by the permittee, the department shall issue a final order pertaining to the extension or nonextension. Failure of the permittee to appear at the time and place stated in the notice shall be conclusively deemed as a voluntary relinquishment of any extension privilege in the permit subjected to a notice, and the permit shall automatically terminate at the end of its term. Permits not subjected to a notice as provided herein shall automatically be extended for one 10-year term under the same terms and conditions as originally issued.

All permits provided for in chapter 173-136 WAC shall contain development schedules requiring that water be put to beneficial use pursuant to each permit's approved development plan within a period of no more

than three years from the date of permit issuance. The department, in its discretion, may extend any such schedule for good cause. Any permit under which development has not been completed within its given development schedule automatically shall cancel, to the extent of nondevelopment, at the end of the period provided in the schedule. Notices of intended cancellation shall be mailed to permittees not less than sixty days before the end of the development schedule.

(i) By applying for and obtaining a permit hereunder, an applicant expressly waives all other claims of rights to withdraw ground waters of the Quincy subarea for irrigation uses except as such rights are (1) embodied in a permit or certificate pertaining to public ground waters issued previously by the department of ecology or one of its predecessors or (2) based upon rights established prior to the enactment of chapter 90.44 RCW and are the subject of a claim filed with the department of ecology pursuant to RCW 90.14.041.

(j) There shall be no fee for filing an application for a permit authorized for issuance under this chapter. Said application shall include the names and signatures of all legal owners of the lands proposed for irrigation.

(k) Each permit shall be conditioned to require that wells be equipped with a flow-meter device as provided in chapter 508-64 WAC. It shall also be conditioned that for a reporting period ending November 30, and such other dates as the department may by regulatory order require, a report shall be filed by the permittee with the department of ecology on a form provided by the department, not later than thirty days after the last day of the reporting period, setting forth the meter reading and the water volume withdrawn in acre-feet, if any, from the well during the immediately preceding reporting period. The report shall be required even though no waters were withdrawn during the reporting period. A copy of each report shall be filed by the permittee with the bureau.

(l) Withdrawals of artificially stored waters authorized by permit under this section shall be limited to a cumulative total, at a maximum, of no more than ~~((197,000))~~ 177,000 acre-feet for ~~((one))~~ each calendar year.

Withdrawals from wells presently drilled into both the shallow and deep management units, covered by an application filed with the department or a license to withdraw water issued by the bureau between May 12, 1967 and the effective date of this regulation and which are also the subject of a permit issued under this subsection (2), shall be considered as withdrawals from the shallow management unit unless further studies indicate sufficient available water in the deep management unit to warrant issuance of a permit for such withdrawal from the deep management unit.

(m) No person or entity shall be authorized to withdraw water for agricultural irrigation use on more than 5,000 acres total developed in yearly increments not exceeding 1,000 acres.

(n) The duty of water for agricultural irrigation uses shall be, based upon the total acreage authorized by permit for irrigation, at a rate of not more than 3.5 acre-feet for each acre for each calendar year.

(o) In addition to the above, except as hereinafter provided in this subsection (o), no applications for permits submitted pursuant to WAC 173-134-060(2) shall be approved for withdrawals of artificially stored ground waters from wells located on lands adjacent to bureau wasteways and from wells located on lands underlain by ground water that hydraulically responds to changes in the water level in the Potholes Reservoir, where land areas are designated as provided in the next sentence. From time to time, when necessary to protect public and private interests in the Quincy subarea and to otherwise provide proper implementation of this chapter, the department shall, through the issuance of regulatory orders, designate specifically described geographic areas of land adjacent to the wasteways and lands underlain by ground waters that hydraulically respond to changes in Potholes Reservoir. In the case of wasteways, and pond waters directly associated therewith, a designation shall be not less than one-quarter mile or more than three-quarters mile in width on each side of said wasteways and pond areas. Within land areas designated as described in the two preceding sentences, the only applications for permits to withdraw ground waters from wells within said land areas to be considered for approval pursuant to WAC 173-134-060(2) shall be in relation to wells which existed prior to the date of adoption of these regulations and waters were withdrawn from said wells under authority of licenses issued by the bureau between May 12, 1967 and the effective date of this chapter.

(3) Two fundamental bases of the program of the department in the regulation and management of artificially stored ground waters are:

(a) To insure that the bureau is provided with adequate supplies of such water to satisfy project needs of the bureau, both for the present and the future, for service out of Potholes Reservoir;

(b) To provide methods and procedures to insure that the holder of an accepted declaration receives reasonable fees for artificially stored ground water withdrawn by others under authority of permits issued under this subsection.

#### NEW SECTION

WAC 173-134-140 ARTIFICIALLY STORED GROUND WATER PERMIT APPLICATIONS—LANDS NOT COVERED BY DECLARATIONS. If, at the effective date of this section, there exist permits authorizing the withdrawal of artificially stored ground waters for lands not included in the declarations referred to in WAC 173-134-030, said permits either shall be canceled immediately or shall be treated as applications for public ground water permits, at the option of the permittee and may be treated as temporary public ground water permits. If the permits are considered as applications for public ground water, the department shall process said applications consistent with chapter 90.44 RCW and this regulation.

#### NEW SECTION

WAC 173-134-150 AREA DESCRIBED AT DEPARTMENT ORDER NO. DE 75-54—PUBLIC GROUND WATER PERMITS. The department shall determine the total quantity of water authorized under public ground water permits and certificates for use in the area described at department of ecology order, Docket No. DE 75-54, but not actually being used, after which the department may issue public ground water permits to applicants for use in said area in amounts the total of which shall not exceed the quantity determined to be available.

#### NEW SECTION

WAC 173-134-160 AUTHORIZED AND UNUSED PUBLIC GROUND WATER IN DEEP MANAGEMENT UNIT—RESERVATION. The department has the authority to determine the quantity of water authorized under public ground water permits and certificates for use from the deep management unit but not actually being used. The department, in its discretion, may issue public ground water permits in amounts, the total of which shall not exceed said quantity. In such issuance the department shall give due regard to policies regarding water allocation as found in chapter 90.54 RCW and other relevant statutes, taking into account such matters as the highest feasible use of the identified waters.

**WSR 79-08-081**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
[Order 79-54—Filed July 27, 1979]

I, Gordon Sandison, director of Washington Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing regulations.

I, Gordon Sandison, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is this order is necessary to protect pink salmon returning to the Dosewallips, Duckabush, and Hamma Hamma Rivers.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED July 27, 1979.  
By Gordon Sandison  
Director

WAC 308-52-220 STATE BOARD RECIPROCITY  
WAC 308-52-230 WASHINGTON STATE BASIC SCIENCE  
EXAMINATION  
WAC 308-52-240 APPLICATIONS FILED PRIOR TO JAN-  
UARY 1, 1970

### NEW SECTION

WAC 220-28-01200I **CLOSED AREA** Effective July 29 through September 8, 1979, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes in Puget Sound Salmon Management and Catch Reporting Area 12 with purse seine gear, or with gill net gear having a mesh size smaller than 7-1/2 inches.

### NEW SECTION

WAC 220-28-012B0C **CLOSED AREA** Effective July 29 through September 8, 1979, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes in Puget Sound Salmon Management and Catch Reporting Area 12B with purse seine gear, or with gill net gear having a mesh size smaller than 7-1/2 inches.

**WSR 79-08-082**  
**PROPOSED RULES**  
**DEPARTMENT OF LICENSING**  
**(Board of Medical Examiners)**  
[Filed July 27, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Medical Examiners, intends to adopt, amend, or repeal rules concerning the practice of medicine, repealing WAC 308-52-200, 308-52-210, 308-52-220, 308-52-230 and 308-52-240 relating to the Basic Science Examination;

that such agency will at 7:30 p.m., Friday, September 7, 1979, in the Phoenix Room C, Hyatt House, 17001 Pacific Highway South, Seattle, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 7:30 p.m., Friday, September 7, 1979, in the Phoenix Room C, Hyatt House, 17001 Pacific Highway South, Seattle, WA.

The authority under which these rules are proposed is RCW 18.71.017.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to September 7, 1979, and/or orally at 7:30 p.m., Friday, September 7, 1979, Phoenix Room C, Hyatt House, 17001 Pacific Highway South, Seattle, WA.

Dated: July 26, 1979  
By: John H. Keith  
Board Counsel

### REPEALER

The following sections of the Washington Administrative Code are hereby repealed:

WAC 308-52-200 DEFINITIONS  
WAC 308-52-210 NATIONAL BOARD OF MEDICAL EXAMINERS

**WSR 79-08-083**  
**PROPOSED RULES**  
**CHIROPRACTIC DISCIPLINARY BOARD**  
[Filed July 27, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Chiropractic Disciplinary Board intends to adopt, amend, or repeal rules concerning educational materials, display of identification, announcements, professional cards, free services and public relations advertising by chiropractors by repealing WAC 113-10-080, 113-12-030, 113-12-045, 113-12-050, 113-12-065, 113-12-070 and 113-12-090; and future care contracts by amending or alternatively repealing WAC 113-12-120; and permitting broadcast advertising by amending WAC 113-12-150. (A copy of the proposed rules is shown below, but the Board reserves the right to modify same after receiving public testimony at the hearing.);

that such agency will at 9:00 a.m., Saturday, September 8, 1979, in the Tacoma Room, Vance Airport Inn, 18220 Pacific Highway South, Seattle, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Saturday, September 8, 1979, in the Tacoma Room, Vance Airport Inn, 18220 Pacific Highway South, Seattle, WA.

The authority under which these rules are proposed is RCW 18.26.110(2) and 18.26.110(3).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to September 6, 1979, and/or orally at 9:00 a.m., Saturday, September 8, 1979, Tacoma Room, Vance Airport Inn, 18220 Pacific Highway South, Seattle, WA.

Dated: July 23, 1979  
By: James F. Dawson, DC  
Secretary

### AMENDATORY SECTION (Order PL 145, filed 6-6-73)

WAC 113-12-120 **FUTURE CARE CONTRACTS PROHIBITED.** It shall be considered unprofessional conduct for any chiropractor to enter into an oral or written contract with a patient for care to be rendered in the future, which is not reasonably necessary to the patient's condition.

### AMENDATORY SECTION (Order PL 287, filed 4-25-78)

WAC 113-12-150 **ETHICAL STANDARDS - PROHIBITED PUBLICITY AND ADVERTISING.** A chiropractor shall not, on behalf of himself, his partner, associate or any other chiropractor affiliated with his office or clinic, use or allow to be used any form of public communications or advertising which:

- (1) is false, fraudulent, deceptive, misleading, or sensational;
- (2) uses testimonials;
- (3) guarantees any treatment or result;
- (4) offers gratuitous goods or services or discounts in connection with chiropractic services, but this clause shall not be construed to relate to the negotiation of fees between chiropractors and patients or to

prohibit the rendering of chiropractic services for which no fee is charged;

- (5) makes claims of professional superiority;
- (6) states or includes prices for chiropractic services except as provided for in WAC 113-12-160;
- (7) fails to differentiate chiropractic care from all other methods of healing;
- (8) advertises a service outside the practice of chiropractic as permitted in Washington; or
- (9) ~~((is broadcast on radio or television, or~~
- ~~(10))~~ otherwise exceeds the limits of WAC 113-12-160.

**REPEALER**

The following sections of the Washington Administrative Code are each repealed:

- (1) WAC 113-12-030 DISPLAY OF IDENTIFICATION.
- (2) WAC 113-12-045 ANNOUNCEMENTS.
- (3) WAC 113-12-050 MATERIAL FOR DISTRIBUTION.
- (4) WAC 113-12-065 PROFESSIONAL CARDS.
- (5) WAC 113-12-070 REPRESENTATIONS AS TO FREE SERVICES.
- (6) WAC 113-12-090 PUBLIC RELATIONS ADVERTISING.
- (7) WAC 113-12-120 FUTURE CARE CONTRACTS PROHIBITED.

**REPEALER**

The following sections of the Washington Administrative Code are each repealed:

- (1) WAC 113-10-080 EDUCATIONAL MATERIAL.

**WSR 79-08-084**  
**PROPOSED RULES**  
**DEPARTMENT OF LICENSING**  
**(Board of Medical Examiners)**  
 [Filed July 27, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Medical Examiners, intends to adopt, amend, or repeal rules concerning the prescriptive authority of physician's assistants and the requirement of National Board Certification of class A physician's assistants;

that such agency will at 7:30 p.m., Friday, September 7, 1979, in the Phoenix Room C, Hyatt House, 17001 Pacific Highway South, Seattle, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 7:30 p.m., Friday, September 7, 1979, in the Phoenix Room C, Hyatt House, 17001 Pacific Highway South, Seattle, WA.

The authority under which these rules are proposed is RCW 18.71A.020.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to September 7, 1979, and/or orally at 7:30 p.m., Friday, September 7, 1979, Phoenix Room C, Hyatt House, 17001 Pacific Highway South, Seattle, WA.

Dated: July 26, 1979  
 By: John H. Keith  
 Board Counsel

**AMENDATORY SECTION** (Amending Order PL 264, filed 3/15/77)

**WAC 308-52-135 PHYSICIAN'S ASSISTANT PRESCRIPTIONS.** A physician's assistant may issue written or oral prescriptions as provided herein when approved by the board and assigned by the supervising physician.

(1) Except for ~~((schedule two))~~ controlled substances as listed under federal and state controlled substances acts, a physician's assistant may issue prescriptions for a patient who is under the care of the physician responsible for the supervision of the physician's assistant.

(a) Written prescriptions shall be written on the blank of the supervising physician and shall include the name, address and telephone number of the physician. The prescription shall also bear the name and address of the patient and the date on which the prescription was written.

(b) The physician's assistant shall sign such a prescription by ~~((printing the name of the supervising physician,))~~ signing his or her own name followed by the letters "P.A." and the registration number.

(2) A physician's assistant employed or extended privileges by a hospital nursing home or other health care institution may, if permissible under the by-laws, rules and regulations of the institution, write medical orders, except those for ~~((schedule two))~~ controlled substances, for inpatients under the care of the physician responsible for his supervision. ~~((In every case, medical orders so written shall be countersigned by the supervising physician within forty-eight hours, but such countersignature shall not be required prior to the execution of any such order.))~~

~~((3))~~ ~~To be authorized to issue prescriptions for schedule three through five controlled substances, a physician's assistant must be registered with the board of pharmacy and the drug enforcement administration.))~~

~~((4))~~ (3) The registration of a physician's assistant who issues a prescription in violation of these provisions shall be subject to revocation or suspension.

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

**NEW SECTION**

**WAC 308-52-145 CLASS A - NATIONAL BOARD EXAMINATION.** Effective January 1, 1982 all applicants for registration or renewal of registration as a class A physician's assistant must have passed the National Board Examination for physician's assistants and possess current national board certification.

**WSR 79-08-085**  
**PROPOSED RULES**  
**DEPARTMENT OF PERSONNEL**  
**(Personnel Board)**  
 [Filed July 27, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 41.06.040, that the State Personnel Board intends to adopt, amend, or repeal rules concerning:

- Amd WAC 356-14-110 Salary - ~~((Original))~~ Periodic increment dates - ~~Original~~ - ~~Subsequent~~.
- Amd WAC 356-14-120 Salary - Periodic increment date - Promotion.
- Amd WAC 356-14-140 Salary - Increase on promotion.
- Amd WAC 356-15-020 Work period designations.
- Amd WAC 356-15-030 Overtime provisions and compensation.
- Amd WAC 356-18-050 Sick leave - Purpose ~~((and))~~ - Accrual - Conversion.
- Amd WAC 356-18-120 Miscellaneous leave.
- Amd WAC 356-18-140 Leave without pay;

that such agency will at 10:00 a.m., Thursday, September 13, 1979, in the Board Meeting Room, 600

South Franklin, Olympia, WA 98504, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Thursday, September 13, 1979, in the Board Meeting Room, 600 South Franklin, Olympia, WA 98504.

The authority under which these rules are proposed is RCW 41.06.040 and 21.06.050[41.06.050].

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to September 11, 1979, and/or orally at 10:00 a.m., Thursday, September 13, 1979, Board Meeting Room, 600 South Franklin, Olympia, WA 98504.

Dated: July 27, 1979

By: Leonard Nord  
Secretary

#### AMENDATORY SECTION (Amending Order 120, filed 5/12/78)

WAC 356-14-110 SALARY - ((ORIGINAL)) PERIODIC INCREMENT DATES - ORIGINAL - SUBSEQUENT. (1) The periodic increment date (PID) is the date on which an employee automatically advances to a higher dollar amount in the range to which the employee's position is classified; provided

(a) The employee's basic salary is not already at or above the maximum step of the assigned range, or

(b) The employee's standards of performance are such as to permit his/her retention in a job status.

(2) The dollar amount of the increase will be two salary schedule increments; except

(a) The amount shall be one salary schedule increment if a two-increment increase would place the employee's basic salary above the maximum of the range of the employee's classification, or

(b) The amount shall be a fractional part of an increment so as to place the employee on the closest highest salary schedule dollar amount, if the employee's basic salary is between salary schedule steps immediately prior to the increase.

(3) The original periodic increment date for an employee is:

((+)) (a) Six continuous months from the date the employee began work at the first step of a salary range(-); or

((+)) (b) One calendar year from the date on which the employee began work at an intervening salary step; provided that in either ((+)) or (-)) (a) or (b):

((+)) (i) Any work period starting before the 16th of the month will count as a full month.

((+)) (ii) Any work period starting after the 15th of the month will not be counted.

(iii) An employee at or above the maximum step of a salary range does not have a periodic increment date.

((+)) (4) The date shall be recomputed following leaves of absence without pay, ((in accordance with the Rules governing leave without pay)) breaks in service due to reduction-in-force or reversion action. In such adjustments, calendar months of pay status already spent at a step will be credited toward the time required to advance to the next available increase in that range.

((+)) (5) ((Employees in the maximum step of the salary sub-range will lose their periodic increment date.)) A periodic increment date shall be set and remain the same unless subsequently changed in accordance with the provisions of the Merit System Rules.

#### AMENDATORY SECTION (Amending Order 109, filed 9/7/77)

WAC 356-14-120 SALARY - PERIODIC INCREMENT DATE - PROMOTION. ((Employees)) An employee who receives a salary increase through promotion shall retain ((their)) his/her present periodic increment date except:

(1) When the employee is placed at the first step ((of the new salary sub-range after promotion)), the employee either retains ((the)) his/her present periodic increment date or assumes a new one ((occurring)) six calendar months from the promotion, whichever date occurs first((-); unless the employee has been promoted more than one full range from another first step, in which case he/she assumes the new date, or));

((2) When the employee is paid at the first step of the new salary sub-range after promotion, and the employee is being promoted three full ranges or more from a step two dollar amount and the promotion was not over an intervening class in the class series nor caused a change in domicile to be within a reasonable commuting distance, then the periodic increment date will be reset six months from the date of the promotion.))

((+)) (2) An employee with no periodic increment date, because he/she is being promoted from a maximum step or a Y-rated amount above the maximum step of a range, will assume a new periodic increment date if the employee is moving to a minimum or intervening salary step as provided in WAC 356-14-110.

((+)) The date shall be recomputed following unpaid leaves of absence in accordance with the Rules governing leave without pay.))

#### AMENDATORY SECTION (Amending Order 120, filed 5/12/78)

##### WAC 356-14-140 SALARY - INCREASE ON PROMOTION.

(1) An employee who is promoted ((shall be paid at the first step which represents an increment increase)) less than six basic salary ranges shall have his/her salary increased by the next two salary schedule increments over the basic salary he/she received immediately prior to the promotion, or ((at the first step of the new sub-range, whichever is higher, except.))

(a) To the minimum step of the newly assigned range, if the minimum dollar amount is higher, or

(b) To the maximum step of the newly assigned range, if a two-increment increase would have otherwise placed the employee above the maximum step of the range, or

(c) To the next higher salary schedule dollar amount which would represent more than a one-increment increase but no more than a two-increment increase, if the employee's basic salary was between two salary schedule steps, and (a) or (b) above do not apply.

((+)) (2) When an employee is promoted to a new classification at least ((three full)) six basic salary ranges above his/her former classification, he/she shall ((receive more than a one-increment increase but no more than a two-increment increase)) have his/her salary increased by the next four salary schedule increments over his/her former basic salary((-); or ((the first step in the new sub-range, whichever is higher, however.))

((+)) (3) When an employee is promoted ((over an intervening class in the class series or from one class series to a higher class series and passes over a lower classification in the new series, which would still represent a promotion, he/she shall be paid at the closest step in the new sub-range that represents at least a two-increment increase over his/her former basic salary, or the first step in the new sub-range, whichever is higher.)) in either situation (a) or (b) below, his/her salary shall be increased by the next four salary schedule increments over his/her former salary:

(a) The employee is promoted over an intervening class in his/her class series, or

(b) An employee is promoted from one class series to a higher class series and over an intervening class in the new series which would have represented a promotion.

((+)) (4) When((ever a promotion would require)) an employee is promoted to a position which requires him/her to move his/her residence to another geographic area to be within a reasonable commuting distance ((to)) of the new place of work, he/she shall ((be paid at the closest step in the new sub-range that represents at least a two-increment increase over his/her)) have his/her salary increased by the next four salary schedule increments over the former basic salary ((or the first step in the new sub-range, whichever is higher)).

((+)) (5) Employees ((are not)) will be entitled to ((both)) only one of the increases ((for promoting over an intervening class and the increase for moving to be within a reasonable commuting distance when they)) of (2), (3) or (4) above, and not the accumulation, when the situations happen within 12 months of each other.

(6) When the increase prescribed in (2), (3) and (4) above would result in a salary above the maximum of a range or the increase was from an amount between the steps, then the same limitations prescribed in (1) (a), (b) or (c) will prevail.

(7) Any additional salary ranges that were afforded by a special pay provision shall not be used in the above computations.

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

**AMENDATORY SECTION** (Amending Order 113, filed 11/30/77)

**WAC 356-15-020 WORK PERIOD DESIGNATIONS.** The Personnel Board shall assign a specific work period designation to each classification. The Personnel Board may authorize a work period designation which differs from the class-wide designation for specific positions having atypical working conditions. When two or more designations are indicated for a job classification, the first designation listed shall constitute the class-wide designation. Each position shall be assigned only one designation.

**(1) Scheduled (S) :**

(a) Standard: Full time positions with conditions of employment which may be completed ((in)) within five ((5)) consecutive work days, each having the same starting time and lasting not more than eight ((8)) working hours, and occurring within the same workweek.

(b) Alternate: Full time positions with conditions of employment which ((can)) may be ((scheduled)) completed within: ((five-5)) work days lasting not more than eight ((8)) working hours within the same workweek but which, because of operational necessity, cannot be scheduled with the same daily starting time or with consecutive days off; or within four ((4)) work days lasting not more than 10 working hours each within the same workweek; or ten ((10)) consecutive work days with four ((4)) consecutive days off;)

(i) Five work days lasting not more than eight working hours within the same workweek but which, because of operational necessity, cannot be scheduled with the same daily starting time or with consecutive days off; or

(ii) Four work days lasting not more than ten working hours each within the same workweek; or

(iii) Ten consecutive work days with four consecutive days off; or

(iv) Ten work days lasting not more than eight working hours and occurring within a scheduled fourteen consecutive day period. Positions are restricted to employees in the Registered Nurse class series who work in an institutional hospital primarily engaged in the care of residents.

After giving written notice to the employee and the certified exclusive representative, the employer may implement an alternate schedule provided the employer can document a program need for the alternate schedule or the alternate schedule is mutually agreeable to the ((employer and)) employee.

(2) **Nonscheduled (NS) :** Full time positions with conditions of employment which necessitate adjustment of hours by employees within forty ((40)) working hours within the workweek. These positions normally have no scheduled starting and/or quitting time, but management may designate specific tasks which require assigned hours.

(3) **Exceptions (E) :** In determining which positions are designated in the "Exceptions" work period, the Personnel Board shall consider the following factors:

(a) Positions which meet the definition (WAC 356-06-010) of Administrative Personnel, Agricultural Personnel, Executive Personnel, Housed Personnel, Law Enforcement Personnel, Professional Personnel.

(b) Positions which have historically been paid overtime by the State.

(c) Positions which have direct counterparts in private industry or other governmental jurisdictions and which have an historical or prevailing practice of paying overtime.

(d) Other factors it may deem to be appropriate.

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

**AMENDATORY SECTION** (Amending Order 113, filed 11/30/77)

**WAC 356-15-030 OVERTIME PROVISIONS AND COMPENSATION.** (1) The following conditions constitute overtime:

(a) For full time employees, work in excess of the workshift within the work day.

(b) Work in excess of forty working hours in one workweek or eighty working hours in scheduled fourteen consecutive day period.

(c) Work on a holiday (except Sunday when it is within the assigned workshift).

(d) Work on a scheduled day off.

(e) Law enforcement work in excess of 240 hours in a work period of 28 consecutive days (60 hours in a work period of 7 consecutive days or in the case of any work period between 7 and 28 days, a proportionate number of hours in such a work period).

(2) Scheduled work period employees shall receive overtime compensation for work which meets (1)(a) through (d). However, an agency is not obligated to pay overtime due to a change in the work day or workweek, when such change is in response to a written request from an employee for employee convenience.

(3) Nonscheduled work period employees shall receive overtime compensation for work which meets (1)(b) through (d) and may be paid overtime compensation for work which meets (1)(a).

(4) Exception work period employees are not normally compensated beyond their regular rate of pay for work which meets (1)(a) through (d). However, they may be compensated for any of those conditions if their appointing authority deems it appropriate. The rate of overtime compensation may be fixed by the appointing authority but may not exceed time-and-one-half the regular rate of pay for these employees.

Law enforcement employees shall receive overtime compensation for work that meets (1)(e) and at the rate of time-and-one-half.

(5) Unless otherwise provided in the work period designations or other Personnel Board decisions, the rate of overtime compensation for Scheduled and Nonscheduled work period employees shall be time-and-one-half.

Overtime compensation shall be paid in either cash or compensatory time off, provided that such compensation is paid in a manner consistent with the overtime liquidation provisions of the Merit System Rules.

Only when an agency and the employee agree may compensatory time off be used in lieu of cash compensation for overtime. When compensatory time is utilized by Scheduled and Nonscheduled work period employees it shall be compensated at the rate of time-and-one-half.

**Reviser's Note:** RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

**AMENDATORY SECTION** (Amending Order 80, filed 7/16/75)

**WAC 356-18-050 SICK LEAVE CREDIT—PURPOSE ((AND)) —ACCRUAL—CONVERSION.** (1) Sick leave credits are granted as a form of insurance to minimize loss of compensation to employees due solely to reasons specified in WAC 356-18-060.

(2) ((One day)) Eight hours of sick leave credit shall be granted for each month in which a fulltime employee is in pay status for 15 or more calendar days.

(3) ((No form of compensation or other form of leave with pay may be granted for sick leave credits.)) Employees shall be eligible to receive monetary compensation for accrued sick leave as follows:

(a) In January of each year, and at no other time, an employee whose sick leave balance at the end of the previous year exceeds 480 hours may elect to convert their sick leave hours earned in the previous calendar year, minus those hours used during the year, to monetary compensation.

(i) No sick leave hours may be converted which would reduce the calendar year-end balance below 480 hours.

(ii) Monetary compensation for converted hours shall be paid at the rate of 25% and shall be based upon the employee's current salary.

(iii) All converted hours will be deducted from the employee's sick leave balance.

(b) Employees who separate from state service on or after September 1, 1979 due to retirement or death shall be compensated for their total unused sick leave accumulation at the rate of 25%. Compensation shall be based upon the employee's salary at the time of separation. For the purpose of this subsection, retirement shall not include "vested out-of-service" employees who leave funds on deposit with the Department of Retirement Systems (DRS).

(c) No contributions are to be made to the Department of Retirement Systems (DRS) for such payments in (a) or (b) above, nor shall such payments be reported to DRS as compensation.

(4) An employee who separates for any reason other than retirement or death shall not be paid for his or her accrued sick leave.

((4)) (5) Former employees who are again employed within two years of their separation from service shall be granted all unused sick leave credits, if any, to which they were entitled at time of separation for the purpose of using sick leave for the reasons prescribed in WAC 356-18-060. Upon any subsequent retirement or death of a retiree who was again employed, only that unused sick leave accrued since the original retirement minus that taken within the same period may be compensated per the conversion provisions of WAC 356-18-050(3)(b).

((5)) (6) Employees coming under the jurisdiction of the State Personnel Board from the jurisdiction of the Higher Education Personnel Board by the provisions of WAC 356-06-055 (4) shall be credited with their sick leave accumulated with the Higher Education system.

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

**AMENDATORY SECTION** (Amending Order 77, filed 5/7/75)

**WAC 356-18-120 MISCELLANEOUS LEAVE.** (1) An appointing authority or designee may allow leave with pay to permit an employee to take an examination for a State position, serve as a member of a jury, or perform other civil duties.

(2) Employees who receive compensation for performing civil duties during working hours shall retain their regular salary but the amount of such additional compensation up to the amount of the employee's basic salary shall be returned or credited back to the agency. The employees shall retain travel reimbursement, and per diem, if any.

**AMENDATORY SECTION** (Amending Order 123, filed 9/26/78)

**WAC 356-18-140 LEAVE WITHOUT PAY.** (1) Leave without pay may be allowed by the appointing authority or designee when such leave will not operate to the detriment of the State service.

(2) Leave without pay may be authorized for any reasons applicable to:

- (a) Leave with pay.
- (b) Educational leave.
- (c) Newborn or adoptive child care leave as provided in WAC 356-18-150.
- (d) Military and U.S. Public Health Service and Peace Corps leave.
- (e) Specific leaves granted for government service in the public interest upon specific request of an employee, concurred in by the appointing authority and approved by the Director of Personnel.

(3) Leave of absence without pay shall not be allowed to an extent aggregating more than 12 months in any consecutive period of five years, except for leaves of absence for military, U.S. Public Health Service, Peace Corps, authorized government leave of no more than two years' duration, for employees receiving time loss compensation or for leaves under provisions of WAC 356-39-120.

**WSR 79-08-086**

**PROPOSED RULES**

**BOARD OF PILOTAGE COMMISSIONERS**

[Filed July 27, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Board of Pilotage Commissioners intends to adopt, amend, or repeal rules concerning the amount of pilotage license fees, the licensing of pilots, health standards for pilots and vessel certification;

that such agency will at 9 a.m., Thursday, September 13, 1979, in the Conference Room, Washington State Ferries, Pier 52, Seattle Washington 98104, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place thereafter and in the same place.

The authority under which these rules are proposed is chapter 88.16 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this

agency prior to September 12, 1979, and/or orally at the hearing.

Dated: July 27, 1979

By: Richard A. Berg  
Chairman

**AMENDATORY SECTION** (Amending Order 78-2, Resolution 78-2, filed 8/23/78)

**WAC 296-116-070 COLLECTION OF FEES.** All pilots shall pay an annual license fee of five hundred ninety dollars for every year in which they perform any pilotage services. If a licensed pilot does not perform pilotage services during a calendar year, his fee for that year shall be reduced to two hundred ninety-five dollars upon application to the board. The board of pilotage commissioners shall receive all fees for licenses or for other purposes and make proper accounting of same and transmit all such funds to the pilotage account.

**AMENDATORY SECTION** (Amending Order 79-2, Resolution 79-2, filed 4/17/79)

**WAC 296-116-080 LICENSING OF PILOTS AND LIMITATIONS.** No person shall be licensed by the board unless he has complied with the requirements of the pilotage act and the rules and regulations of the board. The examining committee shall consist of the board of pilotage commissioners. They shall examine applicants for a state license as provided in the pilotage act and the rules and regulations of the board. The majority of the entire board shall pass on the licensing of a state pilot. All licenses shall be signed by the chairperson of the board. The initial license issued by the board to a pilot who has successfully completed his examination shall not authorize such pilot to perform pilotage services on any vessel of a size of 25,000 gross tons or more for the first year that such licensee becomes an active pilot. During the second year of piloting under an initial license the pilot may perform pilotage on vessels in excess of 25,000 gross tons if such pilotage does not include the docking or undocking of the vessel. The initial license shall contain the above limitations and the date of the commencement and expiration of such periods of limitation. Prior to serving as pilot in charge a newly licensed pilot for Puget Sound shall be required to pilot vessels under the supervision of an experienced pilot for a period of 180 working days or 100 assignments whichever occurs first.

**AMENDATORY SECTION** (Amending Order 73-6, filed 5/11/73)

**WAC 296-116-120 PHYSICAL REQUIREMENTS.** (1) In order to determine the physical fitness of persons to continue to serve as licensed pilots under the provisions of the pilotage act, all licensed pilots shall be required to pass a general physical examination annually within forty-five days prior to the date their annual state pilot license fee is due. Such examination shall be obtained at the expense of the licensed pilots from a physician or physicians designated in advance by the board. The secretary of the board shall give each pilot reasonable written notice of the date when any such physical examination becomes due and shall specify the name of the physicians then approved by the board to conduct such physical examination.

(2) The physical examination required of all pilots shall demonstrate that he is in all respects physically fit to perform his duties as a pilot ~~((and shall include an examination of his eyesight, hearing, heart, blood pressure, and anything else necessary in the opinion of the examining physician)).~~ The examination shall assure that one's abilities as a pilot will not be impaired by eyesight, hearing or other bodily function and shall include examination of the pilot's eyes (including tests for color blindness, depth perception, night vision, disease, field of vision and reflexes); ears; heart; blood pressure; blood components; pulse; speech capabilities; history of diseases (including diabetes, cancer, arthritis, arrhythmia, asthma, bronchitis, emphysema, ulcers, alcoholism and other illnesses) and any other type of information which the physician feels is relevant.

(3) In the case of renewal of license as pilot, should the pilot be temporarily physically incapacitated at the time his license is due to be renewed, the commission shall not revoke such license until a further physical examination to be given at the expiration of three months. This procedure shall be carried on until it is evident that the pilot is permanently incapacitated; provided further, that no pilot shall be carried on the inactive list for longer than one year if disabled. Any pilot

who is physically incapacitated shall not serve as a pilot during such period of incapacitation.

AMENDATORY SECTION (Amending Order 78-2, Resolution 78-2, filed 8/23/78)

WAC 296-116-205 VESSEL CERTIFICATION. (1) Upon boarding a vessel in the Puget Sound or Grays Harbor and Willapa Bay pilotage district, a pilot shall request on the form provided in WAC 296-116-2051 that the master of the vessel certify that: (a) The engine room is properly staffed, able to maneuver, and all related equipment is in good order; (b) there are no defects listed against the ship by the United States Coast Guard which would prevent it from sailing; (c) the vessel is not leaking oil; (d) the vessel is experiencing no propulsion or maneuvering difficulties.

If the master is unable to certify that all of the above conditions are met, he shall ((he {be})) be asked to certify that the United States Coast Guard captain of the port has been notified of said deficiencies and has authorized the vessel to proceed.

If the master is unable or unwilling to certify that either of the above are the case, the pilot shall not offer pilotage services to said vessel. Instead, the pilot shall disembark from the vessel as soon as practicable, immediately inform the captain of the port of the conditions and circumstances by the best possible means and forward a written report to the board of pilotage commissioners no later than 24 hours after disembarking from the vessel. Any Washington licensed pilot who offers pilotage services to a vessel on which the master has failed to make a certification required by this section shall be subject to the penalties provided in RCW 88.16.100 and 88.16.150.

(2) Upon boarding vessels in either the Puget Sound pilotage district or the Grays Harbor and Willapa Bay pilotage district, the pilot shall also request to see the vessel's SOLAS certificate, and the Federal Maritime Commission certificate of financial responsibility ((and the vessel's hazardous cargo manifest)).

The pilot shall also inspect the following of the ship's equipment and conditions and indicate their suitability:

VHF radio, channels 13, 14; radar; gyrocompass; rudder angle indicator; ((fathometer;)) whistle; ((magnetic compass/deviation tables;)) wheelhouse staffed by an officer and helmsman, one of whom speaks English; local, up-to-date charts; and wheelhouse to engine room communications.

(3) The form appearing in WAC 296-116-2051 shall be used by pilots and masters in complying with the above requirements.

(4) Forms completed by masters and pilots which indicate that the vessel is in compliance and nondeficient shall be forwarded to the offices of the board of pilotage commissioners where they will be retained for a period of at least six months. Forms indicating a vessel not in compliance or deficient and forms upon which either the master or the pilot have failed to make the required certification shall be forwarded to the board of pilotage commissioners and retained for a period of at least twelve months.

AMENDATORY SECTION (Amending Order 78-2, Resolution 78-2, filed 8/23/78)

WAC 296-116-2051 VESSEL CERTIFICATION FORM.

Washington State Board of Pilotage Commissioners
READINESS REQUIREMENT CHECK LIST

Date:
Vessel Name:
Registry No.:

MASTER'S CERTIFICATION - VESSEL IN COMPLIANCE

I, ....., Master of the above-named vessel, certify the following indicated information:

- The engine room is properly staffed, the engine is able to maneuver, and all related equipment is in good order.
There are no defects listed against this ship by the U. S. Coast Guard, which would prevent it from sailing.

- This vessel is not leaking oil.
This vessel is experiencing no propulsion or maneuvering difficulties.

.....
Date Master's Signature

MASTER'S CERTIFICATION - VESSEL NOT IN COMPLIANCE

I, ....., Master of the above-named vessel am unable to certify this vessel's compliance with the following of the above-listed requirements:

I do certify, however, that the U. S. Coast Guard captain of the port has been notified of such conditions and has authorized the vessel to proceed.

.....
Date Master's Signature

PILOT'S CERTIFICATION

I, ....., Puget Sound Pilot, certify that upon boarding the above-named vessel on this date:

1) I requested to see the following certificates:

Table with columns: CERTIFICATE, ACCEPTABLE, NOT READILY AVAILABLE OR UNACCEPTABLE. Rows include SOLAS Certificate, FMC Certificate of Financial Responsibility, and ((Hazardous Cargo Manifest)).

2) I inspected the ship's equipment and conditions listed below and found them to be as indicated:

Table with columns: EQUIPMENT, ACCEPTABLE, DEFICIENT. Rows include VHF Radio, Channels 13, 14; Radar; Gyrocompass; Rudder Angle Indicator; ((Fathometer)); Whistle; ((Magnetic Compass/Deviation Tables)); Wheelhouse staffed by officer and helmsman, one of whom speaks English; Local, up-to-date charts; Wheelhouse to engine room communications.

3) I have informed the Coast Guard Captain of the Port via VTS of any deficiencies noted above.

.....
Date Pilot's Signature

WSR 79-08-087  
 PROPOSED RULES  
 DEPARTMENT OF LICENSING  
 [Filed July 27, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Licensing intends to adopt, amend, or repeal rules concerning the amending of WAC 308-61-300, 308-61-310, 308-61-320, 308-61-330, 308-61-340, 308-61-400, 308-61-410, 308-61-420, 308-61-430, 308-61-440, 308-61-450 and repealing WAC 308-61-015, 308-61-020 and 308-61-035;

that such agency will at 10:00 a.m., Wednesday, September 5, 1979, in the 4th Floor Conference Room, Room 4A, Highway-Licenses Building, Olympia, Washington 98504, conduct a hearing relative thereto;

The authority under which these rules are proposed is RCW 46.79.080 and 46.80.140.

Dated: July 27, 1979

By: Robert M. Hayter

Administrator Dealer and Manufacturer Control

AMENDATORY SECTION (Amending Order MV451, filed 9-26-77)

WAC 308-61-300 HULK HAULER—APPLICATION FOR LICENSE. The application for a hulk hauler's license shall be made on the form provided by the department and shall include, in addition to any other information the department may require in addition to the provisions of RCW 46.79.030:

(1) ~~((The name of the person, firm or corporation under which the business will be conducted, the business address, and the name(s) and address(es) of any person(s) having interest in the business, or if a corporation, of the officers thereof; and))~~ A statement regarding whether or not the applicant has ever previously had a license as a hulk hauler, wrecker or registered disposer denied, suspended or revoked and on what dates and what grounds.

(2) A certification from the chief of police of a city over five thousand population, or from a member of the Washington state patrol in all other areas, ~~((that the applicant can be found at the address shown on the application and))~~ that his vehicle(s) are properly identified in accordance with WAC 308-61-320(5).

The license expires annually on June 30th and may be renewed prior to that date by filing an application, securing a signature of the appropriate member of the Washington state patrol on his application, and paying a renewal fee of ten dollars. Failure to renew the license prior to June 30th will require a new application and payment of a ten dollar fee.

AMENDATORY SECTION (Amending Order MV451, filed 9-26-77)

WAC 308-61-310 HULK HAULER—SPECIAL PLATES. All vehicles used by hulk haulers on the highways of this state shall bear regular license plates and in addition, special hulk hauler's plates. Each vehicle shall display both special plates assigned to it, provided that when any vehicle being towed does not have valid license plates, the hulk hauler plates may be split, with one being displayed on the front of the towing vehicle and the other on the rear of the vehicle being towed. The plates serve in lieu of a trip permit or current license plates for the vehicle(s) being transported.

The plates may be obtained at a fee of six dollars for the first set, and three dollars for each additional set(;) which charges include the reflectorization fee required by RCW 46.16.237. ~~((t))~~ They shall expire simultaneously with the hulk hauler's license.

AMENDATORY SECTION (Amending Order MV451, filed 9-26-77)

WAC 308-61-320 HULK HAULER—GENERAL PROCEDURES AND REQUIREMENTS. Hulk haulers shall comply with

all statutes, rules and regulations relative to the handling of vehicles and vehicle hulks.

(1) Change of address. The department shall be notified immediately of any change of mailing address.

(2) License certificate. The license certificate shall be carried in the vehicles operated by hulk haulers. If a hulk hauler operates more than one vehicle he shall request additional license certificates for each vehicle. Such certificates shall also be carried for inspection by law enforcement officers.

A license certificate shall not be construed to be an authorization to store vehicle hulks or parts at the licensee's mailing address.

(3) Tow car fee. The licensee of any fixed load vehicle equipped for lifting or transporting any disabled, impounded or abandoned vehicle or part thereof, may pay a twenty-five dollar fee in lieu of tonnage fees provided in RCW 46.16.070.

(4) Inspection of transport vehicle, premises. (a) Prior to the issuance of a hulk hauler license the vehicle to be used in transporting vehicle salvage must be inspected by the appropriate law enforcement official to verify compliance with safety requirements applying to transportation of vehicle salvage on the highways of the state.

(b) The premises of the hulk hauler shall be subject to periodic inspection by appropriate law enforcement officers and authorized representatives of the department to confirm storage of vehicle hulks or parts is not taking place.

(5) Identification of licensee's vehicles. All vehicles equipped for lifting or transporting vehicles or hulks which are operated on the highways of this state shall display the licensee's name, mailing address and current business telephone number of such licensee. Such information shall be painted on or permanently affixed to both sides of the vehicle in letters or numerals at least three inches high.

Reviser's Note: RCW 34.04.058 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: Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order MV174, filed 10-29-73)

WAC 308-61-330 HULK HAULER—PROCEDURES FOR ACQUIRING AND SELLING VEHICLES. (1) Supporting acquisition for transport, resale. The hulk hauler may acquire vehicles or hulks for transport and resale to a licensed motor vehicle wrecker or scrap processor if the transferor can furnish proof of ownership, in the form of a certificate of title properly endorsed, from a state issuing a title, or a certificate of registration and notarized bill of sale from a state issuing only a registration certificate. If such evidence of ownership is not available, the following documents may serve to support acquisition or possession by a licensed hulk hauler:

(a) Private persons. Acquisitions from private persons may also be supported by affidavits of lost or stolen title and authorization to dispose.

(i) Affidavit of lost or stolen title signed by the owner on record with the department.

(ii) Authorization to dispose.

(b) All licensees other than wreckers. In addition to a properly endorsed title, ((★)) acquisition from licensees other than wreckers may also be supported by one of the following:

(i) Affidavit of lost or stolen title signed by owners of record with the department.

(ii) Authorization to dispose signed by an enforcement officer.

(iii) Affidavit of sale from a registered disposer.

~~((iv))~~ Bill of sale:

— Invoice or bill of sale from wrecker.))

(c) Licensed vehicle wreckers. Acquisition from wreckers licensed by the department may be supported by obtaining his invoice or bill of sale listing each vehicle by the wrecker's "yard number". Such invoice or bill of sale shall be given to the scrap processor purchasing the vehicles listed therein.

(2) Must possess supporting documentation. Before a hulk hauler may transport any vehicle for resale, he shall have in his possession documents to support lawful acquisition or possession, as enumerated in subsection (1) of this section. Such documentation shall be in his possession at all times while the vehicle is transported.

(3) Handling vehicles. A hulk hauler may not operate as a wrecker or remove parts from vehicles, provided that he may remove the parts necessary to sell vehicle salvage to a licensed scrap processor, e.g., the upholstery, gasoline tank, and tires, so long as such parts are removed on the premises of a licensed wrecker or scrap processor where prior permission is granted or at a location approved by the department.

(4) May sell to licensed wreckers and scrap processors. Vehicles in the possession of a licensed hulk hauler may only be sold to a licensed wrecker or scrap processor.

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

**AMENDATORY SECTION** (Amending Order MV174, filed 10-19-73)

**WAC 308-61-340 HULK HAULER—GROUNDS FOR DENIAL, SUSPENSION, REVOCATION—UNLAWFUL PRACTICES.** In addition to RCW 46.79.070 and WAC 308-61-050, a hulk hauler's license may be denied, suspended, or revoked whenever the director has reason to believe the hulk hauler or applicant has committed, or is at the time committing, one of the following unlawful practices:

(1) Transporting any vehicle without first obtaining and having in his possession at all times while transporting, appropriate evidence of ownership or of lawful possession for such vehicle;

~~((2))~~ Committing forgery on a certificate of title, registration or document releasing any interest in a vehicle;

~~((3))~~ Wilfully misrepresenting the physical condition of any vehicle transported;

~~((4))~~ (2) Engaging in any activity relative to vehicles except the acquisition and transportation for resale thereof to a licensed wrecker or scrap processor;

~~((5))~~ (3) Selling vehicles or vehicle parts other than to a licensed wrecker or scrap processor;

~~((6))~~ (4) Selling or disposing of a vehicle or part thereof which he knows or has reason to know has been stolen or appropriated without the consent of the owner;

~~((7))~~ (5) Operating as a wrecker or removing parts from vehicles, provided that a hulk hauler may remove those parts necessary to sell vehicle salvage to a licensed scrap processor, e.g., the upholstery, gasoline tank, and tires, so long as such parts are removed on the premises of a licensed wrecker or scrap processor where prior permission is granted or at a location approved by the department;

~~((8))~~ Committing any dishonest act or omission which the director has reason to believe has caused loss or serious inconvenience as a result of a sale of a vehicle or part thereof;

~~((9))~~ (6) Hauling vehicles from a licensed wrecker to a licensed scrap processor without obtaining and having in his possession during transport the wrecker's invoice or bill of sale for the vehicles being transported;

~~((10))~~ (7) Renting, leasing or borrowing the special license plates issued to a wrecker, or representing himself as being entitled to use wrecker's plates to sell vehicles to scrap processors, or otherwise using such plates;

~~((11))~~ Failing to comply with any provision of chapter 46.79 RCW or any rules and regulations adopted thereunder, or with any of the provisions of Title 46 RCW relating to the registration and certificates of title of vehicles;

**AMENDATORY SECTION** (Amending Order MV174, filed 10-19-73)

**WAC 308-61-400 SCRAP PROCESSOR—APPLICATION FOR LICENSE.** The application for a scrap processor's license shall contain, in addition to any other information the department may require:

~~((1))~~ The name of the person, firm or corporation under which the business will be conducted, the business address, and the name(s) and address(es) of any person(s) having interest in the business, or if a corporation, of the officers thereof; and

~~((2))~~ (1) A certification from the chief of police of a city over five thousand population, or from a member of the Washington state patrol in all other areas, that the application [applicant] can be found at the address shown on the application.

A fee of twenty-five dollars shall accompany each original application. The license expires annually on June 30 and may be renewed prior to that date by filing an application and payment of a renewal fee of ten dollars. Failure to renew the license prior to June 30 will require payment of the original license fee of twenty-five dollars, instead of the ten dollar renewal fee.

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 herein pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION** (Amending Order MV451, filed 9-26-77)

**WAC 308-61-410 SCRAP PROCESSOR—SPECIAL PLATES.** ~~((A))~~~~((v))~~ Vehicles owned or operated on the highways of this state by a scrap processor and used by him in ~~((the conduct of his business))~~ gathering vehicle hulks or salvage shall bear regular license plates and, in addition, ~~((special scrap processor's))~~ hulk hauler plates. Such plates serve in lieu of a trip permit or current license for any vehicle being transported. Each vehicle shall display all plates issued to it.

The plates may be obtained at a fee of six dollars for the first set, and three dollars for each additional set including the reflectorization fee required by RCW 46.16.237; they expire simultaneously with the scrap processor's license.

**AMENDATORY SECTION** (Amending Order MV174, filed 10-19-73)

**WAC 308-61-420 SCRAP PROCESSOR—GENERAL PROCEDURES AND REQUIREMENTS.** All scrap processors shall comply with all statutes, rules and regulations relative to the demolition of vehicles and vehicle hulks.

(1) Change of address. The department shall be notified immediately of any change of address of any business location or of the addition of any such location.

(2) Display of license certificate. The license certificate of the scrap processor shall be displayed conspicuously at the business address shown on the application and shall be available for inspection by law enforcement officers and authorized representatives of the department.

(3) Inspection of premises. The premises of the scrap processor shall be subject to periodic inspection by appropriate law enforcement officers and authorized representatives of the department.

(4) Surrender of license plates. All license plates coming into the possession of the scrap processor shall be surrendered to an authorized representative of the department at such time as the monthly report under RCW 46.79.020 is forwarded to the department.

**AMENDATORY SECTION** (Amending Order MV174, filed 10-19-73)

**WAC 308-61-430 SCRAP PROCESSOR—PROCEDURES FOR ACQUIRING VEHICLES FOR DEMOLITION.** (1) Supporting acquisition. A scrap processor may acquire vehicles for demolition if the transferor can furnish proof of ownership, in the form of a certificate of title properly endorsed, from a state issuing a title, or a certificate of registration and notarized bill of sale from a state issuing a registration certificate only. If such evidence of ownership is not available, the following documents may serve to support acquisition or possession by a licensed scrap processor:

(a) Private persons. Acquisition from private persons may also be supported by affidavits of lost or stolen title and authorizations to dispose.

(i) Affidavit of lost or stolen title.

(ii) Authorization to dispose.

(b) All licensees other than wreckers. Acquisition from licensees other than wreckers may also be supported by one of the following:

(i) Affidavit of lost or stolen title.

(ii) Authorization to dispose.

(iii) Affidavit of sale.

~~((iv))~~ Bill of sale;

~~((v))~~ (iv) Invoice or bill of sale from wrecker.

(c) Licensed vehicle wreckers. Acquisition from wreckers licensed by the department do not require the detailed supporting documentation otherwise required, provided that the wrecker has made monthly reports of vehicles wrecked or dismantled, or acquired for such purpose, and has provided an invoice or bill of sale listing each vehicle in the load to be purchased by "yard number". The scrap processor should verify that he is dealing only with currently licensed wreckers; for this

purpose, the department will provide lists of licensed wreckers to scrap processors periodically.

(2) Out-of-state vehicles. (a) Scrap processors may acquire vehicle salvage from out of state provided that the acquisition is supported by appropriate documentation of ownership of each vehicle of the types enumerated in subsection (1); or

(b) Submit an affidavit prepared by the out-of-state hauler certifying his rightful and true possession of the vehicles contained in the bulk shipment and that he has complied with all statutes, rules and regulations relating to such vehicles in the state or province of origin.

**AMENDATORY SECTION** (Amending Order MV174, filed 10-19-73)

**WAC 308-61-440 SCRAP PROCESSOR—PROCEDURES FOR MONTHLY REPORTS.** (1) Must maintain books and files. (a) The scrap processor shall maintain books and files of all vehicles acquired other than from a wrecker which shall contain the following:

(i) A description of each vehicle acquired by make, model, year and vehicle identification number;

(ii) The date acquired, name of the person, firm or corporation from which obtained, and the wrecker license numbers if such person is licensed as a wrecker by the department;

(iii) A description of the document evidencing ownership, and if a certificate of title or registration, the title or registration number; and

(iv) The license plate number and name of state in which vehicle was last registered.

(b) For all vehicles acquired from a licensed wrecker, a copy of the wrecker's invoice or bill of sale shall suffice as the record of acquisition and demolition.

(c) Such records shall be maintained for three years and shall be subject to periodic inspection by authorized representatives of the department and appropriate law enforcement officers.

(2) Must furnish written reports. By the tenth of the month following acquisition of vehicles or hulks for demolition, each scrap processor shall submit a report, on the form provided by the department, listing each vehicle or part thereof, whether or not such vehicles have been demolished. This report shall be made in duplicate, retaining the duplicate for the scrap processor's files. The report shall give such information as the scrap processor is required to keep by subsection (1) above, provided that the scrap processor need not include copies of a wrecker's invoice or bill of sale in such report so long as he retains copies of the invoices and bills of sale for a period of three years. It shall be accompanied by properly endorsed certificates of title or registration or such other adequate evidence of ownership as may come into the scrap processor's possession when he acquires vehicles for salvage from ~~((other))~~ wreckers licensed by the department. The receipts for license plates surrendered to the department, as required by subsection (4) of WAC 308-61-420, shall also accompany the monthly reports.

**Reviser's Note:** RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

**AMENDATORY SECTION** (Amending Order MV174, filed 10-19-73)

**WAC 308-61-450 SCRAP PROCESSOR—GROUNDS FOR DENIAL, SUSPENSION, REVOCATION—UNLAWFUL PRACTICES.** In addition to RCW 46.79.070 and WAC 308-61-050, a scrap processor's license may be denied, suspended or revoked whenever the director has reason to believe that the scrap processor or applicant has committed, or is at the time committing, one of the following unlawful practices:

(1) Engaging in any activity relative to vehicles ~~((except the acquisition and demolition thereof for recycling which is not included in RCW 46.79.010(3) and RCW 46.79.010(5))~~;

(2) Acquiring vehicles for salvage without appropriate evidence of ownership. ~~((or without verifying that he was dealing with a wrecker licensed by the department~~;

(3) Acquiring vehicles for salvage other than from the legal owner of record, any agency of government, an owner of private property on which the vehicle was abandoned, or a person holding a valid license issued by the department.

~~((4) Committing forgery on a certificate of title, registration or document releasing interest in a vehicle;))~~

~~((5)) (4) Acquiring, having in his possession, or demolishing a vehicle or parts thereof which he knows or has reason to know has been stolen or appropriated without the consent of the owner;~~

~~((6) Committing any dishonest act or omission which the director has reason to believe has caused loss or serious inconvenience as a result of the demolition of a vehicle or part thereof; or~~

~~(7) Failing to comply with any provision of chapter 46.79 RCW or any rules or regulations adopted thereunder, or with any of the provisions of Title 46 RCW relating to the registration and certificate of title of vehicles;))~~

**Reviser's Note:** RCW 34.04.058 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.

**REPEALER**

The following sections of the Washington Administrative Code are each repealed:

- (1) WAC 308-61-015 DEFINITIONS—VEHICLES.
- (2) WAC 308-61-020 DEFINITIONS—PERSONS SUBJECT TO REGULATION.
- (3) WAC 308-61-035 SEGREGATION OF VEHICLES, REQUIRED.

**WSR 79-08-088**

**PROPOSED RULES**

**DEPARTMENT OF LICENSING**

[Filed July 27, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Licensing intends to adopt, amend, or repeal rules concerning the amending of WAC 308-61-130 and 308-61-140, adding WAC 308-61-155, 308-61-160, 308-61-165, 308-61-170 and 308-61-180, amending WAC 308-61-200, 308-61-210, 308-61-220, 308-61-230, 308-61-260 and 308-61-270;

that such agency will at 10:00 a.m., Wednesday, September 5, 1979, in the 4th Floor Conference Room, Room 4A, Highway-Licenses Building, Olympia, Washington 98504, conduct a hearing relative thereto;

The authority under which these rules are proposed is RCW 46.52.115, 46.79.080 and 46.80.140.

Dated: July 27, 1979

By: Robert M. Hayter

Administrator, Dealer and Manufacturer Control

**AMENDATORY SECTION** (Amending Order MV451, filed 9-26-77)

**WAC 308-61-130 REGISTERED DISPOSERS—PROCEDURES FOR SALE.** ~~((Only tow truck operators registered to dispose of abandoned vehicles and hulks and garage keepers with whom an abandoned vehicle has been left, may sell abandoned vehicles;))~~

(1) Notice of custody and sale given to the registered and legal owners shall describe the abandoned vehicle or hulk by make, model, year and vehicle identification number, and shall state the amount of the lien for towing and storage, and the date and place of public sale if vehicle is not reclaimed within fifteen days after notice was mailed to such owner.

If the department or its authorized agent has received application for transfer of title prior to the registered disposer's request for owner information for an abandoned vehicle in his custody, and so notifies the registered disposer prior to the date of public sale, the registered disposer shall send appropriate notice to the latest owner of record even though the department has given him the name and address of a previous owner of record.

When the registered disposer notifies a later owner of record, he may include the cost of notice to both previous and present owners of record in his actual costs of sale.

(2) Vehicles registered out of state. Abandoned vehicles registered in other states may be sold under the same procedures for the disposition of abandoned vehicles registered in this state. A copy of the notice of custody and sale shall be sent to the department of motor vehicles in the state in which the vehicle was last registered.

If license plates or registration certificates are not on an abandoned vehicle in the custody of a registered disposer or garage keeper, he shall conduct a thorough examination of the vehicle to determine its make, model, year and vehicle identification number, and to locate information leading to the name of the registered and legal owner and the state in which the vehicle was last registered. The department may require an inspection by the Washington state patrol to verify the vehicle identification number of such vehicle. All such information shall be reported to the department, which will communicate with such other states as may be necessary to determine whether the registered and legal owner information is available for the vehicle.

When all reasonable efforts to obtain the owner information have proved unsuccessful, including proof of efforts to follow clues and mail notices to registered and legal owners the vehicle may be disposed of in accordance with all procedures except that the notification of the registered and legal owners by certified or registered mail may be omitted if no clue to their addresses can be found. A record of all steps taken to locate the owner(s) of the vehicle shall be kept by the person having custody thereof for a period of three years.

(3) Examination by potential bidders. (a) The registered disposers shall make vehicles offered for public sale available for examination by potential bidders for a time period of not less than three hours prior to the sale. Such time period for vehicle examination shall be included in the published ad required under RCW 46.52.112.

(b) The second and third highest bidder on each vehicle may submit a written bid to the registered disposer. The bid shall be on the abandoned vehicle bid forms available from the department. Vehicles shall be sold to the highest bidder but if the high bidder defaults the next highest bidder, if known, shall have the right to purchase for the amount of his bid and this process shall continue until the vehicle is sold or no bidder remains. Bids submitted in writing shall be retained for inspection in the records of the registered disposer for not less than three years.

(c) To implement the procedures set forth in this section, registered disposers shall post a public notice of the bidding procedures which shall clearly set forth to prospective bidders the availability of bid forms for the second and third highest bidders and other information as provided by the department.

(4) May bid himself. The registered disposer may bid on the abandoned vehicle. If his is the high bid and the bid exceeds the amount of his lien and actual costs of sale, he shall transmit the excess half to the county treasurer and half to the state treasurer as he would if the high bid was made by a person other than himself.

The registered disposer may not elect to retain the vehicle if the high bid does not meet the amount of his lien plus his actual costs of sale. If a registered disposer intends to engage in the business of reselling vehicles he acquires he shall first obtain a vehicle dealer license as required in chapter 46.70 RCW.

(5) Actual costs of sale. In addition to charges specified in the fee schedule on file with the department, the registered disposer may charge against the registered owner or include in his lien only the actual expenses incurred in the sale of abandoned vehicle or hulk. Such actual expenses may include, by way of example, the amount paid for certified or registered mail, and the amount spent to advertise the sale prorated among the number of vehicles advertised. Any other provable actual costs may be assessed. No registered disposer may charge a flat percentage fee or other fixed amount as his cost of sale for the purpose of subsection (5).

(6) Permissible charges. (a) Prior to the public sale the abandoned disposer has a lien against the vehicle in his possession for all actual costs, including charges for towing and storage.

(b) If the amount for which the vehicle is sold at public sale is not sufficient in dollar amount to pay the amount of the lien and the actual costs of sale or ~~((one))~~ two hundred dollars, whichever is less, then the registered disposer shall have a deficiency claim against the registered owner, on which he may seek a judgment in an appropriate court of law, in an amount which is the lesser of the following:

(i) If the amount of the lien is ~~((one))~~ two hundred dollars or more, then the difference between ~~((one))~~ two hundred dollars and the

amount of the successful bid which is less than ~~((one))~~ two hundred dollars;

(ii) If the amount of the lien is ~~((one))~~ two hundred dollars or less, then the difference between the amount of the lien and the amount of the successful bid which is less than the amount of the lien;

(c) After the public sale, no registered disposer shall attempt to procure from the registered owner of any abandoned vehicle payment in an amount in excess of the permitted deficiency claim;

(d) In addition, no registered disposer shall attempt to procure payment for storage of an abandoned vehicle or hulk for more than thirty days after he receives the owner information from the department unless he receives written authority from the registered or legal owner to store such vehicle for a longer period.

(e) RCW 46.52.111 time limits shall be observed except where delay is unavoidable in such instances as when a later owner of record is found, vehicle processing is delayed pending investigation of a vehicle's true identification number by law enforcement or other circumstance beyond the control of a registered disposer.

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

#### AMENDATORY SECTION (Amending Order MV174, filed 10-19-73)

WAC 308-61-140 REGISTERED DISPOSERS—PROCEDURES AFTER SALE. (1) Affidavit of sale. The registered disposer shall complete an affidavit of sale, on the form provided for this purpose, which shall be given to the successful bidder at the sale. The affidavit shall recite that the public sale was held in accordance with the law and disposition of the monies derived from such sale.

(2) Title must result from sale. The public sale of an abandoned vehicle must result in the transfer of title from the last registered and legal owners to the successful bidder, or if no bids were made, to the registered disposer. This will be accomplished by attaching the affidavit to an application for certificate of title. This procedure must be followed by all persons except licensed vehicle wreckers, hulk haulers and scrap processors who may use the affidavit of sale in lieu of a certificate of title, if it is attached to the monthly report of vehicles acquired for destruction or demolition.

(3) Effect of new title. Upon issuance of new title to the successful bidder or upon report of vehicle by a wrecker or scrap processor, the rights ~~((to))~~ of prior lienholders and former owners, both registered and legal, terminate with the sole exception of the permissible claim for deficiency which survives in the registered disposer, who may seek enforcement of such claim in an appropriate court of law.

(4) Title transferred before second sale. The successful bidder, or other person in lawful possession of the vehicle after public sale, shall obtain title in his name before he may sell or transfer his interest in such vehicle. After the public sale and first transfer of title, the affidavit will no longer be an acceptable supporting document for an application for certificate of title; the newly issued title must accompany subsequent applications for title.

#### NEW SECTION

WAC 308-61-155 LAW ENFORCEMENT PROCEDURES FOR IMPOUNDING. The notification of impoundment under RCW 46.61.565 or chapter 46.52 RCW mailed to the last registered and legal owner shall include a certificate of mailing and shall be on a format approved by the department and Washington state patrol:

(1) Name, address and phone number of the impounding enforcement agency, location which lead to impoundment, make, model, description, identification number, license plate number of vehicle and state which issued, whether plate is current, comment on condition of vehicle including obvious body damage or missing equipment, brief reason for impounding, name, address and phone number of registered disposer in whose custody the vehicle was placed, steps required to redeem the vehicle, that a hearing may be requested within 10 days of mailing the notification, location and address of the district court in the area of the impound and that the hearing request should be made to the district court by request in an appropriate space on the notification form, provision for the district court to acknowledge and date the hearing request. In addition pursuant to RCW 46.52.114 a warning statement shall state "If a vehicle remains unclaimed for 5 days, it may be deemed abandoned and sold at a public sale."

(2) If a registered owner prevails at a district court hearing the impounding enforcement agency shall be liable to the registered disposer for permitted impoundment, towing and storage charges.

(3) Upon presentation of satisfactory proof to the registered disposer holding the vehicle that the impoundment was held invalid the registered disposer shall release the vehicle to the registered owner and collect the appropriate impoundment amount from the impounding agency.

#### NEW SECTION

**WAC 308-61-160 LAW ENFORCEMENT NOTIFICATION STICKERS.** (1) When a law enforcement officer discovers an apparently abandoned vehicle or hulk which does not appear to be a public safety hazard under RCW 46.61.565 he shall attach a readily visible notification sticker which shall:

- (a) Give date and time the sticker was attached,
- (b) Identity of the officer,
- (c) A statement that if the vehicle is not removed within twenty-four hours from the time the sticker is attached, the vehicle may be taken into custody and stored at the owner's expense,
- (d) Identity, location and phone number of the enforcement agency where additional information can be obtained.

(e) A warning that if the vehicle is taken into custody it may be deemed abandoned 5 days after it has been placed in storage and sold at public auction.

(2) If the vehicle has current Washington plates and registration, the officer shall check the records to learn the identity of the last owner of record. The officer or his agency shall make a reasonable effort to contact the owner by telephone in order to give the owner the information on the notification sticker.

#### NEW SECTION

**WAC 308-61-165 PLACING VEHICLES IN CUSTODY.** (1) If a vehicle is not removed in twenty-four hours subsequent to placement of a notification sticker, a law enforcement officer may take custody of the vehicle or hulk and place it in the care of a registered disposer who may tow it to his business location for safekeeping.

(2) Whenever a law enforcement officer or his department obtain the identity of the registered and legal owner of an abandoned vehicle or hulk placed in the custody of a registered disposer such information shall be given to the disposer at the earliest possible time so as to assist registered disposers in sending the required notices to registered and legal owners.

#### NEW SECTION

**WAC 308-61-170 VEHICLES IMPOUNDED OR TAKEN INTO CUSTODY.** Pursuant to RCW 46.52.114, if a vehicle remains unclaimed for 5 days from the impound date or date taken into custody, it may be deemed abandoned and subject to the provisions of RCW 46.52.111 and RCW 46.52.112; PROVIDED HOWEVER, that where a timely request for a hearing has been made pursuant to section 4, chapter 178, laws of 1979, 1st ex. sess., the procedural requirements of the abandoned vehicle provisions of RCW 46.52.111, RCW 46.52.112 and RCW 46.52.114 (i.e. notice to registered and legal owners and publishing in a newspaper of general circulation of the date, time and place of public sale, etc.) may be commenced but the sale of a vehicle at public auction shall not take place until after the requested hearing has been held or the request has been otherwise disposed of by order of the district court.

#### NEW SECTION

**WAC 308-61-180 HEARING REQUESTS** (1) Upon receipt of a hearing request from a registered owner, a district court shall provide the registered disposer and enforcement officer a copy of such request together with the assigned hearing date.

(2) Upon completion of the hearing, the district court shall forward a copy of the judgment to the enforcement agency and the registered disposer as shown on the hearing request document.

#### AMENDATORY SECTION (Amending Order MV174, filed 10-19-73)

**WAC 308-61-200 WRECKERS—APPLICATION FOR LICENSE.** An original application for a wrecker license shall be filed

with the director on the form provided for this purpose. The application must be endorsed by the chief of police if city is over five thousand population; otherwise, by member of the Washington state patrol. The endorsement certifies that the wrecker has an established place of business at the address shown on the application and that his vehicle(s) are properly identified in accordance with WAC 308-61-220(6). ((The fee for an original license is twenty-five dollars.))

((All wreckers' licenses expire annually on June 30 and may be renewed prior to that date by payment of the ten-dollar renewal fee.)) No license will be renewed unless the wrecker's premises have been inspected by an appropriate law enforcement officer or authorized representative of the department. Failure to renew the license prior to June 30 will require the payment of an original license fee of twenty-five dollars, instead of the ten dollar renewal fee.

Each application shall specify the number of vehicles owned, leased, rented or otherwise operated in the conduct of his business by the applicant, or wrecker seeking renewal and shall identify such vehicles by make, model, year or other adequate description, and identification number.

#### AMENDATORY SECTION (Amending Order MV174, filed 10-19-73)

**WAC 308-61-210 WRECKERS—SPECIAL PLATES.** All vehicles operated by a motor vehicle wrecker on the highways of this state in the conduct of his business shall bear regular license plates and, in addition, special wrecker's plates. Wrecker's plates may be obtained at a fee of six dollars which includes \$1.00 for reflectorization under RCW 46.16.237 for the first set, and three dollars including reflectorization for each additional set.

The wrecker may purchase sets of plates equal in number to the number of vehicles reported on his application as owned, rented, leased and operated by him and used by him in the conduct of his business. Should the wrecker purchase, lease, or rent additional vehicles in his business during the course of the year, he shall so inform the department and may, at the department's discretion, obtain additional plates for such vehicles.

Each vehicle shall display both wrecker plates assigned to it, provided that when any vehicle being towed does not have valid license plates, wrecker plates may be split, with one being displayed on the front of the towing vehicle and the other on the rear of the vehicle being towed.

#### AMENDATORY SECTION (Amending Order MV174, filed 10-19-73)

**WAC 308-61-220 WRECKERS—GENERAL PROCEDURES AND REQUIREMENTS.** All wreckers shall comply with all rules and regulations relative to the handling of vehicles to be wrecked or dismantled.

(1) Enclosure. The activities of a motor vehicle wrecker shall be conducted entirely within his established place of business. A physical barrier shall designate the boundary of the wrecking yard except that, where necessary to obscure public view of the premises, such premises shall be enclosed by a sight-obstructing wall or fence at least eight feet high.

(a) A permanent physical barrier shall be made of posts permanently placed in the ground and connected by at least two strands of chain, cable, or barbed wire, or of other equally strong and permanent construction.

(b) Where required, such sight-obstructing wall or fence shall be painted or stained in neutral shade to blend with surrounding premises. Any fence should be made of chain link with slats or other construction that will prevent public view of the premises.

(c) A living hedge of equal height and sufficient density to prevent view of the premises may be substituted for the wall or fence.

(d) All enclosures and barriers shall be kept in good repair. Dying portions of any hedge shall be replaced.

(e) Reasonable consideration shall be given to the topography of the land by enforcement personnel when inspecting premises for such fence, enclosure or barrier.

(f) Exceptions to this section must be granted in writing by the department.

(2) Additional places of business. Each licensed wrecker may maintain one or more additional places of business within the same law enforcement jurisdiction, such as a city or county, under the same permit. The wrecker may maintain as many storage yards or sales outlets as needed so long as each is registered with the department. Each

wrecking or storage yard shall comply with local zoning regulations and with such other requirements as the department may provide, particularly those in subsection (1) above. Duplicate wrecker's licenses will be issued to be posted at each additional place of business.

(3) Change of address. The department shall be notified immediately of any change of address of any business location or of the addition of any such location.

(4) Display of license certificate. The license certificate of a licensed wrecker shall be displayed conspicuously at each business address(es) and shall be available for periodic inspection by law enforcement officers and authorized representatives of the department.

(5) Tow car fee. The license of any fixed load vehicle equipped for lifting or towing any disabled, impounded, or abandoned vehicle or part thereof, may pay a twenty-five dollar fee in lieu of tonnage fees as provided in RCW 46.16.079.

(6) Identification of licensee's vehicles. All vehicles equipped for lifting or transporting vehicles or hulks which are operated on the highways of this state shall display the licensee's name, the city in which the licensee's established place of business is located, and current business telephone number of such licensee. Such information shall be painted on or permanently affixed to both sides of the vehicle in letters or numerals at least ~~((four))~~ three inches high.

(7) Surrendering license plates. ~~((All license plates coming into the possession of a licensed wrecker shall be surrendered to an authorized representative of the department prior to submitting his monthly report.))~~ The wrecker shall remove license plates from all vehicles as soon as they are acquired, store such plates in a safe place, and shall surrender such plates to an authorized representative of the department prior to submitting his monthly report.

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

#### AMENDATORY SECTION (Amending Order MV174, filed 10-19-73)

WAC 308-61-230 WRECKERS—PROCEDURES FOR ACQUIRING VEHICLES AND VEHICLE PARTS. Supporting acquisition. The wrecker may acquire vehicles and vehicle parts if the seller can furnish proof of ownership as follows:

(1) Certificate of title properly endorsed in the case of vehicles from states issuing a title.

(2) Certificate of registration and notarized bill of sale from a state issuing registration certificates only.

(3) Affidavit of lost or stolen title if executed by the registered and legal owner of record.

(4) Permit to wreck, pursuant to RCW 46.12.230.

(5) Insurance company bills of sale pursuant to WAC 308-58-030.

(6) Affidavit of sale pursuant to WAC 308-61-140(1) and (2).

(7) Authorization to dispose pursuant to RCW 46.52.150.

~~((8))~~ Sheriff's bill of sale for ten year old or older vehicles pursuant to RCW 46.52.116.

~~((9))~~ (8) (a) In the case of vehicle parts a bill of sale from the seller describing the specific part and giving the full name, address and verification of the seller's identity, plus date of sale. In addition, if a major component part is acquired the vehicle identification number from which it came must also be set forth on the bill of sale. For acquiring major component parts ((as defined in WAC 308-61-010(9))) a bill of sale shall include verification of the name and address of the seller, the date, plus the identification number of the vehicle from which the major component part came.

(b) Acquiring parts from vehicles which have had identification numbers removed, defaced or tampered with shall be grounds for suspension or revocation of license, except vehicles cleared by law enforcement agencies.

(c) A copy of each bill of sale shall be maintained on acquired parts for a period of three years.

#### AMENDATORY SECTION (Amending Order MV174, filed 10-19-73)

WAC 308-61-260 WRECKERS—SELLING USED VEHICLES. (1) Any motor vehicle wrecker who buys motor vehicles for the

purpose of sale in an unaltered condition or as a whole vehicle may sell such vehicles if he holds a vehicle dealer's license.

(2) All vehicles acquired for sale under a vehicle dealer's license which are inoperable at the time of acquisition shall be kept inside the wrecking yard and shall be segregated from the remainder of the operation by a continuous physical barrier.

(3) Any vehicle which has been inoperable for more than six months shall be removed from the dealer's area and entered into the wrecking yard.

(4) "Inoperable" as used in this section shall mean a vehicle which does not comply with requirements for vehicles used on public streets with regards to brakes, lights, tires, safety glass and other safety equipment. However, for purposes of this section, inoperable shall not include a requirement to be currently licensed.

#### AMENDATORY SECTION (Amending Order MV451, filed 9-26-77)

WAC 308-61-270 WRECKERS—ADDITIONAL GROUNDS FOR DENIAL, SUSPENSION, REVOCATION OR CIVIL FINE ASSESSMENT—UNLAWFUL PRACTICES. In addition to RCW 46.80.110 and WAC 308-61-250, a wrecker's license may be denied, suspended or revoked, or the licensee or applicant may be assessed a civil fine up to five hundred dollars for each violation whenever the wrecker or applicant has committed, or is at the time committing, one of the following unlawful practices:

~~((1) Acquiring vehicles or parts thereof without title or other appropriate documentation as provided in chapter 46.80 RCW or in chapter 308-61 WAC;~~

~~((2) Buying, selling, receiving, disposing of or having in his possession any vehicle or part thereof whose identification number has been removed, defaced, covered, altered or destroyed to conceal or misrepresent the identity of such vehicle or part, without notifying the law enforcement agency having jurisdiction over the wrecker's premises;~~

~~((3) Failing to segregate vehicles as required by WAC 308-61-030;~~

~~((4) Destroying vehicles other than at his licensed wrecking yard;~~

~~((5) Failing to comply with any provision of chapter 46.80 RCW and the rules and regulations applicable thereto before offering for sale and selling used vehicles or vehicle parts;~~

~~((6) Willfully misrepresenting the physical condition of any motor or integral part of a vehicle;~~

~~((7) Committing forgery or misstating a material fact on any title, registration or other document covering a vehicle that has been reassembled from parts obtained by disassembling other vehicles;~~

~~((8) Committing any dishonest act or omission which the director has reason to believe has caused loss or serious inconvenience as a result of a sale or purchase of a vehicle or part thereof;~~

~~((9) Renting, loaning or otherwise permitting the use of special license plates issued to the wrecker, on vehicles not owned, leased or rented and operated by him;~~

~~((10) Failing to comply with any provision of chapter 46.80 RCW or the rules and regulations adopted thereunder, as now or hereafter amended, or with any of the provisions of Title 46 RCW and rules and regulations adopted thereunder relating to registration and certificates of title of vehicles;~~

~~((11) Failure to keep records pursuant to chapter 46.80 RCW and WAC 308-61-240;))~~

(1) Misuse of motor vehicle wrecker plates assigned such as renting or loaning for use on vehicle not owned, leased, rented or operated by a licensee or his employee.

~~((12))~~ (2) Failure to maintain an established place of business ((and)) which conforms with zoning laws pursuant to RCW 46.80.010; and

~~((13))~~ (3) Failure to make records available during regular business hours to authorize enforcement agencies or officers or employees of the department.

(4) Failure to maintain a segregated storage area as required by WAC 308-61-035 when appropriate acquisition documents are not in the possession of a licensee shall be held in violation of RCW 46.80.110(i).

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

WSR 79-08-089  
 PROPOSED RULES  
 DEPARTMENT OF LICENSING  
 [Filed July 27, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Licensing intends to adopt, amend, or repeal rules concerning the amending of WAC 308-61-010, amending WAC 308-61-025 Definitions—Reports, documents, WAC 308-61-040 Documents supporting acquisition of vehicles, WAC 308-61-050 Grounds for denial, suspension, revocation—Unlawful practices, WAC 308-61-100 Registered disposers—Application, WAC 308-61-110 Registered disposers—General procedures and requirements, WAC 308-61-120 Registered disposers—Procedures for taking custody;

that such agency will at 10:00 a.m., Wednesday, September 5, 1979, in the Room 4A, 4th Floor Conference Room, Highway-Licenses Building, Olympia, Washington 98504, conduct a hearing relative thereto;

The authority under which these rules are proposed is RCW 46.52.115 and 46.01.100.

Dated: July 27, 1979

By: Robert M. Hayter

Administrator, Dealer and Manufacturer Control

AMENDATORY SECTION (Amending Order MV451, filed 9-26-77)

WAC 308-61-010 DEFINITIONS—GENERAL. (1) Department. The department of licensing of the state of Washington.

(2) Director. The director of the department of licensing.

~~((3))~~ Sheriff. For the purposes of this chapter "sheriff" means the sheriff in a county or the person who fulfills the normal duties of the sheriff including the disposition of abandoned vehicles or automobile hulks.)

~~((4))~~ (3) Destroy. To destroy means the dismantling, disassembling or wrecking of a vehicle with the intent of never again operating such as a vehicle, or the sustaining of damage to a vehicle either (a) to the extent that the cost of repairing it exceeds its fair market value immediately prior to the accident or occurrence, or (b) to the extent that the cost of repairing it plus its salvage value in its damaged condition exceeds or approximately equals the market value of the vehicle in its repaired or restored condition.

~~((5))~~ (4) Demolish. To demolish means the rendering of vehicle salvage into recyclable metals, for example, by means of an hydraulic baler and shears or a shredder operated by a licensed scrap processor.

~~((6))~~ (5) Secure area. A secure area is a place of safety for vehicle storage and is an area completely enclosed by a fence of sufficient height and construction to prevent access by the general public, with a gate which can be locked. The fence shall be at least eight feet high with at least two strands of barbed wire at the top.

~~((7))~~ (6) Licensee. A licensee is a person, firm, partnership, association or corporation holding a valid license or registration issued by the department as a registered disposer, wrecker, hulk hauler, or scrap processor as defined in WAC 308-61-020.

~~((8))~~ (7) Written bid. A written bid means a form approved (supplied) by the department in connection with the sale of abandoned vehicles.

~~((9))~~ Major component part. For the purposes of this chapter the following are considered major component parts of a vehicle:

- (a) Engines and short blocks;
- (b) Frames;
- (c) Transmission and transfer cases;
- (d) Cabs;
- (e) Doors;
- (f) Front and/or rear differentials;
- (g) Front and rear clips;
- (h) Quarter panels;

(i) Truck beds or boxes;

(j) Vehicle seats;

(k) Hoods;

(l) Bumpers.)

(8) Impounded and Abandoned Vehicles - For the purpose of this chapter an impounded vehicle shall be a vehicle taken into custody and stored up to 5 days at the direction of an enforcement officer pursuant to RCW 46.61.565 or Section 3, chapter 178, laws of 1979, 1st ex. sess. After the 5th day if a vehicle has not been reclaimed by the owner, a registered disposer may declare a vehicle abandoned and proceed as provided by RCW 46.52.114.

AMENDATORY SECTION (Amending Order MV451, filed 9-26-77)

WAC 308-61-025 DEFINITIONS—REPORTS, DOCUMENTS. (1) Seller's report of sale. A seller's report of sale on a form furnished by the department will relieve a registered owner from personal liability for costs incurred in the removal, storage or disposal of an abandoned vehicle as provided in RCW 46.52.106 and 46.52.112 if submitted to the department within five days of sale. The seller's report of sale need not be filed if the vehicle has been sold or traded to a licensed dealer.

This definition does not apply to the sale of a vehicle by a dealer or to the public sale of an abandoned vehicle hulk.

(2) Abandoned vehicle report. (a) An abandoned vehicle report shall be submitted (~~in duplicate~~) to the department(;) on the forms provided(;) by any registered disposer taking custody of an abandoned vehicle or ((automobile)) hulk ((~~or garage keeper with whom the vehicle was stored~~)).

(b) If a law enforcement agency has given the registered and legal owner information to a registered disposer, the disposer shall attach such information to the abandoned vehicle report before sending it to the department. The department shall confirm that the information is correct. If it is not correct, the current registered and legal owner information shall be supplied and the disposer shall send a Notice of Custody and Sale to the latest reported registered and legal owner.

(3) Notice of custody and sale. A notice of custody and sale is that document sent by the registered disposer to the registered owner and legal owner giving legal notice of amount of the registered disposer's or garage keeper's lien for services, when due, place and time of public sale if not paid and right to seek judgment for deficiency against the registered owner for a maximum of ((one)) two hundred dollars minus the sale price of the vehicle.

(4) Affidavit of sale. An affidavit of sale is that document given to the successful bidder by the registered disposer or garage keeper. The registered disposer or garage keeper shall state in such affidavit of sale that the sale was conducted under proper procedures and shall indicate the disposition of monies derived from such sale. The affidavit may be submitted to the department with an application for certificate of title or may be used by a licensed auto wrecker, hulk hauler or scrap processor in lieu of certificate of title to report the acquisition for destruction or demolition.

(5) Report of disposition of abandoned vehicle. A report of disposition of abandoned vehicle is that document sent to the Washington state patrol, on the form provided, by the registered disposer showing the disposition of the vehicle previously reported to the department on the Abandoned Vehicle Report form provided.

(6) Release of interest. A release of interest is that notarized document, signed by the owner in accordance with the rules pertaining to vehicle titles on a form provided by the department, by which the owner may relinquish interest in a vehicle if the certificate of title is not available for his signature.

(7) Bill of sale. A bill of sale shall include the names and addresses of the seller and purchaser; a description of the vehicle or part being sold, including the make, model and identification or serial number; the date of sale; and the purchase price of the vehicle or part. A private party sale shall include the notarized signature of the seller. Bills of sale are acceptable in lieu of title in the case of vehicles from nontitle states or when an insurance company or private owner has turned in the title to a vehicle previously destroyed as provided under WAC 308-58-030. ((~~Sheriff bills of sale issued pursuant to RCW 46.52.116 may also be used in lieu of title.~~))

(8) Abandoned vehicle bid form. An abandoned vehicle bid form is that form provided by the department for the purpose of recording the second and third highest bids at the sale of abandoned vehicles.

AMENDATORY SECTION (Amending Order MV451, filed 9-26-77)

WAC 308-61-040 DOCUMENTS SUPPORTING ACQUISITION OF VEHICLES. Any licensee may acquire vehicles for hauling, destruction or demolition if the transferor can furnish proof of ownership, in the form of a certificate of title properly endorsed, from a state issuing a title, or a certificate of registration and notarized bill of sale from a state issuing a registration certificate only. If such evidence of ownership is not available, the following documents may serve to support acquisition or possession when used by an appropriate licensee:

(1) Affidavit of lost or stolen title. When a title is lost or stolen, an affidavit of lost or stolen title executed by the registered or legal owner of record and a release of interest describing the vehicle in full, both of which shall be notarized, will be acceptable in lieu of title.

(2) Permit to wreck. (a) When a licensed wrecker is in possession of a vehicle ten years or older, and ownership of which or whose owner's residence is unknown, a permit to wreck a vehicle, or part thereof, issued by the department, will be acceptable in lieu of title.

(b) Prior to submitting an application for such permit, inquiry shall be made to the department to determine if record of the vehicle is on file. In the event record of the vehicle is on file, the application shall be accompanied by a notarized release of interest from the registered and legal owners. If no registered or legal owner can be located, evidence shall be presented of efforts made to contact the owner(s), such as copies of correspondence and returned receipts for registered or certified mail.

(c) If no record is on file, the wrecker shall conduct a thorough examination of the vehicle to determine its make, model, year and vehicle identification number, and to locate information leading to the name of the state in which the vehicle was last registered. All such information shall be reported to the department, which will communicate with such other states as may be necessary to determine whether the registered and legal owner information is available for the vehicle. When all reasonable efforts to obtain the owner information have proved unsuccessful, the permit to wreck may be issued. Before the issuance of a permit, the department may require inspection by the Washington state patrol for vehicle identification number. A record of all steps taken to locate the owner of the vehicle shall be kept by the wrecker to whom the permit was issued for three years.

(d) A fee of one dollar plus filing fee of one dollar shall be included with the application for the permit to wreck.

(3) Insurance bills of sale. When a vehicle is purchased from an insurance company which has surrendered title to the department, a bill of sale from the insurer will be acceptable in lieu of title.

(4) Authorization to dispose. Upon request from a private person having the right to possession to property upon which an abandoned junk motor vehicle has been left, or from a governmental unit possessing jurisdiction over public property, a written authorization to dispose of such vehicles will be acceptable in lieu of title. Such authorizations may only be issued by law enforcement officers having jurisdiction or authorized representatives of the department, on forms provided for this purpose, after a determination that the vehicle qualifies as an abandoned junk motor vehicle. The ultimate disposition of such vehicles shall be through a scrap processor or vehicle wrecker. ~~((and such vehicles may never be offered for sale as a whole vehicle.))~~

(5) Affidavit of sale. When an abandoned vehicle is acquired at public sale, an affidavit of sale on the form provided by the department and completed by the registered disposer taking custody of and selling or retaining the vehicle, will be acceptable in lieu of title.

~~((6) Bill of sale. When, pursuant to a city or county ordinance, an abandoned vehicle ten or more years old is impounded and declared a public nuisance, a bill of sale signed by the sheriff will be acceptable in lieu of title.))~~

~~((7))~~ (6) Invoice or bill of sale from wrecker. When vehicles are purchased from a wrecker licensed by the department, which have been properly reported, an invoice or bill of sale from said wrecker listing each vehicle by "yard number" will be acceptable in lieu of title.

AMENDATORY SECTION (Amending Order MV174, filed 10-19-73)

WAC 308-61-050 GROUNDS FOR DENIAL, SUSPENSION, REVOCATION—UNLAWFUL PRACTICES. The director may, by order, deny an application for license under Chapters 46.52, 46.79, and 46.80 RCW, or suspend or revoke any license if he finds that the order is in the public interest and that the applicant, licensee or any partner, officer, director or majority stockholder has failed to comply with any

of the provisions of the above-named chapters or the rules and regulations adopted thereunder, or other provisions of Title 46 RCW, or the rules and regulations adopted thereunder relating to the registration, titling, acquisition, handling or disposition of vehicles. In addition, a license may be denied, suspended or revoked if the director has reason to believe that the applicant or licensee or any of the above-named persons has:

(1) been the holder of a certificate of registration issued under the law which was revoked for cause, or suspended and the terms of the suspension have not been terminated;

(2) made a false statement of material fact in his application or any supporting documents attached to the application; or

~~((3) is insolvent, either in the sense that his liabilities exceed his assets, or in the sense that he cannot meet his obligations as they mature.))~~

AMENDATORY SECTION (Amending Order MV174, filed 10-19-73)

WAC 308-61-100 REGISTERED DISPOSERS—APPLICATION. (1) The application for registration of tow truck operators to dispose of abandoned vehicles and ~~(automobile)~~ vehicle hulks shall contain:

~~((a) The name under which the business is conducted, the established business address of such business, and the telephone number of such business.))~~

~~((b) The name and address of the owner, or if a partnership, the name and address of each partner. If the owner is a corporation, the names of the principal officers and their addresses.))~~

~~((c))~~ (a) A statement as to whether the applicant has previously been registered to dispose of abandoned vehicles or abandoned automobile hulks. If the applicant has been so registered, then the registration number shall be shown.

~~((d))~~ (b) A statement as to whether the applicant currently has a towing or storage contract with any unit of government and giving the name of such governmental unit if a contract exists.

~~((e))~~ (c) A statement as to whether the applicant has previously engaged in the vehicle towing or storage business under a different name. If the applicant has, the name, addresses, and dates of the business shall appear. If the applicant has been under a different personal name in said business, that name shall be given.

~~((f))~~ (d) A statement as to the applicant's solvency.

~~((g) A statement and description of insurance coverage.))~~

~~((h))~~ (e) A statement and description of facilities available to the applicant for the storage of abandoned vehicles or automobile hulks.

~~((i))~~ (f) A description of each towing vehicle equipped with a lifting mechanism and used by the applicant in his business. Such description shall include the make, year, model or other adequate description, and identification number of the vehicle and the regular Washington license plates assigned to it.

~~((j))~~ (g) A statement as to whether the applicant has ever had a business license suspended or revoked and, if so, an explanation of the circumstances.

~~((k))~~ (h) A statement setting forth the applicant's standard fee schedule for towing, storage and other charges. (The department shall be notified within ten days of any changes.)

~~((l))~~ (i) A statement of the hours available for towing services. If a towing operator has more than one place of business, he shall list hours for each location.

(2) An applicant shall appear for a personal interview if requested by the department.

AMENDATORY SECTION (Amending Order MV451, filed 9-26-77)

WAC 308-61-110 REGISTERED DISPOSERS—GENERAL PROCEDURES AND REQUIREMENTS. All registered disposers shall comply with all statutes, rules and regulations relative to the handling and disposition of abandoned vehicles and automobile hulks, and shall make reports in such form and frequency as may be required.

(1) Additional places of business. The address of each place of business operated under the same name and within a single county shall be attached to the registration application. Such additional places of business may be operated under one permit; no additional bond or insurance will be required for such premises so long as each additional place of business is covered by the bond and insurance. The provisions of subsection (5) shall apply to each and every such location.

(2) Change of address. The department shall be notified immediately of any change of address of any business location or of the addition of any such location.

(3) Changes in ownership. Any change of partners or of a corporation's officers' names and addresses, aside from a total sale of the business, shall be reported to the department, in writing, within ten days of such change. A complete sale of business requires a full application from the new owner(s).

(4) Insurance coverage. ~~(Each registered disposer and garage keeper shall carry at least five thousand dollars of insurance to protect against vehicle damage from, including but not limited to, fire and theft incurred from the time a vehicle comes into his custody until it is sold as an abandoned vehicle or reclaimed by the registered or legal owner. Each registered disposer shall also carry at least fifty thousand dollars of liability insurance for property or bodily injury. The department shall be notified within ten days of any change which leaves the disposer or garage keeper without the necessary minimum coverage. A copy of the insurance policy or certificate of coverage shall be filed with the department. The insurer shall notify the department if the policy is cancelled.) Pursuant to RCW 46.52.108(5) each registered disposer shall file a certificate from an insurance company for: (a) insurance to protect vehicle owners under a garage keeper legal liability policy for vehicles in his care, custody and control including, but not limited to, fire and theft in the amount of \$10,000.00 for each vehicle.~~

~~(b) A minimum of \$50,000.00 general liability insurance coverage for each occurrence including bodily injury or property damage.~~

~~(c) The amount of insurance required shall be applicable to each location at which vehicles are held in care, custody and control or where the business as a registered disposer is conducted. It shall be incumbent upon each registered disposer for insurance purposes to provide the necessary information for coverage at each location as determined by annual gross receipts, number of employees, number of vehicles used in the business or other means determined to be appropriate for providing public protection proportionate to the size of each business location.~~

~~(d) An insurer shall notify the department at least 10 days prior to cancellation of a policy.~~

(5) Storage areas. Vehicles in the custody of a registered disposer shall be kept entirely within a secure area owned or operated by the registered disposer. The fencing requirement may be waived in writing by the department where, due to topography, a fence would be impracticable and the storage area is secure without a fence.

(6) Business hours. Each registered disposer shall post his business hours in a place conspicuous to the public when the business is closed and each shall be available for the purpose of releasing vehicles at least five days a week for posted periods of at least four hours' duration between the hours of 8 a.m. and 8 p.m.

(7) Identification of licensee's vehicles. All vehicles equipped for lifting or transporting vehicles or hulks which are operated on the highways of the state shall display the licensee's name, city in which the licensee's established place of business is located, and current business telephone number of such licensee. Such information shall be painted on or permanently affixed to both sides of the vehicle in letters or numerals at least three inches high.

(8) Fee schedule. The department shall be notified within ten days of any change in the fee schedule for towing or storage, which schedule was submitted to the department with the application.

(9) Registration number. The registered disposer's registration number shall appear on all correspondence regarding the disposition of abandoned vehicles and automobile hulks.

#### AMENDATORY SECTION (Amending Order MV174, filed 10-19-73)

**WAC 308-61-120 REGISTERED DISPOSERS—PROCEDURES FOR TAKING CUSTODY.** (1) Vehicles deemed abandoned. Vehicles meeting the requirements of RCW 46.52.102 and 46.52.145 may be deemed abandoned vehicles and abandoned junk motor vehicles, respectively. In addition, vehicles left in garage storage may be deemed abandoned in the following manner:

(a) Fixed contract of storage. A vehicle stored under a fixed contract of storage may be deemed abandoned on the ~~((fifth))~~ third day following expiration of the contract. The fact of abandonment shall be reported to the department and Washington state patrol ~~((within ten days of the date of abandonment))~~ by the fourth day after expiration of the fixed contract of storage.

(b) Open-ended contract of storage. A vehicle stored under an open-ended contract of storage may be deemed abandoned at any time

by the ~~((garage keeper))~~ registered disposer. The fact of abandonment shall be reported to the department and Washington state patrol within ~~((ten days of the date of abandonment))~~ twenty-four hours from the time a vehicle is declared abandoned.

The abandoned vehicle may be offered for public sale pursuant to RCW 46.52.111 and 46.52.112 or other appropriate statutory procedures ~~((as if it were being offered by a registered disposer))~~. If offered for sale pursuant to RCW 46.52.111 and 46.52.112, the ~~((garage keeper))~~ registered disposer shall in addition notify the owner of the date the vehicle was deemed abandoned.

(2) Must possess written authority to tow or other evidence of lawful possession. Unless the registered disposer has appropriate evidence of ownership or lawful possession for every abandoned vehicle, he shall have in his possession a properly executed written authority to tow from the person requesting removal of the vehicle before he may take custody of any vehicle and while he transports such vehicle.

The properly executed written authority to tow or other evidence of lawful possession will suffice in lieu of current license plates or trip permits for such abandoned vehicles.

(3) Claiming vehicles. (a) Either a registered or legal owner may claim an abandoned vehicle from a registered disposer by payment of the disposer's charges that have accrued to the time of reclamation. If the vehicle was impounded at the direction of or placed in custody by any law enforcement agency, the registered disposer shall notify such agency of the fact that the vehicle has been claimed, and by whom.

~~(b) A registered owner who prevails at a hearing shall turn in to the disposer evidence from the district court the impound was held to be invalid. A registered disposer is entitled to collect his impounding costs from the impounding enforcement agency in each case in which he has reimbursed a registered owner because an impound was found to be invalid.~~

~~(c) Registered disposers shall maintain a separate trust account for the deposit of cash bonds. Such trust account shall be in an amount which is equal to the total of all deposits on cases still to be tried in district court.~~

(4) Surrendering titles. The registered disposer shall attach to the affidavit of sale any certificate of title voluntarily surrendered to him by the registered or legal owner of an abandoned vehicle. Having the certificate of title in his possession does not relieve the registered disposer of the duty to issue an affidavit of sale to the high bidder at public sale.

#### WSR 79-08-090

##### EMERGENCY RULES

##### DEPARTMENT OF ECOLOGY

[Order DE 79-15—Filed July 27, 1979]

I, Elmer C. Vogel, deputy director of the Department of Ecology, do promulgate and adopt at the Department of Ecology, Lacey, Washington, the annexed rules relating to the amending of chapter 173-19 WAC, Shoreline Management Act of 1971, State Master Program, regarding the incorporation of local shoreline master programs and revised programs approved by the Department of Ecology into the State Master Program pursuant to RCW 90.58.030(3)(c).

I find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is a recent ruling of the Washington State Shorelines Hearings Board in the case of State v. Kitsap County, No. 78-37 (Order granting motion for partial summary judgment entered May 29, 1979), based on the Washington State Supreme Court's decision in Harvey v. Board of County Commissioners, 90 Wn.2d 473 (1978), has clearly established that master programs and

revisions thereto are not effective until adopted pursuant to RCW 34.04.025, regardless of whether the document has been approved by the Department of Ecology. To prevent undesirable delay and uncertainty in local governments' administration and enforcement responsibilities under the Shoreline Management Act, an emergency adoption of these rules is in the best public interest. Concurrent with this emergency rule adoption, the process for adoption of permanent rules is being initiated.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 90.58.030(3)(c), 90.58.120 and 90.58.200 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED July 27, 1979.

By Elmer C. Vogel  
Deputy Director

AMENDATORY SECTION (Amending Order DE 77-16, filed 9/9/77)

WAC 173-19-130 CLALLAM COUNTY. Clallam County master program approved ((or adopted)) August 5, 1976. Revision approved November 16, 1976.

((+)) Port Angeles master program approved ((or adopted)) August 5, 1976.

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order DE 77-28, filed 10/24/77)

WAC 173-19-250 KING COUNTY. King County master program approved ((or adopted)) July 8, 1976. ((Amended)) Revision approved November 22, 1976. Revision approved June 30, 1978. Revision approved July 5, 1979.

(1) Auburn master program approved ((or adopted)) April 4, 1974.

(2) Beaux Arts master program approved ((or adopted)) August 12, 1974.

(3) Bellevue master program approved ((or adopted)) February 26, 1975. Revision approved January 8, 1979.

(4) Black Diamond master program approved ((or adopted) ..... ) December 21, 1977.

(5) Bothell master program approved ((or adopted)) February 27, 1975. ((Amended)) Revision approved July 2, 1976. Revision approved January 31, 1977.

(6) Carnation master program approved ((or adopted)) August 16, 1974.

(7) Des Moines master program approved ((or adopted)) April 3, 1974.

(8) Duvall master program approved ((or adopted)) August 12, 1974.

(9) Hunts Point master program approved ((or adopted)) November 15, 1974. Revision approved July 2, 1975.

(10) Issaquah master program approved ((or adopted)) .....

(11) Kent master program approved ((or adopted)) April 9, 1974. Revision approved December 8, 1978. Revision approved April 10, 1979.

(12) Kirkland master program approved ((or adopted)) August 27, 1974.

(13) Lake Forest Park master program approved ((or adopted)) April 19, 1974.

(14) Medina master program approved ((or adopted)) November 22, 1974.

(15) Mercer Island master program approved ((or adopted)) September 24, 1974.

(16) Normandy Park master program approved ((or adopted)) April 5, 1974.

(17) North Bend master program approved ((or adopted)) September 18, 1974.

(18) Pacific master program approved ((or adopted)) September 19, 1974.

(19) Redmond master program approved ((or adopted)) September 20, 1974.

(20) Renton master program approved ((or adopted)) January 23, 1976. Revision approved February 23, 1977.

(21) Seattle master program approved ((or adopted)) June 30, 1976. ((Amended)) Revision approved March 11, 1977.

(22) Skykomish master program approved ((or adopted)) .....

(23) Snoqualmie master program approved ((or adopted)) August 16, 1974.

(24) Tukwila master program approved ((or adopted)) September 26, 1974.

(25) Yarrow Point master program approved ((or adopted)) March 13, 1975.

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order DE 77-16, filed 9/9/77)

WAC 173-19-350 PIERCE COUNTY. Pierce County master program approved ((or adopted)) April 4, 1975. ((Amended)) Revision approved November 16, 1976. Revision approved October 26, 1977. Revision approved February 21, 1979.

(1) Bonney Lake master program approved ((or adopted)) August 6, 1975.

(2) Buckley master program approved ((or adopted)) April 7, 1975.

(3) Dupont master program approved ((or adopted)) June 11, 1975.

(4) Eatonville master program approved ((or adopted)) April 29, 1975.

(5) Fife master program approved ((or adopted)) September 6, 1974.

(6) Gig Harbor master program approved ((or-adopted)) September 10, 1975.

(7) Orting master program approved ((or-adopted)) April 8, 1975.

(8) Puyallup master program approved ((or-adopted)) May 31, 1974.

(9) Roy master program approved ((or-adopted)) April 9, 1975.

(10) Ruston master program approved ((or-adopted)) September 20, 1974.

(11) South Prairie master program approved ((or-adopted))

(12) Steilacoom master program approved ((or-adopted))

(13) Sumner master program approved ((or-adopted)) December 11, 1974.

(14) Tacoma master program approved ((or-adopted)) April 5, 1977.

(15) Wilkeson master program approved ((or-adopted)) October 21, 1977.

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order DE 77-16, filed 9/9/77)

WAC 173-19-370 SKAGIT COUNTY. Skagit County master program approved ((or-adopted)) October 5, 1976. Revision approved January 5, 1979. Revision approved May 11, 1979.

(1) Anacortes master program approved ((or-adopted)) April 9, 1976.

(2) Concrete master program approved ((or-adopted)) March 3, 1977.

(3) Hamilton master program approved ((or-adopted)) July 27, 1979.

(4) La Connor master program approved ((or-adopted)) May 3, 1977.

(5) Lyman master program approved ((or-adopted)) February 23, 1977.

(6) Vernon master program approved ((or-adopted)) May 16, 1977.

WSR 79-08-091

PROPOSED RULES

HUMAN RIGHTS COMMISSION

[Filed July 27, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Human Rights Commission intends to amend rules concerning complaints by aggrieved persons, amending WAC 162-08-071;

that such agency will at 11:00 a.m., Thursday, September 20, 1979, in the Glen E. Mansfield hearing room, 4th Floor, 1601 2nd Avenue Building, Seattle, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place after the hearing at the same place.

The authority under which these rules are proposed is RCW 49.60.120(4) and 34.04.020.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to September 20, 1979, and/or orally at the hearing noted above.

Dated: July 27, 1979

By: Morton M. Tytler

Senior Assistant Attorney General

AMENDATORY SECTION (Amending Order 35, filed 9/2/77)

WAC 162-08-071 COMPLAINTS BY AGGRIEVED PERSONS. (1) Scope of Section. This section applies to complaints by persons claiming to be aggrieved by an alleged unfair practice filed under RCW 49.60.230(1), and to complaints by employers or principals filed under RCW 49.60.230(3). Complaints issued by the commission are covered by WAC 162-08-072.

(2) Signature and Oath. A complaint shall be in writing, signed ((and-sworn-to)) by the complainant or the complainant's lawyer, and sworn to before a notary public or other person authorized by law to administer oaths. Notarial service for this purpose is available without charge at all offices of the commission.

(3) Contents. A complaint shall contain the following:

(a) The ((fath)) name((-address and telephone number, if any;)) of the person making the complaint;

(b) The ((fath)) name, address and telephone number, if any, of the person against whom the complaint is made, if known to the complainant;

(c) A specific charge of an unfair practice;

(d) A clear and concise statement of the facts which constitute the alleged unfair practice(;

(e) ~~The date or dates of the alleged unfair practice, and if the alleged unfair practice is of a continuing nature, the dates between which said continuing acts of discrimination are alleged to have occurred).~~

(4) Forms. Printed complaint forms are available at all commission offices.

(5) Time for Filing. The complaint must be filed within six months after the date of occurrence of the alleged unfair practice. RCW 49.60.230. If the alleged unfair practice is of a continuing nature, the date of the occurrence of the unfair practice shall be deemed to be any date subsequent to the commencement of the alleged unfair act up to and including the date when the alleged unfair practice stopped.

(6) Computation of Time. The six months period for filing a complaint expires at 5:00 P.M. on the day before the corresponding day of the sixth month following the event. If this day is a Saturday, Sunday, or a legal holiday, the time expires at 5:00 P.M. on the next day which is not a Saturday, Sunday, or legal holiday. For example, a complaint of an event occurring on 5 January would ordinarily have to be filed by 5:00 P.M. on 4 July, but since 4 July is a legal holiday, the time for filing the complaint would expire at 5:00 P.M. on 5 July, or at 5:00 P.M. Monday, if 5 July comes on a Saturday or Sunday.

(7) Technical Defects. A complaint shall not be considered defective because it lacks any technical requirement, including the oath, if the technical requirement is later met or if no one is legally harmed.

WSR 79-08-092

EMERGENCY RULES

DEPARTMENT OF REVENUE

[Order PT 79-2—Filed July 30, 1979]

I, Charles W. Hodde, director of Revenue, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the adoption of chapter 458-53 WAC Property Tax Annual Ratio Study with simultaneous repeal of chapter 458-52 WAC (prior ratio study rules).

I, Charles W. Hodde, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is RCW 84.48.075 requires that the Department of Revenue determine the indicated property tax ratios for each county and that rules be established pertinent to those determinations. Since such determinations must be accomplished by the first Monday in August, it is necessary that the rules pertinent thereto be adopted immediately.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 84.48.075 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED July 30, 1979.

By Charles W. Hodde  
Director

Chapter 458-53 WAC  
PROPERTY TAX ANNUAL RATIO STUDY

NEW SECTION

**WAC 458-53-010 DECLARATION OF PURPOSE.** This chapter is promulgated by the department of revenue in compliance with RCW 84.48.075 to describe procedures for determination of indicated ratios of property for each county, so as to accomplish the equalization of property values required by RCW 84.12.350, 84.16.110, 84.48.080 and 84.52.065. The procedures described in this chapter for the department's annual ratio study are designed to ensure uniformity and equity in taxation throughout the state to the maximum extent possible.

NEW SECTION

**WAC 458-53-020 DEFINITIONS.** (1) "Advisory values" mean the true and fair value determinations by department appraisers or auditors made at the request of the county assessor.

(2) "Appraisal" means the determination of the true and fair value of real property by department appraisers or county appraisers certified under RCW 36.21.015.

(3) "Audit" means the determination of true and fair value of taxable personal property through examination of the records of the property owner by department auditors or county auditors of the assessor's staff who are qualified by training and experience in making such examinations.

(4) "Average assessed value" is the total county assessed value of a sample grouping or classification of real

or personal property divided by the number of properties in the sample.

(5) "Average true and fair personal property value" is the total value of a sample grouping or classification as determined from personal property audits divided by the number of audits in the sample group.

(6) "Average market value" is the total sales price, less five percent, of a sample grouping or classification of real property divided by the number of properties in the sample, or the total appraised value of a sample grouping or classification of real property divided by the number of appraisals in the same group.

(7) "Department" means the department of revenue.

(8) "Director" means the director of revenue.

(9) "Land use code" as designated by the department means the identification of each real property parcel by numerical digits as representations of the actual major use of the property. This land use code is derived from the Standard Land Use Coding Manual as prepared by the Federal Bureau of Public Roads.

(10) "Personal property" for the purpose of the ratio rules means the items of personal property as identified on the county assessment roll, and it shall include all personal property required to be reported by the taxpayer under RCW 84.40.185, but excluding property owned by and assessed to another taxpayer.

(11) "Ratio" is the percentage relationship of real property assessed value to the true and fair value of real property as determined by real property sales, by department appraisals, or by department approved county appraisals; or the percentage relationship of personal property assessed value to the true and fair value of personal property as determined from department audits or from department approved county audits.

(12) "Ratio study" is the department's annual comparison of the relationship between the county assessed values of real and personal property with the true and fair value of that property as determined by the department's analysis of sales, appraisals, and/or audits.

(13) "Sales study" is the comparison of the assessed value of real property with the selling price of the same property.

(14) "Stratification" means the grouping of the real or personal property assessment records into specific assessed value classes and/or use code classes for measurement purposes.

(15) "Stratum" refers to a single class of property with a given range of assessed value or having the same use code.

(16) "Strata" refer to classes of property grouped by assessed value and/or use codes.

(17) "Taxable real property parcels" means all real property parcels shown as subject to taxation on the county assessment record.

(18) "Trending" consists of adjusting the sales price of a property or the appraisal value from the time of sale or appraisal to a specific point in time which is the January 1 assessment date of the study. Trending will be for time only and developed from market data only.

(19) "True and fair value" means market value and has the same meaning as defined by WAC 458-12-300.

**NEW SECTION**

**WAC 458-53-030 STRATIFICATION OF ASSESSMENT ROLLS—REAL PROPERTY.** (1) The stratification process is the grouping of data into meaningful classifications for informational or analytical purposes. Stratification is used in determining the number of appraisals or audits needed for ratio study purposes and also is used in actual ratio computation. The latest available official county assessment roll values are used in ratio study stratification procedures.

Assessed valuation presently forms the basis for stratification of assessment rolls and is used because the nature of most assessors' records provides a state-wide uniformity for this characteristic. Also, the values in this classification generally are indicative of property types. By not later than the 1982 assessment year a land use classification system will replace the value stratification as assessors' records uniformly reflect properties according to their use.

(2) The stratification of the real property assessment rolls will include a parcel count of the taxable real property parcels less forest lands and current use properties. For the real property ratio study, the assessment roll will normally be stratified according to the following assessed value strata:

\$ 0	– \$ 9,999
10,000	– 15,999
16,000	– 29,999
30,000	– 59,999
60,000	– 99,999
100,000	– 199,999
200,000	– 399,999
400,000	– and over

Other higher strata than listed above may be used in counties having large numbers of high value properties.

(3) In counties not having a significant number of higher value properties, an upper limit (\$60,000 and over, \$100,000 and over) will be determined.

(4) The stratification process will be performed by the department or by the county with data processing capability adequate to meet the standards as provided by the department.

(5) A count of taxable real property parcels, less forest lands and current use properties, in each value stratification is necessary for computation of the county ratio. Multiplying an average sample sales value, an average sample appraisal value, or an average assessed value by the number of taxable parcels in the county produces an estimated total market value or total estimated assessed value used in ratio computation.

(6) In the stratification of county taxable real property parcels to be used in the ratio study, the count of these parcels should exclude designated and classified timber or forest lands and open space (current use) lands. These lands are deleted from properties used in the sales study and will be considered separately and included in ratio determinations after computations of sales data have been completed.

**NEW SECTION**

**WAC 458-53-040 LAND USE CODE—RATIO STUDY.** (1) By not later than the 1982 assessment year, each county will institute a land use code system which will identify each parcel according to its use. Upon establishment of such land use code system the abstract of the assessment roll will be reported on the basis of the land use code. As prescribed by this section, stratification of the assessment roll and computation of the indicated real property ratio will be based upon the land use code abstract report as provided in these rules.

(2) A two digit land use code will be used in the ratio study as a standard by the department to identify the actual use of the land. The categories as selected are those published in the "Standard Land Use Coding Manual" by the Federal Bureau of Public Roads, January 1965, plus those use classifications as specified by Washington law. Counties may elect to institute a more detailed level of land use coding (i.e., the three digit or four digit level), but the two digit level provided herein is the minimum detail level necessary.

**Residential**

- 11 Household, single family units
- 12 Household, 2-4 units
- 13 Household, multi-units (5 or more)
- 14 Residential hotels – condominiums
- 15 Mobile home parks or courts
- 16 Hotels/motels
- 17 Institutional lodging
- 18 All other residential not elsewhere coded
- 19 Vacation and cabin

**Manufacturing**

- 21 Food and kindred products
- 22 Textile mill products
- 23 Apparel and other finished products made from fabrics, leather, and similar materials
- 24 Lumber and wood products (except furniture)
- 25 Furniture and fixtures
- 26 Paper and allied products
- 27 Printing and publishing
- 28 Chemicals
- 29 Petroleum refining and related industries
- 30 Rubber and miscellaneous plastic products
- 31 Leather and leather products
- 32 Stone, clay and glass products
- 33 Primary metal industries
- 34 Fabricated metal products
- 35 Professional scientific, and controlling instruments, photographic and optical goods, watches and clocks—manufacturing
- 36 Not presently assigned
- 37 Not presently assigned
- 38 Not presently assigned
- 39 Miscellaneous manufacturing

**Transportation, Communication, and Utilities**

- 41 Railroad/transit transportation
- 42 Motor vehicle transportation
- 43 Aircraft transportation
- 44 Marine craft transportation
- 45 Highway and street right of way
- 46 Automobile parking
- 47 Communication
- 48 Utilities
- 49 Other transportation, communication, and utilities not classified elsewhere

**Trade**

- 51 Wholesale trade
- 52 Retail trade – building materials, hardware, and farm equipment
- 53 Retail trade – general merchandise
- 54 Retail trade – food
- 55 Retail trade – automotive, marine craft, aircraft, and accessories
- 56 Retail trade – apparel and accessories
- 57 Retail trade – furniture, home furnishings and equipment
- 58 Retail trade – eating and drinking
- 59 Other retail trade

**Services**

- 61 Finance, insurance, and real estate services
- 62 Personal services
- 63 Business services
- 64 Repair services
- 65 Professional services
- 66 Contract construction services
- 67 Governmental services
- 68 Educational services
- 69 Miscellaneous services

**Cultural, Entertainment and Recreational**

- 71 Cultural activities and nature exhibitions
- 72 Public assembly
- 73 Amusements
- 74 Recreational activities
- 75 Resorts and group camps
- 76 Parks
- 77 Not presently assigned
- 78 Not presently assigned
- 79 Other cultural, entertainment, and recreational

**Resource Production and Extraction**

- 81 Agriculture (not classified under current use law)
- 82 Agriculture related activities
- 83 Agriculture classified under current use chapter 84.34 RCW
- 84 Fishing activities and related services
- 85 Mining activities and related services
- 86 Reforestation chapter 84.28 RCW
- 87 Classified forest land chapter 84.33 RCW

- 88 Designated forest land chapter 84.33 RCW
- 89 Other resource production

**Undeveloped Land and Water Areas**

- 91 Undeveloped land
- 92 Noncommercial forest
- 93 Water areas
- 94 Open space land classified under chapter 84.34 RCW
- 95 Timberland classified under chapter 84.34 RCW
- 96 Not presently assigned
- 97 Not presently assigned
- 98 Not presently assigned
- 99 Other undeveloped land

**NEW SECTION**

**WAC 458-53-050 LAND USE CODE—ABSTRACT REPORT.** Stratification of the assessment rolls and the annual abstract report for real property will be made on the following abstract categories:

Abstract Category	Land Use Code
1. Single family residence	11, 18, 19
2. Multiple family residence	12, 13, 14
3. Manufacturing	21 through 39
4. Commercial	15, 16, 17, 41-49, 51-59, 61-69, 71-79.
5. Agricultural	81
6. Agricultural (Current-use Law)	83
7. Forest lands (chapter 84.33 RCW)	87, 88
8. Reforestation (chapter 84.28 RCW)	86
9. Open space (Current use law)	94
10. Timberland (Current use law)	95
11. Advisory appraisals	Not applicable
12. Other	82, 84, 85, 89, 91, 92, 93, 96-99

**NEW SECTION**

**WAC 458-53-060 STRATIFICATION—PERSONAL PROPERTY.** The county taxable assessed personal property accounts will be stratified based upon the latest assessment roll, normally using the following assessed value strata:

0	\$ – 9,999
10,000	– 39,999
40,000	– 79,999
80,000	– 199,999
200,000	– 499,999
500,000	– 999,999
1,000,000	–1,999,999
2,000,000	– and over

The largest valuation stratum designated for each county will depend on the number of large value accounts in the county.

The stratification process will be performed by the department or by the county according to the standards as provided by WAC 458-53-140.

#### NEW SECTION

**WAC 458-53-070 SALES STUDIES.** Real property sales data obtained from the real estate excise tax sales affidavits will form the basis of the sales study in each county. Validation of these sales as arms-length transactions will follow department criteria as provided in WAC 458-58-080.

The department's sales study generally will be used as the basis for the real property ratios. In addition, the department will supplement the sales study results with appraisals in any assessed value stratum or land use code classification where sales are judged to be insufficient to represent all properties in that stratum or land use class according to criteria set out in these rules.

Five percent will be deducted from the sales price shown on the affidavit on all valid real property sales as an adjustment for values transferred that are not assessable as real property.

Those sales in the study with ratios of less than twenty-five percent or greater than one hundred seventy-five percent will be deleted from the sales study and from ratio computations. Other sales not deemed representative for use in the study, as defined by the deletion list in WAC 458-53-080 will also be eliminated from consideration in ratio computation. Sales used in the study will include only those which occurred over an eight month period between August 1 preceding January 1 of the assessment year and March 31 of the assessment year.

#### NEW SECTION

**WAC 458-53-080 SALES SAMPLES.** (1) The starting point for the sales studies will be a sampling of the real estate excise tax sales affidavits each month. Samples used in a current study will be sales during the last five months of the calendar year immediately preceding the current study assessment year and the first three months of the study assessment year.

A sampling plan will be developed by the department of revenue each year based on each county's previous year sales volume. The sampling will be conducted considering sales transferring via warranty deed or contract instruments as initially subject for inclusion in the study. All sales represented by other instruments such as tax deeds, quitclaim deeds, etc., will be excluded from consideration. Timber sales also will be excluded as the valuation of this type of real property is dictated by state law. There are numerous reasons why a warranty deed or contract sale may also be excluded from the study. Conditions such as a sale between relatives, a forced sale or a sale to a nonprofit organization, for example, are sufficient to mark these transactions as being other than "arms-length" and therefore, not a valid indicator of full "true and fair" value. A listing of such reasons and other conditions that will cause a sale to be excluded are shown on the deletion list contained in subsection (2) of this section.

(2) The following sales transactions are to be excluded from the sales studies:

NUMERICAL CODE	TYPE OF TRANSACTION
1	Family - a sale between relatives.
2	Transfers to and from a corporation by its affiliates or subsidiaries.
3	Administrator, guardian or executor of an estate.
4	Receiver or trustee in bankruptcy or equity.
5	Sheriff or bailee.
6	Tax deed.
7	Government agency (federal, state, or local).
8	Nonprofit organization (religious, educational, cemetery lots, etc.)
9	Quitclaim deed.
10	Gift deed, love and affection deed.
11	Seller's or purchaser's assignment of contract or deed - transfer of interest.
12	Correction deed.
13	Trade - exchange of property between same parties.
14	Deeds involving partial interest in property, such as one-third or one-half interest. (If transfer involves total interest i.e., one hundred percent of the property, sale is valid.)
15	Forced sales - transfers in lieu of foreclosure, condemnation or liquidation.
16	Easement or right of way.
17	Deed in fulfillment of contract (on a current transaction, contract with a fulfillment deed is a valid sale.)
18	Property sold differs from property assessed.
19	Timber or forest land.
20	New plat - with less than twenty percent sold.
21	Exempt properties.
22	\$1,000 sale or under.
23	Lease.
24	Open space. (Designated open space property sold at true and fair value).
25	Other - necessary to identify reason i.e., inclusion of personal property not separately identified, liquor license, etc.
26	Segregations that have not been appraised.
27	Multiple sales not appropriately identified or appraised.
28	Improvements not on assessment roll before May 31 of the ratio study year.
29	Individual sales with assessment-to-sales ratios of less than twenty-five percent or greater than one hundred seventy-five percent.
30	Plottage - where an adjoining property is sold at a price significantly different than for property of a similar type.
31	Change of use where rezoning takes place.

NEW SECTION

**WAC 458-53-090 SALES SAMPLES—ASSESSED VALUATION.** (1) After the sampling of sales has been completed in Olympia, the assessed valuations of the properties remaining in the sample will be obtained by the department's sales analysts from official records retained by county officials. The assessed valuation total recorded will be the official figure as of January 1, the current ratio year assessment date. At this point, attention also will be given to factors which would indicate that a particular transaction is not suitable for inclusion in the study, such as: (a) Changes in the physical condition of the property subsequent to the date of assessment, and (b) verification that the property sold agrees with the description of the property on the assessment roll. Any other factors which can be ascertained at this time are used to analyze whether sales may be deleted from the study as not being an indicator of full "true and fair" value.

The relationship of the assessed value for a real property parcel to a corresponding valid sale of this property within the time period established for the annual ratio sales study indicates the individual ratio for the property. The stratum averages for all such valid sales values and related assessed values in a county, when multiplied by the number of listings in the strata, determine the established real property totals on which the indicated real property ratio is based.

(2) In counties for which the department conducts the sales analysis and ratio studies a sales pre-list will be provided to each assessor. These pre-lists will identify valid sale properties to be used in computation of each county's real property ratio. Department personnel will review these pre-lists with assessors or their staffs to verify the validity of the sale properties identified and the values indicated.

Properties designated in the department-approved county revaluation plan relative to the current ratio study year, and properties on which new construction may be completed during a ratio study year, will be included in that year's ratio study. For these properties the available current county assessed valuation will be used. Assessors have until May 31st of each assessment year to place new values on such properties and these values in a corresponding ratio study are included after the close of the assessors' rolls on May 31st.

(3) Certain properties have limited exemptions in assessed value granted by law to persons owning those properties (senior citizens exemptions). In computing a ratio relative to the sale of such property, the full assessed value for the property, before exemption, must be used to determine a proper assessment-to-sales relationship.

(4) Average sample real property assessed values and true and fair values for each value or land use stratum in a county will be derived from sales and appraisal study results. These average values, as provided in WAC 458-53-150, will aid in determining the county real property indicated ratio.

NEW SECTION

**WAC 458-53-100 USE OF COUNTY SALES STUDIES.** (1) If agreed upon by the department and the assessor, the department will use a county sales study, providing it is made according to the standards specified in these rules. Any such agreement shall provide that counties generating their own sales studies will use all or an agreed upon percentage of sales validated by department standards, and that the county shall furnish the department with data from sales deemed invalid as well as those deemed valid and give the reason for deeming invalid any particular sale. All such county studies shall be subject to department audit.

(2) Generally, the county-generated study will include the following:

(a) All agreed to real property transactions occurring in a county shall be used in the study and shall be for a period of eight consecutive months. Sales transactions used will include only those which occur between August 1 preceding January 1 of the assessment year and March 31 of the assessment year.

(b) Sales of properties identified on the published department of revenue deletion list (WAC 458-53-080) will be removed from the sales analysis study and separately will be produced on a data processing machine listing. This listing will display for each deleted sale an appropriate parcel identification, the sales price, the assessed value, and a numerical code or narrative designation of the reason for deletion of the property from the study. The numerical code used should coincide with the department of revenue published deletion list (WAC 458-53-080). Any numerical code 25 (miscellaneous) should be accompanied by a narrative reason for deletion.

(c) Individual valid sales having a resultant assessment-sales ratio under twenty-five percent or over one hundred seventy-five percent will be excluded from consideration in the study.

(d) Sales remaining in the sales analysis study will be stratified and printed by assessed value strata. Necessary data for each sale property remaining in the study will be:

(i) Excise tax sales affidavit number, parcel number, or other file identification number.

(ii) The sales price of the transaction, lowered five percent to ninety-five percent of its original value. Further adjustment of any individual sale may be made only if personal property is identified and its value is in excess of five percent of the sale price.

(iii) The current assessed value on the assessors' rolls for the property described on the sales affidavit.

(iv) A computed ratio based on the percent that the assessed valuation is to the adjusted sales price figure.

A coefficient of dispersion of all valid sales in all value stratifications, and for the county total sales, will be computed as described in these rules.

The coefficient of dispersion, as used in a sales-assessment ratio study, indicates a measure of assessment uniformity for a group of sales. It relates the group average deviation from a selected or computed sales-assessment ratio mean to the ratio mean itself. The

department of revenue coefficient of dispersion computations use an arithmetic mean.

Basically, the computation is performed by:

(A) Listing the individual sales-assessment ratios in a large total group or in several smaller groups within the total.

(B) Calculating an average (mean) ratio for each smaller group or for the total group.

(C) Calculating the absolute difference (ignoring the direction) between each individual ratio and the average mean ratio.

(D) Totalling the differences and dividing by the number of sales to determine the group average deviation.

(E) Dividing the average deviation by the calculated average ratio to produce the coefficient of dispersion.

Coefficients of dispersion between ten and twenty generally tend to indicate an average assessment uniformity. Those above twenty reflect a lack of average of acceptable uniformity. Those under ten point toward a high degree of assessment uniformity.

(3) As soon as practicable following the close of the assessors' rolls on May 31st, and prior to July 1st, the county sales-assessment ratio study should be submitted to the department of revenue. This will allow time for departmental analysis, field review, and insertion of appraisal data, where appropriate, for final ratio determination by the last week of July, and ultimate ratio certification back to the assessor by August 1.

#### NEW SECTION

**WAC 458-53-110 PROPERTY VALUES USE IN THE RATIO STUDY.** The following property values will be included in the ratio study as provided in these rules:

(1) Values required to be determined by the department by law, but excluding property valued under chapters 84.12 and 84.16 RCW.

(2) Values determined by county assessors (chapter 84.41 RCW).

(3) Values of land classified under chapters 84.33 and 84.34 RCW.

#### NEW SECTION

**WAC 458-53-120 REVIEW PROCEDURES FOR COUNTY STUDIES.** (1) Counties using data processing facilities to produce their own sales-assessment ratio study will be subject to a department of revenue review of ratio study elements and processes.

Department of revenue review procedures generally will monitor county adherence to WAC rules relating to the annual sales-assessment ratio study.

(2) Elements of the ratio study which may be checked and verified will include:

- (a) property identification
- (b) verification of properties reported on sales affidavits
- (c) sales month identification and incidence in study
- (d) deletion practices and identification
- (e) computation procedures
- (f) sales and assessment values

(g) verification of revaluation assessment practices

(3) Ratio study review findings will be discussed with individual county assessors upon completion of reviews pertaining to the ratio studies generated by their individual data processing facilities and staffs.

#### NEW SECTION

**WAC 458-53-130 REAL PROPERTY APPRAISAL STUDIES.** (1) The department will review a county's prior year's sales studies to determine which assessed value stratum or land use class may not have sufficient sales to produce a valid measurement of the level of assessment of the properties in that stratum or use class. Department appraisers then will appraise selected properties in those strata. The selection of properties to be appraised will be on a random basis. The appraisal date will coincide with the assessment date of the ratio study.

(2) The starting point of the appraisal study is a stratified random sample of the real property listings, with the controlling factor being the assessed valuation of each parcel as of the current January 1 assessment date. Assessed valuation is used as the basis for stratification because the nature of the most assessors' records presently precludes the use of any other characteristic on a state-wide basis. The sample selection process is initiated by "stratification" of the real property roll. For counties not possessing data processing capabilities manual stratification by department of revenue staff involves the following: (a) Examination of each property listing and tallying it (by placing a mark in the appropriate value class or stratum) according to the magnitude of its assessed valuation, (b) random selection of properties from each class to be placed in a pool from which the ultimate selection of properties for appraisal will be made, and (c) recording on a take-off sheet, the assessed value and identification (account number, page, and line number, etc.) for the selected samples. The completed stratification provides a count of the listings on the roll by valuation class.

(3) The number of appraisals deemed necessary for each county value or land use stratum will be determined by application of statistical determination to the previous year county ratio study results.

Once the number of appraisals to be conducted in each value classification has been determined, the identification of each of the randomly selected appraisal samples to be used in the study will be obtained from county records. When the names, addresses, legal descriptions and other information necessary to conduct the appraisals are known, letters will be forwarded to the taxpayers involved. These letters will notify them of the impending visit by an appraiser from the department of revenue property tax division.

(4) The actual physical appraisals conducted by department personnel use the same tools that are available to the county assessors (state manuals, private, publications, etc.). The department's appraisers do not, however, use the so-called "mass appraisal" technique which is, of necessity, practiced by the various counties; but perform complete appraisals regardless of the amount of time required in order to assure that the most valid estimate of market value is reached.

Three approaches to value are considered; namely, cost, market and income. The cost approach utilizes an approved cost manual. When properly used, this manual gives an estimation of reproduction cost of the improvements to the property. The reproduction cost then is depreciated, taking into consideration all physical depreciation, functional and economic obsolescence. The end result is the depreciated value of the improvements. To this value is added the value of the land, resulting in the market value of the real property. The market approach uses sales of comparable properties for an indication of value. The income approach uses a capitalization rate developed from a comparison of typical income and the sale price of comparable properties.

This capitalization rate then is divided into the net income of the subject properties for a value indication of that property.

(5) When the appraisals in a county have been completed and reviewed by the supervisory staff of the department, they are reviewed individually with the assessor and his staff. At this time, changes may be made stemming from such factors as errors in the mathematical calculations, changes in use from the date of assessment to the date of the appraisal, the inclusion of items in the appraisal that are not included in the assessment (mainly personal property), etc. When the review process is completed and changes, if any are made, the appraisal data are considered as completely valid and ready for inclusion in the computation of the total real property ratio.

(6) When the department's sample appraisals fall within a county's current revaluation area and the assessor's appraisals, upon audit, are found to be a supportable estimate of market value, the department will accept the county's appraised values on those properties randomly selected for appraisal in the county.

(7) Department appraisals, required for assessment ratio determination, will be performed as indicated by department statistical determinations. Appraisals will complement sales to provide an adequate number of samples on which to base a ratio computation.

(8) When properties, classified by the department as industrial properties, are selected for inclusion in real or personal property ratio studies, the department's property audits and appraisals will be made on the total property, using department valuation procedures. Allocation of total industrial value for ratio purposes will be determined using each assessor's method of classifying real and personal property. Audit determinations for personal property will not include properties classified as real property by the assessor. Appraisal determinations for real property will not include properties classified as personal property by the assessor.

**NEW SECTION**

**WAC 458-53-140 PERSONAL PROPERTY AUDIT STUDIES.** (1) Personal property audits will be performed on those accounts selected at random within each assessed value stratum used in the ratio study for each county. These audits will be the basis of the county's personal property ratio as provided in WAC 458-53-160.

The department may use county audit results as ratio study audits when department accepted audit procedures are used on accounts selected as sample audits and audited by the county audit staff as of the assessment date used in the department's ratio study.

(2) The general procedures for audits are similar to those followed in the appraisal-assessment study in that sample audits of personal property accounts will be used as the basis for determining total assessed value and estimated total true and fair value of personal property. The relationship of the total estimated assessed value to the total estimated true and fair value of personal property will indicate the personal property ratio.

(a) Stratification of rolls - The program is initiated by stratification of the personal property roll in the counties being audited. From this process is obtained: a count of the number of listings in each assessed valuation class, an estimation of the total assessed value in each class, and a pool of samples in each class from which the ultimate listings to be audited are selected. The strata or assessed valuation classes have different limits than those used in the appraisal-assessment study. A listing of assessed value strata used (WAC 458-53-060) is as follows:

\$ 0	\$ - 9,999
10,000	- 39,999
40,000	- 79,999
80,000	- 199,999
200,000	- 499,999
500,000	- 999,999
1,000,000	-1,999,999
2,000,000	- and over

(b) Personal property sample audit selection - The number of audits to be performed is derived in the same general manner as in the appraisal-assessment procedure in that statistical determination is applied to county previous year's ratio study results to obtain a representative number of samples on which to base a county ratio.

Stratification procedures which determine the number of personal property audits needed for the current ratio study begin in the summer months of the calendar year immediately preceding the currently designated ratio study year.

The audits are conducted through June of the designated ratio study year.

(3) The sample accounts to be audited in each valuation classification are randomly chosen. Names and addresses of taxpayers for these accounts and copies of assessment detail sheets are obtained from county records.

Letters of intent to audit are mailed to each taxpayer selected.

(4) The personal property audits which are conducted to derive the true and fair value figures are made from an examination of the taxpayer's books and records. In its valuation procedures, the department's auditors utilize the manuals and schedules which it prepares and distributes to all assessors. The technique is generally

one of trending forward historical cost data and the application of depreciation percentages to arrive at current worth or value.

(5) When the audits have been completed in a county, they are reviewed with the assessor and his staff. The primary emphasis at this meeting is to make sure that the property covered by the audit is comparable to the property covered by the assessment. The completion of the review and adjustments, if any, mark the audit data as valid for use in the computation of the personal property portion of the total indicated ratio.

(6) In a manner similar to that used for real property, sample personal property assessed values and true and fair values for each stratum are derived from audit results, the weighted sums of which are the basis for determining the personal property indicated ratio.

### NEW SECTION

**WAC 458-53-150 INDICATED REAL PROPERTY RATIO—COMPUTATION.** (1) For each real property value or land use stratum within a county average sample assessed value and average sample true and fair value will be determined from the results of selected sales and appraisal studies. Average sample assessed value and average sample true and fair value for each stratum will be multiplied by the total number of real property parcels in each corresponding stratum to derive an estimated total assessed value and a total estimated true and fair value for each stratum. Stratum estimated totals will be added to derive county estimated total assessed value and county estimated total true and fair value. When the ratio relationship between these two estimated values is applied to the actual county assessed value, as provided by the assessor in his current Assessors' Certificate of Assessment Rolls to the County Board of Equalization, and forest land and current use values are added to the actual assessed value and ratio-related market value, the totals will represent the county real property indicated ratio.

(2) Valid arms-length sales occurring in each county will be the basis for determining individual stratum ratios unless a representative number of samples for any one stratum requires the addition of department appraisals. In all strata where both sales and appraisal samples are present, assessment and market values for all valid appraisal samples will be combined with assessment and market values for all valid sales samples to derive a stratum ratio.

(3) Present county forest land assessed values (chapter 84.33 RCW) will be included in determination of the indicated real property ratios for each county. Current use assessed values (chapter 84.34 RCW) will be included in determination of the indicated real property ratios for counties whose current use land values are five percent or greater in proportion to the total county land value outside of cities and towns. Counties with less than five percent of total land value outside of cities and towns in current use property values may request inclusion of current use values in determination of their real property ratio. The request, in writing, should be submitted to the department prior to October 1 of each ratio study period for which current use consideration is

desired. Department current use appraisals will be the basis for the assessment-to-appraisal values from which current use ratios are determined.

(4) Values from each county's Assessor's Certificate of Assessment Rolls to County Board of Equalization will be used in the computation of each county's indicated real property ratio.

(a) The county preliminary real property ratio, calculated from estimated totals of county sales and appraisal study results, will be applied to each county's certificate listing of total real property assessed value (excluding forest land and current use assessed values) to determine an estimated true and fair value which relates to the actual assessed real property value of a county.

(b) To the actual real property assessed value and ratio-related true and fair value totals for a county are added certificate forest land and current use assessed values (as provided in subsection (2) of this section), and related true and fair values calculated by the ratio relationships determined for forest lands and current use properties.

(c) The sum of the total real property assessed and true and fair values, forest land assessed and true and fair values, and current use assessed and true and fair values (as provided in subsection (2) of this section) shall be the basis for a county's indicated real property ratio. The sum total of assessed values will be divided by the sum total of true and fair values to derive the ratio.

(5) The following illustration, using simulated values, indicates simplified ratio study computation procedures for real property.

Step 1 - Determination of Average Sample Values

	(1)	(2)	(3)	(4)	(5)
<u>Stratum</u>	<u>Number of Samples</u>	<u>Total Assessed Value of Samples</u>	<u>Average Assessed Value of Samples (Col. 2 ÷ Col. 1)</u>	<u>Total Market Value of Samples</u>	<u>Average Market Value of Samples (Col. 4 ÷ Col. 1)</u>
0 - 9,999	10	\$ 60,000	\$ 6,000	\$ 80,000	\$ 8,000
10,000 - 15,999	20	260,000	13,000	300,000	15,000
Over 15,999	5	200,000	40,000	250,000	50,000

Average values for real property sales samples, average real property appraisal samples, and average personal property audit samples all are determined in the same manner.

Step 2 - Weighting of Average Sample Values

	(1)	(2)	(3)	(4)	(5)	(6)
<u>Stratum</u>	<u>Total Property Listings</u>	<u>Average Sample Assessed Value</u>	<u>Total Estimated Assessed Value (Col. 2 x Col. 1)</u>	<u>Average Sample Market Value</u>	<u>Total Estimated Market Value (Col. 4 x Col. 1)</u>	<u>Ratio (Col. 3 ÷ Col. 5)</u>
\$ 0 - 9,999	105	\$ 6,000	\$ 630,000	\$ 8,000	\$ 840,000	.7500
10,000 - 15,999	211	13,000	2,743,000	15,000	3,165,000	.8667
Over 15,999	51	40,000	\$2,040,000	50,000	2,550,000	.8000
			5,413,000		6,555,000	.8258
					Sample study weighted ratio	(82.58%)

Average values for real property sales samples, average real property appraisal samples, and average personal property audit samples all are weighted in the same manner.

Step 3 Application of Sample Weighted Relationship to Actual Real Property Assessed Value and addition of timber and forest land values and open space values.

	(1)	(2)	(3)
	<u>Actual County Real Property Assessed Value (From Assessor's Certificate)</u>	<u>Determined Assessment To Market Ratio</u>	<u>County Real Property Market Value Related To Actual Assessed Value (Col. 1 ÷ Col. 2)</u>
	\$ 6,544,000	.8258	\$ 7,924,437
Add:	(Simulated Value)	(82.58%)	
Timber and Forest Land	1,520,000	(from Step 2)	1,520,000
	(Simulated Value)	(100.00%)	
Open Space (Where Applicable)	400,000	.9000	444,444
	(Simulated Value)	(90.00%)	
Open Space Ratios Determined By Open Space Appraisals		(Simulated Ratio)	
	<u>\$ 8,464,000</u>		<u>\$ 9,888,881 = .8559</u>
County Indicated Real Property Ratio			85.59%

(6) If a copy of the certification of current values is not received from an assessor in a timely manner for inclusion in ratio computation, the Assessors Abstract of Assessed Values from the previous year will be used as the information source for ratio computation.

(7) A copy of each county's certification of values to the County Board of Equalization will be filed with the department on or before the second Monday in July. The certification will show the total taxable assessed value of the real property roll (indicating separately the total value of forest land assessed pursuant to chapter 84.33 RCW and land classified under chapter 84.34 RCW - current use) and the total taxable assessed value of the personal property roll.

(8) Unusual valid ratio study individual assessed or true and fair values which deviate by more than five times the average deviation of other values in a stratum, will be classified as "outriders" and shall be considered separately in average sample computation. Outriders are so treated to prevent the application of excess weight by nontypical sample values in determining average sample values and resulting total estimated assessed and total estimated true and fair values.

(9) The department may consider the relationship between the market value trends of real property and the assessed value increases or decreases made by the assessor during the year in each county as validity checks of the result of the sales and appraisal studies. The director may authorize modification of the results of the sales and appraisal study where there is a demonstrable showing to the director that the sales and appraisal study is inconclusive or does not result in a reasonable and factual determination of the relationship of assessed values to true and fair value. Such that a significant variation results from the rates of the previous year not deemed by the director comparable with general trends in property values; but such modification shall be made only after notice to all assessors that information other than the sales and appraisal studies are being considered, and opportunity for a meeting has been made available for the director (or the director of property tax) and a representative committee authorized and appointed by the assessors to review the results of the sales and appraisal study and the proposal to modify the study results.

#### NEW SECTION

WAC 458-53-160 INDICATED PERSONAL PROPERTY RATIO—COMPUTATION. (1) For each personal property assessed value stratum in a county an average sample assessed value and an average sample true and fair value will be determined from the results of selected audit studies. These average stratum sample values will be multiplied by the corresponding number of personal property accounts in each stratum to derive a stratum estimated total assessed value and a stratum estimated total true and fair value. These estimated stratum total estimated assessed and true and fair values will be added to provide a county total estimated assessed value and a county total estimated true and fair value. When these two total values are equated to the

county actual assessed value, as provided on the Assessors' Certificate of Assessment Rolls to County Board of Equalization, their relationship will form the basis for the county indicated personal property ratio.

(2) If reported to the department prior to July 15th of the study year, values added to the assessment roll resulting from the disclosure of unreported or under-reported personal property due to audits may be included, but only to the extent the department is satisfied the assessor is correcting omissions of a similar nature in personal property assessments generally.

(3) Values from each county's Assessor's Certificate of Assessment Rolls to County Board of Equalization will be used in the computation of each county's indicated personal property ratio.

(4) The following illustration, using simulated values, indicates simplified ratio study computation procedures for personal property.

Step 1 - Determination of Average Sample Values

	(1)	(2)	(3)	(4)	(5)
<u>Stratum</u>	<u>Number of Samples</u>	<u>Total Assessed Value of Samples</u>	<u>Average Assessed Value of Samples</u> (Col. 2 ÷ Col. 1)	<u>Total Market Value of Samples</u>	<u>Average Market Value of Samples</u> (Col. 4 ÷ Col. 1)
\$ 0 - 9,999	15	\$ 75,000	\$ 5,000	\$100,000	\$ 6,667
10,000 - 39,999	20	400,000	20,000	500,000	25,000
Over 39,999	10	500,000	50,000	750,000	75,000

Step 2- Weighting of Average Sample Values

	(1)	(2)	(3)	(4)	(5)	(6)
<u>Stratum</u>	<u>Total Property Listings</u>	<u>Average Sample Assessed Value</u>	<u>Total Estimated Assessed Value</u> (Col. 2 x Col.1)	<u>Average Sample Market Value</u>	<u>Total Estimated Market Value</u> (Col. 4 x Col. 1)	<u>Ratio</u> (Col. 3 ÷ Col. 5)
\$ 0 - 9,999	125	\$ 5,000	\$ 625,000	\$ 6,667	\$ 833,375	.7500
10,000 - 39,999	216	20,000	4,320,000	25,000	5,400,000	.8000
Over 39,999	79	50,000	3,950,000	75,000	5,925,000	.6667
			\$8,895,000		\$12,158,375	.7316
						Sample study weighted ratio. (73.16%)

Step 3 - Application of Sample Weighted Relationship to Actual Assessed Value.

(1)	(2)	(3)
<u>Actual County Assessed Value Personal Property (From Assessor's Certificate)</u>	<u>Determined Assessment-To-Market Ratio</u>	<u>County Market Value Related To Actual Assessed Value</u> (Col. 1 ÷ Col. 2)
\$ 9,100,000 (Simulated Value)	.7316 (from Step 2)	\$12,438,491
County indicated personal property ratio	73.16%	

**NEW SECTION**

**WAC 458-53-170 FINAL INDICATED RATIO—COMPUTATION.** (1) The indicated real property ratio and the indicated personal property ratio for each county will be weighted into the final combined county indicated ratio based upon the relationship of assessed value of both the real and personal state-assessed property, after equalization, and the locally-assessed real and personal property as reported by the county assessors on their individual Abstract of Assessed Value pursuant to RCW 84.48.010. This final indicated ratio is the one used in carrying out the department's responsibilities to compute the state property tax levy (RCW 84.52.065).

(2) The following illustration indicates simplified combined indicated ratio procedures used to combine real and personal property ratio study values of locally assessed property and values of utility companies as determined by the department. A combined indicated ratio for each county is prepared and used in the state property tax levy for schools.

Simulated values used in this illustration are those used in WAC 458-53-140 and 458-53-150. The utility values used have not appeared in other tables and are illustrative only.

	Total Assessed Value - Real Property	Indicated Real Property Market Value	Total Assessed Value - Personal Property	Indicated Personal Property Market Value	Total Real and Personal Property Assessed Value	Total Real and Personal Property Market Value
	<u>Utility Equalized Value - Real Property</u>	<u>Utility Full Value - Real Property</u>	<u>Utility Equalized Value Personal Property</u>	<u>Utility Full Value - Personal Property</u>	<u>Utility Value - Real and Personal Property</u>	<u>Utility Full Value - Real and Personal Property</u>
Locally Assessed	\$ 8,464,000	\$ 9,888,881	\$ 9,100,000	\$12,438,491	\$17,564,000	\$22,327,372
Utilities	479,304	560,000	548,700	750,000	<u>1,028,004</u>	<u>1,310,000</u>
Combined					\$18,592,004	\$23,637,372
					$\$18,592,004 \div \$23,637,372 = .7866$	
					County Combined Indicated Ratio      78.66%	

**NEW SECTION**

**WAC 458-53-180 USE OF INDICATED RATIOS.** The indicated ratios will be used by the department as follows:

(1) The value of properties assessed by the state under chapters 84.12 and 84.16 RCW, will be certified to the county assessor using:

(a) The indicated personal property ratio for personal property; and

(b) The indicated real property ratio for real property.

(2) The final indicated ratio will be used for state levy purposes as required by RCW 84.52.065.

**NEW SECTION**

**WAC 458-53-190 COUNTY ASSESSOR'S REVIEW.** The county assessor will be given the opportunity to review with the department the sales, appraisal, and audit studies. This review will precede the final data computation in establishing the indicated real property and indicated personal property ratios.

**NEW SECTION**

**WAC 458-53-200 CERTIFICATION OF COUNTY INDICATED RATIOS.** The department will annually determine the real property and personal property indicated ratios for each county and will certify these ratios to the county assessor on or before August 1, and revisions or corrections thereof may be made by the department after consideration of recommendations received from an assessor prior to the first Monday in August.

**NEW SECTION**

**WAC 458-53-210 ASSESSOR'S APPEAL.** If an assessor has reviewed the ratio study as provided in WAC 458-53-190, the assessor may appeal the department's ratio determination, as certified for that county, to the state board of tax appeals. The appeal to the state board of tax appeals must be filed on or before August 11.

**REPEALER**

Chapter 458-52 of the Washington Administrative Code is repealed in its entirety as follows:

- (1) WAC 458-52-010 DECLARATION OF PURPOSE.
- (2) WAC 458-52-020 DEFINITIONS.
- (3) WAC 458-52-030 STRATIFICATION OF ASSESSMENT ROLLS—REAL PROPERTY.
- (4) WAC 458-52-040 LAND USE CODE—ABSTRACT REPORT.
- (5) WAC 458-52-050 STRATIFICATION—PERSONAL PROPERTY.
- (6) WAC 458-52-060 SALES STUDIES.
- (7) WAC 458-52-070 REAL PROPERTY APPRAISAL STUDIES.
- (8) WAC 458-52-080 PERSONAL PROPERTY AUDIT STUDIES.
- (9) WAC 458-52-090 INDICATED REAL PROPERTY RATIO—COMPUTATION.
- (10) WAC 458-52-100 INDICATED PERSONAL PROPERTY RATIO—COMPUTATION.
- (11) WAC 458-52-110 FINAL INDICATED RATIO—COMPUTATION.
- (12) WAC 458-52-120 USE OF INDICATED RATIOS.
- (13) WAC 458-52-130 COUNTY ASSESSOR'S REVIEW.
- (14) WAC 458-52-140 CERTIFICATION OF COUNTY INDICATED RATIOS.
- (15) WAC 458-52-150 ASSESSOR'S APPEAL.

**WSR 79-08-093**  
**PROPOSED RULES**  
**DEPARTMENT OF REVENUE**  
 [Filed July 30, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 84.48.075, that the Department of Revenue intends to adopt, amend, or repeal rules concerning the adoption of chapter 458-53 WAC Property Tax Annual Ratio Study with simultaneous repeal of chapter 458-52 WAC (prior ratio study rules);

that such agency will at 1:30 p.m., Tuesday, September 4, 1979, in the Large Conference Room, 1st Floor, General Administration Building, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:30 a.m., Monday, September 24, 1979, in the Director's Office, 415 General Administration Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 84.48.075.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to September 4, 1979, and/or orally at 1:30 p.m., Tuesday, September 4, 1979, General Administration Building, Olympia, Washington.

Dated: July 30, 1979  
 By: Charles W. Hodde  
 Director

Chapter 458-53 WAC  
 PROPERTY TAX ANNUAL RATIO STUDY

NEW SECTION

WAC 458-53-010 DECLARATION OF PURPOSE. This chapter is promulgated by the department of revenue in compliance with RCW 84.48.075 to describe procedures for determination of indicated ratios of property for each county, so as to accomplish the equalization of property values required by RCW 84.12.350, 84.16.110, 84.48.080 and 84.52.065. The procedures described in this chapter for the department's annual ratio study are designed to ensure uniformity and equity in taxation throughout the state to the maximum extent possible.

NEW SECTION

WAC 458-53-020 DEFINITIONS. (1) "Advisory values" mean the true and fair value determinations by department appraisers or auditors made at the request of the county assessor.

(2) "Appraisal" means the determination of the true and fair value of real property by department appraisers or county appraisers certified under RCW 36.21.015.

(3) "Audit" means the determination of true and fair value of taxable personal property through examination of the records of the property owner by department auditors or county auditors of the assessor's staff who are qualified by training and experience in making such examinations.

(4) "Average assessed value" is the total county assessed value of a sample grouping or classification of real or personal property divided by the number of properties in the sample.

(5) "Average true and fair personal property value" is the total value of a sample grouping or classification as determined from personal property audits divided by the number of audits in the sample group.

(6) "Average market value" is the total sales price, less five percent, of a sample grouping or classification of real property divided by the number of properties in the sample, or the total appraised value of a sample grouping or classification of real property divided by the number of appraisals in the same group.

(7) "Department" means the department of revenue.

(8) "Director" means the director of revenue.

(9) "Land use code" as designated by the department means the identification of each real property parcel by numerical digits as representations of the actual major use of the property. This land use code is derived from the Standard Land Use Coding Manual as prepared by the Federal Bureau of Public Roads.

(10) "Personal property" for the purpose of the ratio rules means the items of personal property as identified on the county assessment roll, and it shall include all personal property required to be reported by the taxpayer under RCW 84.40.185, but excluding property owned by and assessed to another taxpayer.

(11) "Ratio" is the percentage relationship of real property assessed value to the true and fair value of real property as determined by real property sales, by department appraisals, or by department approved county appraisals; or the percentage relationship of personal property assessed value to the true and fair value of personal property as determined from department audits or from department approved county audits.

(12) "Ratio study" is the department's annual comparison of the relationship between the county assessed values of real and personal property with the true and fair value of that property as determined by the department's analysis of sales, appraisals, and/or audits.

(13) "Sales study" is the comparison of the assessed value of real property with the selling price of the same property.

(14) "Stratification" means the grouping of the real or personal property assessment records into specific assessed value classes and/or use code classes for measurement purposes.

(15) "Stratum" refers to a single class of property with a given range of assessed value or having the same use code.

(16) "Strata" refer to classes of property grouped by assessed value and/or use codes.

(17) "Taxable real property parcels" means all real property parcels shown as subject to taxation on the county assessment record.

(18) "Trending" consists of adjusting the sales price of a property or the appraisal value from the time of sale or appraisal to a specific point in time which is the January 1 assessment date of the study. Trending will be for time only and developed from market data only.

(19) "True and fair value" means market value and has the same meaning as defined by WAC 458-12-300.

#### NEW SECTION

**WAC 458-53-030 STRATIFICATION OF ASSESSMENT ROLLS—REAL PROPERTY.** (1) The stratification process is the grouping of data into meaningful classifications for informational or analytical purposes. Stratification is used in determining the number of appraisals or audits needed for ratio study purposes and also is used in actual ratio computation. The latest available official county assessment roll values are used in ratio study stratification procedures.

Assessed valuation presently forms the basis for stratification of assessment rolls and is used because the nature of most assessors' records provides a state-wide uniformity for this characteristic. Also, the values in this classification generally are indicative of property types. By not later than the 1982 assessment year a land use classification system will replace the value stratification as assessors' records uniformly reflect properties according to their use.

(2) The stratification of the real property assessment rolls will include a parcel count of the taxable real property parcels less forest lands and current use properties. For the real property ratio study, the assessment roll will normally be stratified according to the following assessed value strata:

\$ 0	–	\$ 9,999
10,000	–	15,999
16,000	–	29,999
30,000	–	59,999
60,000	–	99,999
100,000	–	199,999
200,000	–	399,999
400,000	–	and over

Other higher strata than listed above may be used in counties having large numbers of high value properties.

(3) In counties not having a significant number of higher value properties, an upper limit (\$60,000 and over, \$100,000 and over) will be determined.

(4) The stratification process will be performed by the department or by the county with data processing capability adequate to meet the standards as provided by the department.

(5) A count of taxable real property parcels, less forest lands and current use properties, in each value stratification is necessary for computation of the county ratio. Multiplying an average sample sales value, an average sample appraisal value, or an average assessed value by the number of taxable parcels in the county produces an estimated total market value or total estimated assessed value used in ratio computation.

(6) In the stratification of county taxable real property parcels to be used in the ratio study, the count of these parcels should exclude designated and classified timber or forest lands and open space (current use) lands. These lands are deleted from properties used in the sales study and will be considered separately and included in ratio determinations after computations of sales data have been completed.

#### NEW SECTION

**WAC 458-53-040 LAND USE CODE—RATIO STUDY.** (1) By not later than the 1982 assessment year, each county will institute a land use code system which will identify each parcel according to its use. Upon establishment of such land use code system the abstract of the assessment roll will be reported on the basis of the land use code. As prescribed by this section, stratification of the assessment roll and computation of the indicated real property ratio will be based upon the land use code abstract report as provided in these rules.

(2) A two digit land use code will be used in the ratio study as a standard by the department to identify the actual use of the land. The categories as selected are those published in the "Standard Land Use Coding Manual" by the Federal Bureau of Public Roads, January 1965, plus those use classifications as specified by Washington law. Counties may elect to institute a more detailed level of land use coding (i.e., the three digit or four digit level), but the two digit level provided herein is the minimum detail level necessary.

#### Residential

- 11 Household, single family units
- 12 Household, 2-4 units
- 13 Household, multi-units (5 or more)
- 14 Residential hotels – condominiums
- 15 Mobile home parks or courts
- 16 Hotels/motels
- 17 Institutional lodging
- 18 All other residential not elsewhere coded
- 19 Vacation and cabin

#### Manufacturing

- 21 Food and kindred products
- 22 Textile mill products
- 23 Apparel and other finished products made from fabrics, leather, and similar materials
- 24 Lumber and wood products (except furniture)
- 25 Furniture and fixtures
- 26 Paper and allied products
- 27 Printing and publishing
- 28 Chemicals
- 29 Petroleum refining and related industries
- 30 Rubber and miscellaneous plastic products
- 31 Leather and leather products
- 32 Stone, clay and glass products
- 33 Primary metal industries
- 34 Fabricated metal products
- 35 Professional scientific, and controlling instruments; photographic and optical goods; watches and clocks—manufacturing
- 36 Not presently assigned
- 37 Not presently assigned
- 38 Not presently assigned
- 39 Miscellaneous manufacturing

#### Transportation, Communication, and Utilities

- 41 Railroad/transit transportation
- 42 Motor vehicle transportation
- 43 Aircraft transportation
- 44 Marine craft transportation
- 45 Highway and street right of way
- 46 Automobile parking
- 47 Communication
- 48 Utilities
- 49 Other transportation, communication, and utilities not classified elsewhere

#### Trade

- 51 Wholesale trade
- 52 Retail trade – building materials, hardware, and farm equipment
- 53 Retail trade – general merchandise
- 54 Retail trade – food
- 55 Retail trade – automotive, marine craft, aircraft, and accessories
- 56 Retail trade – apparel and accessories
- 57 Retail trade – furniture, home furnishings and equipment
- 58 Retail trade – eating and drinking
- 59 Other retail trade

#### Services

- 61 Finance, insurance, and real estate services
- 62 Personal services
- 63 Business services
- 64 Repair services
- 65 Professional services
- 66 Contract construction services
- 67 Governmental services
- 68 Educational services
- 69 Miscellaneous services

**Cultural, Entertainment and Recreational**

- 71 Cultural activities and nature exhibitions
- 72 Public assembly
- 73 Amusements
- 74 Recreational activities
- 75 Resorts and group camps
- 76 Parks
- 77 Not presently assigned
- 78 Not presently assigned
- 79 Other cultural, entertainment, and recreational

**Resource Production and Extraction**

- 81 Agriculture (not classified under current use law)
- 82 Agriculture related activities
- 83 Agriculture classified under current use chapter 84.34 RCW
- 84 Fishing activities and related services
- 85 Mining activities and related services
- 86 Reforestation chapter 84.28 RCW
- 87 Classified forest land chapter 84.33 RCW
- 88 Designated forest land chapter 84.33 RCW
- 89 Other resource production

**Undeveloped Land and Water Areas**

- 91 Undeveloped land
- 92 Noncommercial forest
- 93 Water areas
- 94 Open space land classified under chapter 84.34 RCW
- 95 Timberland classified under chapter 84.34 RCW
- 96 Not presently assigned
- 97 Not presently assigned
- 98 Not presently assigned
- 99 Other undeveloped land

The stratification process will be performed by the department or by the county according to the standards as provided by WAC 458-53-140.

**NEW SECTION**

**WAC 458-53-070 SALES STUDIES.** Real property sales data obtained from the real estate excise tax sales affidavits will form the basis of the sales study in each county. Validation of these sales as arms-length transactions will follow department criteria as provided in WAC 458-58-080.

The department's sales study generally will be used as the basis for the real property ratios. In addition, the department will supplement the sales study results with appraisals in any assessed value stratum or land use code classification where sales are judged to be insufficient to represent all properties in that stratum or land use class according to criteria set out in these rules.

Five percent will be deducted from the sales price shown on the affidavit on all valid real property sales as an adjustment for values transferred that are not assessable as real property.

Those sales in the study with ratios of less than twenty-five percent or greater than one hundred seventy-five percent will be deleted from the sales study and from ratio computations. Other sales not deemed representative for use in the study, as defined by the deletion list in WAC 458-53-080 will also be eliminated from consideration in ratio computation. Sales used in the study will include only those which occurred over an eight month period between August 1 preceding January 1 of the assessment year and March 31 of the assessment year.

**NEW SECTION**

**WAC 458-53-080 SALES SAMPLES.** (1) The starting point for the sales studies will be a sampling of the real estate excise tax sales affidavits each month. Samples used in a current study will be sales during the last five months of the calendar year immediately preceding the current study assessment year and the first three months of the study assessment year.

A sampling plan will be developed by the department of revenue each year based on each county's previous year sales volume. The sampling will be conducted considering sales transferring via warranty deed or contract instruments as initially subject for inclusion in the study. All sales represented by other instruments such as tax deeds, quitclaim deeds, etc., will be excluded from consideration. Timber sales also will be excluded as the valuation of this type of real property is dictated by state law. There are numerous reasons why a warranty deed or contract sale may also be excluded from the study. Conditions such as a sale between relatives, a forced sale or a sale to a nonprofit organization, for example, are sufficient to mark these transactions as being other than "arms-length" and therefore, not a valid indicator of full "true and fair" value. A listing of such reasons and other conditions that will cause a sale to be excluded are shown on the deletion list contained in subsection (2) of this section.

(2) The following sales transactions are to be excluded from the sales studies:

NUMERICAL CODE	TYPE OF TRANSACTION
1	Family - a sale between relatives.
2	Transfers to and from a corporation by its affiliates or subsidiaries.
3	Administrator, guardian or executor of an estate.
4	Receiver or trustee in bankruptcy or equity.
5	Sheriff or bailee.
6	Tax deed.
7	Government agency (federal, state, or local).
8	Nonprofit organization (religious, educational, cemetery lots, etc.)
9	Quitclaim deed.
10	Gift deed, love and affection deed.
11	Seller's or purchaser's assignment of contract or deed - transfer of interest.
12	Correction deed.
13	Trade - exchange of property between same parties.
14	Deeds involving partial interest in property, such as one-third or one-half interest. (If transfer involves total interest i.e., one hundred percent of the property, sale is valid.)

**NEW SECTION**

**WAC 458-53-050 LAND USE CODE-ABSTRACT REPORT.** Stratification of the assessment rolls and the annual abstract report for real property will be made on the following abstract categories:

Abstract Category	Land Use Code
1. Single family residence	11, 18, 19
2. Multiple family residence	12, 13, 14
3. Manufacturing	21 through 39
4. Commercial	15, 16, 17, 41-49, 51-59, 61-69, 71-79
5. Agricultural	81
6. Agricultural (Current-use Law)	83
7. Forest lands (chapter 84.33 RCW)	87, 88
8. Reforestation (chapter 84.28 RCW)	86
9. Open space (Current use law)	94
10. Timberland (Current use law)	95
11. Advisory appraisals	Not applicable
12. Other	82, 84, 85, 89, 91, 92, 93, 96-99

**NEW SECTION**

**WAC 458-53-060 STRATIFICATION-PERSONAL PROPERTY.** The county taxable assessed personal property accounts will be stratified based upon the latest assessment roll, normally using the following assessed value strata:

\$ 0	\$ 9,999
10,000	- 39,999
40,000	- 79,999
80,000	- 199,999
200,000	- 499,999
500,000	- 999,999
1,000,000	- 1,999,999
2,000,000	- and over

The largest valuation stratum designated for each county will depend on the number of large value accounts in the county.

NUMERICAL CODE	TYPE OF TRANSACTION
15	Forced sales - transfers in lieu of foreclosure, condemnation or liquidation.
16	Easement or right of way.
17	Deed in fulfillment of contract (on a current transaction, contract with a fulfillment deed is a valid sale.)
18	Property sold differs from property assessed.
19	Timber or forest land.
20	New plat - with less than twenty percent sold.
21	Exempt properties.
22	\$1,000 sale or under.
23	Lease.
24	Open space. (Designated open space property sold at true and fair value).
25	Other - necessary to identify reason i.e., inclusion of personal property not separately identified, liquor license, etc.
26	Segregations that have not been appraised.
27	Multiple sales not appropriately identified or appraised.
28	Improvements not on assessment roll before May 31 of the ratio study year.
29	Individual sales with assessment-to-sales ratios of less than twenty-five percent or greater than one hundred seventy-five percent.
30	Plottage - where an adjoining property is sold at a price significantly different than for property of a similar type.
31	Change of use where rezoning takes place.

#### NEW SECTION

**WAC 458-53-090 SALES SAMPLES—ASSESSED VALUATION.** (1) After the sampling of sales has been completed in Olympia, the assessed valuations of the properties remaining in the sample will be obtained by the department's sales analysts from official records retained by county officials. The assessed valuation total recorded will be the official figure as of January 1, the current ratio year assessment date. At this point, attention also will be given to factors which would indicate that a particular transaction is not suitable for inclusion in the study, such as: (a) Changes in the physical condition of the property subsequent to the date of assessment, and (b) verification that the property sold agrees with the description of the property on the assessment roll. Any other factors which can be ascertained at this time are used to analyze whether sales may be deleted from the study as not being an indicator of full "true and fair" value.

The relationship of the assessed value for a real property parcel to a corresponding valid sale of this property within the time period established for the annual ratio sales study indicates the individual ratio for the property. The stratum averages for all such valid sales values and related assessed values in a county, when multiplied by the number of listings in the strata, determine the established real property totals on which the indicated real property ratio is based.

(2) In counties for which the department conducts the sales analysis and ratio studies a sales pre-list will be provided to each assessor. These pre-lists will identify valid sale properties to be used in computation of each county's real property ratio. Department personnel will review these pre-lists with assessors or their staffs to verify the validity of the sale properties identified and the values indicated.

Properties designated in the department-approved county revaluation plan relative to the current ratio study year, and properties on which new construction may be completed during a ratio study year, will be included in that year's ratio study. For these properties the available current county assessed valuation will be used. Assessors have until May 31st of each assessment year to place new values on such properties and these values in a corresponding ratio study are included after the close of the assessors' rolls on May 31st.

(3) Certain properties have limited exemptions in assessed value granted by law to persons owning those properties (senior citizens exemptions). In computing a ratio relative to the sale of such property, the full assessed value for the property, before exemption, must be used to determine a proper assessment-to-sales relationship.

(4) Average sample real property assessed values and true and fair values for each value or land use stratum in a county will be derived from sales and appraisal study results. These average values, as provided in WAC 458-53-150, will aid in determining the county real property indicated ratio.

#### NEW SECTION

**WAC 458-53-100 USE OF COUNTY SALES STUDIES.** (1) If agreed upon by the department and the assessor, the department will use a county sales study, providing it is made according to the standards specified in these rules. Any such agreement shall provide that counties generating their own sales studies will use all or an agreed upon percentage of sales validated by department standards, and that the county shall furnish the department with data from sales deemed invalid as well as those deemed valid and give the reason for deeming invalid any particular sale. All such county studies shall be subject to department audit.

(2) Generally, the county-generated study will include the following:

(a) All agreed to real property transactions occurring in a county shall be used in the study and shall be for a period of eight consecutive months. Sales transactions used will include only those which occur between August 1 preceding January 1 of the assessment year and March 31 of the assessment year.

(b) Sales of properties identified on the published department of revenue deletion list (WAC 458-53-080) will be removed from the sales analysis study and separately will be produced on a data processing machine listing. This listing will display for each deleted sale an appropriate parcel identification, the sales price, the assessed value, and a numerical code or narrative designation of the reason for deletion of the property from the study. The numerical code used should coincide with the department of revenue published deletion list (WAC 458-53-080). Any numerical code 25 (miscellaneous) should be accompanied by a narrative reason for deletion.

(c) Individual valid sales having a resultant assessment-sales ratio under twenty-five percent or over one hundred seventy-five percent will be excluded from consideration in the study.

(d) Sales remaining in the sales analysis study will be stratified and printed by assessed value strata. Necessary data for each sale property remaining in the study will be:

(i) Excise tax sales affidavit number, parcel number, or other file identification number.

(ii) The sales price of the transaction, lowered five percent to ninety-five percent of its original value. Further adjustment of any individual sale may be made only if personal property is identified and its value is in excess of five percent of the sale price.

(iii) The current assessed value on the assessors' rolls for the property described on the sales affidavit.

(iv) A computed ratio based on the percent that the assessed valuation is to the adjusted sales price figure.

A coefficient of dispersion of all valid sales in all value stratifications, and for the county total sales, will be computed as described in these rules.

The coefficient of dispersion, as used in a sales-assessment ratio study, indicates a measure of assessment uniformity for a group of sales. It relates the group average deviation from a selected or computed sales-assessment ratio mean to the ratio mean itself. The department of revenue coefficient of dispersion computations use an arithmetic mean.

Basically, the computation is performed by:

(A) Listing the individual sales-assessment ratios in a large total group or in several smaller groups within the total.

(B) Calculating an average (mean) ratio for each smaller group or for the total group.

(C) Calculating the absolute difference (ignoring the direction) between each individual ratio and the average mean ratio.

(D) Totalling the differences and dividing by the number of sales to determine the group average deviation.

(E) Dividing the average deviation by the calculated average ratio to produce the coefficient of dispersion.

Coefficients of dispersion between ten and twenty generally tend to indicate an average assessment uniformity. Those above twenty reflect a lack of average of acceptable uniformity. Those under ten point toward a high degree of assessment uniformity.

(3) As soon as practicable following the close of the assessors' rolls on May 31st, and prior to July 1st, the county sales-assessment ratio study should be submitted to the department of revenue. This will allow time for departmental analysis, field review, and insertion of appraisal data, where appropriate, for final ratio determination by the last week of July, and ultimate ratio certification back to the assessor by August 1.

**NEW SECTION**

**WAC 458-53-110 PROPERTY VALUES USE IN THE RATIO STUDY.** The following property values will be included in the ratio study as provided in these rules:

- (1) Values required to be determined by the department by law, but excluding property valued under chapters 84.12 and 84.16 RCW.
- (2) Values determined by county assessors (chapter 84.41 RCW).
- (3) Values of land classified under chapters 84.33 and 84.34 RCW.

**NEW SECTION**

**WAC 458-53-120 REVIEW PROCEDURES FOR COUNTY STUDIES.** (1) Counties using data processing facilities to produce their own sales-assessment ratio study will be subject to a department of revenue review of ratio study elements and processes.

Department of revenue review procedures generally will monitor county adherence to WAC rules relating to the annual sales-assessment ratio study.

(2) Elements of the ratio study which may be checked and verified will include:

- (a) property identification
- (b) verification of properties reported on sales affidavits
- (c) sales month identification and incidence in study
- (d) deletion practices and identification
- (e) computation procedures
- (f) sales and assessment values
- (g) verification of revaluation assessment practices

(3) Ratio study review findings will be discussed with individual county assessors upon completion of reviews pertaining to the ratio studies generated by their individual data processing facilities and staffs.

**NEW SECTION**

**WAC 458-53-130 REAL PROPERTY APPRAISAL STUDIES.**

(1) The department will review a county's prior year's sales studies to determine which assessed value stratum or land use class may not have sufficient sales to produce a valid measurement of the level of assessment of the properties in that stratum or use class. Department appraisers then will appraise selected properties in those strata. The selection of properties to be appraised will be on a random basis. The appraisal date will coincide with the assessment date of the ratio study.

(2) The starting point of the appraisal study is a stratified random sample of the real property listings, with the controlling factor being the assessed valuation of each parcel as of the current January 1 assessment date. Assessed valuation is used as the basis for stratification because the nature of the most assessors' records presently precludes the use of any other characteristic on a state-wide basis. The sample selection process is initiated by "stratification" of the real property roll. For counties not possessing data processing capabilities manual stratification by department of revenue staff involves the following: (a) Examination of each property listing and tallying it (by placing a mark in the appropriate value class or stratum) according to the magnitude of its assessed valuation, (b) random selection of properties from each class to be placed in a pool from which the ultimate selection of properties for appraisal will be made, and (c) recording on a take-off sheet, the assessed value and identification (account number, page, and line number, etc.) for the selected samples. The completed stratification provides a count of the listings on the roll by valuation class.

(3) The number of appraisals deemed necessary for each county value or land use stratum will be determined by application of statistical determination to the previous year county ratio study results.

Once the number of appraisals to be conducted in each value classification has been determined, the identification of each of the randomly selected appraisal samples to be used in the study will be obtained from county records. When the names, addresses, legal descriptions and other information necessary to conduct the appraisals are known, letters will be forwarded to the taxpayers involved. These letters will notify them of the impending visit by an appraiser from the department of revenue property tax division.

(4) The actual physical appraisals conducted by department personnel use the same tools that are available to the county assessors (state manuals, private, publications, etc.). The department's appraisers do not, however, use the so-called "mass appraisal" technique which is, of necessity, practiced by the various counties; but perform complete appraisals regardless of the amount of time required in order to assure that the most valid estimate of market value is reached.

Three approaches to value are considered; namely, cost, market and income. The cost approach utilizes an approved cost manual. When properly used, this manual gives an estimation of reproduction cost of the improvements to the property. The reproduction cost then is depreciated, taking into consideration all physical depreciation, functional and economic obsolescence. The end result is the depreciated value of the improvements. To this value is added the value of the land, resulting in the market value of the real property. The market approach uses sales of comparable properties for an indication of value. The income approach uses a capitalization rate developed from a comparison of typical income and the sale price of comparable properties.

This capitalization rate then is divided into the net income of the subject properties for a value indication of that property.

(5) When the appraisals in a county have been completed and reviewed by the supervisory staff of the department, they are reviewed individually with the assessor and his staff. At this time, changes may be made stemming from such factors as errors in the mathematical calculations, changes in use from the date of assessment to the date of the appraisal, the inclusion of items in the appraisal that are not included in the assessment (mainly personal property), etc. When the review process is completed and changes, if any are made, the appraisal data are considered as completely valid and ready for inclusion in the computation of the total real property ratio.

(6) When the department's sample appraisals fall within a county's current revaluation area and the assessor's appraisals, upon audit, are found to be a supportable estimate of market value, the department will accept the county's appraised values on those properties randomly selected for appraisal in the county.

(7) Department appraisals, required for assessment ratio determination, will be performed as indicated by department statistical determinations. Appraisals will complement sales to provide an adequate number of samples on which to base a ratio computation.

(8) When properties, classified by the department as industrial properties, are selected for inclusion in real or personal property ratio studies, the department's property audits and appraisals will be made on the total property, using department valuation procedures. Allocation of total industrial value for ratio purposes will be determined using each assessor's method of classifying real and personal property. Audit determinations for personal property will not include properties classified as real property by the assessor. Appraisal determinations for real property will not include properties classified as personal property by the assessor.

**NEW SECTION**

**WAC 458-53-140 PERSONAL PROPERTY AUDIT STUDIES.**

(1) Personal property audits will be performed on those accounts selected at random within each assessed value stratum used in the ratio study for each county. These audits will be the basis of the county's personal property ratio as provided in WAC 458-53-160.

The department may use county audit results as ratio study audits when department accepted audit procedures are used on accounts selected as sample audits and audited by the county audit staff as of the assessment date used in the department's ratio study.

(2) The general procedures for audits are similar to those followed in the appraisal-assessment study in that sample audits of personal property accounts will be used as the basis for determining total assessed value and estimated total true and fair value of personal property. The relationship of the total estimated assessed value to the total estimated true and fair value of personal property will indicate the personal property ratio.

(a) Stratification of rolls - The program is initiated by stratification of the personal property roll in the counties being audited. From this process is obtained: a count of the number of listings in each assessed valuation class, an estimation of the total assessed value in each class, and a pool of samples in each class from which the ultimate listings to be audited are selected. The strata or assessed valuation classes have different limits than those used in the appraisal-assessment study. A listing of assessed value strata used (WAC 458-53-060) is as follows:

\$	0	\$	9,999
	10,000	-	39,999
	40,000	-	79,999
	80,000	-	199,999
	200,000	-	499,999
	500,000	-	999,999
	1,000,000	-	1,999,999
	2,000,000	-	and over

(b) Personal property sample audit selection – The number of audits to be performed is derived in the same general manner as in the appraisal-assessment procedure in that statistical determination is applied to county previous year's ratio study results to obtain a representative number of samples on which to base a county ratio.

Stratification procedures which determine the number of personal property audits needed for the current ratio study begin in the summer months of the calendar year immediately preceding the currently designated ratio study year.

The audits are conducted through June of the designated ratio study year.

(3) The sample accounts to be audited in each valuation classification are randomly chosen. Names and addresses of taxpayers for these accounts and copies of assessment detail sheets are obtained from county records.

Letters of intent to audit are mailed to each taxpayer selected.

(4) The personal property audits which are conducted to derive the true and fair value figures are made from an examination of the taxpayer's books and records. In its valuation procedures, the department's auditors utilize the manuals and schedules which it prepares and distributes to all assessors. The technique is generally one of trending forward historical cost data and the application of depreciation percentages to arrive at current worth or value.

(5) When the audits have been completed in a county, they are reviewed with the assessor and his staff. The primary emphasis at this meeting is to make sure that the property covered by the audit is comparable to the property covered by the assessment. The completion of the review and adjustments, if any, mark the audit data as valid for use in the computation of the personal property portion of the total indicated ratio.

(6) In a manner similar to that used for real property, sample personal property assessed values and true and fair values for each stratum are derived from audit results, the weighted sums of which are the basis for determining the personal property indicated ratio.

#### NEW SECTION

**WAC 458-53-150 INDICATED REAL PROPERTY RATIO—COMPUTATION.** (1) For each real property value or land use stratum within a county average sample assessed value and average sample true and fair value will be determined from the results of selected sales and appraisal studies. Average sample assessed value and average sample true and fair value for each stratum will be multiplied by the total number of real property parcels in each corresponding stratum to derive an estimated total assessed value and a total estimated true and fair value for each stratum. Stratum estimated totals will be added to derive county estimated total assessed value and county estimated total true and fair value. When the ratio relationship between these two estimated values is applied to the actual county assessed value, as provided by the assessor in his current Assessors' Certificate of Assessment Rolls to the County Board of Equalization, and forest land and current use values are added to the actual assessed value and ratio-related market value, the totals will represent the county real property indicated ratio.

(2) Valid arms-length sales occurring in each county will be the basis for determining individual stratum ratios unless a representative number of samples for any one stratum requires the addition of department appraisals. In all strata where both sales and appraisal samples are present, assessment and market values for all valid appraisal samples will be combined with assessment and market values for all valid sales samples to derive a stratum ratio.

(3) Present county forest land assessed values (chapter 84.33 RCW) will be included in determination of the indicated real property ratios for each county. Current use assessed values (chapter 84.34 RCW) will be included in determination of the indicated real property ratios for counties whose current use land values are five percent or greater in proportion to the total county land value outside of cities and towns. Counties with less than five percent of total land value outside of cities and towns in current use property values may request inclusion of current use values in determination of their real property ratio. The request, in writing, should be submitted to the department prior to October 1 of each ratio study period for which current use consideration is desired. Department current use appraisals will be the basis for the assessment-to-appraisal values from which current use ratios are determined.

(4) Values from each county's Assessor's Certificate of Assessment Rolls to County Board of Equalization will be used in the computation of each county's indicated real property ratio.

(a) The county preliminary real property ratio, calculated from estimated totals of county sales and appraisal study results, will be applied to each county's certificate listing of total real property assessed value (excluding forest land and current use assessed values) to determine an estimated true and fair value which relates to the actual assessed real property value of a county.

(b) To the actual real property assessed value and ratio-related true and fair value totals for a county are added certificate forest land and current use assessed values (as provided in subsection (2) of this section), and related true and fair values calculated by the ratio relationships determined for forest lands and current use properties.

(c) The sum of the total real property assessed and true and fair values, forest land assessed and true and fair values, and current use assessed and true and fair values (as provided in subsection (2) of this section) shall be the basis for a county's indicated real property ratio. The sum total of assessed values will be divided by the sum total of true and fair values to derive the ratio.

(5) The following illustration, using simulated values, indicates simplified ratio study computation procedures for real property.

Step 1 - Determination of Average Sample Values

	(1)	(2)	(3)	(4)	(5)
<u>Stratum</u>	<u>Number of Samples</u>	<u>Total Assessed Value of Samples</u>	<u>Average Assessed Value of Samples (Col. 2 ÷ Col. 1)</u>	<u>Total Market Value of Samples</u>	<u>Average Market Value of Samples (Col. 4 ÷ Col. 1)</u>
0 - 9,999	10	\$ 60,000	\$ 6,000	\$ 80,000	\$ 8,000
10,000 - 15,999	20	260,000	13,000	300,000	15,000
Over 15,999	5	200,000	40,000	250,000	50,000

Average values for real property sales samples, average real property appraisal samples, and average personal property audit samples all are determined in the same manner.

Step 2 - Weighting of Average Sample Values

	(1)	(2)	(3)	(4)	(5)	(6)
<u>Stratum</u>	<u>Total Property Listings</u>	<u>Average Sample Assessed Value</u>	<u>Total Estimated Assessed Value (Col. 2 x Col. 1)</u>	<u>Average Sample Market Value</u>	<u>Total Estimated Market Value (Col. 4 x Col. 1)</u>	<u>Ratio (Col. 3 ÷ Col. 5)</u>
\$ 0 - 9,999	105	\$ 6,000	\$ 630,000	\$ 8,000	\$ 840,000	.7500
10,000 - 15,999	211	13,000	2,743,000	15,000	3,165,000	.8667
Over 15,999	51	40,000	2,040,000	50,000	2,550,000	.8000
			5,413,000		6,555,000	.8258
					Sample study weighted ratio	(82.58%)

Average values for real property sales samples, average real property appraisal samples, and average personal property audit samples all are weighted in the same manner.

Step 3 Application of Sample Weighted Relationship to Actual Real Property Assessed Value and addition of timber and forest land values and open space values.

	(1)	(2)	(3)
	<u>Actual County Real Property Assessed Value (From Assessor's Certificate)</u>	<u>Determined Assessment To Market Ratio</u>	<u>County Real Property Market Value Related To Actual Assessed Value (Col. 1 ÷ Col. 2)</u>
	\$ 6,544,000	.8258	\$ 7,924,437
Add:	(Simulated Value)	(82.58%)	
Timber and Forest Land	1,520,000	(from Step 2)	1,520,000
	(Simulated Value)	1.0000	
		(100.00%)	
Open Space (Where Applicable)	400,000	.9000	444,444
	(Simulated Value)	(90.00%)	
		(Simulated Ratio)	
Open Space Ratios Determined By Open Space Appraisals			
	<u>\$ 8,464,000</u>		<u>\$ 9,888,881 = .8559</u>
County Indicated Real Property Ratio			85.59%

(6) If a copy of the certification of current values is not received from an assessor in a timely manner for inclusion in ratio computation, the Assessors Abstract of Assessed Values from the previous year will be used as the information source for ratio computation.

(7) A copy of each county's certification of values to the County Board of Equalization will be filed with the department on or before the second Monday in July. The certification will show the total taxable assessed value of the real property roll (indicating separately the total value of forest land assessed pursuant to chapter 84.33 RCW and land classified under chapter 84.34 RCW - current use) and the total taxable assessed value of the personal property roll.

(8) Unusual valid ratio study individual assessed or true and fair values which deviate by more than five times the average deviation of other values in a stratum, will be classified as "outriders" and shall be considered separately in average sample computation. Outriders are so treated to prevent the application of excess weight by nontypical sample values in determining average sample values and resulting total estimated assessed and total estimated true and fair values.

(9) The department may consider the relationship between the market value trends of real property and the assessed value increases or decreases made by the assessor during the year in each county as validity checks of the result of the sales and appraisal studies. The director may authorize modification of the results of the sales and appraisal study where there is a demonstrable showing to the director that the sales and appraisal study is inconclusive or does not result in a reasonable and factual determination of the relationship of assessed values to true and fair value. Such that a significant variation results from the rates of the previous year not deemed by the director comparable with general trends in property values; but such modification shall be made only after notice to all assessors that information other than the sales and appraisal studies are being considered, and opportunity for a meeting has been made available for the director (or the director of property tax) and a representative committee authorized and appointed by the assessors to review the results of the sales and appraisal study and the proposal to modify the study results.

#### NEW SECTION

WAC 458-53-160 INDICATED PERSONAL PROPERTY RATIO—COMPUTATION. (1) For each personal property assessed value stratum in a county an average sample assessed value and an average sample true and fair value will be determined from the results of selected audit studies. These average stratum sample values will be multiplied by the corresponding number of personal property accounts in each stratum to derive a stratum estimated total assessed value and a stratum estimated total true and fair value. These estimated stratum total estimated assessed and true and fair values will be added to provide a county total estimated assessed value and a county total estimated true and fair value. When these two total values are equated to the county actual assessed value, as provided on the Assessors' Certificate of Assessment Rolls to County Board of Equalization, their relationship will form the basis for the county indicated personal property ratio.

(2) If reported to the department prior to July 15th of the study year, values added to the assessment roll resulting from the disclosure of unreported or under-reported personal property due to audits may be included, but only to the extent the department is satisfied the assessor is correcting omissions of a similar nature in personal property assessments generally.

(3) Values from each county's Assessor's Certificate of Assessment Rolls to County Board of Equalization will be used in the computation of each county's indicated personal property ratio.

(4) The following illustration, using simulated values, indicates simplified ratio study computation procedures for personal property.

Step 1 - Determination of Average Sample Values

	(1)	(2)	(3)	(4)	(5)
<u>Stratum</u>	<u>Number of Samples</u>	<u>Total Assessed Value of Samples</u>	<u>Average Assessed Value of Samples (Col. 2 ÷ Col. 1)</u>	<u>Total Market Value of Samples</u>	<u>Average Market Value of Samples (Col. 4 ÷ Col. 1)</u>
\$ 0 - 9,999	15	\$ 75,000	\$ 5,000	\$100,000	\$ 6,667
10,000 - 39,999	20	400,000	20,000	500,000	25,000
Over 39,999	10	500,000	50,000	750,000	75,000

Step 2- Weighting of Average Sample Values

	(1)	(2)	(3)	(4)	(5)	(6)
<u>Stratum</u>	<u>Total Property Listings</u>	<u>Average Sample Assessed Value</u>	<u>Total Estimated Assessed Value (Col. 2 x Col.1)</u>	<u>Average Sample Market Value</u>	<u>Total Estimated Market Value (Col. 4 x Col. 1)</u>	<u>Ratio (Col. 3 ÷ Col. 5)</u>
\$ 0 - 9,999	125	\$ 5,000	\$ 625,000	\$ 6,667	\$ 833,375	.7500
10,000 - 39,999	216	20,000	4,320,000	25,000	5,400,000	.8000
Over 39,999	79	50,000	3,950,000	75,000	5,925,000	.6667
			\$8,895,000		\$12,158,375	.7316
						(73.16%)

Sample study weighted ratio.

Step 3 - Application of Sample Weighted Relationship to Actual Assessed Value.

(1)	(2)	(3)
<u>Actual County Assessed Value Personal Property (From Assessor's Certificate)</u>	<u>Determined Assessment-To-Market Ratio</u>	<u>County Market Value Related To Actual Assessed Value (Col. 1 ÷ Col. 2)</u>
\$ 9,100,000 (Simulated Value)	.7316 (from Step 2)	\$12,438,491
County indicated personal property ratio	73.16%	

**NEW SECTION**

**WAC 458-53-170 FINAL INDICATED RATIO—COMPUTATION.** (1) The indicated real property ratio and the indicated personal property ratio for each county will be weighted into the final combined county indicated ratio based upon the relationship of assessed value of both the real and personal state-assessed property, after equalization, and the locally-assessed real and personal property as reported by the county assessors on their individual Abstract of Assessed Value pursuant to RCW 84.48.010. This final indicated ratio is the one used in carrying out the department's responsibilities to compute the state property tax levy (RCW 84.52.065).

(2) The following illustration indicates simplified combined indicated ratio procedures used to combine real and personal property ratio study values of locally assessed property and values of utility companies as determined by the department. A combined indicated ratio for each county is prepared and used in the state property tax levy for schools.

Simulated values used in this illustration are those used in WAC 458-53-140 and 458-53-150. The utility values used have not appeared in other tables and are illustrative only.

	Total Assessed Value - Real Property	Indicated Real Property Market Value	Total Assessed Value - Personal Property	Indicated Personal Property Market Value	Total Real and Personal Property Assessed Value	Total Real and Personal Property Market Value
Locally Assessed	\$ 8,464,000	\$ 9,888,881	\$ 9,100,000	\$12,438,491	\$17,564,000	\$22,327,372
Utilities	479,304	560,000	548,700	750,000	1,028,004	1,310,000
Combined					\$18,592,004	\$23,637,372
$\$18,592,004 \div \$23,637,372 = .7866$						
County Combined Indicated Ratio				78.66%		

**NEW SECTION**

**WAC 458-53-180 USE OF INDICATED RATIOS.** The indicated ratios will be used by the department as follows:

(1) The value of properties assessed by the state under chapters 84.12 and 84.16 RCW, will be certified to the county assessor using:

- (a) The indicated personal property ratio for personal property; and
- (b) The indicated real property ratio for real property.

(2) The final indicated ratio will be used for state levy purposes as required by RCW 84.52.065.

**NEW SECTION**

**WAC 458-53-190 COUNTY ASSESSOR'S REVIEW.** The county assessor will be given the opportunity to review with the department the sales, appraisal, and audit studies. This review will precede the final data computation in establishing the indicated real property and indicated personal property ratios.

**NEW SECTION**

**WAC 458-53-200 CERTIFICATION OF COUNTY INDICATED RATIOS.** The department will annually determine the real property and personal property indicated ratios for each county and will certify these ratios to the county assessor on or before August 1, and revisions or corrections thereof may be made by the department after consideration of recommendations received from an assessor prior to the first Monday in August.

**NEW SECTION**

**WAC 458-53-210 ASSESSOR'S APPEAL.** If an assessor has reviewed the ratio study as provided in WAC 458-53-190, the assessor may appeal the department's ratio determination, as certified for that county, to the state board of tax appeals. The appeal to the state board of tax appeals must be filed on or before August 11.

**REPEALER**

Chapter 458-52 of the Washington Administrative Code is repealed in its entirety as follows:

- (1) WAC 458-52-010 DECLARATION OF PURPOSE.
- (2) WAC 458-52-020 DEFINITIONS.
- (3) WAC 458-52-030 STRATIFICATION OF ASSESSMENT ROLLS—REAL PROPERTY.
- (4) WAC 458-52-040 LAND USE CODE—ABSTRACT REPORT.
- (5) WAC 458-52-050 STRATIFICATION—PERSONAL PROPERTY.
- (6) WAC 458-52-060 SALES STUDIES.
- (7) WAC 458-52-070 REAL PROPERTY APPRAISAL STUDIES.
- (8) WAC 458-52-080 PERSONAL PROPERTY AUDIT STUDIES.
- (9) WAC 458-52-090 INDICATED REAL PROPERTY RATIO—COMPUTATION.
- (10) WAC 458-52-100 INDICATED PERSONAL PROPERTY RATIO—COMPUTATION.
- (11) WAC 458-52-110 FINAL INDICATED RATIO—COMPUTATION.
- (12) WAC 458-52-120 USE OF INDICATED RATIOS.
- (13) WAC 458-52-130 COUNTY ASSESSOR'S REVIEW.
- (14) WAC 458-52-140 CERTIFICATION OF COUNTY INDICATED RATIOS.
- (15) WAC 458-52-150 ASSESSOR'S APPEAL.

**WSR 79-08-094**  
**PROPOSED RULES**  
**DEPARTMENT OF ECOLOGY**  
 [Filed July 30, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Ecology intends to adopt, amend, or repeal rules concerning the amending of chapter 173-19 WAC, Shoreline Management Act of 1971—State Master Program, regarding

the incorporation of local shoreline master programs and revised programs approved by the Department of Ecology into the State Master Program pursuant to RCW 90.58.030(3)(c);

and that the adoption, amendment, or repeal of such rules will take place at 11:00 a.m., Wednesday, September 5, 1979, in the Hearings Room, Department of Ecology, Lacey, Washington.

The authority under which these rules are proposed is RCW 90.58.030(3)(c), 90.58.120 and 90.58.200.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to August 31, 1979, and/or orally at 11:00 a.m., Wednesday, September 5, 1979, Hearings Room, Department of Ecology, Lacey, Washington.

Dated: July 30, 1979  
By: Wilbur G. Hallauer  
Director

AMENDATORY SECTION (Amending Order DE 77-16, filed 9/9/77)

WAC 173-19-130 CLALLAM COUNTY. Clallam County master program approved ((or-adopted)) August 5, 1976. Revision approved November 16, 1976.

((+)) Port Angeles master program approved ((or-adopted)) August 5, 1976.

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order DE 77-28, filed 10/24/77)

WAC 173-19-250 KING COUNTY. King County master program approved ((or-adopted)) July 8, 1976. ((Amended)) Revision approved November 22, 1976. Revision approved June 30, 1978. Revision approved by July 5, 1979.

- (1) Auburn master program approved ((or-adopted)) April 4, 1974.
- (2) Beaux Arts master program approved ((or-adopted)) August 12, 1974.
- (3) Bellevue master program approved ((or-adopted)) February 26, 1975. Revision approved January 8, 1979.
- (4) Black Diamond master program approved ((or-adopted)) ..... ) December 21, 1977.
- (5) Bothell master program approved ((or-adopted)) February 27, 1975. ((Amended)) Revision approved July 2, 1976. Revision approved January 31, 1977.
- (6) Carnation master program approved ((or-adopted)) August 16, 1974.
- (7) Des Moines master program approved ((or-adopted)) April 3, 1974.
- (8) Duvall master program approved ((or-adopted)) August 12, 1974.
- (9) Hunts Point master program approved ((or-adopted)) November 15, 1974. Revision approved July 2, 1975.
- (10) Issaquah master program approved ((or-adopted)) .....
- (11) Kent master program approved ((or-adopted)) April 9, 1974. Revision approved December 8, 1978. Revision approved April 10, 1979.
- (12) Kirkland master program approved ((or-adopted)) August 27, 1974.
- (13) Lake Forest Park master program approved ((or-adopted)) April 19, 1974.
- (14) Medina master program approved ((or-adopted)) November 22, 1974.
- (15) Mercer Island master program approved ((or-adopted)) September 24, 1974.
- (16) Normandy Park master program approved ((or-adopted)) April 5, 1974.

(17) North Bend master program approved ((or-adopted)) September 18, 1974.

(18) Pacific master program approved ((or-adopted)) September 19, 1974.

(19) Redmond master program approved ((or-adopted)) September 20, 1974.

(20) Renton master program approved ((or-adopted)) January 23, 1976. Revision approved February 23, 1977.

(21) Seattle master program approved ((or-adopted)) June 30, 1976. ((Amended)) Revision approved March 11, 1977.

(22) Skykomish master program approved ((or-adopted)) .....

(23) Snoqualmie master program approved ((or-adopted)) August 16, 1974.

(24) Tukwila master program approved ((or-adopted)) September 26, 1974.

(25) Yarrow Point master program approved ((or-adopted)) March 13, 1975.

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order DE 77-16, filed 9/9/77)

WAC 173-19-350 PIERCE COUNTY. Pierce County master program approved ((or-adopted)) April 4, 1975. ((Amended)) Revision approved November 16, 1976. Revision approved October 26, 1977. Revision approved February 21, 1979.

- (1) Bonney Lake master program approved ((or-adopted)) August 6, 1975.
- (2) Buckley master program approved ((or-adopted)) April 7, 1975.
- (3) Dupont master program approved ((or-adopted)) June 11, 1975.
- (4) Eatonville master program approved ((or-adopted)) April 29, 1975.
- (5) Fife master program approved ((or-adopted)) September 6, 1974.
- (6) Gig Harbor master program approved ((or-adopted)) September 10, 1975.
- (7) Orting master program approved ((or-adopted)) April 8, 1975.
- (8) Puyallup master program approved ((or-adopted)) May 31, 1974.
- (9) Roy master program approved ((or-adopted)) April 9, 1975.
- (10) Ruston master program approved ((or-adopted)) September 20, 1974.
- (11) South Prairie master program approved ((or-adopted)) .....
- (12) Steilacoom master program approved ((or-adopted)) .....
- (13) Sumner master program approved ((or-adopted)) December 11, 1974.
- (14) Tacoma master program approved ((or-adopted)) April 5, 1977.
- (15) Wilkeson master program approved ((or-adopted)) ..... ) October 21, 1977

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order DE 77-16, filed 9/9/77)

WAC 173-19-370 SKAGIT COUNTY. Skagit County master program approved ((or-adopted)) October 5, 1976. Revision approved January 5, 1979. Revision approved May 11, 1979.

- (1) Anacortes master program approved ((or-adopted)) April 9, 1976.
- (2) Concrete master program approved ((or-adopted)) March 3, 1977.
- (3) Hamilton master program approved ((or-adopted)) ..... ) July 27, 1979.
- (4) La Connor master program approved ((or-adopted)) May 3, 1977.
- (5) Lyman master program approved ((or-adopted)) February 23, 1977.

(6) Mount Vernon master program approved ((or adopted)) May 16, 1977.

**Reviser's Note:** RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

**WSR 79-08-095**

**PROPOSED RULES**

**DEPARTMENT OF GENERAL ADMINISTRATION**

(Division of Savings and Loan Associations)

[Filed July 30, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 98, Laws of 1979 1st ex. sess., that the Supervisor of Savings and Loan Associations intends to adopt, amend, or repeal rules concerning exercise of federal credit union powers;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Tuesday, September 4, 1979, in the Office of the Supervisor, Room 217C, General Administration Building, Olympia, Washington.

The authority under which these rules are proposed is chapter 98, Laws of 1979 1st ex. sess.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to September 4, 1979, and/or orally at 10:00 a.m., Tuesday, September 4, 1979, Office of the Supervisor, Room 217C, General Administration Building, Olympia, Washington.

Dated: July 27, 1979

By: F. Sylvin Fulwiler  
Acting Supervisor

WAC 419-48

**REGULATIONS ON EXERCISE OF FEDERAL CREDIT UNION POWERS**

**NEW SECTION**

**WAC 419-48-010 GRANT OF FEDERAL CREDIT UNION POWERS TO STATE CHARTERED CREDIT UNIONS.** Any credit union chartered under the laws of the State of Washington may exercise the powers granted by federal law to a federal credit union operating within the State of Washington, to the extent permitted by state statute and to the extent permission is granted by the supervisor in accordance with this chapter.

**NEW SECTION**

**WAC 419-48-020 APPLICATION TO EXERCISE FEDERAL CREDIT UNION POWERS.** Before any state chartered credit union proceeds to exercise any power granted to a federally chartered credit union doing business in Washington (except powers already conferred by state law on state chartered credit unions), the credit union shall make written application to the supervisor for permission to amend its by-laws to exercise federal credit union powers. The application shall state the name of the applicant credit union, shall list the powers the credit union wishes to exercise, with citations to this chapter or to federal law, and shall contain any information the credit union wishes to offer which tends to show that the exercise of the federal power would serve the convenience and advantage of the credit union members and would maintain the quality of competition between state chartered credit unions and federally chartered credit unions. The supervisor may request additional information from the credit union, and it shall be supplied to the supervisor before he acts on the application.

**NEW SECTION**

**WAC 419-48-030 SUPERVISOR ACTION ON APPLICATION.** Upon receiving an application by a credit union to exercise the powers of a federally chartered credit union, the supervisor shall use the information contained in the application and any other information he may have at hand to determine whether the exercise of the federal powers applied for would serve the convenience and advantage of credit union members and whether it would maintain the quality of competition between state chartered credit unions and federally chartered credit unions in Washington. Depending on his determination, the supervisor may grant the application, grant it in part, grant it subject to special conditions, or deny the application. If any part of the application is granted, the supervisor shall in writing set forth those powers which the applicant credit union may exercise, by reference to this chapter, by reference to federal statutes and regulations, and/or by detailing any conditions which the supervisor places on the granting of the application. Upon receipt of the supervisor's letter granting permission to exercise powers of a federally chartered credit union, the credit union may proceed to amend its by-laws to exercise the powers permitted.

**NEW SECTION**

**WAC 419-48-040 APPLICABILITY OF FEDERAL STATUTES, REGULATIONS AND CASE LAW.** When the supervisor grants permission to a credit union to exercise any of the powers of a federally chartered credit union, his grant shall be presumed to have reference to the powers granted by federal statute as of April 1, 1979, to a federal credit union doing business in Washington. To the extent that powers granted under federal statute have been limited or modified by decisions of federal courts, or by regulations promulgated by the National Credit Union Administration, either before or after April 1, 1979, such limitations and modifications shall likewise operate to limit or modify the extent to which a state chartered credit union may exercise the same powers. However, the supervisor may in writing modify the effect of a federal regulation to the extent he finds that such a modification would serve the convenience and advantage of credit union members and maintain the quality of competition between state chartered credit unions and federally chartered credit unions.

**NEW SECTION**

**WAC 419-48-051 LOANS TO MEMBERS.** To the extent the supervisor permits under this chapter, a credit union may make loans to its members upon the same terms and conditions as a federally chartered credit union may make loans to its members under federal law.

**NEW SECTION**

**WAC 419-48-052 SELF-REPLENISHING LINE OF CREDIT.** To the extent the supervisor permits under this chapter, a credit union may offer self-replenishing line of credit to a borrower to the same extent such a line of credit could be offered to a borrower by a federally chartered credit union.

**NEW SECTION**

**WAC 419-48-053 LOANS TO OTHER CREDIT UNIONS.** To the extent the supervisor permits under this chapter, a credit union may make loans to other credit unions to the same extent such loans could be made by federally chartered credit unions.

**NEW SECTION**

**WAC 419-48-054 LOANS TO CREDIT UNION ORGANIZATIONS.** To the extent the supervisor permits under this chapter, a credit union may make loans to credit union organizations to the extent such loans could be made by a federally chartered credit union in this state. This section shall not be construed as authority for the creation or operation of a credit union organization.

**NEW SECTION**

**WAC 419-48-055 PARTICIPATION LOANS.** To the extent the supervisor permits under this chapter, a credit union may enter into participation loans with other credit unions, credit union organizations, or financial organizations to the same extent permitted to federally chartered credit unions.

**NEW SECTION**

**WAC 419-48-060 RECEIPT OF PAYMENTS ON SHARES FROM MEMBERS AND NON-MEMBER GOVERNMENTAL UNITS.** To the extent the supervisor permits under this chapter, a credit union may receive payments on shares and payments on share certificates from members or non-member governmental units on the same terms such payments could be received on April 1, 1979, by federally chartered credit unions.

**NEW SECTION**

**WAC 419-48-070 INVESTMENTS.** Any credit union wishing to make an investment not specifically permitted by chapter 31.12 RCW, may apply for permission to make further investments under chapter 419-36, Washington Administrative Code. Alternatively, the supervisor may grant specific investment powers to a credit union to the extent such powers are enjoyed by federally chartered credit unions, pursuant to this chapter.

**NEW SECTION**

**WAC 419-48-080 DEPOSITS.** To the extent the supervisor permits under this chapter, a credit union may make deposits in banks and other financial institutions to the extent such deposits may be made by federally chartered credit unions.

**NEW SECTION**

**WAC 419-48-090 BORROWING BY A CREDIT UNION.** To the extent the supervisor permits under this chapter, a credit union may borrow from any source to the extent a federally chartered credit union can borrow.

**NEW SECTION**

**WAC 419-48-100 LEVYING OF LATE CHARGES.** To the extent the supervisor permits under this chapter, a credit union may levy late charges on its members to the extent such charges can be levied by federally chartered credit unions.

**NEW SECTION**

**WAC 419-48-110 LIEN ON SHARES AND DIVIDENDS.** To the extent the supervisor permits under this chapter, a credit union can impress and enforce a lien upon the shares and dividends of any member, to the extent such a lien can be impressed and enforced by a federally chartered credit union.

**NEW SECTION**

**WAC 419-48-120 CHECK SELLING AND CASHING.** To the extent the supervisor permits under this chapter, a credit union may sell to members negotiable checks (including travelers checks) and money orders, and may cash checks and money orders for members, to the extent such powers are granted to federally chartered credit unions.

**NEW SECTION**

**WAC 419-48-130 PURCHASE OF OBLIGATIONS.** To the extent the supervisor permits under this chapter, a credit union may purchase, sell, pledge, or discount or otherwise receive or dispose of, in whole or in part, any eligible obligations of its members and may purchase from any liquidating credit union notes made by individual members of the liquidating credit union, to the extent such powers are granted to federally chartered credit unions.

**NEW SECTION**

**WAC 419-48-140 SALE AND PURCHASE OF ASSETS.** To the extent the supervisor permits under this chapter, a credit union may sell all or part of its assets to another credit union, purchase all or part of the assets of another credit union and assume the liabilities of the selling credit union and its members, to the extent such powers are granted to federally chartered credit unions.

**NEW SECTION**

**WAC 419-48-150 OTHER FEDERAL CREDIT UNION POWERS.** If a credit union wishes to exercise any power exercised by

federally chartered credit unions in this state, but not specifically mentioned in this chapter, the credit union may apply pursuant to this chapter to exercise the power, describing the power and supplying the supervisor with citations to federal and state law, and with legal memoranda if appropriate, showing that the power is in fact granted to federally chartered credit unions in Washington and that its exercise would not be contrary to state law. Such an application may be granted, modified or denied on the same grounds as any other application made under this chapter may be acted upon.

**WSR 79-08-096**  
**PROPOSED RULES**  
**DEPARTMENT OF LICENSING**  
**(Veterinary Board of Governors)**  
 [Filed July 30, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Veterinary Board of Governors intends to adopt, amend, or repeal rules concerning practical examination required of applicants licensed in other states, adding as a new section WAC 308-151-070;

that such agency will at 4:00 p.m., Thursday, September 20, 1979, in the Tacoma Public Library, Lincoln Kaiser Room, 1102 Tacoma Avenue South, Tacoma, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 4:00 p.m., Thursday, September 20, 1979, in the Tacoma Public Library, Lincoln Kaiser Room, 1102 Tacoma Avenue South, Tacoma, WA.

The authority under which these rules are proposed is RCW 18.92.030.

Interested persons may submit data, views or arguments to this agency in writing to be received by this agency prior to September 17, 1979, and/or orally at 4:00 p.m., Thursday, September 20, 1979, Tacoma Public Library, Lincoln Kaiser Room, 1102 Tacoma Avenue South, Tacoma, WA.

Dated: July 30, 1979

By: Barbara Phillips  
 Assistant Attorney General

**NEW SECTION**

**WAC 308-151-070 PRACTICAL EXAMINATION REQUIREMENT.** In order to be licensed, any applicant for licensure after November 1, 1979 who has a current license by examination in another state, or who has passed a written examination approved by the Board will be required to pass a practical examination prepared and administered by the Board. This requirement may be waived for applicants who apply to licensure pursuant to RCW 18.92.130.

**WSR 79-08-097**  
**PROPOSED RULES**  
**DEPARTMENT OF LICENSING**  
**(Board of Nursing)**  
 [Filed July 30, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Nursing intends to adopt, amend, or repeal rules concerning nursing assistant certification: requirements for obtaining certification of completion of a

nursing assistant program; nursing assistant certification examination; nursing assistant training program curriculum; nursing assistant training program conducted by nursing homes; nursing assistants trained in out-of-state programs; and issuing certificates of completion. Adding as a new chapter, chapter 308-121 Nursing Assistants; and adding as a new section WAC 308-121-010, 308-121-020, 308-121-030, 308-121-040, 308-121-050 and 308-121-060. A copy of the proposed rules is shown below; however changes may be made at the public hearing;

that such agency will at 1:30 p.m., Wednesday, September 5, 1979, in the Conference Center Room H, Center House, Seattle Center, Seattle, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 1:30 p.m., Wednesday, September 5, 1979, in the Conference Center Room H, Center House, Seattle Center, Seattle, Washington.

The authority under which these rules are proposed is section 6, chapter 114, Laws of 1979.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to August 31, 1979, and/or orally at 1:30 p.m., Wednesday, September 5, 1979, Conference Center Room H, Center House, Seattle Center, Seattle, Washington.

Dated: July 30, 1979

By: Margaret Sullivan  
Executive Secretary

Chapter 308-121  
NURSING ASSISTANTS

WAC	
308-121-010	NURSING ASSISTANTS EMPLOYED IN NURSING HOMES ON JUNE 7, 1979 - REQUIREMENTS FOR OBTAINING CERTIFICATE OF COMPLETION OF A NURSING ASSISTANT TRAINING PROGRAM.
308-121-020	NURSING ASSISTANT CERTIFICATE EXAMINATION.
308-121-030	NURSING ASSISTANT TRAINING PROGRAM CURRICULUM.
308-121-040	NURSING ASSISTANT TRAINING PROGRAMS CONDUCTED BY NURSING HOMES.
308-121-050	NURSING ASSISTANTS TRAINED IN OUT-OF-STATE PROGRAMS.
308-121-060	ISSUING CERTIFICATES OF COMPLETION.

NEW SECTION

WAC 308-121-010 NURSING ASSISTANTS EMPLOYED IN NURSING HOMES ON JUNE 7, 1979 - REQUIREMENTS FOR OBTAINING CERTIFICATE OF COMPLETION OF A NURSING ASSISTANT TRAINING PROGRAM. (1) Any individual who was employed on June 7, 1979 by a nursing home to assist in the care of patients under the direction and supervision of a registered nurse or licensed practical nurse may obtain a certificate of completion by meeting one of the following requirements:

(a) completion of a training program comparable to the curriculum defined in WAC 308-121-030 within three years prior to the effective date of these rules which curriculum is submitted to and approved by the Board; or

(b) evidence of at least 20 hours a week satisfactory employment as a person providing services defined for a nursing assistant in a nursing home

(i) for three years since June 1975, and

(ii) with documentation of staff development attended as required by state and federal regulations for the most recent year of employment; or

(c) passage of a written and practical examination as defined in WAC 308-121-020.

(2) Certificates shall:

(a) be verified by the nursing home staff development designee defined in WAC 248-14-245;

(b) be submitted to the Board on forms provided by the Board within thirty days of completion; and

(c) have a copy maintained in a permanent file by the nursing home.

NEW SECTION

WAC 308-121-020 NURSING ASSISTANT CERTIFICATE EXAMINATION. (1) A certificate of completion for an individual employed on June 7, 1979 by a nursing home to assist in the care of patients under the direction and supervision of a registered nurse or licensed practical nurse may be obtained by passing a written and practical examination as follows:

(a) the written examination shall:

(i) be developed by a national testing service providing a validated and secure examination which is approved by the Board;

(ii) be comprised of questions on the major areas of the curriculum as defined in WAC 308-121-030;

(iii) have 70% as the passing score in each major area of the curriculum; and

(iv) be conducted by a school or nursing home under examination conditions approved by the Board.

(b) the practical examination shall:

(i) measure the competencies of the nursing assistant as defined in WAC 308-121-030 on forms provided by the Board;

(ii) shall have a passing score of satisfactory in all areas;

(iii) shall be conducted by an RN and the results attested to by the nursing home staff development designee defined in WAC 248-14-245.

(2) Failure to pass the examinations:

(a) after first failure of either the written or practical examination the nursing assistant shall:

(i) obtain documented retraining in the area of failure; and

(ii) repeat the examination in the area of failure;

(b) after second failure of either the written or practical examination the nursing assistant shall complete a training program as defined in WAC 308-121-030.

NEW SECTION

WAC 308-121-030 NURSING ASSISTANT TRAINING PROGRAM CURRICULUM. (1) Organization/administration of the curriculum for nursing assistant training program.

(a) the curriculum as defined herein is required to be included in all nursing home assistant training programs wherever conducted.

(b) the minimum number of contract hours required is 25 in classroom and 50 in clinical practice under the supervision of a registered nurse.

(c) classroom instruction shall include but not be limited to content areas with minimum hours as listed and clinical practice shall focus on the objectives as listed. Exceptions shall be justified to and approved by the Board.

(d) specific references shall be made to federal and state laws and regulations affecting nursing assistant practice in nursing homes.

(2) Classroom instruction shall consist of:

(a) role responsibility - 3 hours:

(i) ethical

(ii) legal

(iii) health team

(iv) resident's rights and responsibilities

(v) legislation relative to nursing assistant practice in the nursing home.

(b) safety concepts - 4 hours

(i) medical aseptic technique including isolation

(ii) environment

(iii) body mechanics

(iv) transfer and ambulation

(v) restraints

(vi) fire and disaster

(vii) food service

(c) communications - 4 hours

- (i) psychosocial needs
  - (A) verbal and nonverbal communications
  - (B) modifications for the handicapped
  - (C) overview of programs supporting treatments for mental and physical limitations
- (ii) medical and nursing terminology
- (iii) recordings and reporting
- (d) hygiene and restorative nursing care – 5 hours
  - (i) personal hygiene
  - (ii) activities of daily living
  - (iii) nutrition
  - (iv) excretory system
  - (v) bladder and bowel retraining
  - (vi) preventive maintenance and rehabilitative measures
  - (e) growth and development – 5 hours
    - (i) basic needs
    - (ii) developmental needs
    - (iii) cultural factors
    - (iv) process of aging including sexuality
    - (v) death and dying
    - (f) monitoring body functions – 4 hours
      - (i) vital signs
      - (ii) height and weight
      - (iii) intake and output
      - (iv) specimen collection and testing
- (3) Objectives of the supervised clinical practice shall describe in measurable terms the competencies of the graduate which include the following:
  - (a) incorporation of role responsibilities by:
    - (i) utilizing ethical/legal concepts in relation to self, health team members, residents and significant others;
    - (ii) maintaining confidentiality of information;
    - (iii) identifying administrative lines and reporting problems to the appropriate person;
    - (iv) identifying range and limitation of nursing assistant functions;
    - (v) accepting responsibility for own actions;
    - (vi) demonstrating promptness and dependability;
    - (vii) seeking assistance when unsure about appropriate action; and
    - (viii) utilizing the concept of the "Patient's Bill of Rights and Responsibilities" in resident relationships.
  - (b) demonstration of knowledge of safety concepts by:
    - (i) utilizing principles of medical asepsis and isolation techniques;
    - (ii) providing adequate ventilation, warmth, light and quiet measures;
    - (iii) utilizing measures that relieve pain and/or promote rest and sleep;
    - (iv) maintaining equipment and resident space clean and orderly;
    - (v) identifying and utilizing measures for accident prevention;
    - (vi) applying principles of body mechanics to self;
    - (vii) applying principles of body mechanics in transfers and ambulation of residents;
    - (viii) demonstrating proper application and release of restraints and care of residents in restraints;
    - (ix) demonstrating knowledge of fire and disaster procedures; and
    - (x) applying principles of health and sanitation in the service of food.
  - (c) demonstration of appropriate communication skills by:
    - (i) listening and responding to verbal and nonverbal communication;
    - (ii) recognizing that one's own behavior influences resident's behavior;
    - (iii) seeking assistance in understanding resident's behavior;
    - (iv) making adjustments for physical or mental limitations;
    - (v) using terminology accepted in employing nursing home to record and report observations and pertinent information;
    - (vi) recording and reporting observations, activities and communications accurately; and
    - (vii) reading and documenting implementation of nursing orders.
  - (d) demonstration of knowledge of hygiene and restorative nursing care by:
    - (i) providing personal hygiene measures appropriately;
    - (ii) utilizing measures that promote good skin care including the use of anti-pressure procedures and devices;
    - (iii) carrying out preventive maintenance and rehabilitative measures such as therapeutic ambulation, exercise, range of motion and bed positioning in daily care;
    - (iv) recognizing and allowing opportunity for self-care according to resident's capability;

- (v) assisting in the provision of adequate nutrition including fluid intake and progressive self feeding;
- (vi) identifying and monitoring special dietary needs;
- (vii) following correct procedures to aid adequate elimination from bladder and bowel;
- (viii) demonstrating and understanding of the concepts of bladder and bowel retraining; and
- (ix) making adjustments for physical or mental limitations.
- (e) demonstration of knowledge of growth and development concepts by:
  - (i) identifying common basic human needs;
  - (ii) assisting in the provision for religious needs;
  - (iii) recognizing the resident's family as an influence on behavior and care;
  - (iv) identifying developmental tasks of aging;
  - (v) identifying cultural factors that may influence behavior;
  - (vi) describing the body responses, including sexuality, in the normal life cycle;
  - (vii) describing responses to loss, dying and death; and
  - (viii) demonstrating knowledge of post-mortem care.
- (f) demonstration of accurate monitoring of body functions in:
  - (i) taking vital signs, height and weight and measuring intake and output;
  - (ii) collecting specimens such as sputum, urine, and stool, and testing where appropriate; and
  - (iii) recognizing and reporting deviations from normal results.

#### NEW SECTION

**WAC 308-121-040 NURSING ASSISTANT TRAINING PROGRAMS CONDUCTED BY NURSING HOMES.** (1) Board approval required for non-curriculum matters in nursing assistant training programs conducted by nursing homes.

(a) as of September 7, 1979, any nursing home planning to conduct a nursing assistant training program shall apply to the Board for approval on forms provided.

(b) Evidence that the curriculum as defined in WAC 308-121-030 and the non-curriculum matters as defined herein have been met must be submitted to the Board on forms provided upon request at least ninety days prior to the first day of class.

(c) The nursing home shall be notified of the Board action as either approved or disapproved with deficiencies noted within sixty days of receipt of request for Board approval.

(d) Board approval must be obtained before the training program begins.

(e) Changes related to the following requirements in an approved program shall be submitted to the Board for approval prior to their implementation.

(2) Requirements for non-curriculum matters for nursing assistant training programs conducted by nursing homes:

(a) Philosophy, objectives.

(i) the philosophy of the program shall be in writing and shall clearly indicate the belief of the nursing home about education, training and its responsibility to trainees.

(ii) the objectives of the program shall be clearly stated and shall identify in measurable terms the competencies of its graduates.

(b) Administration.

(i) the program shall be conducted by a licensed nursing home.

(ii) the nursing home conducting the training program shall have an organizational chart showing lines of authority and cooperative relationships of the program with administration, other departments and agencies.

(c) Facilities and resources.

(i) physical facilities for adequate teaching areas shall be provided to meet the needs of the program, the number of trainees and the instructional staff.

(ii) resources for planned learning experiences shall provide quality and variety to meet the objectives of the program.

(iii) clinical facilities used for trainees shall have:

(A) staff sufficient in number, quality and stability to provide safe service;

(B) competent supervision of staff; and

(C) a letter of agreement which identifies the responsibilities of the parties involved is kept on file with the program.

(d) Instructional staff.

(i) the program director shall be a registered nurse licensed by the state of Washington with a minimum of two years of nursing practice within the last five years and have evidence of teaching ability.

(ii) all nurses on the instructional staff shall be currently licensed in the state of Washington.

(iii) the instructional staff nurses may delegate to other licensed nursing staff selected elements of clinical practice, however, they must be available on site for supervisory consultation.

(iv) other instructional staff may include qualified specialists teaching in their area of expertise.

(v) instructional staff responsibilities shall include:

(A) creating and maintaining an environment conducive to teaching and learning;

(B) assisting in the development and implementation of program policies and approved curriculum;

(C) facilitating teaching and program evaluation and revision.

(vi) instruction staff/trainee ratio shall:

(A) be adequate to meet the objective of the program; and

(B) have five as the minimum number of trainees in the classroom and ten as the maximum number of trainees in the clinical practice for which an instructor shall be responsible at any one time. Exceptions shall be justified to and approved by the Board.

(e) Curriculum. The curriculum shall include but not be limited to the content and objectives as listed in WAC 308-121-030.

(f) Trainees.

(i) requirements for admission: trainees must be able to communicate in English and understand written and oral directions in English.

(ii) requirements for completion: trainees complete the program when the competencies as listed in WAC 308-121-030 are satisfactorily demonstrated to the instructional staff and verified by the program director.

(g) Records and reports.

(i) the nursing home conducting the program shall provide for the safe maintenance of records for a ten-year period which include:

(A) program director and instructional staff qualifications;

(B) course outline and schedule;

(C) dates of employment, enrollment, class attendance and completion of program;

(D) teaching methodology including the number of classroom hours and hours in supervised clinical practice;

(E) evaluation tool for trainee performance based on the competencies defined in WAC 308-121-030;

(F) documentation of Board approval of program; and

(G) a copy of the certificate of completion.

(ii) a list of nursing assistants issued certificates of completion verified by the program director shall be submitted to the Board on forms provided within thirty days of issuance.

#### NEW SECTION

WAC 308-121-050 NURSING ASSISTANTS TRAINED IN OUT-OF-STATE PROGRAMS. Any nursing assistant who has completed a nursing assistant training program in another state may be issued a certificate of completion by a nursing home when the following conditions are met:

(1) the curriculum of the training program has been verified as comparable to the curriculum defined in WAC 308-121-030 by the nursing home staff development designee defined in WAC 248-14-245.

(2) the verification has been submitted to and approved by the Board on forms provided by the Board.

#### NEW SECTION

WAC 308-121-060 ISSUING CERTIFICATES OF COMPLETION. (1) Any nursing assistant employed by a nursing home who has satisfactorily completed a nursing assistant training program or the equivalent as provided in these rules shall upon application be issued a certificate of completion.

(2) A copy of the certificate of completion shall be maintained in the employing nursing home.

#### **WSR 79-08-098**

#### **PROPOSED RULES**

#### **PUBLIC DISCLOSURE COMMISSION**

[Filed July 30, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Public Disclosure Commission intends to adopt, amend, or repeal rules concerning WAC 390-12-010 Public Disclosure Commission—Regular meetings;

that such agency will at 9:00 a.m., Tuesday, September 18, 1979, in the Evergreen Plaza Building Conference Room, 711 Capitol Way, Olympia, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Tuesday, September 18, 1979, in the Evergreen Plaza Building Conference Room, 711 Capitol Way, Olympia.

The authority under which these rules are proposed is RCW 42.17.370(1).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to September 18, 1979, and/or orally at 9:00 a.m., Tuesday, September 18, 1979, Evergreen Plaza Building Conference Room, 711 Capitol Way, Olympia.

Dated: July 30, 1979

By: David R. Clark  
Assistant Administrator

#### AMENDATORY SECTION (Amending Order 62, filed 8/26/75)

WAC 390-12-010 PUBLIC DISCLOSURE COMMISSION—REGULAR MEETINGS. Pursuant to section 7, chapter 250, Laws of 1971 1st ex. sess. and RCW 42.30.070, regular meetings of the Public Disclosure Commission shall be held on the ((third)) fourth Tuesday of each calendar month beginning at 9:00 A.M. Such meeting shall be held at a place designated by the Chairman of the Commission.

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

#### **WSR 79-08-099**

#### **EMERGENCY RULES**

#### **DEPARTMENT OF**

#### **LABOR AND INDUSTRIES**

[Order 79-12—Filed July 30, 1979]

I, James T. Hughes, director of Labor and Industries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

New	WAC 296-24-023	Preservation of records. Identical to 1910.20 OSHA.
Amd	WAC 296-62-060	Control requirements in addition to those specified. Add preservation of records, identical to 1910.20 OSHA.

I, James T. Hughes, find that an emergency exists and that the foregoing is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity

to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is the state must use the emergency rule to be as effective as the Federal Regulations relating to record keeping, and to be in accordance with the agreement between the state and OSHA.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 34.04.030, 34.04.040 and 49.17.050 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED July 27, 1979.

By James T. Hughes  
Director

#### NEW SECTION

WAC 296-24-023 PRESERVATION OF RECORDS. (1) Scope and application. This section applies to each employer who makes, maintains or has access to employee exposure records or employee medical records.

(2) Definitions. (a) "Employee exposure record" - a record of monitoring or measuring which contains qualitative or quantitative information indicative of employee exposures to toxic materials or harmful physical agents. This includes both individual exposure records and general research or statistical studies based on information collected from exposure records.

(b) "Employee medical record" - a record which contains information concerning the health status of an employee or employees exposed or potentially exposed to toxic materials or harmful physical agents. These records may include, but are not limited to:

(i) The results of medical examinations and tests;

(ii) Any opinions or recommendations of a physician or other health professional concerning the health of an employee or employees; and

(iii) Any employee medical complaints relating to workplace exposure. Employee medical records include both individual medical records and general research or statistical studies based on information collected from medical records.

(3) Preservation of records. Each employer who makes, maintains, or has access to employee exposure records or employee medical records shall preserve these records.

(4) Availability of records. The employer shall make available, upon request, to the Director, Department of Labor and Industries, or his designee, all employee exposure records and employee medical records for examination and copying.

(5) Effective date. This emergency rule shall become effective upon filing with the Code Reviser.

#### AMENDATORY SECTION (Amending Order 73-3, filed 5/7/73)

WAC 296-62-060 CONTROL REQUIREMENTS IN ADDITION TO THOSE SPECIFIED. (1) In those cases where no acceptable standards have been derived for the control of hazardous conditions, every reasonable precaution shall be taken to safeguard the health of the ((workman)) worker whether provided herein or not.

(2) Preservation of records. (a) Scope and application. This section applies to each employer who makes, maintains or has access to employee exposure records or employee medical records.

(b) Definitions. (i) "Employee exposure record" - a record of monitoring or measuring which contains qualitative or quantitative information indicative of employee exposures to toxic materials or harmful physical agents. This includes both individual exposure records and general research or statistical studies based on information collected from exposure records.

(ii) "Employee medical record" - a record which contains information concerning the health status of an employee or employees exposed or potentially exposed to toxic materials or harmful physical agents. These records may include, but are not limited to:

(A) The results of medical examinations and tests;

(B) Any opinions or recommendations of physician or other health professional concerning the health of an employee or employees; and

(C) Any employee medical complaints relating to workplace exposure. Employee medical records include both individual medical records and general research or statistical studies based on information collected from medical records.

(c) Preservation of records. Each employer who makes, maintains, or has access to employee exposure records or employee medical records shall preserve these records.

(d) Availability of records. The employer shall make available, upon request, to the Director, Department of Labor and Industries, or his designee, all employee exposure records and employee medical records for examination and copying.

(e) Effective date. This emergency rule shall become effective upon filing with the Code Reviser.

**WSR 79-08-100**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
[Order 79-55—Filed July 30, 1979]

I, Gordon Sandison, director of Washington Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing regulations and personal-use fishing regulations.

I, Gordon Sandison, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity

to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is sturgeon in the Columbia River are sufficient to allow a commercial fishery pursuant to regulations adopted by the Columbia River Compact. It is necessary to preclude development of a gill net fishery targeting on sturgeon, but harvesting salmon as incidental catch.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED July 30, 1979.

By Gordon Sandison  
Director

#### NEW SECTION

**WAC 220-32-04000F STURGEON—SET LINE**  
Notwithstanding the provisions of WAC 220-32-040, it shall be unlawful to take, fish for or possess sturgeon for commercial purposes with set line gear from the waters of the Columbia River except at those times, in those areas, and with the gear and provisions designated below:

- (a) 12 noon August 1 until 12 noon October 31, 1979.
- (b) In Columbia River Salmon Management and Catch Reporting Areas 1A, 1C, 1D, that portion of 1B south of a line projected from Grays Point light to Harrington Point, and that portion of Area 1E downstream of a line projected due north from the mouth of Oneonta Creek on the Oregon side to a deadline marker on the Washington shore.
- (c) Set line gear will be limited to 3 lines with not more than 500 hooks per line.
- (d) Buoys must be marked on each end with the fishing license number.

#### NEW SECTION

**WAC 220-32-02200C LAWFUL GEAR—STURGEON**  
Notwithstanding the provisions of WAC 220-32-022 and WAC 220-32-040, effective immediately and until further notice, it shall be unlawful to take, fish for or possess sturgeon taken with gill net gear for commercial purposes except that it shall be lawful to retain sturgeon for commercial purposes taken incidental to any lawful commercial salmon fishery in Columbia River Management and Catch Reporting Areas 1A, 1B, 1C, 1D, and 1E.

#### NEW SECTION

**WAC 220-32-05700E SEASON—STURGEON**  
Notwithstanding the provisions of WAC 220-32-057, it shall be unlawful to take, fish for or possess sturgeon for

commercial purposes in Columbia River Management and Catch Reporting Areas 1F, 1G, and 1H, except those individuals possessing treaty fishing rights pursuant to the Yakima, Warm Springs, Umatilla, and Nez Perce treaties may fish 12 noon August 1 to 12 noon October 31, 1979. Set line gear shall be limited to not more than 100 hooks per set line.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

Effective August 1, 1979:

WAC 220-57-16000D COLUMBIA  
RIVER (79-32)

Effective August 8, 1979:

WAC 220-57-16000E COLUMBIA  
RIVER (79-33)

WAC 220-57-31500A KLUCKITAT  
RIVER (79-33)

WAC 220-57-50500A WHITE SALMON  
RIVER (79-33)

WAC 220-57-51500B WIND RIVER (79-33)

**WSR 79-08-101**  
**PROPOSED RULES**  
**DEPARTMENT OF FISHERIES**  
[Filed July 30, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 75.08.080, that the Washington State Department of Fisheries intends to adopt, amend, or repeal rules concerning commercial and general fishing regulations and vessel buy-back regulations;

that such agency will at 10 a.m., Wednesday, September 5, 1979, in the large conference room, G.A. Building, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:30 a.m., Thursday, September 13, 1979, in the small conference room, G.A. Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 75.08.080.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to September 5, 1979, and/or orally at 10 a.m., Wednesday, September 5, 1979, large conference room, G.A. Building, Olympia, Washington.

Dated: July 30, 1979

By: Gordon Sandison  
Director

#### NEW SECTION

**WAC 220-20-012 UNLAWFUL SALE OF FOOD FISH AND SHELLFISH** (1) It shall be unlawful for any person licensed to take food fish or shellfish for commercial purposes, as required under Chapter 75.28 RCW, to:

- a) Keep any food fish or shellfish he takes under such license for personal use; or

b) Sell any food fish or shellfish he takes under such license to other than a wholesale dealer, canner, fish byproducts manufacturer or fish buyer licensed as required under Chapter 75.28 RCW.

(2) It shall be unlawful to sell, or offer for sale, any food fish or shellfish unless taken with lawful commercial gear, in an area open to commercial fishing for that species, and the fisherman has in his possession at the time of sale a valid commercial fishing license.

**AMENDATORY SECTION** (Amending Order 79-13, filed 2/22/79)

**WAC 220-95-010 APPLICATION TO SELL—QUALIFICATION.** (1) All persons desiring to offer to sell qualified commercial salmon fishing vessels, equipment, gear, nets, and/or licenses and permits to the Washington State Department of Fisheries Gear Reduction Program shall complete, and submit, a notarized Application for Survey of Commercial Salmon Fishing Vessel on a form supplied by the department. Said application shall be submitted to the Program's Manager and shall contain at least the following information in full:

(a) Applicant's name, address, phone number, and date of birth.

(b) Description of the vessel, equipment, gear and of the title to same.

(c) Description of all current appropriate Washington commercial fishing licenses and delivery permits issued to the applicant and to the vessel.

(d) List of all claims against the vessel.

(e) Description of the vessel's insurance coverage.

(2) No vessel may be offered for sale to, or purchased by, the department unless it is currently licensed to fish or deliver fish within Washington and unless the vessel is qualified pursuant to the terms of RCW 75.28.455 and 75.28.510.

(3) No individual may sell fishing vessels to the program on more than one occasion.

**AND SCHOOL HOUSING STUDY PREREQUISITES TO FILING OF APPLICATION.** (1) To qualify for eligibility and consideration of state assistance in a school building program, the school district shall submit to the state board of education a notice of intent to file an application for each proposed school building project prior to ((the filing of an application for state assistance therefor)) submission of a funding measure for voter approval.

(2) Study of school housing situation. (a) At the time the notice of intent is filed for an initial school building project, or projects, the school district shall arrange for a cooperative study of its school housing situation by the district and the state board of education under the direction of the superintendent of public instruction. In accordance with statutory provisions, the aforementioned cooperative study shall provide information including but not limited to the following:

(i) Kind and extent of the school plant facilities required and the urgency of need for such facilities;

(ii) Ability of the district to provide capital funds by local effort and estimated amount of proposed funding measure;

(iii) Need for improvement of school administrative units and school attendance areas among or within districts;

(iv) Enrollment trends and racial balance data;

(v) Site; ~~((and))~~

(vi) Such other data as the state board of education may require ((for consideration of an application for state assistance)) to establish preliminary determination of school district housing need; and

(vii) The aforementioned study must be completed prior to school district submittal of any capital funding measure to its voters if it is the intent of the district to seek consideration of state assistance for its proposed school construction program by the state board of education.

(b) ((Subsequent projects)) Project applications shall be subject to the submittal of additional and/or current data and such further study of the district's school housing situation as the state board of education may require for determination of compliance with pertinent statutory provisions and state board regulations.

**NEW SECTION**

**WAC 180-30-750 ADVANCEMENT OF PROJECT PENDING AVAILABILITY OF APPROPRIATED FUNDS AND PRIORITY RANK.** If the amount of state assistance applied for, and which may reasonably be expected to be applied for, exceeds the amount appropriated and made available by the legislature and the state board has found it necessary to adopt schedules ranking school building projects on the basis of urgency of need, a district may request consideration by the state board of education for advancement of certain projects at local financial risk pending availability of appropriated funds and priority placement of project.

**NEW SECTION**

**WAC 180-30-755 AUTHORIZATION FOR DISTRICT TO PROCEED AT ITS OWN FINANCIAL RISK WITH ADVANCEMENT OF PROJECT.** Upon determination that the applicant school district has certified that sufficient local funds are available to finance the entire cost of the project and has complied with WAC 180-30-620 and 180-30-630 and that the proposed project meets statutory and state board of education requirements, the state board of education will grant approval of preliminary plan and authorization to the school district to proceed with preparation of final plan and specifications. Such approvals shall be subject to the following conditions: (1) The approvals shall not constitute a commitment of state funds; and (2) the preparation of final plan and specifications shall be in accordance with WAC 180-30-640.

**NEW SECTION**

**WAC 180-30-760 APPROVAL OF FINAL PLAN AND SPECIFICATIONS.** When upon review of final plan and specifications, final cost estimates and such up-to-date enrollment and fiscal data as may be necessary for determination of current eligibility under statutory provisions and state board of education regulations, it is found by the state board that the project would be eligible for state assistance if state funds were available, the state board of education may (1) grant approval of final plan and specifications and (2) authorize the school district to call for bids. The aforementioned shall make no commitment of state funds and shall be subject to the following prescribed conditions:

**WSR 79-08-102**

**PROPOSED RULES**

**STATE BOARD OF EDUCATION**

[Filed July 30, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board of Education intends to adopt, amend, or repeal rules concerning school building construction, relating to procedural regulations for school districts submitting applications for state assistance in school construction projects, chapter 180-30 WAC;

that such agency will at 9:00 a.m., Thursday, October 4, 1979, in the Board Room, Old Capitol Building, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Friday, October 5, 1979, in the Board Room, Old Capitol Building, Olympia, Washington.

The authority under which these rules are proposed is chapter 28A.47 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to October 4, 1979, and/or orally at 9:00 a.m., Thursday, October 4, 1979, Board Room, Old Capitol Building, Olympia, Washington.

Dated: July 30, 1979

By: Wm. Ray Broadhead  
Secretary

**AMENDATORY SECTION** (Amending Order 5-75, filed 5/27/75)

**WAC 180-30-620 NOTICE OF INTENT BY SCHOOL DISTRICT TO SUBMIT APPLICATION FOR STATE ASSISTANCE**

(1) Compliance with rules. The school district shall comply with all rules and regulations of the state board of education applicable to a project approved for financing with available state funds.

(2) School district certification. Prior to the award of contracts, the board of directors of the school district shall certify to the state board of education by resolution in the manner prescribed by the superintendent of public instruction that (a) sufficient local funds are available to finance the entire cost of the project and (b) the school district will assume full financial responsibility for completion of the project.

(3) Approval of final plan and specifications not commitment of state funds. The authorization documents shall contain (a) approval of final plan and specifications, (b) notification of square foot area determined eligible for state support, (c) authorization to call for bids, and (d) shall direct attention to the fact that the approvals and authorizations therein do not constitute a commitment of state funds.

#### NEW SECTION

**WAC 180-30-765 BID DATA AND DOCUMENT REQUIREMENTS FOLLOWING BID OPENING.** (1) After bids have been opened, the board of directors of the school district shall by resolution designate the successful bidder or bidders and transmit to the state board of education one copy each of the documents listed below:

(a) Statement of project cost signed by the chairman of the board of directors and the superintendent of the school district.

(b) Certified copy of recommendation of the board of directors for award of contract or contracts on the basis of bids received, including all accepted alternates.

(c) Certified copy of each advertisement for bids.

(d) Certified tabulated statement of all bids received including bids on alternates, if any, with complete firm names and addresses of bidders. Each alternate listed must be designated by number and descriptive title conforming to the number and title set forth in the specifications. The certification must be made by the architect or authorized representative of the school district.

(e) Certification by school district of amount of local and/or other disburseable funds available specifically for the project, with source of funds identified including identity and amount of nonhigh school district funds when applicable. The certification of disburseable funds shall be sufficient to cover the entire cost of the project including equipment allowance.

(f) Statement of analysis by architect of square foot area and square foot cost, said statement to bear the signature of the architect.

(g) Copies of all addenda to specifications.

(2) Authorization required for contract award. A contract, or contracts, for construction of a school building project approved by the state board of education pursuant to WAC 180-30-760 and for which state funds have not been made available may not be entered into by the school district until authorization therefor has been received from the state board as provided in WAC 180-30-770.

#### NEW SECTION

**WAC 180-30-770 AUTHORIZATION TO AWARD CONTRACT.** Upon analysis of bids received, determination of project eligibility under statutory provisions and state board of education regulations, the state board of education will authorize the school district to award contracts, subject to the following conditions:

(1) Receipt of certification from the board of directors of the school district as in WAC 180-30-765(1)(e) shall be a prerequisite for said authorization for contract award.

(2) Compliance with rules. The school district shall comply with the provisions of WAC 180-30-660 relating to negotiation of school building contracts and award of contract or contracts, make payments to contractors and architects in accordance with rules and regulations of the state board governing all projects financed with state assistance and shall comply with such procedural requirements as the superintendent of public instruction may determine necessary.

(3) Authorization to award contracts not a commitment of state funds.

(a) The authorization documents and transmittal letter shall state explicitly that the authorization to award contracts described therein does not constitute a commitment of state funds. The district shall be notified of the square foot area, square foot cost level of state support and state matching ratio in effect for the project at date of bid opening.

(b) Upon receipt of authorization by the state board of education, the board of directors of the school district may proceed with award of

contract or contracts for construction of the designated school building project, which contract or contracts shall be in conformity with the analysis of bids as set forth in the aforesaid authorization document and in accordance with the bids received on approved plan and specifications for the aforesaid school building project.

(c) Immediately following the awarding of contract or contracts as provided in (b) of this subsection, the board of directors of the school district shall forward one signed or certified copy of each such construction contract to the state board of education.

(4) Deferred state participation contingency. State participation in an approved project shall be contingent upon (a) placement or qualification of subject project on the currently approved priority list, (b) availability of funds under the statutory authority or appropriation designation cited in the appropriate authorization documents or the availability of funds appropriated in lieu thereof, and (c) consideration by the state board of education of the proposed financial plan.

(5) Approval of financial participation and payment of state funds. Upon completion of an approved project in accordance with the guidelines in WAC 180-30-775, the school district may request payment of the amount determined allocable as set forth in WAC 180-30-770(4).

#### NEW SECTION

**WAC 180-30-775 DISBURSEMENT OF FUNDS FOR CONSTRUCTION OF SCHOOL PLANT FACILITIES—FINAL PAYMENTS ON CONTRACTS.** In accordance with provisions of chapter 60.28 RCW as now existing or hereafter amended, relating to public works contracts, final payment on a contract from retained percentage funds shall not be made until thirty days have elapsed following final acceptance by the school district board of directors of the work as completed.

After the expiration of the aforementioned statutory thirty-day period, final payment shall be made contingent upon receipt of properly executed invoice voucher and supporting documents in accordance with the regulations and procedures as set forth in subsections (1) and (2) of this section and such other procedures as may be prescribed by the superintendent of public instruction in compliance with statutory and state board of education regulations.

(1) Acceptance of building, improvement, or work as completed.

(a) Upon completion of work by a contractor, or contractors, the architect and the school district officials shall inspect the building, improvement, or work to determine compliance with plan and specifications.

(b) The architect, upon determining that the building, improvement, or work has been completed satisfactorily, shall recommend through the issuance of a letter of inspection addressed to the school district board of directors acceptance as completed satisfactorily. Separate letters shall be written concerning the work of each contractor.

(c) The school district board of directors, upon determining that the building, improvement, or work has been completed satisfactorily, shall through board resolution officially accept such building, improvement, or work as completed satisfactorily. A separate resolution shall be made concerning the work of each prime contractor.

(2) Documents required for final payment. Final payments on contracts shall be subject to receipt of the documents listed below and such other evidence of final completion of contracts as the superintendent in compliance with pertinent statutory provisions and/or rules and regulations of the state board of education may determine to be necessary.

(a) Documents to be required immediately following official final acceptance of building, improvement, or work. The original and one copy of each of the following documents shall be submitted following official final acceptance by the school district board of directors of the building improvement or work:

(i) Properly executed invoice voucher;

(ii) Architect's letter of inspection;

(iii) School district board of directors' resolution of final acceptance signed by board members or bearing the certification of authorized representatives of the school district;

(iv) Architect's certificate of final amount due and payable to contractor;

(v) Contractor's final affidavit of wages paid bearing certification of the state department of labor and industries;

(vi) Certification by the school district officials that no liens have been filed, or a certified list of all valid liens in event liens have been filed; and

(vii) Certification by state department of revenue, state department of employment security, and state department of labor and industries

of payment of taxes. In compliance with statutory provisions, final payment on a contract for public works shall not be made by the disbursing officer until he has received from the state department of revenue, state department of employment security and the state department of labor and industries certification that all taxes due or to become due from the contractor with respect to such contract have been paid in full.

(b) Final payments on construction contracts by a school district for school building construction shall be contingent upon receipt of aforementioned certification in accordance with the following procedure:

(i) Upon receipt of all documents required immediately following official acceptance of the building, improvement, or work as provided in subsection (2) of this section, the authorized representative of the school district shall notify the state department of revenue, state department of employment security and the state department of labor and industries that the construction contract has been completed; and

(ii) As provided by statute, the state department of revenue, state department of employment security, and the state department of labor and industries, upon determination that all state taxes due or to become due on the contract have been paid in full, will so certify to the school district concerned.

#### NEW SECTION

WAC 180-30-780 DEFERRED PAYMENT OF STATE FUNDS. Upon completion of final payment of local funds for a project and submittal of certified copies of final payment documents as set forth in WAC 180-30-775, reimbursement of state funds may be made for the project approved under provisions of WAC 180-30-770.

**WSR 79-08-103**  
**PROPOSED RULES**  
**STATE BOARD OF EDUCATION**  
[Filed July 30, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board of Education intends to adopt, amend, or repeal rules concerning pupils, relating to suspension and expulsion, chapter 180-40 WAC;

that such agency will at 9:00 a.m., Thursday, October 4, 1979, in the Board Room, Old Capitol Building, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Friday, October 5, 1979, in the Board Room, Old Capitol Building, Olympia, Washington.

The authority under which these rules are proposed is chapters 173 and 201, Laws of 1979 1st ex. sess.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to October 4, 1979, and/or orally at 9:00 a.m., Thursday, October 4, 1979, Board Room, Old Capitol Building, Olympia, Washington.

Dated: July 30, 1979

By: Wm. Ray Broadhead  
Secretary

#### AMENDATORY SECTION (Amending Order 6-77, filed 6/2/77)

WAC 180-40-205 DEFINITIONS. As used in this chapter the term: (1) "Discipline" shall mean all forms of corrective action or punishment other than suspension and expulsion and shall include the exclusion of a student from a class or activity by a teacher or administrator for a period of time not exceeding the balance of the immediate class, subject, or activity period: PROVIDED, That the student is in the custody of a school district employee for the balance of such period.

(2) "Suspension" shall mean a denial of attendance (other than for the balance of the immediate class, subject, or activity period for "discipline" purposes) at any single subject or class, or at any full schedule of subjects or classes, or at any other type of activity conducted by or in behalf of a school district, and any combination of the foregoing, for a stated period of time. A suspension also may include a denial of admission to or entry upon real and personal property that is owned, leased, rented, or controlled by the school district.

(3) "Short-term suspension" shall mean a suspension for any portion of a calendar day up to and not exceeding five consecutive (~~calendar~~) school days: PROVIDED, That the total number of days upon which a short-term suspension is made effective shall not exceed ten calendar days inclusive of intervening nonschool days which are designated in the notification of suspension and exclusive of intervening nonschool days not designated.

(4) "Long-term suspension" shall mean a suspension which exceeds (~~five consecutive calendar days~~) a "short-term suspension" as defined in subsection (3) of this section.

(5) "Expulsion" shall mean a denial of attendance at any single subject or class or at any full schedule of subjects or classes, a denial of attendance at any other type of activity conducted by or in behalf of a school district, and any combination of the foregoing, for an indefinite period of time. An expulsion also may include a denial of admission to or entry upon real and personal property that is owned, leased, rented, or controlled by the school district.

(6) "School business day" shall mean any calendar day, exclusive of Saturdays, Sundays, and any federal and school holidays, upon which the office of the superintendent of the school district is open to the public for the conduct of business. A school business day shall be concluded or terminated upon the closure of said office for the calendar day.

#### AMENDATORY SECTION (Amending Order 13-77, filed 10/18/77)

WAC 180-40-245 SHORT-TERM SUSPENSION—CONDITIONS AND LIMITATIONS. A short-term suspension may be imposed upon a student for violation of school district rules adopted pursuant to WAC 180-40-225, subject to the following limitations or conditions, the prior informal conference procedures set forth in WAC 180-40-250, and the grievance procedures set forth in WAC 180-40-255:

(1) The nature and circumstances of the violation must reasonably warrant a short-term suspension and the length of the suspension imposed.

(2) No student shall be suspended unless other forms of corrective action or punishment reasonably calculated to modify his or her conduct have failed or unless there is good reason to believe that other forms of corrective action or punishment would fail if employed.

(3) In addition to the alternative corrective action requirement of subsection (2) of this section, no student subject to compulsory attendance pursuant to chapter 28A.27 RCW, as now or hereafter amended, shall be suspended by reason, in whole or part, of one or more unexcused absences unless the school district has also first:

(a) Provided notice to the student's parent(s) or guardian(s) or custodial parent(s) in writing in English or, if different, the primary language of the parent(s), guardian(s) or custodial parent(s) that the student has failed to attend school without valid justification, and by other means reasonably necessary to achieve notice of such fact;

(b) Scheduled a conference or conferences with the parent(s) or guardian(s) or custodial parent(s) and the student at a time and place reasonably convenient to all persons included to analyze the causes for the student's absence; and

(c) Taken steps to reduce the student's absence which include, where appropriate in the judgment of local school officials, adjustments of the student's school program or school or course assignment or assisting the student or parent to obtain supplementary services that might ameliorate the cause(s) for the student's absence from school.

(4) Kindergarten through grade four—No student in grades kindergarten through four shall be subject to short-term suspensions for more than a total of five school days during any single semester or trimester as the case may be, and (~~not~~) no loss of academic grades or credit shall be imposed by reason of the suspension of such a student.

((+)) (5) Grade five and above program—No student in the grade five and above program shall be subjected to short-term suspensions for more than a total of ((+5)) fifteen school days during any single semester or ((+0)) ten school days during any single trimester, as the case may be.

((5)) (6) Any student subject to a short-term suspension shall be provided the opportunity upon his or her return to make up assignments and tests missed by reason of the short-term suspension if:

(a) Such assignments or tests have a substantial effect upon the student's semester or trimester grade or grades, or

(b) Failure to complete such assignments or tests would preclude the student from receiving credit for the course or courses.

((6)) (7) Any student who has been suspended shall be allowed to make application for readmission at any time. Each school district board of directors shall adopt written rules which provide for such an application for readmission and set forth the procedures to be followed.

#### AMENDATORY SECTION (Amending Order 6-77, filed 6/2/77)

**WAC 180-40-260 LONG-TERM SUSPENSION—CONDITIONS AND LIMITATIONS.** A long-term suspension may be imposed upon a student for violation of school district rules adopted pursuant to WAC 180-40-225, subject to the following limitations or conditions and the notice requirements set forth in WAC 180-40-265 and the hearing requirements set forth in WAC 180-40-270:

(1) The nature and circumstances of the violation must reasonably warrant a long-term suspension and the length of the suspension imposed.

(2) No student shall be suspended unless other forms of corrective action or punishment reasonably calculated to modify his or her conduct have failed or unless there is good reason to believe that other forms of corrective action or punishment would fail if employed.

(3) In addition to the alternative corrective action requirement of subsection (2) of this section, no student subject to compulsory attendance pursuant to chapter 28A.27 RCW, as now or hereafter amended, shall be suspended by reason, in whole or part, of one or more unexcused absences unless the school district has also first:

(a) Provided notice to the student's parent(s) or guardian(s) or custodial parent(s) in writing in English or, if different, the primary language of the parent(s), guardian(s) or custodial parent(s) that the student has failed to attend school without valid justification, and by other means reasonably necessary to achieve notice of such fact;

(b) Scheduled a conference or conferences with the parent(s) or guardian(s) or custodial parent(s) and the student at a time and place reasonably convenient to all persons included to analyze the causes for the student's absence; and

(c) Taken steps to reduce the student's absence which include, where appropriate in the judgment of local school officials, adjustments of the student's school program or school or course assignment or assisting the student or parent to obtain supplementary services that might ameliorate the cause(s) for the student's absence from school.

(4) Kindergarten through grade four—No student in grades kindergarten through four shall be subject to short-term and long-term suspensions for more than a total of ten school days during any single semester or trimester, as the case may be, and no loss of academic grades or credit shall be imposed by reason of the suspension of such a student.

((4)) (5) Grade five and above program—No single long-term suspension shall be imposed upon a student in the grade five and above program in a manner which causes the student to lose academic grades or credit for in excess of one semester or trimester, as the case may be, during the same school year.

((5)) (6) Any student who has been suspended shall be allowed to make application for readmission at any time. Each school district board of directors shall adopt written rules which provide for such an application for readmission and set forth the procedures to be followed.

((6)) (7) All long-term suspensions and the reasons therefor shall be reported in writing to the superintendent of the school district or his or her designee within twenty-four hours after the imposition of the suspension.

#### AMENDATORY SECTION (Amending Order 6-77, filed 6/2/77)

**WAC 180-40-275 EXPULSION—CONDITIONS AND LIMITATIONS.** A student may be expelled for violation of school district rules adopted pursuant to WAC 180-40-225, subject to the following limitations or conditions, the notice requirements set forth in WAC 180-40-280, and the hearing requirements set forth in WAC 180-40-285:

(1) The nature and circumstances of the violation must reasonably warrant the harshness of expulsion.

(2) No student shall be expelled unless other forms of corrective action or punishment reasonably calculated to modify his or her conduct

have failed or unless there is good reason to believe that other forms of corrective action or punishment would fail if employed.

(3) In addition to the alternative corrective action requirement of subsection (2) of this section, no student subject to compulsory attendance pursuant to chapter 28A.27 RCW, as now or hereafter amended, shall be expelled by reason, in whole or part, of one or more unexcused absences unless the school district has also first:

(a) Provided notice to the student's parent(s) or guardian(s) or custodial parent(s) in writing in English or, if different, the primary language of the parent(s), guardian(s) or custodial parent(s) that the student has failed to attend school without valid justification, and by other means reasonably necessary to achieve notice of such fact;

(b) Scheduled a conference or conferences with the parent(s) or guardian(s) or custodial parent(s) and the student at a time and place reasonably convenient to all persons included to analyze the causes for the student's absence; and

(c) Taken steps to reduce the student's absence which include, where appropriate in the judgment of local school officials, adjustments of the student's school program or school or course assignment or assisting the student or parent to obtain supplementary services that might ameliorate the cause(s) for the student's absence from school.

(4) Once a student has been expelled in compliance with this chapter the expulsion shall be brought to the attention of appropriate local and state authorities including, but not limited to, juvenile authorities acting pursuant to chapter 13.04 RCW in order that such authorities may address the student's educational needs.

((4)) (5) Any student who has been expelled shall be allowed to make application for readmission at any time. Each school district board of directors shall adopt written rules which provide for such an application for readmission and set forth the procedures to be followed.

((5)) (6) All expulsions and the reasons therefor shall be reported in writing to the superintendent of the school district or his or her designee within twenty-four hours after the imposition of the expulsion.

#### AMENDATORY SECTION (Amending Order 6-77, filed 6/2/77)

**WAC 180-40-315 APPEALS—HEARING BEFORE SCHOOL BOARD—PROCEDURES.** (1) If a notice of appeal to the school board of directors is received pursuant to WAC (~~180-40-305~~) 180-40-310(1) within the required three school business days, the board shall schedule and hold an informal conference to review the matter within ten school business days after the date of receipt of such appeal notice. The purpose of the meeting shall be to meet and confer with the parties in order to decide upon the most appropriate means of disposing of the appeal as provided for in this section. At that time the student or the student's parent(s) or guardian(s) or legal counsel shall be given the right to be heard and shall be granted the opportunity to present such witnesses and testimony as the board deems reasonable. The board shall agree to one of the following procedures prior to adjournment or recess:

(a) Study the hearing record or other material submitted and render its decision within ten school business days after the date of the informal conference, or

(b) Schedule and hold a meeting to hear further arguments based on the record before the board and render its decision within fifteen school business days after the date of the informal conference, or

(c) Schedule and hold a meeting within ten school business days after the date of the informal conference for the purpose of hearing the case de novo.

(2) In the event the school board of directors elects to hear the appeal de novo, the following rights and procedures shall govern the proceedings:

(a) The student and his or her parent(s) or guardian(s) shall have the right to:

(i) inspect in advance of the hearing any documentary and other physical evidence which the school district intends to introduce at the hearing,

(ii) question and confront witnesses,

(iii) present his or her explanation of the alleged misconduct, and

(iv) make such relevant showings by way of witnesses and the introduction of documentary and other physical evidence as he or she desires,

(b) The designee(s) of the school district assigned to present the district's case shall have the right to inspect in advance of the hearing any documentary and other physical evidence that the student and his or her parent(s) or guardian(s) intend to introduce at the hearing, and

(c) Either a tape-recorded or verbatim record of the hearing shall be made.

**WSR 79-08-104**  
**PROPOSED RULES**  
**STATE BOARD OF EDUCATION**  
 [Filed July 30, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board of Education intends to adopt, amend, or repeal rules concerning miscellaneous provisions, relating to number of terms served by members of board of trustees of Washington State Teachers Retirement System, chapter 180-100 WAC;

that such agency will at 9:00 a.m., Thursday, October 4, 1979, in the Board Room, Old Capitol Building, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Friday, October 5, 1979, in the Board Room, Old Capitol Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 41.32.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to October 4, 1979, and/or orally at 9:00 a.m., Thursday, October 4, 1979, Board Room, Old Capitol Building, Olympia, Washington.

Dated: July 30, 1979

By: Wm. Ray Broadhead  
 Secretary

**AMENDATORY SECTION** (Amending Order 7-76, filed 6/1/76)

**WAC 180-100-020 WASHINGTON STATE TEACHERS' RETIREMENT SYSTEM—APPOINTMENT OF MEMBERS TO.** Pursuant to authority vested in the state board of education under provisions of RCW 41.32.040 and 41.32.050 to select and appoint the members of the board of trustees of the Washington state teachers' retirement system, except in the case of an ex officio member, the policies hereinafter set forth are hereby adopted.

~~((1) Rotation policy. A policy of rotation shall be applied on appointments to membership on the board of trustees of the Washington state teachers' retirement system by limiting service to two consecutive terms:~~

((2) Recommendations pertaining to appointments:)) A subcommittee of the board hereby is established by the state board of education to make recommendations to the state board of education for appointments to membership on the board of trustees of the Washington state teachers' retirement system, the advisory committee to consist of active and inactive classroom teacher members of the retirement system—two ((2)) representatives, retired members—one ((1)) representative, administrative or supervisory personnel—one ((1)) representative, and the state superintendent of public instruction who shall serve as ex officio chairman. Recommendations by the committee shall not be binding upon the state board but it shall be the policy of the state board to give substantial weight to the recommendations of the said committee.

**WSR 79-08-105**  
**NOTICE OF PUBLIC MEETINGS**  
**HOSPITAL COMMISSION**  
 [Memorandum—July 26, 1979]

The State Hospital Commission is scheduled to meet on Thursday, August 16, 1979, beginning at 9:30 a.m., at

the Vance Airport Inn at Sea-Tac, 18220 Pacific Highway South, Seattle, in the Seattle Room.

The hospitals scheduled for informal hearings have previously filed with the Commission their annual budget and rate requests or their requests for amendments to their previously approved budget and rates. Staff findings and recommendations will be prepared and transmitted to the scheduled hospitals and to members of the Hospital Commission in accordance with WAC 261-40-135. Such information is on file in the Commission's office and is available for inspection.

**WSR 79-08-106**  
**NOTICE OF PUBLIC MEETINGS**  
**COMMISSION FOR VOCATIONAL EDUCATION**  
 [Memorandum, Exec. Director—July 30, 1979]

By action of the Commission for Vocational Education at their meeting on July 26, 1979, the September meeting date has been changed from September 27 to September 13, 1979. The meeting will convene at 9:30 a.m. at the Sno-Isle Vocational Skill Center, 9001 Airport Road, Everett.

**WSR 79-08-107**  
**NOTICE OF PUBLIC MEETINGS**  
**PLANNING AND**  
**COMMUNITY AFFAIRS AGENCY**  
 [Memorandum, Director—July 30, 1979]

**State Building Code Advisory Council**

The State Building Code Advisory Council will meet on September 26, 1979, at the Red Lion Motor Inn, Sea-Tac Airport, from 9:30 a.m. to 3:00 p.m. For additional information, contact Christopher Woodsum, Local Government Services Division, Planning and Community Affairs Agency, 400 Capitol Center Building FN-41, Olympia, Washington 98504, telephone (206) 754-1243.

**State Head Start Advisory Council**

The State Head Start Advisory Council will meet on August 23-24, 1979, in the Planning and Community Affairs Agency conference room on the fourth floor of the Capitol Center Building, 410 West 5th Street, Olympia, Washington. The Council will meet from 10:00 a.m. to 4:00 p.m. For further information contact Art Cantrall, Economic Opportunity Division, Planning and Community Affairs Agency, 400 Capitol Center Building FN-41, Olympia, Washington 98504, telephone (206) 753-4979.

**Energy Conservation Weatherization Advisory Council**

The Energy Conservation Weatherization Advisory Council will meet on August 16, 1979, at the Cascade Natural Gas Building, 614 North Mission, Wenatchee, Washington, from 9:00 a.m. to 1:00 p.m. For additional information contact Dinah Guiles, Economic Opportunity Division, Planning and Community Affairs Agency,

400 Capitol Center Building FN-41, Olympia, Washington 98504, telephone (206) 753-4922.

**WSR 79-08-108**  
**PROPOSED RULES**  
**BELLEVUE COMMUNITY COLLEGE**  
 [Filed July 30, 1979]

Notice is hereby given in accordance with the provisions of 28B.19.030, that the Bellevue Community College, Community College District VIII, intends to adopt, amend, or repeal rules concerning fees relating to special facility rental and additional services for Community College District VIII;

that such institution will at 1:30 p.m., Tuesday, September 11, 1979, in the Board Room, Bellevue Campus, Bellevue Community College, 3000 Landerholm Circle S.E., Bellevue, WA 98007, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 1:30 p.m., Tuesday, September 11, 1979, in the Board Room, Bellevue Campus, Bellevue Community College, 3000 Landerholm Circle S.E., Bellevue, WA 98007.

The authority under which these rules are proposed is RCW 28B.50.140.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to September 11, 1979, and/or orally at 1:30 p.m., Tuesday, September 11, 1979, Board Room, Bellevue Campus, Bellevue Community College, 3000 Landerholm Circle S.E., Bellevue, WA 98007.

Dated: July 24, 1979  
 By: Thomas E. O'Connell  
 Secretary

Chapter 132H-140  
**FEES RELATING TO ((SPECIAL)) FACILITY RENTAL**  
**AND**  
**ADDITIONAL SERVICES FOR COMMUNITY COLLEGE**  
**DISTRICT VIII**

AMENDATORY SECTION (Amending Order No. 28, filed 3/4/75)

WAC 132H-140-010 TITLE. WAC 132H-140-010 through WAC 132H-140-060 will be known as Fees Relating to ((Special)) Facility Rental and Additional Services for Community College District VIII.

AMENDATORY SECTION (Amending Order No. 28, filed 3/4/75)

WAC 132H-140-020 STATEMENT OF PURPOSE. The purpose of these regulations is to establish a basic ((special)) facility fee structure and additional services regulations for non-college groups and for college groups where applicable.

AMENDATORY SECTION (Amending Order No. 28, filed 3/4/75)

WAC 132H-140-030 REQUEST FOR USE OF FACILITIES ((AND ADDITIONAL SERVICES)). Requests by non-college groups for utilization of ((special)) college facilities shall be made to the ((Director of Plant Operations;)) Director of Campus Operations and Services who shall be the agent of the college in consummating rental agreements. (( (+) Application for Use of College Facilities Form BCC 040-035)) Application for Use of College Facilities Form BCC 040-026 to be completed by non-college groups requesting facilities or college groups which use facilities under circumstances where a service charge would be levied.

~~(( (+) Request for Optional Service Form BCC 040-035 to be completed by non-college group using facilities and additional services.))~~

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order No. 28, filed 3/4/75)

WAC 132H-140-040 BASIC SPECIAL FACILITY FEE STRUCTURE. Non-college groups and college groups where applicable shall be charged according to the following special facility fee structure((:)). All rates are for a minimum four hour period with charges being prorated for additional hours. (( (+) Gymnasium

(a) \$50 basic minimum rate for up to four (4) hours usage.  
 (b) Additional \$15 rate for each continuous hours usage above the minimum:

(2) Athletic Fields  
 (a) \$50 basic minimum rate for up to four (4) hours usage.  
 (b) Additional \$10 rate for each continuous hours usage above the minimum:

(3) Exercise Room  
 (a) \$20 basic minimum rate for up to four (4) hours usage.  
 (b) Additional \$10 rate for each continuous hours usage above the minimum:

(4) Theater  
 (a) Groups not charging admission - \$30 basic minimum rate for up to four (4) hours usage.  
 (b) Groups charging admission - \$60 basic minimum rate for each day's usage.  
 (c) Additional \$10 rate for each continuous hours usage above the minimum:

(5) Cafeteria  
 (a) \$50 basic minimum rate for up to four (4) hours usage.  
 (b) Additional \$15 rate for each continuous hours usage above the minimum:

(6) Garden Room  
 (a) \$15 basic minimum rate for up to four (4) hours usage.  
 (b) Additional \$5 rate for each continuous hours usage above the minimum:

(7) Student Den or Student Lounge  
 (a) \$25 basic minimum rate for up to four (4) hours usage.  
 (b) Additional \$7 rate for each continuous hours usage above the minimum:

(8) Small Meeting Rooms, Classrooms, Seminar-Conference, Music and Theater Service Rooms:  
 (a) \$10 basic minimum rate for up to four (4) hours usage.  
 (b) Additional \$4 rate for each continuous hours usage above the minimum:

(9) Large Meeting Rooms, Classrooms, Music and Theater Service Rooms and Lecture Halls:  
 (a) \$20 basic minimum rate for up to four (4) hours usage.  
 (b) Additional \$5 rate for each continuous hours usage above the minimum:

(10) Planetarium  
 (a) \$30 basic minimum rate for up to four (4) hours usage.  
 (b) Additional \$10 rate for each continuous hours usage above the minimum.))

(1) Theatre \$100.00  
 (2) Gymnasium 100.00  
 (3) Cafeteria 75.00  
 (4) Athletic fields 60.00  
 (5) Exercise Room 25.00  
 (6) Theatre service rooms  
     E129, E101, E102, Lobby 25.00  
 (7) Garden Room 25.00  
 (8) Continental Room 25.00  
 (9) Matrix 25.00  
 (10) Planetarium 25.00  
 (11) Classrooms - over 50 25.00  
 (12) Classrooms - under 50 15.00

(1) Theatre	\$100.00
(2) Gymnasium	100.00
(3) Cafeteria	75.00
(4) Athletic fields	60.00
(5) Exercise Room	25.00
(6) Theatre service rooms	
E129, E101, E102, Lobby	25.00
(7) Garden Room	25.00
(8) Continental Room	25.00
(9) Matrix	25.00
(10) Planetarium	25.00
(11) Classrooms - over 50	25.00
(12) Classrooms - under 50	15.00

In cases where income from an event exceeds \$250.00 a 10% of the gross will be charged.

Reviser's Note: Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

**Reviser's Note:** RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order No. 28, filed 3/4/75)

WAC 132H-140-050 ADDITIONAL SERVICE FEES. ((~~Non-college groups shall be charged fees for additional service. These fees to be assessed by the Plant Operations Office (Scheduling Office). Additional services include the following: (1) Unusual preparatory and/or maintenance service. See Request for Optional Services Form BCC-040-035.~~

~~(2) Audiovisual services and equipment. See Request for Optional Services Form BCC-040-035.~~

~~(3) Special setups of tables and chairs, music equipment, etc. See Request for Optional Services Form BCC-040-035.~~

~~(4) Operation of concessions by a non-college group.~~

~~(5) Towels and locker fees.~~

~~(6) Managers, security, custodial and other staff may be required for the use of specialized facilities, and the group utilizing the facility will be charged for this service above the rental fee at the current hourly rate.~~

~~(7) In those cases where income from an event is over \$250, a percentage will be assessed of the total income in addition to the basic minimum rate. Such arrangements will be handled by the Plant Operations Office (Scheduling Office).)~~

Non-college and college groups may be charged fees for additional services or equipment. These fees to be assessed by the Campus Operations and Services Office (Scheduling Office) in conjunction with special area managers. These service or equipment fees shall be recorded on the Application For Use Of Facilities form BCC 040-026. Additional services and equipment include the following: (1) Custodial

(2) Maintenance

(3) Audiovisual services and/or equipment

(4) Music equipment

(5) Managers or technicians

(6) Security

(7) Other equipment

AMENDATORY SECTION (Amending Order No. 28, filed 3/4/75)

WAC 132H-140-060 EXCEPTIONS. ((~~The basic special facility fee structure and request for additional services applies to all non-college groups with the following exceptions: (1) Non-college groups with whom Bellevue Community College has specific reciprocal facility agreements, non-profit community service groups, or as herein specified.~~

~~(2) The special facilities fee rate may not be charged if the non-college group has contracted for college food service in the cafeteria complex.))~~

The following activities may be exempt from facility rental fee but not necessarily from service or equipment fees.

(1) Sponsored by the college.

(2) Sponsored by state, county or city agencies.

(3) Educational public service meetings or gatherings and are open to the general public with no monies being involved.

(4) Group has contracted for catering in the cafeteria area.

AMENDATORY SECTION (Amending Order No. 28, filed 3/4/75)



3000 Landerholm Circle S.E., Bellevue, Washington 98007

<b>APPLICATION FOR USE OF COLLEGE FACILITIES</b> Complete <b>in full</b> and return <b>all</b> copies to Plant Operations.	Application No. Acct. Control No.
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<b>APPLICANT</b>	Organization _____ Address _____ Phone _____
	Person in Charge _____ Address _____ Phone _____

<b>PROGRAM</b>	Nature or Purpose of Function	
	Lecturer and Subject Matter	Anticipated Attendance
	Will there be Admission/Tuition/Donation Specify Amount	Use of Proceeds

<b>TIME</b>	Day(s) and Date(s)	Program Start - Finish _____
	Day(s) and Date(s)	Unlock Time for Set-up

<b>FACILITY</b>	Facility Requested	
	Special Set-up	Catering Requested
	AV Equipment	

<b>AGREEMENT</b>	The undersigned hereby certifies that the information given in the application is correct. The applicant agrees to observe all rules and regulations of the college and to exercise the utmost care in the use of the school premises and property. The applicant also agrees to hold Bellevue Community College harmless from all liability resulting from the use of said facilities. The applicant further agrees to reimburse Bellevue Community College for any damage arising from the applicant's use of said facilities and will accept the college's estimate of damage.	
	_____ Applicant's Signature	_____ Date

<b>APPROVAL</b>	Dept. Head	<b>CHARGES</b>			
	Director of Plant Operations				
	Date				
			Total		

**REPEALER**

The following section of Fees Relating to Special Facility Rental and Additional Services for Community College District VIII is repealed.

- (1) Form BCC 040-035.

**WSR 79-08-109**  
**PROPOSED RULES**  
**BELLEVUE COMMUNITY COLLEGE**  
(Filed July 30, 1979)

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that the Bellevue Community College, Community College District VIII, intends to adopt, amend, or repeal rules concerning traffic and parking regulations;

that such institution will at 1:30 p.m., Tuesday, September 11, 1979, in the Board Room, Bellevue Campus, Bellevue Community College, 3000 Landerholm Circle S.E., Bellevue, WA 98007, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 1:30 p.m., Tuesday, September 11, 1979, in the Board Room, Bellevue Campus, Bellevue Community College, 3000 Landerholm Circle S.E., Bellevue, WA 98007.

The authority under which these rules are proposed is RCW 28B.50.140.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to September 11, 1979, and/or orally at 1:30 p.m., Tuesday, September 11, 1979, Board Room, Bellevue Campus, Bellevue Community College, 3000 Landerholm Circle S.E., Bellevue, WA 98007.

Dated: July 24, 1979

By: Thomas E. O'Connell  
Secretary

**AMENDATORY SECTION** (Amending Order No. 43, filed 8/10/76)

**WAC 132H-116-350 PERMITS REQUIRED FOR VEHICLES ON CAMPUS.** No person shall drive any vehicle, nor shall any person stop, park, or leave any vehicle, whether attended or unattended, upon the campus of Bellevue Community College without a permit issued by the Security Division, Cashier or Registration Offices. (~~Applications for parking permits are available at the Security Division, Cashier or Registration offices.~~) Permission to park on campus will be shown by display of a valid permit. (1) A valid permit is:

(a) A current vehicle permit and area designator (~~properly registered and~~) displayed in accordance with instructions. (See WAC 132H-116-280)(132H-116-580))

(b) A temporary permit authorized by the Security Division and displayed in accordance with instructions (~~shown on permit~~).

(c) A parking permit issued by a gate attendant. This permit must be displayed on the vehicle in accordance with instructions shown on permit.

(d) A parking permit dispensed by machine at Bellevue Community College and displayed in accordance with instructions shown on permit.

(2) Parking permits are not transferable, except as provided in WAC 132H-116-530.

(3) The college reserves the right to refuse the issuance of a parking permit.

**AMENDATORY SECTION** (Amending Order No. 43, filed 8/10/76)

**WAC 132H-116-490 ALLOCATION OF PARKING SPACE AND PRIORITIES OF APPLICANTS.** The parking space available on the campus shall be allocated by the (~~Director of Plant Operations~~) Director of Campus Operations and Services among applicants for permits in such manner as will best obtain the objectives of these regulations. The (~~Director of Plant Operations~~) Director of Campus Operations and Services is further authorized to designate and mark the various parking areas on the campus with numbers or titles or both by posting of signs in those areas.

Students, staff and faculty may obtain daytime and/or evening parking on campus to the extent spaces are available as follows: (1) Student daytime parking is limited to areas designated Student Parking.

(2) Staff/Faculty daytime parking is limited to areas designated Staff/Faculty Parking.

(3) Evening parking, after 3:30 p.m., for students, staff and faculty is available in all designated parking areas with the exceptions of the (~~visitor parking lot, disabled~~) parking (lot) spaces for the handicapped and the college motor pool parking lot.

**AMENDATORY SECTION** (Amending Order No. 43, filed 8/10/76)

**WAC 132H-116-510 SPECIAL PERMITS.** (1) Physically handicapped faculty members, staff personnel and students may apply through the Security Office for a special parking permit in a reserved area. Such individuals must obtain a certificate from a physician indicating that special parking assignment is essential in order for them to perform their assigned duties or to attend classes.

(2) (~~Temporary employees~~), Salespersons, maintenance and service personnel, persons serving the college without pay, and other visitors who must frequently visit the campus on college business, may be issued a parking permit from the Security Division, upon request of the division benefiting from the services provided, subject to approval by the (~~Director of Plant Operations~~) Director of Campus Operations and Services. Parking on campus will not be provided to persons intending to make personal solicitations from or personal sales to college employees or students.

(3) The Security Division Supervisor will assist college divisions which sponsor functions such as conferences, seminars, dinners and similar events, in arranging reserved parking and direction signs as needed. Notification must be received 48 hours in advance by the Security Division Supervisor.

(4) Overnight or extended period permits may be obtained from the Security Office for disabled vehicles, field trips or other valid reason, that may necessitate the operator leaving the vehicle on the Bellevue Community College Campus.

**AMENDATORY SECTION** (Amending Order No. 43, filed 8/10/76)

**WAC 132H-116-520 PERMIT REVOCATIONS.** Permits are licenses and the property of the college, and may be recalled for any of the following reasons: (1) When the purpose for which the permit was issued changes or no longer exists.

(2) When a permit is used (~~on an unregistered vehicle or~~) by an unauthorized individual.

(3) Falsification on a second car parking permit application.

(4) Continued violations of parking regulations.

(5) Counterfeiting or altering of permits.

(6) Failure to comply with a final decision of the Citation Review Committee.

(7) Appeals of permit revocations may be made to the Institutional Hearing Officer. Appeal must be filed within (~~seven (7)~~) fifteen (15) days of revocation.

**AMENDATORY SECTION** (Amending Order No. 43, filed 8/10/76)

**WAC 132H-116-540 SECOND CAR PERMITS.** (~~Faculty, staff and students may be issued a second car permit for another personally owned or family owned vehicle at the fee listed in the schedule of fees.~~)

Faculty, staff and students may be issued a second car permit for another vehicle either personally owned, family owned, or owned by their employer at the fee listed in the schedule of fees.

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order No. 43, filed 8/10/76)

WAC 132H-116-542 TEMPORARY PERMIT. Any permit holder may obtain a temporary permit at the Security ((Division)) office without charge for ((an unregistered)) another vehicle when the ((registered)) vehicle ((is)) for which a permit was purchased is unavailable due to repair or for another valid reason. These permits are good for a period of two weeks only and may not be renewed.

AMENDATORY SECTION (Amending Order No. 43, filed 8/10/76)

WAC 132H-116-570 RESPONSIBILITY OF PERSON TO WHOM PERMIT ISSUED. The person for all parking violations of these rules and regulations involving the vehicle ((for)) on which the permit was ((issued and to which it was affixed)) displayed, provided, however, that such responsibility shall not relieve other persons who violate these rules and regulations.

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order No. 54, filed 12/9/77)

WAC 132H-116-620 FINES. The fines to be assessed for violations of these regulations shall be detailed in WAC 132H-116-890.

(1) Fines - Payment

(a) Persons cited for violation of these regulations may respond either by filing a written appeal as detailed in WAC 132H-116-630 or by forfeiting a fine within fifteen (15) days of receipt of the citation.

(b) All fines are payable to the Bellevue Community College Cashier. Fines may be paid by mail by sending the citation and amount of fine to the Bellevue Community College Cashier.

((c) Fines for permit violations and all other parking violations will be reduced to \$1.00 if paid within 48 hours, (excluding weekends and holidays) payable to the cashier in the college registration office:))

(2) Fines - Unpaid

(a) If any citation remains unpaid after fifteen (15) days, ((a letter will be sent to the violator stating that if the citation remains unpaid for an additional five (5) days,)) the following action ((may)) shall be taken by Bellevue Community College:

((i) A hold may be placed on transcripts:))

(ii) ((A delay of registration)) Registration for the following quarter ((:)) shall be delayed.

(iii) The college shall consider ((impound)) impounding violator's vehicle.

(iv) Faculty, students and staff will be unable to purchase parking permits unless outstanding tickets are paid.

((b) If a violator has three (3) unpaid citations, a letter will be sent notifying the violator that the violator's vehicle will be impounded and held until all outstanding fines less than one year old are paid:))

((c)) (b) These procedures will be applicable to all students, faculty and staff members receiving citations for violation of these regulations.

(3) Excessive citations

(a) The Citation Review Committee may review the parking privileges of students, faculty and staff acquiring an excessive ((amount)) number of citations and may take action as the circumstances warrant.

Reviser's Note: RCW 34.04.058 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 errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order No. 43, filed 8/10/76)

WAC 132H-116-670 ELECTION TO FORFEIT OR CONTEST. The summons or parking/traffic violation notice issued pursuant to WAC 132H-116-660 of these regulations shall direct the alleged violator that he/she may elect either to forfeit the fine applicable to the violation(s) charged or to appeal the matter(s) to the Citation Review Committee. (1) If the alleged violator chooses to forfeit the fine(s), he/she may do so by paying directly to the Bellevue Community College cashier or by mail, forwarding the appropriate amount by check or money order to Bellevue Community College, attention cashier. This shall be accomplished within 15 days of the date of citation. Such forfeiture shall constitute a waiver of the right to an appeal.

(2) If the alleged violator chooses to contest, a written appeal will be filed with the ((Chairperson)) Chairman of the Citation Review Committee, through the Dean ((of Student Services)) for Student Services and Development. Appeals must be submitted without posting of the fine within ((seven (7))) fifteen (15) days after date of citation.

(3) Failure of an alleged violator to appear before the Citation Review Committee on the date set or to apply for a continuance of the Review date shall, unless extenuating circumstances are shown, constitute an admittance of guilt to the complaint and such penalty or fine may be imposed by the Citation Review Committee as is appropriate under the schedule of fines established pursuant to WAC 132H-116-620.

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order No. 43, filed 8/10/76)

WAC 132H-116-740 IMPOUNDING OF VEHICLES. Any vehicle parked upon state lands devoted mainly to the educational, recreational, or parking activities of Bellevue Community College in violation of these regulations, including the motor vehicle and other traffic laws of the state of Washington and the traffic code of the city of Bellevue as incorporated in WAC 132H-116-320 may be impounded or immobilized and taken to such place for storage as the Campus Security/Safety Supervisor selects. The expense of such impounding and storage, ((as well as unpaid traffic and parking fines)) shall be charged to the owner or operator of the vehicle and paid by him prior to its release. The college and its employees shall not be liable for loss or damage of any kind resulting from such immobilization, impounding and/or storage. (1) Impounding of vehicles shall include but not be limited to the following:

- (a) Blocking roadway which blocks the flow of traffic.
- (b) Blocking walkway which impedes the flow of pedestrian traffic.
- (c) Blocking a fire hydrant or fire lane.
- (d) Safety hazard (danger to life, limb or property).
- (e) Any violator who has ((three (3))) two (2) or more unpaid citations, as provided in WAC 132H-116-620 or these regulations.
- (f) Blocking another legally parked car.
- (g) Parked in a marked tow-away zone.

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order No. 43, filed 8/10/76)

WAC 132H-116-810 PARKING AND TRAFFIC FINES SCHEDULE. Parking and Traffic fines shall be charged for offenses as indicated in the following fines schedule.

(1) Permit not displayed	.. ((5-3.00)) \$ 5.00
(2) Occupying more than one space	.. ((3-00)) 5.00
(3) Occupying space not designated for parking	.. ((3-00)) 5.00
(4) Failure to set brakes	.. ((3-00)) 5.00
(5) Failure to remove keys from ignition	.. ((3-00)) 5.00
(6) Parking in area not authorized	.. ((3-00)) 5.00
(7) Overtime parking	.. ((3-00)) 5.00
(8) Parking in reserved stall	.. ((3-00)) 5.00
(9) Blocking Traffic	.. ((3-00)) 5.00
(10) Parking adjacent to fire hydrant	.. ((3-00)) 5.00
(11) Parking in fire lane	.. ((3-00)) 5.00

- (12) Parking in zone or area marked "NO PARKING".....~~((3.00))~~ 5.00
- (13) Impound or immobilization .....~~((3.00))~~ 5.00
- (14) Failure to yield right of way .....~~((5.00))~~ 10.00
- (15) Failure to stop - sign/signal .....~~((5.00))~~ 10.00
- (16) Speeding .....~~((10.00))~~ 20.00
- (17) Reckless or negligent driving .....~~((15.00))~~ 30.00
- (18) Other violations of the college Parking and Traffic Regulations and its objectives .....~~((3.00))~~ 5.00

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

**WSR 79-08-110**  
**PROPOSED RULES**  
**STATE BOARD FOR**  
**COMMUNITY COLLEGE EDUCATION**  
 [Filed July 30, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board for Community College Education intends to adopt, amend, or repeal rules concerning mandatory retirement age of community college employees, amending WAC 131-16-005;

that such agency will at 10:00 a.m., Thursday, September 6, 1979, in the Olympia Technical Community College, 2011 Mottman Road, Olympia, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Thursday, September 6, 1979.

The authority under which these rules are proposed is RCW 28B.10.400.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to September 6, 1979, and/or orally at 10:00 a.m., Thursday, September 6, 1979, Olympia Technical Community College, 2011 Mottman Road, Olympia, WA.

Dated: July 27, 1979  
 By: Gilbert J. Carbone  
 Assistant Director

WAC 131-16-005 MANDATORY RETIREMENT AGE DEFINED. The mandatory retirement age for employees of community college districts or the State Board for Community College Education shall be defined as the end of the academic year in which an employee ~~((of a community college district))~~ attains age ~~((sixty-five))~~ seventy; however, when officially approved by the district board of trustees, or by the State Board in the case of its employees, extension of service beyond the mandatory retirement age may be made for definite periods of time not to exceed one year each ~~((, but no such extensions shall postpone retirement beyond the end of the academic year in which age seventy is attained))~~. The provisions of this section shall apply to all community college district and State Board employees except those covered by the Public Employees' Retirement System who established membership prior to October 1, 1977.

**WSR 79-08-111**  
**PROPOSED RULES**  
**STATE BOARD FOR**  
**COMMUNITY COLLEGE EDUCATION**  
 [Filed July 30, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board for Community College Education intends to adopt, amend, or repeal rules concerning tuition and fee waivers for full-time community college employees;

that such agency will at 10:00 a.m., Thursday, September 6, 1979, in the Olympia Technical Community College, 2011 Mottman Road, Olympia, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Thursday, September 6, 1979, in the Olympia Technical Community College, 2011 Mottman Road, Olympia, WA.

The authority under which these rules are proposed is chapter 82, Laws of 1979.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to September 6, 1979, and/or orally at 10:00 a.m., Thursday, September 6, 1979, Olympia Technical Community College, 2011 Mottman Road, Olympia, WA.

Dated: July 27, 1979  
 By: Gilbert J. Carbone  
 Assistant Director

WAC 131-28-085 TUITION AND FEE WAIVERS FOR FULL-TIME COMMUNITY COLLEGE EMPLOYEES. (1) Pursuant to the authority granted by chapter 82, Laws of 1979, community college districts are authorized to and may waive tuition, operating, and service and activities fees for full-time employees at their respective institutions of higher education enrolled in courses at said institutions under the following conditions:

(a) enrollment shall be on a space-available basis after opportunity has been given for other students to register for courses offered by the college,

(b) no new or additional courses or course sections shall be created for the purpose of accommodating enrollments of students enrolled on the basis of waivers under this section,

(c) enrollment information on employees enrolled on a space-available basis shall be maintained separately from other enrollment information and shall not be included in official enrollment reports, nor shall persons enrolled pursuant to the provisions of this section be considered in any enrollment statistics which would affect budgetary determinations,

(d) computations of enrollment levels, student-faculty ratio, or other similar enrollment related statistics must exclude student credit hours generated by enrollments for which waivers have been granted under this section,

(e) employees enrolling on a space-available basis shall be charged a registration fee of not less than five dollars per quarter,

(f) community college districts may limit the number of courses per quarter for which an employee may enroll pursuant to this section,

(g) districts may enroll full time cooperative extension service and agricultural research employees of Washington State University if such employees are stationed off-campus provided that (1) the employee's work station is situated within the district where he enrolls and (2) such a waiver of tuition and fees complies with conditions listed in subsections (a) through (f) above,

(h) districts may recognize completion of such courses for salary improvement or vocational certification provided such courses are an approved part of the professional improvement plan of the individual,

(i) prior to implementing any program for tuition and fee waivers for full time employees, the college district shall adopt a written rule regarding such program and definitively set forth rules and procedures related to:

- (i) whether or not employees may take tuition free courses on released time and under what circumstances;
- (ii) whether or not courses taken on a tuition free basis shall be allowed to apply toward an advancement on the salary schedule of the institution;
- (iii) whether or not there will be a limit on the number of courses per quarter an employee may take; what that limitation is and any other constraints;
- (iv) the definition of a full time employee, professional and classified, for purposes of this act;
- (j) the individual community college district shall submit a copy of its adopted rule relating to the above to the state director.

**WSR 79-08-112**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
 [Order 1420—Filed July 31, 1979]

I, Michael Stewart, Ex. Assist. of the Department of Social and Health Services do promulgate and adopt at Olympia, Washington, the annexed rules relating to rights of applicant for services, amending WAC 388-15-030.

This action is taken pursuant to Notice No. WSR 79-06-044 filed with the code reviser on 5/21/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the secretary of Department of Social and Health Services as authorized in RCW 74.04.090[74.08.090].

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED July 18, 1979.

By Michael S. Stewart  
 Executive Assistant

**AMENDATORY SECTION** (Amending Order 1238, filed 8/31/77)

**WAC 388-15-030 RIGHTS OF APPLICANT FOR SERVICES.** (1) Any individual has the right to request services from the department, make a service application and have his eligibility for services determined.

(2) Eligible individuals shall be given requested services, or other needed services, that are offered by the department, and included in the department's service plan, to meet the goal appropriate to his service need.

(3) Applicants or recipients may request a fair hearing concerning the denial, reduction or termination of a service, or failure to act upon a request for services with reasonable promptness.

(4) Services may not be provided prior to the date of application, nor if federal matching is to be received, provided prior to the date of determination of eligibility unless the determination is made within thirty days of the date of application and the individual was found to be eligible when service was initiated.

(5) Eligibility must be determined on an individual basis for each person in a family, unless specifically designated otherwise as in group eligibility.

(6) Notice shall be given to applicants for or recipients of services to indicate that they have been found eligible or ineligible for services. ((The notice shall include information about the individual's right to request a fair hearing.)) In cases of intended action to discontinue, terminate, suspend, or reduce the services of a recipient, the department will provide that recipient notice, in writing, of this action and the individual's right to request a fair hearing at least ten days prior to the effective date of that action. The ten day notice is not required when a service is provided and at time of authorization there are specified beginning and end dates. The client shall be given a copy of the written agreement at the time of initiation of services, and a termination notice shall be sent dated no later than the specified ending date.

(7) Service applications may be made by the individual, or others acting in his behalf, or may be the result of referral from another agency or member of the community. Where the individual is unable, too incompetent, or in a protective service case unwilling, to sign his own application, another responsible or appropriate individual may sign on his behalf, including a member of agency staff.

(8) Services may be only provided to accomplish the specific goals for the particular services as designated in the state service plan and rules.

(9) Services shall not be suspended, reduced, discontinued, or terminated until the fair hearing decision is rendered if a hearing is requested within ten days prior to the effective date. There are two exceptions to this policy. The first exception is when it has been determined at the hearing that the sole issue is the result of a change or application of state or federal law or policy. The second exception is when a change affecting the recipient's service eligibility occurs while a hearing decision is pending and the recipient fails to request a subsequent hearing after notice of the change has been given by the department. If, under these exceptions, service is to be discontinued, the department will notify the recipient of this action, in writing, at least ten days prior to the effective date of that action.

**WSR 79-08-113**  
**PROPOSED RULES**  
**WALLA WALLA COMMUNITY COLLEGE**  
 [Filed July 31, 1979]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that the Community College District No. 20 (Walla Walla Community College), intends to adopt, amend, or repeal rules concerning regulations to govern pedestrian and vehicular traffic and parking upon stated lands devoted mainly to the educational activities of Walla Walla Community College;

and that the adoption, amendment, or repeal of such rules will take place at 3:00 p.m., Thursday, September

20, 1979, in the Board Room of Walla Walla Community College, 500 Tausick Way, Walla Walla, WA.

The authority under which these rules are proposed is chapters 28B.50 and 28B.10 RCW.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to September 20, 1979, and/or orally at 3:00 p.m., Thursday, September 20, 1979.

Dated: July 18, 1979

By: Eldon Dietrich  
President

CHAPTER 132T-116  
PARKING AND TRAFFIC RULES

WAC

- 132T-116-010 Introduction.  
132T-116-015 Objectives of traffic rules and regulations.  
132T-116-020 Applicable traffic rules and regulations — Areas affected.  
132T-116-025 Speed.  
132T-116-030 Regulatory signs and directions.  
132T-116-035 Pedestrians' right-of-way.  
132T-116-040 Impoundings — Illegal parking — Disabled or inoperative or abandoned vehicles.  
132T-116-945 Special traffic and parking regulations and restrictions authorized.  
132T-116-050 Delegation of Authority.

NEW SECTION

WAC 132T-116-010 INTRODUCTION: Walla Walla Community College District No. 20 hereby establishes these regulations to govern pedestrian and vehicular traffic and parking upon state lands devoted mainly to the educational activities of Walla Walla Community College.

NEW SECTION

WAC 132T-116-015 OBJECTIVES OF TRAFFIC RULES AND REGULATIONS. The objectives of these traffic regulations are:

- (1) To protect and control pedestrian and vehicular traffic,
- (2) to assure access at all times of emergency equipment,
- (3) to minimize traffic disturbances during class hours,
- (4) to facilitate the work of the college by assuring access to its vehicles and by assigning the limited parking space for the most efficient use.

NEW SECTION

WAC 132T-116-020 APPLICABLE TRAFFIC RULES AND REGULATIONS — AREAS AFFECTED. The traffic regulations which are applicable upon state lands devoted mainly to the educational activities of the college are as follows:

- (1) The motor vehicle and other traffic laws of the State of Washington shall be applicable upon all lands located within the State of Washington.
- (2) The traffic code of Walla Walla County, Washington, shall be applicable upon all lands located within Walla Walla County, Washington.
- (3) The traffic code of the City of Walla Walla, Washington, shall be applicable upon all lands located within the City of Walla Walla, Washington.
- (4) These regulations shall be applicable to all state lands which are or may hereafter be devoted mainly to educational, research, recreational, or parking activities of the college.

NEW SECTION

WAC 132T-116-025 SPEED. No vehicle shall be operated on the campus at a speed in excess of twenty (20) miles per hour unless otherwise posted or such lower speed as is reasonable and prudent in the circumstances.

NEW SECTION

WAC 132T-116-030 REGULATORY SIGNS AND DIRECTIONS. Drivers of vehicles shall obey regulatory signs posted by the college. Drivers of vehicles shall also comply with directions given them by officers of the college in the control and regulation of traffic.

NEW SECTION

WAC 132T-116-035 PEDESTRIANS' RIGHT-OF-WAY. (1) The operator of a vehicle shall yield right-of-way, slowing down or stopping, if need be, to so yield to any pedestrian, but no pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible or unsafe for the driver to yield.

(2) Whenever any vehicle slows or stops so as to yield to pedestrian traffic, the operator of any other vehicle approaching from the rear shall not overtake and pass such a vehicle which has slowed or stopped to yield to pedestrian traffic.

(3) Where a sidewalk is provided, pedestrians shall proceed upon such a sidewalk.

NEW SECTION

WAC 132T-116-040 IMPOUNDING — ILLEGAL PARKING — DISABLED OR INOPERATIVE OR ABANDONED VEHICLES. (1) Vehicles which have been disabled, inoperative or abandoned may be impounded and stored following 24 hours notice posted at a conspicuous place on the vehicle.

(2) Impoundment Without Notice: A vehicle may be impounded without notice to the owner or operator in the following circumstances:

- (a) When in the judgment of the president of the college the vehicle is obstructing or may impede the flow of traffic; or
- (b) When in the judgment of the president of the college the vehicle poses an immediate threat to public safety; or
- (c) When a non-handicapped operator parks the vehicle in a designated area reserved for the handicapped.

(3) Impounding may be implemented by mechanical restraints to vehicles or by towing to an approved impounding agency or to another designated area of the college's parking lot.

(4) Towing companies and/or impounding agencies will be selected on the basis of criteria developed by the college.

(5) Any vehicle impounded shall be at the owner's and/or the operator's risk and expense.

(6) Neither the college nor its employees shall be liable for loss or damage of any kind resulting from impounding and storage.

NEW SECTION

WAC 132T-116-045 SPECIAL TRAFFIC AND PARKING REGULATIONS AND RESTRICTIONS AUTHORIZED. Upon special occasions causing additional heavy traffic and during emergencies, the president of the college is authorized to impose additional traffic and parking regulations and restrictions for the achievement of the objectives in WAC 132T-116-015.

NEW SECTION

WAC 132T-116-050 DELEGATION OF AUTHORITY. The authority and powers conferred upon the president by these regulations shall be subject to delegation by him to his subordinates.

WSR 79-08-114

PROPOSED RULES

BELLEVUE COMMUNITY COLLEGE

[Filed July 31, 1979]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that the Bellevue Community College, Community College District VIII, intends to adopt, amend, or repeal rules concerning bylaws and standing orders of Community College District VIII; that such institution will at 1/30 p.m., Tuesday, September 11, 1979, in the Board Room, Bellevue Campus,

Bellevue Community College, 3000 Landerholm Circle S.E., Bellevue WA.

The authority under which these rules are proposed is RCW 28B.50.140.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to September 11, 1979, and/or orally at 1:30 p.m., Tuesday, September 11, 1979, Board Room, Bellevue Campus, Bellevue Community College, 3000 Landerholm Circle S.E., Bellevue WA.

Dated: July 30, 1979  
By: Thomas E. O'Connell  
Secretary

**AMENDATORY SECTION** (Amending Order No. 61, filed 9/13/78)

**WAC 132H-105-040 AGENDA.** (1) Preparation of Information. Information and materials pertinent to the agenda of all regular meetings of the Board should when possible be sent to Trustees prior to each meeting. Persons wishing to recommend items for the agenda or present any matters of business or correspondence shall notify the Secretary of the Board, in writing, by 12 noon, five days prior to the meeting at which they desire to have the item considered. The Chairman shall determine whether or not an item is placed on the agenda. The Chairman will notify all other Board members if he rejects an item suggested to be placed on the agenda. The Chairman or Secretary may, however, present a matter of urgent business received too late for inclusion on the agenda if in his judgment the matter is of importance.

Reports to the Board will include provision for reports by students, faculty and classified employees.

All materials to be considered by the Board must be submitted in sufficient quantities to provide each member of the Board and the Secretary with appropriate copies.

(2) Order of the Agenda. The order of the agenda governing all regular meetings of the Board of Trustees of Community College District VIII shall be as follows: (a) Roll Call

- (b) Approval of Previous Minutes
- (c) Executive Session
- (d) Recommendations for Action of the Board
- (e) ~~((Reports to the Board))~~ Future Action Items
- (f) ~~((Informations Items))~~ Reports to the Board
- (g) ~~((Other Business))~~ Information Items
- (h) ~~((Adjournment))~~ Other Business
- (i) Adjournment

The order of the agenda may be changed by the Chairman with the consent of a majority of the Board members present.

The Chairman shall announce at the beginning of each meeting that members of the audience may speak to any item on the agenda at the time of its presentation. The Chairman shall have the right to limit the length of time used by a speaker for the discussion of any subject.

**Reviser's Note:** RCW 34.04.058 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:** Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

**WSR 79-08-115**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
[Order 79-9—Filed July 31, 1979]

I, James T. Hughes, director of Labor and Industries, do promulgate and adopt at the Director's office, Olympia, Washington, the annexed rules relating to:

Amend  
WAC 296-62-07515, correct housekeeping error;  
WAC 296-62-07347, correct housekeeping error;  
Chapter 296-27 WAC, to incorporate changes in record keeping identical to OSHA, 29 CFR 1904.2,3,6,7 and 20;  
Chapter 296-306 WAC, exception of air contaminant to reflect OSHA;  
Chapter 296-24 WAC, to correct housekeeping errors and add new subsection;  
Chapter 296-155 WAC, adding a new subsection, correcting housekeeping error.

New  
Safety Requirements for Powder Actuated Fastening Systems, chapter 296-24-663 WAC.  
WAC 296-24-66301, 296-24-66303; 296-24-66305; 296-24-66307; 296-24-66309; 296-24-66311; 296-24-66312; 296-24-66315; 296-24-66317; 296-24-66319 and 296-24-66321.

Repeat  
Safety Requirements for Explosive Actuated Fastening Tools, chapter 296-24-662 WAC.  
WAC 296-24-66201; 296-24-66203; 296-24-66205; 296-24-66207; 296-24-66209; 296-24-66211; 296-24-66213; 296-24-66215; 296-24-66217; 296-24-66219; 296-24-66221; 296-24-66223 and 296-24-66225.

This action is taken pursuant to Notice No. WSR 79-04-100 filed with the code reviser on April 4, 1979. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 49.17.040, 49.17.150 and 49.17.240 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED July 31, 1979.

By James T. Hughes  
Director

**AMENDATORY SECTION** (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

**WAC 296-24-23515 HOISTING EQUIPMENT.**  
(1) Sheaves.

(a) Sheave grooves shall be smooth and free from surface defects which could cause rope damage.

(b) Sheaves carrying ropes which can be momentarily unloaded shall be provided with close-fitting guards or other suitable devices to guide the rope back into the groove when the load is applied again.

(c) The sheaves in the bottom block shall be equipped with close-fitting guards that will prevent ropes from becoming fouled when the block is lying on the ground with ropes loose.

(d) Pockets and flanges of sheaves used with hoist chains shall be of such dimensions that the chain does not catch or bind during operation.

(e) All running sheaves shall be equipped with means for lubrication. Permanently lubricated, sealed and/or shielded bearings meet this requirement.

(2) Ropes.

(a) In using hoisting ropes, the crane manufacturer's recommendation shall be followed. The rated load divided by the number of parts of rope shall not exceed 20 percent of the nominal breaking strength of the rope.

(b) Socketing shall be done in the manner specified by the manufacturer of the assembly.

(c) Rope shall be secured to the drum as follows:

(i) No less than two wraps of rope shall remain on the drum when the hook is in its extreme low position.

(ii) Rope end shall be anchored by a clamp securely attached to the drum, or by a socket arrangement approved by the crane or rope manufacturer.

(d) Rope clips attached with U-bolts shall have the U-bolts on the dead or short end of the rope. Spacing and number of all types of clips shall be in accordance with (2)(e) of this section. Clips shall be drop-forged steel in all sizes manufactured commercially. When a newly installed rope has been in operation for an hour, all nuts on the clip bolts shall be retightened.

(e) DIAMETER OF ROPE	NUMBER OF CLIPS REQUIRED	SPACE BETWEEN CLIPS
1 1/2 inch	8	10 inches
1 3/8 inch	7	9 inches
1 1/4 inch	6	8 inches
1 1/8 inch	5	7 inches
1 inch	5	6 inches
7/8 inch	5	5 1/4 inches
3/4 inch	5	4 1/2 inches
3/8 to 5/8 inch	4	3 inches

(f) Swaged or compressed fittings shall be applied as recommended by the rope or crane manufacturer.

(g) Wherever exposed to temperatures, at which fiber cores would be damaged, rope having an independent wire-rope or wire-strand core, or other temperature-damage resistant core shall be used.

(h) Replacement rope shall be the same size, grade, and construction as the original rope furnished by the crane manufacturer, unless otherwise recommended by a wire rope manufacturer due to actual working condition requirements.

(3) Equalizers. If a load is supported by more than one part of rope, the tension in the parts shall be equalized.

(4) Hooks. Hooks shall meet the manufacturer's recommendations and shall not be overloaded. Safety latch-type hooks shall be used or the hook shall be moused.

**AMENDATORY SECTION** (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

**WAC 296-24-24005 LOAD RATINGS.** (1) Load ratings—Where stability governs lifting performance.

(a) The margin of stability for determination of load ratings, with booms of stipulated lengths at stipulated working radii for the various types of crane mountings is established by taking a percentage of the loads which will produce a condition of tipping or balance with the boom in the least stable direction, relative to the mounting. The load ratings shall not exceed the following percentages for cranes, with the indicated types of mounting under conditions stipulated in (1)(b) and (c) of this section.

Type of crane mounting:	Maximum load ratings (percent of tipping loads)
Locomotive, without outriggers;	
Booms 60 feet or less	85
Booms over 60 feet	85 <sup>1</sup>
Locomotive, using outriggers fully extended	80
Crawler, without outriggers	75
Crawler, using outriggers fully extended	85
Truck and wheel mounted without outriggers or using outriggers fully extended	85

<sup>1</sup>Unless this results in less than 30,000 pound-feet net stabilizing moment about the rail, which shall be minimum with such booms.

(b) The following stipulation shall govern the application of the values in (1)(a) of this section for locomotive cranes:

(i) Tipping with or without the use of outriggers occurs when half of the wheels farthest from the load leave the rail.

(ii) The crane shall be standing on track which is level within 1 percent grade.

(iii) Radius of the load is the horizontal distance from a projection of the axis of rotation to the rail support surface, before loading, to the center of vertical hoist line or tackle with load applied.

(iv) Tipping loads from which ratings are determined shall be applied under static conditions only, i.e., without dynamic effect of hoisting, lowering, or swinging.

(v) The weight of all auxiliary handling devices such as hoist blocks, hooks, and slings shall be considered a part of the load rating.

(c) Stipulations governing the application of the values in (i)(a) of this section for crawler, truck, and wheel-mounted cranes shall be in accordance with Crane Load-Stability Test Code. Society of Automotive Engineers (SAE) J765.

NOTE: The effectiveness of these preceding stability factors will be influenced by such additional factors as freely suspended loads, track, wind, or ground conditions, condition and inflation of rubber tires, boom lengths, proper operating speeds for existing conditions, and, in general, careful and competent operation. All of these shall be taken into account by the user.

(2) Rated capacity chart. A chart indicating the manufacturer's rated capacity at all operating radii for all permissible boom lengths and jib lengths with alternate ratings for optional equipment affecting such ratings shall be posted in all mobile type cranes and shall be readily visible to the operator in his normal operating position.

(3) Inspection classification.

(a) Initial inspection. Prior to initial use all new and altered cranes shall be inspected to insure compliance with provisions of these standards.

(4) All hooks shall be of the safety latch-type or the hook shall be moused.

**AMENDATORY SECTION** (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

**WAC 296-24-24519 OTHER REQUIREMENTS.**

(1) Guards.

(a) Exposed moving parts, such as gears, ropes, set-screws, projecting keys, chains, chain sprockets, and reciprocating components, which constitute a hazard under normal operating conditions shall be guarded.

(b) Guards shall be securely fastened.

(c) Each guard shall be capable of supporting without permanent distortion, the weight of a 200-pound person unless the guard is located where it is impossible for a person to step on it.

(2) Hooks.

(a) Hooks shall meet the manufacturer's recommendations and shall not be overloaded.

(b) Safety latch type hooks shall be used ((wherever possible)) or the hooks shall be moused.

(3) Fire extinguishers.

(a) A carbon dioxide, dry chemical, or equivalent fire extinguisher shall be kept in the immediate vicinity of the derrick.

(b) Operating and maintenance personnel shall be familiar with the use and care of the fire extinguishers proved.

(4) Refueling.

(a) Refueling with portable containers shall be done with Underwriters' Laboratory, Inc. (UL), or Factory Mutual Laboratories approved, or equivalent, safety type containers equipped with automatic closing spout and flame arrester.

(b) Machines shall not be refueled with the engine running.

(5) Operating near electric powerlines.

(a) Except where the electrical distribution and transmission lines have been deenergized and visibility grounded at point of work or where insulating barriers not a part of or an attachment to the derrick have been erected to prevent physical contact with the lines, derricks shall be operated proximate to, under, over, by, or near powerlines only in accordance with the following:

(i) For lines rated 50 kv. or below minimum clearance between the lines and any part of the derrick or load shall be 10 feet.

(ii) For lines rated over 50 kv. minimum clearance between lines and any part of the derrick or load shall be 10 feet plus 0.4 inch for each 1 kv. over 50 kv., or use twice the length of the line insulator, but never less than 10 feet.

(b) Cage-type boom guards, insulating links, or proximity warning devices may be used on derricks, but the use of such devices shall not operate to alter the requirements of (5)(a) of this section.

(c) Before the commencement of operations near electrical lines, the owners of the lines or their authorized representatives shall be notified and provided with pertinent information. The owner's cooperation shall be requested.

(d) Any overhead wire shall be considered to be an energized line until the owner of the line or their authorized representatives state that it is deenergized.

(6) Cab or operating enclosure.

(a) Necessary clothing and personnel belongings shall be stored in such a manner as to not interfere with access or operation.

(b) Tools, oilcans, waste, extra fuses, and other necessary articles shall be stored in the toolbox, and shall not be permitted to lie loose in or about the cab or operating enclosure.

**AMENDATORY SECTION** (Amending Order 76-6, filed 3/1/76)

**WAC 296-24-29425 WIRE ROPE SLINGS.** (1) Sling use. Wire rope slings shall not be used with loads in excess of the rated capacities shown in Tables D-3 through D-14. Slings not included in these tables shall be used only in accordance with the manufacturer's recommendations.

(2) Minimum sling lengths.

(a) Cable laid and 6x19 and 6x37 slings shall have a minimum clear length of wire rope 10 times the component rope diameter between splices, sleeves or end fittings.

(b) Braided slings shall have a minimum clear length of wire rope 40 times the component rope diameter between the loops or end fittings.

(c) Cable laid grommets, strand laid grommets and endless slings shall have a minimum circumferential length of 96 times their body diameter.

(3) Safe operating temperatures. Fiber core wire rope slings of all grades shall be permanently removed from service if they are exposed to temperatures in excess of 200°F. When nonfiber core wire rope slings of any grade are used at temperatures above 400°F or below minus 60°F, recommendations of the sling manufacturer regarding use at that temperature shall be followed.

(4) End attachments.

(a) Welding of end attachments, except covers to thimbles, shall be performed prior to the assembly of the sling.

(b) All welded end attachments shall not be used unless proof tested by the manufacturer or equivalent entity at twice their rated capacity prior to initial use. The employer shall retain a certificate of the proof test, and make it available for examination.

(5) Removal from service. Wire rope slings shall be immediately removed from service if any of the following conditions are present:

(a) Ten randomly distributed broken wires in one rope lay, or five broken wires in one strand in one rope lay.

(b) Wear or scraping of one-third the original diameter of outside individual wires.

(c) Kinking, crushing, bird caging or any other damage resulting in distortion of the wire rope structure.

(d) Evidence of heat damage.

(e) End attachments that are cracked, deformed or worn.

(f) Hooks that have been opened more than 15 percent of the normal throat opening measured at the narrowest point or twisted more than 10 degrees from the plane of the unbent hook.

(g) Corrosion of the rope or end attachments.

~~((6) Knots and Wire Rope Clips. Eyes in wire rope slings shall not be formed by using knots or wire rope clips.))~~

AMENDATORY SECTION (Amending Order 74-27, filed 5/7/74)

WAC 296-24-73507 COVERS AND GUARD-RAILS. (1) All open vats and tanks into which workers may fall shall be guarded with railings or screen guards.

(2) All open vats and tanks where workers are employed shall have a platform or walkway 36 to 42 inches below the top of vat or tank or where walkway is flush with top of vat or tank, a standard safeguard of 36 to 42 inches high shall be constructed.

(3) Every tank over ~~((five))~~ 5 feet deep, excepting where agitators are used or where products may be damaged by ladders, shall have a ladder fixed on the inside so placed as to connect with means of access from the outside. Rungs shall have a clearance of at least ~~((six))~~ 6 inches measured between the rung and the side of the tank.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-75011 RAILING, TOEBOARDS, AND COVER SPECIFICATIONS. (1) A standard railing shall consist of top rail, intermediate rail, and posts, and shall have a vertical height of from 36 to 42 inches nominal from upper surface of top rail to floor, platform, runway, or ramp level. The top rail shall be smooth-surfaced throughout the length of the railing. The intermediate rail shall be approximately halfway between the top rail and the floor, platform, runway, or ramp. The ends of the rails shall not overhang the terminal posts except where such overhang does not constitute a projection hazard.

(2) A stair railing shall be of construction similar to a standard railing but the vertical height shall be not more than 34 inches nor less than 30 inches from upper surface of top rail to surface of tread in line with face of riser at forward edge of tread.

(3) Minimum requirements for standard railings under various types of construction are specified in this subsection. Dimensions specified are based on the U.S. Department of Agriculture Wood Handbook, No. 72, 1955 (No. 1 [S4S] Southern Yellow Pine [Modulus of Rupture 7,400 p.s.i.]) for wood; ANSI G 41.5-1970, American National Standard Specifications for Structural Steel, for structural steel; and ANSI B 125.1-1970, American National Standard Specifications for Welded and Steamless Steel Pipe, for pipe.

(a) For wood railings, the posts shall be of at least 2-inch by 4-inch nominal stock spaced not to exceed 6 feet; the top and intermediate rails shall be of at least 2-inch by 4-inch nominal stock. If top rail is made of two right-angle pieces of 1-inch by 4-inch stock, posts may be spaced on 8-foot centers, with 2-inch by 4-inch intermediate rail.

(b) For pipe railings, posts and top and intermediate railings shall be at least 1 1/2 inches nominal diameter with posts spaced not more than 8 feet on centers.

(c) For structural steel railings, posts and top and intermediate rails shall be of 2-inch by 2-inch by 3/8-inch angles or other metal shapes of equivalent bending strength with posts spaced not more than 8 feet on centers.

(d) The anchoring of posts and framing of members for railings of all types shall be of such construction that the completed structure shall be capable of withstanding a load of at least 200 pounds applied in any direction at any point on the top rail.

(e) Other types, sizes, and arrangements of railing construction are acceptable provided they meet the following conditions:

(i) A smooth-surfaced top rail at a height above floor, platform, runway, or ramp level of from 36 to 42 inches nominal;

(ii) A strength to withstand at least the minimum requirement of 200 pounds top rail pressure;

(iii) Protection between top rail and floor, platform, runway, ramp, or stair treads, equivalent at least to that afforded by a standard intermediate rail;

(iv) Elimination of overhang of rail ends unless such overhang does not constitute a hazard; such as, baluster railings, scrollwork railings, paneled railings.

(4) A standard toeboard shall be a minimum of 4 inches nominal in vertical height from its top edge to the level of the floor, platform, runway, or ramp. It shall be securely fastened in place and with not more than 1/4-inch clearance above floor level. It may be made of any substantial material either solid or with openings not over 1 inch in greatest dimension.

Where material is piled to such height that a standard toeboard does not provide protection, paneling from floor to intermediate rail, or to top rail shall be provided.

(5) A handrail shall consist of a lengthwise member mounted directly on a wall or partition by means of brackets attached to the lower side of the handrail so as to offer no obstruction to a smooth surface along the top and both sides of the handrail. The handrail shall be of rounded or other section that will furnish an adequate handhold for anyone grasping it to avoid falling. The ends of the handrail should be turned in to the supporting wall or otherwise arranged so as not to constitute a projection hazard.

(a) The height of handrails shall be not more than 34 inches nor less than 30 inches from upper surface of handrail to surface of tread in line with face of riser or to surface of ramp.

(b) The size of handrails shall be: When of hardwood, at least 2 inches in diameter; when of metal pipe, at least 1 1/2 inches in diameter. The length of brackets shall be such as will give a clearance between handrail and wall or any projection thereon of at least ~~((3))~~ 1 1/2 inches. The spacing of brackets shall not exceed 8 feet.

(c) The mounting of handrails shall be such that the completed structure is capable of withstanding a load of at least 200 pounds applied in any direction at any point on the rail.

(6) All handrails and railings shall be provided with a clearance of not less than ~~((3))~~ 1 1/2 inches between the handrail or railing and any other object.

(7) Floor opening covers may be of any material that meets the following strength requirements:

(a) Trench or conduit covers and their supports, when located in plant roadways, shall be designed to carry a truck rear-axle load of at least 20,000 pounds.

(b) Manhole covers and their supports, when located in plant roadways, shall comply with local standard highway requirements if any; otherwise, they shall be designed to carry a truck rear-axle of at least 20,000 pounds.

(c) The construction of floor opening covers may be of any material that meets the strength requirements. Covers projecting not more than 1 inch above the floor level may be used providing all edges are chamfered to an angle with the horizontal of not over 30 degrees. All hinges, handles, bolts, or other parts shall set flush with the floor or cover surface.

(8) Skylight screens shall be of such construction and mounting that they are capable of withstanding a load of at least 200 pounds applied perpendicularly at any one area on the screen. They shall also be of such construction and mounting that under ordinary loads or impacts, they will not deflect downward sufficiently to break the glass below them. The construction shall be of grillwork with openings not more than 4 inches long or of slat work with openings not more than 2 inches wide with length unrestricted.

(9) Wall opening barriers (rails, rollers, picket fences, and half doors) shall be of such construction and mounting that, when in place at the opening, the barrier is capable of withstanding a load of at least 200 pounds applied in any direction (except upward) at any point on the top rail or corresponding member.

(10) Wall opening grab handles shall be not less than 12 inches in length and shall be so mounted as to give ((3)) 1 1/2 inches clearance from the side framing of the wall opening. The size, material, and anchoring of the grab handle shall be such that the completed structure is capable of withstanding a load of at least 200 pounds applied in any direction at any point of the handle.

(11) Wall opening screens shall be of such construction and mounting that they are capable of withstanding a load of at least 200 pounds applied horizontally at any point on the near side of the screen. They may be of solid construction, of grillwork with openings not more than 8 inches long, or of slatwork with openings not more than 4 inches wide with length unrestricted.

#### AMENDATORY SECTION (Amending Order 76-6, filed 3/1/76)

WAC 296-24-78009 CARE AND USE OF LADDERS. (1) Care. To insure safety and serviceability the following precautions on the care of ladders shall be observed:

(a) Ladders shall be maintained in good condition at all times, the joint between the steps and side rails shall be tight, all hardware and fittings securely attached, and the moveable parts shall operate freely without binding or undue play.

(b) Metal bearings of locks, wheels, pulleys, etc., shall be frequently lubricated.

(c) Frayed or badly worn rope shall be replaced.

(d) Safety feet and other auxiliary equipment shall be kept in good condition to insure proper performance.

(e) Ladders should be stored in such a manner as to provide ease of access or inspection, and to prevent danger of accident when withdrawing a ladder for use.

(f) Wood ladders, when not in use, should be stored at a location where they will not be exposed to the elements, but where there is good ventilation. They shall not be stored near radiators, stoves, steam pipes, or other places subjected to excessive heat or dampness.

(g) Ladders stored in a horizontal position should be supported at a sufficient number of points to avoid sagging and permanent set.

(h) Ladders carried on vehicles should be adequately supported to avoid sagging and securely fastened in position to minimize chafing and the effects of road shocks.

(i) Ladders should be kept coated with a suitable protective material. The painting of ladders is satisfactory providing the ladders are carefully inspected prior to painting by competent and experienced inspectors acting for, and responsible to, the purchaser, and providing the ladders are not for resale.

(j) Ladders shall be inspected frequently and those which have developed defects shall be withdrawn from service for repair or destruction and tagged or marked as "Dangerous, Do Not Use".

(k) Rungs should be kept free of grease and oil.

(2) Use. The following safety precautions shall be observed in connection with the use of ladders:

(a) Portable rung and cleat ladders shall, where possible, be used at such a pitch that the horizontal distance from the top support to the foot of the ladder is one-quarter of the working length of the ladder (the length along the ladder between the foot and the top support). The ladder shall be so placed as to prevent slipping, or it shall be lashed, or held in position. Ladders shall not be used in a horizontal position as platforms, runways, or scaffolds((;)).

(b) Ladders for which dimensions are specified should not be used by more than one man at a time nor with ladder jacks and scaffold planks where use by more than one man is anticipated. In such cases, specially designed ladders with larger dimensions of the parts should be procured((;)).

(c) Portable ladders shall be so placed that the side rails have a secure footing. The top rest for portable rung and cleat ladders shall be reasonably rigid and shall have ample strength to support the applied load((;)).

(d) Ladders shall not be placed in front of doors opening toward the ladder unless the door is blocked open, locked, or guarded.

(e) Ladders shall not be placed on boxes, barrels, or other unstable bases to obtain additional height((;)).

(f) To support the top of the ladder at a window opening, a board should be attached across the back of the ladder, extending across the window and providing firm support against the building walls or window frames((;)).

(g) When ascending or descending, the user should face the ladder((;)).

(h) Ladders with broken or missing steps, rungs, or cleats, broken side rails, or other faulty equipment shall not be used; improvised repairs shall not be made.

(i) Short ladders shall not be spliced together to provide long sections(;;).

(j) Ladders made by fastening cleats across a single rail shall not be used(;;).

(k) Ladders shall not be used as guys, braces, or skids, or for other than their intended purposes(;;).

(l) Tops of the ordinary types of stepladders shall not be used as steps(;;).

(m) On two-section extension ladders the minimum overlap for the two sections in use shall be as follows:

Size of ladder (feet):	Overlap (feet)
Up to and including 36 _____	3
Over 36 up to and including 48 _____	4
Over 48 up to and including 60 _____	5

(n) Portable rung ladders with reinforced rails (see WAC 296-24-78007(3)(iii) and (iv)) shall be used only with the metal reinforcement on the under side. Ladders of this type should be used with great care near electrical conductors, since the reinforcing itself is a good conductor(;;).

(o) No ladder should be used to gain access to a roof unless the top of the ladder shall extend at least 3 feet above the point of support, at eave, gutter, or roof line(;;).

(p) Adjustment of extension ladders should only be made by the user when standing at the base of the ladder, so that the user may observe when the locks are properly engaged. Adjustment of extension ladders from the top of the ladder (or any level over the locking device) is a dangerous practice and should not be attempted. Adjustment should not be made while the user is standing on the ladder.

(q) Middle and top sections of sectional or window cleaner's ladders should not be used for bottom section unless the user equips them with safety shoes.

(r) Extension ladders should always be erected so that the upper section is resting on the bottom section.

(s) The user should equip all portable rung ladders with nonslip bases when there is a hazard of slipping. Nonslip bases are not intended as a substitute for care in safety placing, lashing, or holding a ladder that is being used upon oily metal, concrete, or slippery surfaces.

(t) The bracing on the back legs of step ladders is designed solely for increasing stability and not for climbing.

(u) When service conditions warrant, hooks may be attached at or near the top of portable ladders to give added security.

(v) Stepladders shall not be used as single ladders.

(w) Separate ladders for ascending and descending shall be provided in building construction of more than 2 stories in height, or where traffic is heavy.

(x) Where one broad ladder is used, a center rail shall be provided, and each side plainly marked "up" and "down".

(y) Ladder rungs shall not be used to support more than 1 section of plank, and not more than 2 men shall work on such section of planking at one and the same time. When 2 men are working on the same section of plank, their work should be so arranged that their weight is equally distributed between 2 ladders as nearly as possible.

(z) When ladders are used of a length sufficient to possess a tendency to spring when weight is applied, they shall be provided with bracing to overcome same. This applies particularly to extension ladders.

(a1) Before climbing ladders, workmen shall see that their shoes are free and clean of greasy or slippery substances.

(b1) When working from a stepladder over 5 feet high a workman shall not stand on a step higher than the third step from the top of the stepladder.

(c1) Ladders shall not be placed or used in elevator shafts or hoistways except where used by workmen engaged in work within such shafts or hoistways, and then they shall be protected from objects falling from operations at higher elevations in or adjoining the shaft.

(d1) Workmen shall not ascend or descend ladders while carrying tools or materials which will interfere with the free use of both hands.

(e1) Ladders shall pass the following test:

When tested as a simple beam with a support under each end and the center rung loaded with a 200 pound load, the ladder must support this load for 10 minutes without permanent set and without showing any sign of failure. The maximum deflection shall not be greater than shown in the enclosed table.

Lengths of extended ladder in feet	Distance of supports from ends, in inches	Total deflection, in inches
12 _____	3	2 3/4
16 _____	3	6 3/4
20 _____	3	11 1/2
24 _____	3	16 1/2
28 _____	3	21 1/2
30 _____	3	23 1/2
34 _____	6	26
36 _____	6	29
40 _____	6	37
44 _____	9	41

(f1) When working from a ladder over 25 feet from the ground or floor, the ladder shall be secured at both top and bottom.

(g1) No type of work shall be performed on a ladder over 25 feet from the ground or floor that requires the use of both hands to perform the work, unless a safety belt is worn and the safety lanyard is secured to the ladder.

(h1) Work such as sandblasting or spray painting, that requires wearing eye protection, respirators, and handling of pressure equipment, shall be limited to not over 30 feet from the ground or floor while working on a ladder.

TABLE D-5

CLASSIFICATION OF VARIOUS SPECIES OF WOOD ACCEPTABLE FOR USE IN LADDER

The species are listed alphabetically within each group. The position of any species within a group therefore bears no relation to its strength or acceptability.

Where ladders are desired for use under conditions favorable to decay, it is recommended that the heartwood of decay-resistant species be used, or that the wood be given a treatment with a wood preservative. The species having the most durable heartwood are marked with an asterisk (\*), and these should be preferred where resistance to decay is required.

GROUP 1

The allowable fiber stress in bending for the species listed herein when used for side rails shall not exceed 2,150 pounds per square inch. These species may be substituted for Group 3 woods on the following basis: The dimensions may be not more than 10 percent smaller for each cross-section dimension, or the thickness may remain unchanged, in which case the width may not be more than 15 percent smaller if used edgewise (as in a rail) or 25 percent smaller if used flatwise (as in a tread).

White ash	Fraxinus americana, pennsylvanica, quadrangulata
Beech	Fagus grandifolia
Birch	Betula lenta, alleghaniensis, nigra (2)
Rock elm	Ulmus thomasii
Hickory	Carya ovata, laciniosa, tomentosa, glabra
Locust*	Robinia pseudoacacia, Gleditsia triacanthos
Hard maple	Acer nigrum, saccharum
Red maple	Acer rubrum (3)
Red oak	Quercus velutina, marilandica, kelloggii, falcata var. pagodaefolia, laurifolia, ellipsoidalis, rubra, nuttallii, palustris, coccolinea, shumardii, falcata, laevis, phellos
White oak	Quercus arizonica, douglasii, macrocarpa, lobata, prinus, muehlenbergii, emoryi, gambelii, oblongifolia, virginiana, garryana, lyrata, stellata, michauxii, bicolor, alba
Pecan	Carya illinoensis, cordiformis, myristicaeformis (4), aquatica (4)
Persimmon	Diospyros virginiana

GROUP 2

The allowable fiber stress in bending for the species listed herein when used for side rails shall not exceed 2,000 pounds per square inch. These species may be substituted for Group 3 woods on the following basis: The dimensions may be not more than 7 1/2 percent smaller for each cross-section dimension, or the thickness may remain unchanged, in which case the width may be not more than 11 percent smaller if used edgewise (as in a rail) or 20 percent smaller if used flatwise (as in a tread).

Douglas fir (coast region)	Pseudotsuga menziesii
Western larch	Larix occidentalis
Southern yellow pine	Pinus taeda, palustris, echinata, elliotii, rigida, virginiana

GROUP 3

The allowable fiber stress in bending for the species listed herein when used for side rails shall not exceed 1,600 pounds per square inch.

Red alder	Alnus rubra, rhombifolia (2)
Oregon ash	Fraxinus latifolia
Pumpkin ash	Fraxinus profunda
Alaska cedar*	Chamaecyparis nootkatensis
Port Orford cedar*	Chamaecyparis lawsoniana
Cucumber	Magnolia acuminata
Cypress*	Taxodium distichum
Soft elm	Ulmus americana, rubra
Douglas fir (Rocky Mountain type)	Pseudotsuga menziesii var. glauca
Noble fir	Abies procera
Gum	Liquidambar styraciflua
West coast hemlock	Tsuga heterophylla
Magnolia	Magnolia grandiflora
Oregon maple	Acer macrophyllum
Norway pine	Pinus resinosa
Poplar	Liriodendron tulipifera
Redwood*	Sequoia sempervirens
Eastern spruce	Picea glauca, rubens
Sitka spruce	Picea sitchensis
Sycamore	Platanus occidentalis
Tamarack	Larix laricina
Tupelo	Nyssa aquatica, sylvatica

GROUP 4

The allowable fiber stress in bending for the species listed herein when used for side rails shall not exceed 1,375 pounds per square inch. These species may be substituted for Group 3 woods on the following basis: The dimensions shall be at least 5 percent greater for each cross-section dimension, or the thickness may remain unchanged, in which case the width shall be at least 7 1/2 percent greater if used edgewise (as in a rail) or 15 percent greater if used flatwise (as in a tread).

Aspen	Populus tremuloides, grandidentata
Basswood	Tilia americana, heterophylla (2)
Buckeye	Aesculus octandra, glabra (2)
Butternut	Juglans cinerea
Incense cedar*	Libocedrus decurrens
Western red cedar*	Thuja plicata
Cottonwood	Populus balsamifera, deltoides, sargentii, heterophylla
White fir	Abies concolor, grandis, amabilis, lasiocarpa, magnifica
Hackberry	Celtis occidentalis, laevigata (2)
Eastern hemlock	Tsuga canadensis
Holly	Ilex opaca
Soft maple	Acer saccharinum
Lodgepole pine	Pinus contorta
Idaho white pine	Pinus monticola
Northern white pine	Pinus strobus
Ponderosa pine	Pinus ponderosa, pinus jeffreyi (Jeffrey pine)
Sugar pine	Pinus lambertiana
Engelmann spruce	Picea engelmannii

NOTE 1: The common and scientific names of species used conform to the American Lumber Standards nomenclature and in most cases to U.S. Department of Agriculture Handbook No. 41, "Check List of Native and Naturalized Trees of the United States (including Alaska)," by Elbert L. Little. These publications can be obtained from the Superintendent of Documents, Washington D.C. 20225.

NOTE 2: This species is commonly associated with others of the same genus under American Lumber Standards nomenclature, but no strength tests have been made on it at the Forest Products Laboratory.

NOTE 3: Included under soft maple in American Lumber Standards nomenclature.

NOTE 4: This species is not included under this common name in American Lumber Standards nomenclature, but strength data are available and it is accordingly included in this classification.

**AMENDATORY SECTION** (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

**WAC 296-24-82507 TUBE AND COUPLER SCAFFOLDS.** (1) A light-duty tube and coupler scaffold shall have all posts, bearers, runners, and bracing of nominal 2-inch O.D. steel tubing. The posts shall be spaced no more than 6 feet apart by 10 feet along the length of the scaffold. Other structural metals when used must be designed to carry an equivalent load.

(2) A medium-duty tube and coupler scaffold shall have all posts, runners, and bracing of nominal 2-inch O.D. steel tubing. Posts spaced not more than 6 feet apart by 8 feet along the length of the scaffold shall have bearers of nominal 2 1/2-inch O.D. steel tubing. Posts spaced not more than 5 feet apart by 8 feet along the length of the scaffold shall have bearers of nominal 2-inch O.D. steel tubing. Other structural metals when used must be designed to carry an equivalent load.

(3) A heavy-duty tube and coupler scaffold shall have all posts, runners, and bracing of nominal 2-inch O.D. steel tubing, with the posts spaced not more than 6 feet apart by 6 feet 6 inches along the length of the scaffold. Other structural metals when used must be designed to carry an equivalent load.

(4) Tube and coupler scaffolds shall be limited in heights and working levels to those permitted in tables D-13, 14, and 15. Drawings and specifications of all tube and coupler scaffolds above the limitations in tables D-13, 14, and 15 shall be designed by a registered professional engineer and copies made available to the employer and for inspection purposes.

(5) All tube and coupler scaffolds shall be constructed and erected to support four times the maximum intended loads as set forth in tables D-13, 14, and 15, or as set forth in the specifications by a registered professional engineer, copies which shall be made available to the employer and for inspection purposes.

(6) All tube and coupler scaffolds shall be erected by competent and experienced personnel.

(7) Posts shall be accurately spaced, erected on suitable bases, and maintained plumb.

(8) Runners shall be erected along the length of the scaffold located on both the inside and the outside posts at even height. Runners shall be interlocked to form continuous lengths and coupled to each post. The bottom runners shall be located as close to the base as possible. Runners shall be placed not more than 6 feet 6 inches on centers.

(9) Bearers shall be installed transversely between posts and shall be securely coupled to the posts bearing on the runner coupler. When coupled directly to the runners, the coupler must be kept as close to the posts as possible.

(10) Bearers shall be at least 4 inches but not more than 12 inches longer than the post spacing or runner spacing. Bearers may be cantilevered for use as brackets to carry not more than two planks.

(11) Cross bracing shall be installed across the width of the scaffold at least every third set of posts horizontally and every fourth runner vertically. Such bracing

shall extend diagonally from the inner and outer runners upward to the next outer and inner runners.

(12) Longitudinal diagonal bracing shall be installed at approximately a 45-degree angle from near the base of the first outer post upward to the extreme top of the scaffold. Where the longitudinal length of the scaffold permits, such bracing shall be duplicated beginning at every fifth post. In a similar manner, longitudinal diagonal bracing shall also be installed from the last post extending back and upward toward the first post. Where conditions preclude the attachment of this bracing to the posts, it may be attached to the runners.

(13) The entire scaffold shall be tied to and securely braced against the building at intervals not to exceed 30 feet horizontally and 26 feet vertically.

(14) Guardrails not less than 2 x 4 inches nominal lumber or the equivalent and not less than 36 inches or more than 42 inches high, with a mid-rail, when required, of 1 x 4-inch nominal lumber or equivalent, and toeboards, shall be installed at all open sides on all scaffolds more than ((8)) 10 feet above the ground or floor. Toeboards shall be a minimum of 4 inches in height. Wire mesh shall be installed in accordance with WAC 296-24-82503(17). (See tables D-13, 14 and 15.)

**TABLE D-13  
TUBE AND COUPLER SCAFFOLDS  
LIGHT DUTY**

Uniformly distributed load — Not to exceed 25 p.s.f.  
Post spacing (longitudinal) — 10 ft. 0 in.  
Post spacing (transverse) — 6 ft. 0 in.

Working levels	Additional planked levels	Maximum height
1	8	125 ft.
2	4	125 ft.
3	0	91 ft. 0 in.

**TABLE D-14  
TUBE AND COUPLER SCAFFOLDS  
MEDIUM DUTY**

Uniformly distributed load — Not to exceed 50 p.s.f.  
Post spacing (longitudinal) — 8 ft. 0 in.  
Post spacing (transverse) — 6 ft. 0 in.

Working levels	Additional planked levels	Maximum height
1	6	125 ft.
2	0	78 ft. 0 in.

**TABLE D-15  
TUBE AND COUPLER SCAFFOLDS  
HEAVY DUTY**

Uniformly distributed load — Not to exceed 75 p.s.f.  
Post spacing (longitudinal) — 6 ft. 6 in.  
Post spacing (transverse) — 6 ft. 0 in.

Working levels	Additional planked levels	Maximum height
1	6	125 ft.

**AMENDATORY SECTION** (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

**WAC 296-24-82509 TUBULAR WELDED FRAME SCAFFOLDS.** (1) Metal tubular frame scaffolds, including accessories such as braces, brackets, trusses, screw legs, ladders, etc., shall be designed and proved to safely support four times the maximum intended load.

(2) Spacing of panels or frames shall be consistent with the loads imposed.

(3) Scaffolds shall be properly braced by cross bracing or diagonal braces, or both, for securing vertical members together laterally, and the cross braces shall be of such length as will automatically square and align vertical members so that the erected scaffold is always plumb, square, and rigid. All brace connections shall be made secure.

(4) Scaffold legs shall be set on adjustable bases or plain bases placed on mud sills or other foundations adequate to support the maximum intended load.

(5) The frames shall be placed one on top of the other with coupling or stacking pins to provide proper vertical alinement of the legs.

(6) Where uplift may occur, panels shall be locked together vertically by pins or other equivalent suitable means.

(7) Guardrails not less than 2 x 4 inches or the equivalent and not less than 36 inches or more than 42 inches high, with a mid-rail, when required, of 1-x 4-inch nominal lumber or equivalent, and toeboards, shall be installed at all open sides on all scaffolds more than ((8)) 10 feet above the ground or floor. Toeboards shall be a minimum of 4 inches nominal lumber in height. Wire mesh shall be installed in accordance with WAC 296-24-82503(17).

(8) All tubular metal scaffolds shall be constructed and erected to support four times the maximum intended loads.

(9) To prevent movement, the scaffold shall be secured to the building or structure at intervals not to exceed 30 feet horizontally and 26 feet vertically.

(10) Maximum permissible spans of planking shall be in conformity with WAC 296-24-82503(9).

(11) Drawings and specifications for all frame scaffolds over 125 feet in height above the base plates shall be designed by a registered professional engineer and copies made available to the employer and for inspection purposes.

(12) All tubular welded frame scaffolds shall be erected by competent and experienced personnel.

(13) Frames and accessories for scaffolds shall be maintained in good repair and every defect, unsafe condition, or noncompliance with this section shall be immediately corrected before further use of the scaffold. Any broken, bent, excessively rusted, altered, or otherwise structurally damaged frames or accessories shall not be used.

(14) Periodic inspections shall be made of all welded frames and accessories, and any maintenance, including painting, or minor corrections authorized by the manufacturer, shall be made before further use.

**AMENDATORY SECTION** (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

**WAC 296-24-82515 TWO-POINT SUSPENSION SCAFFOLDS (SWINGING SCAFFOLDS).** (1) Two-point suspension scaffold platforms shall be not less than 20 inches nor more than 36 inches wide overall. The platform shall be securely fastened to the hangers by U-bolts or by other equivalent means.

(2) The hangers of two-point suspension scaffolds shall be made of wrought iron, mild steel, or other equivalent material having a cross-sectional area capable of sustaining four times the maximum intended load, and shall be designed with a support for guardrail, intermediate rail, and toeboard.

(3) When hoisting machines are used on two-point suspension scaffolds, such machines shall be of a design tested and approved by Underwriters' Laboratories or Factory Mutual Engineering Corp.

(4) The roof irons or hooks shall be of wrought iron, mild steel, or other equivalent material of proper size and design, securely installed and anchored. Tiebacks of ((three-fourth)) 3/4-inch manila rope or the equivalent shall serve as a secondary means ((σ)) of anchorage, installed at right angles to the face of the building whenever possible and secured to a structurally sound portion of the building.

(5) Guardrails not less than 2 x 4 inches or the equivalent and not less than 36 inches or more than 42 inches high, with a mid-rail, when required, of 1-x 4-inch nominal lumber or equivalent, and toeboards, shall be installed at all open sides on all scaffolds more than ((8)) 10 feet above the ground or floor. Toeboards shall be a minimum of 4 inches nominal lumber in height. Wire mesh shall be installed in accordance with WAC 296-24-82503(17).

(6) Two-point suspension scaffolds shall be suspended by wire or fiber ropes. Wire and fiber ropes shall conform to WAC 296-24-82503(22).

(7) The blocks for fiber ropes shall be of standard 6-inch size, consisting of at least one double and one single block. The sheaves of all blocks shall fit the size of rope used.

(8) All wire ropes, fiber ropes, slings, hangers, platforms, and other supporting parts shall be inspected before every installation. Periodic inspections shall be made while the scaffold is in use.

(9) On suspension scaffolds designed for a working load of 500 pounds no more than two men shall be permitted to work at one time. On suspension scaffolds with a working load of 750 pounds, no more than three men shall be permitted to work at one time. Each workman shall be protected by a safety lifeline attached to a lifeline. The lifeline shall be securely attached to substantial members of the structure (not scaffold), or to securely rigged lines, which will safely suspend the workman in case of a fall.

(10) Where acid solutions are used, fiber ropes are not permitted unless acid-proof.

(11) Two-point suspension scaffolds shall be securely lashed to the building or structure to prevent them from

swaying. Window cleaners' anchors shall not be used for this purpose.

(12) The platform of every two-point suspension scaffold shall be one of the following types:

(a) The side stringer of ladder-type platforms shall be clear straight-grained spruce or materials of equivalent strength and durability. The rungs shall be of straight-grained oak, ash, or hickory, at least 1 1/8 inch in diameter, with seven-eighth inch tenons mortised into the side stringers at least seven-eighth inch. The stringers shall be tied together with the tie rods not less than one-quarter inch in diameter, passing through the stringers and riveted up tight against washers on both ends. The flooring strips shall be spaced not more than five-eighth inch apart except at the side rails where the space may be 1 inch. Ladder-type platforms shall be constructed in accordance with table D-17.

(b) Plank-type platforms shall be composed of not less than nominal 2- x 8-inch unspliced planks, properly cleated together on the underside starting 6 inches from each end; intervals in between shall not exceed 4 feet. The plank-type platform shall not extend beyond the hangers more than 18 inches. A bar or other effective means shall be securely fastened to the platform at each end to prevent its slipping off the hanger. The span between hangers for plank-type platforms shall not exceed 10 feet.

(c) Beam platforms shall have side stringers of lumber not less than 2 x 6 inches set on edge. The span between hangers shall not exceed 12 feet when beam platforms are used. The flooring shall be supported on 2- and 6-inch crossbeams, laid flat and set into the upper edge of the stringers with a snug fit, at intervals of not more than 4 feet, securely nailed in place. The flooring shall be of 1- x 6-inch material properly nailed. Floorboards shall not be spaced more than one-half inch apart. (See table D-17.)

**AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)**

**WAC 296-24-82517 STONE SETTERS' ADJUSTABLE MULTIPLE-POINT SUSPENSION SCAFFOLDS.** (1) The scaffold shall be capable of sustaining a working load of 25 pounds per square foot and shall not be overloaded. Scaffolds shall not be used for storage of stone or other heavy materials.

(2) The hoisting machine and its supports shall be of a type tested and listed by Underwriters' Laboratories or Factory Mutual Engineering Corp.

(3) The platform shall be securely fastened to the hangers by U-bolts or other equivalent means.

(4) The scaffold unit shall be suspended from metal outriggers, iron brackets, wire rope slings, or iron hooks which will safely support the maximum intended load.

(5) Outriggers when used shall be set with their webs in a vertical position, securely anchored to the building or structure and provided with stop bolts at each end.

(6) The scaffold shall be supported by wire rope conforming with WAC 296-24-82503(22), suspended from overhead supports.

(7) The free ends of the suspension wire ropes shall be equipped with proper size thimbles, secured by splicing

or other equivalent means. The running ends shall be securely attached to the hoisting drum and at least four turns of rope shall remain on the drum at all times.

(8) Guardrails not less than 2 by 4 inches or the equivalent and not less than 36 inches or more than 42 inches high, with a mid-rail, when required, of 1- by 4-inch nominal lumber or equivalent, and toeboards, shall be installed at all open sides on all scaffolds more than ((8)) 10 feet above the ground or floor. Toeboards shall be a minimum of 4 inches nominal lumber in height. Wire mesh shall be installed in accordance with WAC 296-24-82503(17).

(9) When two or more scaffolds are used on a building or structure they shall not be bridged one to the other but shall be maintained at even height with platforms butting closely.

(10) Each scaffold shall be installed or relocated in accordance with designs and instructions of a registered professional engineer, and such installation or relocation shall be supervised by a competent designated person to comply with requirements of this section.

**AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)**

**WAC 296-24-82521 BOATSWAIN'S CHAIRS.**

(1) The chair seat shall be not less than 12 by 24 inches, and of 1-inch thickness. The seat shall be reinforced on the underside to prevent the board from splitting.

(2) The two fiber rope seat slings shall be of 5/8-inch diameter, reeved through the four seat holes so as to cross each other on the underside of the seat.

**TABLE D-17  
SCHEDULE FOR LADDER-TYPE PLATFORMS**

	Length of platform (feet)				
	12	14&16	18&20	22&24	28&30
<b>Side Stringers, minimum cross section (finished sizes):</b>					
At ends (in.)	1 3/4 x2 3/4	1 3/4 x2 3/4	1 3/4 x3	1 3/4 x3	1 3/4 x3 1/2
At middle (in.)	1 3/4 x3 3/4	1 3/4 x3 3/4	1 3/4 x4	1 3/4 x4 1/4	1 3/4 x5
<b>Reinforcing strip (minimum)</b>	A 1/8x7/8-in. steel reinforcing strip or its equivalent shall be attached to the side or underside, full length.				
<b>Rungs</b>	Rungs shall be 1 1/8-in. minimum diameter with at least 7/8-in. diameter tenons, and the maximum spacing shall be 12 in. center to center.				
<b>Tie rods:</b>					
Number (minimum)	3	4	4	5	6
Diameter (minimum)	1/4 in.	1/4 in.	1/4 in.	1/4 in.	1/4 in.
<b>Flooring, minimum finished size (in.)</b>	1/2 x2 3/4	1/2 x2 3/4	1/2 x2 3/4	1/2 x2 3/4	1/2 x2 3/4

(3) Seat slings shall be of at least 3/8-inch wire rope when a workman is conducting a heat producing process such as gas or arc welding.

(4) The workman shall be protected by a safety life belt attached to a lifeline. The lifeline shall be securely attached to substantial members of the structure (not scaffold), or to securely rigged lines, which will safely suspend the worker in case of a fall.

(5) The tackle shall consist of correct size ball bearing or bushed blocks and properly spliced 5/8-inch diameter first-grade manila rope or equivalent strength synthetic-fiber rope.

(6) The roof irons, hooks, or the object to which the tackle is anchored shall be securely installed. Tiebacks when used shall be installed at right angles to the face of the building and securely fastened to a chimney.

**AMENDATORY SECTION** (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

**WAC 296-24-82529 NEEDLE BEAM SCAFFOLD.** (1) Wood needle beams shall be in accordance with WAC 296-24-82503(5) and (9) and shall be not less than 4 by 6 inches in size, with the greater dimension placed in a vertical direction. Metal beams or the equivalent conforming to WAC 296-24-82503(4) and (8) may be used.

(2) Ropes or hangers shall be provided for supports. The span between supports on the needle beam shall not exceed 10 feet for 4- by 6-inch timbers. Rope supports shall be equivalent in strength to 1-inch diameter first-grade manila rope.

(3) The ropes shall be attached to the needle beams by a scaffold hitch or a properly made eye splice. The loose end of the rope shall be tied by a bowline knot or by a round turn and one-half hitch.

(4) The platform span between the needle beams shall not exceed 8 feet when using 2-inch scaffold plank. For spans greater than 8 feet, platforms shall be designed based on design requirements for the special span. The overhang of each end of the platform planks shall be not less than 1 foot and not more than 18 inches.

(5) When one needle beam is higher than the other or when the platform is not level the platform shall be secured against slipping.

(6) All unattached tools, bolts, and nuts used on needle beam scaffolds shall be kept in suitable containers.

(7) One end of a needle beam scaffold may be supported by a permanent structural member conforming to WAC 296-24-82503(4) and (8).

(8) Each man working on a needle beam scaffold ((20)) 10 feet or more above the ground or floor ((and working with both hand)), shall be protected by a safety life belt attached to a lifeline. The lifeline shall be securely attached to substantial members of the structure (not scaffold), or to securely rigged lines, which will safely suspend the workman in case of a fall.

**AMENDATORY SECTION** (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

**WAC 296-24-82531 PLASTERERS', DECORATORS', AND LARGE AREA SCAFFOLDS.** (1) Plasterers', decorators', lathers', and ceiling workers' inside scaffolds shall be constructed in accordance with the

general requirements set forth for independent wood pole scaffolds.

(2) Guardrails not less than 2 by 4 inches nominal lumber or the equivalent and not less than 36 inches or more than 42 inches high, with a mid-rail, when required, of 1- by 4-inch nominal lumber or equivalent, and toeboards, shall be installed at all open sides on all scaffolds more than ((8)) 10 feet above the ground or floor. Toeboards shall be a minimum of 4 inches nominal lumber in height. Wire mesh shall be installed in accordance with WAC 296-24-82503(17).

(3) All platform planks shall be laid with the edges close together to the point where material cannot fall through.

(4) When independent pole scaffold platforms are erected in sections such sections shall be provided with connecting runways equipped with substantial guardrails.

**AMENDATORY SECTION** (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

**WAC 296-24-82533 INTERIOR HUNG SCAFFOLDS.** (1) An interior hung scaffold should be hung or suspended from the roof structure or substantial ceiling beams.

(2) The suspended steel wire rope shall conform to WAC 296-24-82503(22). Wire may be used providing the strength requirements of WAC 296-24-82503(22) are met.

(3) For hanging wood scaffolds, the following minimum nominal size material is recommended:

(a) Supporting bearers 2 by 9 inches on edge.

(b) Planking 2 by 9 inches or 2 by 10 inches, with maximum span 7 feet for heavy duty and 10 feet for light duty or medium duty.

(4) Steel tube and coupler members may be used for hanging scaffolds with both types of scaffold designed to sustain a uniform distributed working load up to heavy duty scaffold loads with a safety factor of four.

(5) When a hanging scaffold is supported by means of wire rope, such wire rope shall be wrapped at least twice around the supporting members and twice around the bearers of the scaffold, with each end of the wire rope secured by at least three standard wire-rope clips.

(6) All overhead supporting members shall be inspected and checked for strength before the scaffold is erected.

(7) Guardrails not less than 2 by 4 inches nominal lumber or the equivalent and not less than 36 inches or more than 42 inches high, with a mid-rail, when required, of at least 1- by 4-inch lumber or equivalent, and toeboards, shall be installed at all open sides on all scaffolds more than ((8)) 10 feet above the ground or floor. Toeboards shall be a minimum of 4 inches nominal lumber in height. Wire mesh shall be installed in accordance with WAC 296-24-82503(17).

**AMENDATORY SECTION** (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

**WAC 296-24-84003 GENERAL REQUIREMENTS.** (1) Application. This section is intended to

prescribe rules and requirements for the design, construction, and use of mobile work platforms (including ladder stands but not including aerial ladders) and rolling (mobile) scaffolds (towers). This standard is promulgated to aid in providing for the safety of life, limb, and property, by establishing minimum standards for structural design requirements and for the use of mobile work platforms and towers.

(2) Working loads.

(a) Work platforms and scaffolds shall be capable of carrying the design load under varying circumstances depending upon the conditions of use. Therefore, all parts and appurtenances necessary for their safe and efficient utilization must be integral parts of the design.

(b) Specific design and construction requirements are not a part of this section because of the wide variety of materials and design possibilities. However, the design shall be such as to produce a mobile ladder stand or scaffold that will safely sustain the specified loads. The material selected shall be of sufficient strength to meet the test requirements and shall be protected against corrosion or deterioration.

(i) The design working load of ladder stands shall be calculated on the basis of one or more 200-pound persons together with 50 pounds of equipment each.

(ii) The design load of all scaffolds shall be calculated on the basis of:

Light—Designed and constructed to carry a working load of 25 pounds per square foot.

Medium—Designed and constructed to carry a working load of 50 pounds per square foot.

Heavy—Designed and constructed to carry a working load of 75 pounds per square foot.

All ladder stands and scaffolds shall be capable of supporting at least four times the design working load.

(c) Materials used in mobile ladder stands and scaffolds shall be of standard manufacture and conform to specifications of this section for strength, dimensions, and weights, and shall be selected to safely support the design working load.

(d) Nails, bolts, or other fasteners used in the construction of ladders, scaffolds, and towers shall be of adequate size and in sufficient numbers at each connection to develop the designed strength of the unit. Nails shall be driven full length. (All nails should be immediately withdrawn from dismantled lumber.)

(e) All exposed surfaces shall be free from sharp edges, burrs or other safety hazards.

(3) Work levels.

(a) The maximum work level height shall not exceed four (~~(4)~~) times the minimum or least base dimension of any mobile ladder stand or scaffold. Where the basic mobile unit does not meet this requirement, suitable outrigger frames shall be employed to achieve this least base dimension, or provisions shall be made to guy or brace the unit against tipping.

(b) The minimum platform width for any work level shall not be less than 20 inches for mobile scaffolds (towers). Ladder stands shall have a minimum step width of 16 inches.

(c) The supporting structure for the work level shall be rigidly braced, using adequate cross bracing or diagonal bracing with rigid platforms at each work level.

(d) The steps of ladder stands shall be fabricated from slip resistant treads.

(e) The work level platform of scaffolds (towers) shall be of wood, aluminum, or plywood planking, steel or expanded metal, for the full width of the scaffold, except for necessary openings. Work platforms shall be secured in place. All planking shall be 2-inch (nominal) scaffold grade minimum 1,500 f. (stress grade) construction grade lumber or equivalent.

(f) All scaffold work levels (~~(8)~~) 10 feet or higher above the ground or floor shall have a standard (4-inch nominal) toeboard.

(g) All work levels (~~(8)~~) 10 feet or higher above the ground or floor shall have a guardrail of 2- by 4-inch nominal lumber or the equivalent installed no less than 36 inches or more than 42 inches high, with a mid-rail, when required, of at least 1- by 4-inch nominal lumber or equivalent.

(h) A climbing ladder (~~(or)~~), stairway, or equivalent shall be provided for proper access and egress, and shall be affixed or built into the scaffold and so located that its use will not have a tendency to tip the scaffold. A landing platform shall be provided at intervals not to exceed 30 feet.

(4) Wheels or casters.

(a) Wheels or casters shall be properly designed for strength and dimensions to support four (~~(4)~~) times the design working load.

(b) All scaffold casters shall be provided with a positive wheel and/or swivel lock to prevent movement. Ladder stands shall have at least two (~~(2)~~) of the four (~~(4)~~) casters and shall be of the swivel type.

(c) Where leveling of the elevated work platform is required, screw jacks or other suitable means for adjusting the height shall be provided in the base section of each mobile unit.

**AMENDATORY SECTION** (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

**WAC 296-24-85503 FORGING MACHINE AREA.** (1) Machines shall be so located as to give (a) enough clearance between machines so that the movement of one operator will not interfere with the work of another, (b) ample room for cleaning machines and handling the work, including material and scrap. The arrangement of machines shall be such that operators will not stand in aisles.

(2) Aisles shall be provided of sufficient width to permit the free movement of employees bringing and removing material. This aisle space is to be independent of working and storage space and should be defined by marking.

(3) Wood platforms used on the floor in front of machines shall be substantially constructed with nonslip surfaces.

**NEW SECTION****WAC 296-24-663 SAFETY REQUIREMENTS FOR POWDER ACTUATED FASTENING SYSTEMS.****NEW SECTION**

**WAC 296-24-66301 SCOPE.** This standard provides safety requirements for a powder actuated fastening tool or machine which propels a stud, pin, fastener, or other object for the purpose of affixing it by penetration to another object.

This standard does not apply to devices designed for attaching objects to soft construction materials, such as wood, plaster, tar, dry wallboard, and the like, or to stud welding equipment.

**NEW SECTION**

**WAC 296-24-66303 PURPOSE.** The purpose of this standard is to provide reasonable safety for life, limb, and property, by establishing requirements for design, construction, operation, service, and storage of powder actuated fastening tools, fasteners, and power loads.

**NEW SECTION**

**WAC 296-24-66305 DEFINITIONS APPLICABLE TO THIS SECTION.** (1) Angle control – a safety feature designed to prevent a tool from operating when tilted beyond a predetermined angle.

(2) Approved – meeting the requirements of this standard and acceptable to the Department of Labor and Industries, Division of Industrial Safety and Health.

(3) Cased power load – a power load with the propellant contained in a closed case.

(4) Caseless power load – a power load with the propellant in solid form not requiring containment.

(5) Chamber (noun) – the location in the tool into which the power load is placed and in which it is actuated.

(6) Chamber (verb) – to fit the chamber according to manufacturer's specifications.

(7) Fasteners – any pins (unthreaded heads) or studs (threaded heads) driven by powder actuated tools.

(8) Fixture – a special shield that provides equivalent protection where the standard shield cannot be used.

(9) Head – that portion of a fastener that extends above the work surface after being properly driven.

(10) Misfire – a condition in which the power load fails to ignite after the tool has been operated.

(11) Powder actuated fastening system – a method comprising the use of a powder actuated tool, a power load, and a fastener.

(12) Powder actuated tool (also known as tool) – a tool that utilizes the expanding gases from a power load to drive a fastener.

(13) Power load – the energy source used in powder actuated tools.

(14) Qualified operator – a person who meets the requirements of WAC 296-24-66321(1) and (2).

(15) Shield – a device, attached to the muzzle end of a tool, which is designed to confine flying particles.

(16) Spalled area – a damaged and nonuniform concrete or masonry surface.

(17) Test velocity – the measurement of fastener velocity performed in accordance with WAC 296-24-66307(1)(m).

(18) Tools – tools can be divided into two types: Direct acting and indirect acting; and three classes: Low velocity, medium velocity, and high velocity.

(a) Direct-acting tool – a tool in which the expanding gas of the power load acts directly on the fastener to be driven.

(b) Indirect-acting tool – a tool in which the expanding gas of the power load acts on a captive piston, which in turn drives the fastener.

(c) Low-velocity tool – a tool whose test velocity has been measured ten times while utilizing the highest velocity combination of:

(i) The lightest commercially available fastener designed for that specific tool;

(ii) The strongest commercially available power load that will properly chamber in the tool;

(iii) The piston designed for that tool and appropriate for that fastener; that will produce an average test velocity from the ten tests not in excess of 100 meters per second (328 feet per second) with no single test having a velocity of over 108 m/s (354 ft/s).

(d) Medium-velocity tool – a tool whose test velocity has been measured ten times while utilizing the highest velocity combination of:

(i) The lightest commercially available fastener designed for the tool;

(ii) The strongest commercially available power load that will properly chamber in the tool;

(iii) The piston designed for that tool and appropriate for that fastener; that will produce an average test velocity from ten tests in excess of 100 m/s (328 ft/s) but not in excess of 150 m/s (492 ft/s) with no single test having a velocity of 160 m/s (525 ft/s).

(e) High-velocity tool – a tool whose test velocity has been measured ten times while utilizing the combination of:

(i) The lightest commercially available fastener designed for the tool;

(ii) The strongest commercially available power load which will properly chamber in the tool; that will produce an average velocity from the ten tests in excess of 150 m/s (492 ft/s).

**NEW SECTION**

**WAC 296-24-66307 REQUIREMENTS.** (1) General.

(a) The tool shall be designed to prevent inadvertent actuation.

(b) The tool shall be designed to prevent actuation when dropped in any attitude from a height of 3 meters (10 ft) onto a smooth, hard surface such as concrete or steel, if such actuation can propel a fastener or any part thereof in free flight.

(c) Actuation of the tool shall be dependent upon at least two separate and distinct operations by the operator, with at least one operation being separate from the operation of holding the tool against the work surface.

(d) The tool shall be designed not to be operable other than against a work surface with a force on the work surface equal to 22 newtons (5 lb.) greater than the weight of the tool or a minimum impact energy of 4 joules (3 ft-lb).

(e) All tools shall be designed so that compatible protective shields or fixtures, designed, built, and supplied by the manufacturer of the tool, can be used (see WAC 296-24-66307(2)(b), (3)(b), (4)(b) and 296-24-66313(8)).

(f) The tool shall be designed so that a determinable means of varying the power levels is available for selecting a power level adequate to perform the desired work (see WAC 296-24-66309(5)).

(g) The tool shall be designed so that all principal functional parts can be checked for foreign matter that may affect operation.

(h) The tool shall be designed so that all parts will be of adequate strength to resist maximum stresses imposed upon actuation when the tool is used in accordance with the manufacturer's instructions and is powered by any commercially available power load which will properly chamber in the tool.

(i) Each tool shall bear a legible permanent model designation, which shall serve as a means of identification. Each tool shall also bear a legible, permanent manufacturer's unique serial number.

(j) A lockable container shall be provided for each tool. The words "POWDER ACTUATED TOOL" shall appear in plain sight on the outside of the container. The following notice shall be attached on the inside cover of the container:

**"WARNING - POWDER ACTUATED TOOL. TO BE USED ONLY BY A QUALIFIED OPERATOR AND KEPT UNDER LOCK AND KEY WHEN NOT IN USE."**

(k) Each tool shall bear a durable warning label with the following statement, or the equivalent:

**"WARNING - FOR USE ONLY BY QUALIFIED OPERATORS ACCORDING TO MANUFACTURER'S INSTRUCTION MANUAL."**

(l) Each tool shall be supplied with the following:

(i) Operator's instruction and service manual.

(ii) Power load chart.

(iii) Tool inspection record.

(iv) Service tools and accessories.

(m) In determining tool test velocities, the velocity of the fastener shall be measured in free flight at a distance of 2 meters (6-1/2 ft) from the muzzle end of the tool, using accepted ballistic test methods.

(2) Design requirements - low-velocity class.

(a) Low-velocity tools, indirect-acting (piston) type, as defined in WAC 296-24-66305, shall meet the requirements of WAC 296-24-66307(1).

(b) A shield shall be supplied with each tool.

(3) Design requirements - medium-velocity class.

(a) Medium-velocity tools, indirect-acting (piston) type, as defined in WAC 296-24-66305, shall meet the requirements of WAC 296-24-66307(1).

(b) The tool shall have a shield at least 63 mm (2-1/2 in) in diameter mounted perpendicular to, and concentric with, the muzzle end, when it is indexed to the center position. A special shield or fixture may be used when it provides equivalent protection.

(c) The tool shall be designed so that it cannot be actuated unless it is equipped with a shield or fixture.

(d) The tool shall be designed with angle control so that it will not actuate when equipped with the standard shield indexed to the center position if the bearing surface of the shield is tilted more than 12 degrees from a flat surface.

(4) Design requirements - high-velocity class.

(a) High-velocity tools, direct-acting or indirect-acting type, as defined in WAC 296-24-66305, shall meet the requirements of WAC 296-24-66307(1).

(b) The tool shall have a shield at least 88 mm (3-1/2 in) in diameter mounted perpendicular to, and concentric with, the muzzle end, when it is indexed to the center position. A special shield or fixture may be used when it provides equivalent protection.

(c) The tool shall be designed so that it cannot be actuated unless it is equipped with a shield or fixture.

(d) The tool shall be designed with angle control so that it will not actuate when equipped with the standard shield indexed to the center position, if the bearing surface of the shield is tilted more than eight degrees from a flat surface.

## NEW SECTION

WAC 296-24-66309 POWER LOADS. (1) Identification of cased power loads. Cased power loads shall be coded to identify power load levels by case color and power load color as specified in Table P-1.

(2) Identification of caseless power loads. Caseless power loads shall be coded to identify power load levels by power load color as specified in Table P-1 and by configuration.

(3) Power load use limitation. No power load (cased or caseless) shall be used if it will properly chamber in any existing commercially available tool and will cause a fastener to have a test velocity in excess of the maximum test velocities specified for the said tool.

(4) Identification of power load packages. Power load packages shall provide a visual number-color indication of the power level of the power load as specified in Table P-1.

(5) Optional power load variation. Where means other than power loads of varying power levels are to be used to control penetration, such means shall provide an equivalent power level variation.

## NEW SECTION

WAC 296-24-66311 FASTENERS. Fasteners for use in powder actuated tools shall be designed and manufactured to function compatibly with these tools and, when used in masonry, concrete, or steel, to effect properly the application for which they are recommended.

TABLE P-1  
Power Load Identification

Power Level	Color Identification		Nominal velocity	
	Case Color	Load Color	Meters per Second (± 13.5)	Feet per Second (± 45)
1	Brass	Gray	91	300
2	Brass	Brown	119	390
3	Brass	Green	146	480
4	Brass	Yellow	174	570
5	Brass	Red	201	660
6	Brass	Purple	229	750
7	Nickel	Gray	256	840
8	Nickel	Brown	283	930
9	Nickel	Green	311	1020
10	Nickel	Yellow	338	1110
11	Nickel	Red	366	1200
12	Nickel	Purple	393	1290

NOTE: The nominal velocity applies to a 9.53 mm (3/8-in) diameter 22.7-gram (350-grain) ballistic slug fired in a test device and has no reference to actual fastener velocity developed in any specific tool.

#### NEW SECTION

WAC 296-24-66313 OPERATION. (1) Only tools meeting the requirements of this standard shall be used.

(2) Only qualified operators shall operate tools.

(3) The lowest velocity class of tool that will properly set the fastener shall be used.

(4) Tools shall be operated in strict accordance with the manufacturer's instructions.

(5) Eye or face protection, or both, shall be worn by operators, assistants, and adjacent personnel when tool is in use. Hearing protection shall be used when making fastenings in confined areas.

(6) Each day, prior to use, the operator shall inspect the tool to determine that it is in proper working condition in accordance with the testing methods recommended by the manufacturer of the tool.

(7) Any tool found not to be in proper working condition shall be immediately removed from service and tagged "DEFECTIVE"; it shall not be used until it has been properly repaired in accordance with the manufacturer's instructions.

(8) The proper shield, fixture, adapter, or accessory, suited for the application, as recommended and supplied by the manufacturer, shall be used.

(9) Only those types of fasteners and power loads recommended by the tool manufacturer shall be used.

(10) Before fastening into any questionable material, the operator shall determine its suitability by using a fastener as a center punch. If the fastener point does not easily penetrate, is not blunted, and does not fracture the material, initial test fastenings shall then be made in accordance with the tool manufacturer's recommendations. (See WAC 296-24-66315(3)).

(11) No tool shall be loaded unless it is being prepared for immediate use. If the work is interrupted after loading, the tool shall be unloaded at once.

(12) Tools shall not be loaded until just prior to the intended firing time. Neither loaded nor empty tools are

to be pointed at any person; hands shall be kept clear of the open barrel end.

(13) The tool shall always be held perpendicular to the work surface when fastening into any material, except for specific applications recommended by the tool manufacturer.

(14) In the event of a misfire, the operator shall hold the tool firmly against the work surface for a period of thirty seconds and then follow the explicit instructions set forth in the manufacturer's instructions.

(15) Power loads of different power levels and types shall be kept in separate compartments or containers.

(16) A sign, at least 20 x 25 cm (8 x 10 in), using boldface type no less than 2.5 cm (1 in) in height, shall be posted in plain sight on all construction projects where tools are used. The sign shall bear wording similar to the following: "POWDER ACTUATED TOOL IN USE."

#### NEW SECTION

##### WAC 296-24-66315 LIMITATIONS OF USE.

(1) The tool shall not be used in an explosive or flammable atmosphere.

(2) A tool shall never be left unattended in a place where it would be available to unauthorized persons.

(3) Fasteners shall not be driven into very hard or brittle materials including, but not limited to, cast iron, glazed tile, hardened steel, glass block, natural rock, hollow tile, or most brick. (See WAC 296-24-66313(10)).

(4) Fasteners shall not be driven into easily penetrated or thin materials, or materials of questionable resistance, unless backed by a material that will prevent the fastener from passing completely through the other side.

(5) Fasteners shall not be driven closer than 13 mm (1/2 in) from the edge of steel except for specific applications recommended by the tool manufacturer.

(6) Fasteners shall not be driven closer than 7.5 cm (3 in) from the unsupported edge of masonry materials except for specific applications recommended by the tool manufacturer.

(7) Fasteners shall not be driven into concrete unless material thickness is at least three times the fastener shank penetration.

(8) Fasteners shall not be driven into any spalled area.

(9) Fasteners shall not be driven through existing holes unless a specific guide means, as recommended and supplied by the tool manufacturer, is used to ensure positive alignment.

#### NEW SECTION

##### WAC 296-24-66317 MAINTENANCE AND STORAGE.

(1) The tool shall be serviced and inspected for worn or damaged parts at regular intervals as recommended by the tool manufacturer. Prior to the tool being put back into use, all worn or damaged parts shall be replaced by a qualified person using only parts supplied by the tool manufacturer. A record of this inspection shall be noted and dated on the tool inspection record.

(2) Instruction manuals, maintenance tools, and accessories supplied with the tool shall be stored in the tool container when not in use.

(3) Powder actuated tools and power loads shall be locked in a container and stored in a safe place when not in use and shall be accessible only to authorized personnel.

**NEW SECTION**

**WAC 296-24-66319 AUTHORIZED INSTRUCTOR.** (1) Only persons trained and authorized by the tool manufacturer or by an authorized representative of the tool manufacturer shall be qualified to instruct and qualify operators for the manufacturer's powder actuated tools.

(2) All authorized instructors shall have read and be familiar with this standard, and shall be capable of:

(a) Disassembling, servicing, and reassembling the tool.

(b) Recognizing any worn or damaged parts or defective operation.

(c) Recognizing and clearly identifying the colors used to identify power load levels.

(d) Using the tool correctly within the limitations of its use.

(e) Training and testing operators prior to issuing a qualified operator's card.

(3) All authorized instructors shall have in their possession a valid authorized instructor's card issued and signed by an authorized representative of the manufacturer. The card shall be wallet size of approximately 6 x 9 cm (2-1/2 x 3-1/2 in), and the face of the card shall bear text similar to that shown in Figure P-1.

(4) A list of all instructors authorized by the manufacturer to instruct and qualify operators shall be maintained by the tool manufacturer and be made available to the Department of Labor and Industries, Division of Industrial Safety and Health, upon request.

(5) An instructor's card may be revoked by the authorizing agent or the Department of Labor and Industries, Division of Industrial Safety and Health, if he is known to have issued a qualified operator's card in violation of any regulation contained in this standard. When an instructor is no longer authorized to issue qualified operator's cards, he shall surrender his card to the authorizing agent or the Department of Labor and Industries, Division of Industrial Safety and Health.

**AUTHORIZED INSTRUCTOR**

\_\_\_\_ Powder Actuated Tools Date \_\_\_\_\_  
(MAKE)

Card No. \_\_\_\_\_ Social Security No. \_\_\_\_\_  
This certifies that \_\_\_\_\_

(NAME OF INSTRUCTOR)  
has received the prescribed training in the operation and maintenance of powder actuated tools manufactured by \_\_\_\_\_ and is qualified

(NAME OF MANUFACTURER)  
to train and certify operators of \_\_\_\_\_ (MAKE)

powder actuated tools.  
Model(s) \_\_\_\_\_  
Authorized by \_\_\_\_\_  
I have received instruction by the manufacturer's authorized representative in the training of operators of the above tools and agree to conform to all rules and regulations governing the instruction of tool operators.  
Date of Birth \_\_\_\_\_

\_\_\_\_\_  
(SIGNATURE)

Figure P-1  
Sample of Authorized Instructor's Card

**NEW SECTION**

**WAC 296-24-66321 QUALIFIED OPERATOR.**

(1) The operator shall be trained by an authorized instructor to be familiar with the provisions of this standard and the instructions provided by the manufacturer for operation and maintenance. The operator shall also be capable of:

(a) Reading and understanding the manufacturer's instruction manual.

(b) Cleaning the tool correctly.

(c) Recognizing any worn or damaged parts or defective operation.

(d) Recognizing the number-color code system used in this standard to identify power load levels. In the event the operator is unable to distinguish the colors used, he shall be given special instruction to enable him to avoid error.

(e) Using the tool correctly within the limitations of its use and demonstrating his competence by operating the tool in the presence of the instructor.

(2) After training, the operator shall, to substantiate his competency, satisfactorily complete a written examination provided by the manufacturer of the tool.

(a) The operator's written examination shall consist of questions to establish the operator's competence with respect to:

- (i) The requirements of this standard;
- (ii) The powder actuated fastening system; and
- (iii) The specific details of operation and maintenance of the tool(s) involved.

(b) The examination shall provide a statement, attested to by the instructor, that the applicant can (or cannot) readily distinguish the colors used to identify power load levels (see WAC 296-24-66309).

(3) Each applicant who meets the requirements as set forth in subsections (1) and (2) of this section shall receive a qualified operator's card, issued and signed by both the instructor and applicant. While using the tool, the operator shall have this card in his possession.

(4) The qualified operator's card supplied by the manufacturer shall be wallet size of approximately 6 x 9 cm (2-1/2 x 3-1/2 in), and the face of the card shall bear text similar to that shown in Figure P-2.

(5) There shall be printed on the card a notation reading:

"Revocation of card - Failure to comply with any of the rules and regulations for safe operation of powder actuated fastening tools shall be cause for the immediate revocation of this card."

**QUALIFIED OPERATOR**

\_\_\_\_ Powder Actuated Tools Date \_\_\_\_\_  
(MAKE)

Card No. \_\_\_\_\_ Social Security No. \_\_\_\_\_  
This certifies that \_\_\_\_\_

(NAME OF OPERATOR)  
has received the prescribed training in the operation of powder actuated tools manufactured by \_\_\_\_\_

\_\_\_\_\_  
(NAME OF MANUFACTURER)

Model(s) \_\_\_\_\_  
 Trained and issued by \_\_\_\_\_  
 \_\_\_\_\_  
 (SIGNATURE OF AUTHORIZED INSTRUCTOR)  
 I have received instruction in the safe operation and maintenance of powder actuated fastening tools of the makes and models specified and agree to conform to all rules and regulations governing that use  
 Date of Birth \_\_\_\_\_

\_\_\_\_\_  
 (SIGNATURE)

Figure P-2  
 Sample of Qualified Operator's Card

**REPEALER**

The following sections of the Washington Administrative Code are each repealed:

- (1) WAC 296-24-662 SAFETY REQUIREMENTS FOR EXPLOSIVE-ACTUATED FASTENING TOOLS.
- (2) WAC 296-24-66201 SCOPE.
- (3) WAC 296-24-66203 PURPOSE.
- (4) WAC 296-24-66205 DEFINITIONS.
- (5) WAC 296-24-66207 DESIGN REQUIREMENTS—HIGH VELOCITY TOOLS.
- (6) WAC 296-24-66209 LOW VELOCITY PISTON TOOLS.
- (7) WAC 296-24-66211 HAMMER-OPERATED PISTON TOOLS—LOW VELOCITY TYPE.
- (8) WAC 296-24-66213 REQUIREMENTS FOR LOADS AND FASTENERS.
- (9) WAC 296-24-66215 APPROVALS.
- (10) WAC 296-24-66217 OPERATION.
- (11) WAC 296-24-66219 SERVICING.
- (12) WAC 296-24-66221 QUALIFICATION AND CERTIFICATION OF OPERATORS.
- (13) WAC 296-24-66223 STORAGE OF EXPLOSIVE-ACTUATED TOOLS, INSTRUCTION BOOKS, CLEANING KITS, AND TOOLS.
- (14) WAC 296-24-66225 USE LOW VELOCITY TOOLS WHEN POSSIBLE.

**AMENDATORY SECTION** (Amending Order 76-6, filed 3/1/76)

WAC 296-24-82523 CARPENTERS' BRACKET SCAFFOLDS. (1) The brackets shall consist of a triangular wood frame not less than 2 by 3 inches in cross section, or of metal of equivalent strength. Each member shall be properly fitted and securely joined.

(2) Each bracket shall be attached to the structure by means of one of the following:

- (a) A bolt no less than ((~~five-eighths~~)) 5/8-inch in diameter which shall extend through the inside of the building wall.
- (b) A metal stud attachment device.
- (c) Welding to steel tanks.
- (d) Hooking over or securing through a well-secured and adequately strong supporting member.

The brackets shall be spaced no more than 10 feet apart.

(3) No more than two persons shall occupy any given 10 feet of a bracket scaffold at any one time. Tools and materials shall not exceed 75 pounds in addition to the occupancy.

(4) The platform shall consist of not less than two 2-by 10-inch nominal size planks extending not more than 10 inches or less than 6 inches beyond each end support.

(5) Guardrails not less than 2 by 4 inches or the equivalent and not less than 36 inches or more than 42 inches high, with a mid-rail, when required, of 1-by 4-inch lumber or equivalent, and toeboards, shall be installed at all open sides on all scaffolds more than ((8)) 10 feet above the ground or floor. Toeboards shall be a minimum of 4 inches in height. Wire mesh shall be installed in accordance with WAC 296-24-82503(17).

**AMENDATORY SECTION** (Amending Order 73-5, filed 5/9/73)

WAC 296-24-82527 HORSE SCAFFOLDS. (1) Horse scaffolds shall not be constructed or arranged more than two tiers or 10 feet in height.

(2) The members of the horses shall be not less than those specified in Table D-19.

(3) Horses shall be spaced not more than 5 feet for medium duty and not more than 8 feet for light duty.

(4) When arranged in tiers, each horse shall be placed directly over the horse in the tier below.

(5) On all scaffolds arranged in tiers, the legs shall be nailed down to the planks to prevent displacement or thrust and each tier shall be substantially cross braced.

TABLE D-19

MINIMUM DIMENSIONS FOR HORSE SCAFFOLD MEMBER

Members:	Dimensions (inches)
Horizontal members or bearers	3 by 4
Legs	1 1/4 by 4 1/2
Longitudinal brace between legs	1 by 6
Gusset brace at top of legs	1 by 8
Half diagonal braces	1 1/4 by 4 1/2

(6) Horses or parts which have become weak or defective shall not be used.

(7) Guardrails not less than 2 by 4 inches or the equivalent and not less than 36 inches or more than 42 inches high with a mid-rail, when required, of 1-by 4-inch lumber or equivalent and toeboards, shall be installed at all open sides on all scaffolds more than ((8)) 10 feet above the ground or floor. Toeboards shall be a minimum of 4 inches in height. Wire mesh shall be installed in accordance with WAC 296-24-82503(17).

**AMENDATORY SECTION** (Amending Order 78-10, filed 6/28/78)

WAC 296-27-030 LOG AND SUMMARY OF OCCUPATIONAL INJURIES AND ILLNESSES.

(1) Except as provided in subsection (2) of this section, each employer shall:

(a) Maintain in each establishment a log and summary of all recordable occupational injuries and illnesses for that establishment; and

(b) Enter each recordable injury and illness on the log as early as practicable, but no later than six working days after receiving information that a recordable case has occurred. For this purpose Form OSHA No. 200 or an equivalent which is as readable and comprehensible

to a person not familiar with it shall be used. The log and summary shall be completed in the detail provided in (~~{the forms and}~~) instructions on Form OSHA No. 200.

(2) Any employer may maintain the log and summary of all recordable occupational injuries and illnesses at a place other than the establishment or by means of data processing equipment, or both, if at each of the employer's establishments there is available a copy of the log and summary which reflects separately the injury and illness experience of that establishment complete and current to a date within (~~(45)~~) forty-five calendar days.

AMENDATORY SECTION (Amending Order 74-22, filed 5/6/74)

WAC 296-27-040 PERIOD COVERED BY LOGS. Logs and summaries of occupational injuries and illnesses shall be established on a calendar year basis. (~~The initial log shall include recordable occupational injuries and illnesses occurring on or after January 1, 1975.~~)

AMENDATORY SECTION (Amending Order 78-10, filed 6/28/78)

WAC 296-27-050 SUPPLEMENTARY RECORD. In addition to the log and summary of occupational injuries and illnesses provided for under WAC 296-27-030, each employer shall have available for inspection at each establishment or other location as specified in WAC 296-27-020 within six working days after receiving information that a recordable case has occurred, a supplementary record for each occupational injury or illness for that establishment. The record shall be completed in the detail prescribed in the instructions accompanying Form OSHA No. 101. The Department of Labor and Industries ACCIDENT REPORT FORM LI-210-130 may be used as an alternative to the Form OSHA 101. Other reports are acceptable alternative records if they contain the information required by Form OSHA No. 101. If no acceptable alternative record is maintained for other purposes, Form OSHA No. 101 shall be used for the necessary information or shall be otherwise maintained in a convenient form.

AMENDATORY SECTION (Amending Order 74-22, filed 5/6/74)

WAC 296-27-070 RETENTION OF RECORDS. Records provided for in WAC 296-27-030, (~~WAC~~) 296-27-050, and (~~WAC~~) 296-27-060(~~:~~) including Form OSHA No. 200 and its predecessor Forms WISHA No. 100 and WISHA No. 102 shall be retained in each establishment for five years following the end of the year to which they relate.

AMENDATORY SECTION (Amending Order 74-22, filed 5/6/74)

WAC 296-27-080 ACCESS TO RECORDS. (1) Each employer shall provide upon request records provided for in WAC 296-27-030, (~~WAC~~) 296-27-050, and (~~WAC~~) 296-27-060, for inspection and copying

by designated or authorized representatives of the Department of Labor and Industries, compliance safety and health officers of the Occupational Safety and Health Administration, U.S. Department of Labor during any occupational safety and health inspection provided for under 29 CFR 1903 and section 8 of the Federal Occupational Safety and Health Act, by any representatives of the Bureau of Labor Statistics, U.S. Department of Labor, or by any representative of the Secretary of Health, Education and Welfare during any investigation under section 20(b) of the Federal Occupational Safety and Health Act.

(2) (a) The log and summary of ((occupational injuries and illnesses provided for in WAC 296-27-030, shall be available in the establishment for examination in a reasonable manner and at reasonable times by any authorized representatives of the employees. For purposes of this section, an authorized representative of the employee shall be defined as (i) a representative for purposes of collective bargaining; or (ii) an employee of the employer who has written authorization from two or more employees employed in the establishment; or (iii) where three or fewer employees are employed in the work place, any one of such employees)) all recordable occupational injuries and illnesses (OSHA No. 200) (the log) provided for in WAC 296-27-030 shall, upon request, be made available by the employer to any employee, former employee, and to their representatives for examination and copying in a reasonable manner and at reasonable times. The employee, former employee, and their representatives shall have access to the log for any establishment in which the employee is or has been employed.

(b) (~~The employer shall withhold from examination the injury and illness records of an employee under subsection (2)(a)(i) of this section if the employee has so requested in writing. The employer shall maintain a separate file of employee requests for such withholding. The file is to be made available for inspection and copying as provided in subsection (1) of this section~~) Nothing in this section shall be deemed to preclude employees and employee representatives from collectively bargaining to obtain access to information relating to occupational injuries and illnesses in addition to the information made available under this section.

(c) (~~Nothing in this section shall be deemed to effect in any way any collective bargaining agreement in effect prior to the effective date of this chapter, nor shall it be deemed to effect in any way the scope of collective bargaining as to safety and health matters~~) Access to the log provided under this section shall pertain to all logs retained under the requirements of WAC 296-27-070.

AMENDATORY SECTION (Amending Order 74-22, filed 5/6/74)

WAC 296-27-130 DESCRIPTION OF STATISTICAL PROGRAM. (~~(+)~~) RCW 49.17.260 directs the director to develop and maintain a program of collection, compilation and analysis of occupational safety and health statistics. The program shall include periodic surveys of occupational injuries and illnesses.

~~((2) The statistical program sample design encompasses probability procedures, detailed stratification by industry and size, and a systematic selection within the strata. Stratification and sampling will be carried out by the department. Some industries will be sampled more heavily than others depending on the injury rate level based on previous experience. The survey should produce adequate estimates for most four digit standard industrial classification (SIC) industries in manufacturing and for three digit (SIC) classification in non-manufacturing.))~~

AMENDATORY SECTION (Amending Order 79-1, filed 1/23/79)

WAC 296-62-07347 INORGANIC ARSENIC.

(1) Scope and Application. This section applies to all occupational exposures to inorganic arsenic except that this section does not apply to employee exposures in agriculture or resulting from pesticide application, the treatment of wood with preservatives or the utilization of arsenically preserved wood.

(2) Definitions. (a) "Action level" - a concentration of inorganic arsenic of 5 micrograms per cubic meter of air ( $5 \mu\text{g}/\text{m}^3$ ) averaged over any eight-hour period.

(b) "Authorized person" - any person specifically authorized by the employer whose duties require the person to enter a regulated area, or any person entering such an area as a designated representative of employees for the purpose of exercising the right to observe monitoring and measuring procedures under subsection (5) of this section.

(c) "Director" - the Director of the Department of Labor and Industries, or his designated representative.

(d) "Inorganic arsenic" - copper aceto-arsenite and all inorganic compounds containing arsenic except arsine, measured as arsenic (As).

(3) Permissible Exposure Limit. The employer shall assure that no employee is exposed to inorganic arsenic at concentrations greater than 10 micrograms per cubic meter of air ( $10 \mu\text{g}/\text{m}^3$ ), averaged over any ~~((8))~~ eight-hour period.

(4) Notification of Use. (a) By October 1, 1978, or within ~~((60))~~ sixty days after the introduction of inorganic arsenic into the workplace, every employer who is required to establish a regulated area in his workplaces shall report in writing to the Department of Labor and Industries for each such workplace:

(i) The address of each such workplace;

(ii) The approximate number of employees who will be working in regulated areas; and

(iii) A brief summary of the operations creating the exposure and the actions which the employer intends to take to reduce exposures.

(b) Whenever there has been a significant change in the information required by subsection (4)(a) of this section, the employer shall report the changes in writing within ~~((60))~~ sixty days to the Department of Labor and Industries.

(5) Exposure Monitoring. (a) General. (i) Determinations of airborne exposure levels shall be made from air samples that are representative of each employee's exposure to inorganic arsenic over an eight-hour period.

(ii) For the purposes of this section, employee exposure is that exposure which would occur if the employee were not using a respirator.

(iii) The employer shall collect full shift (for at least ~~((7))~~ seven continuous hours) personal samples including at least one sample for each shift for each job classification in each work area.

(b) Initial Monitoring. Each employer who has a workplace or work operation covered by this standard shall monitor each such workplace and work operation to accurately determine the airborne concentration of inorganic arsenic to which employees may be exposed.

(c) Frequency. (i) If the initial monitoring reveals employee exposure to be below the action level the measurements need not be repeated except as otherwise provided in subsection (5)(d) of this section.

(ii) If the initial monitoring, required by this section, or subsequent monitoring reveals ~~((employer))~~ employee exposure to be above the permissible exposure limit, the employer shall repeat monitoring at least quarterly.

(iii) If the initial monitoring, required by this section, or subsequent monitoring reveals employee exposure to be above the action level and below the permissible exposure limit the employee shall repeat monitoring at least every six months.

(iv) The employer shall continue monitoring at the required frequency until at least two consecutive measurements, taken at least seven days apart, are below the action level at which time the employer may discontinue monitoring for that employee until such time as any of the events in subsection (5)(d) of this section occur.

(d) Additional monitoring. Whenever there has been a production, process, control or personal change which may result in new or additional exposure to inorganic arsenic, or whenever the employer has any other reason to suspect a change which may result in new or additional exposures to inorganic arsenic, additional monitoring which complies with subsection (5) of this section shall be conducted.

(e) Employee notification. (i) Within five working days after the receipt of monitoring results, the employer shall notify each employee in writing of the results which represent that employee's exposures.

(ii) Whenever the results indicate that the representative employee exposure exceeds the permissible exposure limit, the employer shall include in the written notice a statement that the permissible exposure limit was exceeded and a description of the corrective action taken to reduce exposure to or below the permissible exposure limit.

(f) Accuracy of measurement. (i) The employer shall use a method of monitoring and measurement which has an accuracy (with a confidence level of 95 percent) of not less than plus or minus 25 percent for concentrations of inorganic arsenic greater than or equal to  $10 \mu\text{g}/\text{m}^3$ .

(ii) The employer shall use a method of monitoring and measurement which has an accuracy (with confidence level of 95 percent) of not less than plus or minus 35 percent for concentrations of inorganic arsenic greater than  $5 \mu\text{g}/\text{m}^3$  but less than  $10 \mu\text{g}/\text{m}^3$ .

(6) Regulated Area. (a) Establishment. The employer shall establish regulated areas where worker exposures

to inorganic arsenic, without regard to the use of respirators, are in excess of the permissible limit.

(b) Demarcation. Regulated areas shall be demarcated and segregated from the rest of the workplace in any manner that minimizes the number of persons who will be exposed to inorganic arsenic.

(c) Access. Access to regulated areas shall be limited to authorized persons or to persons otherwise authorized by the Act or regulations issued pursuant thereto to enter such areas.

(d) Provision of respirators. All persons entering a regulated area shall be supplied with a respirator, selected in accordance with subsection (8)(b) of this section.

(e) Prohibited activities. The employer shall assure that in regulated areas, food or beverages are not consumed, smoking products, chewing tobacco and gum are not used and cosmetics are not applied, except that these activities may be conducted in the lunchrooms, change rooms and showers required under subsection (12) of this section. Drinking water may be consumed in the regulated area.

(7) Methods of Compliance. (a) Controls. (i) The employer shall institute at the earliest possible time but not later than December 31, 1979, engineering and work practice controls to reduce exposures to or below the permissible exposure limit, except to the extent that the employer can establish that such controls are not feasible.

(ii) Where engineering and work practice controls are not sufficient to reduce exposures to or below the permissible exposure limit, they shall nonetheless be used to reduce exposures to the lowest levels achievable by these controls and shall be supplemented by the use of respirators in accordance with subsection (8) of this section and other necessary personal protective equipment. Employee rotation is not required as a control strategy before respiratory protection is instituted.

(b) Compliance program. (i) The employer shall establish and implement a written program to reduce exposures to or below the permissible exposure limit by means of engineering and work practice controls.

(ii) Written plans for these compliance programs shall include at least the following:

(A) A description of each operation in which inorganic arsenic is emitted; e.g., machinery used, material processed, controls in place, crew size, operating procedures and maintenance practices;

(B) Engineering plans and studies used to determine methods selected for controlling exposure to inorganic arsenic;

(C) A report of the technology considered in meeting the permissible exposure limit;

(D) Monitoring data;

(E) A detailed schedule for implementation of the engineering controls and work practices that cannot be implemented immediately and for the adaption and implementation of any additional engineering and work practices necessary to meet the permissible exposure limit;

(F) Whenever the employer will not achieve the permissible exposure limit with engineering controls and

work practices by December 31, 1979, the employer shall include in the compliance plan an analysis of the effectiveness of the various controls, shall install engineering controls and institute work practices on the quickest schedule feasible, and shall include in the compliance plan and implement a program to minimize the discomfort and maximize the effectiveness of respirator use; and

(G) Other relevant information.

(iii) Written plans for such a program shall be submitted upon request to the Director, and shall be available at the worksite for examination and copying by the Director, any affected employee or authorized employee representatives.

(iv) The plans required by this subsection shall be revised and updated at least every six months to reflect the current status of the program.

(8) Respiratory Protection. (a) General. The employer shall assure that respirators are used where required under this section to reduce employee exposures to below the permissible exposure limit and in emergencies. Respirators shall be used in the following circumstances:

(i) During the time period necessary to install or implement feasible engineering or work practice controls;

(ii) In work operations such as maintenance and repair activities in which the employer establishes that engineering and work practice controls are not feasible;

(iii) In work situations in which engineering controls and supplemental work practice controls are not yet sufficient to reduce exposures to or below the permissible exposure limit; or

(iv) In emergencies.

(b) Respirator selection. (i) Where respirators are required under this section the employer shall select, provide at no cost to the employee and assure the use of the appropriate respirator or combination of respirators from Table I for inorganic arsenic compounds without significant vapor pressure, or Table II for inorganic arsenic compounds which have significant vapor pressure.

(ii) Where employee exposures exceed the permissible exposure limit for inorganic arsenic and also exceed the relevant limit for particular gasses such as sulfur dioxide, any air purifying respirator supplied to the employee as permitted by this standard must have a combination high efficiency filter with an appropriate gas sorbent. (See footnote in Table I)

TABLE I

RESPIRATORY PROTECTION FOR INORGANIC ARSENIC PARTICULATE EXCEPT FOR THOSE WITH SIGNIFICANT VAPOR PRESSURE

Concentration of Inorganic Arsenic (as As) or Condition of Use.	Required Respirator
(i) Unknown or greater or lesser than 20,000 $\mu\text{g}/\text{m}^3$ (20 $\text{mg}/\text{m}^3$ ) or firefighting.	(A) Any full facepiece self-contained breathing apparatus operated in positive pressure mode.
(ii) Not greater than 20,000 $\mu\text{g}/\text{m}^3$ (20 $\text{mg}/\text{m}^3$ )	(A) Supplied air respirator with full facepiece, hood, or helmet or

Concentration of Inorganic Arsenic (as As) or Condition of Use.

Required Respirator

(iii) Not greater than 10,000 $\mu\text{g}/\text{m}^3$ (10 $\text{mg}/\text{m}^3$ )	<p>suit and operated in positive pressure mode.</p> <p>(A) Powered air-purifying respirators in all inlet face coverings with high-efficiency filters. (B) Half-mask supplied air respirators operated in positive pressure mode.</p>
(iv) Not greater than 500 $\mu\text{g}/\text{m}^3$	<p>(A) Full facepiece air-purifying respirator equipped with high-efficiency filter. (B) Any full facepiece supplied air respirator. (C) Any full facepiece self-contained breathing apparatus.</p>
(v) Not greater than 100 $\mu\text{g}/\text{m}^3$	<p>(A) Half-mask air-purifying respirator equipped with high-efficiency filter. (B) Any half-mask supplied air respirator.</p>

<sup>1</sup>High-efficiency filter-99.97 pct efficiency against 0.3 micrometer monodisperse diethyl-hexyl phthalate (DOP) particles.

TABLE II

RESPIRATORY PROTECTION FOR INORGANIC ARSENICALS (SUCH AS ARSENIC TRICHLORIDE<sup>2</sup> AND ARSENIC PHOSPHIDE) WITH SIGNIFICANT VAPOR PRESSURE

Concentration of Inorganic Arsenic (as As) or Condition of Use

Required Respirator

(i) Unknown or greater or lesser than 20,000 $\mu\text{g}/\text{m}^3$ (20 $\text{mg}/\text{m}^3$ ) or firefighting.	(A) Any full facepiece contained breathing apparatus operated in positive pressure mode.
(ii) Not greater than 20,000 $\mu\text{g}/\text{m}^3$ (20 $\text{mg}/\text{m}^3$ )	(A) Supplied air respirator with full facepiece hood, or helmet or suit and operated in positive pressure mode.
(iii) Not greater than 10,000 $\mu\text{g}/\text{m}^3$ (10 $\text{mg}/\text{m}^3$ )	(A) Half-mask <sup>2</sup> supplied air respirator operated in positive pressure mode.
(iv) Not greater than 500 $\mu\text{g}/\text{m}^3$	(A) Front or back mounted gas mask equipped with high-efficiency filter <sup>1</sup> and acid gas canister. (B) Any full facepiece supplied air respirator. (C) Any full facepiece self-contained breathing apparatus.
(v) Not greater than 100 $\mu\text{g}/\text{m}^3$	(A) Half-mask <sup>2</sup> air-purifying respirator equipped with high-efficiency filter <sup>1</sup> and acid gas cartridge. (B) Any half-mask supplied air respirator.

<sup>1</sup>High efficiency filter-99.97 pct efficiency against 0.3 micrometer monodisperse diethyl-hexyl phthalate (DOP) particles.

<sup>2</sup>Half-mask respirators shall not be used for protection against arsenic trichloride, as it is rapidly absorbed through the skin.

(iii) The employer shall select respirators from among those approved for protection against dust, fume, and mist by the National Institute for Occupational Safety and Health (NIOSH) under the provisions of 30 CFR Part 11.

(c) Respirator usage. (i) The employer shall assure that the respirator issued to the employee exhibits minimum facepiece leakage and that the respirator is fitted properly.

(ii) The employer shall perform qualitative fit tests at the time of initial fitting and at least semi-annually thereafter for each employee wearing respirators, where quantitative fit tests are not required.

(iii) Employers with more than ((20)) twenty employees wearing respirators shall perform a quantitative face fit test at the time of initial fitting and at least semi-annually thereafter for each employee wearing negative pressure respirators. The test shall be used to select facepieces that provide the required protection as prescribed in Table I or II.

(iv) If an employee has demonstrated difficulty in breathing during the fitting test or during use, he or she shall be examined by a physician trained in pulmonary medicine to determine whether the employee can wear a respirator while performing the required duty.

(d) Respirator program. (i) The employer shall institute a respiratory protection program in accordance with WAC 296-24-08103, 296-24-08107, 296-24-08109 and 296-24-08111.

(ii) The employer shall permit each employee who uses a filter respirator to change the filter elements whenever an increase in breathing resistance is detected and shall maintain an adequate supply of filter elements for this purpose.

(iii) Employees who wear respirators shall be permitted to leave work areas to wash their face and respirator facepiece to prevent skin irritation associated with respirator use.

(e) Commencement of respirator use. (i) The employer's obligation to provide respirators commences on August 1, 1978, for employees exposed over 500  $\mu\text{g}/\text{m}^3$  of inorganic arsenic, as soon as possible but not later than October 1, 1978, for employees exposed to over 50  $\mu\text{g}/\text{m}^3$  of inorganic arsenic, and as soon as possible but not later than December 1, 1978, for employees exposed between 10 and 50  $\mu\text{g}/\text{m}^3$  of inorganic arsenic.

(ii) Employees with exposures below 50  $\mu\text{g}/\text{m}^3$  of inorganic arsenic may choose not to wear respirators until December 31, 1979.

(iii) After December 1, 1978, any employee required to wear air purifying respirators may choose, and if so chosen the employer must provide, if it will give proper protection, a powered air purifying respirator and in addition if necessary a combination dust and acid gas respirator for times where exposures to gases are over the relevant exposure limits.

(9) RESERVED.

(10) Protective Work Clothing and Equipment. (a) Provision and use. Where the possibility of skin or eye irritation from inorganic arsenic exists, and for all workers working in regulated areas, the employer shall provide at no cost to the employee and assure that employees use appropriate and clean protective work clothing and equipment such as, but not limited to:

(i) Coveralls or similar full-body work clothing;

(ii) Gloves, and shoes or coverlets;

(iii) Face shields or vented goggles when necessary to prevent eye irritation, which comply with the requirements of WAC 296-24-07801(1) - (6).

(iv) Impervious clothing for employees subject to exposure to arsenic trichloride.

(b) Cleaning and replacement. (i) The employer shall provide the protective clothing required in subsection (10)(a) of this section in a freshly laundered and dry condition at least weekly, and daily if the employee works in areas where exposures are over  $100 \mu\text{g}/\text{m}^3$  of inorganic arsenic or in areas where more frequent washing is needed to prevent skin irritation.

(ii) The employer shall clean, launder, or dispose of protective clothing required by subsection (10)(a) of this section.

(iii) The employer shall repair or replace the protective clothing and equipment as needed to maintain their effectiveness.

(iv) The employer shall assure that all protective clothing is removed at the completion of a work shift only in change rooms prescribed in subsection (13)(a) of this section.

(v) The employer shall assure that contaminated protective clothing which is to be cleaned, laundered, or disposed of, is placed in a closed container in the change-room which prevents dispersion of inorganic arsenic outside the container.

(vi) The employer shall inform in writing any person who cleans or launders clothing required by this section, of the potentially harmful affects including the carcinogenic effects of exposure to inorganic arsenic.

(vii) The employer shall assure that the containers of contaminated protective clothing and equipment in the workplace or which are to be removed from the workplace are labeled as follows:

**CAUTION:** Clothing contaminated with inorganic arsenic; do not remove dust by blowing or shaking. Dispose of inorganic arsenic contaminated wash water in accordance with applicable local, state, or Federal regulations.

(viii) The employer shall prohibit the removal of inorganic arsenic from protective clothing or equipment by blowing or shaking.

(11) Housekeeping. (a) Surfaces. All surfaces shall be maintained as free as practicable of accumulations of inorganic arsenic.

(b) Cleaning floors. Floors and other accessible surfaces contaminated with inorganic arsenic may not be cleaned by the use of compressed air, and shoveling and brushing may be used only where vacuuming or other relevant methods have been tried and found not to be effective.

(c) Vacuuming. Where vacuuming methods are selected, the vacuums shall be used and emptied in a manner to minimize the reentry of inorganic arsenic into the workplace.

(d) Housekeeping plan. A written housekeeping and maintenance plan shall be kept which shall list appropriate frequencies for carrying out housekeeping operations, and for cleaning and maintaining dust collection equipment. The plan shall be available for inspection by the Director.

(e) Maintenance of equipment. Periodic cleaning of dust collection and ventilation equipment and checks of their effectiveness shall be carried out to maintain the

effectiveness of the system and a notation kept of the last check of effectiveness and cleaning or maintenance.

(12) RESERVED.

(13) Hygiene Facilities and Practices. (a) Change rooms. The employer shall provide for employees working in regulated areas or subject to the possibility of skin or eye irritation from inorganic arsenic, clean change rooms equipped with storage facilities for street clothes and separate storage facilities for protective clothing and equipment in accordance with WAC 296-24-12011.

(b) Showers. (i) The employer shall assure that employees working in regulated areas or subject to the possibility of skin or eye irritation from inorganic arsenic shower at the end of the work shift.

(ii) The employer shall provide shower facilities in accordance with WAC 296-24-12009(3).

(c) Lunchrooms. (i) The employer shall provide for employees working in regulated areas, lunchroom facilities which have a temperature controlled, positive pressure, filtered air supply, and which are readily accessible to employees working in regulated areas.

(ii) The employer shall assure that employees working in the regulated area or subject to the possibility of skin or eye irritation from exposure to inorganic arsenic wash their hands and face prior to eating.

(d) Lavatories. The employer shall provide lavatory facilities which comply with WAC 296-24-12009(1) and (2).

(e) Vacuuming clothes. The employer shall provide facilities for employees working in areas where exposure, without regard to the use of respirators, exceeds  $100 \mu\text{g}/\text{m}^3$  to vacuum their protective clothing and clean or change shoes worn in such areas before entering change rooms, lunchrooms or shower rooms required by subsection (10) of this section and shall assure that such employees use such facilities.

(f) Avoidance of skin irritation. The employer shall assure that no employee is exposed to skin or eye contact with arsenic trichloride, or to skin or eye contact with liquid or particulate inorganic arsenic which is likely to cause skin or eye irritation.

(14) Medical Surveillance. (a) General. (i) Employees covered. The employer shall institute a medical surveillance program for the following employees:

(A) All employees who are or will be exposed above the action level, without regard to the use of respirators, at least ~~((30))~~ thirty days per year; and

(B) All employees who have been exposed above the action level, without regard to respirator use, for ~~((30))~~ thirty days or more per year for a total of ~~((10))~~ ten years or more of combined employment with the employer or predecessor employers prior to or after the effective date of this standard. The determination of exposures prior to the effective date of this standard shall be based upon prior exposure records, comparison with the first measurements taken after the effective date of this standard, or comparison with records of exposures in areas with similar processes, extent of engineering controls utilized and materials used by that employer.

(ii) Examination by physician. The employer shall assure that all medical examinations and procedures are

performed by or under the supervision of a licensed physician, and shall be provided without cost to the employee, without loss of pay and at a reasonable time and place.

(b) Initial examinations. By December 1, 1978, for employees initially covered by the medical provisions of this section, or thereafter at the time of initial assignment to an area where the employee is likely to be exposed over the action level at least ((30)) thirty days per year, the employer shall provide each affected employee an opportunity for a medical examination, including at least the following elements:

(i) A work history and a medical history which shall include a smoking history and the presence and degree of respiratory symptoms such as breathlessness, cough, sputum production and wheezing.

(ii) A medical examination which shall include at least the following:

(A) A 14" by 17" posterior-anterior chest X-ray and International Labor Office UICC/Cincinnati (ILO U/C) rating;

(B) A nasal and skin examination;

(C) A sputum cytology examination; and

(D) Other examinations which the physician believes appropriate because of the employee's exposure to inorganic arsenic or because of required respirator use.

(c) Periodic examinations. (i) The employer shall provide the examinations specified in subsections (14)(b)(i) and (14)(b)(ii)(A), (B) and (D) of this section at least annually for covered employees who are under ((45)) forty-five years of age with fewer than ((10)) ten years of exposure over the action level without regard to respirator use.

(ii) The employer shall provide the examinations specified in subsections (14)(b)(i) and (ii) of this section at least semi-annually for other covered employees.

(iii) Whenever a covered employee has not taken the examinations specified in subsection (14)(b)(i) and (ii) of this section within six months preceding the termination of employment, the employer shall provide such examinations to the employee upon termination of employment.

(d) Additional examinations. If the employee for any reason develops signs or symptoms commonly associated with exposure to inorganic arsenic the employer shall provide an appropriate examination and emergency medical treatment.

(e) Information provided to the physician. The employer shall provide the following information to the examining physician:

(i) A copy of this standard and its appendices;

(ii) A description of the affected employee's duties as they relate to the employee's exposure;

(iii) The employee's representative exposure level or anticipated exposure level;

(iv) A description of any personal protective equipment used or to be used; and

(v) Information from previous medical examinations of the affected employee which is not readily available to the examining physician.

(f) Physician's written opinion. (i) The employer shall obtain a written opinion from the examining physician which shall include:

(A) The results of the medical examination and tests performed;

(B) The physician's opinion as to whether the employee has any detected medical conditions which would place the employee at increased risk of material impairment of the employee's health from exposure to inorganic arsenic;

(C) Any recommended limitations upon the employee's exposure to inorganic arsenic or upon the use of protective clothing or equipment such as respirators; and

(D) A statement that the employee has been informed by the physician of the results of the medical examination and any medical conditions which require further explanation or treatment.

(ii) The employer shall instruct the physician not to reveal in the written opinion specific findings or diagnoses unrelated to occupational exposure.

(iii) The employer shall provide a copy of the written opinion to the affected employee.

(15) Employee information and training. (a) Training program. (i) The employer shall institute a training program for all employees who are subject to exposure to inorganic arsenic above the action level without regard to respirator use, or for whom there is the possibility of skin or eye irritation from inorganic arsenic. The employer shall assure that those employees participate in the training program.

(ii) The training program shall be provided by October 1, 1978 for employees covered by this provision, at the time of initial assignment for those subsequently covered by this provision, and shall be repeated at least quarterly for employees who have optional use of respirators and at least annually for other covered employees thereafter, and the employer shall assure that each employee is informed of the following:

(A) The information contained in Appendix A;

(B) The quantity, location, manner of use, storage, sources of exposure, and the specific nature of operations which could result in exposure to inorganic arsenic as well as any necessary protective steps;

(C) The purpose, proper use, and limitation of respirators;

(D) The purpose and a description of medical surveillance program as required by subsection (14) of this section;

(E) The engineering controls and work practices associated with the employee's job assignment; and

(F) A review of this standard.

(b) Access to training materials. (i) The employer shall make readily available to all affected employees a copy of this standard and its appendices.

(ii) The employer shall provide, upon request, all materials relating to the employee information and training program to the Director.

(16) Signs and Labels. (a) General. (i) The employer may use labels or signs required by other statutes, regulations, or ordinances in addition to, or in combination with, signs and labels required by this subsection.

(ii) The employer shall assure that no statement appears on or near any sign or label required by this subsection which contradicts or detracts from the meaning of the required sign or label.

(b) Signs. (i) The employer shall post signs demarcating regulated areas bearing the legend:

**DANGER  
INORGANIC ARSENIC  
CANCER HAZARD  
AUTHORIZED PERSONNEL ONLY  
NO SMOKING OR EATING  
RESPIRATOR REQUIRED**

(ii) The employer shall assure that signs required by this subsection are illuminated and cleaned as necessary so that the legend is readily visible.

(c) Labels. The employer shall apply precautionary labels to all shipping and storage containers of inorganic arsenic, and to all products containing inorganic arsenic except when the inorganic arsenic in the product is bound in such a manner so as to make unlikely the possibility of airborne exposure to inorganic arsenic. (Possible examples of products not requiring labels are semiconductors, light emitting diodes and glass.) The label shall bear the following legend:

**DANGER  
CONTAINS INORGANIC ARSENIC  
CANCER HAZARD  
HARMFUL IF INHALED OR  
SWALLOWED  
USE ONLY WITH ADEQUATE  
VENTILATION  
OR RESPIRATORY PROTECTION**

(17) Recordkeeping. (a) Exposure monitoring. (i) The employer shall establish and maintain an accurate record of all monitoring required by subsection (5) of this section.

(ii) This record shall include:

(A) The date(s), number, duration location, and results of each of the samples taken, including a description of the sampling procedure used to determine representative employee exposure where applicable;

(B) A description of the sampling and analytical methods used and evidence of their accuracy;

(C) The type of respiratory protective devices worn, if any;

(D) Name, social security number, and job classification of the employees monitored and of all other employees whose exposure the measurement is intended to represent; and

(E) The environmental variables that could affect the measurement of the employee's exposure.

(iii) The employer shall maintain these monitoring records for at least ~~((40))~~ forty years or for the duration of employment plus ~~((20))~~ twenty years, whichever is longer.

(b) Medical surveillance. (i) The employer shall establish and maintain an accurate record for each employee subject to medical surveillance as required by subsection (14) of this section.

(ii) This record shall include:

(A) The name, social security number, and description of duties of the employee;

(B) A copy of the physician's written opinions;

(C) Results of any exposure monitoring done for that employee and the representative exposure levels supplied to the physician; and

(D) Any employee medical complaints related to exposure to inorganic arsenic.

(iii) The employer shall in addition keep, or assure that the examining physician keeps, the following medical records:

(A) A copy of the medical examination results including medical and work history required under subsection (14) of this section;

(B) A description of the laboratory procedures and a copy of any standards or guidelines used to interpret the test results or references to that information;

(C) The initial X-ray;

(D) The X-rays for the most recent five years;

(E) Any X-rays with a demonstrated abnormality and all subsequent X-rays;

(F) The initial cytologic examination slide and written description;

(G) The cytologic examination slide and written description for the most recent five years; and

(H) Any cytologic examination slides with demonstrated atypia, if such atypia persists for three years, and all subsequent slides and written descriptions.

(iv) The employer shall maintain or assure that the physician maintains those medical records for at least ~~((40))~~ forty years, or for the duration of employment, plus ~~((20))~~ twenty years, whichever is longer.

(c) Availability. (i) The employer shall make available upon request all records required to be maintained by subsection ~~((16))~~ (17) of this section to the Director for examination and copying.

(ii) The employer shall make available upon request records of employee exposure monitoring required by subsection (17)(a) of this section for inspection and copying to affected employees, former employees and their designated representatives.

(iii) The employer shall make available upon request an employee's medical records and exposure records representative of that employee's exposure required to be maintained by subsection (17) of this section to the affected employee or former employee or to a physician designated by the affected employee or former employee.

(d) Transfer of records. (i) Whenever the employer ceases to do business, the successor employer shall receive and retain all records required to be maintained by this section.

(ii) Whenever the employer ceases to do business and there is no successor employer to receive and retain the records required to be maintained by this section for the prescribed period, these records shall be transmitted to the Director.

(iii) At the expiration of the retention period for the records required to be maintained by this section, the employer shall notify the Director at least three months prior to the disposal of such records and shall transmit those records to the Director if he requests them within that period.

(18) Observation of Monitoring. (a) Employee observation. The employer shall provide affected employees or their designated representatives an opportunity to observe any monitoring of employee exposure to inorganic arsenic conducted pursuant to subsection (5) of this section.

(b) Observation procedures. (i) Whenever observation of the monitoring of employee exposure to inorganic arsenic requires entry into an area where the use of respirators, protective clothing, or equipment is required, the employer shall provide the observer with and assure the use of such respirators, clothing, and such equipment, and shall require the observer to comply with all other applicable safety and health procedures.

(ii) Without interfering with the monitoring, observers shall be entitled to;

(A) Receive an explanation of the measurement procedures;

(B) Observe all steps related to the monitoring of inorganic arsenic performed at the place of exposure; and

(C) Record the results obtained or receive copies of the results when returned by the laboratory.

(19) Effective Date. This ((emergency rule)) standard shall become effective ((upon)) thirty days after filing with the Code Reviser.

(20) Appendices. The information contained in the appendices to this section is not intended by itself, to create any additional obligations not otherwise imposed by this standard nor detract from any existing obligation.

(21) Startup Dates. (a) General. The startup dates of requirements of this standard shall be the effective date of this standard unless another startup date is provided for, either in other subsections of this section or in this subsection.

(b) Monitoring. Initial monitoring shall be commenced by August 1, 1978, and shall be completed by September 15, 1978.

(c) Regulated areas. Regulated areas required to be established as a result of initial monitoring shall be set up as soon as possible after the results of that monitoring is known and no later than October 1, 1978.

(d) Compliance program. The written program required by subsection (7)(b) as a result of initial monitoring shall be made available for inspection and copying as soon as possible and no later than December 1, 1978.

(e) Hygiene and lunchroom facilities. Construction plans for change-rooms, showers, lavatories, and lunchroom facilities shall be completed no later than December 1, 1978, and these facilities shall be constructed and in use no later than July 1, 1979. However, if as part of the compliance plan it is predicted by an independent engineering firm that engineering controls and work practices will reduce exposures below the permissible exposure limit by December 31, 1979, for affected employees, then such facilities need not be

completed until one year after the engineering controls are completed or December 31, 1980, whichever is earlier, if such controls have not in fact succeeded in reducing exposure to below the permissible exposure limit.

(f) Summary of startup dates set forth elsewhere in this standard.

STARTUP DATES

August 1, 1978 - Respirator use over 500 µg/m<sup>3</sup>.

AS SOON AS POSSIBLE BUT NO LATER THAN

September 15, 1978 - Completion of initial monitoring.

October 1, 1978 - Complete establishment of regulated areas.

Respirator use for employees exposed above 50 µg/m<sup>3</sup>. Completion of initial training. Notification of use.

December 1, 1978 - Respirator use over 10 µg/m<sup>3</sup>.

Completion of initial medical. Completion of compliance plan. Optional use of powered air-purifying respirators.

July 1, 1979 - Completion of lunch rooms and hygiene facilities.

December 31, 1979 - Completion of engineering controls.

All other requirements of the standard have as their startup date August 1, 1978.

AMENDATORY SECTION (Amending Order 73-3, filed 5/7/73)

WAC 296-62-07515 CONTROL OF CHEMICAL AGENTS. Chemical agents shall be controlled in such a manner that the workers exposure shall not exceed the applicable limits in WAC 296-62-075 through 296-62-07515.

TABLE 1

Threshold Limit Values (alphabetical order) substance	ppm (See note a)	mg/M <sup>3</sup> (See note b)
Abate	—	10
*Acetaldehyde	(200)	(360)
Acetic acid	10	25
*Acetic anhydride	(5)	(20)
Acetone	1,000	2,400
Acetonitrile	40	70
2-Acetyl amino flourene-skin	—	A <sup>2</sup>
Acetylene	F	—
Acetylene dichloride, see 1,2-Dichloroethylene	—	—
Acetylene tetrabromide	1	14
Acrolein	0.1	0.25
Acrylamide—Skin	—	0.3
Acrylonitrile—Skin	20	45
Aldrin—Skin	—	0.25
Allyl alcohol—Skin	2	3
Allyl chloride	1	5
*C Allyl glycidyl ether (AGE)	(10)	(45)
Allyl propyl disulfide	2	12
Alundum (Al <sub>2</sub> O <sub>3</sub> )	—	A
4-Aminodiphenyl-skin	—	A <sup>1</sup>
		(See note b)
2-Aminoethanol, Ethanolamine	see	—
2-Aminopyridine	0.5	2
*Ammonia	(50)	(35)
*Ammonium chloride, fume	—	10
Ammonium sulfamate (Ammate)	—	10

TABLE 1

Threshold Limit Values (alphabetical order) substance	ppm (See note a)	mg/M <sup>3</sup> (See note b)
n-Amyl acetate	100	525
sec-Amyl acetate	125	650
Aniline—Skin	5	19
Anisidine (o, p-isomers)—Skin	—	0.5
Antimony & compounds (as Sb)	—	0.5
ANTU (alpha naphthyl thiourea)	—	0.3
Argon	F	—
Arsenic & Compounds (as As)	—	0.5
Arsine	0.05	0.2
Asphalt (petroleum) fumes	—	5
Azinphos methyl—Skin	—	0.2
Barium (soluble compounds)	—	0.5
***Benzene	—	A <sup>1</sup>
Benzidine—Skin	—	(See note b)
p-Benzoquinone, see Quinone	—	—
Benzoyl peroxide	—	5
Benzyl chloride	1	5
***Beryllium	—	—
Biphenyl, see Diphenyl	—	—
Boron oxide	—	10
Boron tribromide	1	10
C Boron trifluoride	1	3
Bromine	0.1	0.7
Bromine pentafluoride	0.1	0.7
Bromoform—Skin	0.5	5.0
Butadiene (1,3-butadiene)	1,000	2,200
Butanethiol, see Butyl mercaptan	—	—
2-Butanone	200	590
2-Butoxy ethanol (Butyl Cello-solve)—Skin	50	240
Butyl acetate (n-butyl acetate)	150	710
sec-Butyl acetate	200	950
tert-Butyl acetate	200	950
Butyl alcohol	100	300
sec-Butyl alcohol	150	450
tert-Butyl alcohol	100	300
C Butylamine—Skin	5	15
C tert-Butyl chromate (as CrO <sub>3</sub> )—Skin	—	0.1
n-Butyl glycidyl ether (BGE)	50	270
Butyl mercaptan	0.5	1.5
p-tert-Butyl-toluene	10	60
***Cadmium dust	—	—
C Cadmium oxide fume (as Cd)	—	0.1
Calcium carbonate	—	E
Calcium arsenate	—	1
Calcium oxide	—	5
Camphor (synthetic)	2	12
Carbaryl (Sevin <sup>®</sup> )	—	5
Carbon black	—	3.5
Carbon dioxide	5,000	9,000
***Carbon disulfide	—	—
Carbon monoxide	50	55
***Carbon tetrachloride	—	—
Cellulose (paper fiber)	—	E
Chlordane—Skin	—	0.5
Chlorinated camphene—skin	—	0.5
Chlorinated diphenyl oxide	—	0.5
Chlorine	1	3
Chlorine dioxide	0.1	0.3
C Chlorine tri-fluoride	0.1	0.4
C Chloroacet-aldehyde	1	3
α-Chloroaceto-phenone (Phenacylchloride)	0.05	0.03
Chlorobenzene (monochlorobenzene)	75	350
o-Chlorobenzylidene malomonitrile (OCBM)—skin	0.05	0.4
Chlorobromomethane	200	1,050
2-Chloro-1,3-butadiene, see Chloroprene	—	—
Chlorodiphenyl (42% Chlorine)—Skin	—	1
Chlorodiphenyl (54% Chlorine)—Skin	—	0.5
1-Chloro,2,3-epoxy propane, see Epichlorhydrin	—	—
2-Chloroethanol, see Ethylene chlorohydrin	—	—
Chloroethylene, see Vinyl chloride	—	—
**C Chloroform (tri-chloromethane)	(50)	(240)
1-Chloro-1-nitropropane	20	100

TABLE 1

Threshold Limit Values (alphabetical order) substance	ppm (See note a)	mg/M <sup>3</sup> (See note b)
Chloropicrin	0.1	0.7
Chloroprene (2-chloro-1,3-butadiene)—Skin	25	90
***Chromic acid	—	—
Chromium, sol. chromic, chromous salts as Cr.	—	0.5
**Metal & insol. salts	A <sup>1</sup>	(1.0)
Coal tar pitch volatiles (benzene soluble fraction anthracene, BaP, phenanthrene, acridine, chrysene, pyrene)	A <sup>1</sup>	0.2
Colbalt, metal fume & dust	—	0.1
Copper fume	—	0.1
Dusts and Mists	—	1.0
*Corundum (Al <sub>2</sub> O <sub>3</sub> )	—	E
**Cotton Dust (raw)	—	(1)
Crag <sup>[R]</sup> herbicide	—	10
Cresol (all isomers)—Skin	5	22
Crotonaldehyde	2	6
Cumene—Skin	50	245
Cyanide (as CN)—Skin	—	5
Cyanogen	10	—
Cyclohexane	300	1,050
Cyclohexanol	50	200
Cyclohexanone	50	200
Cyclohexene	300	1,015
Cyclopentadiene	75	200
2,4-D	—	10
DDT	—	1
DDVP, see Dichlorvos	—	—
Decaborane—Skin	0.05	0.3
Demeton <sup>[R]</sup> —Skin	—	0.1
Diacetone alcohol (4-hydroxy-4-methyl-2-pentanone)	50	240
1,2-Diaminoethane, see Ethylenediamine	—	—
Diazinon-skin	—	0.1
Diazomethane	0.2	0.4
Diborane	0.1	0.1
Dibrom <sup>[R]</sup>	—	3
*2-N Dibutylamino-ethanol-skin	2	14
Dibutyl phosphate	1	5
Dibutylphthalate	—	5
C Dichloroacetylene	0.1	0.4
C o-Dichlorobenzene	50	300
p-Dichlorobenzene	75	450
**Dichlorobenzidine-skin	—	A <sup>1</sup>
Dichlorodifluoro-methane	1,000	4,950
1,3-Dichloro-5,5-dimethyl hydantoin	—	0.2
**1,1-Dichloro-ethane	(100)	(400)
1,2-Dichloro-ethylene	200	790
**C Dichloroethyl ether—Skin	(15)	(90)
Dichloromethane, see Methylene-chloride	—	—
Dichloromonofluoro-methane	1,000	4,200
C 1,1-Dichloro-1-nitroethane	10	60
1,2-Dichloropropane, see Propylene-dichloride	—	—
Dichlorotetra-fluoroethane	1,000	7,000
Dichlorvos (DDVP)—skin	—	1
Diethrin—Skin	—	0.25
Diethylamine	25	75
Diethylamino ethanol—Skin	10	50
*C Diethylene triamine—Skin	1	4
Diethylether, see Ethyl ether	—	—
Diffuorodibromomethane	100	860
C Diglycidyl ether (DGE)	0.5	2.8
Dihydroxybenzene, see Hydroquinone	—	—
*Diisobutyl ketone	(50)	(290)
Diisopropylamine—Skin	5	20
Dimethoxymethane, see Methylal	—	—
Dimethyl acetamide—Skin	10	35
Dimethylamine	10	18
4-Dimethylaminoazo-benzene	—	A <sup>2</sup>
Dimethylaminobenzene, see Xylidene	—	—
Dimethylaniline (n-dimethylaniline)—Skin	5	25

TABLE 1

TABLE 1

Threshold Limit Values (alphabetical order) substance	ppm (See note a)	mg/M <sup>3</sup> (See note b)
Dimethylbenzene, see Xylene		
Dimethyl,1,2-dibromo-2,2-dichloroethyl phosphate, see DiBrom		
Dimethylformamide—Skin	10	30
2,6-Dimethylheptanone, see Diisobutyl ketone		
1,1-Dimethylhydrazine—Skin	0.5	1
Dimethylphthalate	—	5
**Dimethylsulfate—Skin	(1)	(5)
Dinitrobenzene (all isomers)—Skin	—	1
Dinitro- <i>o</i> -cresol—Skin	—	0.2
Dinitrotoluene—Skin	—	1.5
**Dioxane (Diethylene dioxide)—Skin	100	360
Diphenyl	0.2	1
Diphenyl amine	—	10
Diphenylmethane diisocyanate (see Methylene bisphenyl isocyanate (MDI))		
Dipropylene glycol methyl ether—Skin	100	600
Di- <i>sec</i> -octyl phthalate (Di-2-ethylhexyl-phthalate)	—	5
Emery	—	E
Endosulfan (Thiodan <sup>[R]</sup> )—skin	—	0.1
Endrin—Skin	—	0.1
Epichlorhydrin—Skin	5	19
EPN—Skin	—	0.5
1,2-Epoxypropane, see Propylene-oxide		
2,3-Epoxy-1-propanol, see Glycidol		
Ethane	F	—
Ethanethiol, see Ethylmercaptan		
Ethanolamine	3	6
**2-Ethoxyethanol—Skin	(200)	(740)
2-Ethoxyethylacetate (Cellosolve acetate)—Skin	100	540
Ethyl acetate	400	1,400
Ethyl acrylate—Skin	25	100
Ethyl alcohol (ethanol)	1,000	1,900
Ethylamine	10	18
Ethyl <i>sec</i> -amyl ketone (5-methyl-3-heptanone)	25	130
Ethyl benzene	100	435
Ethyl bromide	200	890
Ethyl butyl ketone (3-Heptanone)	50	230
Ethyl chloride	1,000	2,600
Ethyl ether	400	1,200
Ethyl formate	100	300
Ethyl mercaptan	0.5	1
Ethyl silicate	100	850
Ethylene	F	—
Ethylene chlorohydrin—Skin	5	16
Ethylenediamine	10	25
***Ethylene dibromide	—	—
***Ethylene dichloride	—	—
C Ethylene glycol dinitrate and/or Nitroglycerin—Skin	0.2 (See note d)	—
Ethylene glycol monomethyl ether acetate (Methyl cellosolve acetate)—Skin	25	120
Ethylene imine—Skin	0.5	1
Ethylene oxide	50	90
Ethylidene chloride, see 1,1-Dichloroethane		
<i>n</i> -Ethylmorpholine—Skin	20	94
Ferbam	—	15
Ferrovandium dust	—	1
Fluoride as dust	—	2.5
**Fluorine	(0.1)	(0.2)
Fluorotrichloromethane	1,000	5,600
*C Formaldehyde	2	3
Formic acid	5	9
Furfuryl—Skin	5	20
**Furfuryl alcohol	(50)	(200)
Gasoline	—	B <sup>2</sup>
Glass, fibrous or dust (See note e)	—	E
Glycerin mist	—	E

Threshold Limit Values (alphabetical order) substance	ppm (See note a)	mg/M <sup>3</sup> (See note b)
Glycidol (2,3-Epoxy-1-propanol)	50	150
Glycol monoethyl ether, see 2-Ethoxyethanol		
Graphite, (Synthetic)	—	E
Guthion <sup>[R]</sup> , see Azinphosmethyl		
Gypsum	—	E
Hafnium	—	0.5
Helium	F	—
Heptachlor—Skin	—	0.5
Heptane ( <i>n</i> -heptane)	500	2,000
Hexachloroethane—Skin	1	10
Hexachloronaphthalene—Skin	—	0.2
Hexane ( <i>n</i> -hexane)	500	1,800
2-Hexanone	100	410
Hexone (Methyl isobutyl ketone)	100	410
<i>sec</i> -Hexyl acetate	50	300
Hydrazine—Skin	1	1.3
Hydrogen	F	—
Hydrogen bromide	3	10
C Hydrogen chloride	5	7
Hydrogen cyanide—Skin	10	11
Hydrogen fluoride	3	2
Hydrogen peroxide	1	1.4
Hydrogen selenide	0.05	0.2
***Hydrogen sulfide	—	—
Hydroquinone	—	2
Indene	10	45
Indium and compounds, as In	—	0.1
C Iodine	0.1	1
Iron oxide fume	—	10
*Iron pentacarbonyl	0.01	0.08
Iron salts, soluble, as Fe	—	1
Isoamyl acetate	100	525
Isoamyl alcohol	100	360
Isobutyl acetate	150	700
Isobutyl alcohol	100	300
**Isophorone	—	—
Isopropyl acetate	250	950
Isopropyl alcohol	400	980
Isopropylamine	5	12
**Isopropylether	—	—
Isopropyl glycidyl ether (IGE)	50	240
Kaolin	—	E
Ketene	0.5	0.9
Lead and its inorganic compounds	—	0.2
Lead arsenate	—	0.15
Limestone	—	E
Lindane	—	0.5
Lithium hydride	—	0.025
L.P.G. (Liquified petroleum gas)	1,000	1,800
Magnesite	—	E
Magnesium oxide fume	—	10
Malathion—Skin	—	10
Maleic anhydride	0.25	1
C Manganese and compounds, as Mn	—	5
Marble	—	E
***Mercury	—	—
***Mercury (alkyl)	—	—
Mesityl oxide	25	100
Methane	F	—
Methanethiol, see Methyl mercaptan		
Methoxychlor	—	10
2-Methoxyethanol—skin (Methyl cellosolve)	25	80
Methyl acetate	200	610
Methyl acetylene (propyne)	1,000	1,650
Methyl acetylene-propadiene mixture (MAPP)	1,000	1,800
Methyl acrylate—Skin	10	35
Methylal (dimethoxy-methane)	1,000	3,100
Methyl alcohol (methanol)	200	260
Methylamine	10	12
Methyl amyl alcohol, see Methyl isobutyl carbinol		
Methyl 2-cyano-acrylate	2	8
Methyl isoamyl ketone	100	475
Methyl ( <i>n</i> -amyl) ketone (2-Heptanone)	100	465
**Methyl bromide—Skin	—	—
Methyl butyl ketone, see 2-Hexanone		

TABLE 1

TABLE 1

Threshold Limit Values (alphabetical order) substance	ppm (See note a)	mg/M <sup>3</sup> (See note b)
Methyl cellosolve-skin, see 2-Methoxyethanol	—	—
Methyl cellosolve acetate-Skin, see Ethylene glycol monomethyl ether acetate	—	—
Methyl chloride	100	210
Methyl chloroform	350	1,900
Methylcyclohexane	500	2,000
**Methylcyclohexanol	(100)	(470)
**o-Methylcyclo-hexanone-Skin	(100)	(460)
Methylcyclopentadienyl manganese tricarbonyl (as Mn)-skin	0.1	0.2
Methyl demeton-skin	—	0.5
Methyl ethyl ketone (MEK), see 2-Butanone	—	—
Methyl formate	100	250
Methyl iodide-Skin	5	28
Methyl isobutyl carbinol-Skin	25	100
Methyl isobutyl ketone, see Hexone	—	—
Methyl isocyanate-Skin	0.02	0.05
Methyl mercaptan	0.5	1
Methyl methacrylate	100	410
Methyl parathion-skin	—	0.2
Methyl propyl ketone, see 2-Pentanone	—	—
C Methyl silicate	5	30
C α-Methyl styrene	100	480
C Methylene bisphenyl isocyanate (MDI)	0.02	0.2
***Methylene chloride	—	—
Molybdenum (soluble compounds) (insoluble compounds)	—	5 10
Monomethyl aniline-Skin	2	9
C Monomethyl hydrazine-Skin	0.2	0.35
Morpholine-Skin	20	70
Naphtha (coal tar)	100	400
Naphthalene	10	50
β-Naphthylamine	—	A <sup>1</sup>
Neon	F	(See note b)
Nickel carbonyl	0.001	A <sup>1</sup> 0.007 (See note a)
Nickel, metal and soluble compounds, as Ni	—	1
Nicotine-Skin	—	0.5
Nitric acid	2	5
Nitric oxide	25	30
p-Nitroaniline-Skin	1	6
Nitrobenzene-Skin	1	5
p-Nitrochlorobenzene-Skin	—	1
4-Nitrodiphenyl	—	A
Nitroethane	100	(See note a) 310
Nitrogen	F	—
C Nitrogen dioxide	5	9
Nitrogen trifluoride	10	29
C Nitroglycerin-Skin	0.2	2
Nitromethane	100	250
1-Nitropropane	25	90
2-Nitropropane	25	90
n-Nitrosodimethyl-amine (Dimethyl-nitrosoamine)-Skin	—	A <sup>2</sup>
Nitrotoluene-Skin	5	30
Nitrotrichloromethane, see Chloropicrin	—	—
Nitrous Oxide	F	—
Octachloronaphthalene-Skin	—	0.1
Octane	400	1,900
Oil mist, particulate	—	5 (See note f)
Oil mist, vapor	B <sup>2</sup> (See note g)	—
Osmium tetroxide	—	0.002
Oxalic acid	—	1
Oxygen difluoride	0.05	0.1
Ozone	0.1	0.2
Paraquat-Skin	—	0.5
Parathion-Skin	—	0.1
Pentaborane	0.005	0.01
Pentachloronaphthalene-Skin	—	0.5
Pentachlorophenol-Skin	—	0.5
Pentaerythritol	—	E

Threshold Limit Values (alphabetical order) substance	ppm (See note a)	mg/M <sup>3</sup> (See note b)
Pentane	500	1,500
2-Pentanone	200	700
***Perchloroethylene	—	—
Perchloromethyl mercaptan	0.1	0.8
Perchloryl fluoride	3	14
Petroleum Distillates (naphtha)	B <sup>2</sup> (See note g)	—
Phenol-Skin	5	19
p-Phenylene diamine-Skin	—	0.1
Phenyl ether (vapor)	1	7
Phenyl ether-Diphenyl mixture (vapor)	1	7
Phenylethylene, see Styrene	—	—
Phenyl glycidyl ether (PGE)	10	60
Phenylhydrazine-Skin	5	22
Phenothiazine-skin	—	5
Phosdrin (Mevinphos <sup>[R]</sup> )-Skin	—	0.1
Phosgene (carbonyl chloride)	0.1	0.4
Phosphine	0.3	0.4
Phosphoric acid	—	1
Phosphorus (yellow)	—	0.1
Phosphorus pentachloride	—	1
Phosphorus pentasulfide	—	1
Phosphorus trichloride	0.5	3
Phthalic anhydride	2	12
Picric acid-Skin	—	0.1
Pival <sup>[R]</sup> (2-Pivalyl-1,3-indandione)	—	—
Plaster of Paris	—	E
Platinum (Soluble Salts) as Pt	—	0.002
Polychlorobiphenyls, see Chlorodiphenyls	—	—
Polytetrafluoroethylene decomposition products	—	B <sup>1</sup>
Propane	F	—
β-Propiolactone	—	A <sup>2</sup>
Propargyl alcohol-Skin	1	—
n-Propyl acetate	200	840
Propyl alcohol	200	500
n-Propyl nitrate	25	110
Propylene dichloride (1,2-Dichloropropane)	75	350
*Propylene glycol monomethyl ether	100	360
Propylene imine-Skin	2	5
Propylene oxide	100	240
Propyne, see Methylacetylene	—	—
Pyrethrum	—	5
Pyridine	5	15
Quinone	0.1	0.4
RDX-Skin	—	1.5
Rhodium, Metal fume and dusts, as Rh	—	0.1
Soluble salts	—	0.001
Ronnel	—	10
*Rosin Core Solder, pyrolysis products (as formaldehyde)	—	0.1
Rotenone (commercial)	—	5
Rouge	—	E
Selenium compounds (as Se)	—	0.2
Selenium hexafluoride	0.05	0.4
Silicon Carbide	—	E
Silver, metal and soluble compounds	—	0.01
Sodium fluoroacetate (1080)-Skin	—	0.05
Sodium hydroxide	—	2
Starch	—	E
Stibine	0.1	0.5
Stoddard solvent	200	1,150
Strychnine	—	0.15
***Styrene	—	—
Sucrose	—	E
Sulfur dioxide	5	13
Sulfur hexafluoride	1,000	6,000
Sulfuric acid	—	1
Sulfur monochloride	1	6
Sulfur pentafluoride	0.025	0.25
Sulfuryl fluoride	5	20
Systox, see Demeton <sup>[R]</sup>	—	—
2,4,5 T	—	10
Tantalum	—	5
TEDP-Skin	—	0.2

TABLE 1

Threshold Limit Values (alphabetical order) substance	ppm (See note a)	mg/M <sup>3</sup> (See note b)
Teflon <sup>[R]</sup> decomposition products	—	B <sup>1</sup>
Tellurium	—	0.1
Tellurium hexafluoride	0.02	0.2
TEPP—Skin	—	0.05
C Terphenyls	1	9
1,1,1,2-Tetrachloro-2,2-difluoroethane	500	4,170
1,1,1,2-Tetrachloro-1,2-difluoroethane	500	4,170
1,1,2,2-Tetrachloroethane—Skin	5	35
***Tetrachloroethylene	—	—
Tetrachloromethane, see Carbon tetrachloride	—	—
Tetrachloronaphthalene—Skin	—	2
Tetraethyl lead (as Pb)—Skin	—	0.100 (See note h)
Tetrahydrofuran	200	590
Tetramethyl lead (as Pb)—Skin	—	0.150 (See note h)
Tetramethyl succinonitrile—Skin	0.5	3
Tetranitromethane	1	8
Tetryl (2,4,6-trinitrophenyl-methylnitramine)—Skin	—	1.5
Thallium (soluble compounds)—Skin (as Tl)	—	0.1
Thiram <sup>[R]</sup>	—	5
Tin (inorganic compounds, except SnH <sub>4</sub> and SnO <sub>2</sub> ) as Sn	—	2
Tin (organic compounds)—skin (as Sn)	—	0.1
Tin oxide	—	E
Titanium dioxide	—	E
***Toluene	—	—
C Toluene-2,4-diisocyanate	0.02	0.14
o-Toluidine—Skin	5	22
Toxaphene, see Chlorinated camphene	—	—
Tributyl phosphate	—	5
1,1,1-Trichloroethane, see Methyl chloroform	—	—
1,1,2-Trichloroethane—Skin	10	45
***Trichloroethylene	—	—
Trichloromethane, see Chloroform	—	—
Trichloronaphthalene—Skin	—	5
1,2,3-Trichloropropane	50	300
1,1,2-Trichloro 1,2,2-trifluoroethane	1,000	7,600
Triethylamine	25	100
Trifluoromono-bromomethane	1,000	6,100
Trimethyl benzene	25	120
2,4,6-Trinitrophenol, see Picric acid	—	—
2,4,6-Trinitrophenyl-methylnitramine, see Tetryl	—	—
Trinitrotoluene—Skin	—	1.5
Triorthocresyl phosphate	—	0.1
Triphenyl phosphate	—	3
Tungsten & Compounds, as W	—	—
Soluble	—	1
Insoluble	—	5
Turpentine	100	560
Uranium (natural) sol. & insol. compounds as U	—	0.2
Vanadium (V <sub>2</sub> O <sub>5</sub> ), as V Dust	—	0.5
*C Fume	—	0.05
Vinyl acetate	10	30
Vinyl benzene, see Styrene	—	—
*Vinyl bromide	250	1,100
Vinyl chloride	200	510
Vinyleyanide, see Acrylonitrile	—	—
Vinyl toluene	100	480
Warfarin	—	0.1
Xylene (xylol)	100	435
Xylidine—Skin	5	25
Yttrium	—	1
Zinc chloride fume	—	1
Zinc oxide fume	—	5
Zirconium compounds (as Zr)	—	5

- a) Parts of vapor or gas per million parts of contaminated air by volume at 25°C and 760 mm. Hg. pressure.
- b) Approximate milligrams of substance per cubic meter of air.
- d) An atmospheric concentration of not more than 0.02 ppm, or personal protection may be necessary to avoid headache.
- e) <5-7 μm in diameter.
- f) As sampled by method that does not collect vapor.
- g) According to analytically determined composition.
- h) For control of general room air, biologic monitoring is essential for personnel control.

NOTE: See Notice of Intended Changes (for 1972) in Appendix G.

+ TABLE 2  
[See note a)]

Material	8-hour time weighted average	Acceptable ceiling concentration	Acceptable maximum peak above the acceptable ceiling concentration for an 8 hour shift.	
			Concentration	Maximum duration
Benzene (Z37.4-1969)	10 ppm	25 ppm	50 ppm	10 minutes.
Beryllium and beryllium compounds (Z37.29-1970)	2 μg/M <sup>3</sup>	5 μg/M <sup>3</sup>	25 μg/M <sup>3</sup>	30 minutes.
Cadmium dust (Z37.5-1970)	0.2 mg/M <sup>3</sup>	0.6 mg/M <sup>3</sup>		
Carbon disulfide (Z37.3-1968)	20 ppm	30 ppm	100 ppm	30 minutes.
Carbon Tetrachloride (Z37.17-1967)	10 ppm	25 ppm	200 ppm	5 minutes in any 4 hours.
Ethylene dibromide (Z37.31-1970)	20 ppm	30 ppm	50 ppm	5 minutes.
Ethylene dichloride (Z37.21-1969)	50 ppm	100 ppm	200 ppm	5 minutes in any 3 hours.
Methylene Chloride (Z37.3-1969)	500 ppm	1,000 ppm	2,000 ppm	5 minutes in any 2 hours.
Organo (alkyl) mercury (Z37.30-1969)	0.01 mg/M <sup>3</sup>	0.04 mg/M <sup>3</sup>		
Styrene (Z37.15-1969)	100 ppm	200 ppm	600 ppm	5 minutes in any 3 hours.
Trichloroethylene (Z37.19-1967)	100 ppm	200 ppm	300 ppm	5 minutes in any 2 hours.
Tetrachloroethylene (Z37.22-1967)	100 ppm	200 ppm	300 ppm	5 minutes in any 3 hours.
Toluene (Z37.12-1967)	200 ppm	300 ppm	500 ppm	10 minutes.
Hydrogen sulfide (Z37.2-1966)	10 ppm	20 ppm	50 ppm	10 minutes once only if no measurable exposure occurs.
Mercury (Z37.8-1971)	0.05 mg/M <sup>3</sup>	0.1 mg/M <sup>3</sup>		
Chromic acid and chromates (Z37.7-1971)			0.1 mg/M <sup>3</sup>	

Acceptable ceiling concentrations. An employee's exposure to a material listed in table 2 shall not exceed at any time during an 8-hour shift the acceptable ceiling concentration limit given for the material in the table, except for a time period, and up to a concentration not exceeding the maximum duration and concentration allowed in the column under "acceptable maximum peak above the acceptable ceiling concentration for an 8-hour shift".

Example. During an 8-hour work shift, an employee may be exposed to a concentration of Benzene above 25 ppm (but never above 50 ppm) only for a maximum period of 10 minutes. Such exposure must be compensated by exposures to concentrations less than 10 ppm so that the cumulative exposure for the entire 8-hour work shift does not exceed a weighted average of 10 ppm.

\* 1972 Addition  
\*\* Intended Changes  
\*\*\* See Table 2

**+TABLE 3  
((MINERAL)) DUSTS**

Substance	Mppcf (See note e)	mg/M <sup>3</sup>
<b>Silica:</b>		
Crystalline: (See note f)		
Quartz (respirable) .....	300	10mg/M <sup>3</sup> m
	%SiO <sub>2</sub> +10	%SiO <sub>2</sub> +2
Quartz (total dust) .....		30mg/M <sup>3</sup>
		%SiO <sub>2</sub> +3
Cristobalite: Use 1/2 the value calculated from the count or mass formulae for quartz.		
Tridymite: Use 1/2 the value calculated from the formulae for quartz.		
Amorphous, including natural diatomaceous earth .....	20	80mg/M <sup>3</sup>
		%SiO <sub>2</sub>
<b>Silicates (less than 1% crystalline silica):</b>		
Mica .....	20	
Soapstone .....	20	
Talc .....	20	
Portland cement .....	50	
Graphite (natural) .....	15	
Coal dust (respirable fraction less than 5% SiO <sub>2</sub> ) .....		2.4mg/M <sup>3</sup> or 10mg/M <sup>3</sup>
For more than 5% SiO <sub>2</sub> .....		10mg/M <sup>3</sup>
		%SiO <sub>2</sub> +2
<b>Inert or Nuisance Dust:</b>		
Respirable fraction .....	15	5mg/M <sup>3</sup>
Total dust .....	30	10mg/M <sup>3</sup>

NOTE: Conversion factors—  
mppcf X 35.3 = million particles per cubic meter  
= particles per c.c.

e Millions of particles per cubic foot of air, based on impinger samples counted by light-field techniques.

f The percentage of crystalline silica in the formula is the amount determined from airborne samples, except in those instances in which other methods have been shown to be applicable.

m Both concentration and percent quartz for the application of this limit are to be determined from the fraction passing a size-selector with the following characteristics:

Aerodynamic diameter (unit density sphere)	Percent passing selector
2	90
2.5	75
3.5	50
5.0	25
10	0

The measurements under this note refer to the use of an AEC instrument. If the respirable fraction of coal dust is determined with a MRE the figure corresponding to that of a 2.4 mg/M<sup>3</sup> in the table for coal dust is 4.5 mg/M<sup>3</sup>.

**AMENDATORY SECTION (Amending Order 76-29, filed 9/30/76)**

**WAC 296-155-330 RIGGING EQUIPMENT FOR MATERIAL HANDLING. (1) General.**

(a) Rigging equipment for material handling shall be inspected prior to use on each shift and as necessary during its use to ensure that it is safe. Defective rigging equipment shall be removed from service.

(b) Rigging equipment shall not be loaded in excess of its recommended safe working load, as prescribed in Tables F-1 through F-20 in this Part.

(c) Rigging equipment, when not in use, shall be removed from the immediate work area so as not to present a hazard to employees.

(d) Special custom design grabs, hooks, clamps, or other lifting accessories, for such units as modular panels, prefabricated structures and similar materials, shall be marked to indicate the safe working loads and shall be proof-tested prior to use to 125 percent of their rated load.

(2) Alloy steel chains.

(a) Welded alloy steel chain slings shall have permanently affixed durable identification stating size, grade, rated capacity, and sling manufacturer.

(b) Hooks, rings, oblong links, pear-shaped links, welded or mechanical coupling links, or other attachments, when used with alloy steel chains, shall have a rated capacity at least equal to that of the chain.

(c) The use of job or shop hooks and links, or make-shift fasteners, formed from bolts, rods, etc., or other such attachments, shall be prohibited.

(d) Rated capacity (working load limit) for alloy steel chain slings shall conform to the values shown in Table F-1.

(e) Whenever wear at any point of any chain link exceeds that shown in Table F-2, the assembly shall be removed from service.

(f) If at any time any three foot length of chain is found to have stretched one-third the length of a link it shall be discarded.

(g) The practice of placing bolts or nails between two links to shorten chains is prohibited.

(h) Splicing broken chains by inserting a bolt between two links with the heads of the bolt and the nut sustaining the load, or passing one link through another and inserting a bolt or nail to hold it, is prohibited.

(i) Wherever annealing of chains is attempted, it shall be done in properly equipped annealing furnaces and under the direct supervision of a competent person.

(3) Wire rope.

(a) Table F-3 through F-14 shall be used to determine the safe working loads of various sizes and classifications of improved plow steel wire rope and wire rope slings with various types of terminals. For sizes, classifications, and grades not included in these tables, the safe working load recommended by the manufacturer for specific, identifiable products shall be followed, provided that a safety factor of not less than 5 is maintained.

(b) Protruding ends of strands in splices on slings and bridles shall be covered or blunted.

(c) Wire rope shall not be secured by knots.

(d) The following limitations shall apply to the use of wire rope:

(i) An eye splice made in any wire rope shall have not less than three full tucks.

NOTE: This requirement shall not preclude the use of another form of splice or connection which can be shown to be as efficient and which is not otherwise prohibited.

(ii) Except for eye splices in the ends of wires and for endless rope slings, each wire rope used in hoisting or

lowering, or in pulling loads, shall consist of one continuous piece without knot or splice.

(iii) Wire rope shall not be used, if in any length of eight diameters, the total number of visible broken wires exceeds 10 percent of the total number of wires, or if the rope shows other signs of excessive wear, corrosion, or defect.

(e) When U-bolt wire rope clips are used to form eyes, Table F-20 shall be used to determine the number and spacing of clips.

(f) When used for eye splices, the U-bolt shall be applied so that the "U" section is in contact with the dead end of the rope.

(g) Eyes in wire rope bridles, slings or bull wires shall not be formed by wire rope clips or knots.

NOTE: See Table F-20 for number of clamps and spacing requirements.

**CORRECT METHOD OF ATTACHING WIRE ROPE CLIPS**



U-Bolt of all clips on dead end of rope

(4) Natural rope, and synthetic fiber.

(a) General. When using natural or synthetic fiber rope slings, Tables F-15, F-16, F-17 and F-18 shall apply.

(b) All splices in rope slings provided by the employer shall be made in accordance with fiber rope manufacturers' recommendations.

(i) In manila rope, eye splices shall contain at least three full tucks, and short splices shall contain at least six full tucks (three on each side of the centerline of the splice).

(ii) In layed synthetic fiber rope, eye splices shall contain at least four full tucks, and short splices shall contain at least eight full tucks (four on each side of the centerline of the splice).

(iii) Strand end tails shall not be trimmed short (flush with the surface of the rope) immediately adjacent to the full tucks. This precaution applies to both eye and short splices and all types of fiber rope. For fiber ropes under 1-inch diameter, the tails shall project at least six rope diameters beyond the last full tuck. For fiber ropes 1-inch diameter and larger, the tails shall project at least 6 inches beyond the last full tuck. In applications where the projecting tails may be objectionable, the tails shall be tapered and spliced into the body of the rope using at least two additional tucks (which will require a tail length of approximately six rope diameters beyond the last full tuck).

(iv) For all eye splices, the eye shall be sufficiently large to provide an included angle of not greater than 60° at the splice when the eye is placed over the load or support.

(v) Knots shall not be used in lieu of splices.

(vi) All fibre rope used for hoisting purposes or for the support of scaffolds, or any part thereof, shall be of high grade Manila hemp (abaca). Fibre rope used for the support of scaffolds, or any part thereof, except rope used for lashing or tying purposes, shall be not less than ~~((three-fourths ( ) )~~  $3/4$  ~~( ) )~~-inch in diameter.

(vii) The maximum safe working load for fibre rope shall not exceed ~~((one-sixth ( ) )~~  $1/6$  ~~( ) )~~ of the maximum strength as shown in the following table:

**STRENGTH OF HIGH GRADE MANILA (ABACA) ROPE  
COMMON LAY THREE STRAND**

Approximate Diameter in inches	Circumference in inches	Safe Load in Pounds
3/16 (6 yarns)	1/2	98
1/4 (6 yarns)	3/4	116
5/16 (6 yarns)	1	200
3/8 (12 yarns)	1 1/8	241
7/16 (15 yarns)	1 1/4	291
15/32 (18 yarns)	1 3/8	350
1/2 (21 yarns)	1 1/2	408
9/16	1 3/4	526
5/8	2	666
3/4	2 1/4	816
13/16	2 1/2	983
7/8	2 3/4	1,166
1	3	1,366
1 1/16	3 1/4	1,683
1 1/8	3 1/2	1,833
1 1/4	3 3/4	2,083
1 5/16	4	2,365
1 3/8	4 1/4	2,666
1 1/2	4 1/2	2,916

NOTE: This table is based on data contained in the U.S. Department of Commerce circular of the Bureau of Standards, No. 324.

(5) Synthetic webbing (nylon, polyester, and polypropylene).

(a) The employer shall have each synthetic web sling marked or coded to show:

- (i) Name or trademark of manufacturer.
- (ii) Rated capacities for the type of hitch.
- (iii) Type of material.

(b) Rated capacity shall not be exceeded.

(6) Shackles and hooks.

(a) Table F-19 shall be used to determine the safe working loads of various sizes of shackles, except that higher safe working loads are permissible when recommended by the manufacturer for specific, identifiable products, provided that a safety factor of not less than 5 is maintained.

(b) The manufacturer's recommendations shall be followed in determining the safe working loads of the various sizes and types of specific and identifiable hooks. All hooks for which no applicable manufacturer's recommendations are available shall be tested to twice the intended safe working load before they are initially put into use. The employer shall maintain a record of the dates and results of such tests.

(c) Hooks shall not be modified by welding and/or drilling unless written approval by the manufacturer has been received.

(7) Slings.

(a) When slings are provided as a part of the hoisting equipment, every precaution shall be taken to keep them in a serviceable condition.

(i) Cable slings shall be frequently inspected and oiled.

(ii) Slings shall not be left where they can be damaged by traffic or form stumbling hazards.

(iii) Blocks or heavy bagging shall be used at corners of the load to protect the sling from sharp bending.

(b) When a load is lifted by a multiple rope sling the sling shall be so arranged that the strain can be equalized between the ropes.

(i) When using a sling with both ends engaged in the hoisting block, the sling shall be adjusted so as to equalize the stress.

(ii) Slings shall be placed on the load at safe lifting angles.

(8) Material handling—General.

(a) When necessary to store building material on public thoroughfares, care shall be exercised to see that it is so piled or stacked as to be safe against collapse or falling over.

(b) Material shall be so located as not to interfere with, or present a hazard to employees, traffic or the public.

AMENDATORY SECTION (Amending Order 76-29, filed 9/30/76)

WAC 296-155-480 LADDERS. (1) General requirements.

(a) All applicable rules for design, construction, maintenance, operation, testing, and use of ladders contained in WAC 296-24-780 through 296-24-81013 of the General Safety and Health Standards shall be complied with.

(b) Except where either permanent or temporary stairways or suitable ramps or runways are provided, ladders described in this Part shall be used to give safe access to all elevations.

(c) The use of ladders with broken or missing rungs or steps, broken or split side rails, or other faulty or defective construction is prohibited. When ladders with such defects are discovered, they shall be immediately withdrawn from service. Inspection of metal ladders shall include checking for corrosion of interiors of open end hollow rungs.

(d) Manufactured portable wood ladders provided by the employer shall be in accordance with the provisions of the American National Standards Institute, A14.1-1968, Safety Code for Portable Wood Ladders.

(e) Portable metal ladders shall be of strength equivalent to that of wood ladders. Manufactured portable metal ladders provided by the employer shall be in accordance with the provisions of the American National Standards Institute, A14.2-1972, Safety Code for Portable Metal Ladders.

(f) Fixed ladders shall be in accordance with the provisions of the American National Standards Institute, A14.3-1956, Safety Code for Fixed Ladders.

(g) Feet of portable ladders shall be placed on a substantial base, and the area around the top and bottom of the ladder shall be kept clear.

(h) Portable ladders shall be used at such a pitch that the horizontal distance from the top support to the foot of the ladder is about one-quarter of the working length of the ladder (the length along the ladder between the foot and the top support). Ladders shall not be used in a horizontal position as platforms, runways, or scaffolds.

(i) Ladders shall not be placed in passageways, doorways, driveways, or any location where they may be displaced by activities being conducted on any other work, unless protected by barricades or guards.

(j) The side rails shall extend not less than 36 inches above the landing. When this is not practical, grab rails, which provide a secure grip for an employee moving to or from the point of access, shall be installed.

(k) Portable straight ladders in use shall be tied, blocked, equipped with safety shoes or otherwise secured to prevent their being displaced.

(l) Portable metal ladders shall not be used for electrical work or where they may contact electrical conductors.

(m) Unless otherwise stated, all lumber sizes shall be nominal.

(n) When working from a ladder over 25 feet from the ground or floor, the ladder shall be secured at both top and bottom.

(o) No type of work shall be performed on a ladder over 25 feet from the ground or floor that requires the use of both hands to perform the work, unless a safety belt is worn and the safety lanyard is secured to the ladder.

(p) Work, such as sandblasting or spray painting, that requires wearing eye protection, respirators, and handling of pressure equipment, shall be limited to not over 30 feet from the ground or floor while working on a ladder.

(2) Job-made ladders.

(a) Job-made ladders shall be constructed for intended use.

(b) If a ladder is to provide the only means of access or exit from a working area for ~~((25))~~ twenty-five or more employees, or simultaneous two-way traffic is expected, a double cleat ladder shall be installed.

(c) Double cleat ladders shall not exceed 24 feet in length.

(d) Single cleat ladders shall not exceed 30 feet in length between supports (base and top landing). If ladders are to connect different landings, or if the length required exceeds this maximum length, two or more separate ladders shall be used, offset with a platform between each ladder. Guardrails and toeboards shall be erected on the exposed sides of the platforms.

(e) The width of single cleat ladders shall be at least 15 inches, but not more than 20 inches between rails at the top.

(f) It is preferable that side rails be continuous. If splicing is necessary to attain the required length however, the splice must develop the full strength of a continuous side rail of the same length.

(g) 2-inch by 4-inch lumber shall be used for side rails of single cleat ladders up to 16 feet long; 3-inch by 6-inch lumber, or the equivalent, shall be used for single cleat ladders from 16 to 30 feet in length.

(h) 2-inch by 4-inch lumber shall be used for side and middle rails of double cleat ladders up to 12 feet in length; 2-inch by 6-inch lumber for double cleat ladders from 12 to 24 feet in length.

(i) ((2)) 1-inch by 4-inch lumber shall be used for cleats of single and double cleat ladders.

(j) Cleats shall be inset into the edges of the side rails one-half inch, or filler blocks shall be used on the rails between the cleats. The cleats shall be secured to each rail with three 10d common wire nails or other fasteners of equivalent strength. Cleats shall be uniformly spaced, 12 inches top-to-top.

(k) Side rails shall be parallel or flared top to bottom by not more than one-quarter of an inch for each ((two)) 2 feet of ladder.

(l) Wood side rails of ladders having cleats shall be not less than 1-1/2 inches thick and 3-1/2 inches deep (2 inches by 4 inches nominal) when made of Group 2 or Group 3 woods (see Table J-18). Wood side rails of Group 4 wood (See Table J-18) may be used in the same cross-section of dimensions for cleat ladders up to 20 feet in length.

#### AMENDATORY SECTION (Amending Order 76-29, filed 9/30/76)

#### WAC 296-155-485 SCAFFOLDING. (1) General requirements.

(a) All applicable rules for design, construction, maintenance, operation, testing, and use of scaffolds contained in chapter 296-24 WAC, "General Safety and Health Standards", shall apply within the construction industry. (See WAC 296-24-825 through 296-24-84013.)((:))

(b) Scaffolds shall be erected in accordance with requirements of this section.

(c) The footing or anchorage for scaffolds shall be sound, rigid, and capable of carrying the maximum intended load without settling or displacement. Unstable objects such as barrels, boxes, loose brick, or concrete blocks, shall not be used to support scaffolds or planks.

(d) No scaffold shall be erected, moved, dismantled, or altered except under the supervision of competent persons.

(e) Guardrails and toeboards shall be installed on all open sides and ends of platforms more than 10 feet above the ground or floor, except needle beam scaffolds and floats. The guardrail shall not be more than 18 inches from the edge of the outside platform plank on the outside face (opposite the building wall or structure) except on plasterer's and lather's scaffolds as permitted by WAC 296-155-485(18)(l). On the inside face (next to building or structure) the scaffold shall be as close to the building or structure as possible, but in no case shall the platform planks be more than 18 inches from the building or structure unless a standard guardrail is provided on the inside face of the scaffold. Scaffolds 4 feet to 10 feet in height, having a minimum horizontal dimension in either direction of less than 45 inches, shall have standard guardrails and toeboards installed on all open sides and ends of the scaffold platform.

(f) Where persons are required to work or pass under the scaffold, scaffolds shall be provided with a screen

between the toeboard and the guardrail, extending along the entire opening, consisting of No. 18 gauge U.S. Standard wire 1/2-inch mesh, or the equivalent.

(g) Scaffolds and their components shall be capable of supporting without failure at least 4 times the maximum intended load.

(h) Any scaffold including accessories such as braces, brackets, trusses, screw legs, ladders, etc. damaged or weakened from any cause shall be immediately repaired or replaced.

(i) All load-carrying timber members of scaffold framing shall be a minimum of 1,500 fiber (Stress Grade) construction grade lumber. All dimensions are nominal sizes as provided in the American Lumber Standards, except that where rough sizes are noted, only rough or undressed lumber of the size specified will satisfy minimum requirements.

(j) All planking shall be Scaffold Grades, or equivalent, as recognized by approved grading rules for the species of wood used. The maximum permissible spans for 2- x 10-inch or wider planks shall be as shown in Table J-1.

(k) The maximum permissible span for 1 1/4- x 9-inch or wider plank of full thickness shall be 4 feet with medium duty loading of 50 p.s.f.

(l) All planking or platforms shall be overlapped (minimum 12 inches), or secured from movement and the platform shall be a minimum of two 2-inch by 10-inch planks in width or a minimum of 18 inches.

(m) An access ladder or equivalent safe access shall be provided.

(n) Scaffold planks shall extend over their end supports not less than 6 inches nor more than 12 inches.

(o) The poles, legs, or uprights of scaffolds shall be plumb, and securely and rigidly braced to prevent swaying and displacement.

(p) Overhead protection shall be provided for persons on a scaffold exposed to overhead hazards.

(q) Slippery conditions on scaffolds shall be eliminated as soon as possible after they occur.

(r) No welding, burning, riveting, or open flame work shall be performed on any staging suspended by means of fiber or synthetic rope. Only treated or protected fiber or synthetic ropes shall be used for or near any work involving the use of corrosive substances or chemicals. Specific requirements for boatswain's chairs and float or ship scaffolds are contained in subsections (12) and (24) of this section.

(s) Wire, synthetic, or fiber rope used for scaffold suspension shall be capable of supporting at least 6 times the rated load.

(t) The use of shore or lean-to scaffolds is prohibited.

(2) Wood pole scaffolds:

(a) Scaffold poles shall bear on a foundation of sufficient size and strength to spread the load from the pole over a sufficient area to prevent settlement. All poles shall be set plumb.

(b) Where wood poles are spliced, the ends shall be squared and the upper section shall rest squarely on the lower section. Wood splice plates shall be provided on at least two adjacent sides and shall be not less than 4 feet in length, overlapping the abutted ends equally, and

have the same width and not less than the cross-sectional area of the pole. Splice plates or other materials of equivalent strength may be used.

(c) Independent pole scaffolds shall be set as near to the wall of the building as practicable.

(d) All pole scaffolds shall be securely guyed or tied to the building or structure. Where the height or length exceeds 25 feet, the scaffold shall be secured at intervals not greater than 25 feet vertically and horizontally.

(e) Putlogs or bearers shall be set with their greater dimension vertical, and long enough to project over the ledgers of the inner and outer rows of poles at least 3 inches for proper support.

(f) Every wooden putlog on single pole scaffolds shall be reinforced with a 3/16- x 2-inch steel strip, or equivalent, secured to its lower edge throughout its entire length.

(g) Ledgers shall be long enough to extend over two pole spaces. Ledgers shall not be spliced between the poles. Ledgers shall be reinforced by bearing blocks securely nailed to the side of the pole to form a support for the ledger.

(h) Diagonal bracing shall be provided to prevent the poles from moving in a direction parallel with the wall of the building, or from buckling

(i) Cross bracing shall be provided between the inner and outer sets of poles in independent pole scaffolds. The free ends of pole scaffolds shall be cross braced.

(j) Full diagonal face bracing shall be erected across the entire face of pole scaffolds in both directions. The braces shall be spliced at the poles. The inner row of poles on medium and heavy duty scaffolds shall be braced in a similar manner.

(k) Platform planks shall be laid with their edges close together so the platform will be tight with no spaces through which tools or fragments of material can fall.

(l) Where planking is lapped, each plank shall lap its end supports at least 12 inches. Where the ends of planks abut each other to form a flush floor, the butt joint shall be at the centerline of a pole. The abutted ends shall rest on separate bearers. Intermediate beams shall be provided where necessary to prevent dislodgment of planks due to deflection, and the ends shall be secured to prevent their dislodgment.

(m) When a scaffold materially changes its direction, the platform planks shall be laid to prevent tipping. The planks that meet the corner putlog at an angle shall be laid first, extending over the diagonally placed putlog far enough to have a good safe bearing, but not far enough to involve any danger from tipping. The planking running in the opposite direction at an angle shall be laid so as to extend over and rest on the first layer of planking.

(n) When moving platforms to the next level, the old platform shall be left undisturbed until the new putlogs or bearers have been set in place, ready to receive the platform planks.

(o) All wood pole scaffolds 60 feet or less in height shall be constructed and erected in accordance with Tables J-2 to J-8. If they are over 60 feet in height, they shall be designed by a qualified engineer competent

in this field, and it shall be constructed and erected in accordance with such design.

(3) Tube and coupler scaffolds.

(a) A light duty tube and coupler scaffold shall have all posts, bearers, runners, and bracing of nominal 2-inch O.D. steel tubing. The posts shall be spaced no more than 6 feet apart by 10 feet along the length of the scaffold. Other structural metals when used must be designed to carry an equivalent load. No dissimilar metals shall be used together.

(b) A medium duty tube and coupler scaffold shall have all posts, runners, and bracing of nominal 2-inch O.D. steel tubing. Posts spaced not more than 6 feet apart by 8 feet along the length of the scaffold shall have bearers of nominal 2 1/2-inch O.D. steel tubing. Posts spaced not more than 5 feet apart by 8 feet along the length of the scaffold shall have bearers of nominal 2-inch O.D. steel tubing. Other structural metals, when used, must be designed to carry an equivalent load. No dissimilar metals shall be used together.

(c) A heavy duty tube and coupler scaffold shall have all posts, runners, and bracing of nominal 2-inch O.D. steel tubing, with the posts spaced not more than 6 feet by 6 feet-6 inches. Other structural metals, when used, must be designed to carry an equivalent load. No dissimilar metals shall be used together.

(d) Tube and coupler scaffolds shall be limited in heights and working levels to those permitted in Tables J-8, J-9 and J-10. Drawings and specifications of all tube and coupler scaffolds above the limitations in Tables J-8, J-9 and J-10 shall be designed by a qualified engineer competent in this field.

(e) All tube and coupler scaffolds shall be constructed and erected to support four times the maximum intended loads, as set forth in Tables J-8, J-9 and J-10, or as set forth in the specifications by a licensed professional engineer competent in this field.

(f) Posts shall be accurately spaced, erected on suitable bases, and maintained plumb.

(g) Runners shall be erected along the length of the scaffold, located on both the inside and the outside posts at even height. Runners shall be interlocked to the inside and the outside posts at even heights. Runners shall be interlocked to form continuous lengths and coupled to each post. The bottom runners shall be located as close to the base as possible. Runners shall be placed not more than 6 feet-6 inches on centers.

(h) Bearers shall be installed transversely between posts and shall be securely coupled to the posts bearing on the runner coupler. When coupled directly to the runners, the coupler must be kept as close to the posts as possible.

(i) Bearers shall be at least 4 inches but not more than 12 inches longer than the post spacing or runner spacing.

(j) Cross bracing shall be installed across the width of the scaffold at least every third set of posts horizontally and every fourth runner vertically. Such bracing shall extend diagonally from the inner and outer runners upward to the next outer and inner runners.

(k) Longitudinal diagonal bracing on the inner and outer rows of poles shall be installed at approximately a

45° angle from near the base of the first outer post upward to the extreme top of the scaffold. Where the longitudinal length of the scaffold permits, such bracing shall be duplicated beginning at every fifth post. In a similar manner, longitudinal diagonal bracing shall also be installed from the last post extending back and upward toward the first post. Where conditions preclude the attachment of this bracing to the posts, it may be attached to the runners.

(l) The entire scaffold shall be tied to and securely braced against the building at intervals not to exceed 30 feet horizontally and 26 feet vertically.

(4) Tubular welded frame scaffolds.

(a) Metal tubular frame scaffolds, including accessories such as braces, brackets, trusses, screw legs, ladders, etc., shall be designed, constructed, and erected to safely support four times the maximum rated load.

(b) Spacing of panels or frames shall be consistent with the loads imposed.

(c) Scaffolds shall be properly braced by cross bracing or diagonal braces, or both, for securing vertical members together laterally, and the cross braces shall be of such length as will automatically square and aline vertical members so that the erected scaffold is always plumb, square, and rigid. All brace connections shall be made secure.

(d) Scaffold legs shall be set on adjustable bases or plain bases placed on mud sills or other foundations adequate to support the maximum rated load.

(e) The frames shall be placed one on top of the other with coupling or stacking pins to provide proper vertical alignment of the legs.

(f) Where uplift may occur, panels shall be locked together vertically by pins or other equivalent suitable means.

(g) To prevent movement, the scaffold shall be secured to the building or structure at intervals not to exceed 30 feet horizontally and 26 feet vertically.

(h) Maximum permissible spans or planking shall be in conformity with (1)(j) of this section.

(i) Drawings and specifications for all frame scaffolds over 125 feet in height above the base plates shall be designed by a registered professional engineer.

(5) Manually propelled mobile scaffolds.

(a) When freestanding mobile scaffold towers are used, the height shall not exceed four times the minimum base dimension.

(b) Casters shall be properly designed for strength and dimensions to support four times the maximum intended load. All casters shall be provided with a positive locking device to hold the scaffold in position.

(c) Scaffolds shall be properly braced by cross bracing and horizontal bracing conforming with subsection (4)(c) of this section.

(d) Platforms shall be tightly planked for the full width of the scaffold except for necessary entrance opening. Platforms shall be secured in place.

(e) A ladder or stairway shall be provided for proper access and exit and shall be affixed or built into the scaffold and so located that when in use it will not have a tendency to tip the scaffold. A landing platform must be provided at intervals not to exceed 35 feet.

(f) The force necessary to move the mobile scaffold shall be applied near or as close to the base as practicable and provision shall be made to stabilize the tower during movement from one location to another. Scaffolds shall only be moved on level floors, free of obstructions and openings.

(g) The employer shall not allow employees to ride on manually propelled scaffolds unless the following conditions exist:

(i) The floor or surface is within 3° of level, and free from pits, holes, or obstructions;

(ii) The minimum dimension of the scaffold base when ready for rolling, is at least one-half of the height. Outriggers, if used, shall be installed on both sides of staging;

(iii) The wheels are equipped with rubber or similar resilient tires;

(iv) All tools and materials are secured or removed from the platform before the mobile scaffold is moved.

(h) Scaffolds in use by any persons shall rest upon a suitable footing and shall stand plumb. The casters or wheels shall be locked to prevent any movement.

(i) Mobile scaffolds constructed of metal members shall also conform to applicable provisions of subsections (2), (3), and (4) of this section, depending on the material of which they are constructed.

(6) Elevating and rotating work platforms. Applicable requirements of American National Standards Institute A92.2-1969, Vehicle Mounted Elevating and Rotating Work Platforms, shall be complied with for such equipment, as required by the provisions of WAC 296-155-580.

(7) Outrigger scaffolds.

(a) Outrigger beams shall extend not more than 6 feet beyond the face of the building. The inboard end of outrigger beams, measured from the fulcrum point to anchorage point, shall be not less than 1 1/2 times the outboard end in length. The beams shall rest on edge, the sides shall be plumb, and the edges shall be horizontal. The fulcrum point of the beam shall rest on a secure bearing at least 6 inches in each horizontal dimension. The beam shall be secured in place against movement and shall be securely braced at the fulcrum point against tipping.

(b) The inboard ends of outrigger beams shall be securely anchored either by means of struts bearing against sills in contact with the overhead beams or ceiling, or by means of tension members secured to the floor joists underfoot, or by both if necessary, or by a securely fastened solid body counterweight. (Water in an open container or loose material in bags shall not be permitted.) The inboard ends of outrigger beams shall be secured against tipping and the entire supporting structure shall be securely braced in both directions to prevent any horizontal movement.

(c) Unless outrigger scaffolds are designed by a registered professional engineer competent in this field, they shall be constructed and erected in accordance with Table J-11. Outrigger scaffolds, designed by a registered professional engineer, shall be constructed and erected in accordance with such design.

(d) Planking shall be laid tight and shall extend to within 3 inches of the building wall. Planking shall be secured to the beams.

(8) Masons' adjustable multiple-point suspension scaffolds.

(a) The scaffold shall be capable of sustaining a working load of 50 pounds per square foot and shall not be loaded in excess of that figure.

(b) The scaffold shall be provided with hoisting machines that meet the requirements of Underwriters' Laboratories, Factory Mutual Engineering Corporation, or other agency or laboratory approved by the Department of Labor and Industries.

(c) The platform shall be supported by wire ropes, capable of supporting at least 6 times the intended load, suspended from overhead outrigger beams.

(d) The scaffold outrigger beams shall consist of structural metal securely fastened or anchored to the frame or floor system of the building or structure.

(e) Each outrigger beam shall be equivalent in strength to at least a standard 7-inch, 15.3-pound steel I-beam, at least 15 feet long, and shall not project more than 6 feet 6 inches beyond the bearing point.

(f) Where the overhang exceeds 6 feet 6 inches, outrigger beams shall be composed of stronger beams or multiple beams and be installed under the supervision of a competent person.

(g) All outrigger beams shall be set and maintained with their webs in a vertical position.

(h) A stop bolt shall be placed at each end of every outrigger beam.

(i) The outrigger beam shall rest on suitable wood bearing blocks.

(j) The free end of the suspension wire ropes shall be equipped with proper size thimbles and secured by splicing or other equivalent means. The running ends shall be securely attached to the hoisting drum and at least four turns of wire rope shall at all times remain on the drum. The use of fiber rope is prohibited.

(k) Where a single outrigger beam is used, the steel shackles or clevises with which the wire ropes are attached to the outrigger beams shall be placed directly over the hoisting drums.

(l) The scaffold platform shall be equivalent in strength to at least 2-inch planking. (For maximum planking spans, see subsection (1)(j) of this section.)

(m) When employees are at work on the scaffold and an overhead hazard exists, overhead protection shall be provided on the scaffold, not more than 9 feet above the platform, consisting of 2-inch planking, or material of equivalent strength, laid tight, and extending not less than the width of the scaffold.

(n) Each scaffold shall be installed or relocated under the supervision of a competent person.

(9) (Swinging scaffolds) two-point suspension.

(a) Two-point suspension scaffold platforms shall be not less than 20 inches nor more than 36 inches wide overall. The platform shall be securely fastened to the hangers by U-bolts or by other equivalent means.

(b) The hangers of two-point suspension scaffolds shall be made of mild steel, or other equivalent materials, having a cross-sectional area capable of sustaining 4

times the maximum rated load, and shall be designed with a support for guardrail, intermediate rail, and toeboard.

(c) When hoisting machines are used on two-point suspension scaffolds, such machines shall be of a design tested and approved by Underwriters' Laboratories, Factory Mutual Engineering Corporation, or by an agency or laboratory approved by the Department of Labor and Industries.

(d) The roof irons or hooks shall be of mild steel, or other equivalent material, of proper size and design, securely installed and anchored. Tiebacks of 3/4-inch manila rope, or the equivalent, shall serve as a secondary means of anchorage, installed at right angles to the face of the building, whenever possible, and secured to a structurally sound portion of the building.

(e) Two-point suspension scaffolds shall be suspended by wire, synthetic or fiber ropes capable of supporting at least 6 times the rated load. All other components shall be capable of supporting at least four times the rated load.

(f) The sheaves of all blocks, consisting of at least one double and one single block, shall fit the size and type of rope used.

(g) All wire ropes, fiber and synthetic ropes, slings, hangers, platforms, and other supporting parts shall be inspected before every installation. Periodic inspections shall be made while the scaffold is in use.

(h) On suspension scaffolds designed for a working load of 500 pounds, no more than two persons shall be permitted to work at one time. On suspension scaffolds with a working load of 750 pounds, no more than three persons shall be permitted to work at one time. On suspension scaffolds with a working load of 1,000 pounds, no more than four persons shall be permitted to work at one time. Each employee shall be protected by an approved safety life belt attached to a dropline. The droplines shall be securely attached to substantial members of the structure (not scaffold), or to securely rigged lines, which will safely suspend the employee in case of a fall. In order to keep the dropline continuously attached, with a minimum of slack, to a fixed structure, the attachment point of the dropline shall be appropriately changed as the work progresses.

(i) When a multi-tiered two-point suspension scaffold is provided with safety droplines that attach to each end of the scaffold through an approved quick acting safety device, in case either or both of the main suspension lines should break, the lanyard of the safety belt shall be tied off to a substantial member of the scaffold itself or to a horizontal lifeline substantially attached to each end of the scaffold or a sliding device on the horizontal lifeline. The two additional safety droplines shall be individually suspended from roof irons, hooks, or other approved devices and shall be in the near proximity to the suspension droplines to prevent unnecessary side impact. The safety dropline shall also have a 6 to 1 safety factor.

(j) Two-point suspension scaffolds shall be securely lashed to the building or structure to prevent the scaffolds from swaying. Window cleaners' anchors shall not be used for this purpose.

(k) The platform of every two-point suspension scaffold shall be one of the following types:

(i) Ladder-type platforms. The side stringer shall be of clear straight-grained spruce or materials of equivalent strength and durability. The rungs shall be of straight-grained oak, ash, or hickory, at least 1 1/8 inch in diameter, with 7/8-inch tenons mortised into the side stringers at least ~~((seven-eighths))~~ 7/8-inch. The stringers shall be tied together with the rods not less than one-quarter inch in diameter, passing through the stringers and riveted up tight against washers on both ends. The flooring strips shall be spaced not more than five-eighths inch apart except at the side rails where the space may be 1 inch. Ladder-type platforms shall be constructed in accordance with Table J-12.

(ii) Plank-type platforms. Plank-type platforms shall be composed of not less than nominal 2- x 10-inch unspliced planks, properly cleated together on the underside, starting 6 inches from each end; intervals in between shall not exceed 4 feet. The plank-type platform shall not extend beyond the hangers more than 12 inches. A bar or other effective means shall be securely fastened to the platform at each end to prevent its slipping off the hanger. The span between hangers for plank-type platforms shall not exceed 8 feet.

(iii) Beam-type platforms. Beam platforms shall have side stringers of lumber not less than 2 x 6 inches set on edge. The span between hangers shall not exceed 12 feet when beam platforms are used. The flooring shall be supported on 2- x 6(~~(<sup>2</sup>)~~)-inch cross beams, laid flat and set into the upper edge of the stringers with a snug fit, at intervals of not more than 4 feet, securely nailed in place. The flooring shall be of 1- x 6-inch material properly nailed. Floor boards shall not be spaced more than one-half inch apart.

(iv) Light metal-type platforms, when used, shall be tested and listed according to Underwriters' Laboratories, Factory Mutual Engineering Corporation, or the Department of Labor and Industries.

(10) Stone setters' adjustable multiple-point suspension scaffolds.

(a) The scaffold shall be capable of sustaining a working load of 25 pounds per square foot and shall not be overloaded. Scaffolds shall not be used for storage of stone or other heavy materials.

(b) When used, the hoisting machine and its supports shall be of a type tested and listed by Underwriters' Laboratories, Factory Mutual Engineering Corporation or the Department of Labor and Industries.

(c) The platform shall be securely fastened to the hangers by U-bolts or other equivalent means. (For materials and spans, see item (ii) of subsection (9)(j), Plank-type Platforms and Table J-12 of this section.)

(d) The scaffold unit shall be suspended from metal outriggers, iron brackets, wire rope slings, or iron hooks.

(e) Outriggers, when used, shall be set with their webs in a vertical position, securely anchored to the building or structure and provided with stop bolts at each end.

(f) The scaffold shall be supported by wire rope capable of supporting at least 6 times the rated load. All other components shall be capable of supporting at least 4 times the rated load.

(g) The free ends of the suspension wire ropes shall be equipped with proper size thimbles, secured by splicing or other equivalent means. The running ends shall be securely attached to the hoisting drum and at least four turns of wire rope shall remain on the drum at all times.

(h) When two or more scaffolds are used on a building or structure, they shall not be bridged one to the other; but shall be maintained at even height with platforms abutting closely.

(11) Single-point adjustable suspension scaffolds.

(a) The scaffolding, including power units or manually operated winches, shall be of a type tested and listed by Underwriters' Laboratories, Factory Mutual Engineering Corporation or the Department of Labor and Industries.

(b) The power units may be either electrically or air motor driven.

(c) All power-operated gears and brakes shall be enclosed.

(d) In addition to the normal operating brake, all power-driven units shall have an emergency brake which engages automatically when the normal speed of descent is exceeded.

(e) The hoisting machines, cables, and equipment shall be regularly serviced and inspected.

(f) The units may be combined to form a two-point suspension scaffold. Such scaffold shall then comply with subsection (9) of this section.

(g) The supporting cable shall be vertical for its entire length, and the basket shall not be swayed nor the cable fixed to any intermediate points to change the original path of travel.

(h) Suspension methods shall conform to applicable provisions of subsections (8) and (9) of this section.

(i) For additional details not covered in this subsection applicable technical portions of American National Standards Institute, A120.1-1970, Power-Operated Devices for Exterior Building Maintenance Powered Platforms, shall be used.

(12) Boatswain's chairs.

(a) The chair seat shall not be less than 12 x 24 inches, and 1-inch thickness. The seat shall be reinforced on the underside by cleats securely fastened to prevent the board from splitting.

(b) The two fiber rope seat slings shall be of 5/8-inch diameter, reeved through the four seat holes so as to cross each other on the underside of the seat.

(c) Seat slings shall be of at least 3/8-inch wire rope when an employee is conducting a heat-producing process, such as gas welding.

(d) The employee shall be protected by a safety belt and lifeline in accordance with WAC 296-155-225. The attachment point of the lifeline to the structure shall be appropriately changed as the work progresses.

(e) The tackle shall consist of correct size ball bearing or bushed blocks and properly spliced 5/8-inch diameter first grade manila rope, or equivalent.

(f) The roof irons, hooks, or the object to which the tackle is anchored, shall be securely installed. Tiebacks, when used, shall be installed at right angles to the face of the building and securely fastened.

(13) Carpenters' bracket scaffolds.

(a) The brackets shall consist of a triangular wood frame not less than 2 x 3 inches in cross section, or of metal of equivalent strength. Each member shall be properly fitted and securely joined.

(b) Each bracket shall be attached to the structure by means of one of the following:

(i) A bolt, no less than (~~five-eighths~~) 5/8-inch in diameter, which shall extend through to the inside of the building wall;

(ii) A metal stud attachment device;

(iii) Welding to steel tanks;

(iv) Hooking over a well-secured and adequately strong supporting member.

(c) The brackets shall be spaced no more than 8 feet apart.

(d) No more than two employees shall occupy any given 8 feet of a bracket scaffold at any one time. Tools and materials shall not exceed 75 pounds in addition to the occupancy.

(e) The platform shall consist of not less than two 2- x 10-inch planks extending not more than 12 inches or less than 6 inches beyond each end support.

(14) Bricklayers' square scaffolds.

(a) The squares shall not exceed 5 feet in width and 5 feet in height.

(b) Members shall be not less than those specified in Table J-13.

(c) The squares shall be reinforced on both sides of each corner with 1- x 6-inch gusset pieces. They shall also have diagonal braces 1 x 8 inches on both sides running from center to center of each member, or other means to secure equivalent strength and rigidity.

(d) The squares shall be set not more than 5 feet apart for medium duty scaffolds, and not more than 8 feet apart for light duty scaffolds. Bracing, 1 x 8 inches, extending from the bottom of each square to the top of the next square, shall be provided on both front and rear sides of the scaffold.

(e) Platform planks shall be at least 2 x 10-inch. The ends of the planks shall overlap the bearers of the squares and each plank shall be supported by not less than three squares.

(f) Bricklayers' square scaffolds shall not exceed three tiers in height and shall be so constructed and arranged that one square shall rest directly above the other. The upper tiers shall stand on a continuous row of planks laid across the next lower tier and be nailed down or otherwise secured to prevent displacement.

(g) Scaffolds shall be level and set upon a firm foundation.

(15) Horse scaffolds.

(a) Horse scaffolds shall not be constructed or arranged more than two tiers or 10 feet in height.

(b) The members of the horses shall be not less than those specified in Table J-14.

(c) Horses shall be spaced not more than 5 feet for medium duty and not more than 8 feet for light duty.

(d) When arranged in tiers, each horse shall be placed directly over the horse in the tier below.

(e) On all scaffolds arranged in tiers, the legs shall be nailed down or otherwise secured to the planks to prevent displacement or thrust and each tier shall be substantially cross braced.

(f) Horses or parts which have become weak or defective shall not be used.

(16) Needle beam scaffold.

(a) Wood needle beams shall be not less than 4 x 6 inches in size, with the greater dimension placed in a vertical direction. Metal beams or the equivalent, conforming to subsections (1)(h) and (j) of this section, may be used and shall not be altered or moved horizontally while they are in use.

(b) Ropes or hangers shall be provided for supports. The span between supports on the needle beam shall not exceed 10 feet for 4- x 6-inch timbers. Rope supports shall be equivalent in strength to 1-inch diameter first-grade manila rope.

(c) The ropes shall be attached to the needle beams by a scaffold hitch or a properly made eye splice. The loose end of the rope shall be tied by a bowline knot or by a round turn and a half hitch.

(d) The scaffold hitch shall be arranged so as to prevent the needle beam from rolling or becoming otherwise displaced.

(e) The platform span between the needle beams shall not exceed 8 feet when using 2-inch scaffold plank. For spans greater than 8 feet, platforms shall be designed based on design requirements for the special span. The overhang of each end of the platform planks shall be not less than 6 inches and not more than 12 inches.

(f) When needle beam scaffolds are used, the planks shall be secured against slipping.

(g) All unattached tools, bolts, and nuts used on needle beam scaffolds shall be kept in suitable containers, properly secured.

(h) One end of a needle beam scaffold may be supported by a permanent structural member conforming to subsections (1)(h) and (j) of this section.

(i) Each employee working on a needle beam scaffold shall be protected by a safety belt and lifeline in accordance with WAC 296-155-225.

(17) Plasterers', decorators', and large area scaffolds.

(a) Plasterers', lathers', and ceiling workers' inside scaffolds shall be constructed in accordance with the general requirements set forth for independent wood pole scaffolds. (See subsection (2) of this section and Tables J-5, J-6 and J-7.)

(b) All platform planks shall be laid with the edges close together.

(c) When independent pole scaffold platforms are erected in sections, such sections shall be provided with connecting runways equipped with substantial guardrails.

(18) Plasterers' and lathers' tubular welded frame scaffolds.

(a) Plasterers' and lathers' scaffolds shall be erected in accordance with requirements of this section.

(b) The footing or anchorage for scaffolds shall be sound, rigid, and capable of carrying the maximum intended load without settling or displacement. Unstable

objects such as barrels, boxes, loose brick, or concrete blocks shall not be used to support scaffolds or planks.

(c) No scaffold shall be erected, moved, dismantled, or altered except under the supervision of competent persons.

(d) Scaffolds, including accessories such as braces, brackets, trusses, screw legs, ladders, etc., shall be designed, constructed, and erected to safely support four times the maximum rated loads.

(e) Spacing of panels or frames shall be consistent with the loads imposed.

(f) The frames shall be placed one on top of the other with coupling or stacking pins to provide proper vertical alignment of the legs.

(g) Where uplift may occur, panels shall be locked together vertically by pins or other equivalent suitable means.

(h) To prevent movement, the scaffold shall be secured to the building or structure at intervals not to exceed 30 feet horizontally and 26 feet vertically.

(i) The outside face (opposite the building wall) of the scaffold shall be fully cross braced with a horizontal continuous guardrail attached to the lower cross brace lock pins. (See Figure J-1.)

(j) The inside face (next to building wall) of the scaffold shall have a continuous horizontal brace attached to the upper cross brace lock pins.

(k) The outrigger plank shall be no more than 18 inches from the finished wall.

(l) The scaffold platform shall be planked to leave no more than a 22-inch maximum opening between the outside plank and the outside vertical member of the scaffold frame. (See Figure J-2.)

**NOTE:** The scaffold frame may be utilized to travel from one working level to another working level, provided the scaffold is of the type typified in Figure J-2.

(m) Any scaffold over three frames high shall have a standard inside ladder installed.

(n) All end runs shall be provided with a standard top rail and mid rail.

(o) All outside ends of turns shall be provided with a standard top rail and mid rail or with a cross brace and horizontal rail at the bottom of the cross brace.

(p) If no wall or studs are present on the building side of any scaffold over ten feet high, safety belts shall be used.

#### (19) Interior hung scaffolds.

(a) An interior hung scaffold shall be hung or suspended from the roof structure or ceiling beams.

(b) The suspending wire or fiber rope shall be capable of supporting at least 6 times the rated load. The rope shall be wrapped at least twice around the supporting members and twice around the bearers of the scaffold, with each end of the wire rope secured by at least three standard wire-rope clips properly installed.

(c) For hanging wood scaffolds, the following minimum nominal size material shall be used:

(i) Supporting bearers 2 x 10 inches on edge;

(ii) Planking 2 x 10 inches, with maximum span 7 feet for heavy duty and 10 feet for light duty or medium duty.

(d) Steel tube and coupler members may be used for hanging scaffolds with both types of scaffold designed to sustain a uniform distributed working load up to heavy duty scaffold loads with a safety factor of four.

#### (20) Ladder jack scaffolds.

(a) All ladder jack scaffolds shall be limited to light duty and shall not exceed a height of 20 feet above the floor or ground.

(b) All ladders used in connection with ladder jack scaffolds shall be heavy-duty ladders and shall be designed and constructed in accordance with American National Standards Institute A14.1-1968, Safety Code for Portable Wood Ladders, and A14.2-1968, Safety Code for Portable Metal Ladders. Cleated ladders shall not be used for this purpose.

(c) The ladder jack shall be so designed and constructed that it will bear on the side rails in addition to the ladder rungs, or if bearing on rungs only, the bearing area shall be at least 10 inches on each rung.

(d) Ladders used in conjunction with ladder jacks shall be so placed, fastened, held, or equipped with devices so as to prevent slipping.

(e) The wood platform planks shall be not less than 2 inches in thickness. Both metal and wood platform planks shall overlap the bearing surface not less than 12 inches. The span between supports for wood shall not exceed 8 feet. Platform width shall be not less than 18 inches.

(f) Not more than two employees shall occupy any given 8 feet of any ladder jack scaffold at any one time.

#### (21) Window jack scaffolds.

(a) Window jack scaffolds shall be used only for the purpose of working at the window opening through which the jack is placed.

(b) Window jacks shall not be used to support planks placed between one window jack and another or for other elements of scaffolding.

(c) Window jack scaffolds shall be provided with guardrails unless safety belts with lifelines are attached and used by the employee.

(d) Not more than one employee shall occupy a window jack scaffold at any one time.

#### (22) Roofing brackets.

(a) Roofing brackets shall be constructed to fit the pitch of the roof.

(b) Brackets shall be secured in place by nailing in addition to the pointed metal projections. When it is impractical to nail brackets, rope supports shall be used. When rope supports are used, they shall consist of first-grade manila of at least 3/4-inch diameter, or equivalent.

(c) A catch platform shall be installed below the working area of roofs more than 16 feet from the ground to eaves with a slope greater than 4 inches in 12 inches without a parapet. In width, the platform shall extend 2 feet beyond the protection of the eaves and shall be provided with a guardrail, midrail, and toeboard. This provision shall not apply where employees engaged in work

upon such roofs are protected by a safety belt attached to a lifeline.

(23) Crawling boards or chicken ladders.

(a) Crawling boards shall be not less than 10 inches wide and 1 inch thick, having cleats 1 x 1 1/2 inches. The cleats shall be equal in length to the width of the board and spaced at equal intervals not to exceed 24 inches. Nails shall be driven through and clinched on the underside. The crawling board shall extend from the ridge pole to the eaves when used in connection with roof construction, repair, or maintenance.

(b) A firmly fastened lifeline of at least 3/4-inch diameter rope, or equivalent, shall be strung beside each crawling board for a handhold.

(c) Crawling boards shall be secured to the roof by means of adequate ridge hooks or other effective means.

(24) Float or ship scaffolds.

(a) Float or ship scaffolds shall not be used to support more than three persons and a few light tools, such as those needed for riveting, bolting, and welding. They shall be constructed as designed in subdivisions (b) through (f) of this subsection, unless substitute designs and materials provide equivalent strength, stability, and safety.

(b) The platform shall be not less than 3 feet wide and 6 feet long, made of 3/4-inch plywood, equivalent to American Plywood Association Grade B-B, Group I, Exterior, or other similar material.

(c) Under the platform, there shall be two supporting bearers made from 2- x 4-inch, or 1- x 10-inch rough, "selected lumber," or better. They shall be free of knots or other flaws and project 6 inches beyond the platform on both sides. The ends of the platform shall extend 6 inches beyond the outer edges of the bearers. Each bearer shall be securely fastened to the platform.

(d) An edging of wood not less than 3/4 x 1 1/2 inches or equivalent shall be placed around all sides of the platform to prevent tools from rolling off.

(e) Supporting ropes shall be 1-inch diameter manila rope or equivalent, free from deterioration, chemical damage, flaws, or other imperfections. Rope connections shall be such that the platform cannot shift or slip. If two ropes are used with each float, they shall be arranged so as to provide four ends which are to be securely fastened to an overhead support. Each of the two supporting ropes shall be hitched around one end of bearer and pass under the platforms to the other end of the bearer where it is hitched again, leaving sufficient rope at each end for the supporting ties.

(f) Each employee shall be protected by an approved safety lifebelt and lifeline, in accordance with WAC 296-155-225.

(25) Form scaffolds.

(a) Form scaffolds shall be constructed of wood or other suitable materials, such as steel or aluminum members of known strength characteristics. All scaffolds shall be designed and erected with a minimum safety factor of 4, computed on the basis of the maximum rated load.

(b) All scaffold planking shall be a minimum of 2- x 10-inch nominal Scaffold Grade, as recognized by approved grading rules for the species of lumber used, or

equivalent material. Maximum permissible spans shall not exceed 8 feet on centers for 2- x 10-inch nominal planking. Scaffold planks shall be either nailed or bolted to the ledgers or of such length that they overlap the ledgers at least 6 inches. Unsupported projecting ends of scaffolding planks shall be limited to a maximum overhang of 12 inches.

(c) Scaffolds shall not be loaded in excess of the working load for which they were designed.

(d) Figure-four form scaffolds:

(i) Figure-four scaffolds are intended for light duty and shall not be used to support loads exceeding 25 pounds per square foot unless specifically designed for heavier loading. For minimum design criteria, see Table J-15.

(ii) Figure-four form scaffold frames shall be spaced not more than 8 feet on centers and constructed from sound lumber, as follows: The outrigger ledger shall consist of two pieces of 1- x 6-inch or heavier material nailed on opposite sides of the vertical form support. Ledgers shall project not more than 3 feet 6 inches from the outside of the form support and shall be substantially braced and secured to prevent tipping or turning. The knee or angle brace shall intersect the ledger at least 3 feet from the form at an angle of approximately 45°, and the lower end shall be nailed to a vertical support. The platform shall consist of two or more 2- x 10-inch planks, which shall be of such length that they extend at least 6 inches beyond ledgers at each end unless secured to the ledgers. When planks are secured to the ledgers (nailed or bolted), a wood filler strip shall be used between the ledgers. Unsupported projecting ends of planks shall be limited to an overhang of 12 inches.

(e) Metal bracket form scaffolds:

(i) Metal brackets or scaffold jacks which are an integral part of the form shall be securely bolted or welded to the form. Folding type brackets shall be either bolted or secured with a locking-type pin when extended for use.

(ii) "Clip-on" or "hook-over" brackets may be used, provided the form walers are bolted to the form or secured by snap ties or shea-bolt extending through the form and securely anchored.

(iii) Metal brackets shall be spaced not more than 8 feet on centers.

(iv) Scaffold planks shall be either bolted to the metal brackets or of such length that they overlap the brackets at each end by at least 6 inches. Unsupported projecting ends of scaffold planks shall be limited to a maximum overhang of 12 inches.

(v) Metal bracket form scaffolds shall be equipped with wood guardrails, intermediate rails, toeboards, and scaffold planks meeting the minimum dimensions shown in Table J-16. (Metal may be substituted for wood, providing it affords equivalent or greater design strength.)

(f) Wooden bracket form scaffolds(;;):

(i) Wooden bracket form scaffolds shall be an integral part of the form panel. The minimum design criteria set forth herein and in Table J-17 cover scaffolding intended for light duty and shall not be used to support loads

exceeding 25 pounds per square foot, unless specifically designed for heavier loading.

(ii) Scaffold planks shall be either nailed or bolted to the ledgers or of such length that they overlap the ledgers at each end by at least 6 inches. Unsupported projecting ends of scaffold planks shall be limited to a maximum overhang of 12 inches.

(26) Pump jack scaffolds.

(a) Pump jack scaffolds shall:

(i) Not carry a working load exceeding 500 pounds; and

(ii) Be capable of supporting without failure at least four times the maximum intended load.

(iii) The manufactured components shall not be loaded in excess of the manufacturer's recommended limits.

(b) Pump jack brackets, braces, and accessories shall be fabricated from metal plates and angles. Each pump jack bracket shall have two positive gripping mechanisms to prevent any failure or slippage.

(c) The platform bracket shall be fully docked and the planking secured. Planking, or equivalent, shall conform with subsection (1) of this section.

(d) (i) When wood scaffold planks are used as platforms, poles used for pump jacks shall not be spaced more than 10 feet center to center. When fabricated platforms are used that fully comply with all other provisions of this subsection, pole spacing may exceed 10 feet center to center.

(ii) Poles shall not exceed 30 feet in height.

(iii) Poles shall be secured to the work wall by rigid triangular bracing, or equivalent, at the bottom, top, and other points as necessary, to provide a maximum vertical spacing of not more than 10 feet between braces. Each brace shall be capable of supporting a minimum of 225 pounds tension or compression.

(iv) For the pump jack bracket to pass bracing already installed, an extra brace shall be used approximately 4 feet above the one to be passed until the original brace is reinstalled.

(e) All poles shall bear on mud sills or other adequate firm foundations.

(f) Pole lumber shall be two 2 x 4's, of Douglas fir or equivalent, straight-grained, clear, free of cross-grain, shakes, large loose or dead knots, and other defects which might impair strength.

(g) When poles are constructed of two continuous lengths, they shall be two by fours, spiked together with the seam parallel to the bracket, and with 10d common nails, no more than 12 inches center to center, staggered uniformly from opposite outside edges.

(h) If two by fours are spliced to make up the pole, the splices shall be so constructed as to develop the full strength of the member.

(i) A ladder, in accordance with WAC 296-155-480, shall be provided for access to the platform during use.

(j) Not more than two persons shall be permitted at one time upon a pump jack scaffold between any two supports.

(k) Pump jack scaffolds shall be provided with standard guardrails, unless safety belts with lifelines are used by employees.

(l) When a work bench is used at an approximate height of 42 inches, the top guardrail may be eliminated, if the work bench is fully decked, the planking secured, and is capable of withstanding 200 pounds pressure in any direction.

(m) Employees shall not be permitted to use a work bench as a scaffold platform.

(27) Factory-built scaffold units. Factory-built or prefabricated scaffold units intended for assembly on the job, prefabricated plank, staging, etc., mechanical hoisting units, or other devices for use on or in connection with any type scaffolds, shall be approved by an agency or laboratory approved by the Department before being used.

(28) Waler bracket scaffolds.

(a) Waler brackets shall be constructed of 1 5/8" x 1 1/2" x 3/16" angle iron minimum size, or material of equivalent strength.

(b) All steel connections shall be welded and riveted or bolted, except where detrimental to strength of materials.

(c) The maximum length of horizontal leg shall not be more than 36" between bracket hook and railing standard.

(d) A 4" x 4" x 3/16" gusset plate shall be securely welded at inside of leg angle.

(e) Nailing Holes shall be provided in lower end of vertical leg for purpose of securing bracket against lifting or shifting.

(f) Waler hook or hooks shall be a minimum of 4((<sup>±</sup>))-inch depth and be constructed of material of a strength to support a minimum of 400 pounds at extreme outer end of bracket.

(29) Ladder supported scaffolds.

(a) Box scaffolds.

(i) A step ladder scaffold, trestle scaffold, or an extension trestle scaffold shall be composed of ((2)) two or more step ladders, or trestle ladders, or trestle, or extension trestle placed in line and supporting the platform in the interval or intervals, or in paralleled lines supporting stringers in the interval or intervals, upon which are supported kick plank platforms, not exceeding one platform to each bay. Such scaffolds are also known as "box scaffolds."

(ii) The number of persons working on each bay shall not exceed ((3)) three at any one time.

(b) Step ladder scaffolds.

(i) Platforms more than 8 feet above the floor level shall not be supported on step ladders.

(ii) Platforms shall not be supported on the top step of a step ladder unless it is provided with stops at least ((†)) one inch high at each side to prevent the plank from slipping off.

(c) Trestle ladder scaffolds.

(i) Platforms more than 16 feet above the floor level shall not be supported on trestle ladders.

(ii) The top of the trestle ladder shall be at least ((3)) three steps above the level of the scaffold platform.

(iii) Where an extension trestle ladder is used to support a scaffold platform the maximum height of the platform shall be 20 feet above the floor level and the

point of support on the extension section shall not be more than 6 feet above the apex of the base section.

(d) Extension trestle scaffolds.

(i) Platforms supported on extension trestles shall not be more than 16 feet above the floor level.

(ii) Ladders shall be provided for access to extension trestle scaffolds. Workers shall not climb up or down on the extension trestle.

(iii) It shall be the individual responsibility of the supervisor and of each worker to make sure that all clamps and fastenings on the extension trestle are secure before employees are allowed to work on the scaffold.

(30) Chimney, stack and tank bracket scaffolds.

(a) General. A chimney, stack or tank bracket scaffold shall be composed of a platform supported by brackets which are hooked over a steel cable which surrounds the circumference of the chimney, stack or tank approximately in a horizontal plane. The platform shall be not less than ((2)) two planks wide and be designed with a safety factor of not less than 4.

(b) All brackets shall have a mild steel suspension hook 2 inches by 1/4-inch with at least 3 inches projecting beyond the throat of the hook. Hooks shall be integral with or securely attached to the bracket.

(c) Wood spacer blocks shall be provided to hold the suspending cable away from the structure at the points where brackets are hooked on. These spacer blocks shall be not less than 2 inches by 4 inches by 12 inches.

(d) All suspending cables shall be improved plow steel 6 x 19 wire rope or equivalent. In no case shall less than 1/2-inch diameter wire rope be used.

(e) The turnbuckle used to tighten suspending cables shall be not less than 1 inch drop forged steel. The cables shall be provided with thimbles and not less than 3 U-bolt type clips at each end and be attached to the turnbuckles by means of shackles. Open hooks shall not be used.

(f) All chimney, stack and tank bracket scaffolds shall be provided with standard guard rails, intermediate rails and toeboards.

(g) For access to a chimney, stack or tank bracket scaffold, ladders or a boatswain's chair shall be used.

(h) All chimney, stack or tank brackets for scaffolds shall be welded and riveted or bolted.

(31) Scaffold platforms supported by catenary or stretch cables.

(a) When a scaffold platform is supported by cables at least 4 cables shall be used, two near each end of the scaffold.

(b) The cables shall be attached to the scaffold by means of U-bolts or the equivalent through which the cables pass.

(c) Cables shall not be tightened beyond their safe working load. A hanger or set of falls shall be used approximately every 50 feet to pick up the sag in the cable.

**AMENDATORY SECTION** (Amending Order 75-2, filed 1/24/75)

**WAC 296-306-010 PURPOSE AND SCOPE.** (1) The standards in this chapter apply to all agricultural

operations with one or more employees, when such employees are covered by the Washington Industrial Safety and Health Act (WISHA).

(2) In the event that the provisions of this chapter conflict with the provisions contained in any other chapter of Title 296 WAC, this chapter shall prevail. Sections of other chapters 296-24 WAC apply only when specifically referenced in this chapter.

(3) When employees are assigned to perform tasks other than those directly related to agricultural operations, the proper chapter of Title 296 WAC shall apply.

(4) The air contaminant standards contained in WAC 296-62-073 through 296-62-07345 and 296-62-075 do not apply to chapter 296-306 WAC, Safety Standards for Agricultural Code.

NOTE: Such assignments may involve logging, mining, sawmills, etc., when the products of such activities are removed from the farm site for commercial distribution.

**AMENDATORY SECTION** (Amending Order 77-12, filed 7/11/77)

**WAC 296-306-025 MANAGEMENT'S RESPONSIBILITY.** (1) It shall be the responsibility of management to maintain and supervise:

(a) A safe and healthful working environment.

(b) An accident prevention program as required by these standards.

(c) A system for reporting and recording accidents that will fulfill statistical requirements of the Department of Labor and Industries. (See chapter 296-27 WAC).

(d) Safety education and training programs.

(e) Temporary Labor Camps, as prescribed in WAC 296-24-125 through 296-24-12523, and shall comply with these rules and regulations.

(2) It shall be the responsibility of management to furnish potable water to employees as follows:

(a) Portable drinking water dispensers shall be designed, constructed, and serviced so that sanitary conditions are maintained, capable of being closed, and equipped with a tap.

(b) Ice in contact with drinking water shall be made of potable water and maintained in a sanitary condition.

(c) Open containers such as barrels, pails, or tanks for drinking water where the water must be dipped or poured are prohibited, whether or not they are fitted with a cover.

(d) A common drinking cup and other common utensils are prohibited.

(e) Where single service cups (used but once) are supplied, a sanitary container for the unused cups and a receptacle for disposing of the used cups shall be provided.

(f) Outlets for nonpotable water, such as water for industrial, firefighting or irrigation purposes, shall be posted or otherwise marked in a manner that will indicate clearly the water is unsafe and not to be used for drinking; cooking; washing of the person; washing of food, cooking and eating utensils, or food preparation

and processing premises; personal service rooms, or for washing clothes.

(g) Construction of nonpotable water systems or systems carrying any other nonpotable substances shall be such to prevent backflow or backsiphonage into a potable water system. Nonpotable water may be used for cleaning work premises other than food processing and preparation premises and personal service rooms: PROVIDED, That the nonpotable water does not contain concentrations of chemicals, fecal coliform, or other substances which could create unsanitary conditions or be harmful to employees.

(h) Employees shall not be permitted to drink from irrigation ditches, creeks or rivers. Potable water shall meet the requirements of the United States Public Health Service Drinking Water Standards, published in 42 CFR part 72, or water which is approved for drinking purposes by the state or local authority having jurisdiction.

NOTE: Drinking water should be made available within 200 feet of any location where employees are regularly engaged in work.

**WSR 79-08-116**  
**ADOPTED RULES**  
**DEPARTMENT OF GAME**  
 [Order 138—Filed July 31, 1979]

Be it resolved by the Game Commission, State of Washington, acting at Olympia, Washington, that it does promulgate and adopt the annexed rules relating to regulations implementing State Environmental Policy Act, chapter 232-18 WAC.

This action is taken pursuant to Notice No. WSR 79-05-011 filed with the Code Reviser on April 13, 1979 and Notice No. WSR 79-02-009 filed with the Code Reviser on January 10, 1979. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Game Commission as authorized in RCW 77.12.040.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW) or the Administrative Procedure Act (chapter 34.04 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

This order, after being first recorded in the Order Register of this governing body, shall be forwarded to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED July 9, 1979.

By Ralph W. Larson  
 Director

**Reviser's Note:** The material contained in this filing will appear in a subsequent issue of the Register, as it was received after the applicable closing date for this issue for agency typed material exceeding the volume limitations of WAC 1-12-035 or 1-13-035, as appropriate.

**WSR 79-08-117**  
**EMERGENCY RULES**  
**DEPARTMENT OF GAME**  
 [Order 139—Filed July 31, 1979]

Be it resolved by the Game Commission, State of Washington, acting at Olympia, Washington, that it does promulgate and adopt the annexed rule relating to WAC 232-28-60103 Emergency extension of fishing season to October 31, 1979 on Caliche, Quincy, Spectacle, Martha (WB), Wagners, Serene, North, Shady and McIntosh.

We, the Game Commission, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is lake rehabilitation programs have been approved for 22 lakes. Season extensions were granted by the Game Commission on nine of these which were scheduled to close before their rehabilitation. These lakes are as follows: Caliche, Quincy, Spectacle, Martha (WB), Wagners, Serene, North, Shady, and McIntosh. The emergency extension of the fishing season on these lakes is set to October 31, 1979. The purpose of this extension is so that as many fish as possible may be harvested before the lakes are rehabilitated. Such rules are therefore adopted as emergency rules to take effect upon filing with the Code Reviser.

This rule is promulgated under the general rule making authority of the Game Commission as authorized in RCW 77.12.040.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW) or the Administrative Procedure Act (chapter 34.04 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

This order, after being first recorded in the Order Register of this governing body, shall be forwarded to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED July 9, 1979.

By Ralph W. Larson  
 Director

**NEW SECTION**

**WAC 232-28-60103. EMERGENCY EXTENSION OF FISHING SEASON TO OCTOBER 31, 1979 ON CALICHE, QUINCY, SPECTACLE, MARTHA(WB), WAGNERS, SERENE, NORTH, SHADY, AND MCINTOSH.** *Notwithstanding the provisions of WAC 232-28-601, Caliche, Quincy, Spectacle, Martha(WB), Wagners, Serene, North, Shady, and McIntosh Lakes shall have an emergency extension on the fishing season set to October 31, 1979.*

**WSR 79-08-118  
PROPOSED RULES  
HIGHER EDUCATION PERSONNEL BOARD**  
[Filed July 31, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 28B.16.100, that the Higher Education Personnel Board intends to adopt, amend, or repeal rules concerning:

New WAC 251-22-124 Sick leave—Compensation for. To implement the provisions of SSB 2192 which establishes an attendance incentive program and provides for cash payment for a portion of unused sick leave under conditions specified in the law.

Amd WAC 251-22-125 Sick leave—Former employees. To provide that if former retirees are re-employed, their entitlement to the provisions of SSB 2192 shall be limited to that sick leave earned in the most recent appointment;

that such agency will at 10:00 a.m., Friday, September 7, 1979, in the Town and Gown Room, Student Union Building, Yakima Valley College, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Friday, September 7, 1979, in the Town and Gown Room, Student Union Building, Yakima Valley College.

The authority under which these rules are proposed is RCW 28B.16.100.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to September 7, 1979, and/or orally at 10:00 a.m., Friday, September 7, 1979, Yakima Valley College, Yakima, Washington.

Dated: July 30, 1979  
By: Douglas E. Sayan  
Director

NEW SECTION

WAC 251-22-124 SICK LEAVE—COMPENSATION FOR.

(1) Employees shall be eligible to receive monetary compensation for accrued sick leave as follows:

(a) In January of each year, and at no other time, an employee whose year-end sick leave balance exceeds 480 hours may choose to convert sick leave hours earned in the previous calendar year minus those used during the year to monetary compensation.

(i) No sick leave hours may be converted which would reduce the calendar year-end balance below 480 hours.

(ii) Monetary compensation for converted hours shall be paid at the rate of 25% and shall be based upon the employee's current salary.

(iii) All converted hours will be deducted from the employee's sick leave balance.

(b) Employees who separate from state service on or after September 1, 1979 due to retirement or death shall be compensated for their unused sick leave accumulation at the rate of 25%. Compensation shall be based upon the employee's salary at the time of separation. For the purpose of this subsection, retirement shall not include "vested out-of-service" employees who leave funds on deposit with the retirement system.

(2) Compensation for unused sick leave shall not be used in computing the retirement allowance; therefore no contributions are to be made to the retirement system for such payments, nor shall such payments be reported as compensation.

(3) An employee who separates from the classified service for any reason other than retirement or death shall not be paid for accrued sick leave.

AMENDATORY SECTION (Amending Order 61, filed 8/30/77)

~~WAC 251-22-125 SICK LEAVE—((SEPARATION—REEMPLOYMENT)) FORMER EMPLOYEES. (1) ((Upon separation of the employee from the classified service for any reason, compensation shall not be paid for accrued sick leave credits.~~

~~(2) Employees appointed from a layoff list shall have sick leave credits reinstated upon their return to active service.~~

~~(3)) Former state employees who are reemployed within three years of separation shall ((be credited upon appointment with)) have their former sick leave balance restored for use as provided in WAC 251-22-110.~~

~~(2) Upon subsequent retirement or death of a retired state employee who has returned to state service, only that unused sick leave accrued since the original retirement minus that taken within the same period may be compensated per the provisions of WAC 251-22-124(1)(b); this restriction shall not apply to other returning employees.~~

**WSR 79-08-119  
PROPOSED RULES  
HIGHER EDUCATION PERSONNEL BOARD**  
[Filed July 31, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 28B.16.100, that the Higher Education Personnel Board intends to adopt, amend, or repeal rules concerning:

Amd WAC 251-04-020 Definitions. Under "Collective Bargaining" to clarify that the obligation to bargain does not compel either party to agree to a proposal or to make a concession.

Amd WAC 251-14-005 Purpose. By adding language regarding the rules, precedents and practices of other jurisdictions to be considered by the board and by adding language which provides that the expression or dissemination of any views, arguments or opinion shall not constitute or be evidence of an unfair labor practice if such expressions contain no threat of reprisal or force or promise of benefit.

Amd WAC 251-14-030 Determination of bargaining unit. By modifying language to provide that bargaining units shall not include both supervisory and nonsupervisory employees.

Amd WAC 251-14-042 Disclaimer of interest petition—Decertification as exclusive representative. By adding language to clarify that such petitions must be filed with the director and with the employer.

Amd WAC 251-14-050 Petition for decertification of exclusive representative. By adding language to provide for such petitions by the appointing authority.

Amd WAC 251-14-057 Election validity—Objections. To delete director's authority to question validity of an election.

Amd WAC 251-14-060 Contents of written agreements. By adding language to allow binding arbitration by a third party; and by modifying language to provide that upon combination of bargaining units, the exclusive representative and the institution shall determine the application of such agreements and if impasse is reached, the contracts shall be nullified and the parties shall enter into negotiations.

Amd WAC 251-14-070 Unfair labor practices—Management—Employee organizations. By deleting reference to higher education personnel law and by adding reference to RCW 41.56.140 through 41.56.190.

Amd WAC 251-14-080 Unfair labor practices—Powers of board—Procedure. By deleting language regarding the board's responsibility to conduct hearing on charges of unfair labor practices and by adding language to provide for conduct of such hearings under the auspices[auspices] of a hearing officer appointed by the board or mutually agreed to by both parties.

Amd WAC 251-14-090 Unfair labor practice—Hearings. By deleting language regarding the manner in which such hearings are to be conducted by the board and deleting language which provides that the board's decision shall be binding unless reversed or modified by a court of law;

that such agency will at 10:00 a.m., Friday, September 7, 1979, in the Town and Gown Room, Student Union Building, Yakima Valley College, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Friday, September 7, 1979, in the Town and Gown Room, Student Union Building, Yakima Valley College.

The authority under which these rules are proposed is RCW 28B.16.100.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to September 7, 1979, and/or orally at 10:00 a.m., Friday, September 7, 1979, Yakima Valley College, Yakima, Washington.

Dated: July 30, 1979  
By: Douglas E. Sayan  
Director

#### AMENDATORY SECTION (Amending Order 68, filed 5/25/78)

**WAC 251-04-020 DEFINITIONS.** Unless the context clearly indicates otherwise, the words used in these rules shall have the meanings given in this section.

**"ADMINISTRATIVE ASSISTANT EXEMPTION"** - A president or vice president may have individual(s) acting as his/her administrative assistant(s). The employee normally performs supportive work for his/her superior as an individual contributor without subordinates.

**"ADMINISTRATIVE EMPLOYEES"** - Personnel whose responsibilities require them to spend at least ((80%)) eighty percent of their work hours as follows:

(1) Primary duty is office or nonmanual work directly related to the management policies or general business operations; and

(2) Must have the authority to make important decisions, customarily and regularly exercise discretion and independent judgment, as distinguished from using skills and following procedures; and

(3) Must regularly assist an executive or administrative employee, or perform work under, only general supervision along specialized or technical lines requiring special training, experience or knowledge; and

(4) Must be paid at a rate of at least \$672 per month exclusive of board, lodging or other facilities.

For persons whose salaries exceed \$1083 per month, the ((80%)) eighty percent limitation does not apply if the primary duty consists of responsible office or nonmanual work directly related to management policies or general business operations.

**"AGRICULTURAL EMPLOYEES"** - Employees performing work which includes farming and all its branches, including cultivating the soil, or growing or harvesting crops, or raising livestock, bees, fur-bearing animals, or poultry; or doing any practices performed by a farmer or on a farm as an incident to or in conjunction with such farming operations.

**"ALLOCATION"** - The assignment of an individual position to an appropriate class on the basis of the kind, difficulty, and responsibility of the work of the position.

**"APPOINTING AUTHORITY"** - A person or group of persons lawfully authorized to make appointments.

**"AVAILABILITY"** - Within a class or job category, the existence of qualified persons of the under-represented groups in the employed and unemployed workforce in that class or job category within the defined recruitment area.

**"BOARD"** - The higher education personnel board established under the provisions of the higher education personnel law.

**"CERTIFICATION"** - The act of providing an employing official or appointing authority with the names of the appropriate eligibles to be considered for appointment to fill a vacancy.

**"CHARGES"** - A detailed statement of the specific incidents alleging cause for dismissal or disciplinary action.

**"CLASS"** - One or more positions sufficiently similar with respect to duties and responsibilities that the same descriptive title may be used with propriety to designate each position allocated to the class; that the same general qualification requirements are needed for performance of the duties of the class; that the same tests of fitness may be used to select employees; and that the same schedule of pay can be applied with equity to all positions in the class under the same or substantially the same employment conditions.

**"CLASSIFIED SERVICE"** - All positions in the higher education institutions which are subject to the provisions of the higher education personnel law.

**"COLLECTIVE BARGAINING"** - The performance of the mutual obligation of the appointing authority and the certified exclusive bargaining representative to meet at reasonable times, to confer and bargain in good faith, and to execute a written agreement with respect to those personnel matters over which the appointing authority may lawfully exercise discretion. The obligation to bargain does not compel either party to agree to a proposal or make a concession.

**"COMPETITIVE SERVICE"** - All positions in the classified service for which a competitive examination is required as a condition precedent to appointment.

**"CORRECTIVE EMPLOYMENT PROGRAM"** - A program designed to increase the employment of persons of under-represented groups to correct a condition of under-representation of such persons caused by present or past practices or other conditions which have resulted in limited employment opportunity for members of the affected groups. (Also see separate definitions of "availability," "job categories," and "under-representation".)

**"COUNSELING EXEMPTION"** - Individuals in counseling-exempt positions are responsible for directing and/or participating in providing academic, athletic, medical, career, financial aid, student activity and/or personal counseling to students. Such activities include, but are not limited to, providing individual and group guidance services using recognized professional techniques and practices.

**"DEMOTION"** - The change of an employee from a position in one class to a position in another class which has a lower salary range maximum.

**"DEVELOPMENT"** - The attainment through work experience and training of proficiency in skills which will enable the employee to perform higher level duties.

**"DIRECTOR"** - The personnel director of the higher education personnel board.

**"DISMISSAL"** - The termination of an individual's employment for just cause as specified in these rules.

**"ELIGIBLE"** - An applicant for a position in the competitive service who has met the minimum qualifications for the class involved, has been admitted to and passed the examinations, and has met all requirements for eligibility as stated on the bulletin board posting; or an applicant for a position in the noncompetitive service who has met all requirements for eligibility as stated on the bulletin board posting.

**"ELIGIBLE LIST"** - A list established by the personnel officer, composed of names of persons who have made proper application, met the minimum qualifications, and successfully completed the required examination process to be certified for vacancies in a class at the institution.

**"EMPLOYEE"** - A person working in the classified service at an institution.

**"EMPLOYEE ORGANIZATION"** - Any lawful association, labor organization, federation, council, or brotherhood, having as one of its purposes the improvement of working conditions among employees, and which has filed a notice of intent to represent employees with the

director, and which has been authorized in accordance with WAC 251-14-020.

**"EMPLOYING OFFICIAL"** - An administrative or supervisory employee designated by the appointing authority to exercise responsibility for requesting certification, interviewing eligibles, and employing classified employees.

**"EXECUTIVE EMPLOYEES"** - Management personnel whose responsibilities require them to spend at least ((80%)) eighty percent of their work hours as follows:

(1) Primary duty must be management of a recognized department or subdivision; and

(2) Must customarily and regularly direct the work of two or more employees; and

(3) Must have the authority to hire and fire, or to recommend with authority on these and other actions affecting employees; and

(4) Must customarily and regularly exercise discretionary powers; and

(5) Must be paid at a rate of at least \$672 per month exclusive of board, lodging or other facilities.

For persons whose salaries exceed \$1083 per month, the ((80%)) eighty percent limitation does not apply if he/she regularly directs the work of at least two other employees and the primary duty is management of a recognized department or subdivision.

**"EXECUTIVE HEAD EXEMPTION"** - Executive heads of major academic or administrative divisions are analogous in the hierarchy to vice presidents, deans and chairmen. Directors may be executive heads as determined by the higher education personnel board. An executive head is in charge of a separate budget unit and directs subordinates.

**"EXEMPT POSITION"** - A position properly designated as exempt from the application of these rules as provided in WAC 251-04-040. (Also see separate definitions of "administrative assistant exemption," "executive head exemption," "research exemption," "counseling exemption," "extension and/or continuing education exemption," "graphic arts or publication exemption," and "principal assistant exemption".)

**"EXTENSION AND/OR CONTINUING EDUCATION EXEMPTION"** - Individuals considered exempt in this category are responsible for originating and developing formal education programs for the general public, usually involving close contact with faculty and staff or training or consulting with specific groups in the community to enable them to provide specialized training and/or services to the community.

**"FRINGE BENEFITS"** - As used in the conduct of salary surveys, the term shall include but not be limited to compensation for leave time, including vacation, civil, and personal leave; employer retirement contributions; health insurance payments, including life, accident, and health insurance, workmen's compensation, and sick leave; and stock options, bonuses, and purchase discounts where appropriate.

**"FULL-TIME EMPLOYMENT"** - Work consisting of forty hours per week.

**"GRAPHIC ARTS OR PUBLICATION EXEMPTION"** - Individuals qualifying for exemption under this category will be involved in performing selected graphic arts or publication activities requiring prescribed academic preparation or special training. Positions of this type are those which use special visual techniques, require original design and layout and/or can be distinguished from positions associated with the standard editorial functions.

**"GRIEVANCE"** - A dispute filed in accordance with a grievance procedure of a signed collective bargaining agreement.

**"HANDICAPPED PERSON"** - Any person who:

(1) has a physical or mental impairment which substantially limits one or more major life activity;

(2) has a record of such an impairment; or

(3) is regarded as having such an impairment. For purposes of affirmative action, the major life activity affected must be employment.

**"HEARING EXAMINER"** - An individual appointed by the board to preside over, conduct and make recommended decisions including findings of fact and conclusions of law in all cases of employee appeals to the board.

**"INSTITUTIONS OF HIGHER EDUCATION"** - The University of Washington, Washington State University, Central Washington University, Eastern Washington University, Western Washington University, The Evergreen State College, and the various state community colleges. For purposes of application of these rules, the term shall be considered to include the various related boards as defined in this section, unless specifically indicated to the contrary.

**"INSTRUCTIONAL YEAR"** - The schedule established annually by an institution to identify the period required to meet the educational requirements of a given academic or training program.

**"JOB CATEGORIES"** - Those groupings required in equal employment opportunity reports to federal agencies.

**"LATERAL MOVEMENT"** - Appointment of an employee to a position in another class which has the same salary range maximum as the employee's current class.

**"LAYOFF"** - Any of the following management initiated actions caused by lack of funds, curtailment of work, or good faith reorganization for efficiency purposes:

(1) Separation from service to an institution;

(2) Separation from service within a class;

(3) Reduction in the work year; and/or

(4) Reduction in the number of work hours.

**"LAYOFF SENIORITY"** - The last period of unbroken service in the classified service of the higher education institution. Authorized leave of absence or leave without pay shall not constitute a break in service; however, the time spent on such leave shall not be included in computing seniority except where required by statute and except in the case of positions established on the basis of an instructional year. Permanent employees who are veterans or their unmarried widows/widowers as identified in WAC 251-10-045 shall have added to their unbroken institution service the veteran's active military service to a maximum of five years' credit.

**"LAYOFF UNIT"** - A clearly identified structure within an institution, which is approved by the director, and within which employment/layoff options are determined in accordance with the reduction in force procedure.

**"LEAD"** - An employee who performs the same duties as other employees in his/her work group and in addition regularly assigns, instructs and checks the work of the employees.

**"NONCOMPETITIVE SERVICE"** - All positions in the classified service for which a competitive examination is not required.

**"ORGANIZATIONAL UNIT"** - A clearly identified structure, or substructure of persons employed to achieve a common goal or function under the direction of a single official. An organizational unit may consist of either an administrative entity or a geographically separated activity.

**"PART-TIME EMPLOYMENT"** - Work of twenty or more hours per week but less than full time employment with an understanding of continuing employment for six months or more.

**"PERIODIC INCREMENT DATE"** - ("P.I.D.") - The date upon which an employee is scheduled to move to a higher salary step within the range for his/her current class, as provided in WAC 251-08-090 and 251-08-100.

**"PERMANENT EMPLOYEE"** - An employee who has successfully completed a probationary period at the institution within the current period of employment.

**"PERSONNEL OFFICER"** - The principal employee in each institution/related board responsible for administrative and technical personnel activities of the classified service.

**"P.I.D."** - Commonly used abbreviation for periodic increment date.

**"POSITION"** - A set of duties and responsibilities normally utilizing the full or part time employment of one employee.

**"PRINCIPAL ASSISTANT EXEMPTION"** - Individuals qualifying for exemption under this category function as second-in-command in importance levels. The individual may perform many of the functions of his/her superior in the superior's absence, or alternatively may have major administrative or program responsibilities. Reporting relationships will not be below that of the executive head. In some institutions an executive head may have more than one principal assistant as determined by the higher education personnel board.

**"PROBATIONARY PERIOD"** - The initial six months of employment in a class following appointment from an eligible list of a non-permanent employee of the institution.

**"PROBATIONARY REAPPOINTMENT"** - Appointment of a probationary employee from an eligible list to a position in a different class.

**"PROFESSIONAL EMPLOYEES"** - Personnel whose responsibilities require them to spend at least ((80%)) eighty percent of their work hours as follows:

(1) Primary duty must involve work that requires knowledge of an advanced type in a field of science or learning, customarily obtained by a prolonged course of specialized instruction and study or work that is

original and creative in character in a recognized field of artistic endeavor and the result of which depends primarily on invention, imagination, or talent; and

(2) Must consistently exercise discretion and judgment; and

(3) Must do work that is predominantly intellectual and varied, as distinguished from routine or mechanical duties; and

(4) Must be paid at a rate of at least \$737 per month exclusive of board, lodging or other facilities.

For persons whose salaries exceed \$1083 per month, the ((80%)) eighty percent limitation does not apply if the primary duty consists of work requiring knowledge of an advanced type in a field of science or learning which requires consistent exercise of discretion and judgment.

"PROMOTION" - The appointment as a result of recruitment, examination and certification, of a permanent employee to a position in another class having a higher salary range maximum.

"PROVISIONAL APPOINTMENT" - Appointment made prior to establishment of an eligible list, per the provisions of WAC 251-18-300. A person so appointed is required to apply through the competitive process to be considered for the position on a permanent basis.

"PUBLIC RECORDS" - Any writing containing information relating to conduct of government or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

"REALLOCATION" - The assignment of a position by the personnel officer to a different class.

"REASSIGNMENT" - A management initiated movement of a classified employee from one position to another in the same class.

"RELATED BOARDS" - The state board for community college education, the council for postsecondary education, the higher education personnel board, and such other boards, councils and commissions related to higher education as may be established. For purposes of application of these rules, the term "institution" shall be considered to include these related boards, unless specifically indicated to the contrary.

"RESEARCH EXEMPTION" - Individuals in research-exempt positions spend the majority of their time in one or more of the following activities: Identification and definition of research problems, design of approaches or hypotheses and methodology to be used, design of specific phases of research projects, analysis of results, development of conclusion and hypothesis, presentation of research results in publishable form.

"RESIGNATION" - A voluntary termination of employment.

"REVERSION" - The return of a permanent employee from trial service to the most recent class in which permanent status was achieved.

"SEPARATION" - Resignation, retirement, layoff or dismissal from the classified service.

"SUPERVISOR" - Any individual having authority, in the interest of the employer, to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward or discipline other employees, or responsibility to direct them or adjust their grievances, or effectively to recommend such action if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

"SUSPENSION" - An enforced absence without pay for disciplinary purposes.

"TEMPORARY EMPLOYMENT" -

(1) Work performed in the absence of an employee on leave; or

(2) Extra work required at a work load peak or special projects, or cyclic work loads not to exceed one hundred eighty calendar days.

"TRAINING" - Formal and systematic learning activities intended to provide employees with the knowledge and skills necessary to become proficient or qualified in a particular field.

"TRANSFER" - An employee initiated change from one classified position to another in the same class within the institution without a break in service.

"TRIAL SERVICE" - The initial period of employment following promotion, demotion or lateral movement into a class in which the employee has not held permanent status, beginning with the effective date of the change and continuing for six months, unless interrupted as provided in these rules.

"UNDER-REPRESENTATION" - Having fewer employees by racial or ethnic minority, handicap, or sex within a class or job category than would reasonably be expected their availability; or than are included in the institution's approved corrective employment goal for that class or job category per WAC 251-18-390(1).

"UNION SHOP" - A union membership provision which, as a condition of employment, requires all employees within a bargaining unit to become members of an employee organization.

"UNION SHOP REPRESENTATIVE" - An employee organization which is the exclusive representative of a bargaining unit that has been certified by the director as the union shop representative following an election wherein a majority of employees in the bargaining unit voted in favor of requiring membership in the employee organization as a condition of employment.

"UNION SHOP REPRESENTATION FEE" - Employees who are granted a nonassociation right based on religious tenets or teachings of a church or religious body of which they are members, must pay a representation fee to the union shop representative. Such fee is equivalent to the regular dues of the employee organization minus any monthly premiums for union sponsored insurance programs.

"WRITING" - Handwriting, typewriting, printing, photostating, photographing and every other means of recording any form of communication or representation including letters, words, pictures, sounds; or symbols or combination thereof and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents.

#### AMENDATORY SECTION (Amending Order 61, filed 8/30/77)

WAC 251-14-005 PURPOSE. The general purpose of this chapter is to establish rules designed specifically to provide for a sound labor relations policy covering employer-employee relations in higher education institutions. The rules, precedents and practices of other jurisdictions, provided they are consistent with HEP Law, shall be considered by the board in its interpretation of this chapter. Determination of exclusive representatives and union shop provisions shall be decided, to the maximum extent practical, by providing the fullest opportunity for each affected employee to participate through the election process. The expressing of any views, argument, or opinion, or the dissemination thereof, whether in written, printed graphic or visual form shall not constitute or be evidence of an unfair labor practice under any of the provisions of these rules, if such expressions contain no threat of reprisal or force or promise of benefit.

#### AMENDATORY SECTION (Amending Order 61, filed 8/30/77)

WAC 251-14-030 DETERMINATION OF BARGAINING UNIT. (1) Determination, alteration, modification or combination of appropriate bargaining units shall be made by the board upon petition from the appointing authority, an employee organization or upon the board's own motion, after twenty calendar days' notice has been given to the appointing authority and to affected employees and their representatives.

(2) In determining a bargaining unit, the board shall consider the following factors:

(a) Duties, skills and working conditions of the employees.

(b) History of collective bargaining by the employees and their bargaining representatives.

(c) Extent of organization among the employees.

(d) Desires of the employees.

(3) Any petition filed hereunder shall, in writing, set forth all pertinent facts and supporting reasons as comprehensively as possible, to aid the board in its determination.

(4) When the board combines existing bargaining units into one new unit and/or creates additional classes and/or positions to a bargaining unit, such action shall effect an automatic decertification of any union shop representative provision in effect except in the following instances:

(a) Where the same employee organization is certified as the union shop representative in each of the existing bargaining units that are being combined into one new unit;

(b) Where results of the union shop election previously held still represent a majority vote in favor of the union shop provision in the new unit. Majority vote will be determined by adding the number of employees not previously covered by a union shop provision to the total number of employees eligible to vote in the previous election.

(5) After a hearing on a petition, the board shall enter an appropriate order containing findings of fact and conclusions of law.

(6) Bargaining units ((normally)) shall not include both supervisory and nonsupervisory employees.

AMENDATORY SECTION (Amending Order 61, filed 8/30/77)

WAC 251-14-042 DISCLAIMER OF INTEREST PETITION—DECERTIFICATION AS EXCLUSIVE REPRESENTATIVE. (1) If an employee organization with a current certification as an exclusive representative of the employees of a bargaining unit seeks to disclaim any interest in continuing to represent the affected employees as their exclusive representative, it does so by filing a disclaimer of interest petition with the director and the employer; provided that in the event there is a collective bargaining agreement in existence between the appointing authority and the exclusive representative, any disclaimer of interest petition shall be valid only if filed within ninety calendar days prior to the expiration date of such collective bargaining agreement.

(2) Such disclaimer of interest petition must specifically state the reason(s) a decertification as exclusive representative should be granted to an employee organization by the director.

(3) Prior to decertification, the director shall give ten calendar days notice to the affected employees. The notice shall be posted by the institution in the work areas of the employees affected. Such notice shall inform the employees that decertification by a disclaimer of interest petition may be contested within the ten calendar days and an election requested.

(4) The director shall order a disclaimer of interest election to be held upon petition from not less than thirty percent of the employees affected.

(5) The director will decertify an employee organization as the exclusive representative on the basis of a disclaimer of interest petition as follows:

(a) Decertification as a result of an employee organization filing a disclaimer of interest petition not contested by at least thirty percent of the employees affected;

(b) Decertification as a result of a disclaimer of interest election wherein a majority of all votes cast are in favor of decertification.

(6) Another disclaimer of interest petition shall not be filed by the same employee organization concerning the same bargaining unit for at least twelve months from the date of the last filing.

AMENDATORY SECTION (Amending Order 61, filed 8/30/77)

WAC 251-14-050 PETITION FOR DECERTIFICATION OF EXCLUSIVE REPRESENTATIVE. (1) Upon petition to the director by not less than thirty percent of the employees of a bargaining unit or by the appointing authority, decertification or a new certification shall be determined by a secret vote of the employees, providing twelve months have elapsed since the last certification and ninety calendar days or less remain before the termination of any existing collective bargaining agreement covering the employees of the unit. Such an election shall be conducted in accordance with WAC 251-14-040(2), (3), and (4). Another exclusive representative decertification election shall not be held concerning the same bargaining unit for at least twelve months from the date of the last previous exclusive representative decertification election.

(2) When the board, pursuant to WAC 251-14-030, combines existing bargaining units into one new unit, the combination shall effect an automatic decertification of the affected exclusive representatives except in those instances where the same employee organization is certified as the exclusive representative for all of the existing bargaining units that are being combined into one new unit.

AMENDATORY SECTION (Amending Order 61, filed 8/30/77)

WAC 251-14-057 ELECTION VALIDITY—OBJECTIONS. (1) ~~((The director;))~~ An appointing authority or designee, any employee of the bargaining unit, and/or any employee organization whose name appeared on the ballot as a choice, may question the validity of an election by objecting to the administration of the election or to improper conduct which may have affected the results of the election conducted under the provisions of chapter 251-14 WAC.

(2) The objections must contain a specific statement of the reasons therefor and be filed in the office of the director by the close of business on the fifth working day following the tabulation of the ballots. The party filing objections is required to submit evidence in support thereof at the time the objections are filed or forthwith upon request from the director.

(3) The director or designee will investigate the objections. Where the investigation reveals that the objections have merit, the director may set aside the results of the election and order a new election.

AMENDATORY SECTION (Amending Order 61, filed 8/30/77)

WAC 251-14-060 CONTENTS OF WRITTEN AGREEMENTS. (1) Written agreements may contain provisions covering all personnel matters over which the institution related board may lawfully exercise discretion.

(2) Written agreements shall include a grievance procedure for processing individual and group grievances within the bargaining unit and shall provide for mediation by the director or designee and for arbitration by the board. Mediation by the director or designee and arbitration by the board of a grievance dispute shall not apply in those instances where the same complaint has been filed for hearing either through the unfair labor practice or appeal procedures of the higher education personnel board rules. Written agreements may provide for binding arbitration by a third party. If impasse is not resolved, either party may petition the board for mediation/arbitration.

(3) Written agreements may contain provisions for payroll deduction of employee organization dues and/or union shop representation fees upon written authorization from the employee. Any employee may cancel his/her payroll deduction of employee organization dues by filing a written notice with the appointing authority or designee and the employee organization thirty calendar days prior to the effective date of such cancellation.

(4) Written agreements shall be for a minimum of one year in duration and shall not exceed three years. Automatic renewal or extension provisions may extend the term of a contract for only one year at a time.

(5) ~~((Where there are collective bargaining agreements in effect in bargaining units which are combined per WAC 251-14-030, the board shall determine the application of such bargaining agreements or terms thereof when there is an impasse between the exclusive representative and the institution;))~~ Where there are collective bargaining agreements in effect in bargaining units which are combined per WAC 251-14-030, the exclusive representative and institution shall determine the application of such agreements. If there is an impasse between the parties, the contracts shall be nullified and the parties shall enter into collective bargaining negotiations.

(6) Institutions shall file signed written agreements with the director. Provisions of such agreements shall not prevail if in conflict with the higher education personnel board rules, the higher education personnel law or other applicable law.

AMENDATORY SECTION (Amending Order 61, filed 8/30/77)

WAC 251-14-070 UNFAIR LABOR PRACTICES—MANAGEMENT—EMPLOYEE ORGANIZATIONS. (1) It shall be an unfair labor practice for an institution:

(a) To interfere with, restrain, or coerce employees in the exercise of their rights guaranteed by ~~((the higher education personnel law))~~ RCW 41.56.140 through 41.56.190 and the rules adopted thereunder.

(b) To control, dominate, or interfere with a bargaining representative.

(c) To discriminate against an employee who has filed an unfair labor practice charge.

(d) To refuse to engage in collective bargaining.

(2) It shall be an unfair labor practice for employee organizations:

(a) To interfere with, restrain, or coerce employees in the exercise of their rights guaranteed by the higher education personnel law and the rules adopted thereunder.

(b) To induce an institution to commit an unfair labor practice.

(c) To discriminate against an employee who has filed an unfair labor practice charge.

(d) To refuse to engage in collective bargaining.

AMENDATORY SECTION (Amending Order 67, filed 4/27/78)

WAC 251-14-080 UNFAIR LABOR PRACTICES—POWERS OF BOARD—PROCEDURE. (1) The board, or its designee, whose final decision is appealable to the board, is empowered and directed to prevent any unfair labor practice and to issue appropriate remedial orders. This power shall not be affected or impaired by any means of adjustment, mediation or conciliation in labor disputes that have been or may hereafter be established by law.

(2) Unfair labor practice charges shall be filed on a form provided by the director or designee, and shall be filed in the office of the director within sixty calendar days after the parties become aware of the alleged unfair labor practice(s). The form shall be signed by the

charging party or an authorized representative and shall contain the following:

(a) The name and address of the institution.

(b) The name and address of the party or organization filing the charge.

(c) A statement as to the basis of the charge which shall be specific as to facts, names, addresses, dates, places and the unfair labor practice section relied upon in support of the charge.

(3) Upon receipt of an unfair labor practice charge, the board or its designee shall conduct an investigation to determine whether or not the charges are frivolous or substantially without merit. If it is found that the charges are not frivolous or are not substantially without merit, a complaint shall be issued and a hearing scheduled as provided ((by these rules)) in this section.

(4) ~~((Whenever a charge has been made concerning any unfair labor practice, the board or its designee shall have power to issue and cause to be served a complaint stating the charges in that respect, and containing a notice of hearing before the board or its designee at a place therein fixed to be held not less than seven calendar days after the serving of said complaint. Any such complaint may be amended by the board or its designee any time prior to the issuance of an order based thereon. The person so complained of shall have the right to file an answer to the original or amended complaint within five calendar days after the service of such original or amended complaint and to appear in person or otherwise to give testimony at the place and time set in the complaint. In the discretion of the board or its designee, any other person may be allowed to intervene in the said proceedings and to present testimony. In any such proceeding the board or its designee shall not be bound by technical rules of evidence prevailing in the courts of law or equity.))~~ Hearings regarding alleged unfair labor charges shall be conducted under the auspices of a hearing officer appointed by the board or mutually agreed to by both parties. The cost of such hearing officer shall be equally borne by both parties provided, however, that the hearing officer may recommend in cases where charges are clearly without merit that the total cost of such hearing be borne by the charging party. The hearing officer shall be empowered to subpoena documents and witnesses, may make evidentiary rulings and make other rulings and determinations normally associated by such proceedings. The hearing officer shall submit his proposed findings of fact and conclusions of law to the board for final approval.

(5) ~~((For the purpose of all hearings and investigations, which, in the opinion of the board or its designee are necessary and proper for the exercise of the powers vested in it by this act, the board or its designee shall at all reasonable times have access to for the purposes of examination, and the right to examine, copy or photograph any evidence, including payrolls or list of employees, of any person being investigated or proceeded against that relates to any matter under investigation or in question. The board or its designee shall have power to issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under investigation or in question before the board or its designee. The board or its designee may administer oaths and affirmations, examine witnesses, and receive evidence.~~

(6) ~~The board or its designee whose final decision is appealable to the board, or any party to the proceedings,))~~ Within thirty days after the board ((or its designee)) has entered its ((findings of fact)) final ruling, any party to the proceedings, shall have power to petition the superior court of the state, within the county wherein any person charged with the unfair labor practice resides or transacts business, or if such court be on vacation or in recess, then to the superior court of any county adjoining the county wherein the unfair labor practice in question occurred or wherein any person charged with the unfair labor practice resides or transacts business, for the enforcement of such order and for appropriate temporary relief or restraining order, and shall certify and file in the court a transcript of the entire record in the proceeding, including the pleadings and testimony upon which such order was made and the findings and order of the board or its designee. Upon such filing, the court shall cause notice thereof to be served upon such person, and thereupon shall have jurisdiction of the proceeding and of the question determined therein, and shall have power to grant such temporary relief or restraining order as it deems just and proper, and to make and enter upon the pleadings, testimony, and proceedings set forth in such transcript a decree enforcing, modifying and enforcing as so modified, or setting aside in whole or in part the order of the board or its designee.

#### AMENDATORY SECTION (Amending Order 61, filed 8/30/77)

WAC 251-14-090 UNFAIR LABOR PRACTICE—HEARINGS. Complaints charging unfair labor practices shall be filed in writing with the board. The complaints shall not be processed per WAC 251-14-080 if the same charges have been filed for hearing either through the grievance or appeal procedures of the higher education personnel board rules. ~~((The board shall hold a hearing in the same manner as provided for appeals from demotions, suspensions, reductions, layoffs, and dismissals, and any decision of the board shall be binding unless reversed or modified by a court of law.))~~

#### WSR 79-08-120

##### ADOPTED RULES

#### HIGHER EDUCATION PERSONNEL BOARD

[Order 78—Filed July 31, 1979]

Be it resolved by the Higher Education Personnel Board, acting at Western Washington University, Bellingham, Washington, that it does promulgate and adopt the annexed rules relating to Layoff rights—Interlocal Cooperation Act, WAC 251-10-034.

This action is taken pursuant to Notice No. WSR 79-06-087 filed with the code reviser on 6/5/79. Such rules shall take effect at a later date, such date being 9/1/79.

This rule is promulgated under the general rule-making authority of the Higher Education Personnel Board as authorized in RCW 28B.16.100.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED July 30, 1979.

By Douglas E. Sayan  
Director

#### NEW SECTION

WAC 251-10-034 LAYOFF RIGHTS—INTERLOCAL COOPERATION ACT. Classified personnel who leave their positions to accept employment with an administrative body established for higher education under the Interlocal Cooperation Act (chapter 39.34 RCW) will, in the event of layoff from that administrative body, retain layoff rights earned at the former institution.

#### WSR 79-08-121

##### EMERGENCY RULES

#### HIGHER EDUCATION PERSONNEL BOARD

[Order 79—Filed July 31, 1979]

Be it resolved by the Higher Education Personnel Board, acting at Western Washington University, Bellingham, Washington, that it does promulgate and adopt the annexed rules relating to:

New WAC 251-22-124 Sick leave—Compensation for.  
Amd WAC 251-22-125 Sick leave—Former employees.

We, Higher Education Personnel Board, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is to accommodate the provisions of SSB 2192 which require that administrative rules be available for use on the effective date of the legislation, September 1, 1979.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated under the general rule-making authority of the Higher Education Personnel Board as authorized in RCW 28B.16.100.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED July 19, 1979.

By Douglas E. Sayan  
Director

#### NEW SECTION

WAC 251-22-124 SICK LEAVE—COMPENSATION FOR. (1) *Employees shall be eligible to receive monetary compensation for accrued sick leave as follows:*

(a) *In January of each year, and at no other time, an employee whose year-end sick leave balance exceeds 480 hours may choose to convert sick leave hours earned in the previous calendar year minus those used during the year to monetary compensation.*

(i) *No sick leave hours may be converted which would reduce the calendar year-end balance below 480 hours.*

(ii) *Monetary compensation for converted hours shall be paid at the rate of 25% and shall be based upon the employee's current salary.*

(iii) *All converted hours will be deducted from the employee's sick leave balance.*

(b) *Employees who separate from state service on or after September 1, 1979 due to retirement or death shall be compensated for their unused sick leave accumulation at the rate of 25%. Compensation shall be based upon the employee's salary at the time of separation. For the purpose of this subsection, retirement shall not include "vested out-of-service" employees who leave funds on deposit with the retirement system.*

(2) *Compensation for unused sick leave shall not be used in computing the retirement allowance, therefore no contributions are to be made to the retirement system for such payments, nor shall such payments be reported as compensation.*

(3) *An employee who separates from the classified service for any reason other than retirement or death shall not be paid for accrued sick leave.*

#### AMENDATORY SECTION (Amending Order 61, filed 8/30/77)

WAC 251-22-125 SICK LEAVE—((SEPARATION—REEMPLOYMENT)) FORMER EMPLOYEES. (1) *((Upon separation of the employee from the classified service for any reason, compensation shall not be paid for accrued sick leave credits:*

*(2) Employees appointed from a layoff list shall have sick leave credits reinstated upon their return to active service.*

*(3)) Former state employees who are reemployed within three years of separation shall ((be credited upon appointment with)) have their former sick leave balance restored for use as provided in WAC 251-22-110.*

*(2) Upon subsequent retirement or death of a retired state employee who has returned to state service, only that unused sick leave accrued since the original retirement minus that taken within the same period may be compensated per the provisions of WAC 251-22-124(1)(b); this restriction shall not apply to other returning employees.*

**WSR 79-08-122**  
**EMERGENCY RULES**  
**DEPARTMENT OF GAME**  
[Order 84—Filed July 31, 1979]

I, Ralph W. Larson, Director, Washington State Department of Game, do promulgate and adopt at Olympia, Washington, the annexed rule relating to WAC 232-28-60104 Steelhead closure on the Columbia River.

I, Ralph W. Larson, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to the public interest. A statement of the facts constituting such emergency is steelhead returns passing through the Columbia River to the Snake River drainage are predicted to be critically low in 1979, and the entire run of mature steelhead, which are defined as those over 20 inches in length, will be necessary to meet spawning escapement needs. It is therefore necessary for the purposes of conservation to protect the critically low run of steelhead trout to prohibit the taking of those mature steelhead over 20 inches in length as they pass into and through the Columbia River, including Drano Lake, from the Megler-Astoria bridge upstream to Highway 12 bridge at Pasco.

Such rule is therefore adopted as an emergency.

This rule is promulgated under the authority of the Director of Game as authorized in RCW 77.12.150 with the approval of the Game Commission as provided in that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), or the Administrative Procedures Act (chapter 34.04 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

This order, after being first recorded in the Order Register of this governing body, shall be forwarded to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED July 30, 1979.

By Ralph W. Larson

### NEW SECTION

WAC 232-28-60104 STEELHEAD CLOSURE ON THE COLUMBIA RIVER. Notwithstanding the provisions of WAC 232-28-601, it shall be unlawful for any sports fishermen to take, fish for, or possess steelhead trout over 20 inches in length in the Columbia River, including Drano Lake, from the Megler-Astoria bridge upstream to Highway 12 at Pasco.

This regulation shall become effective August 1, 1979.

**WSR 79-08-123  
PROPOSED RULES  
CLARK COLLEGE  
[Filed July 31, 1979]**

Notice is hereby given in accordance with the provisions of RCW 28B.19.030 and 42.30.060, that the Clark College intends to adopt, amend, or repeal rules concerning Rental regulations—Campus facilities;

and that the adoption, amendment, or repeal of such rules will take place at 7:30 p.m., Tuesday, September 18, 1979, in the Clark College Administration Building, Room AD011, 1800 East McLoughlin Blvd., Vancouver WA.

The authority under which these rules are proposed is RCW 28B.50.140.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to September 18, 1979, and/or orally at 7:30 p.m., Tuesday, September 18, 1979, Clark College Administration Building, Room AD011, 1800 East McLoughlin Blvd.

This notice is connected to and continues the matter noticed in Notice No. 7543 filed with the code reviser's office on April 27, 1977.

Dated: July 25, 1979

By: Richard A. Jones  
President

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

WAC 132N-144-010 BOARD POLICY STATEMENT—RENTAL REGULATIONS (CAMPUS FACILITIES). Clark College is committed to providing quality educational and cultural services to the people of its district. On this basis, campus facilities are made available for use by ((nonprofit)) organizations conducting educational, cultural, civic or community activities. College related activities of ((an)) public educational, cultural or community service nature shall be given first priority consideration for the use of college facilities. Exemptions to the rental fee must be authorized by the president, or designee, if deemed to be in the best interests of Clark College, its faculty, staff or students.

~~((The contractee shall accept full responsibility for liability claims of personal injury or personal theft, and shall be responsible to the college for any destruction, mutilation, theft or damage to college property.~~

~~Every contract for the use of campus facilities shall contain a provision recognizing acceptance of responsibility.))~~

~~College facilities may not be used for religious worship, exercise, or instruction (Washington state Constitution, Article 1, section 2). ((College facilities may not be used for private or commercial benefit unless the activities are for educational purposes or have been explored or undertaken at the request of an appropriate college unit and have received approval of the president, or designee.)) College facilities may not be used in ways which interfere with the college's teaching, research, public service or support programs or interfere with the flow of pedestrian or vehicular traffic.~~

~~The college reserves the right to deny any application or to revoke any permit at any time if actions resulting from such application or permission constitute unlawful activity or, if in the judgment of the administration, present imminent danger of unlawful activity or, if a prospective user has previously violated the provisions of the Clark College User's Handbook, other written rules or regulations of Clark College, or if activities which, in the judgment of the president or designee conflict with, directly compete with, or are incompatible with the programs or mission of the college.~~

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

WAC 132N-144-020 ADMINISTRATIVE PROCEDURES—RENTAL REGULATIONS (CAMPUS FACILITIES). (1) Arrangements and conditions. Outside groups making arrangements to reserve facilities are to make them with the Student ((center)) Programs Office, Gaiser Hall. Outside groups using campus facilities on weekends and school holidays must pay custodial services and appropriate rental charges for a minimum of four hours ((and off-period heating costs)). The only exception will be when a faculty member or administrator is designated as the person responsible for damage or theft of equipment and/or facilities and no special clean-up or set-up services are required.

If special clean-up and/or set-up services are required, the outside group will be billed for extra custodial services.

~~The contractee shall accept full responsibility for liability claims of personal injury or personal theft, and shall be responsible to the college for any destruction, mutilation, theft or damage to college property. Every contract for the use of campus facilities shall contain a provision recognizing acceptance of responsibility.~~

The outside groups must name one person to be responsible for any theft or damage to equipment and/or facilities.

All reservation commitments will not be final until approved by the Director of ((Student Services and Auxiliary Enterprises)) Financial Aid/Student Programs or designee.

Financial negotiations with regard to custodial expense and rental expense ((is)) are the responsibility of the Director of ((Student Services and Auxiliary Enterprises)) Financial Aid/Student Programs or designee.

Under normal circumstances, the college is obliged to charge a basic rental fee plus any "out-of-pocket" costs. However, related college groups may be allowed the use of facilities without charge at the discretion of college officials, provided the college is not liable for, or incurs any additional expense or liability by reason of said use. Under most circumstances any group, including college related groups (except student clubs or organizations) using facilities for fund raising activities will be required to pay the minimum rental fee.

(2) Food service. All food service shall be arranged with the ((Director of Student Services and Auxiliary Enterprises)) Foods Program Coordinator. In providing food service for any outside organization, the college will not compete with regular commercial enterprises able to provide such services.

(3) Supervision. A custodian or other authorized representative of the college must be on duty when facilities are being used by any organization. The student programs office is responsible for supervising all school events; club advisors are responsible for supervising club events; and a faculty or staff member is responsible for supervising or providing acceptable supervision of meetings or events which he or she has scheduled. Ordinarily, faculty or staff members are responsible for the supervision of meetings or events sponsored by groups or organizations of which they are members and/or active supporters.

The college may hire one of its faculty or staff members to supervise a meeting or event not otherwise described ((above)) in this subsection. The charge for such services will be added to the facilities use contract, along with the basic rental fee and "out-of-pocket" costs.

(4) ((Minimum Fee Schedule.

**Student Center or Gymnasium**

\$30 minimum, or .10 per person  
whichever is greater. (Evening)

\$50 minimum, or .10 per person  
whichever is greater. (Full Day)

**Penguin Playhouse**

\$25

**Faculty Dining Room**

\$10 (Evening) \$20 (Full Day)

**Foster Hall**

\$10 (Evening) \$20 (Full Day)

**ET 201, 202**

\$10 (Evening) \$20 (Full Day)

**Classroom 5-5 (Evening) \$10 (Full Day)****Den (Gaiser Hall)**

\$10 (Evening) \$20 (Full Day)

**Conference Rooms and Alcoves**

(Gaiser Hall)

\$-5 (Evening) \$10 (Full Day)

**Public Address System**

\$-3.50))

Rental fee schedule. The fee schedule for rental of available college space shall be available in the Student Center Office.

Rental rates for college organizations may differ from those charged for noncollege organizations and for usage which involves fund raising either through solicitation of donations or by admissions charge. The fee schedule shall be established by the Board of Trustees. The college reserves the right to change the rates without notice, provided that such changes shall also be available in the Student Center Office.

These basic rental rates shall cover utilities except for off-period heating costs (depreciation and regularly scheduled cleaning).

The Director of ((Student Services and Auxiliary Enterprises)) Financial Aid/Student Programs or designee will normally require a signed contractual agreement.

Exceptions to the ((above)) procedures in this section may be made by the president or designee.

**WSR 79-08-124**  
**PROPOSED RULES**  
**CLARK COLLEGE**  
[Filed July 31, 1979]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030 and 42.30.060, that the Clark College intends to adopt, amend, or repeal rules concerning parking and traffic regulations;

and that the adoption, amendment, or repeal of such rules will take place at 7:30 p.m., Tuesday, September 18, 1979, in the Clark College Administration Building, Room Ad011, 1800 East McLoughlin Blvd., Vancouver WA.

The authority under which these rules are proposed is RCW 28B.50.140.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to September 18, 1979, and/or orally at 7:30 p.m., Tuesday, September 18, 1979, Clark College Administration Building, Room AD011, 1800 East McLoughlin Blvd.

This notice is connected to and continues the matter noticed in Notice No. 7548 filed with the code reviser's office on April 27, 1977.

Dated: July 30, 1979  
By: Richard A. Jones  
President

**NEW SECTION**

**WAC 132N-156-030 PURPOSE.** The traffic and parking regulations contained in this chapter provide a fair and uniform method of regulating campus vehicular and pedestrian traffic, and are based on the following objectives:

- (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 institutional vehicles and by assigning the limited parking space for the most efficient use.

**NEW SECTION**

**WAC 132N-156-040 AUTHORITY.** The traffic and parking regulations contained within are authorized by the Board of Trustees of Community College District 14, and the enforcement of the traffic and parking regulations is the responsibility of the security department.

**NEW SECTION**

**WAC 132N-156-050 LIABILITY OF CLARK COLLEGE.** The college assumes no liability for vehicles parking on Clark College properties. A license is created by the issuance of a parking permit. The college may, at its discretion, have the right to cancel and terminate such license immediately and with reasonable notice upon discovery of violations of terms, conditions, or provisions of the rules and regulations provided in this chapter. Should such violations occur, the college, at its discretion, will have the right to deny any future requests by the applicant.

**NEW SECTION**

**WAC 132N-156-060 REGULATORY SIGNS AND DIRECTIONS.** Drivers of vehicles shall obey regulatory signs at all times and shall comply with directions given by college security officers in the control and regulation of traffic and parking.

**NEW SECTION**

**WAC 132N-156-070 PEDESTRIAN 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, roadway, firelane, or pathway with or without a crosswalk.

(2) Whenever any vehicle is stopped at a marked crosswalk, unmarked crosswalk, intersection or any other place in order to permit a pedestrian to cross the roadway, the operator of any other vehicle approaching from the rear shall not overtake and pass a yielding vehicle.

**NEW SECTION**

**WAC 132N-156-080 SPEED LIMITATIONS.** No vehicle shall be operated on the campus in excess of ten miles per hour. When safety circumstances dictate, a speed less than ten miles per hour should be maintained.

**NEW SECTION**

**WAC 132N-156-090 ALLOCATION OF PARKING SPACES.** The parking spaces available on campus shall be assigned by the Security Advisory Committee in such a manner as will best obtain the objectives of these regulations. The Director of Security, or designee, is authorized to mark various parking areas on the campus with numbers or titles or by the posting of signs or curb markings in those areas. Students, staff, and faculty may obtain daytime or evening parking on campus as follows:

- (1) Student daytime parking is limited to areas designated as open parking;
- (2) Staff/faculty daytime parking is limited to areas so designated;

(3) Open parking begins after 5:00 p.m. for students, staff, and faculty and is available in all designated parking areas with the exception of Handicapped, Visitors, and College Motor Pool parking lots.

#### NEW SECTION

**WAC 132N-156-100 PERMIT PARKING ON CAMPUS.** Permission to park on the Clark College campus will be evidenced by the display of a valid permit issued by the Clark College Security Department.

- (1) A valid permit is:
- (a) A current vehicle permit properly displayed in accordance with permit instructions;
  - (b) A temporary permit authorized by the security department and displayed in accordance with instructions shown on the permit.
- (2) Parking permits are not transferable.
- (3) The college reserves the right to deny any application, or to revoke any permit at any time, if actions resulting from such application or permission constitute unlawful activity or, if in the judgment of the administration, present imminent danger of unlawful activity, or if a prospective user has previously violated the provisions of the Clark College Parking Policy or other written rules or regulations of Clark College. All outstanding campus parking violations must be settled before a parking permit will be issued or renewed.

#### NEW SECTION

**WAC 132N-156-110 DESIGNATED AND ASSIGNED PARKING.** (1) Vehicles shall be parked on the campus only in those areas set aside and designated as parking areas.

- (2) In any area requiring a special parking permit, no vehicle shall park there without said permit.

#### NEW SECTION

**WAC 132N-156-120 PARKING WITHIN DESIGNATED AREAS.** No vehicle shall be parked so as to occupy any portion of more than one parking space or stall as designated within the parking area. The fact that other vehicles may have been so parked as to require a vehicle attempting to park to occupy a portion of more than one space or stall shall not constitute an excuse for a violation of this section.

#### NEW SECTION

**WAC 132N-156-130 SPECIAL CIRCUMSTANCES.** During special occasions causing additional heavy traffic and during emergencies, the security department is authorized to impose additional traffic and parking regulations and instructions in order to lessen the chance of personal injury or property damage. Whenever possible, prior notice of these regulations or restriction changes shall be made known and posted. This authorization is of a temporary nature and should only last as long as the situation continues, but not in excess of thirty days.

#### NEW SECTION

**WAC 132N-156-140 EXEMPTIONS FROM PERMIT REQUIREMENTS.** The college may allow visitors without permits to drive through the campus without parking. Permission may be denied when pedestrian and/or vehicular congestion is above normal, or when the campus is closed.

#### NEW SECTION

**WAC 132N-156-150 MOTORCYCLE AND SCOOTER PARKING.** (1) Motorcycles, motorized bicycles, and scooters are for the purpose of these regulations considered to be motor vehicles and are subject to all traffic and parking rules and regulations controlling other motor vehicles.

- (2) Motorcycles, motorized bicycles, and scooters may be parked in designated areas in the North Lot.

#### NEW SECTION

**WAC 132N-156-160 PROHIBITIONS.** No person shall stop or park any vehicle so as to obstruct traffic along or upon any street, fire-lane, or sidewalk. No vehicle shall be parked:

- (1) At any place where official signs or curb markings prohibit parking.
- (2) Within ten feet of a fire hydrant.

(3) At any place for which the vehicle does not have a valid permit. No vehicle shall drive intra-campus without a special permit issued by the security department. Restrictions governing the use of intra-campus permits shall be included on the face of the permit.

#### NEW SECTION

**WAC 132N-156-170 IMPOUNDING OF DISABLED/ABANDONED VEHICLES.** Any abandoned vehicle not removed within five calendar days will be towed away and impounded. Officers are provided with a camera and shall obtain pictorial evidence before towing and impounding such a vehicle. In addition, before any vehicle is towed, the Director of Security will send a registered letter notifying the registered legal owner.

#### NEW SECTION

**WAC 132N-156-180 ENFORCEMENT.** The Board of Trustees of Clark College, or designee, shall set and approve fair and uniform fines for parking violations and shall provide adequate means for the enforcement and/or collection of such a fine policy.

If a violation of the traffic and parking rules and regulations is committed on the Clark College campus, the security department is authorized to notify the violator and issue citations as follows:

- (1) The first violation shall be cited by use of a violation sticker accompanied by a warning citation.
- (2) The second and third violations shall be cited by use of a citation and the violator shall be fined.
- (3) Any violation occurring after the third citation may result in the violator's permit being revoked.

#### NEW SECTION

**WAC 132N-156-190 APPEALS.** Students, faculty, and staff members who receive citations for violations of the traffic and parking rules and regulations may appeal to the Director of Security. If the situation is not resolved satisfactorily, students, faculty, and staff members may appeal in writing to the Security Advisory Committee through the Dean of Students. Appeals must be submitted and received without posting of fine within seven days after date of citation. The Security Advisory Committee meets once a month while the college is in session. The Security Advisory Committee shall consider each appeal on its merits and shall make written notification of each decision of the committee to the appellant and the security department.

#### NEW SECTION

**WAC 132N-156-200 UNPAID FINES.** (1) If any citation remains unpaid after fifteen days, a letter will be sent to the violator stating that if the citation remains unpaid for an additional five days, any of the following actions may be taken by Clark College:

- (a) A hold may be placed on transcripts.
  - (b) A delay of registration for the following quarter.
  - (c) Revocation of the permit(s).
- (2) If a violator has three unpaid citations, a letter will be sent notifying the violator of the unpaid citations and that his/her vehicle will be impounded and held until all outstanding fines are paid.
- (3) These procedures will be applicable to all students, faculty, and staff members receiving citations for violations of these regulations.

#### NEW SECTION

**WAC 132N-156-210 REVOCATIONS.** Permits are licenses and the property of the college and may be recalled for any of the following reasons:

- (1) When the purpose for which the permit was issued changes or no longer exists.
  - (2) When a permit is used on an unregistered vehicle or by an unauthorized individual.
  - (3) Falsification on a parking permit application.
  - (4) Continued violations of parking regulations.
  - (5) Counterfeiting or altering of permits.
  - (6) Failure to comply with a final decision of the Director of Security/Security Advisory Committee.
- Appeals of permit revocations may be made to the Security Advisory Committee. Appeals must be filed within seven days of revocation.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

**WAC 132N-156-020 ADMINISTRATIVE PROCEDURES—PARKING AND TRAFFIC REGULATIONS.**

**WSR 79-08-125  
PROPOSED RULES  
WALLA WALLA COMMUNITY COLLEGE  
(Filed August 1, 1979)**

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that the Community College District No. 20 (Walla Walla Community College), intends to adopt, amend, or repeal rules concerning the repeal of chapter 132T-38 WAC, Reduction in Force for Classified Personnel, and the enactment of chapter 132T-128 WAC having to do with reduction of force for classified personnel;

and that the adoption, amendment, or repeal of such rules will take place at 3:00 p.m., Thursday, September 20, 1979, in the Board Room of Walla Walla Community College, 500 Tausick Way, Walla Walla, WA.

The authority under which these rules are proposed is chapters 28B.50 and 28B.10 RCW.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to September 20, 1979, and/or orally at 3:00 p.m., Thursday, September 20, 1979.

Dated: July 30, 1979

By: Eldon Dietrich  
President

**Chapter 132T-128 WAC  
REDUCTION IN FORCE  
FOR CLASSIFIED PERSONNEL**

**WAC**

- 132T-128-010 Purpose of Rules.
- 132T-128-020 Definitions.
- 132T-128-030 Initial Procedures for Reduction in Force.
- 132T-128-040 Initial Order of Layoff.
- 132T-128-050 Options in Lieu of Layoff.
- 132T-128-060 Procedures For Establishing Order of Layoff and Notice of Requirements.
- 132T-128-070 Distribution of Layoff Notice.
- 132T-128-080 Re-employment Rights of Laid Off Employees.
- 132T-128-090 Special Employment Programs.

**NEW SECTION**

**WAC 132T-128-010 PURPOSE OF RULES.** Pursuant to the direction of the Higher Education Personnel Board of the State of Washington, the Board of Trustees for Washington State Community College District No. 20 hereby establishes the procedures for reduction in force for the layoff of classified employees when such reductions or layoffs are required by lack of funds, curtailment of work, or good faith reorganization for efficiency reasons, or when an incumbent must be separated due to the salary or longevity mandates of Public Law 95-524.

**NEW SECTION**

**WAC 132T-128-020 DEFINITIONS.** As used in this chapter, WAC 132T-128, the following words and phrases are defined;

- (1) "Appointing authority" shall mean the president of Walla Walla Community College.

(2) All other terms and phrases which describe any legal status a classified employee may have under the layoff procedures herein adopted shall have the meaning defined in WAC 251-04-020 and WAC chapter 251-10 as promulgated by the Washington State Higher Education Personnel Board.

(3) Words and phrases used herein in the masculine gender shall include the masculine and feminine genders.

**NEW SECTION**

**WAC 132T-128-030 INITIAL PROCEDURES FOR REDUCTION IN FORCE.** (1) When a reduction in force is required due to lack of funds, curtailment of programs, or good faith reorganization for efficiency reasons, or when an incumbent must be separated due to the salary or longevity mandates of Public Law 95-524, the appointing authority shall determine the number of positions, by classification, which shall be abolished.

(2) The order of layoff and optional retention rights of classified employees shall be determined on an institution-wide basis. The entire classified staff of Walla Walla Community College is divided into two layoff units — regular workforce unit and special programs unit.

**NEW SECTION**

**WAC 132T-128-040 INITIAL ORDER OF LAYOFF.** The initial order of layoff shall be according to the appointment status of employees in the classifications of positions to be eliminated.

(1) Probationary, temporary and hourly employees shall be laid off before permanent status employees in the same classification.

(2) Emergency, temporary or intermittent employees shall be laid off before probationary and provisional status employees in the same classification. The order of layoff for probationary or provisional employees shall be inverse to their length of layoff seniority. The employee having the least amount of such layoff seniority shall be separated first and the employee having the greatest amount of layoff seniority shall be separated last.

(3) Permanent status employees shall be laid off in inverse order of their layoff seniority. The employee having the least amount of such layoff seniority shall be separated first and the employee having the greatest amount of layoff seniority shall be separated last. Layoff seniority shall include the last period of unbroken service in the classified service of the college. Authorized leave of absence or leave without pay shall not constitute a break in service; however, the time spent on such leave shall not be included in computing seniority except where required by statute and except in the case of positions established on the basis of an instructional year.

(4) The retention rights of veterans shall be determined in accordance with WAC 251-10-045.

**NEW SECTION**

**WAC 132T-128-050 OPTIONS IN LIEU OF LAYOFF.** (1) Options shall be offered in lieu of layoff to employees in accordance with the provisions of WAC 251-10-030.

(2) Permanent status employees, according to seniority, shall be offered employment options in classifications in which the employee has held permanent status, or lower classifications in the same class series for which the employee is qualified; provided that the employee being replaced is the least senior in that classification and has less layoff seniority than the employee replacing him.

(3) Except as provided in WAC 251-10-035, a permanent employee scheduled for layoff who has no options available under (2) above shall be offered positions as follows: The personnel officer will offer in writing not less than three positions from among the highest available classes (unless the total available is less than three), provided that any positions offered must be at the same level or lower than the class from which the employee is being laid off; are vacant or held by a provisional, temporary, or probationary employee; and in a class for which the employee being laid off meets the minimum qualifications and can pass the appropriate qualifying examination, as provided in WAC 251-10-030 (6).

(4) Eligible veterans and their unmarried widows or widowers as defined in WAC 251-10-045 shall be provided veterans preference.

**NEW SECTION**

**WAC 132T-128-060 PROCEDURES FOR ESTABLISHING ORDER OF LAYOFF AND NOTICE OF REQUIREMENTS.** (1)

The appointing authority shall inform the personnel officer of the number of positions to be abolished, in writing.

(2) When it is determined that layoffs will occur within a unit, the personnel officer will:

(a) Determine the employees to be laid off, determine their option rights, and notify the appointing authority in writing;

(b) Provide each employee subject to layoff with a copy of the institutional reduction in force procedure and advise him/her in writing of available options in lieu of layoff; promptly discuss options with the employees concerned, who in turn, shall inform him in writing as quickly as possible but within three (3) working days, whether they wish to exercise their option rights; promptly notify the appointing authority as to whether or not the employees have elected to use their option rights, and shall send a written notice of the reduction in force action to each employee to be laid off. This written notice shall be served on the person who is to be laid off at least 15 calendar days prior to the effective date of the layoff.

(c) Advise each employee in writing of the specific institution-wide layoff list(s) upon which he/she may be placed as required per WAC 251-10-055;

(d) Provide information relative to statewide layoff lists as required per WAC 251-10-060 (7);

(e) Advise each employee of the right to appeal his/her layoff to the board per WAC 251-12-080.

#### NEW SECTION

##### WAC 132T-128-070 DISTRIBUTION OF LAYOFF NOTICE.

Copies of all layoff notices shall be distributed as follows:

The original to the employee,

One copy to the supervisor's department files,

One copy to the personnel office,

One copy to the employee's bargaining agent.

#### NEW SECTION

WAC 132T-128-080 RE-EMPLOYMENT RIGHTS OF LAID OFF EMPLOYEES. (1) Reduction in force lists are established by classification and maintained by the personnel officer. The names of permanent and probationary employees who are scheduled for layoff, who have been laid off from service within a class of service to the institution, or who have accepted a lower option in lieu of layoff shall be placed on the institution-wide layoff list(s) for those class(es) in which they have held permanent status, probationary (if within the same class series as the list), or trial service appointment status within the current period of employment at the institution provided that:

(a) The employee has requested placement on the list;

(b) The employee has not been rejected, reverted, demoted or dismissed from such class(es); and

(c) The class has the same or lower salary range maximum as the class from which laid off.

In addition, such employees shall be placed on institution-wide layoff list(s) for all lower class(es) in these same class series.

(2) Upon request, employees shall be placed on these lists at the completion of the three-day option period or upon selection of an option, whichever is sooner.

(3) Layoff lists shall be institution-wide, with eligibles ranked according to layoff seniority as defined in WAC 251-04-020.

(4) Eligibles certified from such lists shall be re-employed in preference to all other eligibles.

(5) Removal from the institution-wide layoff list shall be as provided below:

(a) Acceptance of a layoff option or appointment from a layoff list shall cause removal from the list(s) for all classes with the same or lower salary range maximum; except that unless the employee so requests, he/she may not be removed via this procedure from the layoff list or the class from which laid off.

(b) Retirement, resignation, or dismissal from the institution shall cause removal from the list(s).

Except as provided in (5) above, the duration of eligibility on the institution-wide layoff list is two (2) years. Prior to the expiration date of the eligible, he shall be notified of the expiration date and given the opportunity to extend his eligibility for one (1) additional year by written request to the personnel officer.

#### NEW SECTION

WAC 132T-128-090 SPECIAL EMPLOYMENT PROGRAMS. (1) A special employment program layoff unit for programs qualifying under the conditions identified in WAC 251-18-410, Rules of the Higher Education Personnel Board, is established.

(2) Employment options of individuals being laid off from positions in special employment programs are limited to positions within the special employment program layoff unit and/or program for which the employee qualifies.

(3) Within the special employment program layoff unit, a permanent status employee schedule for layoff from service or from the class, except as provided in (4) of this section, shall be offered employment options in class(es) with the same or lower salary range maximum that are:

(a) Class(es) in which the employee has held permanent status;

(b) Lower class(es) in the same class series for which the employee is qualified.

The employee may exercise either option provided that the employee being replaced is the least senior in the class and has less layoff seniority than the employee replacing him/her.

(4) Employees who are being laid off due to the expiration of the maximum allowable period of subsidized employment as provided in Public Law 95-524 shall not be afforded layoff options.

(5) The provisions of WAC 251-10-030(7) and (8) of the Higher Education Personnel Board relative to selective certification and bona-fide occupational requirements shall apply to special employment program layoff actions.

(6) The names of employees scheduled for layoff or actually laid off from service within a class shall be placed on the special program layoff list as provided in WAC 251-18-180.

#### **WSR 79-08-126**

#### **ADOPTED RULES**

#### **DEPARTMENT OF**

#### **SOCIAL AND HEALTH SERVICES**

#### **(Public Assistance)**

[Order 1421—Filed August 1, 1979]

I, Michael Stewart, Ex. Assist. of the Department of Social and Health Services do promulgate and adopt at Olympia, Washington, the annexed rules relating to Food stamps—Income—Exclusions, amending WAC 388-54-735.

This action is taken pursuant to Notice No. WSR 79-06-010 filed with the code reviser on 5/8/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 74.04.510 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED July 18, 1979.

By Michael S. Stewart  
Executive Assistant

AMENDATORY SECTION (Amending Order 1374, filed 3/1/79)

#### WAC 388-54-735 INCOME—EXCLUSIONS.

The following income is excluded:

(1) Payments received under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970;

(a) Payments to persons displaced as a result of the acquisition of real property;

(b) Relocation payments to a displaced homeowner toward the purchase of a replacement dwelling provided the homeowner purchases and occupies a dwelling within one year following displacement((-));

(c) Replacement housing payments to displaced persons not eligible for a homeowner's payment.

(2) Payments made under the Domestic Volunteer Services Act of 1973. Those payments under Title I (VISTA) to volunteers shall be excluded for those (~~individuals receiving food stamps or public assistance at the time they joined VISTA~~) households receiving a VISTA exclusion at the time of conversion to the Food Stamp Act of 1977. Temporary interruptions in food stamp participation shall not alter the exclusion once an initial determination has been made.

(3) Income derived from certain submarginal land of the United States which is held in trust for certain Indian tribes under Public Law 94-114, Section 6, or Public Law 94-540.

(4) Any payments received by Alaskan Natives under the terms of the Alaskan Native Claims Settlement Act.

(5) Payments from the Special Crisis Intervention Program.

(6) Earnings received by any youth under The Youth Employment Demonstration Project of 1977 (CETA) as follows:

(a) Youth incentive entitlement pilot projects;

(b) Youth community conservation and improvement projects;

(c) Youth employment and training programs.

(7) The thirty dollar weekly incentive allowance received by CETA participants receiving public assistance or whose needs or income are taken into account in determining the amount of public assistance payments to others.

(8) Income received as compensation for services as an employee or income from self-employment by a child residing in the household who is under 18 years of age and attending at least half time (as defined by the institution), a kindergarten or preschool, a grade school, high school, vocational school, technical school, training program, college or university. This exclusion shall apply to a student under the parental control of another household member.

(a) If the child's earnings or amount of work performed cannot be differentiated from that of other household members, the total earnings shall be prorated equally among the working members and the child's pro rata share excluded.

(9) Income which is received too infrequently or irregularly to be reasonably anticipated as available during a three-month period provided such infrequent or irregular income of all household members shall not exceed (~~(\$30)~~) thirty dollars in a three-month period.

(10) All loans, including loans from private individuals as well as commercial institutions, other than educational loans on which repayment is deferred.

(11) Education loans on which payment is deferred, grants, scholarships, fellowships, veterans' educational benefits, and the like to the extent that they are used for

tuition and mandatory school fees at an institution of higher education, including correspondence schools at that level, or a school at any level for the physically or mentally handicapped.

(12) Monies received in the form of a nonrecurring lump-sum payments, such as, but not limited to, insurance settlements, sale of property (except property related to self-employment as previously provided for), cash prizes, awards and gifts (except those for support maintenance, or the expense of education), inheritances, retroactive lump-sum social security and railroad retirement pension payments, income tax refunds, and similar nonrecurring lump-sum payments.

(13) The cost of producing self-employment income.

(14) Reimbursements for past or future expenses not to exceed the actual expense or which do not represent a gain or benefit to the household.

(a) The following are considered reimbursements which are excludable, which do not represent a gain or benefit((-));

(i) Flat allowances for job or training-related expenses such as per diem, travel, uniforms and transportation to and from the job or training site.

(ii) Reimbursements for out-of-pocket expenses of volunteers incurred in the course of their work.

(iii) Reimbursement for medical or dependent care.

(iv) Reimbursements of allowances to students for specific education expenses such as travel or books.

(b) The following are considered reimbursements which are not excludable, which do represent a gain or benefit((-):

(i) Reimbursements for normal living expenses such as rent or mortgage, personal clothing, or food eaten at home.

(15) Any gain or benefit which is not in money, such as in-kind benefits, including public housing, meals or clothing.

(16) Money payments that are not owed or payable directly to a household, but are paid to a third party for a household expense, are vendor payments and are excludable as follows:

(a) A payment made in money on behalf of a household whenever a person or other organization outside of the household uses its own funds to make a direct payment to either the household's creditors or a person or organization providing a service to the household.

(b) Rent or mortgage payments, made to landlords or mortgagees by the Department of Housing and Urban Development (HUD) or by state or local housing authorities, are vendor payments and are excluded.

(c) Moneys that are legally obligated and otherwise payable to the household, but which are diverted by the provider of the payment to a third party for a household expense, shall be counted as income and not excluded as a vendor payment.

(17) Moneys received and used for the care and maintenance of a third-party beneficiary who is not a household member. Representative payee payments shall be included, however, as income to the beneficiary's household.

(a) If the intended beneficiaries of a single payment are both household and nonhousehold members, any

identifiable portion of the payment intended and used for the care and maintenance of the nonhousehold member shall be excluded.

(b) If the nonhousehold member's portion cannot be readily identified, the payment shall be evenly prorated among intended beneficiaries and the exclusion applied to the nonhousehold members prorata share or the amount actually used for the nonhousehold member's care and maintenance, whichever is less.

**WSR 79-08-127**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
[Order 1422—Filed August 1, 1979]

I, Michael Stewart, Ex. Assist. of the Department of Social and Health Services do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

Amd ch. 388-24 WAC AFDC—Eligibility.

Amd ch. 388-57 WAC Employment and training—Work incentive.

I, Michael Stewart, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is these rules are necessary to comply with a U. S. Supreme Court decision in the case of *Califano v. Westcott*.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated under the general rule-making authority of the secretary of Department of Social and Health Services as authorized by RCW 43.20A.550.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED August 1, 1979.

By Michael S. Stewart  
Executive Assistant

**AMENDATORY SECTION** (Amending Order #1338, filed 9/18/78)

**WAC 388-24-040 AID TO FAMILIES WITH DEPENDENT CHILDREN—SUMMARY OF ELIGIBILITY STANDARDS.** AFDC shall be granted in behalf of a needy child.

(1) Who is under the age of eighteen years,

(a) AFDC may be granted on behalf of an unborn child. Medical confirmation of pregnancy is required;

(b) AFDC shall be continued through the month in which the child reaches the maximum age;

(2) Who is a resident of the state of Washington, or who lives with a parent or other relative who is a resident of the state of Washington — see WAC 388-26-050 through 388-26-105;

(3) Who is deprived of parental care and support because of death, ((or)) continued absence ((of a parent)), or ((the)) incapacity of a parent or stepparent — see WAC 388-24-055 through 388-24-075. If unemployment of ((the father or stepfather)) a parent or stepparent is the basis of deprivation, all provisions in WAC 388-24-135 apply.

(4) Whose parent or stepparent, if incapacitated, does not refuse available medical treatment without good cause as specified in WAC 388-24-065 (6);

(5) (a) Who is living in the home of a relative of specified degree, except for a temporary period, as provided in WAC 388-24-125; or

(b) Who, as a result of judicial action, was removed from his home and placed in foster care after April 30, 1961, and who meets the conditions specified in WAC 388-24-207;

(6) Who is a citizen or an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States as described in WAC 388-26-120;

(7) Whose parent or stepparent has not transferred property contrary to law or DSHS rules in WAC 388-28-457 through 388-28-465;

(8) Who is in financial need — see chapters 388-28 and 388-33 WAC;

(9) The applicant's written statement of application for AFDC must include all children under eighteen years of age living in the home who are full or half brothers or sisters or stepbrothers or stepsisters whether or not financial assistance is being requested for all of the children. Total resources and income available for all such children and their parents or stepparents in the home must be declared by the person applying in behalf of the children. ((Unless this is done, eligibility can not be determined.))

(10) For persons to be included in the AFDC assistance unit, see WAC 388-24-050.

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

**AMENDATORY SECTION** (Amending Order #1357, filed 11/15/78)

**WAC 388-24-050 AID TO FAMILIES WITH DEPENDENT CHILDREN—ASSISTANCE UNIT.** ((After an eligibility determination has been completed, composition of the assistance unit shall be in accordance with the following instructions:

(1) Any individual to be included in an AFDC assistance unit shall be subject to the provisions in WAC 388-24-107 and 388-57-061.

(2) The AFDC-R assistance unit shall consist of

(a) The eligible child or children living together, and

(i) The natural, adoptive, stepparent, or parents with whom the child(ren) lives. If the child(ren) is deprived because of the incapacity of a parent, the legally wedded spouse of the child(ren)'s parent is also included; or

~~(ii) In lieu of a parent, one needy relative caretaker of the child(ren) of the degree specified in WAC 388-24-125 with whom the child(ren) lives and whose eligibility depends solely on caring for the child(ren).~~

~~(b) Only the eligible child(ren) shall constitute the AFDC-R assistance unit when he/she is living with a parent who is not in financial need, or who does not meet other eligibility requirements.~~

~~(c) Only the eligible (sibling) child(ren) shall constitute the AFDC-R assistance unit when he/she is living with a nonneedy relative of specified degree who is not legally responsible for the support or care of the child(ren), or with a nonresponsible needy relative of specified degree who is a member of another assistance unit or who is receiving SSI.~~

~~(d) An eligible child who is temporarily in an institution and meets conditions in WAC 388-24-125 shall be included or continue to be included in an AFDC assistance unit.~~

~~(3) The AFDC-E assistance unit shall consist of~~

~~(a) The eligible child(ren), and~~

~~(b) Both natural or adoptive parents or a stepfather and parent of the eligible child(ren) if legally married to each other, with whom the child(ren) lives. If not legally married, see subsection (4). If an unemployed parent is temporarily absent from the home to search for employment with intention to reunite with the family, only the parent in the home is included in the unit.~~

~~(c) Only the eligible child shall constitute the AFDC-E assistance unit when he/she is living with parents who have failed to cooperate with the WIN program and/or the Office of Support Enforcement without good cause.~~

~~(4) Unmarried parents living with one or more eligible children:~~

~~(a) When a child is living with both of his/her parents who are unmarried, only one such parent can be included in the child's assistance unit. If the child is deprived because of his/her natural father's unemployment and all requirements of the AFDC-E program are met, the natural father shall be included in the child's assistance unit under the AFDC-E program. If the requirements of the AFDC-E program are not met but the child is deprived due to incapacity of a parent, either parent may be included in the child's assistance unit under the AFDC-R program.~~

~~(b) When the family is composed of the mother's child(ren) only, or the father's child(ren) only, or one or more children of both parents, or any combination of the above,~~

~~(i) One assistance unit is established for all children who have one parent in common, and this unit can include only this parent.~~

~~(ii) Another assistance unit is established for any children of the other parent only, including this parent if otherwise eligible.~~

~~(5) The AFDC-FC assistance unit shall include only the child who is eligible for AFDC-FC.~~

~~(6) When it is necessary for a responsible relative to reside temporarily apart from his or her family to secure training, as specified in WAC 388-24-125(3)(b)(v),~~

~~separate assistance units shall be established for the relative in training and for the other members of the family.~~

~~(7) When all the dependent children in a potential AFDC assistance unit are receiving SSI, the AFDC assistance unit shall consist of the parent(s) or other needy caretaker relative who would be included in the assistance unit if the children were receiving AFDC.~~

~~AFDC-R/E is paid to eligible persons on an assistance unit basis. Assistance units shall be composed of groups of persons residing together as follows:~~

~~(1) A single assistance unit shall be established for:~~

~~(a) The eligible child(ren), and~~

~~(i) The eligible natural or adoptive parent(s) or stepparent(s) with whom the child(ren) lives, or~~

~~(ii) In lieu of a parent, one needy relative caretaker of specified degree with whom the child lives and whose eligibility depends solely on caring for the child(ren),~~

~~(b) Only the eligible child(ren) when:~~

~~(i) The child(ren)'s parent(s) is not eligible,~~

~~(ii) The child(ren) lives with a non-needy relative of specified degree who is not legally responsible for the support of the child(ren),~~

~~(iii) The child(ren) lives with a needy non-responsible relative of specified degree who receives SSI,~~

~~(iv) The child(ren) is a recipient of AFDC-FC.~~

~~(c) Only the eligible parent(s), or needy caretaker relative of specified degree, when the only child, or all the children, has been deleted from the grant because of receiving income from SSI.~~

~~(d) Only the eligible parent(s) when the only child is unborn.~~

~~(2) Two assistance units are necessary when:~~

~~(a) The responsible relative must temporarily reside apart from his or her family to secure training in accordance with an approved plan. Refer to WAC 388-24-125;~~

~~(i) One assistance unit is maintained for the family members in the home.~~

~~(ii) A separate assistance unit is established for the relative in training.~~

~~(b) The child lives with a non-responsible relative of specified degree who is a member of another assistance unit.~~

~~(3) Two or more assistance units are necessary when two or more persons not married to each other, each has his/her own child(ren) and there is no child in common; a separate assistance unit is established for each parent and his/her eligible child(ren).~~

~~(4) When a relative of specified degree is eligible to receive assistance for two or more children for whom he/she is not legally responsible;~~

~~(a) One assistance unit is established for each group of children who are siblings,~~

~~(b) A separate assistance unit(s) is established for each of the other non-sibling children.~~

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order #1357, filed 11/15/78)

WAC 388-24-075 AID TO FAMILIES WITH DEPENDENT CHILDREN—MULTIPLE DEPRIVATION FACTORS. When children in a family are deprived of parental support for different reasons, the assistance unit shall be classified as:

(1) AFDC-E if ~~((the))~~ at least one child is deprived because of ~~((his/her father's or stepfather's))~~ a parent's or stepparent's unemployment and the child and the ~~((father or stepfather))~~ unemployed parent or stepparent meet all of the requirements for AFDC-E in WAC 388-24-135. At the time unemployment ceases, ~~((and))~~ deprivation exists due to incapacity ~~((of the mother or stepmother))~~ of a parent or stepparent, AFDC-R shall be considered if eligibility exists.

(2) AFDC-R if the requirements for AFDC-E are not met but the children are deprived because of the death, continued absence or incapacity of a parent.

AMENDATORY SECTION (Amending Order #1368, filed 2/15/79)

WAC 388-24-090 ELIGIBILITY CONDITIONS APPLICABLE TO AFDC-R AND AFDC-E—EMPLOYMENT OR TRAINING. (1) For a child to be eligible for AFDC-E ~~his/her~~ unemployed ~~((father, or unemployed stepfather))~~ parent or stepparent who qualifies the assistance unit for the program shall:

(a) Be currently registered for employment with DES as indicated in WAC 388-~~((07-015))~~24-135 (5),

(b) Show evidence of unemployment benefit status as specified in WAC 388-57-020 and 388-24-135 (6),

(c) Accept employment or training for employment as indicated in WAC 388-57-025 and 388-57-030 unless certified to WIN.

(2) All AFDC applicants and recipients are subject to WIN or Employment and Training (E&T) registration as provided in WAC 388-24-107.

(3) A WIN/E&T registrant, unless a volunteer, who fails to cooperate in appraisal prior to certification shall be subject to the provisions of WAC 388-57-056.

(4) (a) An AFDC recipient, ~~((unless a voluntary registrant))~~ unless a volunteer, who has been certified for the work incentive (WIN) program and who is determined by DES to have refused employment or training or participation in the WIN program without good cause shall be subject to provisions of WAC 388-57-061.

(b) An AFDC recipient certified for the E&T program and who is determined by DSHS to have refused employment, training or participation in the E&T program without good cause shall be subject to provisions of WAC 388-57-061.

(5) A child's eligibility is not affected by the WIN/E&T registration requirement for the parent or needy caretaker relative~~(:)~~ in the AFDC-R program. A child's eligibility is affected by the WIN/E&T requirement for the unemployed parent in the AFDC-E program.

(6) An individual who has been determined to be exempt from registration for WIN/E&T on the basis of

documented incapacity shall be referred to DVR. See also WAC 388-52-150 through 388-52-155.

AMENDATORY SECTION (Amending Order #1368, filed 2/15/79)

WAC 388-24-107 ELIGIBILITY CONDITIONS APPLICABLE TO AFDC-R AND AFDC-E—REGISTRATION FOR WIN. (1) As a condition of eligibility for AFDC, every individual shall register for the WIN or Employment and Training (E&T) program unless such individual is:

(a) ~~((A dependent child who is u))~~ Under age sixteen or ~~((is a dependent child who is))~~ age sixteen but not yet eighteen who is enrolled as, or has been accepted for enrollment as, a full time student for the next school term,

(b) A person who is ill, incapacitated, or sixty-five years of age or older. Cost of a physical or psychiatric examination is authorized when the examination is to determine employability for registration or participation in the WIN/E&T program.

(i) Temporary illness or incapacity (a condition lasting not more than ninety days) provides WIN/E&T exemption only for the period of a documented condition of unemployability. Exemption terminates when the condition ceases.

(ii) Persons who have been determined to be exempt from registration on the basis of permanent incapacity shall be referred for services under the vocational rehabilitation program.

(c) A person residing outside a WIN/E&T area or at a location so remote from a WIN/E&T project that his/her effective participation is precluded.

(d) A person whose presence in the home is required because of illness or incapacity of another member of the household,

(e) A ~~((mother))~~ parent or other needy caretaker relative of a child under the age of six who is caring for the child,

(f) A mother of an unborn child,

(g) A ~~((mother or other female))~~ parent caretaker of a child, ~~((if))~~ when the ~~((father or another adult male relative))~~ other parent or stepparent is in the home and is not exempted by (a), (b), (c) or (d) of this subsection. ~~((This exemption shall also be terminated when the male required to register has failed or has refused without good cause to participate under a WIN program or accept employment.))~~

(2) Any applicant or recipient has a right to a fair hearing to contest a determination of nonexempt status and shall be considered as exempt until his/her status is finally determined. (See WAC 388-57-090).

(3) Any parent who qualifies the assistance unit for AFDC-E and the entire assistance unit shall be determined ineligible if that parent fails or refuses without good cause to register for the WIN/E&T program unless exempted by 1 (a), (b), (c) or (d) of this section.

When both parents meet the eligibility criteria, they have the option as to who shall qualify the assistance unit. When the parent who has qualified the assistance unit fails or refuses to register, the other parent shall be given the opportunity to qualify the assistance unit and register for the WIN/E&T program. The requirements

of the non-cooperating parent shall not be taken into account in determining the requirements of the assistance unit and the amount of assistance. (See WAC 388-24-135.)

~~((3))~~ (4) The requirements of any individual other than the parent who qualifies the assistance unit for AFDC-E who fails to register as required under subsection (1) of this section shall not be taken into account in determining the requirements of the ((family)) assistance unit and the amount of assistance, and assistance will be granted to the eligible members of the ((family)) assistance unit.

~~((4))~~ (5) ~~((A mother or other relative))~~ An exempt parent caretaker of a child or unborn child under the age of six ((who is caring for the child)) shall be advised of her/his option to register if she/he so desires, and of the fact that child care will be provided if needed. Other exempted individuals may volunteer to register, subject to acceptance of such registration by DES.

~~((5))~~ (6) An AFDC recipient who has been exempt from WIN/E&T registration must ((register)) be registered at the time of the next review ((within thirty days after)) following the date the reason for his/her exemption ceases to exist.

~~((6))~~ (7) The department's income maintenance unit (IMU) shall determine which AFDC applicants/recipients are exempt from registration and which are required to register as a condition of eligibility.

AMENDATORY SECTION (Amending Order #1368, filed 2/15/79)

WAC 388-24-135 AID TO FAMILIES WITH DEPENDENT CHILDREN—((UNEMPLOYED FATHER—)) EMPLOYABLE PARENT—SUMMARY OF ELIGIBILITY CONDITIONS. To be eligible for AFDC-E an applicant shall be a child

(1) Who is deprived of parental care and support because of the unemployment of ((his/her father or stepfather:)) a parent or stepparent who satisfies all the requirements in this section to qualify the assistance unit.

~~((a))~~ A ((father or stepfather)) parent or stepparent is considered to be unemployed ((who)) when

~~((i))~~ (a) ((is)) he/she is employed less than one hundred hours a month, or

~~((ii))~~ (b) ((Exceeds)) he/she exceeds that standard for a particular month if his/her work is intermittent and the excess is of a temporary nature as evidenced by the fact that he/she was under the one hundred hour standard for the two prior months and is expected to be under the standard during the next month.

~~((b))~~ Deprivation due to unemployment continues until the end of the month in which the father or stepfather no longer meets the definition in subdivision (1)(a):

~~(c)~~ AFDC will not be denied or terminated because of certification to the WIN program or solely because of an individual's participation in institutional and work experience training or in public service employment under the WIN program.

(2) Who is living with a natural, adoptive, or stepfather and a natural, adoptive or stepmother, except that

one parent or stepparent may be temporarily absent to search for employment with the expectation of continuing to live with the family.

~~(3)~~ Who meets the eligibility conditions specified in WAC 388-24-040 and 388-24-090 through 388-24-125:))

~~((4))~~ (2) Whose ((father or stepfather)) parent or stepparent has been unemployed as defined in subsection (1) for at least thirty days prior to the date AFDC-E is authorized.

(a) When AFDC-E is terminated due to full-time employment of the ((father or stepfather)) unemployed parent or stepparent no additional waiting period is required if the full-time employment ends within thirty days of termination and the individual reapplies and is found otherwise eligible for AFDC-E.

(b) Deprivation due to unemployment continues until the end of the month in which the unemployed parent or stepparent no longer meets the definition of subdivision (1)(a) or (b).

~~((5))~~ (3) Whose ((father or stepfather)) unemployed parent or stepparent has not refused a bona fide offer of employment or training for employment or has not voluntarily left a job without good cause during the same thirty-day period. (See WAC 388-57-025 and 388-57-030).

(4) Who meets the eligibility conditions specified in WAC 388-24-040 and 388-24-090 through 388-24-125.

~~((6))~~ (5) Whose ((father or stepfather verifies that he:

(a) Is registered for employment with the local DES office prior to the initial authorization of assistance and at the time of the periodic redetermination of eligibility as specified in WAC 388-38-280(3)(b), unless exempted by WAC 388-24-107(1)(a), (b) or (d), and)) parent or stepparent, unless exempted by WAC 388-24-107(a), (b), (c) or (d) is registered for the WIN/E&T program, or, if exempt under WAC 388-24-107(c) is registered for employment with the local DES office.

~~((b))~~ In WIN areas fulfills all registration requirements for the WIN program at the time of authorizing assistance, and is participating in a WIN program component at the time of review unless exempted by WAC 388-24-107(1)(a), (b), (c) or (d). Participation in WIN satisfies registration for employment with the DES office:))

~~((7))~~ (6) Whose ((father or stepfather)) unemployed parent or stepparent has applied for and is accepting any unemployment compensation to which he/she is entitled. ((This requirement shall apply to recipients no later than the next regular redetermination of eligibility:))

~~((8))~~ (7) Whose ((father or stepfather)) unemployed parent or stepparent

(a) Has had six or more quarters of work within any thirteen-calendar-quarter period ending within one year prior to the application for assistance. A "quarter of work" means a calendar quarter in which he earned income of not less than fifty dollars, or in which he/she participated in the work incentive (WIN) program. A "calendar quarter" means a period of three consecutive

calendar months ending March 31, June 30, September 30, or December 31, or

(b) Within one year prior to his/her application received unemployment compensation or if the employment which he/she had was not covered under the unemployment compensation law of the state or the United States, his/her earnings were such that had his/her employment been covered, he/she would have been eligible.

~~((9))~~ (8) Whose ~~((father or stepfather))~~ unemployed parent or stepparent

(a) In non-WIN areas is registered for and accepts on an ongoing basis employment and training services.

(b) In WIN areas is registered for and accepts the services defined in subdivision (a) of this subsection if ~~((he has))~~ not ~~((been))~~ accepted into a WIN component.

(9) Who is living with both natural or adoptive parents or a parent and stepparent except that one may be temporarily absent to search for employment with the expectation of continuing to live with the family;

(10) AFDC will not be denied or terminated because of certification to the WIN program or solely because of an individual's participation in institutional and work experience training or in public service employment under the WIN program.

(11) When both parents are unemployed and meet the work quarters criteria, they have the option to choose which parent will satisfy all the requirements to qualify the assistance unit for AFDC-E.

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order #1338, filed 9/18/78)

WAC 388-24-137 CONTINUATION OF ASSISTANCE WHEN DEPRIVATION CEASES. (1) When deprivation due to incapacity or absence ceases and the family remains in need, the local office shall determine if any other basis for deprivation exists.

(2) If there is no deprivation due to death, unemployment or incapacity after deprivation due to absence ceases, and the family remains in need and otherwise eligible, assistance may be continued for a temporary period as follows:

(a) Assistance will be discontinued at the end of the next calendar month after deprivation due to absence ceases or at the end of the month in which the ~~((father or stepfather))~~ unemployed parent or stepparent who qualifies the assistance unit for AFDC-E receives his/her pay for the first one hundred hours of full employment after deprivation due to absence ceases, whichever is earlier.

(b) Assistance will be continued only when the change in circumstances has been reported as specified in WAC 388-38-255.

(3) If there is no other basis for deprivation after incapacity ceases and the family remains in need and otherwise eligible for AFDC-R, assistance may be continued until the end of the month following the month in

which the parent's or stepparent's incapacity ceases to exist.

(a) When a formerly incapacitated ~~((father or stepfather))~~ parent or stepparent who qualifies the assistance unit for AFDC-E obtains employment subsection (4) is applicable.

(4) If there is no other basis for deprivation, ~~((When))~~ when an unemployed ~~((father or stepfather))~~ parent or stepparent who qualifies the assistance unit for AFDC-E obtains full-time employment as defined in WAC 388-24-135 (1) (a) ~~((fi))~~ or ~~((fii))~~ (b), assistance is continued, if otherwise eligible, until the end of the month in which he/she receives his/her pay for the first one hundred hours of employment or until the end of the next calendar month whichever is earlier.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

(1) WAC 388-24-080 EMPLOYED PARENT

AMENDATORY SECTION (Amending Order #1368, filed 2/15/79)

WAC 388-57-015 UTILIZATION OF EMPLOYMENT SECURITY DEPARTMENT—REGISTRATION. (1) An employable applicant/recipient of general assistance shall be currently registered for employment with DES prior to granting of assistance.

(2) An AFDC-E ~~((father or stepfather))~~ parent or stepparent who qualifies the assistance unit for the program shall be registered for employment as specified in WAC 388-24-135~~((f6))~~ (5).

(3) An AFDC-R mandatory registrant, WAC 388-24-107, shall be registered for WIN with DES through the CSO at the time of granting of assistance. This requirement shall not affect the eligibility of the children for AFDC-R.

AMENDATORY SECTION (Amending Order #1189, filed 2/18/77)

WAC 388-57-020 UNEMPLOYMENT COMPENSATION STATUS—VERIFICATION. (1) An applicant for or recipient of AFDC-R, AFDC-E or general assistance who is potentially eligible for unemployment compensation as determined by the CSO based on work history and availability for employment, shall apply for unemployment compensation unless he/she furnishes written verification that he/she is receiving or not eligible to receive unemployment compensation.

(2) A recipient of AFDC-R, AFDC-E or general assistance who becomes potentially eligible for unemployment compensation is required to comply with the provisions of subsection (1) within 30 days.

~~((3) Deleted.)~~

~~((f4))~~ (3) The ~~((wife))~~ spouse of the AFDC-E applicant ~~((or))~~ recipient who is potentially eligible for unemployment compensation is required to comply with the provisions of subsections (1) and (2).

AMENDATORY SECTION (Amending Order #1368, filed 2/15/79)

WAC 388-57-025 ACCEPTANCE OF FULL-OR PART-TIME EMPLOYMENT—EFFECT ((OR)) OF REFUSAL ON ELIGIBILITY. (1) This section applies to all AFDC-E applicants/recipients who are not certified to the WIN/E&T program. It does not apply to AFDC-R applicants/recipients.

(2) "Employment" as used in this section shall mean part-time or full-time employment for wages, in cash or in kind, equal in value to the community rate for the type of work to be performed.

(3) Refusal without good cause to accept a bona fide offer of part-time or full-time employment or to continue working when employed, or ordered to return to former employment under a Taft-Hartley injunction, by an employable applicant or recipient shall make the person and other members of that assistance unit ineligible for public assistance for at least thirty days, or until that person accepts available employment, whichever is the lesser period. If at the end of the thirty days the employment is still available or other reasonable employment is available, another thirty days' penalty will become effective. Such employment shall be reasonably available and within the individual's competence to perform.

(a) For an applicant, the period of ineligibility shall begin with the date of refusal,

(b) For a recipient, the period of ineligibility shall be the calendar month following expiration of the advance notice period.

(4) Full-time employment when available must be accepted. The acceptance of part-time employment when full-time work is available does not satisfy this requirement. An offer of employment shall be verified as specified in subsections (5) and (6) of this section. Subsection (4) of this section does not apply when a person with limited skills and abilities is working to the best of his/her ability.

(5) Written notification by the DES that it placed an individual in employment shall constitute verification of a job offer. The DES refers a person to a job only when the wage paid is not less than the prevailing community rate.

(6) If the DES did not refer the individual to the job, the written or verbal statement from an employer that clearly indicates that he did, in fact, offer the individual specific employment on a specific date for a specified wage shall constitute verification of a bona fide job offer. However, in agricultural or similar labor situations, a bona fide offer of employment is considered verified when there is a statement, substantiated by pertinent details in the case record, that a specific employment opportunity existed for the recipient and the recipient had knowledge of the opportunity.

(7) The following conditions when verified shall constitute good cause for refusal of an offer of employment or refusal to continue employment:

(a) Physical, mental or emotional inability of the individual to satisfactorily perform the work required,

(b) Inability of the individual to get to and from the job without undue cost or hardship to him/her,

(c) The nature of the work would be hazardous to the individual,

(d) The wages do not meet any applicable minimum wage requirements and are not customary for such work in the community,

(e) The job is available because of a labor dispute,

(f) Adequate child care is not available to the single parent AFDC household,

(i) the recipient has the right to choose the type of child care from those available,

(ii) when only one type of child care is available, the available type must be accepted by the recipient.

AMENDATORY SECTION (Amending Order #1199, filed 3/18/77)WAC 388-57-028 VOCATIONAL TRAINING.

(1) It is the objective of the department to assist some unemployed persons to obtain employment which is within their capacity to perform as soon as possible. When training is the most appropriate method of fulfilling this objective, the department may support up to 24 continuous months of vocational training as defined in WAC 388-22-030(73). The 24 months shall not include the time necessary to acquire a general educational development certificate or high school diploma prior to enrollment in a vocational program.

(2) With the exception of work incentive program and vocational rehabilitation services training plans, the ((ESSO)) CSO must make a decision approving or disapproving a vocational training plan when an applicant or recipient requests child care or other supplemental payments.

(a) ((ESSO)) CSO approval is required for any vocational training plan which makes it necessary for the responsible relative to reside apart from his/her family if the responsible relative requests assistance to meet his/her needs while in training.

(3) Deleted.

(4) The ((ESSO)) CSO shall not approve a training plan when

(a) The plan requires more than 24 continuous calendar months to meet the objective stated in subsection (1), or

(b) The plan does not meet the definition of vocational training as stated in WAC 388-22-030(73).

(5) In exceptional situations or when an individual is sufficiently handicapped to require more time than the average student to complete a two-year course, or if a short additional period is required to complete a previously developed plan, an exception may be requested under the rules in chapter 388-20 WAC.

(6) The ((ESSO)) CSO shall not authorize child care or other supplemental payments for an applicant or recipient when a training plan has been disapproved.

AMENDATORY SECTION (Amending Order #1368, filed 2/15/79)

WAC 388-57-030 ACCEPTANCE OF TRAINING FOR EMPLOYMENT—EFFECT OF REFUSAL ON ELIGIBILITY. (1)(a) This section is applicable to ~~((an))~~ the AFDC-E applicant or recipient ((father or stepfather)) parent or stepparent who qualifies the family for AFDC-E who is exempt from WIN registration.

(b) This section does not apply to:

(i) An AFDC-R applicant or recipient,

(ii) An AFDC-E recipient certified to the WIN program.

(2) When employment is not available, refusal without good cause to accept a bona fide offer of training for employment which is reasonably available to an employable applicant or recipient who qualifies the assistance unit for AFDC-E and is within his/her competence to perform shall make him/her and other members of ((his)) the assistance unit ineligible for public assistance for at least thirty days or until he/she accepts employment or training for employment whichever is the lesser period. If, at the end of the thirty days, employment or training for employment is still available, another thirty days' penalty will become effective.

(a) For an applicant, the period of ineligibility shall begin with the date of refusal.

(b) For a recipient, the period of ineligibility shall be the calendar month following expiration of the advance notice period.

AMENDATORY SECTION (Amending Order #1181, filed 5/13/76)

WAC 388-57-056 REFUSAL TO COOPERATE IN APPRAISAL PRIOR TO CERTIFICATION. A WIN registrant, unless ~~((he is))~~ a volunteer, who is determined to have failed or refused without good cause to appear for appraisal or otherwise cooperate during the appraisal process will be deregistered from WIN by ~~((WSES and shah))~~ DES. An E&T registrant, unless a volunteer, who is determined to have failed or refused without good cause to appear for appraisal or otherwise cooperate during the appraisal process will be deregistered from E&T by the CSO.

(1) If the deregistered recipient is the parent who qualified the assistance unit for AFDC-E, the entire assistance unit shall be terminated unless the other parent can qualify the family for AFDC-E (see WAC 388-24-135).

(2) Any other deregistered recipient shall be removed from the AFDC grant for failure to participate. ((Assistance for the other members of the family shall be provided in the form of protective of vendor payment.))

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

AMENDATORY SECTION (Amending Order 1165, filed 10/27/76)

WAC 388-57-057 WORK INCENTIVE PROGRAM—CERTIFICATION OF AFDC RECIPIENT TO STATE EMPLOYMENT SERVICE. (1) An

AFDC recipient registered with WIN shall be certified to the state employment service when requested by the state employment service.

(2) Self-support services required by the individual shall be provided and continued as needed during the individual's participation in all WIN components, and for a thirty-day period from the start of full time, continuous employment. The thirty-day limitation following employment shall include "WIN on-the-job training", "WIN public service employment", and WIN "suspense" to CETA "on-the-job training" and "public service employment".

(3) An ~~((AFDC father))~~ unemployed parent who qualifies the family for AFDC-E must be certified to WIN within thirty days of receipt of assistance whether or not requested by the state employment service.

(4) A certified mandatory registrant may not refuse supportive services if such refusal prevents the individual from accepting an appropriate work or training assignment. Such refusal shall be treated as a refusal to participate without good cause.

AMENDATORY SECTION (Amending Order #1368, filed 2/15/79)

WAC 388-57-061 REFUSAL OF TRAINING OR EMPLOYMENT UNDER WIN/E&T WITHOUT GOOD CAUSE. (1) This section does not apply to a voluntary WIN registrant who discontinues participation in the program.

(2) If and for so long as an individual certified to the WIN/E&T program has been determined by DES/DSHS to have refused without good cause to participate in the WIN/E&T program or to accept a bona fide offer of employment in which he/she is able to engage:

(a) If such individual is the unemployed parent who qualifies the assistance unit for the AFDC-E program, assistance for the entire assistance unit shall be terminated, unless the other parent can qualify the remaining members of the assistance unit for AFDC-E.

~~((a))~~ (b) If such individual is a caretaker relative other than the qualifying parent receiving AFDC-E, his/her needs shall not be taken into account in determining the family's need for assistance ((and assistance in the form of protective or vendor payments will be provided));

(c) If such individual is a caretaker relative receiving AFDC-R, his/her needs shall not be taken into account in determining the family's need for assistance, and assistance in the form of protective or vendor payments will be provided.

~~((b))~~ (d) If such individual is the only dependent child in the family, assistance for the family will be terminated; and

~~((c))~~ (e) If such individual is one of several dependent children in the family, assistance for such child will be terminated and his/her needs will not be taken into account in determining the family's need for assistance.

(3) The specified sanctions in subsection (2) of this section shall not be applied during the period of sixty days in which the individual is being provided the counseling described in WAC 388-57-062 except that in the

case of the caretaker relative receiving AFDC, assistance in behalf of him/her and his/her family will be provided in the form of protective or vendor payments as described in WAC 388-33-450.

(4) In the event an individual certified to the WIN/E&T program refuses to accept employment offered to him/her by an employer, whether directly or through the employment service, the determination as to whether the offer was bona fide or there was good cause to refuse the offer will be made by DES/DSHS and will be binding on the department.

(5) In the event an individual certified to DES/DSHS E&T should need to be referred back to the CSO as having good cause for not continuing on a training plan or job, the CSO should promptly restore the assistance payment to the individual if otherwise eligible or make other necessary payment adjustments.

**WSR 79-08-128**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
**[Filed August 1, 1979]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning:

Amd ch. 388-24 WAC AFDC—Eligibility.

Amd ch. 388-57 WAC Employment and training—Work incentive.

It is the intention of the secretary to adopt these rules on an emergency basis on August 1, 1979.

Correspondence concerning this notice and proposed rules attached should be addressed to:

Michael Stewart  
 Executive Assistant  
 Department of Social and Health Services  
 Mailstop OB-44 C  
 Olympia, WA 98504;

that such agency will at 10:00 a.m., Wednesday, October 10, 1979, in the Auditorium, State Office Building #2, 12th and Jefferson, Olympia, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, October 17, 1979, in William B. Pope's office, 3-D-14, State Office Building #2, 12th and Jefferson, Olympia, WA.

The authority under which these rules are proposed is RCW 43.20A.550.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to October 10, 1979, and/or orally at 10:00 a.m., Wednesday, October 10, 1979, Auditorium, State Office Building #2, 12th and Jefferson, Olympia, WA.

Dated: August 1, 1979

By: Michael S. Stewart  
 Executive Assistant

AMENDATORY SECTION (Amending Order #1338, filed 9/18/78)

WAC 388-24-040 AID TO FAMILIES WITH DEPENDENT CHILDREN—SUMMARY OF ELIGIBILITY STANDARDS. AFDC shall be granted in behalf of a needy child.

(1) Who is under the age of eighteen years,

(a) AFDC may be granted on behalf of an unborn child. Medical confirmation of pregnancy is required;

(b) AFDC shall be continued through the month in which the child reaches the maximum age;

(2) Who is a resident of the state of Washington, or who lives with a parent or other relative who is a resident of the state of Washington—see WAC 388-26-050 through 388-26-105;

(3) Who is deprived of parental care and support because of death, ((or)) continued absence ((of a parent)), or ((the)) incapacity of a parent or stepparent—see WAC 388-24-055 through 388-24-075. If unemployment of ((the father or stepfather)) a parent or stepparent is the basis of deprivation, all provisions in WAC 388-24-135 apply.

(4) Whose parent or stepparent, if incapacitated, does not refuse available medical treatment without good cause as specified in WAC 388-24-065 (6);

(5) (a) Who is living in the home of a relative of specified degree, except for a temporary period, as provided in WAC 388-24-125; or

(b) Who, as a result of judicial action, was removed from his home and placed in foster care after April 30, 1961, and who meets the conditions specified in WAC 388-24-207;

(6) Who is a citizen or an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States as described in WAC 388-26-120;

(7) Whose parent or stepparent has not transferred property contrary to law or DSHS rules in WAC 388-28-457 through 388-28-465;

(8) Who is in financial need—see chapters 388-28 and 388-33 WAC;

(9) The applicant's written statement of application for AFDC must include all children under eighteen years of age living in the home who are full or half brothers or sisters or stepbrothers or stepsisters whether or not financial assistance is being requested for all of the children. Total resources and income available for all such children and their parents or stepparents in the home must be declared by the person applying in behalf of the children. ((Unless this is done, eligibility can not be determined.))

(10) For persons to be included in the AFDC assistance unit, see WAC 388-24-050.

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order #1357, filed 11/15/78)

WAC 388-24-050 AID TO FAMILIES WITH DEPENDENT CHILDREN—ASSISTANCE UNIT. ((After an eligibility determination has been completed, composition of the assistance unit shall be in accordance with the following instructions:

(1) Any individual to be included in an AFDC assistance unit shall be subject to the provisions in WAC 388-24-107 and 388-57-061:

(2) The AFDC-R assistance unit shall consist of

(a) The eligible child or children living together, and

(i) The natural, adoptive, stepparent, or parents with whom the child(ren) lives. If the child(ren) is deprived because of the incapacity of a parent, the legally wedded spouse of the child(ren)'s parent is also included, or

(ii) In lieu of a parent, one needy relative caretaker of the child(ren) of the degree specified in WAC 388-24-125 with whom the child(ren) lives and whose eligibility depends solely on caring for the child(ren);

(b) Only the eligible child(ren) shall constitute the AFDC-R assistance unit when he/she is living with a parent who is not in financial need, or who does not meet other eligibility requirements;

(c) Only the eligible (sibling) child(ren) shall constitute the AFDC-R assistance unit when he/she is living with a nonneedy relative of specified degree who is not legally responsible for the support or care of the child(ren), or with a nonresponsible needy relative of specified degree who is a member of another assistance unit or who is receiving SSI.

~~(d) An eligible child who is temporarily in an institution and meets conditions in WAC 388-24-125 shall be included or continue to be included in an AFDC assistance unit.~~

~~(3) The AFDC-E assistance unit shall consist of~~

~~(a) The eligible child(ren), and~~

~~(b) Both natural or adoptive parents or a stepfather and parent of the eligible child(ren) if legally married to each other, with whom the child(ren) lives. If not legally married, see subsection (4). If an unemployed parent is temporarily absent from the home to search for employment with intention to reunite with the family, only the parent in the home is included in the unit.~~

~~(c) Only the eligible child shall constitute the AFDC-E assistance unit when he/she is living with parents who have failed to cooperate with the WIN program and/or the Office of Support Enforcement without good cause.~~

~~(4) Unmarried parents living with one or more eligible children:~~

~~(a) When a child is living with both of his/her parents who are unmarried, only one such parent can be included in the child's assistance unit. If the child is deprived because of his/her natural father's unemployment and all requirements of the AFDC-E program are met, the natural father shall be included in the child's assistance unit under the AFDC-E program. If the requirements of the AFDC-E program are not met but the child is deprived due to incapacity of a parent, either parent may be included in the child's assistance unit under the AFDC-R program.~~

~~(b) When the family is composed of the mother's child(ren) only, or the father's child(ren) only, or one or more children of both parents, or any combination of the above;~~

~~(i) One assistance unit is established for all children who have one parent in common, and this unit can include only this parent.~~

~~(ii) Another assistance unit is established for any children of the other parent only, including this parent if otherwise eligible.~~

~~(5) The AFDC-FC assistance unit shall include only the child who is eligible for AFDC-FC.~~

~~(6) When it is necessary for a responsible relative to reside temporarily apart from his or her family to secure training, as specified in WAC 388-24-125(3)(b)(v), separate assistance units shall be established for the relative in training and for the other members of the family.~~

~~(7) When all the dependent children in a potential AFDC assistance unit are receiving SSI, the AFDC assistance unit shall consist of the parent(s) or other needy caretaker relative who would be included in the assistance unit if the children were receiving AFDC.~~

~~AFDC-R/E is paid to eligible persons on an assistance unit basis. Assistance units shall be composed of groups of persons residing together as follows:~~

~~(1) A single assistance unit shall be established for:~~

~~(a) The eligible child(ren), and~~

~~(i) The eligible natural or adoptive parent(s) or stepparent(s) with whom the child(ren) lives, or~~

~~(ii) In lieu of a parent, one needy relative caretaker of specified degree with whom the child lives and whose eligibility depends solely on caring for the child(ren),~~

~~(b) Only the eligible child(ren) when:~~

~~(i) The child(ren)'s parent(s) is not eligible,~~

~~(ii) The child(ren) lives with a non-needy relative of specified degree who is not legally responsible for the support of the child(ren),~~

~~(iii) The child(ren) lives with a needy non-responsible relative of specified degree who receives SSI,~~

~~(iv) The child(ren) is a recipient of AFDC-FC.~~

~~(c) Only the eligible parent(s), or needy caretaker relative of specified degree, when the only child, or all the children, has been deleted from the grant because of receiving income from SSI.~~

~~(d) Only the eligible parent(s) when the only child is unborn.~~

~~(2) Two assistance units are necessary when:~~

~~(a) The responsible relative must temporarily reside apart from his or her family to secure training in accordance with an approved plan. Refer to WAC 388-24-125;~~

~~(i) One assistance unit is maintained for the family members in the home.~~

~~(ii) A separate assistance unit is established for the relative in training.~~

~~(b) The child lives with a non-responsible relative of specified degree who is a member of another assistance unit.~~

~~(3) Two or more assistance units are necessary when two or more persons not married to each other, each has his/her own child(ren) and~~

there is no child in common; a separate assistance unit is established for each parent and his/her eligible child(ren).

(4) When a relative of specified degree is eligible to receive assistance for two or more children for whom he/she is not legally responsible;

(a) One assistance unit is established for each group of children who are siblings,

(b) A separate assistance unit(s) is established for each of the other non-sibling children.

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order #1357, filed 11/15/78)

WAC 388-24-075 AID TO FAMILIES WITH DEPENDENT CHILDREN—MULTIPLE DEPRIVATION FACTORS. When children in a family are deprived of parental support for different reasons, the assistance unit shall be classified as:

(1) AFDC-E if ((the)) at least one child is deprived because of ((his/her father's or stepfather's)) a parent's or stepparent's unemployment and the child and the ((father or stepfather)) unemployed parent or stepparent meet all of the requirements for AFDC-E in WAC 388-24-135. At the time unemployment ceases, ((and)) deprivation exists due to incapacity ((of the mother or stepmother)) of a parent or stepparent, AFDC-R shall be considered if eligibility exists.

(2) AFDC-R if the requirements for AFDC-E are not met but the children are deprived because of the death, continued absence or incapacity of a parent.

AMENDATORY SECTION (Amending Order #1368, filed 2/15/79)

WAC 388-24-090 ELIGIBILITY CONDITIONS APPLICABLE TO AFDC-R AND AFDC-E—EMPLOYMENT OR TRAINING. (1) For a child to be eligible for AFDC-E his/her unemployed ((father, or unemployed stepfather)) parent or stepparent who qualifies the assistance unit for the program shall:

(a) Be currently registered for employment with DES as indicated in WAC 388-((97-015))24-135 (5),

(b) Show evidence of unemployment benefit status as specified in WAC 388-57-020 and 388-24-135 (6),

(c) Accept employment or training for employment as indicated in WAC 388-57-025 and 388-57-030 unless certified to WIN.

(2) All AFDC applicants and recipients are subject to WIN or Employment and Training (E&T) registration as provided in WAC 388-24-107.

(3) A WIN/E&T registrant, unless a volunteer, who fails to cooperate in appraisal prior to certification shall be subject to the provisions of WAC 388-57-056.

(4) (a) An AFDC recipient, (((unless a voluntary registrant))) unless a volunteer, who has been certified for the work incentive (WIN) program and who is determined by DES to have refused employment or training or participation in the WIN program without good cause shall be subject to provisions of WAC 388-57-061.

(b) An AFDC recipient certified for the E&T program and who is determined by DSHS to have refused employment, training or participation in the E&T program without good cause shall be subject to provisions of WAC 388-57-061.

(5) A child's eligibility is not affected by the WIN/E&T registration requirement for the parent or needy caretaker relative((:)) in the AFDC-R program. A child's eligibility is affected by the WIN/E&T requirement for the unemployed parent in the AFDC-E program.

(6) An individual who has been determined to be exempt from registration for WIN/E&T on the basis of documented incapacity shall be referred to DVR. See also WAC 388-52-150 through 388-52-155.

AMENDATORY SECTION (Amending Order #1368, filed 2/15/79)

WAC 388-24-107 ELIGIBILITY CONDITIONS APPLICABLE TO AFDC-R AND AFDC-E—REGISTRATION FOR WIN.

(1) As a condition of eligibility for AFDC, every individual shall register for the WIN or Employment and Training (E&T) program unless such individual is:

(a) ((A dependent child who is u))Under age sixteen or ((is a dependent child who is)) age sixteen but not yet eighteen who is enrolled

as, or has been accepted for enrollment as, a full time student for the next school term,

(b) A person who is ill, incapacitated, or sixty-five years of age or older. Cost of a physical or psychiatric examination is authorized when the examination is to determine employability for registration or participation in the WIN/E&T program.

(i) Temporary illness or incapacity (a condition lasting not more than ninety days) provides WIN/E&T exemption only for the period of a documented condition of unemployability. Exemption terminates when the condition ceases.

(ii) Persons who have been determined to be exempt from registration on the basis of permanent incapacity shall be referred for services under the vocational rehabilitation program.

(c) A person residing outside a WIN/E&T area or at a location so remote from a WIN/E&T project that his/her effective participation is precluded.

(d) A person whose presence in the home is required because of illness or incapacity of another member of the household,

(e) A ((mother)) parent or other needy caretaker relative of a child under the age of six who is caring for the child,

(f) A mother of an unborn child,

(g) A ((mother or other female)) parent caretaker of a child, ((if)) when the ((father or another adult male relative)) other parent or stepparent is in the home and is not exempted by (a), (b), (c) or (d) of this subsection. ((This exemption shall also be terminated when the male required to register has failed or has refused without good cause to participate under a WIN program or accept employment.))

(2) Any applicant or recipient has a right to a fair hearing to contest a determination of nonexempt status and shall be considered as exempt until his/her status is finally determined. (See WAC 388-57-090).

(3) Any parent who qualifies the assistance unit for AFDC-E and the entire assistance unit shall be determined ineligible if that parent fails or refuses without good cause to register for the WIN/E&T program unless exempted by 1 (a), (b), (c) or (d) of this section. When both parents meet the eligibility criteria, they have the option as to who shall qualify the assistance unit. When the parent who has qualified the assistance unit fails or refuses to register, the other parent shall be given the opportunity to qualify the assistance unit and register for the WIN/E&T program. The requirements of the non-cooperating parent shall not be taken into account in determining the requirements of the assistance unit and the amount of assistance. (See WAC 388-24-135.)

((3)) (4) The requirements of any individual other than the parent who qualifies the assistance unit for AFDC-E who fails to register as required under subsection (1) of this section shall not be taken into account in determining the requirements of the ((family)) assistance unit and the amount of assistance, and assistance will be granted to the eligible members of the ((family)) assistance unit.

((4)) (5) ((A mother or other relative)) An exempt parent caretaker of a child or unborn child under the age of six ((who is caring for the child)) shall be advised of her/his option to register if she/he so desires, and of the fact that child care will be provided if needed. Other exempted individuals may volunteer to register, subject to acceptance of such registration by DES.

((5)) (6) An AFDC recipient who has been exempt from WIN/E&T registration must ((register)) be registered at the time of the next review ((within thirty days after)) following the date the reason for his/her exemption ceases to exist.

((6)) (7) The department's income maintenance unit (IMU) shall determine which AFDC applicants/recipients are exempt from registration and which are required to register as a condition of eligibility.

#### AMENDATORY SECTION (Amending Order #1368, filed 2/15/79)

WAC 388-24-135 AID TO FAMILIES WITH DEPENDENT CHILDREN—((UNEMPLOYED FATHER—)) EMPLOYABLE PARENT—SUMMARY OF ELIGIBILITY CONDITIONS. To be eligible for AFDC-E an applicant shall be a child

(1) Who is deprived of parental care and support because of the unemployment of ((his/her father or stepfather:)) a parent or stepparent who satisfies all the requirements in this section to qualify the assistance unit.

((a)) A ((father or stepfather)) parent or stepparent is considered to be unemployed ((who)) when

((i)) (a) ((he/she)) he/she is employed less than one hundred hours a month, or

((ii)) (b) ((Exceeds)) he/she exceeds that standard for a particular month if his/her work is intermittent and the excess is of a temporary nature as evidenced by the fact that he/she was under the one hundred hour standard for the two prior months and is expected to be under the standard during the next month.

((b)) Deprivation due to unemployment continues until the end of the month in which the father or stepfather no longer meets the definition in subdivision (1)(a):

(c) AFDC will not be denied or terminated because of certification to the WIN program or solely because of an individual's participation in institutional and work experience training or in public service employment under the WIN program:

(2) Who is living with a natural, adoptive, or stepfather and a natural, adoptive or stepmother, except that one parent or stepparent may be temporarily absent to search for employment with the expectation of continuing to live with the family:

(3) Who meets the eligibility conditions specified in WAC 388-24-040 and 388-24-090 through 388-24-125:))

((4)) (2) Whose ((father or stepfather)) parent or stepparent has been unemployed as defined in subsection (1) for at least thirty days prior to the date AFDC-E is authorized.

(a) When AFDC-E is terminated due to full-time employment of the ((father or stepfather)) unemployed parent or stepparent no additional waiting period is required if the full-time employment ends within thirty days of termination and the individual reapplies and is found otherwise eligible for AFDC-E.

(b) Deprivation due to unemployment continues until the end of the month in which the unemployed parent or stepparent no longer meets the definition of subdivision (1)(a) or (b).

((5)) (3) Whose ((father or stepfather)) unemployed parent or stepparent has not refused a bona fide offer of employment or training for employment or has not voluntarily left a job without good cause during the same thirty-day period. (See WAC 388-57-025 and 388-57-030).

(4) Who meets the eligibility conditions specified in WAC 388-24-040 and 388-24-090 through 388-24-125.

((6)) (5) Whose ((father or stepfather verifies that he: (a) is registered for employment with the local DES office prior to the initial authorization of assistance and at the time of the periodic redetermination of eligibility as specified in WAC 388-38-280(3)(b), unless exempted by WAC 388-24-107(1)(a), (b) or (d); and)) parent or stepparent, unless exempted by WAC 388-24-107(a), (b), (c) or (d) is registered for the WIN/E&T program, or, if exempt under WAC 388-24-107(c) is registered for employment with the local DES office.

((b)) In WIN areas fulfills all registration requirements for the WIN program at the time of authorizing assistance, and is participating in a WIN program component at the time of review unless exempted by WAC 388-24-107(1)(a), (b), (c) or (d). Participation in WIN satisfies registration for employment with the DES office:))

((7)) (6) Whose ((father or stepfather)) unemployed parent or stepparent has applied for and is accepting any unemployment compensation to which he/she is entitled. ((This requirement shall apply to recipients no later than the next regular redetermination of eligibility:))

((8)) (7) Whose ((father or stepfather)) unemployed parent or stepparent

(a) Has had six or more quarters of work within any thirteen-calendar-quarter period ending within one year prior to the application for assistance. A "quarter of work" means a calendar quarter in which he earned income of not less than fifty dollars, or in which he/she participated in the work incentive (WIN) program. A "calendar quarter" means a period of three consecutive calendar months ending March 31, June 30, September 30, or December 31, or

(b) Within one year prior to his/her application received unemployment compensation or if the employment which he/she had was not covered under the unemployment compensation law of the state or the United States, his/her earnings were such that had his/her employment been covered, he/she would have been eligible.

((9)) (8) Whose ((father or stepfather)) unemployed parent or stepparent

(a) In non-WIN areas is registered for and accepts on an ongoing basis employment and training services.

(b) In WIN areas is registered for and accepts the services defined in subdivision (a) of this subsection if ((he has)) not ((been)) accepted into a WIN component.

(9) Who is living with both natural or adoptive parents or a parent and stepparent except that one may be temporarily absent to search for employment with the expectation of continuing to live with the family;

(10) AFDC will not be denied or terminated because of certification to the WIN program or solely because of an individual's participation in institutional and work experience training or in public service employment under the WIN program.

(11) When both parents are unemployed and meet the work quarters criteria, they have the option to choose which parent will satisfy all the requirements to qualify the assistance unit for AFDC-E.

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

#### AMENDATORY SECTION (Amending Order #1338, filed 9/18/78)

WAC 388-24-137 CONTINUATION OF ASSISTANCE WHEN DEPRIVATION CEASES. (1) When deprivation due to incapacity or absence ceases and the family remains in need, the local office shall determine if any other basis for deprivation exists.

(2) If there is no deprivation due to death, unemployment or incapacity after deprivation due to absence ceases, and the family remains in need and otherwise eligible, assistance may be continued for a temporary period as follows:

(a) Assistance will be discontinued at the end of the next calendar month after deprivation due to absence ceases or at the end of the month in which the ~~((father or stepfather))~~ unemployed parent or stepparent who qualifies the assistance unit for AFDC-E receives his/her pay for the first one hundred hours of full employment after deprivation due to absence ceases, whichever is earlier.

(b) Assistance will be continued only when the change in circumstances has been reported as specified in WAC 388-38-255.

(3) If there is no other basis for deprivation after incapacity ceases and the family remains in need and otherwise eligible for AFDC-R, assistance may be continued until the end of the month following the month in which the parent's or stepparent's incapacity ceases to exist.

(a) When a formerly incapacitated ~~((father or stepfather))~~ parent or stepparent who qualifies the assistance unit for AFDC-E obtains employment subsection (4) is applicable.

(4) If there is no other basis for deprivation, ~~((When))~~ when an unemployed ~~((father or stepfather))~~ parent or stepparent who qualifies the assistance unit for AFDC-E obtains full-time employment as defined in WAC 388-24-135 (1) (a) ~~((††))~~ or ~~((†††))~~ (b), assistance is continued, if otherwise eligible, until the end of the month in which he/she receives his/her pay for the first one hundred hours of employment or until the end of the next calendar month whichever is earlier.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

(1) WAC 388-24-080 EMPLOYED PARENT

#### AMENDATORY SECTION (Amending Order #1368, filed 2/15/79)

WAC 388-57-015 UTILIZATION OF EMPLOYMENT SECURITY DEPARTMENT—REGISTRATION. (1) An employable applicant/recipient of general assistance shall be currently registered for employment with DES prior to granting of assistance.

(2) An AFDC-E ~~((father or stepfather))~~ parent or stepparent who qualifies the assistance unit for the program shall be registered for employment as specified in WAC 388-24-135~~((6))~~ (5).

(3) An AFDC-R mandatory registrant, WAC 388-24-107, shall be registered for WIN with DES through the CSO at the time of granting of assistance. This requirement shall not affect the eligibility of the children for AFDC-R.

#### AMENDATORY SECTION (Amending Order #1189, filed 2/18/77)

WAC 388-57-020 UNEMPLOYMENT COMPENSATION STATUS—VERIFICATION. (1) An applicant for or recipient of AFDC-R, AFDC-E or general assistance who is potentially eligible for unemployment compensation as determined by the CSO based on work history and availability for employment, shall apply for unemployment compensation unless he/she furnishes written verification

that he/she is receiving or not eligible to receive unemployment compensation.

(2) A recipient of AFDC-R, AFDC-E or general assistance who becomes potentially eligible for unemployment compensation is required to comply with the provisions of subsection (1) within 30 days.

~~((3) Deleted.)~~

~~((4))~~ (3) The ~~((wife))~~ spouse of the AFDC-E applicant ~~((or))~~ recipient who is potentially eligible for unemployment compensation is required to comply with the provisions of subsections (1) and (2).

#### AMENDATORY SECTION (Amending Order #1368, filed 2/15/79)

WAC 388-57-025 ACCEPTANCE OF FULL- OR PART-TIME EMPLOYMENT—EFFECT ~~((OR))~~ OF REFUSAL ON ELIGIBILITY. (1) This section applies to all AFDC-E applicants/recipients who are not certified to the WIN/E&T program. It does not apply to AFDC-R applicants/recipients.

(2) "Employment" as used in this section shall mean part-time or full-time employment for wages, in cash or in kind, equal in value to the community rate for the type of work to be performed.

(3) Refusal without good cause to accept a bona fide offer of part-time or full-time employment or to continue working when employed, or ordered to return to former employment under a Taft-Hartley injunction, by an employable applicant or recipient shall make the person and other members of that assistance unit ineligible for public assistance for at least thirty days, or until that person accepts available employment, whichever is the lesser period. If at the end of the thirty days the employment is still available or other reasonable employment is available, another thirty days' penalty will become effective. Such employment shall be reasonably available and within the individual's competence to perform.

(a) For an applicant, the period of ineligibility shall begin with the date of refusal,

(b) For a recipient, the period of ineligibility shall be the calendar month following expiration of the advance notice period.

(4) Full-time employment when available must be accepted. The acceptance of part-time employment when full-time work is available does not satisfy this requirement. An offer of employment shall be verified as specified in subsections (5) and (6) of this section. Subsection (4) of this section does not apply when a person with limited skills and abilities is working to the best of his/her ability.

(5) Written notification by the DES that it placed an individual in employment shall constitute verification of a job offer. The DES refers a person to a job only when the wage paid is not less than the prevailing community rate.

(6) If the DES did not refer the individual to the job, the written or verbal statement from an employer that clearly indicates that he did, in fact, offer the individual specific employment on a specific date for a specified wage shall constitute verification of a bona fide job offer. However, in agricultural or similar labor situations, a bona fide offer of employment is considered verified when there is a statement, substantiated by pertinent details in the case record, that a specific employment opportunity existed for the recipient and the recipient had knowledge of the opportunity.

(7) The following conditions when verified shall constitute good cause for refusal of an offer of employment or refusal to continue employment:

(a) Physical, mental or emotional inability of the individual to satisfactorily perform the work required,

(b) Inability of the individual to get to and from the job without undue cost or hardship to him/her,

(c) The nature of the work would be hazardous to the individual,

(d) The wages do not meet any applicable minimum wage requirements and are not customary for such work in the community,

(e) The job is available because of a labor dispute,

(f) Adequate child care is not available to the single parent AFDC household,

(i) the recipient has the right to choose the type of child care from those available,

(ii) when only one type of child care is available, the available type must be accepted by the recipient.

#### AMENDATORY SECTION (Amending Order #1199, filed 3/18/77)

WAC 388-57-028 VOCATIONAL TRAINING. (1) It is the objective of the department to assist some unemployed persons to obtain employment which is within their capacity to perform as soon as

possible. When training is the most appropriate method of fulfilling this objective, the department may support up to 24 continuous months of vocational training as defined in WAC 388-22-030(73). The 24 months shall not include the time necessary to acquire a general educational development certificate or high school diploma prior to enrollment in a vocational program.

(2) With the exception of work incentive program and vocational rehabilitation services training plans, the ((ESSO)) CSO must make a decision approving or disapproving a vocational training plan when an applicant or recipient requests child care or other supplemental payments.

(a) ((ESSO)) CSO approval is required for any vocational training plan which makes it necessary for the responsible relative to reside apart from his/her family if the responsible relative requests assistance to meet his/her needs while in training.

(3) Deleted.

(4) The ((ESSO)) CSO shall not approve a training plan when

(a) The plan requires more than 24 continuous calendar months to meet the objective stated in subsection (1), or

(b) The plan does not meet the definition of vocational training as stated in WAC 388-22-030(73).

(5) In exceptional situations or when an individual is sufficiently handicapped to require more time than the average student to complete a two-year course, or if a short additional period is required to complete a previously developed plan, an exception may be requested under the rules in chapter 388-20 WAC.

(6) The ((ESSO)) CSO shall not authorize child care or other supplemental payments for an applicant or recipient when a training plan has been disapproved.

#### AMENDATORY SECTION (Amending Order #1368, filed 2/15/79)

WAC 388-57-030 ACCEPTANCE OF TRAINING FOR EMPLOYMENT—EFFECT OF REFUSAL ON ELIGIBILITY. (1)(a) This section is applicable to ((an)) the AFDC-E applicant or recipient ((father or stepfather)) parent or stepparent who qualifies the family for AFDC-E who is exempt from WIN registration.

(b) This section does not apply to:

(i) An AFDC-R applicant or recipient,

(ii) An AFDC-E recipient certified to the WIN program.

(2) When employment is not available, refusal without good cause to accept a bona fide offer of training for employment which is reasonably available to an employable applicant or recipient who qualifies the assistance unit for AFDC-E and is within his/her competence to perform shall make him/her and other members of ((his)) the assistance unit ineligible for public assistance for at least thirty days or until he/she accepts employment or training for employment whichever is the lesser period. If, at the end of the thirty days, employment or training for employment is still available, another thirty days' penalty will become effective.

(a) For an applicant, the period of ineligibility shall begin with the date of refusal.

(b) For a recipient, the period of ineligibility shall be the calendar month following expiration of the advance notice period.

#### AMENDATORY SECTION (Amending Order #1181, filed 5/13/76)

WAC 388-57-056 REFUSAL TO COOPERATE IN APPRAISAL PRIOR TO CERTIFICATION. A WIN registrant, unless ((he is)) a volunteer, who is determined to have failed or refused without good cause to appear for appraisal or otherwise cooperate during the appraisal process will be deregistered from WIN by ((WSES and shall)) DES. An E&T registrant, unless a volunteer, who is determined to have failed or refused without good cause to appear for appraisal or otherwise cooperate during the appraisal process will be deregistered from E&T by the CSO.

(1) If the deregistered recipient is the parent who qualified the assistance unit for AFDC-E, the entire assistance unit shall be terminated unless the other parent can qualify the family for AFDC-E (see WAC 388-24-135).

(2) Any other deregistered recipient shall be removed from the AFDC grant for failure to participate. ((Assistance for the other members of the family shall be provided in the form of protective or vendor payment:))

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

#### AMENDATORY SECTION (Amending Order 1165, filed 10/27/76)

WAC 388-57-057 WORK INCENTIVE PROGRAM—CERTIFICATION OF AFDC RECIPIENT TO STATE EMPLOYMENT SERVICE. (1) An AFDC recipient registered with WIN shall be certified to the state employment service when requested by the state employment service.

(2) Self-support services required by the individual shall be provided and continued as needed during the individual's participation in all WIN components, and for a thirty-day period from the start of full time, continuous employment. The thirty-day limitation following employment shall include "WIN on-the-job training", "WIN public service employment", and WIN "suspense" to CETA "on-the-job training" and "public service employment".

(3) An ((AFDC father)) unemployed parent who qualifies the family for AFDC-E must be certified to WIN within thirty days of receipt of assistance whether or not requested by the state employment service.

(4) A certified mandatory registrant may not refuse supportive services if such refusal prevents the individual from accepting an appropriate work or training assignment. Such refusal shall be treated as a refusal to participate without good cause.

#### AMENDATORY SECTION (Amending Order #1368, filed 2/15/79)

WAC 388-57-061 REFUSAL OF TRAINING OR EMPLOYMENT UNDER WIN/E&T WITHOUT GOOD CAUSE. (1) This section does not apply to a voluntary WIN registrant who discontinues participation in the program.

(2) If and for so long as an individual certified to the WIN/E&T program has been determined by DES/DSHS to have refused without good cause to participate in the WIN/E&T program or to accept a bona fide offer of employment in which he/she is able to engage:

(a) If such individual is the unemployed parent who qualifies the assistance unit for the AFDC-E program, assistance for the entire assistance unit shall be terminated, unless the other parent can qualify the remaining members of the assistance unit for AFDC-E.

~~((b))~~ (b) If such individual is a caretaker relative other than the qualifying parent receiving AFDC-E, his/her needs shall not be taken into account in determining the family's need for assistance ((and assistance in the form of protective or vendor payments will be provided));

(c) If such individual is a caretaker relative receiving AFDC-R, his/her needs shall not be taken into account in determining the family's need for assistance, and assistance in the form of protective or vendor payments will be provided.

~~((b))~~ (d) If such individual is the only dependent child in the family, assistance for the family will be terminated; and

~~((c))~~ (e) If such individual is one of several dependent children in the family, assistance for such child will be terminated and his/her needs will not be taken into account in determining the family's need for assistance.

(3) The specified sanctions in subsection (2) of this section shall not be applied during the period of sixty days in which the individual is being provided the counseling described in WAC 388-57-062 except that in the case of the caretaker relative receiving AFDC, assistance in behalf of him/her and his/her family will be provided in the form of protective or vendor payments as described in WAC 388-33-450.

(4) In the event an individual certified to the WIN/E&T program refuses to accept employment offered to him/her by an employer, whether directly or through the employment service, the determination as to whether the offer was bona fide or there was good cause to refuse the offer will be made by DES/DSHS and will be binding on the department.

(5) In the event an individual certified to DES/DSHS E&T should need to be referred back to the CSO as having good cause for not continuing on a training plan or job, the CSO should promptly restore the assistance payment to the individual if otherwise eligible or make other necessary payment adjustments.

**WSR 79-08-129**  
**ADOPTED RULES**  
**GRAYS HARBOR COLLEGE**

[Order 79-1, Resolution 11-79—Filed August 1, 1979]

Be it resolved by the board of trustees of the Grays Harbor College, acting at Conference Room, Administration Building, Grays Harbor College, Aberdeen, Washington, that it does promulgate and adopt the annexed rules relating to tenure and dismissal.

This action is taken pursuant to Notice No. WSR 79-06-102 filed with the code reviser on 6/6/79. Such rules shall take effect pursuant to RCW 28B.19.050(2).

This rule is promulgated pursuant to RCW 28B.50.140(13) and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED July 30, 1979.

By Joseph A. Malik  
 President

**AMENDATORY SECTION** (Amendment Order, filed 3/28/73)

**WAC 132B-128-010 GENERAL STATEMENT OF POLICY.** In accordance with the provisions of sections 32 through 45, chapter 283, Laws of 1969 ex. sess., as amended by chapter 5, Laws of 1970 ex. sess., the following procedures for tenure at Community College District No. 2 will be implemented as of January 29, 1973. These procedures supersede the previously adopted **TENURE REGULATIONS**, Grays Harbor College. Granting of tenure should be the rule, not the exception; if denial of tenure becomes the rule, the hiring practices of the college shall be reevaluated.

**Tenure Policy Statement.** The only difference between a nontenured and a tenured faculty member is that the latter is evaluated periodically for the purpose of improving services and instruction and the former is evaluated regularly for the additional purpose of granting tenure. The dean of instruction shall hold an election and select a tenure review committee which will interview and evaluate the probationer and will make recommendations to the board of trustees regarding the professional qualifications of the nontenured faculty member.

It shall be the policy of Community College District No. 2 that the board of trustees, on the recommendation of the tenure review committee which has interviewed and evaluated the probationer, may grant tenure at any time between the assumption of his faculty position and the end of the ~~((two))~~ three year probationary period, except that compelling reasons must be shown for the award of tenure prior to the ~~((second))~~ third year of probation.

**AMENDATORY SECTION** (Amending Order, filed 3/28/73)

**WAC 132B-128-020 DEFINITIONS.** Faculty Appointment - Full-time employment as a teacher, counselor, librarian or other position for which the training, experience and responsibilities are comparable as determined by the appointing authority, except administrative appointments; "faculty appointment" shall mean department heads, division heads and administrators to the extent that such department heads, division heads or administrators have had or do have status as a teacher, counselor, or librarian.

**Full-time Position** - One in which the faculty member receives a contract labeled full-time and works a regular load of his division or area for any three complete quarters in one calendar year. Only special circumstances, which shall be described in writing, will permit the faculty member to work less than a regular load and retain a full-time contract.

**Dismissal Review Committee** - A committee to hear dismissal cases shall be composed of a member((s)) of the administrative staff ((and)), a student representative, and members of the teaching faculty. The representatives of the teaching faculty shall represent a majority of the members on each review committee. The members representing the teaching faculty on each ~~((tenure))~~ review committee shall be selected by a majority of the teaching faculty and faculty division heads acting in a body as specified by the dismissal policy.

**Faculty Peer** - One who holds a faculty appointment.

**Probationer** - Any individual holding a probationary faculty appointment.

**Probationary Faculty Appointment** - A faculty appointment for a designated period of time which may be terminated without sufficient cause upon expiration of the probationer's terms of employment.

**Tenure** - A faculty appointment for an indefinite period of time which may be revoked only for sufficient cause and by due process.

**Tenure Review Committee** - A committee composed of the probationer's faculty peers ~~((and)), a student representative, and a member of the administrative staff of the community college ((providing))~~ provided that the majority of the committee shall consist of the probationer's faculty peers and that the faculty members be elected as specified by the tenure policy by a majority of the faculty members.

**Appointing Authority** - Shall mean the board of trustees of Community College District No. 2.

**Administrative Appointment** - Shall mean employment in a specific administrative position as determined by the appointing authority.

**Administrative Position** - For purposes of this document, the following positions are considered administrative positions at Grays Harbor College: President, dean of instruction, ~~((business manager, director of student activities, registrar, director of vocational education, director of continuing education))~~ dean of administration, associate dean for student affairs, associate dean for admissions and records, associate dean for vocational education, associate dean for continuing education, assistant

dean for administration, assistant dean for library and media services, coordinator for basic education, coordinator for continuing education, coordinator for child and family studies, coordinator for women's programs.

AMENDATORY SECTION (Amending Order, filed 3/28/73)

WAC 132B-128-030 PROCEDURE FOR GRANTING TENURE. (1) Selection of the Tenure Review Committee -

(a) A tenure review committee shall be established for each probationer. The committee shall be responsible for the probationer until he is either granted tenure or is no longer employed within Community College District No. 2. If a vacancy occurs during the terms of service of the tenure review committee members, the dean of instruction will call a special election within two weeks to fill that position.

(b) The dean of instruction shall be responsible for the establishment of each tenure review committee, which shall normally begin functioning no later than four weeks after the day that the probationer has begun his faculty duties.

(c) Each tenure review committee shall be composed of five members. There shall be automatic nomination of the appropriate division chairman to position number one. One faculty member shall be nominated by the probationer to position number two. After these nominations are made, the dean of instruction shall call an all-faculty meeting at which faculty members shall nominate one or more faculty members for position number three and may nominate faculty members for positions one and two. A vote shall be taken and the nominee receiving a majority vote for a particular position shall be elected. If no candidate for a particular position receives a majority vote, a run-off election shall be held within five days between the two candidates receiving the largest number of votes. ~~((The president of the college shall appoint members to positions four and five (the membership of the presently constituted tenure review committees will not be changed because of the passage of this code).))~~ A student representative, who shall be a full-time student, shall be appointed by Grays Harbor College student council to position number four. The president of the college shall appoint a member to position number five.

(2) Evaluation of the Probationer -

If the probationer disagrees with the tenure review committee's recommendation, he shall be given an opportunity to challenge it before the college president.

(3) Final Action on Tenure -

(a) The final decision to award or withhold tenure shall rest with the board of trustees (appointing authority) after it has given reasonable consideration to the recommendations of the tenure review committee, and reasonable consideration to the recommendation of the college president. Any recommendations of the tenure review committee and the president shall be advisory only and not binding upon the board of trustees (appointing authority).

(b) If the probationer is not to be retained, he must be informed no later than the last day of winter quarter.

(c) If the probationer is dismissed prior to the termination of his contract, his case shall be considered by the dismissal review committee in accordance with the laws of the state of Washington and the dismissal policy of Community College District No. 2.

AMENDATORY SECTION (Amendment Order, filed 3/28/73)

WAC 132B-128-050 PROCEDURES FOR DISMISSAL. (1) A dismissal review committee created for the express purpose of hearing dismissal cases shall be established no later than October 15 of each academic year (except if this provision is passed after October 15 of any academic year, the dismissal review committee will be chosen within thirty days after passage of this provision), and shall be comprised of the following members:

(a) One member chosen by the college president

(b) ~~((Two))~~ Three faculty members chosen by the faculty and division heads acting in a body and in the following manner:

(i) Two individuals will be nominated for each of positions one ~~((and))~~, two and three by a district-wide random selection process as described in (v) below.

(ii) Two individuals will be nominated in the same manner as (i) above to run for each of ~~((two))~~ three alternate positions identified as alternate one ~~((and))~~, alternate two and alternate three.

(iii) The nominees receiving a majority of the votes cast will be elected for a one-year term.

(iv) In case of a vacancy in ~~((either))~~ position one ~~((or))~~, two or three occurring any time after the election, the vacancy will be filled by the alternates, beginning with alternate one.

(v) A district-wide random selection process will be developed by the president of Grays Harbor College. This selection process will be designed to remove any element of preselection or predisposition from the dismissal review committee selection process.

(c) A student representative, who shall be a full-time student, shall be appointed by the Grays Harbor College student council. The student council shall also appoint a full-time student as an alternate member to serve on the dismissal review committee should the regularly appointed member be unable to serve on the committee.

(d) The college president shall choose one alternate member to serve on the dismissal review committee should the regularly appointed member be unable to serve on the committee.

~~((d))~~ (e) The dismissal review committee will select one of its members to serve as chairman.

(2) When the president receives or initiates a formal written recommendation about a faculty member which may warrant dismissal, he shall inform that faculty member. Within ten days after having been so informed, the faculty member will be afforded an opportunity to meet with the president or his designee and the chairman of the division. At this preliminary meeting, which shall be an information-gathering session, an adjustment

may be mutually agreed upon. If the matter is not settled or adjusted to the satisfaction of the college president, he shall recommend that the faculty member be dismissed.

(3) If the president recommends that the faculty member be dismissed, he shall:

(a) Deliver a short and plain statement to the faculty member which shall contain:

(i) The grounds for dismissal in reasonable particularity;

(ii) A statement of the legal authority and jurisdiction under which the hearing is to be held;

(iii) Reference to any particular statutes or rules involved.

(b) Call into action the dismissal review committee and deliver the above statement to the members of the dismissal review committee, if the professional requests a hearing.

(4) After receiving the president's recommendation for dismissal, the affected professional may request a hearing within the following five days. If the president does not receive this request within five days, the professional's right to a hearing will be deemed waived.

(5) If the president receives a request for a hearing, the dismissal review committee shall, after receiving the written recommendation from the college president, establish a date for a committee hearing giving the faculty member so charged twenty days notice of such hearing, and inform in writing the faculty member so charged of the time, date and place of such hearing.

(6) The dismissal review committee shall:

(a) Hear testimony from all interested parties, including but not limited to other faculty members and students and receive any evidence offered by same;

(b) Afford the faculty member whose case is being heard the right of cross-examination and the opportunity to defend himself and be accompanied by legal counsel;

(c) Allow the college administration to be represented by an assistant attorney general.

(7) The dismissal review committee shall include a neutral presiding officer appointed by the appointing authority. Such presiding or hearing officer shall not be a voting member of the committee; it shall be his responsibility to:

(a) Make all rulings regarding the evidentiary and procedural issues presented during the course of the dismissal review committee hearings;

(b) Meet and confer with the members of the dismissal review committee and advise them in regard to procedural and evidentiary issues considered during the course of the committee's deliberations;

(c) Appoint a court reporter, who shall operate at the direction of the presiding officer and shall record all testimony, receive all documents and other evidence introduced during the course of hearings, and record any other matters related to the hearing as directed by the presiding officer;

(d) Prepare a record which shall include:

(i) All pleadings, motions and rulings;

(ii) All evidence received or considered;

(iii) A statement of any matters officially noticed;

(iv) All questions and offers of proof, objections and rulings thereon;

(v) Proposed findings and exceptions;

(vi) A copy of the recommendations of the dismissal review committee.

(8) A copy of the above shall be transcribed and furnished upon request to the faculty member whose case is being heard.

(9) The hearing shall be closed. However, interested parties, including but not limited to faculty members and students, will be given an opportunity to present evidence.

(10) Within ten college calendar days of the conclusion of the hearing, the dismissal review committee will arrive at its recommendations in conference on the basis of the hearing. Before doing so, it should give the faculty member or his counsel(s) and the representative designated by the president of the college the opportunity to argue orally before it. If written briefs would be helpful, the dismissal review committee may request them. The dismissal review committee may proceed to a recommendation promptly or await the availability of a transcript if making a fair recommendation would be aided thereby. Within fifteen college calendar days of the conclusion of the hearing the president of the college, the faculty member and the board of trustees will be presented with recommendations in writing and given a copy of the record of the hearing.

(11) The board of trustees shall meet within a reasonable time subsequent to its receipt of the dismissal review committee recommendations to consider those recommendations. The board of trustees shall afford the parties the right to oral and written argument with respect to whether they will dismiss the faculty member involved. The board of trustees may hold such other proceedings as they deem advisable before reaching their decision. A record of the proceedings at the board level shall be made and the final decision shall be based only upon the record made before the board and the dismissal review committee, including the briefs and oral arguments. The decision to dismiss or not to dismiss shall rest, with respect to both the facts and the decision, with the board of trustees after giving reasonable consideration to the recommendations of the dismissal review committee. The dismissal review committee's recommendations shall be advisory only and in no respect binding in fact or law upon the decision maker, the board of trustees. The board of trustees shall within fifteen days following the conclusion of their review, notify the charged faculty member in writing of its final decision.

(12) Suspension of the faculty member by the president during the administrative proceedings involving him (prior to the final decision of the board of trustees) is justified if immediate harm to himself or others is threatened by his continuance. Any such suspension shall be with pay.

(13) Except for such simple announcements as may be required covering the time of the hearing and similar matters, no public statements about the case shall be made by the faculty member, the dismissal review committee or administrative officers of the board of trustees

until all administrative proceedings and appeals have been completed.

(14) Any dismissed faculty member shall have the right to appeal the final decision of the board of trustees within ten days of the receipt of the notice of dismissal. The filing of an appeal shall not stay enforcement of the decision of the board of trustees.

(15) If the president of Grays Harbor College initiates a formal written recommendation that a faculty member be dismissed and the board of trustees decides to retain the faculty member, or if the trustees' decision to dismiss a faculty member is reversed by a court, all evidence concerning the dismissal will be removed from the faculty member's permanent personnel file if the reason for the denial of the recommendation was the president's failure to establish the facts which were the basis for the dismissal recommendation.

If the facts which were the basis for the dismissal recommendation were shown to the satisfaction of the trustees and the courts, but the dismissal recommendation was not followed because the trustees or the courts decided that the facts were not sufficient to warrant dismissal, the facts which were shown would be retained in the faculty member's permanent personnel file along with a record of the outcome of the dismissal proceeding.

If the facts are to be retained in the faculty member's permanent personnel file, the faculty member will be given an opportunity to review the facts and to write an explanation which will be retained along with the findings of fact.

**WSR 79-08-130**  
**PROPOSED RULES**  
**UTILITIES AND TRANSPORTATION**  
**COMMISSION**  
[Filed August 1, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Utilities and Transportation Commission intends to adopt, amend, or repeal rules concerning WAC 480-120-021 Glossary; WAC 480-120-056 Deposits for telephone service; WAC 480-120-081 Discontinuance of telephone service and WAC 480-120-121 Responsibility for delinquent telephone accounts. The proposed amendatory sections are attached as Appendix A, Cause No. U-79-42. Written and/or oral submissions may also contain data, views, and arguments concerning the effect of the proposals on economic values pursuant to chapter 43.21H RCW and WAC 480-08-050(17);

and that the adoption, amendment, or repeal of such rules will take place at 8:00 a.m., Wednesday, September 12, 1979, in the Commission Conference Room, 7th Floor, Highways-Licenses Building, Olympia, Washington 98504.

The authority under which these rules are proposed is RCW 80.04.160.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this

agency prior to September 7, 1979, and/or orally at 8:00 a.m., Wednesday, September 12, 1979, Commission Conference Room, 7th Floor, Highways-Licenses Building, Olympia, Washington 98504.

Dated: August 1, 1979

By: David Rees  
Secretary

**AMENDATORY SECTION** (Amending Order R-25, filed 5/5/71)

**WAC 480-120-021 GLOSSARY.** Applicant - any person, firm, partnership, corporation, municipality, cooperative organization, governmental agency, etc., applying to the utility for new service or reconnection of discontinued service.

**Base Rate Area or Primary Rate Area** - the area or areas within an exchange area wherein mileage charges for primary exchange service do not apply.

**Central Office** - a switching unit in a telephone system having the necessary equipment and operating arrangements for terminating and interconnecting subscribers' lines, farmer lines, toll lines and interoffice trunks. (More than one central office may be located in the same building or in the same exchange.)

**Commission** - the Washington Utilities and Transportation Commission.

**Customer** - user not classified as a subscriber.

**Exchange** - a unit established by a utility for communication service in a specific geographic area, which unit usually embraces a city, town or community and its environs. It usually consists of one or more central offices together with the associated plant used in furnishing communication service to the general public within that area.

**Exchange Area** - the specific area served by, or purported to be served by an exchange.

**Farmer Line** - outside plant telephone facilities owned and maintained by a subscriber or group of subscribers, which line is connected with the facilities of a telephone utility for switching service. (Connection is usually made at the base rate area boundary.)

**Farmer Station** - a telephone instrument installed and in use on a farmer line.

**Outside Plant** - the telephone equipment and facilities installed on, along, or under streets, alleys, highways, or on private rights-of-way between the central office and subscribers' locations or between central offices.

**Station** - a telephone instrument installed for the use of a subscriber to provide toll and exchange service.

**Subscriber** - any person, firm, partnership, corporation, municipality, cooperative organization, governmental agency, etc., supplied with service by any utility.

**Toll Station** - a telephone instrument connected for toll service only and to which message telephone toll rates apply for each call made therefrom.

**Utility** - any corporation, company, association, joint stock association, partnership, person, their lessees, trustees or receivers appointed by any court whatsoever, owning, controlling, operating or managing any telephone plant within the state of Washington for the purpose of furnishing telephone service to the public for hire and subject to the jurisdiction of the commission.

**AMENDATORY SECTION** (Amending Order R-86, filed 6/30/76)

**WAC 480-120-056 DEPOSITS.** (1) Establishment of Credit—Residential. An applicant for residential service may establish credit by demonstrating to the utility any one of the following factors, subject to the provisions of subsection (3) of this section:

(a) Prior service with the utility in question during the next previous ((+2)) twelve months for at least six consecutive months during which service was not disconnected for failure to pay and no more than one delinquency notice was served upon the customer.

(b) Prior service with a utility of the same type as that of which service is sought with a satisfactory payment record as demonstrated in (1)(a) ((above)) of this subsection, provided that the reference may be quickly and easily checked, and the necessary information is provided.

(c) Full-time consecutive employment or regular source of income during the entire ((+2)) twelve months next previous to the application for service, with no more than two employers, and the applicant is currently employed or has a regular source of income.

(d) Ownership of a significant legal interest in the premises to be served.

(e) Furnishing of a satisfactory guarantor to secure payment of bills for service requested in a specified amount not to exceed the amount of ((cash)) deposit which may be required.

(f) Demonstration that applicant is a satisfactory risk by appropriate means including, but not limited to, the production in person at a listed business office of two major credit cards, or other credit references, which may be quickly and easily checked by the utility.

(2) Establishment of Credit — Nonresidential. An applicant for nonresidential service may be required to demonstrate satisfactory credit by reasonable means appropriate under the circumstances.

(3) Deposit Requirements. A deposit may be required under the following circumstances:

(a) Where the applicant has failed to establish a satisfactory credit history as outlined above.

(b) In any event, a deposit may be required when, within the ((+2)) twelve months prior to the application, the applicant's service of a similar type has been disconnected for failure to pay amounts owing, when due; where applicant has an unpaid, overdue balance owing for service from the utility to which application is being made or any other telephone company; or where two or more delinquency notices have been served upon the applicant by any other telephone company during the ((+2)) twelve months previous to the application for service.

(c) Installation or continuation of service to a residence where a prior subscriber still resides and where any balance for such service to that prior subscriber is past due or owing.

(d) When a subscriber (i) is initially provided service without a deposit on the basis of credit information supplied to the utility by the subscriber which is incorrect or cannot be verified by the utility and the subscriber would have otherwise been required to make a deposit; or (ii) has on two or more occasions in the previous twelve months tendered payment of due amounts with checks which have been dishonored; or (iii) has an unpaid, overdue balance owing for the same class of telephone service from the utility providing that service, or any other telephone company, which becomes known to the serving utility after current service has been provided; or (iv) has given the utility cause to disconnect for nonpayment, but the utility has elected not to disconnect service; or (v) has incurred excessive toll charges as defined in subsection (4)(b) of this section and the subscriber has elected not to make full payment of all proper toll charges as provided in subsection (4)(b) of this section.

(e) Any new or additional deposit required under authority of these rules, except as may be provided for elsewhere in these rules, is due and payable ten days after written notice of the deposit requirement is mailed to the subscriber, or, if personal service is elected, within five days after service is accomplished.

(4) Amount of Deposit.

(a) In instances where a deposit may be required by the utility, the deposit shall not exceed two-twelfths of estimated annual billings.

(b) Subscribers whose toll charges exceed the estimated amount by ((\$20)) twenty dollars or by ((20)) twenty percent, whichever is greater, or whose toll charges exceed customary utilization over the previous six months by a like amount when no estimate has been taken, may be required, upon written or verbal notice ((received-by)) to the subscriber, to make payment of either of the following in the subscriber's election, before the close of the next business day following receipt of the notice:

(i) Full payment of ((all)) outstanding toll charges specified in said notice; or all toll charges accrued to the time of payment providing the subscriber has been notified that he or she is liable for toll charges in addition to those charges specified in the notice which come to the attention of the utility between the time of notice and of payment.

(ii) Payment of ((an)) new or additional deposit in light of the subscriber's actual use based upon a new or revised estimate of two-twelfths of estimated annual billings.

(c) If the notice herein described is mailed, receipt may be presumed on the fourth business day following date of mailing.

(d) At the time application is made for service, the ((telephone company)) utility may request an estimate of the applicant's greatest monthly toll usage during the ensuing ((+2)) twelve months. When such an estimate is asked and given, the applicant for service shall be advised that if the estimate is exceeded by ((\$20)) twenty dollars or ((20)) twenty percent, whichever is greater, immediate payment may be required, a deposit or additional deposit may be required, or service may be disconnected.

(5) Application of Deposits. When the account of a subscriber is delinquent any amount on deposit on that account may be applied by the utility towards satisfaction of the past due amount before disconnection is effected. Written notice of such application of the deposit shall be promptly furnished to the subscriber. If an amount on deposit is applied toward satisfaction of any past due amount, the utility may require of the subscriber an additional deposit in the amount so applied and, if applicable, payment of any past due amounts still owing after application of the deposit. Application of a deposit as provided for herein shall not prevent disconnection of service for failure by a subscriber to pay any past due amount which may remain outstanding.

(6) Transfer of Deposit. Where a subscriber of whom a deposit is required transfers his service to a new location within the same utility's service area, the deposit, less any outstanding balance, shall be transferable and applicable to the new service location.

((+7)) (7) Interest on Deposits. Interest on deposits held shall be accrued at the rate established according to law as interest upon judgments in superior courts of the state of Washington as of January 1 of each year. Interest shall be computed from the time of deposit to the time of ((termination-of-service)) refund or total application of the deposit and shall be compounded annually.

((+7)) (8) Extended Payment on Deposit. Where a subscriber or applicant for service of whom a deposit is required is unable to pay the entire amount of the deposit in advance of installation or continuation of service, the subscriber or applicant shall be allowed to pay ((50)) fifty percent of the deposit amount prior to installation or continuation of service, with the remaining amount payable in equal amounts on the utility's ordinary billing cycle during the ((first)) following two months of service. A subscriber or applicant for service unable to meet this deposit requirement shall have the opportunity to receive service under subsection ((+8)) (9), Alternative to Deposit, ((next-below)) of this section.

((+8)) (9) Alternative to Deposit. A subscriber or applicant for service of whom a deposit is required, but who is unable to make a deposit, shall be allowed, as an alternative to the making of a deposit, to prepay any installation charges and reasonably estimated service charges at periods corresponding to the utility's regular billing period for the length of time during which a deposit would ordinarily have been required. The subscriber shall then be billed in a normal fashion.

((+9)) (10) Receipt. Where payment is made by cash, a receipt shall be furnished to each applicant or subscriber for the amount deposited.

((+10)) (11) Refund of Deposit. Deposits shall be refunded under the following circumstances and in the following form:

(a) Satisfactory Payment. Where the subscriber has for ((+2)) two consecutive months paid for service when due in a prompt and satisfactory manner as evidenced by the following:

(i) The utility has not initiated disconnection proceedings against the subscriber.

(ii) No more than two notices of delinquency have been made to the subscriber by the utility.

(b) Termination of Service. Upon termination of service, the utility shall return to the subscriber the amount then on deposit plus accrued interest, less any amounts due the utility by the subscriber for service rendered.

(c) Refunds — How Made. Any deposit, plus accrued interest, shall be refunded to the subscriber either in the form of a check issued and mailed to the subscriber no longer than ((+5)) fifteen days following completion of ((+2)) twelve months' satisfactory payment as described above, or applied to the subscriber's bill for service in the ((+3th)) thirteenth and, if appropriate, subsequent months, in accordance with the preference as to form of refund indicated by the subscriber at the time of deposit, or as thereafter modified.

((+11)) (12) ((Nothing in this rule shall prevent the requirement of a larger deposit or a new deposit when conditions warrant.)) Should a larger or new deposit be required, the reasons therefor shall be specified in writing to the subscriber. Any requirement for a new or larger deposit shall be in conformity with the standards set forth in this rule.

#### AMENDATORY SECTION (Amending Order R-86, filed 6/30/76)

WAC 480-120-081 DISCONTINUANCE OF SERVICE. (1) By subscriber — A subscriber shall be required to give notice to the utility of his intention to discontinue service.

(2) By utility — ((+)) Service may be discontinued by the utility for any of the following reasons:

(a) For the nonpayment of bills. The utility shall require that bills for service be paid within a specified time after issuance. The minimum

specified time shall be ~~((15))~~ fifteen days. Upon the expiration of said specified time without payment, the bill may be considered delinquent.

(b) For tampering with the utility's property.

(c) In case of vacation of the premises by subscriber.

(d) For nonpayment of any proper charges including deposit, as provided in the tariff of the utility.

(e) For violation of Rules, Service Agreements, or filed tariff(s).

(f) For use of subscriber equipment which adversely affects the utility's service to its other subscribers.

(g) For fraudulent obtaining or use of service. Whenever a fraudulent obtaining or use of the service is detected the utility may discontinue service without notice~~((:))~~: PROVIDED, HOWEVER, That if the subscriber shall make immediate payment for such estimated amount of service as had been fraudulently taken and all costs resulting from such fraudulent use, the utility shall continue such service, subject to any applicable deposit requirements. If a second offense as to fraudulent obtaining or use is detected the utility may refuse to re-establish service, subject to appeal to the commission. The burden of proof of such fraudulent obtaining or use will be upon the utility in case of an appeal to the commission. This rule shall not be interpreted as relieving the subscriber or other person of civil or criminal responsibility.

(h) For unlawful use of service or use of service for unlawful purposes.

(3) A subscriber's service shall be treated as continuing through a change in location from one premises to another within the same service area if a request for service at the new premises is made prior to disconnection of service at the old premises and service is not subject to termination for cause. A subscriber shall be entitled to the same type of service at the new premises unless precluded by the tariff of the company.

~~((2))~~ (4) Except in case of danger to life or property, fraudulent use, impairment of service, or violation of law, no utility shall discontinue service unless the following conditions are met:

(a) Before effecting disconnection of service, a utility shall make a good faith, bona fide effort to reach the subscriber in person or by telephone to advise the subscriber of the pending disconnection and the reasons therefor. Where telephone contact is elected, at least two attempts to reach the subscriber by telephone during ~~((the utility's regular business))~~ reasonable hours shall be made. If a business or message telephone is provided by the subscriber, the utility shall endeavor by that means to reach the subscriber if unable to make contact through the subscriber's home telephone. A log or record of the attempts shall be maintained by the utility showing the telephone number called and the time of call. Telephone or personal contact shall not be a substitute for written notice of disconnection as specified below. Telephone or personal contact need not be attempted when (i) the company has had cause in any two previous billing periods during a consecutive twelve month period to attempt such contact; and (ii) the company has notified the subscriber in writing that such telephone or personal contact will not be attempted in the future before effecting disconnection of services.

(b) Each utility shall provide, subsequent to a subscriber's account becoming delinquent, written notice of disconnection served on the subscriber either by mail or, at its option, by personal delivery of the notice to the subscriber's address. If a mailed notice is elected, it shall be mailed in an envelope separate from a regular billing and service shall not be disconnected prior to the eighth business day following mailing of the notice. If personal delivery is elected, disconnection shall not be permitted prior to 5 p.m. of the first business day following delivery. Delivered notice shall be deemed effective if handed to a person of apparent competence in the residence or, if a business account, a person employed at the place of business of the subscriber. If no person is available to receive notice, notice shall be deemed served if attached to the primary door of the residence unit or business office at which service is provided. If service is not discontinued within ~~((10))~~ ten working days of the first day on which disconnection may be effected, unless other mutually acceptable arrangements have been made, that disconnect notice shall become void and a new notice shall be required before the service can be discontinued.

All notices of delinquency or pending disconnection shall detail procedures pertinent to the situation and provide notice of means by which the subscriber can make contact with the utility to resolve any differences.

(c) Except in case of danger to life or property, no disconnection shall be accomplished on Saturdays, Sundays, legal holidays, or on any

other day on which the utility cannot reestablish service on the same or following day.

(d) When a utility employee is dispatched to disconnect service, that person shall be required to accept payment of a delinquent account at the service address if tendered in cash, but shall not be required to dispense change for cash tendered in excess of the amount due and owing. Any excess payment shall be credited to the subscriber's account. When disconnection is not effected due to such payment the utility shall be permitted to assess a reasonable fee as provided for in the tariff of the utility for the disconnection visit to the service address. Notice of the amount of such fee, if any, shall be provided within the notice of disconnection.

(e) Where the utility has reasonable grounds to believe service is to other than the subscriber of record, the utility shall undertake reasonable efforts to inform occupants of the service address of the impending disconnection. Upon request of one or more service users, where service is to other than the subscriber of record, a minimum period of five business days shall be allowed to permit the service users to arrange for continued service.

(f) Where service is provided to a hospital, medical clinic with resident patients, or nursing home, notice of pending disconnection shall be provided to the ~~((Director))~~ secretary, Washington state department of social and health services, as well as to the subscriber. Upon request from the ~~((Director))~~ secretary or his designee, a delay in disconnection of no less than ~~((5))~~ five business days from the date of notice shall be allowed so that the department may take whatever steps are necessary in its view to protect the interests of patients resident therein who are responsibilities of the department.

(g) Service may not be totally disconnected while a subscriber is pursuing any remedy or appeal provided for by these rules, provided any amounts not in dispute are paid when due. The subscriber shall be so informed by the utility upon referral of a complaint to a utility supervisor or the commission.

(h) Where a subscriber's toll charges substantially exceed the amount of any deposit or customary utilization, and where it appears the subscriber will incur excessive, uncollectible toll charges while an appeal is being pursued, the utility may, upon authorization from the commission, disconnect service. A subscriber whose service is so ~~((discontinued))~~ eligible for disconnection may ~~((reestablish))~~ maintain service pending resolution of any dispute upon ~~((the making of a deposit or))~~ payment of ~~((undisputed))~~ outstanding toll charges subject to refund if the dispute is resolved in the subscriber's favor.

~~((3))~~ (5) Payment of any delinquent amount to a designated payment agency of the utility shall constitute payment to the utility, if the subscriber informs the utility of such payment and the utility verifies such payment.

~~((4))~~ (6) Service shall be restored when the causes of discontinuance, other than nonpayment, have been removed and when payment of all proper charges due from the ~~((subscriber))~~ applicant, including any proper deposit, has been made as provided for in the tariff of the utility; or as the commission may order pending resolution of any bona fide dispute between the utility and the subscriber or applicant over the propriety of disconnection. A utility may not condition providing service to an applicant upon satisfaction of any obligation to the utility incurred while the applicant was a subscriber receiving service from the utility.

~~((5))~~ (7) A utility may make a charge for restoring service when service has been discontinued for nonpayment of bills. The amount of such charge is to be specified in the utility's tariff.

When service is discontinued for nonpayment of a bill it may be either completely or partially disconnected. Partial disconnection means telephone service will be restricted to either incoming or outgoing service. In case of a partial disconnection, the subscriber shall be notified of the restricted usage. Upon any complete disconnection of telephone service to a subscriber, charges for service will be discontinued as of the date of the disconnection.

#### AMENDATORY SECTION (Amending Order R-25, filed 5/5/71)

WAC 480-120-121 RESPONSIBILITY FOR DELINQUENT ACCOUNTS. A utility shall not refuse or discontinue service to an applicant or ~~((customer))~~ subscriber, who is not in arrears to the utility, even though there are unpaid charges due from the premises occupied by the applicant or ~~((customer))~~ subscriber, on account of the unpaid bill of a prior tenant, unless there is evidence of intent to defraud.

~~((A utility may not permanently deny service to an applicant because of a prior obligation to the utility.))~~

**WSR 79-08-131**  
**PROPOSED RULES**  
**COUNCIL FOR POSTSECONDARY EDUCATION**  
 [Filed August 1, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 28B.10.806, that the Council for Postsecondary Education intends to adopt, amend, or repeal rules concerning state of Washington College Work Study Program, amending WAC 250-40-070;

that such agency will at 9:30 a.m., Wednesday, October 3, 1979, in The Evergreen State College, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:30 a.m., Thursday, October 4, 1979, in the The Evergreen State College, Olympia, Washington.

The authority under which these rules are proposed is RCW 28B.10.806.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to September 20, 1979.

Dated: August 1, 1979

By: C. W. Chance  
 Deputy Coord./Acad. Affairs

**AMENDATORY SECTION** (Amending Order 2-79, filed 2/7/79)

**WAC 250-40-070 ADMINISTRATION.** (1) Administering agency. The Council for Postsecondary Education shall administer the Work-Study Program. The staff of the Council for Postsecondary Education under the direction of the executive coordinator will manage the administrative functions relative to the program and shall be authorized to enter into agreement with:

(a) Eligible public institutions for the placement of students and the reimbursement of employers for the state share of the student's compensation.

(b) Eligible private institutions for the placement of students.

(c) Employers of students attending eligible private institutions for the reimbursement of the state share of the student's compensation. Such agreements shall be written to ensure employer compliance with the rules and regulations governing the Work-Study Program.

(2) Responsibility of eligible public institutions. The institution will:

(a) Enter into contract with eligible organizations for employment of students under the Work-Study Program. Such agreements shall be written to ensure employer compliance with the rules and regulations governing the Work-Study Program.

(b) Determine student eligibility and arrange for payment.

(c) Arrange for payment of the state share of the student's compensation.

(3) Responsibility of eligible private institutions. The institution will:

(a) Assist the council in contracting with eligible employers.

(b) Determine student eligibility, arrange for placement with employers, and notify the council of such placement.

(4) Responsibility of eligible employers. The employer will:

(a) Arrange for payment of the student's compensation and benefits and request reimbursement of the state share from the institution or the Council for Postsecondary Education.

(b) ~~((In the case of the federal government as))~~ When a federal or state agency is the employer, reimburse the institution or the Council for Postsecondary Education for the employer's share of the student's compensation.

(5) Responsibility of the Council for Postsecondary Education. The council will, for those students attending private institutions:

(a) Reimburse the employer for the state share of the student's wages; or

(b) ~~((In the case of the federal government as))~~ When a federal or state agency is the employer, arrange for the payment of the student's compensation and benefits and request reimbursement of the employer's share.

(6) Advisory committee. The council will appoint an advisory committee composed of representatives of eligible institutions, employer organizations having membership in the classified service of the state's institutions of postsecondary education, a student and persons as may be necessary to advise the council staff on matters pertaining to the administration of the Work-Study Program. In addition, representatives from postsecondary educational advisory and governing bodies will be invited to participate in advisory committee meetings when annual institutional allocations are being determined.

(7) Institutional administrative allowance. Contingent upon funds being made available to the Council for Postsecondary Education for the operation of the Work-Study Program, the public institutions will be provided an administrative expense allowance. In order to qualify for the allowance, the institution must demonstrate that financial support for student financial aid administration, exclusive of the administrative allowance, is at least equal to the level of support provided during the previous fiscal year.

(8) Institutional maintenance of effort. State funds provided under this program are not to be used to replace institutional funds which would otherwise be used to support student employment.

(9) Reports. The Council for Postsecondary Education will obtain periodic reports on the balance of each institution's Work-Study funds to ensure a proper distribution of funds among institutions. In addition, information will be gathered subsequent to the end of the academic year, describing the population served and the modes of packaging used.

(10) Agreement to Participate. As a precedent to participating in the State Work Study Program, each institution must acknowledge its responsibility to administer the program according to prescribed rules and regulations and guidelines.

(11) Program Reviews. The Council for Postsecondary Education will review institutional administrative practices to determine institutional compliance with rules and regulations and program guidelines. If such a review determines that an institution has failed to comply with program rules and regulations or guidelines the institution will reimburse the program in the appropriate amount.

**Reviser's Note:** RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

**WSR 79-08-132**  
**PROPOSED RULES**  
**COUNCIL FOR POSTSECONDARY EDUCATION**  
 [Filed August 1, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 28B.10.806, that the Council for Postsecondary Education intends to adopt, amend, or repeal rules concerning state of Washington Need Grant Program, amending WAC 250-20-011, 250-20-021, 250-20-041, 250-20-051, 250-20-061 and new sections WAC 250-20-001, 250-20-015 and 250-20-081;

that such agency will at 9:45 a.m., Wednesday, October 3, 1979, in The Evergreen State College, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:30 a.m., Thursday, October 4, 1979, in The Evergreen State College, Olympia, Washington.

The authority under which these rules are proposed is RCW 28B.10.806.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to September 20, 1979.

Dated: August 1, 1979

By: C. W. Chance

Deputy Coord./Acad. Affairs  
For C. Gail Norris, Exec. Coord.

STATE OF WASHINGTON NEED GRANT PROGRAM  
RCW 28B.10.800-824  
And The Federal Program For  
STATE STUDENT INCENTIVE GRANT PROGRAM  
Title 45, Code of Federal Regulations  
Chapter 1, Part 192  
RULES AND REGULATIONS

NEW SECTION

WAC 250-20-001 APPLICABILITY OF RULES. Unless otherwise specified, the term "State Need Grant" applies to both the State Need Grant program and the federal program for State Student Incentive Grants. Institutions participating in the State Need Grant program must comply with the regulations specified in WAC 250-20 and conform to all requirements of the State Student Incentive Grant program as specified in Chapter 1, Part 192, Title 45, Code of Federal Regulations. A school which does not qualify as a "postsecondary institution" for State Need Grant purposes, but which meets the qualifications of the State Student Incentive Grant program may participate in the latter program upon presentation of satisfactory evidence of the availability of local matching funds, and is also subject to compliance with WAC 250-20-001 through 081.

AMENDATORY SECTION (Amending Order 5-79, filed 6/15/79)

WAC 250-20-011 STUDENT ELIGIBILITY. (1) For a student to be eligible for a State Need Grant he or she must:

(a) Be a "needy student" or "disadvantaged student" as determined by the Council for Postsecondary Education in accordance with RCW 28B.10.802.

(b) Have been domiciled within the State of Washington for at least one year.

(c) Be enrolled or accepted for enrollment as a full-time undergraduate student at a participating postsecondary institution or be a student under an established program designed to qualify him or her for enrollment as a full-time student at a postsecondary institution in the State of Washington.

(i) For purposes of Need Grant eligibility, the student must be enrolled in a course load of at least twelve credits per quarter or semester or, in the case of institutions which do not use credit hours, 24 clock hours per week ((or equivalent clock hours)) unless it is documented that "full-time" for the particular course the student is pursuing is less than twelve credits per quarter or semester or 24 clock hours per week. ((or equivalent clock hours:)) Should a student be in such a course of study, he or she must be enrolled for the number of credit or ((equivalent)) clock hours accepted as full-time for that course of study. A grant recipient enrolled less than full-time may not receive this grant for the term in question, but is eligible for reinstatement or reapplication for a grant upon return to full-time status. If, on the written recommendation of a counselor or a professor, and in accordance with agreement by the financial aid officer, the student enrolls in a course load less than full-time, the student will be allowed to retain his or her grant for that term. Correspondence courses may not be counted in the calculation of a full time load.

(ii) In addition to enrolling full-time, the student is also expected to satisfactorily complete twelve credit hours per quarter or semester or, in the case of institutions which do not use credit hours 24 clock hours per week ((or equivalent clock hours)) or the appropriate number of hours as documented.

Each institution must submit to the Council for Postsecondary Education for approval its policy for awarding financial aid to students who do not complete the required number of credit or clock hours. The financial aid office must have on record in each student's file justification on reawarding a Need Grant to any student who received a grant the previous academic term and did not complete a full-time course load during that term.

(iii) If the Council is notified in writing that a Need Grant recipient will not attend the institution for a term during the academic year of the grant award, but plans to return that same academic year, a portion of the full year's grant may be awarded for those terms the student attends full-time.

(d) Not be pursuing a degree in theology.

(e) Be a citizen of the United States or in the process of becoming a citizen.

(f) Not have received a State Need Grant for more than eight semesters or twelve quarters or equivalent or a combination of these two. Upon receipt of a bachelor's degree, a student is no longer eligible. A fifth-year student in a program requiring five years for a bachelor's degree may receive a State Need Grant if he or she has not received a State Need Grant for the maximum number of quarters or semesters.

(g) Have applied for a Basic Educational Opportunity Grant.

(h) Certify that he or she does not owe a refund on a State Need Grant, a Basic Educational Opportunity Grant, and is not in default on a loan made, insured or guaranteed under the National Direct Student Loan or Guaranteed Student Loan programs.

**Reviser's Note:** RCW 34.04.058 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 errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 250-20-015 AGREEMENT TO PARTICIPATE. In order to participate in the program a postsecondary institution must annually file an "Agreement to Participate" supplying the following information as appropriate: name and legal address of school (including central office and all campus sites), name and address of owner(s), or if a corporation the name and addresses of stockholders holding more than twenty-five percent of the stock and percentage of stock held, the date on which the school officially began instruction if in the last five years, type and date of last accreditation, enrollment information (unless reported to the State of Washington or in the Higher Education General Information Survey) and such other information as may be required to assure proper administration of the program. In addition the "Agreement to Participate" will also indicate the institution's agreement to abide by all program rules, regulations, and guidelines, to maintain and provide all pertinent information, records, and reports requested by the Council, and to notify the Council within thirty days of any change (other than student enrollment) to information reported on the agreement form.

AMENDATORY SECTION (Amending order 5-79, filed 6/15/79)

WAC 250-20-021 PROGRAM DEFINITIONS. (1) The term "needy student" shall mean a post-high school student of an institution of postsecondary education who demonstrates to the Council the financial inability, either parental, familial, or personal, to bear the total cost of education for any semester or quarter.

(2) The term "disadvantaged student" shall mean a post-high school student who by reason of adverse cultural, educational, environmental, experiential or familial circumstance is unable to qualify for enrollment as a full-time student in a postsecondary institution, and who otherwise qualifies as a needy student and who is attending a postsecondary educational institution under an established program designed to qualify him or her for enrollment as a full-time student.

(3) The term "postsecondary institution" shall mean any public ((or private college, university or community college in the State of Washington which is recognized by the Northwest Association of Secondary and Higher Schools, a postsecondary institution shall also mean any state-supported vocational-technical institute in the State of Washington:)) university, college, community college, or vocational technical institute operated by the State of Washington or any political subdivision thereof, or any other university, college, school or institute in the State of Washington offering instruction beyond the high school level which is a member institution of one of the following accrediting associations: the Northwest Association of Schools and Colleges, the Association of Independent Colleges and Schools, the Cosmetology Accrediting Commission, or the National Association of Trade and Technical Schools, and if such institution agrees to participate in the program in accordance with all applicable rules and regulations. Any institution, branch, extension or facility operating within the State of Washington which is affiliated with an institution operating in another state must be a separately accredited member institution of one of the above named accrediting associations.

(4) The term "domicile" shall denote a person's true fixed and permanent home and place of habitation. It is the place where he or she

intends to remain and to which he or she, upon leaving, expects to return without intending to establish a new domicile elsewhere. Determination of "domicile" shall be in accordance with RCW 28B.15.011-28B.15.014.

(5) "Dependent student" shall mean any post-high school student who does not qualify as an independent student in accordance with WAC 250-20-021(6).

(6) "Independent student" shall mean any student whose parents (including step-parent(s)) do not acknowledge and accept a financial responsibility for the student and have on record in the financial aid office documentation attesting to requirements for independence. Such requirements include the following criteria:

(a) The student has not and will not be claimed as an exemption for federal income tax purposes by any person except his or her spouse for the calendar year(s) in which a State Need Grant is received and the prior calendar year.

(b) The student has not received and will not receive financial assistance of more than \$750 in cash or kind from his or her parent(s) in the calendar year(s) in which a State Need Grant is received and the prior calendar year.

(c) The student has not lived and will not live in the home of his or her parent(s) except during occasional temporary visits during the calendar year(s) in which a State Need Grant is received and the prior calendar year.

(d) A special category of independent students consists of persons emancipated or independent by circumstances beyond their control. Examples are wards of court and orphans. An affidavit describing such circumstances is required in lieu of documentation of the family financial situation. Students in this category will be treated as independent applicants with a \$0 parental income and contribution.

(e) Married students will be considered as dependent or independent as appropriate.

(7) Definitions of "undergraduate students" will be in accord with definitions adopted for institutional use by the Council.

(8) "Budgetary cost" shall consist of that amount required to support an individual as a student for nine months taking into consideration cost factors for maintaining the student's dependents. The Council for Postsecondary Education will annually review and adjust budgets which will reflect the latest recognized cost levels for room and board, transportation, books, supplies, personal expenses, and any other factors deemed necessary for consideration. The adopted budgets will be published concurrent with annual guidelines for program administration.

(9) "Total family contribution" for dependent students and students who have been independent from their parents for less than five years shall mean the sum of the assumed parents' contribution, contribution from student assets, and additional student resources. For students who have been independent for five years or longer, "total family contribution" shall mean the sum of contribution from student assets, and additional student resources.

(10) "Parents' contribution" shall mean the contribution toward college expenses expected from the student's parent(s) as related to the total financial strength of the parents.

(11) "Student assets" are comprised of those funds other than the student's expected summer savings and additional student resources as defined in WAC 250-20-021(13) to meet his or her educational expenses which were generated primarily through the student's own efforts. Examples of student assets are money in a savings account or in a trust fund.

(12) "Additional student resources" consist of those funds made available to the student primarily because of his or her student status such as G.I. Bill or veterans benefits. They also include financial support such as public assistance benefits, vocational rehabilitation funds, CETA funds, spouses' academic year income, those portions of agency funds designated for expenses other than tuition and fees, etc.

Funds administered by the institution, Basic Grants, BIA grants, those portions of agency funds designated for tuition and fees, and student employment are to be used as matching funds and as such are not included as "additional student resources".

(13) "State Need Index" is the difference between the appropriate ranking factor as identified in the following table and the student's total family contribution. Ranking factors: Students living with parents - \$1970; Students living away from parents - \$2770; Two-person families - \$4065; plus an additional \$1000 for the first dependent and \$800 for each subsequent dependent.

(14) "Academic year" is that nine-month period of time from September to June during which a full-time student would normally be

expected to complete the equivalent of two semesters or three quarters of instruction.

(15) "Clock hour" means a period of time which is the equivalent of either:

(a) A 50 to 60 minute class, lecture, or recitation, or

(b) A 50 to 60 minute period of faculty-supervised laboratory, shop training or internship.

**Reviser's Note:** RCW 34.04.058 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 errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

#### AMENDATORY SECTION (Amending Order 5-79, filed 6/15/79)

WAC 250-20-041 AWARD PROCEDURE. (1) The Council shall annually determine recipients of Washington State Need Grants from among Washington residents who have applied either directly or indirectly for a State Need Grant by ranking them according to their State Need Indexes.

(2) Grant receipt shall be determined by the inability of the student and family, if appropriate to contribute to the postsecondary educational costs of the applicant as demonstrated by the State Need Index of the student.

(3) Maximum and minimum grant amounts will be established by the Council each year.

(4) Students may receive ((a)) the prorated portion of their State Need Grant for any ((regular)) academic ((term)) period in which they are enrolled full-time. Depending on the availability of funds, students may receive a Need Grant for summer session attendance.

(5) Upon determination of grant recipients, the Council will notify the institution of the applicants who will receive a State Need Grant and the amounts of the grants.

(6) The institution will be expected, insofar as possible, to match the State Need Grant with other funds sufficient to meet the student's need. Matching moneys may consist of student financial aid funds and/or student self-help.

(7) All financial resources available to a State Need Grant recipient, when combined, may not exceed the amount computed as necessary for the student to attend a postsecondary institution. Should a Need Grant recipient be employed in a work/study position, however, the student may be allowed to earn up to \$200 above his or her need in order to continue employment to the end of the academic year.

(8) The institution will notify the student of receipt of the State Need Grant.

(9) Grant receipt for those students nominated by the institutions or applying directly to the Council after the initial closing date will be determined in the same manner as described in WAC 250-20-041(1) and 250-20-041(2) above.

**Reviser's Note:** RCW 34.04.058 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 errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

#### AMENDATORY SECTION (Amending Order 5-79, filed 6/15/79)

WAC 250-20-051 GRANT DISBURSEMENT. (1) (( Every term)) At intervals designated by the Executive Coordinator, financial aid officers from participating institutions will submit the appropriate warrant order form to the Council for Postsecondary Education for each State Need Grant recipient certifying full-time enrollment and grant eligibility.

(2) Upon receipt of the warrant order forms, the Council for Postsecondary Education will forward warrants to the appropriate institution for each recipient.

(3) The student must acknowledge receipt of the State Need Grant each term agreeing to the conditions of award.

(4) All signed receipts for State Need Grants are to be returned to the Council, along with all unclaimed warrants on or before the date specified by the Council each term.

(5) Should a student recipient leave school by reason of failure or withdrawal at the end of the grading period, the unused portion of the grant will remain with the state.

(6) Should a student recipient withdraw from classes during the term in which he or she was awarded a State Need Grant, he or she shall be required to repay the appropriate amount to the Council.

(a) Each institution must submit for Council approval its policies and procedures for calculating the amount of State Need Grant funds to be returned to the Council by students who withdraw from classes after having been awarded State Need Grants.

(b) The amount of State Need Grant funds to be returned to the Council shall be determined by the institution in accordance with its Council-approved policies and procedures.

(c) The institution shall advise the students and the Council of amounts to be repaid.

(d) The Council will advise the institution when the student has repaid the amount due.

**Reviser's Note:** RCW 34.04.058 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 errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

#### AMENDATORY SECTION (Amending section 5-79, filed 6/15/79)

WAC 250-20-061 PROGRAM ADMINISTRATION AND AUDITS. (1) The staff of the Council for Postsecondary Education under the direction of the Executive Coordinator will manage the administrative functions relative to this program.

~~(2) ((As a precedent to participating in the State Need Grant program, each institution must acknowledge its responsibility to administer the program according to prescribed rules and regulations and guidelines:))~~

(2) ((3)) The Council for Postsecondary Education will review institutional administrative practices to determine institutional compliance with rules and regulations and program guidelines. If such a review determines that an institution has failed to comply with program rules and regulations or guidelines, the institution will reimburse the program in the appropriate amount.

(3) ((4)) Any student who has obtained a State Need Grant through means of a willfully false statement or failure to reveal any material fact, condition, or circumstance affecting eligibility will be subject to applicable civil or criminal penalties.

**Reviser's Note:** RCW 34.04.058 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 250-20-081 TERMINATION OF PARTICIPATING INSTITUTIONS. Upon a complaint being filed or upon an indication that an institution has failed to comply with program rules and regulations, the Council staff will conduct a review and will advise the institution by mail of the nature of the alleged violations.

The staff will work with the institution to ensure that the alleged violations are corrected and/or the program is reimbursed for funds improperly expended in accordance with WAC 250-20-061(2).

If the institution does not correct the alleged violations and/or reimburse the program, the Council staff shall conduct an informal hearing between Council staff and the institution. Following such hearing, the Council staff shall advise the institution by mail if an initial determination has been made that the institution is in violation of rules and regulations of the Council.

Such an initial determination may include a finding pursuant to RCW 34.04.170, the Administrative Procedures Act, to the effect that a summary suspension of the approval of the institution has been ordered because of the major problems found to exist. As an alternative, if such a finding is not made, approval shall continue pending a formal contested case hearing under the state Administrative Procedures Act.

Thereafter, the Council will proceed to advise the institution pursuant to Chapter 34.04 RCW that a contested case hearing will be held to determine whether the approval of the institution shall be denied. In such a hearing, the Executive Coordinator or his/her designee shall be

the hearing officer. The findings, conclusions and recommended decision shall be submitted to the Council for final approval pursuant to RCW 34.04.110 prior to any final decision being issued. In all other respects, the procedures contained in the Administrative Procedures Act shall be applicable to such a final contested case hearing.

#### WSR 79-08-133

#### EMERGENCY RULES

#### COUNCIL FOR POSTSECONDARY EDUCATION

[Order 6-79—Filed August 1, 1979]

Be it resolved by the Council for Postsecondary Education, acting at Olympia, Washington, that it does promulgate and adopt the annexed rules relating to state of Washington College Work Study Program, amending WAC 250-40-070.

We, the Council for Postsecondary Education, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is there is a need to provide continuity in the State Work Study contracting procedure during the 1979-80 academic year. A recent decision by the Office of Financial Management concerning the reporting of staff years of State Work Study employees needs to be effective for the full academic year.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated under the general rule-making authority of the Council for Postsecondary Education as authorized in RCW 28B.10.806.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED August 1, 1979.

C. W. Chance  
Deputy Coord./Acad. Affairs

#### AMENDATORY SECTION (Amending Order 2-79, filed 2/7/79)

WAC 250-40-070 ADMINISTRATION. (1) *Administering agency.* The Council for Postsecondary Education shall administer the Work-Study Program. The staff of the Council for Postsecondary Education under the direction of the executive coordinator will manage the administrative functions relative to the program and shall be authorized to enter into agreement with:

(a) *Eligible public institutions for the placement of students and the reimbursement of employers for the state share of the student's compensation.*

(b) *Eligible private institutions for the placement of students.*

(c) *Employers of students attending eligible private institutions for the reimbursement of the state share of*

the student's compensation. Such agreements shall be written to ensure employer compliance with the rules and regulations governing the Work-Study Program.

(2) Responsibility of eligible public institutions. The institution will:

(a) Enter into contract with eligible organizations for employment of students under the Work-Study Program. Such agreements shall be written to ensure employer compliance with the rules and regulations governing the Work-Study Program.

(b) Determine student eligibility and arrange for payment.

(c) Arrange for payment of the state share of the student's compensation.

(3) Responsibility of eligible private institutions. The institution will:

(a) Assist the council in contracting with eligible employers.

(b) Determine student eligibility, arrange for placement with employers and notify the council of such placement.

(4) Responsibility of eligible employers. The employer will:

(a) Arrange for payment of the student's compensation and benefits and request reimbursement of the state share from the institution or the Council for Postsecondary Education.

(b) (~~In the case of the federal government as~~) When a federal or state agency is the employer, reimburse the institution or the Council for Postsecondary Education for the employer's share of the student's compensation.

(5) Responsibility of the Council for Postsecondary Education. The council will, for those students attending private institutions:

(a) Reimburse the employer for the state share of the student's wages, or

(b) (~~In the case of the federal government as~~) When a federal or state agency is the employer, arrange for the payment of the student's compensation and benefits and request reimbursement of the employer's share.

(6) Advisory committee. The council will appoint an advisory committee composed of representatives of eligible institutions, employer organizations having membership in the classified service of the state's institutions of postsecondary education, a student and persons as may be necessary to advise the council staff on matters pertaining to the administration of the Work-Study Program. In addition, representatives from postsecondary educational advisory and governing bodies will be invited to participate in advisory committee meetings when annual institutional allocations are being determined.

(7) Institutional administrative allowance. Contingent upon funds being made available to the Council for Postsecondary Education for the operation of the Work-Study Program, the public institutions will be provided an administrative expense allowance. In order to qualify for the allowance, the institution must demonstrate that financial support for student financial aid administration, exclusive of the administrative allowance, is at least equal to the level of support provided during the previous fiscal year.

(8) Institutional maintenance effort. State funds provided under this program are not to be used to replace institutional funds which would otherwise be used to support student employment.

(9) Reports. The Council for Postsecondary Education will obtain periodic reports on the balance of each institution's Work-Study funds to ensure a proper distribution of funds among institutions. In addition, information will be gathered subsequent to the end of the academic year, describing the population served and the modes of packaging used.

(10) Agreement to Participate. As a precedent to participating in the State Work Study Program, each institution must acknowledge its responsibility to administer the program according to prescribed rules and regulations and guidelines.

(11) Program Reviews. The Council for Postsecondary Education will review institutional administrative practices to determine institutional compliance with rules and regulations and program guidelines. If such a review determines that an institution has failed to comply with program rules and regulations or guidelines the institution will reimburse the program in the appropriate amount.

**Reviser's Note:** RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

**WSR 79-08-134**  
**PROPOSED RULES**  
**JAIL COMMISSION**  
[Filed August 1, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Jail Commission intends to adopt, amend, or repeal rules concerning the procedures for submission of applications for state funding of city and county detention and correctional facility construction and/or substantial remodeling and for consideration of same by the State Jail Commission (chapter 289 - 13 WAC); and the procedures for conducting inspections and enforcing the mandatory custodial care standards set forth in chapters 289-14 through 289-24 WAC (chapter 289-30 WAC); that such agency will at 9:00 a.m., Thursday, September 6, 1979, in the Large conference room, General Administration[Administration] Building, Olympia, Washington conduct a hearing relative thereto; and that the adoption, amendment, or repeal of such rules will take place at 1:30 p.m., Thursday, September 6, 1979, in the Large conference room, General Administration Building, Olympia, Washington.

The authority under which these rules are proposed is chapter 70.48 RCW as amended by chapter 232, Laws of 1979 1st ex. sess.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this

agency prior to September 6, 1979, and orally at the hearing time set forth above.

Dated: August 1, 1979  
By: George Edensword-Breck  
Director

Chapter 289-13 WAC  
JAIL CONSTRUCTION FUNDING PROCEDURES

NEW SECTION

**WAC 289-13-010 PURPOSE.** The rules set forth in this chapter shall govern all applications for state funding of new construction and/or substantial remodeling of detention and correctional facilities, including the allocation and disbursement of all funds appropriated or reappropriated to the state jail commission for such purpose under chapter 70.48 RCW and the physical plant standards adopted pursuant thereto and incorporated in chapter 289-12 WAC.

NEW SECTION

**WAC 289-13-020 APPLICATION—GENERAL.** (1) Any governing unit within the state is eligible to submit an application for state funding of the substantial remodeling and/or new construction of a jail which it currently operates and which has been classified by the state jail commission as a detention or correctional facility within the meaning of WAC 289-02-020(4) and (6), whether or not it has previously submitted an application to the commission for initial consideration. A governing unit which does not currently operate a detention or correctional facility may submit an application for classification of a new jail as a detention or correctional facility or for reclassification of an existing jail. Any such request shall be governed by WAC 289-02-030.

(2) Two or more contiguous governing units may apply for state funding of a consolidated detention or correctional facility. Whenever any jail is operated by a governing unit which includes a combination of cities and/or counties one such city or county shall be designated as primarily responsible for the operation of said jail. An application for funding of a consolidated jail shall be submitted jointly by the governing units involved. Such application shall include a draft of a jail services contract in accordance with RCW 70.48.090 as amended by chapter 232, Laws of 1979 1st ex. sess., and a statement of conditional intention to enter into such contract executed by the governing units involved.

(3) Governing units which have appropriated and spent or encumbered funds for substantial remodeling or construction of detention or correctional facilities after February 16, 1974 and before June 23, 1977, are entitled to consideration for state funding on the same basis as any other governing unit requesting such funding and may make application for state funding of such facilities as provided under the provisions of this chapter.

(4)(a) All governing units requesting state funding of jail construction and/or substantial remodeling hereunder shall complete and submit a standard application form as prescribed by the commission, together with all supporting information and the documents specified therein. The deadline for the submission of such applications for inclusion in the commission's first determination of approved funding levels and priorities under WAC 289-13-050 shall be January 31, 1980.

(b) Any governing unit which fails to submit an application for such funding on or before January 31, 1980, may submit an application by July 31, 1980. Any governing unit which fails to submit an application by such latter date shall be deemed to not be seeking such assistance. A governing unit's failure to apply for state funding shall not affect the mandatory effect of the applicable physical plant standards.

(c) A governing unit which operates an existing detention and correctional facility which is in substantial compliance with the physical plant standards may apply for a variance from specific provisions of the standards with which the facility does not currently comply. Such application shall be in the form prescribed by the commission and shall be submitted by January 31, 1980.

(5) A governing unit which has received a commitment of federal or other nonstate funding for the construction and/or remodeling of a detention or correctional facility shall submit its construction plans to the commission, by January 31, 1980, for review of projected jail capacity and compliance with state physical plant standards. Federal or other nonstate funding shall not affect the mandatory effect of the applicable physical plant standards in such a facility.

(6) Any funds allocated to a governing unit or units for jail construction and/or substantial remodeling under the provisions of this chapter shall constitute full funding of the cost of implementing the physical plant standards within the meaning of RCW 70.48.070: PROVIDED, That this provision shall not preclude the disbursement of funds for such purpose on a staged or phased basis as requested by the governing unit or units at the time of the application and in accordance with conditions established by the commission at the time of its determination of level of funding and priority.

(7) No governing unit which receives state funding hereunder, or which receives federal or other nonstate funding for such purpose, shall be eligible for further state funding under chapter 70.48 RCW and these rules for a period of ten years from the date of completion of any project approved hereunder.

NEW SECTION

**WAC 289-13-030 APPLICATIONS FOR FUNDING.** (1) The commission shall adopt and distribute by October 15, 1979, a standard application form to be used by all governing units which are requesting state funds for jail construction and/or remodeling under chapter 70.48 RCW and the provisions of these rules or which are seeking variances from the physical plant standards as applied to their facilities. The commission shall also adopt and distribute by the same date jail population statistical guidelines and architectural guidelines to be applied in preparing the application.

(2) The application shall contain the following elements:

(a) General information on governing unit and jail facility, including classification;

(b) Information affecting jail capacity determination including:

(i) Jail population projection to the year 2000 with supporting documentation as required by the commission. In general, the projected jail capacity shall be based upon current incarceration rates as applied to population projections by age group, using the most current population forecasts of the Population, Enrollment, and Economic Studies Division of the Office of Financial Management and applying a peaking factor not to exceed 1.29 standard deviations above the mean average daily population: PROVIDED, That such population projections shall consider projected population over the entire period in question using five-year increments: AND PROVIDED FURTHER, That there will be provision for challenging state population and incarceration rate figures and substantiating alternative projections.

(ii) Supporting historical information on the jail population, including crime rate information, average daily population figures for the prior five-year period, detailed information on the jail population over an average year for the jail in question and for other jails within the governing unit.

(iii) Description of existing and planned programs within the governing unit which affect jail population, including work release and pre- and post-trial diversion programs as well as arrest, prosecution, and sentencing practices.

(c) Specific jail facility plans, including:

(i) General description of plans with regard to the jail in question including nature of building or remodeling plans and relationship to other jails within the governing unit and to other criminal justice facilities;

(ii) Description of all existing jails within the governing unit, and of the feasibility of remodeling any or all of those facilities to meet part or all of the projected jail population;

(iii) Description of feasibility of operating consolidated jail facilities with other governing units, providing specific information prescribed by the commission in the application;

(iv) Narrative description of planned facility, including total square feet and division of square feet between cells, dormitories, day rooms, and ancillary areas of jail, and specific housing plan for projected population by each major classification;

(v) Description of project site, its availability, and alternative sites and effect of site change on plans;

(vi) Description of expansion capability of the jail within a range specified in the architectural guidelines;

(vii) complete statistical and construction cost analysis in a form prescribed by the commission;

(viii) Projected time schedule for entire project, including design, bids, commencement of construction, completion, and occupancy;

(ix) Operational plan for planned facility, including staff and budget requirements for meeting mandatory custodial care standards within such facility.

**NEW SECTION**

**WAC 289-13-040 REVIEW OF FUNDING APPLICATIONS—INITIAL.** (1) Each project which is submitted for state funding under WAC 289-13-020 shall be initially reviewed by the director of the state jail commission to determine:

(a) whether the facility for which funding is sought is currently classified as a detention or correctional facility or, if not, whether it is either an existing facility which should properly be reclassified as a detention or correctional facility or represents a necessary jail facility which should properly be classified as a detention or correctional facility; and, if so,

(b) whether the plans submitted meet the applicable mandatory physical plant standards set forth in chapter 289-12 WAC for the projected capacity adopted by the governing unit submitting the application.

(2) Initial review of submitted applications shall be completed and applying governing units provided written notice of initial acceptance or rejection for consideration, on either basis, within forty-five days of receipt of the application. Notice of rejection shall state the specific reason(s) for rejection and the terms on which a project may be resubmitted.

(3) Any governing unit whose application is rejected on initial review due to noncompliance with the physical plant standards shall have thirty days or such shorter period as prescribed by the director in which to resubmit an application which meets such standards.

(4) Acceptance of an application for consideration for state funding upon this initial review shall be based solely upon the verification that the application is in the form specified by the commission and contains all required information, the classification of the facility, and plan compliance with the physical plant standards. Such initial review shall be based upon the capacity projected by the governing unit in question and shall not constitute, or in any way imply, approval of such project for state funding or the approval of any specific details of the project as submitted. Final approval and determination of funding shall take place only pursuant to the review process set forth in WAC 289-13-050: PROVIDED, That the director may grant exceptions from application requirements where it is determined that such requirements cannot be met and in such cases may require additional corroborating documentation. In such cases, additional time for submission of the completed application may be granted by the commission.

**NEW SECTION**

**WAC 289-13-050 FINAL REVIEW OF FUNDING APPLICATIONS—GENERAL.** (1) The commission shall complete its final review of all projects which are accepted for consideration under the initial review process set forth in WAC 289-13-040 and provide written notification of the commission's final determination with respect to approved funding level and priority for available funding as determined under WAC 289-13-080 no later than April 30, 1980, for those applications which are received by January 31, 1980, and no later than October 31, 1980, for those applications which are received by the final application deadline of July 31, 1980.

(2) During the course of its review the commission, or its director, may request necessary additional or explanatory information. In addition, the commission or its director may schedule a conference with a particular governing unit or two or more contiguous governing units to review their application(s) as well as the feasibility and desirability of alternative plans, including consolidated jail facilities.

**NEW SECTION**

**WAC 289-13-060 FINAL REVIEW OF FUNDING APPLICATION—CAPACITY.** (1) Projects which are given initial approval for funding consideration shall first be reviewed to determine the capacity for which the facility may be considered for state funding. For such purpose, the capacity of individual jail facilities will be computed using population projections to the year 2000.

(2) In verifying and setting the capacity of a planned jail facility for purposes of state funding, the commission shall consider all relevant information, including data supplied to it by the office of financial management with regard to the governing unit's population projections, current incarceration rates as applied to population projections by age group, and peaking factors not to exceed 1.29 standard deviations above the mean average daily population as well as all information obtained in the application in accordance with WAC 289-13-030(2)(b).

(3) To assist governing units in determining their jail population projections, the commission shall adopt jail population statistical guidelines to be followed in preparing all funding applications.

(4) Each governing unit shall have an opportunity in its application for funding to present information relating to the accurate projection of its jail population and to set forth reasons why the population projections of the Office of Financial Management's Population Enrollment and Economic Studies Division may not accurately forecast such projected population.

(5) Following the commission's review and determination of each jail's projected capacity, its decision shall be reviewed with the office of financial management in accordance with section 9, chapter 232, Laws of 1979, 1st ex. sess., to insure the accuracy of the data relied upon.

**NEW SECTION**

**WAC 289-13-070 FINAL REVIEW OF FUNDING APPLICATIONS—LEVEL OF FUNDING.** (1) A governing unit will be awarded only the minimum amount necessary to fully implement the physical plant standards in the particular detention or correctional facility which is being considered based upon the approved capacity set by the commission under WAC 289-13-060.

(2) The following elements will be considered in determining the necessary minimum cost of construction or substantial remodeling projects:

(a) Prime architect and engineer fees, including the total cost of services performed by the architect and engineer who are responsible for the facility design, and any subcontracts for design specialists necessary for the development of the project: PROVIDED, That the applying governing unit must submit a description of its consultant selection process which must, except where a contract for such services was executed prior to June 1, 1979, substantially comply with the consultant selection process adopted by the Department of General Administration, Division of Engineering and Architecture as adapted to the particular governing unit's organization and structure. All such fees shall generally be evaluated in accordance with the Prime Architect and Engineer Fee Schedule set forth in the State of Washington Capital Budget Instructions for the 1979-81 biennium.

(b) Initial architectural consultant fees required to determine feasibility and desirability of jail alternatives, upon demonstration of the necessity for such services apart from the work normally associated with the prime architect and engineer: PROVIDED, That the applying governing unit provides adequate indication of a consultant selection process free of conflict of interest and which insures the selection of a qualified person or firm. All such fees shall be evaluated on the basis of a fee schedule to be developed by the commission. Service by a person or firm as an initial architectural consultant does not preclude such person or firm's selection as the prime architect for a particular jail facility.

(c) Site survey and soil testing as necessary prior to construction.

(d) Construction costs, including, but not specifically limited to:

(i) clearing of site and disposal of debris;

(ii) demolition of existing structure where there is an adequate showing of justification for construction on an occupied rather than vacant site;

(iii) necessary earthwork;

(iv) drainage, water and sewer work;

(v) necessary fire protection design features, including fire extinguishing and alarm systems;

(vi) walkways and driveways;

(vii) service vehicle and visitor parking;

(viii) power, lighting, and telephone connections to jail building and related equipment, as well as all interior wiring and permanent power, lighting, and telephone equipment;

(ix) necessary security features which constitute permanent fixtures of the structure, including:

(A) standard security hardware;

(B) electronically controlled gates and doors as conditions require (with mechanical override);

(C) electronically controlled door locking devices for prisoner rooms operated from centralized consoles;

(D) closed circuit television (C.C.T.V.), surveillance systems where required, EXCEPT THAT C.C.T.V. will not be funded for general prisoner population cells or dormitories;

(E) intercom and telephone systems connecting all major control points and monitored through central control telephone system for secure noncontact visitation; and

(F) equipment and systems to control vandalism in such areas as water supply, mechanical and electrical fixtures.

(x) standard permanent jail fixtures, including but not limited to bunks, tables, toilets, showers, sinks, and other such necessary furnishings for cells, dormitories, dayrooms, and dining and visitor areas;

(xi) minimum laundry and kitchen appliances and equipment where adequate justification for such appliances and equipment is demonstrated;

(xii) minimum furnishings and equipment for medical examining area and, where justified, for infirmary, as required under WAC 289-12-030(2)(a)(iv)(A) and (B);

(xiii) separate staff facilities within the architectural guidelines to be adopted by the commission.

(3) Costs which will not be considered for state funding purposes include:

(a) any architect and engineering fees or other costs that are not directly related to and specifically required for jail construction and/or remodeling to comply with the physical plant standards and the rules adopted herein;

(b) site acquisition;

(c) landscaping, art works, or any decorative features of design or construction which are not necessary costs of jail construction or substantial remodeling to meet the physical plant standards;

(d) movable equipment and furnishings, e.g., shelves, desks, conference tables, and file cabinets;

(e) court room or facilities solely related to court activities;

(f) any portion of elevator construction cost not related to jail operation: PROVIDED, That where an elevator serves a jail facility as well as other portions of a courthouse, criminal justice facility or other multi-storied structure in which the jail is located, such cost shall be prorated;

(g) the cost for construction of skybridges or tunnels that connect the jail with any structure other than another portion of the jail;

(h) any other design features, equipment, or furnishings not specifically required to implement the mandatory physical plant standards at minimum cost in a specific facility.

(4) The commission will adopt and distribute to each governing unit, not later than October 15, 1979, specific architectural guidelines which shall govern its review of all projects accepted for final consideration. Such guidelines will specify the total square footage of ancillary areas which will generally be funded within jails in addition to the necessary cells, dormitories, and day room areas required under the physical plant standards for the specific capacity set by the commission, expressed in ranges and subject to appropriate adjustment by the commission in each specific case.

(5) Detention and correctional facilities shall be funded on the basis of a ratio of sixty percent single cells to forty percent dormitory cells under the specific capacity set by the commission, EXCEPT THAT the commission may grant exceptions to such requirement when a request for such exception is contained in the final application and is adequately supported by the specific circumstances set forth therein.

(6) In allocating funds for jail construction and/or substantial remodeling the commission shall review all projects submitted to ensure that the number of square feet allowed per bed is generally consistent for facilities of similar size and classification within either major urban, medium urban, or rural counties.

(7) The level of funding for the construction and/or substantial remodeling of detention and correctional facilities for which their governing units appropriated and spent or encumbered funds after February 16, 1974, and before June 23, 1977 and for which a funding application has been filed in accordance with WAC 289-13-020(3) shall be determined in accordance with the above provisions and in the same manner as all other jail funding applications.

(8) Upon completion of its review of each detention and correctional facility funding application accepted for consideration, the commission shall authorize a specific funding level for each facility based upon current costs and give written notice to each applying governing unit of that determination. Actual allocation and disbursement of proceeds from the sale of bonds deposited in the local jail improvement and construction account to any governing unit or units shall be governed by the provisions of WAC 289-13-080 relating to funding priorities and rules to be adopted relating to funding level adjustments.

#### NEW SECTION

**WAC 289-13-080 DETERMINATION OF PRIORITIES.** (1) At the same time as it determines the level of funding to be assigned to each jail construction and/or substantial remodeling project accepted

for consideration, the commission shall establish the priority which each project will be accorded in disbursing state funds which have been appropriated for such purpose.

(2) Those governing units which have appropriated funds for substantial remodeling or construction of a detention or correctional facility between February 16, 1974, and June 23, 1977, which have entered into a construction contract prior to June 1, 1979, and which have applied for and been assigned a specific level of funding under WAC 289-13-060, shall have first priority for available state funds: PROVIDED, That the specific level of funding will be determined on the same basis as that for all other facilities and funds shall be disbursed only as work is completed: PROVIDED FURTHER, That any application by such a governing unit for additional new construction and/or substantial remodeling for which the governing unit did not appropriate and spend or encumber funds during the above stated dates shall be reviewed with the request for reimbursement of funds already appropriated for purposes of determining capacity and assigning a level of funding, with the priority for payment of any difference between the total level of funding authorized for the facility and the funds previously appropriated by such governing unit being determined in the same manner as the priority of all other projects: AND PROVIDED FURTHER, That any such project shall be required to meet the physical plant standards except as variances may be granted therefrom by the commission.

(3) The priority of all other projects which have been assigned a specific level of funding under WAC 289-13-070 shall be set by the commission after considering all such projects together in light of the following factors:

(a) the nature and extent of the jail's present physical plant deficiencies which may be detrimental to the health, welfare and security of prisoners and staff as assessed on the basis of the physical plant standards set forth in chapter 289-12 WAC.

(b) the impact of such deficiencies upon the governing unit's ability to comply with the mandatory custodial care standards set forth in chapters 289-14 through 289-24 WAC.

(c) the frequency and extent of overcrowding within the facility, particularly with respect to its impact on sleeping area conditions and upon the facility's ability to properly classify and segregate its jail population.

(d) the existence of any court orders or pending legal proceedings relating to conditions within the jail which were filed prior to June 1, 1979.

(e) the extent to which the governing unit or units making application have considered and implemented effective programs for pre- and post-trial alternatives to incarceration: PROVIDED, That no priority shall be assigned a governing unit which does not include a plan relating to such programs in its final application.

(f) whether the governing unit or units making application have given full consideration to the feasibility of a consolidated jail facility or facilities and the cost-effectiveness of the proposed facility or facilities with respect to both construction and operational costs.

#### NEW SECTION

**WAC 289-13-090 ADDITIONAL FUNDING PROVISIONS.** WAC 289-13-090 et seq. are reserved for rules to be adopted by January 1, 1980, governing the disbursement of funds and supervision of jail construction and/or substantial remodeling projects.

#### Chapter 289-30 WAC CUSTODIAL CARE STANDARDS ENFORCEMENT PROCEDURES

#### NEW SECTION

**WAC 289-30-010 PURPOSE.** The provisions of chapter 289-30 WAC are adopted pursuant to RCW 70.48.050 to ensure that all jails in the state meet the requirements of chapter 70.48 RCW and the mandatory custodial care standards adopted pursuant thereto and set forth in chapters 289-14 through 289-24 WAC or such other mandatory standards as may hereafter be adopted by the commission.

#### NEW SECTION

**WAC 289-30-020 CUSTODIAL CARE STANDARDS—COMPLIANCE.** In accordance with RCW 70.48.070, as amended by chapter 232, Laws of 1979 1st ex. sess., the mandatory custodial care

standards previously adopted by the commission shall be subject to commission enforcement beginning October 1, 1979.

**NEW SECTION**

**WAC 289-30-030 INSPECTION OF JAIL FACILITIES.** (1) The commission shall, through designated jail inspectors, conduct an annual inspection of each jail within the state to be completed no later than December 31 of 1979 and December 31 of each succeeding year. Additional inspections of specific facilities may be conducted as may appear necessary to ensure compliance with applicable mandatory custodial care standards or as requested by the governing unit in question.

(2) By October 1, 1979, and at least thirty days prior to the annual inspection for each subsequent year, the commission will distribute to each governing unit a copy of the jail inspection report form which will be used by the designated jail inspector in conducting the inspection in order to permit governing unit review prior to such inspection.

(3) The director shall submit the findings of commission jail inspectors to the commission in written form and send a copy of such findings to the governing unit whose facility is the subject of such report. Governing unit exceptions to, or comments on, such report shall be sent to the commission within thirty days of its receipt thereof.

**NEW SECTION**

**WAC 289-30-050 COMMISSION REVIEW OF COMPLIANCE.** (1) Following its receipt of the compliance inspection report and comments thereon by the governing unit in question, the commission shall issue with respect to all detention and correctional facilities:

- (a) A notice of compliance if the standards are being met;
- (b) A notice of noncompliance, specifying the manner in which the jail does not comply with the standards and the time limits within which the standards are to be met; or
- (c) A notice of partial compliance or conditional compliance if the commission determines that the standards will be complied with if certain conditions or restrictions are imposed, which order shall state specifically what those conditions or restrictions are and shall set forth a time schedule for compliance therewith.

(2) Action to enforce such orders, if required, shall be in accordance with the provisions of RCW 70.48.080.

**WSR 79-08-135**

**NOTICE OF PUBLIC MEETINGS**

**JAIL COMMISSION**

[Memorandum, Director—August 1, 1979]

Notice is hereby given that the State Jail Commission has scheduled two public meetings for the purposes of reviewing all aspects of state funding of city and county detention and correctional facility construction and/or substantial remodeling and annual inspections of all jails, including development of funding application forms, architectural and jail population statistical guidelines and jail inspection forms.

The times and places of the public meetings are as follows:

- August 23 and 24  
9:00 a.m. – 5:00 p.m.  
Multipurpose Room  
Richland Public Library  
Swift and Northgate  
Richland, Washington
- September 6  
1:30 p.m. – 5:00 p.m.  
Large Conference Room  
General Administration Building  
Capitol Campus  
Olympia, Washington

**WSR 79-08-136**

**PROPOSED RULES**

**COMMUNITY COLLEGE DISTRICT 12**

[Filed August 1, 1979]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030 and 28B.50.140, that the Community College District 12 intends to adopt, amend, or repeal rules concerning parking and traffic regulations at Olympia Technical Community College;

that such institution will at 7:00 p.m., Thursday, October 11, 1979, in the Board Room at Centralia College, Centralia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 7:00 p.m., Thursday, November 8, 1979, in the Board Room at Olympia Technical Community College, Olympia, Washington.

The authority under which these rules are proposed is RCW 28B.19.030 and 28B.50.140.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to October 11, 1979, and/or orally at 7:00 p.m., Thursday, October 11, 1979, in the Board Room at Centralia College, Centralia Washington.

Dated: July 31, 1979

By: Dr. Hobart G. Jenkins  
Assistant to the District President

**Chapter 132L-30 WAC**

**PARKING AND TRAFFIC REGULATIONS OLYMPIA TECHNICAL COMMUNITY COLLEGE**

**NEW SECTION**

**WAC 132L-30-010 PURPOSE FOR ADOPTING PARKING/TRAFFIC RULES.** Pursuant to the authority granted by RCW 28B.50.140(10), the Board of Trustees of Community College District No. 12, on behalf of Olympia Technical Community College is granted authority to adopt rules and regulations for pedestrian and vehicular traffic upon public lands devoted to, operated by or maintained by the college district. The objectives of these regulations are:

- (1) To protect and control pedestrian and vehicular traffic;
- (2) To assure access at all times for emergency traffic;
- (3) To minimize traffic disturbances during class hours;
- (4) To facilitate the work of the college by assuring access to its vehicles and by assigning limited parking space for the most efficient use by all;
- (5) To regulate the use of parking spaces;
- (6) To protect state-owned property.

**NEW SECTION**

**WAC 132L-30-020 APPLICABLE PARKING AND TRAFFIC RULES AND REGULATIONS.** The other rules and regulations which are also applicable upon the campus include:

- (1) The motor vehicle and traffic laws of the state of Washington. These shall be applicable upon all lands located within the state of Washington.
- (2) The traffic code of the city of Olympia. This code applies upon all lands located within the city of Olympia.
- (3) The OTCC parking and traffic regulations. These shall be applicable to all state lands which are or may hereafter be devoted mainly to educational, recreational, or parking activities of the college. In case of conflict among the provisions of the motor vehicle and other traffic laws of the state of Washington or the traffic code of the city of Olympia and OTCC parking and traffic regulations, the provisions of the state of Washington motor vehicle laws shall govern.

**NEW SECTION**

**WAC 132L-30-030 PERMITS REQUIRED FOR VEHICLES ON CAMPUS.** Students, faculty members, staff members, guests or visitors shall not stop, park, or leave a vehicle whether attended or unattended upon the campus without a parking permit issued pursuant to WAC 132L-30-030. All persons parking on the campus will be given five academic days to secure and display a temporary or permanent permit from the director of administrative services or designee.

**NEW SECTION**

**WAC 132L-30-040 AUTHORIZATION FOR ISSUANCE OF PERMITS.** The dean/director of administrative services, or designee, is authorized to issue parking permits to students, administrators, faculty members, staff members, guests and visitors of the college, pursuant to the following regulations:

- (1) A person may be issued a parking permit upon the proper registration of his vehicle with the college.
- (2) The dean/director of administrative services, or designee, may issue temporary, permanent or special parking permits when such permits are necessary to enhance the business or operation of the college.
- (3) Additional permits are available at the current fee schedule, as published in the OTCC parking rules and regulations and in registration materials, to an individual who may be registered to drive any one of several vehicles. It shall be agreed that only one vehicle registered to an individual shall be permitted to park on campus at any one time.
- (4) Persons who pay the current fee for parking permits and later request a refund shall receive refunds according to the refund policy published in the OTCC parking rules and regulations.

**NEW SECTION**

**WAC 132L-30-050 VALID PERMIT.** A valid parking permit is:

- (1) An unexpired permanent parking permit registered and properly displayed;
- (2) A temporary parking permit authorized by the dean/director of administrative services, or designee, and properly displayed;
- (3) A special parking permit authorized by the dean/director of administrative services, or designee, and properly displayed; or
- (4) A visitor's permit authorized by the dean/director of administrative services, or designee, and properly displayed.

No permit will be valid for more than one year, and all permits must be properly displayed.

**NEW SECTION**

**WAC 132L-30-060 DISPLAY OF PERMITS.** The vehicle permit issued by the college shall be permanently affixed on the rear bumper of the vehicle. Permits not displayed in accordance with the provisions of this section shall not be valid and vehicles displaying an improperly placed permit shall be subject to citation. Permits will be displayed on the rear of a motorcycle.

**NEW SECTION**

**WAC 132L-30-070 TRANSFER OF PERMITS.** Parking permits are not transferable. If a vehicle is sold or traded, a new permit will be issued to the permit holder at the current fee schedule.

**NEW SECTION**

**WAC 132L-30-080 PERMIT REVOCATION.** Permits are licenses and the property of the college, and may be recalled for any of the following reasons:

- (1) When the purpose for which the permit was issued changes or no longer exists;
- (2) When a permit is used on an unregistered vehicle or by an unauthorized person;
- (3) Falsification on a parking permit application;
- (4) Continued violations of parking regulations;
- (5) Counterfeiting or altering of permits.

**NEW SECTION**

**WAC 132L-30-090 RIGHT TO REFUSE PERMIT.** The college (director of administrative services, or designee) reserves the right to refuse the issuance of a parking permit to anyone who has had a previous parking permit revoked or refused or to anyone whose driving or

parking record indicates a flagrant disregard for the rights or safety of other people.

**NEW SECTION**

**WAC 132L-30-100 RIGHT TO APPEAL PERMIT REVOCATION OR REFUSAL TO GRANT PERMIT.** When a parking permit has been recalled pursuant to WAC 132L-30-080 or has been refused in accordance with WAC 132L-30-090 or when a fine or penalty has been levied against a violator of the rules and regulations set forth in this chapter, such action by the dean/director of administrative services, or designee, may be appealed pursuant through the established channels.

**NEW SECTION**

**WAC 132L-30-110 RESPONSIBILITY OF PERSON TO WHOM PERMIT IS ISSUED.** The person to whom a parking permit is issued, pursuant to the rules and regulations set forth in this chapter, shall be responsible for all violations of said rules and regulations involving the vehicle; but, such responsibility shall not relieve other persons who by their conduct with vehicles registered with another permit holder violate the rules and regulations established by this chapter. In the event that a vehicle in violation is not registered with the college, the current registered owner will be responsible for the violation(s) of the campus regulations.

**NEW SECTION**

**WAC 132L-30-120 DESIGNATION OF PARKING.** The parking space available on campus shall be allocated and designated by the dean/director of administrative services, or designee, in such manner as will best achieve the objectives of these rules and regulations, including the designation of restricted parking areas:

- (1) Faculty and staff parking shall be limited to spaces so designated;
- (2) Student parking will be limited to areas so designated. Special provisions have been made for physically handicapped students or their designee;
- (3) Visitors parking shall be limited to spaces as designated;
- (4) Parking spaces may be designated for special purposes as deemed necessary.

**NEW SECTION**

**WAC 132L-30-130 VISITORS AND GUESTS.** All guests, including salespersons, maintenance or service personnel and all other members of the public will park in designated parking areas or in available space as directed by college security officers, traffic guides or parking checkers without paying a fee. These include:

- (1) Federal, state, county, city, school district and similar governmental personnel on official business in vehicles with tax exempt licenses;
- (2) Vehicles owned by contractors and their employees working on campus construction may be parked within available construction sites or areas;
- (3) Members of the press, television, radio and wire services, on official business;
- (4) Taxi's and commercial delivery vehicles for the pick up and delivery of passengers, supplies and equipment;
- (5) Visitors and guests attending special college events will park without charge, including:
  - (a) commencement;
  - (b) Open houses;
  - (c) Symposiums;
  - (d) Social and cultural events;
- (6) Visitors invited to the campus for the purpose of rendering services to the college;
- (7) Persons holding emeritus or similar appointments will park in designated areas without charge.

**NEW SECTION**

**WAC 132L-30-140 PARKING WITHIN DESIGNATED SPACES.** (1) All vehicles shall follow traffic arrows and other markings established for the purpose of directing traffic on campus.

- (2) All vehicles must be parked within designated, marked stalls.
- (3) No vehicle shall be parked so as to occupy any portion of more than one parking space or stall as designated within the parking area.

The fact that other vehicles may have been so parked as to require the vehicle parking to occupy a portion of more than one space or stall in order to park, shall not constitute an excuse for a violation of this section.

(4) No vehicle shall be parked on the campus except in those areas set aside and designated for parking.

#### NEW SECTION

**WAC 132L-30-150 REGULATORY SIGNS, MARKINGS, BARRICADES, ETC.** The dean/director of administrative services, or designee, is authorized to erect signs, barricades, and other structures and to paint marks and other directions upon the streets, entry/exits, and roadways for the regulation of traffic and parking upon the various public lands devoted to, operated by, or maintained by the college. Such signs, barricades, structures, markings and directions shall be so made and placed as in the opinion of the dean/director of administrative services, or designee, will best effectuate the objectives of these regulations. Drivers of vehicles shall observe and obey the signs, barricades, structures, markings and directions given them by the campus patrolmen in the control and regulation of traffic.

#### NEW SECTION

**WAC 132L-30-160 SPEED LIMIT.** No vehicle shall be operated on the campus at a speed in excess of fifteen miles per hour, or such slower speed as is reasonable and prudent to the circumstances. No vehicle of any type shall at any time use the campus parking lots for testing, racing, or other unauthorized activities.

#### NEW SECTION

**WAC 132L-30-170 PEDESTRIAN'S RIGHT OF WAY.** (1) The operator of a vehicle shall yield right of way, slowing down or stopping, if need be, to so yield to any pedestrian, but no pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible or unsafe for the driver to yield.

(2) Whenever any vehicle slows or stops so as to yield to pedestrian traffic, the operator of any other vehicle approaching from the rear shall not overtake and pass such a vehicle which has slowed or stopped to yield to pedestrian traffic.

(3) When a sidewalk is provided, pedestrians shall proceed upon such a sidewalk.

#### NEW SECTION

**WAC 132L-30-180 TWO-WHEELED MOTORBIKES OR BICYCLES.** (1) All two-wheeled vehicles powered by an engine shall park in a space designated for motorcycles only. No unauthorized vehicles shall be ridden on the sidewalks on campus at any time unless authorized by the dean/director of administrative services, or designee.

(2) Bicycles and other nonengine powered cycles shall be subject to posted or published regulations as established.

#### NEW SECTION

**WAC 132L-30-190 REPORT OF ACCIDENTS.** The operator of any vehicle involved in an accident on campus resulting in injury or death of any person or total of claimed damage to either or both vehicles exceeding one hundred dollars shall immediately report such accident to the dean/director of administrative services, or designee and shall within twenty-four hours after such accident, file a state of Washington motor vehicle accident report. Other minor accidents may be reported to the office of campus parking and security for insurance record purposes.

#### NEW SECTION

**WAC 132L-30-200 DISABLED AND INOPERATIVE VEHICLES—IMPOUNDING.** No disabled or inoperative vehicle shall be parked on the campus for a period in excess of seventy-two hours, without clearance from the dean/director of administrative services, or designee. Vehicles which have been parked for periods in excess of seventy-two hours and which appear to be disabled or inoperative may be impounded and stored at the expense of either or both the owner and operator and thereof. Notice of intent to impound will be posted on the vehicle and sent by registered mail to the legal owner forty-eight hours prior to impound.

#### NEW SECTION

**WAC 132L-30-210 ENFORCEMENT.** (1) Parking and traffic rules and regulations will be enforced throughout the calendar year on a twenty-four hour basis.

(2) The dean/director of administrative services, or designee shall be responsible for the enforcement of the rules and regulations contained in this chapter. The dean/director of administrative services, or designee is hereby authorized to delegate this responsibility to the campus patrolmen or other subordinates.

#### NEW SECTION

**WAC 132L-30-220 ISSUANCE OF TRAFFIC TICKETS OR SUMMONS.** Upon probable cause to believe that a violation of these rules and regulations has occurred the dean/director of administrative services, or designee or subordinates, may issue a summons or citation setting forth the date, the approximate time, permit number, license information and nature of violation signed by the attendant officer. Such summons or traffic citation may be served by attaching or affixing a copy thereof in some prominent place outside such vehicle or by personally serving the operator.

#### NEW SECTION

**WAC 132L-30-230 VIOLATION OF PARKING AND TRAFFIC REGULATIONS.** Operators of illegally operated or parked vehicles which are not subject to impounding under these policies, shall be:

(1) Warned through an appropriate means that they are in violation of these regulations;

(2) In instances where violations are continually repeated, and in the judgment of the dean/director of administrative services, or designee with appropriate documented evidence, said vehicle(s) may be impounded and/or fined in accordance with approved fees and fines schedule. All fines are payable to the cashiers office.

#### NEW SECTION

**WAC 132L-30-240 DELEGATION OF AUTHORITY.** The authority and powers conferred upon the dean/director of administrative services, or designee by these regulations shall be subject to delegation to that individual's subordinates.

#### NEW SECTION

**WAC 132L-30-250 FINES AND PENALTIES.** The dean/director of administrative services, or designee, is authorized to impose the following fines and penalties for violation of the rules and regulations contained in this chapter:

(1) Fines will be levied for all violations of the regulations contained in this chapter;

(2) Vehicles parking in a manner so as to obstruct traffic, including access to and from parking spaces and areas, will be subject to a fine and may be impounded and taken to such place for storage as the dean/director of administrative services, or designee, selects. The expenses of such impoundings and storage shall be the responsibility of the registered owner or driver of the vehicle. Vehicles impounded by means of an immobilizing device shall be charged a service fee according to the current fee schedule. The college shall not be liable for loss or damage of any kind resulting from such impounding and storage;

(3) At the discretion of the dean/director of administrative services, or designee, an accumulation of traffic violations by a student, staff, administrator or faculty member will be cause for disciplinary action, and the dean/director of administrative services, or designee shall initiate disciplinary proceedings against such a violator;

(4) At the discretion of the dean/director of administrative services, or designee an accumulation of traffic citations by a student, staff, administrator or faculty member may be turned over to a private collection agency for the collection of fines not previously received by the dean/director of administrative services, or designee. Other appropriate collection procedures may be initiated as deemed necessary;

(5) Vehicles involved in violations of these regulations may be impounded as provided for;

(6) A schedule of fines shall be set and reviewed annually by the parking advisory committee. The schedule shall be published in the OTCC parking rates and regulations and on the traffic citation form;

(7) In the event a student fails or refuses to pay a fine the dean/director of student services may initiate the following disciplinary action:

- (a) Student may not be eligible to register for classes;
- (b) Student may not be able to obtain transcript of credits;
- (c) Student may not receive a degree/certificate until all fines are paid;
- (d) Impounding of vehicle;
- (8) Offense and fine:
  - (a) Permit not displayed..... \$3.00
  - (b) Occupying more than one parking space..... \$3.00
  - (c) Occupying space not designed for parking..... \$3.00
  - (d) Parking in area not authorized by permit..... \$3.00
  - (e) Parking in reserved stall (after warnings may be towed)..... \$3.00
  - (f) Blocking or obstructing traffic (after warnings may be towed)..... \$3.00
  - (g) Parking adjacent to fire hydrant (after warnings may be towed)..... \$3.00
  - (h) Parking in fire lane (after warnings may be towed)..... \$3.00
  - (i) Parking in zone or area marked no parking..... \$5.00
  - (j) Failure to yield right of way..... \$5.00
  - (k) Failure to stop-/signal..... \$5.00
  - (l) Reckless or negligent driving..... \$15.00
  - (m) Other violations of college parking regulations and its objectives..... \$3.00

**NEW SECTION**

**WAC 132L-30-260 GRIEVANCE PROCEEDINGS—APPEAL OF FINES AND PENALTIES.** The alleged violator may elect to waive his/her right to appear before the parking advisory committee and pay the appropriate fine or appeal the violation. To appeal fines and penalties levied against violator of the rules and regulations set forth herein, the alleged violator must submit the grievance in writing, giving full particulars listing witnesses, evidence, etc. Grievance must be submitted within five school days from date of citation to the director of student services, who will cause a review to be made of the appeal to determine whether a satisfactory solution to both parties can be reached without further administrative action. If not resolved the alleged violator may appeal within fifteen school days to the parking advisory committee consisting of three student members, two faculty members and one administrator. The dean/director of administrative services, or designee shall be ex officio.

**NEW SECTION**

**WAC 132L-30-270 LIABILITY OF COLLEGE.** The college assumes no liability under any circumstances for vehicles on campus.

**NEW SECTION**

**WAC 132L-30-280 DEFINITIONS.** As used in this chapter, the following words and phrases shall have the following meanings:

- (1) "Administration" shall mean those employees whose job duties are administrative by job description and who exercise supervisory or other managerial responsibilities over other employees;
- (2) "Board" shall mean the Board of Trustees of Community College District No. 12;
- (3) "Campus" shall mean any or all lands and buildings devoted to, operated by, or maintained by Olympia Technical Community College, District No. 12, state of Washington;
- (4) "Campus patrolman" shall mean a contracted or salaried employee of the college who is responsible to the dean/director of administrative services, or designee for campus traffic control, parking and security;
- (5) "College" shall mean Olympia Technical Community College, District No. 12, state of Washington and the personnel thereof;
- (6) "Dean/director of administrative services" shall mean the dean/director of administrative services, or designee for Olympia Technical Community College, District No. 12, state of Washington;
- (7) "Faculty members" or academic employees shall mean any employee of Olympia Technical Community College, District No. 12,

state of Washington who has employment as a teacher, counselor, librarian, or other position for the training, experience, and responsibilities are comparable as determined by the appointing authority, except administrative appointments;

(8) "Guests" shall mean any person or persons who come upon the campus as guests and person or persons who lawfully visit the campus for purposes which are in keeping with the college's role as an institution of higher learning in the state of Washington;

(9) "Permanent permits" shall mean permits which are valid for a school term or a portion thereof;

(10) "School term" shall mean, unless otherwise designated, the term period commencing with the summer quarter of a community college calendar year and extending through the immediately subsequent fall, winter, and spring quarters. The summer school session shall be considered the first quarter of the college calendar year for parking and traffic control purposes;

(11) "Staff" shall mean the contracted or classified employees of Olympia Technical Community College, District No. 12, state of Washington;

(12) "Student" shall mean any person who is enrolled in any community college operated by Washington State Community College District No. 12;

(13) "Temporary permits" shall mean permits which are valid for a specific period designated on the permit or application up to a maximum of one month;

(14) "Vehicle" shall mean an automobile, truck, motor-driven cycle, scooter or any vehicle otherwise powered.

**PARKING FEE SCHEDULE**

- (1) Automobile Permit:
  - (a) Annual - Faculty/Staff Only..... \$15.00
  - (b) Quarterly - Faculty/Staff Full-time..... 5.00
  - (c) Quarterly - Faculty/Staff Part-time..... 3.00
  - (d) Quarterly - Student - Full-time..... 5.00
  - (e) Quarterly - Student - Part-time..... 3.00
- (2) Motorcycle Permit:
  - (a) Annual - Faculty/Staff only..... 9.00
  - (b) Quarterly - Faculty/Staff/Student Full-time..... 3.00
  - (c) Quarterly - Faculty/Staff/Student Part-time..... 2.00
- (3) Miscellaneous Permits:
  - (a) Second car permit (and each additional car) Quarterly - Faculty/Staff/Student..... 2.00
  - (b) Replacement permit (per vehicle)
    - (i) With signed certificate of destruction, theft or sale of vehicle..... 1.00
    - (ii) Without certificate of destruction, theft or sale of vehicle..... 2.00
  - (c) Temporary permit..... No charge

**WSR 79-08-137**

**PROPOSED RULES**

**DEPARTMENT OF GAME**

[Filed August 1, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 42.30 RCW, that the State Game Commission intends to adopt, amend, or repeal rules concerning classification of wild animals, amending WAC 232-12-040 and Colockum Game Reserve, amending WAC 232-16-070;

that such agency will at 9:00 a.m., Monday, October 1, 1979, in the Thunderbird Motor Inn, 1225 North Wenatchee Avenue, Wenatchee, WA 98801, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Monday, October 1, 1979, in the Thunderbird Motor Inn, 1225 North Wenatchee Avenue, Wenatchee, WA 98801.

The authority under which these rules are proposed is RCW 77.12.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to October 1, 1979, and/or orally at 9:00 a.m., Monday, October 1, 1979, Thunderbird Motor Inn, 1225 North Wenatchee Avenue, Wenatchee, WA.

Dated: August 1, 1979

By: David L. Schultz  
Assistant Chief  
Wildlife Enforcement Division

21, 22, 23, 24, Twp. 20N., R.20E., and Section 19, Twp. 20N., R21E.W.M. to the Brewton road and the point of beginning.

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

**WSR 79-08-138**

**ADOPTED RULES**

**UTILITIES AND TRANSPORTATION**

**COMMISSION**

[Order R-128, Cause No. U-79-29—Filed August 1, 1979]

**AMENDATORY SECTION (Amending Order 7, filed 7/23/70)**

**WAC 232-12-040 CLASSIFICATION OF WILD ANIMALS.** Certain wild animals are hereby classified as game animals, fur-bearing animals, and protected wildlife.

(1) Game animals shall include deer of the genus *Odocoileus*, commonly known as whitetail, blacktail, and mule deer; elk, *Cervus canadensis* including Roosevelt and Rocky Mountain races; moose, *Alces alces*; antelope, *Antilocapra americana*; mountain sheep, *Ovis canadensis*; mountain goat, *Oreamnos americanus*; black bear, *Euarctos americanus*; cougar, *Felis concolor*; bobcat, *Lynx rufus*; ((Canada lynx, Lynx canadensis);) raccoon, *Procyon lotor*; cottontail rabbit, *Sylvilagus floridanus*, *nuttallii* and *audubonii*; snowshoe hare or rabbit, *Lepus americanus*; blacktailed jack rabbit, *Lepus californicus*; yellow-bellied marmot or rock chuck, *Marmota flaviventris*; bullfrog, *Rana catesbeiana*; and White Fallow deer, *Dama dama*, in Grant and Douglas counties: Provided, That failure to utilize all or part of cougar, ((Canada lynx);) bobcat, raccoon, jack rabbit, or yellow-bellied marmot shall not constitute needless wastage under the provisions set forth in RCW 77.16.090.

(2) Fur-bearing animals shall include beaver, *Castor canadensis*; muskrat, *Ondatra zibethica*; mink, *Mustela vison*; otter (river), *Lutra canadensis*; marten, *Martes americana*; Canada lynx, *Lynx canadensis*; bobcat, *Lynx rufus*; badger, *Taxidea tazus*; raccoon, *Procyon lotor*; weasel, *Mustela erminea* and *frenata*; and fox including only those found within the National Forest Boundary, *Vulpes fulva*.

(3) Protected wildlife shall include grizzly bear, *Ursus chelan*; caribou, *Rangifer tarandus*; sea otter, *Enhydra lutris*; fur seal, *Callorhinus ursinus*; fisher, *Martes pennanti*; wolverine, *Gulo luscus*; timber wolf, *Canis lupus*; gray squirrel, *Sciurus griseus* and *carolinensis*; douglas squirrel, *Tamiasciurus douglasii*; red squirrel, *Tamiasciurus hudsonicus*; flying squirrel, *Glaucomys sabrinus*; golden-mantled ground squirrel, *Callospermophilus saturatus*; chipmunks, *Eutamias*, all species found wild in Washington; cony or pika, *Ochotona princeps*; whitetailed jackrabbit, *Lepus townsendii*; hoary marmot, *Marmota caligata* and *olympus*; pigmy rabbit, *Sylvilagus idahoensis*; fox squirrel, *Sciurus niger*; and all wild turtles in Western Washington including Pacific Terrapin, *Clemmys marmorata*; Western Painted Turtle, *Chrysemys picta*; and Green Turtle, *Chelonia mydas*.

**Reviser's Note:** RCW 34.04.058 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 errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION (Amending Order 9, filed 9/25/70)**

**WAC 232-16-070 COŁOCKUM ((ARTHUR S. COFFIN)) GAME RESERVE.** ~~Colockum~~ ((Arthur S. Coffin)) Game Reserve shall include those lands within the following described boundary: Beginning at the point where the Brewton road crosses the south line of Section 19, Twp. 20, N., R21E.W.M.; thence northwesterly along the Brewton road to the Colockum Pass road in Section 13, Twp. 20N., R.20E.; thence northerly on the Colockum Pass road to its junction with the Naneum Lookout road in Section 13, Twp. 20N., R.20E.; thence westerly along the Naneum Lookout road to where it crosses the Bonneville Power Line right-of-way in Section 16, Twp. 20N., R.20E.; thence southwesterly along the power line to the Colockum Wildlife Recreation Area boundary on the south line of Section 20, Twp. 20N., R.20E.; thence easterly along the south line of Sections 20,

In the matter of adopting WAC 480-80-125, relating to notice by utilities to customers concerning hearing.

This action is taken after due notice and in a meeting open to the public pursuant to Notice No. WSR 79-06-058 filed with the code reviser May 23, 1979 and Notice No. WSR 79-08-018 filed with the code reviser July 11, 1979. The rule hereinafter adopted shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 80.01.040(4) and 80.04.160 which direct that the Commission has authority to implement the provisions of Title 80 RCW.

This rulemaking proceeding is in compliance with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW).

Pursuant to Notice No. WSR 79-06-058 the above matter came on for adoption at 8:00 a.m., Wednesday, July 11, 1979. By Notice No. WSR 79-08-018 and pursuant to adopted motion for continuance the above matter was continued and was scheduled for adoption August 1, 1979.

Under the terms of Notice No. WSR 79-06-058 interested persons were afforded the opportunity to submit data, views, or arguments to the Commission in writing prior to July 6, 1979 and orally at 8:00 a.m., Wednesday, July 11, 1979, in the Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington. By Notice No. WSR 79-08-018 further opportunity for written submissions prior to July 27, 1979 and oral submissions at 8:00 a.m., August 1, 1979 was provided.

Written comments were submitted to the Commission pursuant to Notice No. WSR 79-06-058 on or before July 6, 1979, by R. R. Golliver for Washington Natural Gas Company; by Fredric D. Reed for Pacific Power & Light Company; by W. Brian Matsuyama for Cascade Natural Gas Corporation; by J. F. Smith for Northwest Natural Gas Company; by Marianne K. Holifield for Pacific Northwest Bell Telephone Company; by Robert L. Charette, attorney; by Ronald C. Wilkinson, attorney; by Clyde H. MacIver, attorney; and by Wayne L. Williams for POWER. Pursuant to the same notice, oral submissions were made July 11, 1979 by Frank P. Hayes, Assistant Attorney General; by Marianne K. Holifield; by Ted Schultz for Washington Independent Telephone Association; by R. B. Sheppard for Cascade Natural Gas Corporation; by Timothy Hogan for Washington Natural Gas Company; by Gus Sakelaris

for Pacific Northwest Bell Telephone Company; by Charles Adams, Assistant Attorney General; and by Wayne L. Williams.

No written comments were received pursuant to Notice No. WSR 79-08-018 but oral presentations were received August 1, 1979, from Frank P. Hayes, Marianne K. Holifield, and Ted Schultz.

In considering the entire record herein, it has been determined that WAC 480-80-125 should be adopted to read as set forth in the Attachment A hereto and made a part hereof by reference. WAC 480-80-125 establishes requirements to be met by utilities under certain conditions concerning notice to customers of hearings before the Commission on rate increase matters.

The adoption of WAC 480-80-125 will result in some increased expense to utilities and this fact has been given consideration and weighed along with the benefits to the public interest that will be realized from adoption of the rule. It is concluded the rule will not significantly affect economic values.

**ORDER**

WHEREFORE, IT IS ORDERED That WAC 480-80-125 relating to notice by utilities to customers concerning hearing on rate increase requests be and the same is hereby adopted as a permanent rule to read as set forth in Attachment A hereto and incorporated herein by this reference.

IT IS FURTHER ORDERED That the annexed rule, after being first recorded in the order register of the Washington Utilities and Transportation Commission, shall be forwarded to the code reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

IT IS FURTHER ORDERED That there shall be forwarded to the secretary of the Senate and the chief clerks of the House of Representatives three copies each of the statement required by RCW 34.04.045.

DATED at Olympia, Washington, this 1st day of August, 1979.

Washington Utilities and Transportation Commission

Robert C. Bailey, Chairman

Frank W. Foley, Commissioner

A. J. Benedetti, Commissioner

**NEW SECTION**

**WAC 480-80-125 NOTICE BY UTILITY TO CUSTOMERS CONCERNING HEARING.** (1)

Whenever any utility proposes to increase any rate or charge for the service or commodities furnished by it, and the commission has issued an order instituting investigation concerning such increase, the utility shall supply a statement to such customers or classes of customers designated in the order instituting investigation that a hearing will be held by the commission at which members of the public will be afforded an opportunity to testify. The statement shall also set forth the date of the utility's filing with the commission, the amount of the proposed increase expressed in both total dollars and average percentage terms, the information that a public counsel will be appointed to represent the public and the

mailing address of the commission to which any customer inquiries to the commission or to the public counsel relative to the public hearing date may be directed. The statement shall accompany, as a separate document, regular bills mailed by the utility to its customers; starting with the first billing cycle reasonably available following issuance of the commission's order instituting investigation and continuing throughout the utility's billing cycle covering customers of the utility as of the date of the commission's order instituting investigation; as an alternative the utility may make a separate first class mailing of the statement within thirty days following the date of the issuance of the order instituting investigation. A copy of such statement shall also be mailed or delivered to at least one newspaper of general circulation, and at least one radio station and at least one television station, in the area or each of the areas affected. The utility shall promptly file a copy of the statement with the commission and certify it has complied with or is in the process of complying with these mailing and delivery requirements.

(2) The statement required by WAC 480-80-125(1) shall be in form and content substantially as follows:

**BEFORE THE  
WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION**

Cause No. . . .

(Name of company) filed with the Washington Utilities and Transportation Commission (date) tariffs designed to increase its gross revenue in the approximate amount of \$ . . . . . on an annual basis. The percentage increase in annual gross revenue approximates . . . . . %. (In instances in which the filed tariffs pertain to a single general category or subcategory of service, the dollar and percentage amounts shall relate to that category of service and the category of service shall be identified.) The Commission has suspended the operation of the filed tariffs and will hold public hearings on the matter.

The Commission has directed that this notice be given stating:

(1) Specially designated hearing or hearings will be held by the Commission in order to accommodate members of the public who may wish to testify.

(2) A public counsel will be appointed to represent the public. The address of the Commission may be used for inquiries of the public counsel.

(3) Any member of the public wishing to be notified by the Commission as to the date or dates that such specially designated hearing or hearings will be held should advise the Commission in writing of that fact and state his or her mailing address. The Commission, when such date or dates are set, will see that

a notice of such hearing or hearings is mailed to each person who makes such request.

The mailing address of the Commission is Washington Utilities and Transportation Commission, Highways-Licenses Building, Olympia, Washington 98504.

(Name of company)

(Name of individual)

(Title of individual)

(3) The requirements of WAC 480-80-125 shall be in addition to such other requirements as are imposed or may be imposed by statute or rule pertaining to notice to the public of proposed tariff changes.

(4) Upon determination by the commission that the due and timely exercise of its functions requires the hearing for receipt of evidence from the public to be held at a time which makes it impracticable for the utility to comply with the requirements of WAC 480-80-125(1), it may by letter to the utility dispense with all or part of such requirement.

(5) Failure to accomplish substantial compliance with the requirements of this rule will subject the utility to imposition of penalties in accordance with the provisions of RCW 80.04.405.

### WSR 79-08-139

#### ADOPTED RULES

#### URBAN ARTERIAL BOARD

[Order 79-01, Resolution 596, 597, 598—Filed August 1, 1979]

Be it resolved by the Urban Arterial Board, acting at Olympia, Washington, that it does promulgate and adopt the annexed rules relating to administration of projects by the Urban Arterial Board.

This action is taken pursuant to Notice No. WSR 79-06-093 filed with the code reviser on 6/6/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Urban Arterial Board as authorized in chapter 47.26 RCW.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED July 19, 1979.

By Robert A. Plaquet  
Executive Secretary

#### NEW SECTION

WAC 479-13-060 ACCELERATED DEVELOPMENT URBAN ARTERIAL PROJECTS. Preliminary proposals and related construction projects initially authorized by the urban arterial board after the close of the 1977-1979 biennium for financial assistance from

the urban arterial trust account shall be selected for authorization on the basis of the administering agency's projected ability to place the proposed project under contract for construction within eighteen months from the date of initial authorization. The following factors relative to each project, in addition to other factors required by law, shall be evaluated:

(1) Each project having an estimated total project cost of less than seven hundred fifty thousand dollars shall be evaluated on the basis of the following factors and any problems noted shall be resolved prior to project authorization:

(a) Availability and source of matching funds;

(b) Engineering capacity. Adequate in-house engineering capacity shall be available to permit each project authorized to be engineered without retarding development of other public works projects or the administering agency shall indicate that consulting engineering services will be obtained without delay;

(c) Right of way. Right of way acquisition required for each project authorized shall be minor in nature, or the administering agency shall provide a definitive plan for acquisition in order that all right of way or right of prior entry may be obtained prior to placing the project under contract for construction;

(d) Interrelationships with other agencies, railroads or utilities. Any interrelationships that, on the basis of previous experience may be expected to cause project delays, shall be evaluated and a definitive plan, including concurrence from the involved agency, railroad or utility, shall be available;

(e) Community reaction. Any community opposition, whether known or expected to materialize, shall be evaluated for its projected effect upon project development;

(f) Other factors. Other factors known to the agency that will affect the agency's ability to place the project under contract for construction within eighteen months from the date of project authorization.

(2) No urban arterial project which exceeds seven hundred fifty thousand dollars in total estimated project cost shall be considered for authorization by the board unless specifically requested by the administering local agency. The administering agency shall address itself to the same factors that are specified in subsection (1) of this section and which demonstrate that the project can be placed under contract for construction within eighteen months from the date of project authorization. The urban arterial board shall, in each case in which there is doubt concerning the ability of the local agency to place the project under contract for construction within eighteen months from the date of authorization, require preparation and submission of a detailed CPM or PERT time schedule reflecting scheduled development of the project.

The urban arterial board shall review the written reply concerning each proposed project and the verbal representations of an official of the administering agency, and shall not authorize any project if one or more of the factors listed above are not resolved so that the project cannot, in the urban arterial board's judgment, be placed under contract for construction within eighteen months from the date of authorization. Any project

proposed to be developed in stages shall be capable of having at least seventy-five percent of the project, when evaluated in dollar terms, under contract for construction within the eighteen month period.

Each city or county administering an accelerated development project shall provide project development data on a monthly basis to the urban arterial board in such form as is requested to permit a continuing review of project progress.

Any preliminary proposal or construction project that is authorized for development as an accelerated development project shall be subject to immediate cancellation at any time, if actual development in the judgment of the urban arterial board, falls behind the rate of development required to permit the project to be placed under contract for construction within eighteen months of the date of authorization.

(3) The project agreement for each preliminary proposal project authorized by the urban arterial board shall include a recognition and agreement on the part of the administering local agency or agencies that urban arterial trust funds provided by chapter 83, Laws of 1967 ex. sess., and section 13, chapter 317, Laws of 1977 ex. sess., chapter 5, Laws of 1979, as now or hereafter amended, have reached a status of total obligation and that:

(a) The full, normal ninety percent matching funds from the urban arterial trust account may not be available for all projects; and

(b) The administering local agency or agencies is/are required to plan and design each project in such a manner as to permit its development in phases with the first phase being a usable improvement as approved by the urban arterial board; and

(i) Able to be developed with available urban arterial trust account and local matching funds; or

(ii) That the administering local agency or agencies agree(s) to pay additional project costs with other funds and that such funds will be available for the construction of the project being developed with the available financial assistance from the urban arterial trust account.

(4) Prospectuses for construction projects that relate to preliminary proposals initially authorized by the urban arterial board for financial assistance from the urban arterial trust account shall be required to be accompanied by the following information demonstrating the readiness of the construction project to be placed under contract for construction.

(a) A certification from the legislative body or other designated responsible official, of the administering agency or agencies, that an environmental impact analysis has been conducted and an environmental impact statement or negative declaration of environmental impact, as appropriate, has been circulated pursuant to chapter 43.21C RCW, and that the results have been utilized in arriving at the decisions reflected in the prospectus for the construction project.

(b) A certification from the legislative body that the project is completely designed and ready to be advertised for bids for construction except as provided below:

(i) If the project is not completely designed and ready to be advertised, the legislative body may submit a time

schedule detailing all significant items of work remaining to be accomplished, and an explanation of the feasibility of accomplishing such items of work in sufficient time to permit the construction project to be placed under contract for construction within eighteen months from the date of urban arterial board authorization of financial assistance from the urban arterial trust account for the related preliminary proposal.

(ii) If any right of way remains to be acquired, a statement of the extent of the time period to be allowed for right of way negotiations and a firm date, not more than fifteen months from the date of urban arterial board authorization of the preliminary proposal, by which condemnation authorization will be considered and approved by the legislative body. If more than fifteen months have elapsed since date of authorization of the related preliminary proposal by the urban arterial board, a condemnation ordinance must have been approved and passed by the legislative body of jurisdiction prior to submission of the prospectus for the construction project.

(c) The date when the project will be advertised for bids for construction.

(d) Each construction project prospectus shall identify changes between the scope of work of the proposed construction project and the construction work contemplated in the current six-year construction program and the preliminary project prospectus and provide an explanation and justification for such changes.

(e) The amount of urban arterial trust funds authorized in total for the preliminary proposal and the construction project shall normally be the amount requested for the total project in the current six-year construction program.

(f) Requests for authorization of urban arterial trust funds for construction projects in:

(i) Federal urban areas shall be considered in the sequence in which the construction projects within each functional class of arterial within each region are, as defined by urban arterial board rules, ready to be placed under contract for construction. In the event that two or more projects in the same functional class of arterial within the same region are proposed for construction project funding at the same urban arterial board meeting, the request for urban arterial trust funds for the construction projects shall be considered in the priority sequence within functional class of arterial within region in which the related preliminary proposals were approved.

(ii) Rural incorporated cities shall be considered in the sequence in which the construction projects within each region are, as defined by urban arterial board rules, ready to be placed under contract for construction. In the event that two or more projects in the same region are proposed for construction project funding at the same urban arterial board meeting, the request for urban arterial trust funds for the construction projects shall be considered in the priority sequence within region in which the related preliminary proposals were approved.

A specific, maximum amount of urban arterial trust funds for each construction project shall be authorized

by the urban arterial board and shall be added to any remaining authorization of urban arterial trust funds for the preliminary proposal to establish the total authorized amount of urban arterial trust funds for each total project.

(g) The ten percent, not to exceed fifty thousand dollars, increase in urban arterial trust funds authorized to be approved by the chairman by WAC 479-20-036 may be approved, for those projects for which financial assistance from the urban arterial trust account is provided in two phases, only after the construction proposal has been approved by the urban arterial board.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

(1) WAC 479-13-020 ACCELERATED DEVELOPMENT URBAN ARTERIAL PROJECTS.

(2) WAC 479-13-030 1973-75 ACCELERATED DEVELOPMENT URBAN ARTERIAL PROJECTS.

AMENDATORY SECTION (Amending Order 459, filed 9/16/77)

WAC 479-12-020 TIME AND PLACE FOR SUBMISSION OF PROPOSED PROJECTS. All project prospectuses submitted by local governments shall be submitted to:

Chairman, Urban Arterial Board  
Highway Administration Building  
Olympia, Washington 98504

Prospectuses for preliminary proposals shall be requested by the urban arterial board after:

(1) Projects contained in the local governments' current six-year construction programs and scheduled to begin in the subsequent biennium, have been evaluated as to priority;

(2) The obligation status of the urban arterial trust account and legislative appropriation authority have been reviewed and capacity to authorize additional projects determined.

~~((Prospectuses for construction projects shall be submitted to the Urban Arterial Board when the local government has completed the preliminary proposal of the project:))~~

Prospectuses for preliminary proposals shall be received by the urban arterial board by the first day of the month preceding the month in which project authorization is proposed unless a later receipt date is specified and permitted, in writing, by the chairman of the urban arterial board.

Prospectuses for construction projects shall be received by the first day of the month in which construction project authorization is proposed unless a later receipt date is specified and permitted, in writing, by the chairman of the urban arterial board.

AMENDATORY SECTION (Amending Order 290, filed 7/23/73)

WAC 479-20-010 REIMBURSABLE ARTERIAL PROJECT COSTS. Urban arterial project costs eligible for reimbursement from the urban arterial trust account shall be those proper and allowable costs incurred on a project after the project was authorized ~~((for construction))~~ by the urban arterial board: PROVIDED, That in the case of two-phase project authorizations, the chairman of the urban arterial board may, after the administering agency has completed the environmental impact analysis, authorize right of way acquisition ~~((for reimbursement if and when the construction project is authorized for urban arterial trust account funding))~~. Reimbursement from the urban arterial trust account will be available for eligible right of way costs if and when the construction phase of the project is approved by the urban arterial board.

AMENDATORY SECTION (Amending Order 49, filed 5/6/68)

WAC 479-20-031 REVIEW OF PROJECT ~~((AGING))~~ FUNDING DEMAND. Each city or county having an approved urban arterial project shall, prior to the beginning of each quarter, submit an updated schedule of its estimated demand for urban arterial trust funds to the urban arterial board. This schedule shall be on forms provided by the board and shall include the estimated demand for urban arterial trust funds for the project for:

~~((a) the last month of the current quarter  
(b) the next succeeding quarter broken down by month~~

~~(c) subsequent quarters until project completion))~~

(1) The next succeeding quarter;

(2) Subsequent quarters until project completion.

Such estimates shall be differentiated between the preliminary engineering, right of way and construction stages of project development. ~~((Estimated start and completion dates shall be provided for each stage:))~~

Additional information pertaining to estimated demands for urban arterial trust funds by cities and counties may be requested by the chairman of the urban arterial board as required to permit adequate funding of the urban arterial program.

AMENDATORY SECTION (Amending Order 461, filed 9/16/77)

WAC 479-20-033 PROCEDURE FOR REQUESTING AN INCREASE IN AUTHORIZED AMOUNT OF URBAN ARTERIAL TRUST FUNDS. Participation of urban arterial trust funds in urban arterial projects may be approved by the urban arterial board in amounts ~~((as follows:~~

~~(1) The Board will not authorize more than the amount of trust funds requested in the project prospectus for projects approved by the Board prior to June 30, 1969;~~

~~(2) The Board will not authorize more than the amount of trust funds))~~ requested in the current separate section of the local government's six year construction program.

These amounts may be modified only as set forth ~~((below))~~ in WAC 479-20-036.

An updated cost estimate ~~((of))~~ on the project ~~((cost))~~ shall be submitted to the urban arterial board at the following stages of project development:

(1) At the time the project prospectus for preliminary engineering (phase 1) is submitted further defining the work to be accomplished which was outlined in the six year construction program;

(2) At any time during the preliminary engineering or right of way phase of the project when estimated total project cost is determined to exceed the amount authorized by the urban arterial board more than ~~((25%))~~ twenty-five percent, or \$75,000, whichever is the lesser;

(3) At the time the engineer's final estimates become available ~~((but prior to advertisement of the project or any portion of the project for bid))~~ and the construction prospectus is submitted to the urban arterial board for approval;

(4) At the time contract bids are considered but prior to award of contract;

(5) At the time of contract completion but prior to final settlement on the project between the local government and the urban arterial board.

The submitting local government may request increased participation by urban arterial trust funds above the amount submitted in the agency's current six year construction program or the amount originally authorized by the board, as applicable, at each of the five ~~((5))~~ specified stages. All such requests shall be evaluated by the board in accordance with board rules.

#### AMENDATORY SECTION (Amending Order 151, filed 7/20/70)

WAC 479-20-083 UNACCEPTABLE REASONS FOR DELAY OF AUTHORIZED URBAN ARTERIAL PROJECTS. Any urban arterial project authorized for development using urban arterial trust funds shall be subject to cancellation by the urban arterial board if:

(1) The project has been authorized for at least six months; and

(2) The development of the project is delayed when evaluated in relation to the approved schedule for project development; and

(3) The delay of the project is characterized by any one or more of the following conditions:

(a) Lack of progress in performing preliminary engineering on the project. For purposes of this rule, such lack of progress shall be evident when less than ~~((50%))~~ fifty percent of the amount of urban arterial trust funds for preliminary engineering have been expended, according to the approved schedule for project development calculated as of the end of the previous calendar quarter.

(b) Inability to acquire right of way through negotiation for a period of six months or longer and lack of action to file and actively pursue condemnation action.

(c) Lack of locally collected matching funds.

(d) Lack of other funds represented in the project prospectus to be associated with the project.

(e) Inability to develop a usable arterial improvement due to interrelationship, and lack of coordination, with a road, street or highway facility of an adjacent unit of government.

(f) Inability to develop the project due to interrelationship with utilities and lack of a definite plan for such development.

(g) Inability or unwillingness to design and construct the project to comply with urban arterial board design standards.

~~((h) inability to have the project under contract for construction by July 1, 1974, for whatever reason:))~~

#### WSR 79-08-140

##### ADOPTED RULES

#### DEPARTMENT OF LICENSING

[Order 548 DOL—Filed August 1, 1979]

I, R. Y. Woodhouse, director of the Department of Licensing, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the taxation and regulation of special fuel. Amending WAC 308-77-010, 308-77-020, 308-77-030, 308-77-040, 308-77-050, 308-77-060, 308-77-065, 308-77-070, 308-77-080, 308-77-090, 308-77-100, 308-77-110, 308-77-120, 308-77-130, 308-77-150, 308-77-160, 308-77-220, 308-77-230, 308-77-240, 308-77-250, and 308-77-265. Adopting as new rules WAC 308-77-032, 308-77-034, 308-77-045, 308-77-095, 308-77-170, 308-77-180, and 308-77-190. Repealing WAC 308-77-140, 308-77-200 and 308-77-210.

This action is taken pursuant to Notice No. WSR 79-06-104 filed with the code reviser on 6/6/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Department of Licensing as authorized in RCW 82.38.260.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED August 1, 1979.

By R. Y. Woodhouse  
Director

#### AMENDATORY SECTION (Amending Order 475-DOL, filed 12/30/77)

WAC 308-77-010 DEFINITIONS. ~~((Reference: RCW 82.38.010.))~~ (1) "Highway" includes a way or place of whatever nature within the exterior boundaries of the state including a way or place within a federal area publicly maintained and open to the use of the public for purposes of vehicular travel notwithstanding private participation in the maintenance of the way or

place. It shall be presumed that the way or place is dedicated and accepted as a highway when it is recognized as a part of its maintained highway system by a proper public authority.

A way or place within a national or state forest which is entirely privately constructed or maintained will not be considered a highway, notwithstanding the fact that it may be declared by the public authority to be a part of its road system.

A way or place is not a highway during such times as it is closed by the governmental authority to the use of the public regardless of the purpose for which it is closed. A highway is open to the use of the public if vehicular travel is permitted although subject to traffic controls.

Roads maintained exclusively by the United States within a national park are subject to the control of the Secretary of the Interior. When, in the exercise of that control, a permit and payment of a fee are required for the use of such roads, they are not highways open to the use of the public.

(2) (~~"Motor vehicle" includes every self-propelled vehicle operated or suitable for operation on the highways including overweight or oversized vehicles operated on the highways under permit except:~~

(a) ~~Implements of husbandry, farm tractors or farm vehicles which are designed and/or used primarily in agricultural pursuits on farms for the purpose of transporting machinery, equipment, implements, farm products, supplies and/or farm labor thereon and only incidentally operated on or moved along public highways for the purpose of going from one farm to another; and~~

(b) ~~Special mobile equipment, as defined in RCW 46-04-552 of the Motor Vehicle Laws, designed and used primarily for grading of highways, earth moving and other construction work on highways and which is not designed or used primarily for the transportation of persons or property and which is only incidentally operated or moved over the highway. Such equipment does not include a vehicle designed for the transportation of persons or property to which machinery has been attached or house trailers, dump trucks, truck mounted transit mixers, cranes or shovels.~~

(3)) "Special fuel" includes diesel fuel, propane, natural gas and any other combustible liquid or gas by whatever name the liquid or gas may be known or sold for the generation of power to propel a motor vehicle on the highways except fuel that is subject to the tax imposed by the Motor Vehicle Fuel Tax Law, chapter 82.36 RCW. Four and one-quarter pounds of propane or one hundred cubic feet of natural gas shall be deemed the equivalent of one liquid gallon.

((4) "~~Privately operated passenger automobile" includes every motor vehicle designated for carrying ten passengers or less and used for the transportation of persons, station wagons, 1/2 and 3/4 ton light pickup trucks and panel trucks not used in a commercial business, motorized house cars, private buses used for the transportation of persons without compensation; but does not include a motor vehicle used for the transportation~~

~~of persons for hire or compensation or designed, used or maintained primarily for the transportation of property.~~

(5) "~~Bulk storage plant" means any plant or facility under the control of the special fuel supplier or dealer, used for storage of #2 distillate to which no retail outlets are directly connected by pipelines.~~)

AMENDATORY SECTION (Amending Order 114 MV, filed 11/26/71)

WAC 308-77-020 ((TAXABLE)) INCIDENTAL USE. ((Reference: RCW 82.38.020 and 82.38.060.) The tax does not apply to the use of fuel in a motor vehicle operated exclusively off the highway.

An operation is exclusively "off the highway" when the motor vehicle is used in an operation conducted solely off the highway or is operated on trips the origins and destinations of which are solely off the highway. "Off the highway" includes private property, a way or place permanently or temporarily closed to public use for the purpose of vehicular travel, or any way or place used for vehicular travel which is not a highway.

An operation conducted exclusively "off the highway" means an operation which does not involve the use of a highway. It includes the use of a motor vehicle on a farm in the gathering or harvesting of crops or for other farm operations, use within a construction project, and for any other operation conducted off the highway which is not incidental to the transportation of persons or property.)

An operation is not considered to be on a highway when a vehicle is operated thereon only for the purpose of ((crossing from)) moving between two pieces of private property ((on one side to private property directly on the other and)) when the vehicle is not operated for a distance exceeding ((five hundred feet in the general direction of)) fifteen miles on the highway ((in making the crossing. A vehicle operates upon a highway if it moves any distance in excess of five hundred feet, whether upon the paved or unpaved portion thereof)) and the moving is incidental to the primary use of the motor vehicle.

If fuel is used in the operation of a motor vehicle in a continuous trip which is partly on and partly off the highway, the tax applies to all the fuel used including the fuel used in the operation off the highway when the total distance traveled off the highway ((one-way)) does not exceed one mile.

A continuous trip means a vehicular movement involving the use of a highway for the transportation of persons or property from one place to another or, in the instance of a round trip, from the point of origin of the movement to the point of destination and return to the point of origin.

The user shall maintain adequate accurate records of the operation off the highway including the miles traveled and fuel used to establish to the satisfaction of the department that the user is entitled to exemption for off-highway use of fuel. Claims based on estimates or percentages of miles traveled, hours of operation, fuel used, etc. will not be accepted to support claims for off highway use.

AMENDATORY SECTION (Amending Order 114 MV, filed 11/26/71)

~~WAC 308-77-030 ((APPLICATION FOR LICENSE AND BOND. (Reference: RCW 82.38.110.) Any special fuel user having an application on file pursuant to the provisions of the Use Fuel Tax Act (chapter 82.40 RCW) is eligible to have a special fuel license issued to him without furnishing an additional bond or other security as defined in RCW 82.38.110 upon receipt of an acceptable rider to his existing bond or other security.~~

~~Special fuel dealers or special fuel users who are also motor vehicle fuel distributors under the provisions of chapter 82.36 RCW may extend the terms and conditions of said distributor's bonds by an approved rider to include coverage of all liabilities and conditions imposed by the Special Fuel Tax Act upon the special fuel dealer or upon the special fuel user to whom said extension is made applicable.)~~ SPECIAL FUEL SUPPLIER'S LICENSE. A special fuel supplier's license must be obtained before engaging in the wholesale distribution of untaxed special fuel. Special fuel suppliers are not authorized to sell to retail consumers for any use, taxable or nontaxable, and are not allowed to sell to unlicensed dealers or suppliers or to any other person where the special fuel tax is or should be collected on the sale. Persons dealing in wholesale or retail distribution of special fuel for heating purposes only are not required to be licensed under the Special Fuel Tax Act.

NEW SECTION

WAC 308-77-032 SPECIAL FUEL DEALER'S LICENSE. A special fuel dealer's license must be obtained before engaging in the retail sale of previously untaxed special fuel, regardless of whether or not the special fuel tax is collected on the sale. A dealer must collect the special fuel tax on all sales of special fuel except those bulk sales to licensed special fuel suppliers, dealers, and users, sales made for heating purposes only, and other sales specifically exempted by the Special Fuel Tax Act or authorized in writing by the department. Persons purchasing special fuel with the special fuel tax included may resell this special fuel without having to obtain a special fuel dealer's license.

NEW SECTION

WAC 308-77-034 SPECIAL FUEL USER'S LICENSE. A special fuel user's license must be obtained by any person wishing to purchase special fuel without payment of the special fuel tax at the time of purchase. It must also be obtained by any person operating a diesel vehicle with a registered gross vehicle weight of over 10,000 pounds into the state of Washington from another state or province. This includes vehicles bearing Washington license plates. Persons using special fuel for heating purposes only are allowed to purchase special fuel without payment of the special fuel tax without obtaining a special fuel license.

AMENDATORY SECTION (Amending Order 475-DOL, filed 12/30/77)

WAC 308-77-040 ISSUANCE OF LICENSE. ~~((Reference: RCW 82.38.100 and 82.38.120.))~~ A special fuel supplier or dealer who wishes to conduct separate businesses at different locations will be issued a license for each business upon request and filing an application for a license and a bond (if required) for each. The license shall be displayed or kept available for inspection at the place of each business where fuel is sold and delivered to users.

A special fuel supplier or dealer having more than one place of business holding a single license shall reproduce the license and keep a photocopy on display at each additional place of business, each place of storage from which special fuel is sold or delivered, and in each motor vehicle used to transport special fuel owned by him for sale, delivery or use, and in addition, must identify by location and capacity all bulk storage plants of #1 and #2 ((distillate (normally called #2 heating oil or diesel)) distillates capable of being used as vehicle fuel((?)) as required by the department.

A special fuel user who wishes to conduct separate businesses at different locations or to operate two or more separate fleets of motor vehicles will be issued a license for each separate business or fleet upon request and filing an application for a license and a bond (if required) for each location or fleet. The license shall be displayed or be kept available for inspection at the owner's ~~((principle))~~ principal place of business and a reproduced copy thereof shall be carried in each motor vehicle ~~((being operated upon the highways of this state))~~ entering this state from another state or province. A ~~((single trip))~~ special fuel tax trip permit may be purchased by ~~((an interstate))~~ a user entering this state in lieu of a special fuel license ~~((: PROVIDED, The special fuel tax license has not been revoked, this provision may be waived by special permission from the department of licensing. A maximum of six trip permits may be purchased by any one interstate user who is not a holder of an uncanceled special fuel license in a calendar year)).~~ Any one ~~((single trip))~~ special fuel tax trip permit cannot be used for more than one entry into ~~((and/or exit from))~~ the state of Washington. The user must be the registered owner and/or lessee of the vehicle, or a dealer of motor vehicles. Operators ~~((exempt by law from obtaining a special fuel license, (privately operated passenger vehicles where all fuel purchased is tax paid, special mobile equipment, or implements of husbandry), are not required to purchase a trip permit. Intrastate users who operate exclusively within the state of Washington may purchase only one trip permit per vehicle pending application for and receipt of a special fuel user's license. PROVIDED, The special fuel tax license has not been revoked. This provision may be waived by special permission from the department of licensing))~~ of vehicles with a registered gross weight of more than 10,000 pounds will require a special fuel license or a special fuel tax trip permit to enter this state.

NEW SECTION

WAC 308-77-045 EXPIRATION OF LICENSE. All special fuel licenses will expire on February 15 of the year following the year of issuance. A new license valid for the succeeding year will be automatically mailed to each license holder prior to February 15 providing all reports due for the previous calendar year have been submitted to the department, and the department is satisfied that all special fuel taxes owed by the license holder have been properly remitted.

AMENDATORY SECTION (Amending Order 114 MV, filed 11/26/71)

WAC 308-77-050 CANCELLATION OR REVOCATION OF LICENSE. ~~((Reference: RCW 82.38-130.))~~ When a special fuel supplier, dealer or user ceases operation in Washington, he shall request cancellation of his license. The original license issued to him and a final tax report shall be forwarded to the department with a remittance of any tax, penalty and interest which may have accrued up to and including the date of cancellation. All copies of the license shall be destroyed. All special fuel authorizations and identification cards issued to the special fuel user shall be returned to the department.

When the license of a special fuel supplier, dealer or user is revoked by the department, the holder shall surrender the original license and all special fuel authorizations and identification cards issued to him. All copies of the license shall be destroyed.

Any attempt to use a license that has been canceled or revoked will be considered a violation of the Special Fuel Tax Act and the supplier, dealer, or user shall be subject to the penalty provisions thereof.

AMENDATORY SECTION (Amending Order 475-DOL, filed 12/30/77)

WAC 308-77-060 SPECIAL FUEL DEALERS' LIABILITY FOR THE TAX. ~~((Reference: RCW 82.38.030, 82.38.050, 82.38.060, 82.38.190 and 82.38.200.))~~ A ~~((bonded))~~ special fuel dealer is required to collect and is liable for the amount of the tax on all gallonage of fuel sold and delivered except:

- ~~((1))~~ ~~(Into fuel tanks of motor vehicles, except:~~
  - ~~((a))~~ When delivered into vehicles owned and operated by the United States Government;
  - ~~((b))~~ (2) When authorization issued by the department has been ~~((received by))~~ presented to the dealer by the purchaser which will permit the ~~((bonded))~~ special fuel dealer to sell and deliver fuel into the fuel tank of a vehicle without collecting the tax from the user;
  - ~~((c))~~ (3) When delivered into vehicles displaying a certificate authorizing the purchase of fuel free of the tax~~(-);~~
- ~~((2))~~ ~~Into storage facilities at unbonded service stations (unbonded special fuel dealers) in this state;~~
- ~~((3))~~ ~~Where the purchaser indicates in writing to the special fuel dealer, prior to or at the time of delivery, that the entire quantity of the special fuel delivered is for use by him for a taxable purpose as a fuel in a motor vehicle.))~~

(4) Into bulk storage when the purchaser is the holder of a valid special fuel dealer or user license issued in his name;

(5) Through an unattended keylock pump when the dealer has received authorization from the department permitting tax free sales to a specific purchaser;

(6) Into vehicle refrigeration units, mixing units, or other equipment powered by separate motors from separate fuel tanks;

(7) Into the fuel tanks of marine vessels when the purchaser supplies the dealer with the vessel's name and appropriate identification such as his commercial fishing license number, his ship document number or other verifiable identification. For the purpose of administration, foreign vessels will be considered to be operating in accordance with this paragraph upon presentation of the vessel's name and country of registry.

(8) To a new special fuel user who has applied for, but has not yet been issued, a special fuel user's license. At the option of the special fuel dealer the user may be allowed to purchase tax-exempt fuel in this manner for no more than thirty calendar days but he must display a special fuel user's license for any tax-exempt purchases after this period. The dealer shall note "License Applied For" on the sales invoice and shall be responsible for payment of all fuel taxes on fuel sold in this manner if the user does not subsequently receive a license from the department.

~~((The amount of the tax required to be collected constitutes a debt owing by the special fuel dealer to the state.))~~ If the dealer collects from any user a greater amount of tax than that which is required to be collected, he shall remit the full amount collected to the department to enable the user to obtain his allowable credit or refund from the state.

The tax is deemed to have been collected at the time of the sale irrespective of when payment for the amount of the invoice including the tax is received by the special fuel dealer. Failure to collect the tax from the purchaser ~~((user))~~ does not relieve the special fuel dealer from his liability to pay to the state the amount of the tax required to be collected except that bad debt losses are deductible under circumstances described in RCW 82.38.070 and rule WAC 308-77-100. Except as provided in items (1), (2) and (3) of this section, a special fuel dealer who sells and delivers fuel into the fuel tank of a motor vehicle shall collect the tax notwithstanding that the user may claim exemption from the tax in his reports to the department for any nontaxable use of the fuel.

A special fuel dealer is required to collect the special fuel tax for all fuel dispensed through a pump equipped with a key-lock~~((s))~~ meter controlled by the special fuel dealer except as authorized under RCW 82.38.040. A serially numbered invoice covering multiple withdrawals of fuel from a pump with a key-lock~~((s))~~ meter for a stated period of time not to exceed a calendar month shall be accepted as an invoice issued at the time of sale under rule WAC 308-77-160.

All deliveries of special fuels into the storage facilities of an ~~((unbonded))~~ unlicensed service station ~~((unbonded))~~ unlicensed special fuel dealer are taxable regardless of whether the special fuel is delivered by

consignment or otherwise. The tax attaches on the delivery.

~~((When the purchaser of special fuel furnishes a written statement to a special fuel dealer that the entire quantity of the special fuel covered by the deliveries is to be used for a taxable purpose as a fuel for a motor vehicle, such statement shall be applicable to those deliveries as specified therein.~~

~~The department shall furnish to each licensed special fuel supplier a list showing the name and address of each bonded special fuel dealer as of the beginning of each fiscal year, and shall thereafter during each year supplement such list monthly.~~

~~It shall be presumed that a special fuel dealer's bond is in effect until such time as the department notifies all licensed special fuel suppliers to the contrary by a mailing to their current address of record.)) A special fuel dealer who connects a retail outlet to a bulk plant facility from which fuel is dispensed for other purposes will be held liable for the special fuel tax on all unaccountable inventory losses of fuel from the facility.~~

AMENDATORY SECTION (Amending Order MV-137, filed 6/1/72)

WAC 308-77-065 TAX LIABILITY ON LEASED MOTOR VEHICLES. ~~((Reference: RCW 82.38.050.))~~ The term "leased" in RCW 82.38.050 shall not be deemed to include single trip leases authorized pursuant to WAC ~~((410-16-010))~~ 410-16-120. In such cases liability for special fuel tax shall be on the lessor of the motor vehicle.

AMENDATORY SECTION (Amending Order 475-DOL, filed 12/30/77)

WAC 308-77-070 EXEMPTIONS. Special fuel users who are exempt from the special fuel tax when fuel is used in motor vehicles and equipment as provided in RCW 82.38.080 ~~((may))~~ must nonetheless be the holder of a valid special fuel user's license to purchase special fuel from a ~~((bonded))~~ special fuel dealer ~~((PROVIDED; ))~~ into bulk storage without payment of the special fuel tax except as provided in WAC 308-77-060. Purchase of tax-free fuel directly into the fuel supply tank of a vehicle is permitted only when the purchaser ~~((user))~~ is the holder of a valid certificate of authorization issued by the department ~~((to purchase fuel without paying the tax to the bonded special fuel dealer)).~~

A special fuel user shall submit evidence satisfactory to the department that he is eligible for the authorization. If authorized, the department will issue a certificate of authorization containing the special fuel user's name, address, license number, a description of the motor vehicle or equipment and such other information as the department deems necessary. The certificate shall be carried in the motor vehicle or equipment at all times. The privilege relieving the special fuel user from purchasing fuel, tax included, from bonded special fuel dealers shall be subject to revocation by the department whenever the equipment or a vehicle of any licensee so identified is found to be operated in violation of any of the conditions of this section. Such authorization will not

relieve the user of filing tax reports ~~((except as provided in rule WAC 308-77-140)).~~

The exemption of special mobile equipment as defined in RCW 46.04.552 is to mean only for those miles that are incidentally driven within the confines of a contract while actually engaged in work on said project. Mileage covered when units are moved from one project to another or returned to the base of operation are not tax exempt and must be covered by a special fuel tax license or a special fuel tax trip permit. Also to qualify for tax exemption under the incidental miles provision the user must provide positive means of measuring or determining the distinctive miles between jobs or home base and off-highway and incidental mileage.

AMENDATORY SECTION (Amending Order 114 MV, filed 11/26/71)

WAC 308-77-080 EXEMPTION FROM PAYMENT OF TAX TO A DESIGNATED SPECIAL FUEL DEALER. ~~((Reference: RCW 82.38.030 and 82.38.040.))~~ A special fuel user who:

- ~~(1) Holds a valid special fuel user's license;~~
- ~~(2) Has adequate bond coverage;~~
- ~~(3) Operates a motor vehicle, partly without this state or off the highways of this state;~~
- ~~(4) Purchases special fuel from special fuel dealers in this state for such operation in quantities that consistently results in the payment of substantially more tax with respect to the use of fuel than occurs with respect to the operation of the vehicle within the state or on the highway where operation is both on the highway and off the highway.~~

~~May secure authorization from the department permitting a bonded special fuel dealer designated by the special fuel user to sell and deliver special fuel into the fuel supply tanks of the motor vehicle without collecting the tax from the special fuel user.))~~

~~((The))~~ Any special fuel user desiring authorization to purchase fuel without payment of the special fuel tax into a vehicle or from a keylock pump shall submit evidence satisfactory to the department to establish eligibility for the authorization and shall designate the bonded special fuel dealer from whom he intends to purchase special fuel. ~~((If two or more special fuel dealers are designated by the user, the locations of the dealers shall not be less than 100 road miles apart as determined by the department unless the user can satisfy the department of the necessity of designating dealers less than 100 miles apart.))~~ The user shall furnish a description of his operations detailed sufficiently to demonstrate to the department that in the absence of such authorization an overpayment of fuel tax by the user may be expected to occur consistently. The authorization issued by the department shall contain the name, address and special fuel license number of the special fuel dealer and such other information as the department deems necessary. A copy of the authorization shall be furnished to the designated dealer by the user and shall authorize sales by the designated dealer to the user without collection of tax so long as the authorization remains in full force and effect.

AMENDATORY SECTION (Amending Order 475-DOL, filed 12/30/77)

WAC 308-77-090 COMPUTATION OF TAX ON MILEAGE BASIS. In the absence of records only the department may prima facie presume that not less than one gallon of special fuel was consumed for every four miles traveled (4.00 M.P.G.).

Adjustment of taxable gallons computed in this manner may be made by the department upon audit of the user's account and records if it is determined that the report did not disclose the proper amount of tax due.

~~((Each tax report transaction that declares 23 taxable gallons or less need not make remittance; conversely, each tax report transaction that claims a refund for 23 gallons or less will not be allowed. Similarly, an error in the computation of taxable gallonage in the amount of 23 gallons or less will be accepted without penalty or credit. An error in the computation of the tax payable (or credit) in the amount of \$1.09 or less will be accepted without penalty or credit.))~~

NEW SECTION

WAC 308-77-095 MINIMUM TAX PAYMENT. Each tax report transaction that declares 23 taxable gallons or less need not make remittance; conversely, each tax report transaction that claims a refund for 23 gallons or less will not be allowed. Similarly, an error in the computation of taxable gallonage in the amount of 23 gallons or less will be accepted without penalty or credit. An error in the computation of the tax payable (or credit) in the amount of \$1.09 or less will be accepted without penalty or credit.

AMENDATORY SECTION (Amending Order MV-137, filed 6/1/72)

WAC 308-77-100 CREDIT FOR BAD DEBT LOSSES OF SPECIAL FUEL DEALERS. ~~((Reference: RCW 82.38.070.))~~ The amount of tax reported and paid by a special fuel dealer included in an account found to be worthless and charged off for federal income tax purposes may be taken as a credit against the tax due on a subsequent special fuel tax report of the dealer provided, that the amount claimed shall not exceed the amount of special fuel tax charged on such sale, less the amount of current state retail sales tax on the difference between the purchase price of such sale and the amount of special fuel tax and federal tax charged.

The right to the tax credit arises in the month in which the account is found to be worthless and charged off for federal income tax purposes. The credit may be taken in the report of the dealer for that month or in any subsequent report filed within three years thereafter.

A special fuel dealer using the reserve method to account for bad debts for federal income tax purposes shall not take the credit until after the account is found to be worthless and charged against the reserve.

No tax credit is allowable for any portion of a debt recovered that is retained by or paid to any person as compensation for his services or expenses in collecting the account.

If any account with respect to which credit has been taken is subsequently collected in whole or in part, the special fuel dealer shall apply the amount collected ratably to the charges for the fuel and the tax thereon. If the purchaser is indebted to the dealer with respect to other items also charged off as bad debts, payments made on account thereof shall first be credited to the charges for the fuel and the tax thereon unless the purchaser shall specify otherwise. The tax thus collected shall be included in the return due for the period in which the collection is made and must be remitted to the department within the time prescribed for payment of the tax due for that period.

AMENDATORY SECTION (Amending Order 114 MV, filed 11/26/71)

WAC 308-77-110 ALLOWANCE OF CREDIT OR REFUND OF TAX PAID. ~~((Reference: RCW 82.38.180, 82.38.190 and 82.38.200.))~~ The tax paid either directly to the department or to a special fuel dealer in this state may be applied by the user as a credit against the tax due from him on all fuel used in this state in the month or reporting period in which the fuel, with respect to which the tax was paid, was used.

The amount of credit allowable is the amount of tax shown on the invoices issued by special fuel dealers to the user. To be entitled to the credit, the user shall retain in his records for inspection by the department all invoices given by special fuel dealers showing the amount of tax paid and evidence of payment. Should the user accumulate surplus credits which have not been applied to payment of his tax liability or if he ceases to be a user in this state, he may file a claim for refund as provided in RCW 82.38.180 and 82.38.190. All claims for refund of overpayments shall be accompanied by the invoices obtained by the user from the special fuel dealer.

AMENDATORY SECTION (Amending Order MV-175, filed 10/24/73)

WAC 308-77-120 ((MONTHLY)) TAX REPORTS. Each special fuel dealer and special fuel user is required to file a tax report for each month (or each reporting period if required by the department to make a return and payment of tax for other than monthly periods) on forms prescribed and furnished by the department. A report shall be filed with the department for each calendar month (or reporting period) even though no special fuel was used during or tax is due for the month (or reporting period). ~~((Monthly))~~ Reports are due on the twenty-fifth day of the ~~((following))~~ month following the end of the reporting period. ~~((The reporting period of users whose sole use of special fuel is in motor vehicles or equipment exempt from tax shall be on a yearly basis due on the 25th of January each year for the preceding year. Dealers must report monthly.))~~ The postmark date shall be accepted as the day of receipt. Tax remittances shall be made payable to the state treasurer.

If tax reporting forms are not available, a special fuel dealer or user may make a written informal report to the

department setting forth the name, address, license number, month or reporting period and the number of gallons of fuel sold or used on which the tax is due. This report with remittance will be accepted in lieu of a report on the prescribed form.

Any special fuel user whose vehicle is operated within and without the state and any special fuel user whose vehicle is operated regularly on and off the public highways exclusively within the state shall report his miles traveled and fuel purchases with his special fuel tax report.

AMENDATORY SECTION (Amending Order 114 MV, filed 11/26/71)

WAC 308-77-130 TEN DAY REPORTS AND PAYMENTS BY SPECIAL FUEL DEALER. ~~((Reference: RCW 82.38.150.))~~ If the bond coverage of a special fuel dealer required by RCW 82.38.110 should be insufficient for monthly reporting, the department may require reports with remittances to be filed at ten day intervals ending on the tenth, twentieth and last day of each month. The report and remittance shall be filed with the department within four days of the end of the reporting period. The postmark date shall be accepted as the day of receipt.

The special fuel dealer shall summarize the data of the ten day reports on a monthly report as required in WAC 308-77-120. The tax liability shown on the monthly report will be that of the prepaid payments submitted with the ten day reports, and no further payment will be required to accompany the monthly report.

AMENDATORY SECTION (Amending Order 114 MV, filed 11/26/71)

WAC 308-77-150 RECORDS, RECEIPTS AND INVOICES. ~~((Reference: RCW 82.38.140.))~~ Every special fuel supplier, dealer and user and every person importing, manufacturing, refining, dealing in, transporting or storing special fuel shall maintain a complete record of all sales or other dispositions including special fuel used by them, inventories, purchases, receipts, tank gaugings or meter readings of fuels the use of which is subject to the special fuel tax. Each special fuel user ~~((subject to the tax))~~ shall obtain from the ~~((special fuel supplier or))~~ special fuel dealer an invoice for each delivery of special fuel into the fuel supply tank or tanks of each vehicle operated by him and for each delivery into his bulk storage tank or tanks. The invoices shall include the information specified for sales invoices and shall be filed and identified in a systematic manner so that they may be readily traced into his purchase or expense records and into his reports to the department. Such records, receipts and invoices shall be made available for inspection by the department or its authorized representatives and shall be maintained for a period of not less than three years. A lessor of a vehicle who is a special fuel user shall also maintain records of each trip and the mileages his vehicle is operated by the lessee within and without the state of Washington. A lessor who is a special fuel user must obtain from the lessee, and retain in his files, the original copy of all invoices substantiating

claims by the lessor for purchases of fuel upon which the special fuel tax was paid.

AMENDATORY SECTION (Amending Order 114 MV, filed 11/26/71)

WAC 308-77-160 SALES INVOICES. ~~((Reference: RCW 82.38.140.))~~ Special fuel suppliers and dealers shall prepare a serially numbered invoice for each sale of fuel whether the fuel is sold for use in motor vehicles or for other uses. A single invoice covering multiple deliveries of fuel made during a period of time not to exceed a calendar month may constitute an invoice of sale. When repeated sales are made of small quantities of special fuel exempt from the tax under RCW 82.38-.080, such as heating oil in hand carried containers, and the customer does not want an invoice, a ledger may be kept with a separate line entry for each sale indicating date, number of gallons, amount of sale, and purpose for which the special fuel is to be used. If the multiple delivery invoice includes tax exempt deliveries either into a bulk storage facility or into fuel supply tanks of motor vehicles with respect to which the special fuel dealer is excused from collecting the tax as provided in rule WAC 308-77-060, and deliveries into fuel tanks of motor vehicles upon which the tax is required to be collected, the invoice shall contain or be accompanied by a statement showing separately the deliveries and gallonage upon which the tax is collected and the tax exempt deliveries and gallonage. The original invoice shall be delivered to the purchaser and a copy thereof shall be retained by the special fuel supplier or dealer.

A sales invoice shall contain the following information:

- (1) The name and address of the special fuel supplier or special fuel dealer.
  - (2) The name of the purchaser with respect to:
    - (a) A charge or credit sale.
    - (b) A cash sale when the purchaser desires to claim a refund of the special fuel tax.
    - (c) A cash sale when the quantity of fuel delivered into the fuel supply tank of a motor vehicle is 25 gallons or more.
  - (3) The special fuel license number of the purchaser, or other authority, as defined within WAC 308-77-060, if the special fuel tax is not collected on the sale.
  - (4) The date of sale (month, day and year).
  - ~~((4))~~ (5) The number of gallons of fuel sold, the price per gallon and the total amount of the sale.
  - ~~((5))~~ (6) The amount of the special fuel tax collected:
    - (a) If delivery is into a fuel tank of a motor vehicle,
    - (b) ~~In all transactions where the purchaser indicates in writing to the special fuel supplier or special fuel dealer that the entire quantity of the special fuel covered by the delivery is for use by him for a taxable purpose in a motor vehicle,~~
    - (c) ~~If delivery is into the bulk storage facilities of an unbonded service station).~~
- The amount of the tax need not be separately stated if the invoice bears the notation that the price includes the special fuel tax. Billing systems for any type of dispenser of special fuel that uses a magnetic or other form of card

identification must be approved by the department to assure that prospective refund claimants are provided with sufficient information to support their claims.

#### NEW SECTION

##### WAC 308-77-170 METRIC MEASUREMENT.

Any requirement imposed by chapter 82.38 RCW or these rules regarding quantity measurement for inventory sales, purchases, use, or other purpose may, at the option of the licensee, be recorded in SI liters in lieu of United States gallons. Tax reports submitted to the department must show all figures converted to gallons at the rate of 3.785 liters per gallon.

#### NEW SECTION

##### WAC 308-77-180 AUDIT ASSESSMENT CONFERENCE.

In any case of an account under audit where substantial agreement has not been reached between the taxpayer and the field auditor, the taxpayer may request a conference with the field audit supervisor or his designee prior to finalization and submission of the audit report. Such conference is informal in nature, and is intended to clarify the issues in dispute, resolving them where possible, and in any event effecting agreement as to the facts and figures involved. In those cases where agreement cannot be reached at this level as to the tax interpretations applied, the report will be finalized and submitted to Olympia, from where, following review and approval of the recommendations of the report, an assessment will be issued.

#### NEW SECTION

##### WAC 308-77-190 AUDIT APPEAL PROCEDURE.

Any person having been issued a notice of assessment of additional taxes, delinquent taxes, penalties, or interest and desiring to contest such notice may petition the department of licensing for a reassessment by formal hearing or may petition for a reassessment conference in lieu of proceeding directly to a formal hearing. All petitions for reassessment must be in writing and must be received by the department of licensing within thirty days after the receipt of the original notice of assessment. All petitions filed shall set forth the specific reasons why reassessment is sought and the amount of tax, interest, and penalties which the petitioner believes to be due.

Upon receipt of a petition for a reassessment conference, the department will establish the time and place for the conference and notify the petitioner by mail at least ten days prior to the scheduled date. If the petitioner, for good and compelling reasons, is unable to attend the conference on the date or time scheduled, he may request the department in writing to reschedule the conference. At the conference the department of licensing will be represented by the administrator of the prorate and fuel tax division, the assistant administrator for fuel tax, the field audit supervisor, the field auditor who performed the audit if appropriate, an attorney from the office of the attorney general, or either of them. The petitioner may appear in person or may be represented by

an attorney, accountant, or any other person competent to present his case.

Following the conference, the administrator will make such determination as may appear to him just and lawful and in accordance with the Revised Code of Washington and rules, principles, and precedents established by the department of licensing, and shall notify the petitioner in writing of his decision. The determination of the administrator shall be deemed to represent the official position of the prorate and fuel tax division of the department of licensing and shall be binding upon the petitioner unless further appealed.

If the petitioner believes that an error has been made in the determination by the administrator, he may, within ten days after the date of receipt of the determination, appeal in writing and request a formal hearing by a hearing officer. The appeal shall indicate the portions of the determination which the petitioner feels are in error and set forth his reasons for believing that the decision should be amended. The department will establish a time and place for a formal hearing and give the petitioner at least ten days notice of the time and place thereof.

The decision of the department upon a petition for reassessment shall become final, due and payable thirty days after service upon the petitioner of notice thereof.

All petitions and correspondence relating to appeal conferences and hearings will be addressed to Department of Licensing, Administrator, Prorate and Fuel Tax Division, Highways-License Building, Olympia, Washington 98504.

#### AMENDATORY SECTION (Amending Order 114 MV, filed 11/26/71)

##### WAC 308-77-220 FILING OF REFUND CLAIM.

A claim may be filed monthly, quarterly, annually or for any period of time within thirteen months from the date of purchase or from the last day of the month following the close of the monthly period for which the refundable amount is due(~~(, except that claims for erroneously or illegally collected tax, penalty or interest must be filed within three years. If any claim is not filed within the statutory period, the right to refund shall be forever barred)~~). The postmark date shall be accepted as the date the claim was filed.

Claims shall be accompanied by invoices issued to the claimant by the seller of the fuel. Claims of individuals or proprietors shall be signed by the claimant. A partnership claim must be signed by any one of the partners. Claims of business firms or corporations shall be signed by an authorized agent. Accountants and other persons assisting in preparation of claims must also sign in the space provided on the form. A claim should be filed in the same name as that shown on invoices. If it is desired to have a claim paid in a name differing from that shown on the purchase invoice, a letter of authorization shall be attached signed by the person to whom the invoice was issued.

~~((A fee of fifty cents will be deducted by the department from all such refunds as a filing fee to defray expenses in furnishing the claim and other forms provided for in the Special Fuel Tax Act.))~~

The use tax imposed by chapter 82.12 RCW is to be deducted from the amount of refund claimed. The claimant may calculate the tax himself or it will be computed by the department.

AMENDATORY SECTION (Amending Order 114 MV, filed 11/26/71)

WAC 308-77-230 INVOICE REQUIREMENTS (~~(, SELLER RESPONSIBILITY)~~) FOR REFUND PURPOSES. (1) The seller of special fuel is required to issue to each purchaser who claims to be entitled to a refund a separate original invoice for each purchase of fuel. A single original invoice covering multiple deliveries made during a period of time not to exceed one calendar month may constitute a separate invoice as provided in (~~rule~~) WAC 308-77-160 (~~PROVIDED,~~ ). Each delivery is to be individually listed on the original invoice or on an accompanying statement in accordance with the requirements of (~~said~~) the rule for single deliveries. If the multiple delivery invoice includes deliveries on which refund of the tax is not claimed and deliveries on which refund is claimed, the original invoice shall contain or be accompanied by a statement showing separately the deliveries and gallons on which a refund of the tax is claimed and is not claimed.

(2) Each original invoice in support of a claim for refund must show:

- (a) Name and address of the seller,
- (b) Purchaser's name (invoices showing "cash," "equipment name or number," "boat number," etc. will not qualify),
- (c) Complete date of sale (month, day and year),
- (d) Kind of fuel delivered,
- (e) Number of gallons delivered,
- (f) Price per gallon,
- (g) Total amount of sale,
- (h) Amount of special fuel tax paid (~~PROVIDED, That~~). The amount of the tax paid need not be separately stated if the invoice bears the notation that the price includes the tax.

(3) Invoices with alterations, corrections or erasures affecting gallonage, place, date or separately stated tax shall be void and will not be accepted. A claimant who submits an invoice that has been altered that may give the claimant an illegal gain may have the entire claim invalidated and the department may suspend any further claims for refund for a period of one year.

(4) A "corrected invoice" used to support a claim must be accompanied by the (~~initial~~) original invoice received at time of purchase.

(5) If an original invoice is lost or destroyed, the dealer may issue a copy or duplicate copy entering thereon the invoice number, date of sale, gallons, price and amount and any other essential information that appeared on the initial invoice. The copy shall be certified by the seller as being true and correct according to his records and shall be plainly marked "copy" or "duplicate." The claimant may then submit the certified copy to the department for validation.

(6) Only one invoice shall be issued for any one delivery.

AMENDATORY SECTION (Amending Order 114 MV, filed 11/26/71)

WAC 308-77-240 RECORDS FOR REFUND CLAIMS. Claimants shall maintain records which are sufficient to substantiate the accuracy of the claims. Such records shall reflect all special fuel receipts, the gallons of fuel used in each type of equipment (both refundable and nonrefundable), other uses, loss and gain and inventories of fuel on hand. The records must indicate the date of receipt or disbursements and identify the equipment into which the fuel is delivered or the purpose for which the fuel is used. Failure of the claimant to maintain the required records or to permit examination by representatives of the department shall constitute a waiver of all rights to the refund.

The following rules shall govern records maintained to support claims for refund:

Special fuel purchased in small containers (tanks, cans, bottles, etc.) for nonhighway use (boats, tractors, mobile homes, trailers, etc.) and identified thus on purchase invoice will require no further records.

Invoices covering special fuel purchased, tax included, exclusively for use in motor vehicles will not be required in support of nonrefundable use but they shall be retained in the files of the claimant to account for fuel used in motor vehicles.

Where a claim covering the operation of a motor vehicle is entirely over private (~~roads~~) property and subject to refund, no record will be required other than that necessary to establish the source and number of gallons of special fuel used.

AMENDATORY SECTION (Amending Order MV 137, filed 6/1/72)

WAC 308-77-250 POWER TAKE-OFF USE. (1) Tax refund may be claimed for special fuel purchased inclusive of tax which is used in a motor vehicle equipped with a power take-off unit to operate auxiliary equipment provided the fuel used for the power take-off operation is supplied from a tank which is not connected with a tank supplying fuel to propel the vehicle on the highway, or the fuel used to operate auxiliary equipment by the power take-off is accurately measured by metering device that has been specifically approved by the department, and in certain motor vehicles, when established by the following formula:

(a) For special fuel used in pumping propane, or fuel or heating oils by a power take-off unit on a delivery truck, at the rate of three-fourths of one gallon for each one thousand gallons of fuel delivered. Pumping of gasoline, or other refined petroleum products or any other product, (~~does not apply and claimant shall make a deduction for those products, other than the delivery of propane, or fuel or heating oils, pumped through the meter, in loading tanks, pumping out of tanks, testing of meters or other uses~~) is a taxable use and does not qualify for a refund. Propane and fuel oil delivery truck operators must maintain records which show the total gallons of propane, or fuel or heating oils pumped by each vehicle for which refund or credit is claimed together with supporting meter readings.

(b) For special fuel used in operating a power take-off unit on a cement mixer truck or a load compactor on a garbage truck at the rate of twenty-five percent of the total gallons of fuel used in each truck. Garbage trucks with power take-off units which operate a dump box, hoist or other type of lift do not ~~((apply))~~ qualify for a refund. Cement mixer truck and garbage truck operators must maintain records which show the total gallons of fuel used and the total miles traveled for each vehicle.

(2) Deduction may be claimed on the user's tax report for the gallons of special fuel exempt from tax as provided in subsections (1)(a) and (b) of this section.

(3) ~~((Special fuel users who have received authorization relieving them from filing tax reports as provided in WAC 308-77-140 of this chapter may file a claim for tax refund for the number of gallons of special fuel exempt from tax as provided in subsections (1)(a) and (b) of this section.~~

(a)) All claims must be accompanied by ~~((valid))~~ purchase invoices to cover the total gallons of special fuel purchased, except that invoices for special fuel used in propane or fuel oil delivery trucks or when measured by a metering device need only be equal to or greater than the gallons claimed as refundable.

~~((b))~~ (4) A schedule of vehicle operations shall support each claim for refund.

#### AMENDATORY SECTION (Amending Order MV-137, filed 6/1/72)

WAC 308-77-265 SPECIAL FUEL LOST OR DESTROYED. ~~((Reference: RCW 82.38.180.))~~ (1)) A refund of special fuel tax previously paid may be claimed ~~((in the manner provided:~~

(a) ~~On all special fuel which is lost or destroyed, while claimant shall be the owner thereof, through fire, lightning, flood, windstorm, or explosion.~~

(b) ~~On all special fuel of five hundred gallons or more which is lost or destroyed through leakage or other casualty except evaporation, shrinkage, or unknown causes.~~

(2)) by notifying the department ~~((shall be notified))~~ in writing as to the full circumstances and the amount of the loss ~~((within the time prescribed under RCW 82.38.190, subsection (3)(a) of the special fuel tax act from the day of discovery of such loss or destruction))~~. Recovery for such loss or destruction must be susceptible to positive proof enabling the department to conduct such investigation and to require such information as may be deemed necessary.

#### REPEALER

The following sections of the Washington Administrative Code are each repealed:

(1) WAC 308-77-140 EXEMPTION OF USER FROM TAX REPORTING.

(2) WAC 308-77-200 TAX REFUND.

(3) WAC 308-77-210 CLAIM FOR REFUND.

### WSR 79-08-141 PROPOSED RULES DEPARTMENT OF LICENSING [Filed August 1, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Licensing intends to adopt, amend, or repeal rules concerning assumed (trade) names within the state of Washington. (Copy of the proposed rules is shown below; however, changes may be made at the public hearing.);

that such agency will at 10 a.m., Tuesday, September 4, 1979, in the 4th Floor Conference Room, Highways-Licenses Building, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10 a.m., Tuesday, September 4, 1979, in the 4th Floor Conference Room, Highways-Licenses Building, Olympia, Washington.

The authority under which these rules are proposed is section 3, chapter 22, Laws of 1979 1st ex. sess.

Interested persons may submit data, views or arguments to this agency in writing to be received by this agency prior to September 4, 1979, and/or orally at 10 a.m., Tuesday, September 4, 1979, 4th Floor Conference Room, Highways-Licenses Building, Olympia, Washington.

Dated: August 1, 1979

By: Jeffrey O. C. Lane  
Assistant Attorney General

#### NEW SECTION

WAC 308-300-210 DECLARATION OF PURPOSE AND AUTHORITY. This chapter is enacted to implement sections 1 and 3 of chapter 22, Laws of 1979, 1st extraordinary session, wherein the director of the Department of Licensing is given the duty to administer chapter 19.80 RCW and is empowered to promulgate rules and regulations.

#### NEW SECTION

WAC 308-300-220 DEFINITIONS. The following definitions apply to use of these terms in RCW 19.80.010:

(1) True and real name means:

(a) The surname of an individual coupled with one or more of his or her other names, one or more of his or her initials, or any combination thereof;

(b) The designation or appellation by which a person is best known and called in the business community where he or she transacts business, if this is used as the legal signature;

(c) The corporate name of a domestic corporation as filed with the secretary of state;

(d) The corporate name of a foreign corporation authorized to do business within the state of Washington duly registered with the secretary of state.

(2) Person means: Any individual or corporation, excluding municipal corporations, conducting, intending to conduct, or having an interest in a business in the state of Washington.

(3) Style means: As used in these rules, title or appellation of a person.

(4) Trade name, as used in these rules, means assumed name, that is:

(a) The name taken up or adopted by a person or persons which does not include the true and real name of that person or persons, for the conduct of or intent to conduct business; or

(b) Any name that does not include the true and real names of all persons conducting that business or with an interest therein; or

(c) Any name that includes words which suggest additional parties of interest such as "company", "and sons", "and associates".

(5) Acknowledgement, as used in these rules, is an acknowledgement as prescribed by chapter 64.08 RCW.

(6) Director means the director of the Department of Licensing.

(7) Department means the Department of Licensing.

#### NEW SECTION

WAC 308-300-230 REQUIRED REGISTRATION - CERTIFICATE OF TRADE NAME. Any person or persons who conduct or intend to conduct a business under a trade name must register that name with the department. The person or all the persons conducting that business or having an interest therein shall sign and cause to have filed an acknowledged certificate of trade name with the department on a form provided by the department. The certificate of trade name shall set forth:

(1) The designation, name or style under which the business is to be conducted.

(2) The real and true name of each person conducting or intending to conduct the business, or having an interest therein, together with the mailing address and an authorized signature for each such person.

(3) Every County in the state of Washington in which the trade name or other designation, name or style is used or intended to be used to carry on, conduct or transact business.

(4) Any other information as the director may require.

(5) Acknowledgement of signature(s) by an officer authorized to take acknowledgement of deeds.

Upon receipt of a properly completed certificate of trade name and proper fee payment, the department shall register the trade name. Such registration shall remain in effect until cancelled.

#### NEW SECTION

WAC 308-300-240 AMENDMENT OR CANCELLATION.

(1) An acknowledged certificate of amendment shall be filed with the department on a form provided by the department when one of the following occurs:

(a) There is a change in the true and real name of an individual conducting or having an interest in the business for which the trade name is registered; or

(b) There is a change in the counties designated for use or intended use of the trade name; or

(c) There is a change of any mailing address set forth on the certificate of trade name.

(2) A notice of cancellation shall be filed with the department when use of a trade name is discontinued.

(3) A notice of cancellation, together with a new certificate of trade name shall be filed when:

(a) There is an addition, deletion or any change of person or persons set forth on the certificate of trade name as those conducting or intending to conduct business under the registered trade name: PROVIDED, That this subsection (3) does not apply to the legal name change of an individual for which a certificate of amendment is required under (1) (a) above;

(b) There is a change in the wording or spelling of the registered trade name.

#### NEW SECTION

WAC 308-300-250 FORMS. The department shall provide the certificate of trade name and the certificate of amendment/notice of cancellation forms which will be available from the following:

(1) Business License Center of the Department of Licensing;

(2) Offices of county clerks;

(3) Persons or institutions, public or private, that request forms for public distribution; and

(4) Other distribution points as the director deems appropriate.

#### NEW SECTION

WAC 308-300-260 RECORDS - TRANSFER FROM COUNTIES TO DEPARTMENT. (1) Trade name records filed with the county clerks prior to the 1979 act, related files, and cross-referenced materials will be transferred to the department no later than October 1, 1979.

(2) Once the records are transferred, the director shall provide for preservation, storage, and access of such records.

#### NEW SECTION

WAC 308-300-270 INSPECTION OF TRADE NAME FILES ENCOURAGED. Each person contemplating use of a trade name is encouraged to make or cause to make an inspection of the trade name files located in the Olympia office of the Department of Licensing to determine whether the proposed trade name is similar to any already registered.

#### NEW SECTION

WAC 308-300-280 FEES AND REFUNDS. (1) The department shall charge and collect:

(a) Five dollars for initial filing of certificate of trade name;

(b) Two dollars for each certificate of amendment;

(c) Twenty-five cents per page for copies of the document(s);

(d) Two dollars for each letter of certification to accompany copies of the document(s).

(2) All fees remitted to the department shall be deposited with the state treasurer to the general fund.

(3) No refund of less than five dollars shall be made except upon written request by the registrant.

#### NEW SECTION

WAC 308-300-290 CROSS-REFERENCING AND PUBLIC ACCESS. The department shall maintain an index of true and real names cross-referenced to trade names and an index of trade names cross-referenced to true and real names, as set forth on certificates of trade name.

**WSR 79-08-142**

**PROPOSED RULES**

**STATE BOARD OF EDUCATION**

[Filed August 1, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board of Education intends to adopt, amend, or repeal rules concerning pupil personnel services, relating to immunizations, chapter 180-52 WAC;

that such agency will at 9:00 a.m., Thursday, October 4, 1979, in the Board Room, Old Capitol Building, Olympia, Washington, conduct a hearing relative thereto;

and the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Friday, October 5, 1979, in the Board Room, Old Capitol Building, Olympia, Washington.

The authority under which these rules are proposed is chapter 118, Laws of 1979 1st ex. sess.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to October 4, 1979, and/or orally at 9:00 a.m., Thursday, October 4, 1979, Board Room, Old Capitol Building, Olympia, Washington.

Dated: August 1, 1979

By: Wm. Ray Broadhead  
Secretary

#### NEW SECTION

WAC 180-52-040 PURPOSE. The purpose of WAC 180-52-040 through 180-52-065 is to implement section 10, chapter 118, Laws of 1979 1st ex. sess., by establishing the procedural and substantive due process requirements governing the exclusion of children from public and private schools for failure to either establish proof of compliance with the immunization requirements established by and pursuant to chapter 118, Laws of 1979 1st ex. sess., or to establish an exemption

from such requirements. These rules are intended to govern the routine, nonemergency enforcement of chapter 118, Laws of 1979 1st ex. sess. In the case of an emergency caused by, for example, an epidemic, school officials are advised to consult legal counsel. An emergency may justify the exclusion of unimmunized students prior to their being afforded an opportunity for a hearing. See, for example, WAC 180-40-295, 180-40-300 and 180-40-305 regarding emergency expulsions.

#### NEW SECTION

WAC 180-52-045 DEFINITIONS. As used in WAC 180-52-050 through 180-52-065:

(1) "Chief administrator" shall mean the person with the authority and responsibility for the immediate supervision of the operation of a school (e.g., a building principal) as defined in this section or, in the alternative, such other person as may hereafter be designated in writing for the purposes of WAC 180-52-050 through 180-52-060 by the statutory or corporate board of directors of the school district or school or, if none, such other persons or persons with authority and responsibility for the general supervision of the operation of the school district or school.

(2) "Local health department" shall mean the city, town, county, district or combined city-county health department, board of health, or health officer which provides public health services.

(3) "School" shall mean and include each building, facility, and location at or within which any or all portions of a preschool, kindergarten and grades one through twelve program of education and related activities are conducted for two or more children by or in behalf of any public school district and by or in behalf of any private school or private institution subject to approval by the state board of education pursuant to RCW 28A.04.120(4) and 28A.02.201 through 28A.02.260, each as now or hereafter amended.

(4) "School day" shall mean any day, exclusive of Saturdays and Sundays, upon which the particular school which a child attends is open for the conduct of the educational program in which the child is enrolled.

#### NEW SECTION

WAC 180-52-050 DETERMINATION AND NOTICE. (1) The initial determination that a child shall be excluded from further attendance at a public or private school for failure to be in compliance with chapter 118, Laws of 1979 1st ex. sess. and the rules of the state board of health adopted pursuant to chapter 118, Laws of 1979 1st ex. sess., shall be made by the local health department within which the school is located.

(2) The determination of the local health department shall be placed in writing and provided by the department to the chief administrator of the school which the child attends and to the parent(s) or legal guardian(s) of the child or to the adult(s) in loco parentis to the child.

(3) The written notice provided pursuant to subsection (2) of this section shall:

(a) Inform the recipients of the procedures and rights available pursuant to WAC 180-52-050 through 180-52-065 and other matters required by section 8, chapter 118, Laws of 1979 1st ex. sess.; and

(b) Order the immediate exclusion of the child from school if the right to a hearing pursuant to WAC 180-52-055 through 180-52-065 is waived or, in the event a hearing is requested and held, if proof of compliance with immunization requirements or of an exemption from such requirements is not established at such a hearing.

#### NEW SECTION

WAC 180-52-055 RIGHT TO A HEARING—NOTICE TO SCHOOL OFFICIAL. (1) Any parent, guardian or adult in loco parentis to a child who receives a notice of exclusion pursuant to WAC 180-52-050 shall have the right to appeal the decision of the local health department prior to the exclusion of the child from school.

(2) An appeal shall be initiated by requesting the chief administrator of the child's school for a hearing on the matter.

(3) A written (or "oral" if provided by school district or school policy) request for a hearing must be received by the chief administrator

of the child's school, or by his or her office, on or before the expiration of the third school day after the date upon which notice of the local health department's determination is received by a parent or guardian of the child or an adult in loco parentis to the child.

(4) If a request for a hearing is not received within the time period prescribed by subsection (4) of this section, the right to a hearing shall be deemed to have been waived and the exclusion of the child from school shall commence immediately.

#### NEW SECTION

WAC 180-52-060 PREHEARING AND HEARING RIGHTS—DECISION AND NOTICE THEREOF. (1) If a request for a hearing is received pursuant to WAC 180-52-055, the chief administrator of the school shall schedule and give notice of a hearing to commence within three school days after the date upon which the request for hearing was received. The hearing may be continued to a later date for good cause, but shall not be continued for a period in excess of ten additional school days unless both the local health department and the parent(s) or guardian(s) or adult(s) in loco parentis agree to a longer continuation.

(2) An authorized representative of the local health department and the parent(s) or guardian(s) or adult(s) in loco parentis to the child shall have the right to:

(a) Inspect in advance of the hearing any documentary and other physical evidence which the other party intends to introduce at the hearing;

(b) Be represented by legal counsel;

(c) Question and confront witnesses; and

(d) Make such showings as are relevant to the issues set forth in WAC 180-52-065 by way of witnesses and the introduction of documentary and other physical evidence as he or she desires.

(3) The parent(s) or guardian(s) or adult(s) in loco parentis shall have the burden of proving compliance with chapter 118, Laws of 1979 1st ex. sess.

(4) It shall be the responsibility of an authorized representative of the local health department to present, if necessary, the case in support of the department's decision to order the exclusion of the child.

(5) The person(s) hearing the case shall not be a witness and the final determination shall be made solely on the basis of the evidence presented at the hearing.

(6) Either a tape-recorded or verbatim record of the hearing shall be made.

(7) A written decision setting forth the findings of fact, conclusions and order which either upholds or rescinds the determination and order of the local health department shall be provided to the local health department and the parent(s) or guardian(s) of the child or the adult(s) in loco parentis to the child.

(8) The exclusion of the child from school shall commence immediately in the event the determination and order of the local health department are upheld.

#### NEW SECTION

WAC 180-52-065 ISSUES TO BE DECIDED. (1) The issues to be addressed and resolved at any hearing conducted pursuant to WAC 180-52-055 and 180-52-060 shall be limited to whether or not:

(a) Proof of immunization has been provided as required by chapter 118, Laws of 1979 1st ex. sess., and the rules of the state board of health adopted pursuant to chapter 118, Laws of 1979 1st ex. sess.; or

(b) Proof of initiation of a schedule of immunization and adherence to such schedule has been provided as required by chapter 118, Laws of 1979 1st ex. sess., and the rules of the state board of health; or

(c) An exemption from all or a portion of such immunization requirements has been obtained as allowed by chapter 118, Laws of 1979 1st ex. sess., and the rules of the state board of health adopted pursuant to chapter 118, Laws of 1979 1st ex. sess.

(2) In the event the evidence presented during a hearing conducted pursuant to WAC 180-52-055 and 180-52-060 fails to establish either compliance with such immunization requirements or an exemption from such requirements, the hearing officer(s) shall uphold the determination and order of the health department.

**WSR 79-08-143**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF ECOLOGY**  
**(Office of Water Programs)**  
 [Memorandum, Ass't. Director—August 1, 1979]

The Washington State Department of Ecology gives notice of two public meetings to receive comments on proposed population forecasts for the State of Washington. These forecasts have been developed pursuant to the federal regulation for municipal wastewater treatment works, Title 40, Chapter 1, Part 35, Subpart E.

The public meetings will be held:

<p>Tuesday, September 4, 1979          10:00 a.m.          Department of Ecology Headquarters          Hearings Room          St. Martins Campus          Lacey, Washington</p>	<p>Thursday, September 6, 1979          7:00 p.m.          Spokane County Health Center          Auditorium          W 1101 College          Spokane, Washington</p>
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Copies of the proposed population forecasts will be available by August 16 from the Department of Ecology, Comprehensive Planning Section, Mail Stop PV-11, Olympia, Washington 98504. Copies and further information may also be obtained by calling Jan Whitworth at (206) 753-2809.

People who cannot attend the meeting may send their written comments to the Department of Ecology, Attention: Jan Whitworth, Olympia, Washington 98504 by September 10, 1979. Oral and written comments will be considered in preparing final recommendations on population forecasts to the U. S. Environmental Protection Agency.

**WSR 79-08-144**  
**EMERGENCY RULES**  
**DEPARTMENT OF ECOLOGY**  
 [Order DE 79-17—Filed August 1, 1979]

I, Wilbur G. Hallauer, director of the Department of Ecology, do promulgate and adopt at the Department of Ecology, Lacey, Washington, the annexed rules relating to determination of rate, amending WAC 173-164-050.

I, Wilbur G. Hallauer, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is the amendment establishes the rate of charges for water for sale from the irrigation well constructed and maintained by the Department of Ecology and Washington State University and located at the Washington State University Irrigated Agricultural Research and Extension Center, Prosser, Washington, so that the department may provide water for sale to alleviate emergency water supply conditions in the surrounding farming areas arising from the drought conditions of 1979. This amendment is necessary for the preservation of the public health, safety, or general welfare.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 43.83B-.345 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED August 1, 1979.

By Wilbur G. Hallauer  
 Director

**AMENDATORY SECTION (Amending Order DE 77-33, filed 7/13/78)**

**WAC 173-164-050 DETERMINATION OF RATE.** *Each irrigation season, the director shall determine the rate of payment per acre-foot of water per project, based on recovery of capital costs, type of crop, and ability to repay. For the remaining 1979 irrigation season, from August 3 through October 31, 1979, the director has determined that the rate of charge for water from the irrigation well located in the NW 1/4, SE 1/4, Sec. 6, T9N, R25E, shall be thirty dollars per acre-foot of water.*

**WSR 79-08-145**  
**PROPOSED RULES**  
**DEPARTMENT OF GENERAL ADMINISTRATION**  
**(Division of Banking)**  
 [Filed August 1, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of General Administration, Division of Banking, intends to adopt, amend, or repeal rules concerning Minimum reserve requirements for state banks and trust companies—Computation, amending WAC 50-12-010;

that such agency will at 10:00 a.m., Tuesday, September 11, 1979, in the General Administration Building, Room 219, Olympia, Washington 98504, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Tuesday, September 11, 1979, in the General Administration Building, Room 219, Olympia, Washington 98504.

The authority under which these rules are proposed is RCW 30.04.090.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to September 11, 1979, and/or orally at 10:00 a.m., Tuesday, September 11, 1979, General Administration Building, Room 219, Olympia, Washington 98504.

Dated: August 1, 1979  
 By: William L. Williams  
 Assistant Attorney General

**AMENDATORY SECTION** (Amending Order No. 38 filed 2/23/77)

**WAC 50-12-010 MINIMUM RESERVE REQUIREMENTS FOR STATE BANKS AND TRUST COMPANIES—COMPUTATION.** Every bank or trust company not a member of the Federal Reserve System shall maintain reserves on the following basis:

(1) ~~7~~ ~~((+2))~~% of its demand deposits up to \$2,000,000, plus ~~((+0))~~ ~~9 1/2~~% of its demand deposits over \$2 million to \$10 million plus ~~((+2))~~ ~~11 3/4~~% of such deposits over \$10 million to \$100 million, plus ~~((+3))~~ ~~12 3/4~~% of its demand deposits over \$100 million to \$400 million, plus fifteen percent for such deposits over \$400 million.

(2) (i) 3% of (a) its savings deposits and (b) its time deposits, open account, that constitute deposits of individuals, such as Christmas club accounts and vacation club accounts, that are made under written contracts providing that no withdrawal shall be made until a certain number of periodic deposits have been made during a period of not less than 3 months; and

(ii) 3% of its time deposits up to \$5 million, outstanding on November 28, 1974, which have an initial maturity of less than 180 days, or are issued on or after November 28, 1974, with an initial maturity of less than 180 days, plus 6% of such deposits in excess of \$5 million ~~((\*)~~); and

(iii) 3% of its time deposits outstanding on November 28, 1974, which have an initial maturity of 180 days or more, or are issued on or after November 28, 1974, with an initial maturity of 180 days or more; and

(iv) 1% of its time deposits outstanding on or ~~((are))~~ issued after November 28, 1974, with an initial maturity of four years or more.

(3) In no case may the average of reserves on time and savings deposits be less than 3% for the computation period.

(4) Reserves shall be computed on the basis of semi-monthly periods commencing on the 10th day and 25th day of each month. Reserves for a Saturday, Sunday, or other holiday shall be computed on the basis of the deposits existing at the close of business on a preceding business day. When the reserve computation period ends with a non-business day, or two or more consecutive nonbusiness days, such non-business days, may, at the option of the bank, be included in the next reserve computation period.

(5) Time certificates of deposit held by the bank or trust company shall not be included for purposes of computing the amount of available funds.

~~((\*) Time deposits issued in the period November 14, 1974, through November 18, 1974, with maturities of between 120 and 179 days may be treated as if they had initial maturities of 180 days or more:))~~

**WSR 79-08-147**

**NOTICE OF PUBLIC MEETINGS  
CENTRAL WASHINGTON UNIVERSITY**  
[Memorandum, Secretary—July 30, 1979]

The regular meeting of the Central Washington University Board of Trustees for the month of September, 1979, is being changed from September 14 to September 29, 1979 at 9:00 a.m.

**WSR 79-08-146**

**NOTICE OF PUBLIC MEETINGS  
UNIVERSITY OF WASHINGTON**  
[Memorandum, Secretary—July 30, 1979]

It has been necessary to revise the schedule of meetings for the Board of Regents. Please alter your calendars also.

(1979)

August — no regular meeting (Executive Comm. tentatively scheduled for Monday morning, August 27, 1979)

September 14  
October 19  
November 16  
December 14 (beginning of "2nd Friday" pattern)

(1980)

January 11  
February 8  
March 14

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
4-04-040	REP-P	79-03-047	16-230-180	AMD	79-02-046	16-316-0047	REP-P	79-03-077
4-04-040	REP	79-06-024	16-230-190	AMD	79-02-046	16-316-0047	REP	79-05-079
4-04-080	REP-P	79-03-047	16-230-190	AMD-P	79-03-082	16-316-0048	REP-P	79-03-077
4-04-080	REP	79-06-024	16-230-190	AMD	79-05-043	16-316-0048	REP	79-05-079
4-04-170	REP-P	79-03-047	16-230-200	REP	79-02-046	16-316-0049	REP-P	79-03-077
4-04-170	REP	79-06-024	16-230-260	AMD-P	79-01-080	16-316-0049	REP	79-05-079
4-04-210	AMD-P	79-03-047	16-230-260	AMD-P	79-03-043	16-316-0051	REP-P	79-03-077
4-04-210	AMD	79-06-024	16-230-270	AMD-P	79-01-080	16-316-0051	REP	79-05-079
4-04-240	REP-P	79-03-047	16-230-270	AMD-P	79-03-043	16-316-0052	REP-P	79-03-077
4-04-240	REP	79-06-024	16-230-270	AMD	79-04-018	16-316-0052	REP	79-05-079
4-04-270	REP-P	79-03-047	16-230-290	AMD-P	79-01-080	16-316-0054	REP-P	79-03-077
4-04-270	REP	79-06-024	16-230-290	AMD-P	79-03-043	16-316-0054	REP	79-05-079
4-12-020	AMD-P	79-03-047	16-230-510	NEW-E	79-05-004	16-316-0056	REP-P	79-03-077
4-12-020	AMD	79-06-024	16-230-510	NEW-P	79-05-114	16-316-0056	REP	79-05-079
4-12-050	REP-P	79-03-047	16-230-510	NEW	79-07-091	16-316-0057	REP-P	79-03-052
4-12-050	REP	79-06-024	16-230-520	NEW-E	79-05-004	16-316-0057	REP	79-05-065
4-12-160	REP-P	79-03-047	16-230-520	NEW-P	79-05-114	16-316-0061	REP-P	79-03-077
4-12-160	REP	79-06-024	16-230-520	NEW	79-07-091	16-316-0061	REP	79-05-079
4-12-170	NEW-P	79-03-047	16-300-003	REP-P	79-03-053	16-316-0063	REP-P	79-03-077
4-12-170	NEW	79-06-024	16-300-003	REP	79-05-066	16-316-0063	REP	79-05-079
4-12-180	NEW-P	79-03-047	16-300-020	AMD-P	79-03-053	16-316-0064	REP-P	79-03-077
4-12-180	NEW	79-06-024	16-300-020	AMD	79-05-066	16-316-0064	REP	79-05-079
4-12-190	NEW-P	79-03-047	16-304-002	REP-P	79-03-065	16-316-0066	REP-P	79-03-077
4-12-190	NEW	79-06-024	16-304-002	REP	79-05-072	16-316-0066	REP	79-05-079
4-20-020	AMD-P	79-03-047	16-304-003	REP-P	79-03-065	16-316-007	REP-P	79-03-077
4-20-020	AMD	79-06-024	16-304-003	REP	79-05-072	16-316-007	REP	79-05-079
4-20-030	AMD-P	79-03-047	16-304-006	REP-P	79-03-065	16-316-0071	REP-P	79-03-077
4-20-030	AMD	79-06-024	16-304-006	REP	79-05-072	16-316-0071	REP	79-05-079
4-20-045	AMD-P	79-03-047	16-304-040	AMD-P	79-03-065	16-316-0075	REP-P	79-03-077
4-20-045	AMD	79-06-024	16-304-040	AMD	79-05-072	16-316-0075	REP	79-05-079
16-86-006	NEW-E	79-07-128	16-304-110	AMD-P	79-03-054	16-316-0091	REP-P	79-03-077
16-86-006	NEW-P	79-07-129	16-304-110	AMD	79-05-062	16-316-0091	REP	79-05-079
16-86-007	NEW-E	79-07-128	16-313-001	REP-P	79-03-064	16-316-0092	REP-P	79-03-077
16-86-007	NEW-P	79-07-129	16-313-001	REP	79-05-059	16-316-0092	REP	79-05-079
16-86-010	NEW-E	79-07-128	16-313-015	AMD-P	79-03-064	16-316-0401	AMD-P	79-03-048
16-86-010	NEW-P	79-07-129	16-313-015	AMD	79-05-059	16-316-0401	AMD	79-05-064
16-86-015	AMD-E	79-04-103	16-313-090	AMD-P	79-03-064	16-316-0551	AMD-P	79-03-048
16-86-015	AMD-P	79-05-103	16-313-090	AMD	79-05-059	16-316-0551	AMD	79-05-064
16-86-015	AMD-P	79-07-028	16-316-0012	REP-P	79-03-077	16-316-0901	AMD-P	79-03-048
16-86-015	AMD	79-07-089	16-316-0012	REP	79-05-079	16-316-0901	AMD	79-05-064
16-86-015	AMD-E	79-07-101	16-316-0013	REP-P	79-03-077	16-316-0901	AMD-P	79-07-112
16-86-015	AMD-P	79-07-129	16-316-0013	REP	79-05-079	16-316-160	AMD-P	79-07-114
16-86-095	NEW-E	79-07-128	16-316-0014	REP-P	79-03-077	16-316-165	AMD-P	79-03-061
16-86-095	NEW-P	79-07-129	16-316-0014	REP	79-05-079	16-316-165	AMD	79-05-068
16-212-160	AMD-P	79-03-078	16-316-0017	REP-P	79-03-077	16-316-175	AMD-P	79-03-061
16-212-160	AMD	79-05-055	16-316-0017	REP	79-05-079	16-316-175	AMD	79-05-068
16-218-010	AMD-P	79-02-073	16-316-0018	REP-P	79-03-077	16-316-175	AMD-P	79-07-114
16-218-010	AMD	79-04-077	16-316-0018	REP	79-05-079	16-316-180	AMD-P	79-07-114
16-218-02001	AMD-P	79-02-073	16-316-0023	REP-P	79-03-077	16-316-190	AMD-P	79-03-061
16-218-02001	AMD	79-04-077	16-316-0023	REP	79-05-079	16-316-190	AMD	79-05-068
16-228-165	AMD-P	79-02-077	16-316-0024	REP-P	79-03-077	16-316-215	AMD-P	79-03-062
16-228-165	AMD-P	79-04-056	16-316-0024	REP	79-05-079	16-316-215	AMD	79-05-069
16-228-165	AMD-P	79-04-086	16-316-0028	REP-P	79-03-077	16-316-215	AMD-P	79-07-119
16-228-165	AMD	79-05-003	16-316-0028	REP	79-05-079	16-316-230	AMD-P	79-03-058
16-228-235	NEW-E	79-04-023	16-316-003	REP-P	79-03-077	16-316-230	AMD	79-05-077
16-228-240	NEW-E	79-04-023	16-316-003	REP	79-05-079	16-316-240	AMD-P	79-07-116
16-228-245	NEW-E	79-04-023	16-316-0031	REP-P	79-03-077	16-316-250	AMD-P	79-03-058
16-228-320	NEW-P	79-05-113	16-316-0031	REP	79-05-079	16-316-250	AMD	79-05-077
16-228-320	NEW	79-07-090	16-316-0032	REP-P	79-03-077	16-316-270	AMD-P	79-03-060
16-228-330	NEW-P	79-05-113	16-316-0032	REP	79-05-079	16-316-270	AMD	79-05-067
16-228-330	NEW	79-07-090	16-316-0033	REP-P	79-03-077	16-316-275	AMD-P	79-03-060
16-230-115	AMD-P	79-04-085	16-316-0033	REP	79-05-079	16-316-275	AMD	79-05-067
16-230-115	AMD-P	79-05-115	16-316-0034	REP-P	79-03-077	16-316-280	AMD-P	79-03-060
16-230-115	AMD-E	79-07-015	16-316-0034	REP	79-05-079	16-316-280	AMD	79-05-067
16-230-115	AMD	79-07-016	16-316-0036	REP-P	79-03-077	16-316-285	AMD-P	79-03-060
16-230-120	AMD-P	79-04-085	16-316-0036	REP	79-05-079	16-316-285	AMD	79-05-067
16-230-120	AMD-P	79-05-115	16-316-0039	REP-P	79-03-077	16-316-290	AMD-P	79-03-060
16-230-120	AMD-E	79-07-015	16-316-0039	REP	79-05-079	16-316-290	AMD	79-05-067
16-230-120	AMD	79-07-016	16-316-0041	REP-P	79-03-077	16-316-300	REP-P	79-03-080
16-230-150	AMD	79-02-046	16-316-0041	REP	79-05-079	16-316-300	REP	79-05-071
16-230-150	AMD-P	79-03-082	16-316-0042	REP-P	79-03-052	16-316-305	REP-P	79-03-080
16-230-150	AMD	79-05-043	16-316-0042	REP	79-05-065	16-316-305	REP	79-05-071
16-230-160	AMD	79-02-046	16-316-0046	REP-P	79-03-077	16-316-310	AMD-P	79-07-120
16-230-170	AMD	79-02-046	16-316-0046	REP	79-05-079	16-316-315	AMD-P	79-03-080

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
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16-316-325	REP	79-05-071	16-320-010	REP	79-05-075	16-428-050	REP-P	79-02-071
16-316-326	AMD-P	79-03-080	16-320-020	REP-P	79-03-057	16-428-050	REP	79-04-026
16-316-326	AMD	79-05-071	16-320-020	REP	79-05-075	16-428-060	REP-P	79-02-071
16-316-327	AMD-P	79-03-080	16-320-030	REP-P	79-03-057	16-428-060	REP	79-04-026
16-316-327	AMD	79-05-071	16-320-030	REP	79-05-075	16-428-070	REP-P	79-02-071
16-316-350	AMD-P	79-03-059	16-320-040	REP-P	79-03-057	16-428-070	REP	79-04-026
16-316-350	AMD	79-05-060	16-320-040	REP	79-05-075	16-429-001	REP-P	79-02-071
16-316-350	AMD-P	79-07-118	16-320-050	REP-P	79-03-057	16-429-001	REP	79-04-026
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16-316-370	AMD	79-05-060	16-320-060	REP-P	79-03-057	16-429-010	REP	79-04-026
16-316-370	AMD-P	79-07-118	16-320-060	REP	79-05-075	16-429-020	REP-P	79-02-071
16-316-440	AMD-P	79-03-070	16-320-070	REP-P	79-03-057	16-429-020	REP	79-04-026
16-316-440	AMD	79-05-078	16-320-070	REP	79-05-075	16-429-030	REP-P	79-02-071
16-316-460	AMD-P	79-03-070	16-320-080	REP-P	79-03-057	16-429-030	REP	79-04-026
16-316-460	AMD	79-05-078	16-320-080	REP	79-05-075	16-429-040	REP-P	79-02-071
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16-316-470	AMD	79-05-074	16-320-090	REP	79-05-075	16-429-050	REP-P	79-02-071
16-316-472	AMD-P	79-07-113	16-320-100	REP-P	79-03-057	16-429-050	REP	79-04-026
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16-316-520	AMD	79-05-056	16-320-110	REP-P	79-03-057	16-429-060	REP	79-04-026
16-316-525	AMD-P	79-03-071	16-320-110	REP	79-05-075	16-429-070	REP-P	79-02-071
16-316-525	AMD	79-05-056	16-320-120	REP-P	79-03-057	16-429-070	REP	79-04-026
16-316-525	AMD-P	79-07-127	16-320-120	REP	79-05-075	16-429-080	REP-P	79-02-071
16-316-530	AMD-P	79-03-071	16-354-020	AMD-P	79-04-090	16-429-080	REP	79-04-026
16-316-530	AMD	79-05-056	16-354-020	AMD	79-06-038	16-429-090	REP-P	79-02-071
16-316-540	AMD-P	79-03-071	16-354-040	AMD-P	79-04-090	16-429-090	REP	79-04-026
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16-316-545	AMD	79-05-056	16-401-003	REP	79-04-025	16-429-100	REP	79-04-026
16-316-550	AMD-P	79-03-071	16-401-025	AMD-P	79-02-072	16-430-001	REP-P	79-02-071
16-316-550	AMD	79-05-056	16-401-025	AMD	79-04-025	16-430-001	REP	79-04-026
16-316-550	AMD-P	79-07-127	16-401-030	AMD-P	79-02-072	16-430-010	REP-P	79-02-071
16-316-600	AMD-P	79-03-050	16-401-030	AMD	79-04-025	16-430-010	REP	79-04-026
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16-316-620	AMD-P	79-03-068	16-401-035	REP	79-04-025	16-430-015	REP	79-04-026
16-316-620	AMD	79-05-057	16-403-135	REP-P	79-05-087	16-430-020	REP-P	79-02-071
16-316-622	AMD-P	79-03-068	16-403-135	REP	79-07-068	16-430-020	REP	79-04-026
16-316-622	AMD	79-05-057	16-403-13501	REP-P	79-05-087	16-430-025	REP-P	79-02-071
16-316-660	AMD-P	79-03-051	16-403-13501	REP	79-07-068	16-430-040	REP-P	79-02-071
16-316-660	AMD	79-05-076	16-403-170	AMD-P	79-01-076	16-430-040	REP	79-04-026
16-316-680	AMD-P	79-03-051	16-403-170	AMD-P	79-05-087	16-430-050	REP-P	79-02-071
16-316-680	AMD	79-05-076	16-403-170	AMD	79-07-068	16-430-050	REP	79-04-026
16-316-690	AMD-P	79-03-067	16-403-300	REP-P	79-05-087	16-430-060	REP-P	79-02-071
16-316-690	AMD	79-05-058	16-403-300	REP	79-07-068	16-430-060	REP	79-04-026
16-316-790	AMD-P	79-03-052	16-427-001	REP-P	79-02-071	16-430-070	REP-P	79-02-071
16-316-790	AMD	79-05-065	16-427-001	REP	79-04-026	16-430-070	REP	79-04-026
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16-316-800	AMD	79-05-065	16-427-010	REP	79-04-026	16-430-100	REP	79-04-026
16-316-810	AMD-P	79-03-052	16-427-015	REP-P	79-02-071	16-430-110	REP-P	79-02-071
16-316-810	AMD	79-05-065	16-427-015	REP	79-04-026	16-430-110	REP	79-04-026
16-316-820	AMD-P	79-03-052	16-427-020	REP-P	79-02-071	16-432-010	NEW-P	79-02-071
16-316-820	AMD	79-05-065	16-427-020	REP	79-04-026	16-432-010	NEW	79-04-026
16-316-830	AMD-P	79-03-052	16-427-025	REP-P	79-02-071	16-432-020	NEW-P	79-02-071
16-316-830	AMD	79-05-065	16-427-025	REP	79-04-026	16-432-020	NEW	79-04-026
16-316-840	AMD-P	79-03-052	16-427-030	REP-P	79-02-071	16-432-030	NEW-P	79-02-071
16-316-840	AMD	79-05-065	16-427-030	REP	79-04-026	16-432-030	NEW	79-04-026
16-316-900	AMD-P	79-03-066	16-427-040	REP-P	79-02-071	16-432-040	NEW-P	79-02-071
16-316-900	AMD	79-05-061	16-427-040	REP	79-04-026	16-432-040	NEW	79-04-026
16-316-925	AMD-P	79-03-066	16-427-050	REP-P	79-02-071	16-432-050	NEW-P	79-02-071
16-316-925	AMD	79-05-061	16-427-050	REP	79-04-026	16-432-050	NEW	79-04-026
16-317-002	REP-P	79-03-055	16-427-060	REP-P	79-02-071	16-432-060	NEW-P	79-02-071
16-317-002	REP	79-05-080	16-427-060	REP	79-04-026	16-432-060	NEW	79-04-026
16-317-040	AMD-P	79-03-055	16-427-070	REP-P	79-02-071	16-432-070	NEW-P	79-02-071
16-317-040	AMD	79-05-080	16-427-070	REP	79-04-026	16-432-070	NEW	79-04-026
16-317-050	AMD-P	79-03-055	16-428-001	REP-P	79-02-071	16-432-080	NEW-P	79-02-071
16-317-050	AMD	79-05-080	16-428-001	REP	79-04-026	16-432-080	NEW	79-04-026
16-317-060	AMD-P	79-03-055	16-428-010	REP-P	79-02-071	16-432-090	NEW-P	79-02-071
16-317-060	AMD	79-05-080	16-428-010	REP	79-04-026	16-432-090	NEW	79-04-026
16-317-080	NEW-P	79-07-111	16-428-020	REP-P	79-02-071	16-432-100	NEW-P	79-02-071
16-319-020	AMD-P	79-03-079	16-428-020	REP	79-04-026	16-432-100	NEW	79-04-026
16-319-020	AMD	79-05-070	16-428-030	REP-P	79-02-071	16-432-110	NEW-P	79-02-071
16-319-041	AMD-P	79-03-079	16-428-030	REP	79-04-026	16-432-110	NEW	79-04-026

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16-432-120	NEW	79-04-026	16-620-260	AMD-P	79-05-104	67-32-060	NEW-P	79-05-106
16-432-130	NEW-P	79-02-071	16-620-260	AMD-P	79-05-105	67-32-060	NEW	79-08-016
16-432-130	NEW	79-04-026	16-620-260	AMD-P	79-07-007	67-32-070	NEW-P	79-05-106
16-454-050	REP-P	79-02-071	16-620-260	AMD-P	79-07-017	67-32-070	NEW	79-08-016
16-454-050	REP	79-04-026	16-620-260	AMD	79-07-098	67-32-080	NEW-P	79-05-106
16-454-055	REP-P	79-02-071	16-620-265	NEW-P	79-05-104	67-32-080	NEW	79-08-016
16-454-055	REP	79-04-026	16-620-265	NEW-P	79-05-105	67-32-090	NEW-P	79-05-106
16-454-060	REP-P	79-02-071	16-620-265	NEW-P	79-07-007	67-32-090	NEW	79-08-016
16-454-060	REP	79-04-026	16-620-265	NEW-P	79-07-017	67-32-100	NEW-P	79-05-106
16-454-065	REP-P	79-02-071	16-620-265	NEW	79-07-098	67-32-100	NEW	79-08-016
16-454-065	REP	79-04-026	16-620-270	AMD-P	79-05-104	67-32-110	NEW-P	79-05-106
16-454-070	REP-P	79-02-071	16-620-270	AMD-P	79-05-105	67-32-110	NEW	79-08-016
16-454-070	REP	79-04-026	16-620-270	AMD-P	79-07-007	67-32-120	NEW-P	79-05-106
16-454-075	REP-P	79-02-071	16-620-270	AMD-P	79-07-017	67-32-120	NEW	79-08-016
16-454-075	REP	79-04-026	16-620-270	AMD	79-07-098	67-32-130	NEW-P	79-05-106
16-454-080	REP-P	79-02-071	16-620-370	NEW-P	79-05-104	67-32-130	NEW	79-08-016
16-454-080	REP	79-04-026	16-620-370	NEW-P	79-05-105	67-32-140	NEW-P	79-05-106
16-454-085	REP-P	79-02-071	16-620-370	NEW-P	79-07-007	67-32-140	NEW	79-08-016
16-454-085	REP	79-04-026	16-620-370	NEW-P	79-07-017	67-32-150	NEW-P	79-05-106
16-454-090	REP-P	79-02-071	16-620-370	NEW	79-07-098	67-32-150	NEW	79-08-016
16-454-090	REP	79-04-026	16-750-010	AMD-P	79-02-074	67-32-160	NEW-P	79-05-106
16-454-095	REP-P	79-02-071	24-12-010	AMD-P	79-02-026	67-32-160	NEW	79-08-016
16-454-095	REP	79-04-026	24-12-010	AMD	79-04-045	67-32-170	NEW-P	79-05-106
16-494-001	AMD-P	79-07-115	50-12-010	AMD-E	79-08-079	67-32-170	NEW	79-08-016
16-494-040	AMD-P	79-03-063	50-12-010	AMD-P	79-08-145	67-32-180	NEW-P	79-05-106
16-494-040	AMD	79-05-063	50-12-040	AMD-P	79-01-095	67-32-180	NEW	79-08-016
16-494-040	AMD-P	79-07-115	50-12-040	AMD-E	79-02-034	67-32-190	NEW-P	79-05-106
16-494-060	REP-P	79-07-115	50-12-040	AMD	79-04-042	67-32-190	NEW	79-08-016
16-495-001	REP-P	79-03-056	50-12-050	AMD-P	79-01-095	67-32-200	NEW-P	79-05-106
16-495-001	REP	79-05-086	50-12-050	AMD-E	79-02-034	67-32-200	NEW	79-08-016
16-495-002	REP-P	79-03-056	50-12-050	AMD	79-04-042	67-32-210	NEW-P	79-05-106
16-495-002	REP	79-05-086	50-16-030	AMD-P	79-01-095	67-32-210	NEW	79-08-016
16-495-003	REP-P	79-03-056	50-16-030	AMD	79-04-042	67-32-220	NEW-P	79-05-106
16-495-003	REP	79-05-086	50-16-035	AMD-P	79-01-095	67-32-220	NEW	79-08-016
16-495-004	AMD-P	79-07-117	50-16-035	AMD	79-04-042	67-32-230	NEW-P	79-05-106
16-495-005	REP-P	79-03-056	50-16-045	AMD-P	79-01-095	67-32-230	NEW	79-08-016
16-495-005	REP	79-05-086	50-16-045	AMD	79-04-042	67-32-240	NEW-P	79-05-106
16-495-050	AMD-P	79-03-069	50-16-060	AMD-P	79-01-095	67-32-240	NEW	79-08-016
16-495-050	AMD	79-05-085	50-16-060	AMD	79-04-042	67-32-250	NEW-P	79-05-106
16-495-060	REP-P	79-03-056	50-16-070	AMD-P	79-01-095	67-32-250	NEW	79-08-016
16-495-070	REP-P	79-07-117	50-16-070	AMD	79-04-042	67-32-260	NEW-P	79-05-106
16-495-080	AMD-P	79-03-056	50-16-075	AMD-P	79-01-095	67-32-260	NEW	79-08-016
16-495-080	AMD	79-05-086	50-16-075	AMD	79-04-042	67-32-270	NEW-P	79-05-106
16-495-085	AMD-P	79-03-056	50-16-080	AMD-P	79-01-095	67-32-270	NEW	79-08-016
16-495-085	AMD	79-05-086	50-16-080	AMD	79-04-042	67-32-280	NEW-P	79-05-106
16-495-090	AMD-P	79-03-056	50-16-095	AMD-P	79-01-095	67-32-280	NEW	79-08-016
16-495-090	AMD	79-05-086	50-16-095	AMD	79-04-042	67-32-290	NEW-P	79-05-106
16-495-095	AMD-P	79-03-056	50-16-100	AMD-P	79-01-095	67-32-290	NEW	79-08-016
16-495-095	AMD	79-05-086	50-16-100	AMD	79-04-042	67-32-300	NEW-P	79-05-106
16-495-105	AMD-P	79-03-056	50-20-010	AMD-P	79-01-095	67-32-300	NEW	79-08-016
16-495-105	AMD	79-05-086	50-20-010	AMD	79-04-042	67-32-310	NEW-P	79-05-106
16-529-140	AMD-P	79-03-076	50-20-050	AMD-P	79-01-095	67-32-310	NEW	79-08-016
16-529-140	AMD	79-07-061	50-20-050	AMD	79-04-042	67-32-320	NEW-P	79-05-106
16-620-007	REP-P	79-02-004	50-24-030	AMD-P	79-01-095	67-32-320	NEW	79-08-016
16-620-007	REP-P	79-02-076	50-24-030	AMD	79-04-042	67-32-330	NEW-P	79-05-106
16-620-007	REP-P	79-05-104	50-24-120	AMD-P	79-01-095	67-32-330	NEW	79-08-016
16-620-007	REP-P	79-05-105	50-24-120	AMD	79-04-042	67-32-340	NEW-P	79-05-106
16-620-007	REP-P	79-07-007	50-24-140	AMD-P	79-01-095	67-32-340	NEW	79-08-016
16-620-007	REP-P	79-07-017	50-24-140	AMD	79-04-042	67-32-350	NEW-P	79-05-106
16-620-007	REP	79-07-098	51-10	AMD-P	79-02-078	67-32-350	NEW	79-08-016
16-620-100	AMD-P	79-05-104	51-10	AMD-P	79-02-078	67-32-360	NEW-P	79-05-106
16-620-100	AMD-P	79-05-105	67-32	NEW-P	79-05-106	67-32-360	NEW	79-08-016
16-620-100	AMD-P	79-07-007	67-32	NEW	79-08-016	67-32-370	NEW-P	79-05-106
16-620-100	AMD-P	79-07-017	67-32-010	NEW-P	79-05-106	67-32-370	NEW	79-08-016
16-620-100	AMD	79-07-098	67-32-010	NEW	79-08-016	67-32-380	NEW-P	79-05-106
16-620-240	AMD-P	79-02-004	67-32-020	NEW-P	79-05-106	67-32-380	NEW	79-08-016
16-620-240	AMD-P	79-02-076	67-32-020	NEW	79-08-016	67-32-390	NEW-P	79-05-106
16-620-240	AMD-P	79-05-104	67-32-030	NEW-P	79-05-106	67-32-390	NEW	79-08-016
16-620-240	AMD-P	79-05-105	67-32-030	NEW	79-08-016	67-32-400	NEW-P	79-05-106
16-620-240	AMD-P	79-07-007	67-32-040	NEW-P	79-05-106	67-32-400	NEW	79-08-016
16-620-240	AMD-P	79-07-017	67-32-040	NEW	79-08-016	67-32-410	NEW-P	79-05-106
16-620-240	AMD	79-07-098	67-32-050	NEW-P	79-05-106	67-32-410	NEW	79-08-016
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67-32-430	NEW	79-08-016		106-116-205	AMD	79-06-046	106-136-521	AMD	79-06-046
67-32-440	NEW-P	79-05-106		106-116-304	AMD-P	79-04-044	106-136-522	AMD-P	79-03-042
67-32-440	NEW	79-08-016		106-116-304	AMD	79-06-046	106-136-522	AMD	79-06-046
67-32-450	NEW-P	79-05-106		106-116-603	AMD-P	79-03-042	106-136-523	AMD-P	79-03-042
67-32-450	NEW	79-08-016		106-116-603	AMD	79-06-046	106-136-523	AMD	79-06-046
67-32-460	NEW-P	79-05-106		106-120-010	AMD-P	79-03-042	106-136-524	AMD-P	79-03-042
67-32-460	NEW	79-08-016		106-120-010	AMD	79-06-046	106-136-524	AMD	79-06-046
67-32-470	NEW-P	79-05-106		106-120-020	AMD-P	79-03-042	106-136-525	AMD-P	79-03-042
67-32-470	NEW	79-08-016		106-120-020	AMD	79-06-046	106-136-525	AMD	79-06-046
67-32-480	NEW-P	79-05-106		106-120-043	AMD-P	79-03-042	106-136-526	AMD-P	79-03-042
67-32-480	NEW	79-08-016		106-120-043	AMD	79-06-046	106-136-526	AMD	79-06-046
67-32-490	NEW-P	79-05-106		106-120-050	AMD-P	79-03-042	106-136-527	AMD-P	79-03-042
67-32-490	NEW	79-08-016		106-120-050	AMD	79-06-046	106-136-527	AMD	79-06-046
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67-32-500	NEW	79-08-016		106-120-051	AMD	79-06-046	106-136-528	AMD	79-06-046
67-32-510	NEW-P	79-05-106		106-120-055	AMD-P	79-03-042	106-136-529	AMD-P	79-03-042
67-32-510	NEW	79-08-016		106-120-055	AMD	79-06-046	106-136-529	AMD	79-06-046
67-32-520	NEW-P	79-05-106		106-120-061	AMD-P	79-03-042	106-136-590	AMD-P	79-03-042
67-32-520	NEW	79-08-016		106-120-061	AMD	79-06-046	106-136-590	AMD	79-06-046
67-32-910	NEW-P	79-05-106		106-120-062	AMD-P	79-03-042	106-136-591	AMD-P	79-03-042
67-32-910	NEW	79-08-016		106-120-062	AMD	79-06-046	106-136-591	AMD	79-06-046
82-16-010	AMD-P	79-07-109		106-120-064	AMD-P	79-03-042	106-136-601	AMD-P	79-03-042
82-16-020	AMD-P	79-07-109		106-120-064	AMD	79-06-046	106-136-601	AMD	79-06-046
82-16-090	AMD-P	79-07-109		106-120-200	AMD-P	79-03-042	106-136-620	AMD-P	79-03-042
82-16-900	AMD-P	79-07-109		106-120-200	AMD	79-06-046	106-136-620	AMD	79-06-046
82-16-9001	AMD-P	79-07-109		106-120-210	AMD-P	79-03-042	106-136-625	AMD-P	79-03-042
82-24-010	AMD-P	79-07-110		106-120-210	AMD	79-06-046	106-136-625	AMD	79-06-046
82-24-020	AMD-P	79-07-110		106-120-220	AMD-P	79-03-042	106-136-630	AMD-P	79-03-042
82-24-050	AMD-P	79-07-110		106-120-220	AMD	79-06-046	106-136-630	AMD	79-06-046
82-24-060	AMD-P	79-07-110		106-120-230	AMD-P	79-03-042	106-136-643	AMD-P	79-03-042
82-24-080	AMD-P	79-07-110		106-120-230	AMD	79-06-046	106-136-643	AMD	79-06-046
82-24-090	AMD-P	79-07-110		106-120-240	AMD-P	79-03-042	106-136-644	AMD-P	79-03-042
82-24-100	AMD-P	79-07-110		106-120-240	AMD	79-06-046	106-136-644	AMD	79-06-046
82-24-110	AMD-P	79-07-110		106-120-250	AMD-P	79-03-042	106-136-670	AMD-P	79-03-042
82-24-130	AMD-P	79-07-110		106-120-250	AMD	79-06-046	106-136-670	AMD	79-06-046
82-28-010	AMD-P	79-01-091		106-120-700	AMD-P	79-03-042	106-136-680	AMD-P	79-03-042
82-28-010	AMD-P	79-03-022		106-120-700	AMD	79-06-046	106-136-680	AMD	79-06-046
82-28-010	AMD-P	79-03-040		106-120-800	AMD-P	79-03-042	106-136-910	AMD-P	79-03-042
82-28-010	AMD	79-04-010		106-120-800	AMD	79-06-046	106-136-910	AMD	79-06-046
82-28-040	AMD-P	79-01-091		106-120-900	AMD-P	79-03-042	106-136-911	AMD-P	79-03-042
82-28-040	AMD-P	79-03-022		106-120-900	AMD	79-06-046	106-136-911	AMD	79-06-046
82-28-040	AMD-P	79-03-040		106-124-011	AMD-P	79-04-044	106-136-920	AMD-P	79-03-042
82-28-040	AMD	79-04-010		106-124-011	AMD	79-06-046	106-136-920	AMD	79-06-046
82-28-050	AMD-P	79-01-091		106-136-200	AMD-P	79-03-042	113-10-080	REP-P	79-08-083
82-28-050	AMD-P	79-03-022		106-136-200	AMD	79-06-046	113-12-030	REP-P	79-08-083
82-28-050	AMD-P	79-03-040		106-136-201	AMD-P	79-03-042	113-12-045	REP-P	79-08-083
82-28-050	AMD	79-04-010		106-136-201	AMD	79-06-046	113-12-050	REP-P	79-08-083
82-28-06001	AMD-P	79-01-091		106-136-202	AMD-P	79-03-042	113-12-065	REP-P	79-08-083
82-28-06001	AMD-P	79-03-022		106-136-202	AMD	79-06-046	113-12-070	REP-P	79-08-083
82-28-06001	AMD-P	79-03-040		106-136-205	AMD-P	79-03-042	113-12-090	REP-P	79-08-083
82-28-06001	AMD	79-04-010		106-136-205	AMD	79-06-046	113-12-120	REP-P	79-08-083
82-28-080	AMD-P	79-01-091		106-136-206	AMD-P	79-03-042	113-12-120	AMD-P	79-08-083
82-28-080	AMD-P	79-03-022		106-136-206	AMD	79-06-046	113-12-150	AMD-P	79-08-083
82-28-080	AMD-P	79-03-040		106-136-207	AMD-P	79-03-042	131-08-005	AMD-P	79-01-086
82-28-080	AMD	79-04-010		106-136-207	AMD	79-06-046	131-16-005	AMD-P	79-08-110
82-28-130	AMD-P	79-01-091		106-136-208	AMD-P	79-03-042	131-16-011	AMD-P	79-01-087
82-28-130	AMD-P	79-03-022		106-136-208	AMD	79-06-046	131-16-011	AMD-P	79-04-046
82-28-130	AMD-P	79-03-040		106-136-209	AMD-P	79-03-042	131-16-040	AMD-P	79-01-087
82-28-130	AMD	79-04-010		106-136-209	AMD	79-06-046	131-16-040	AMD-P	79-04-046
82-28-190	AMD-P	79-01-091		106-136-300	AMD-P	79-03-042	131-16-061	AMD-P	79-01-087
82-28-190	AMD-P	79-03-022		106-136-300	AMD	79-06-046	131-16-061	AMD-P	79-04-046
82-28-190	AMD-P	79-03-040		106-136-400	AMD-P	79-03-042	131-16-062	NEW-P	79-01-087
82-28-190	AMD	79-04-010		106-136-400	AMD	79-06-046	131-16-062	NEW-P	79-04-046
82-28-230	AMD-P	79-01-091		106-136-410	AMD-P	79-03-042	131-16-067	NEW-P	79-01-087
82-28-230	AMD-P	79-03-022		106-136-410	AMD	79-06-046	131-16-067	NEW-P	79-04-046
82-28-230	AMD-P	79-03-040		106-136-411	AMD-P	79-03-042	131-28-040	AMD-P	79-05-082
82-28-230	AMD	79-04-010		106-136-411	AMD	79-06-046	131-28-040	AMD	79-07-070
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132B-128-020	AMD	79-08-129	132E-129-010	REP-E	79-06-061	132G-126-220	NEW-P	79-06-041
132B-128-030	AMD-P	79-06-102	132E-129-020	AMD-E	79-02-018	132G-126-220	NEW	79-06-106
132B-128-030	AMD	79-08-129	132E-129-020	REP-E	79-03-026	132G-126-230	NEW-P	79-04-095
132B-128-050	AMD-P	79-06-102	132E-129-020	REP-P	79-04-075	132G-126-230	NEW-P	79-06-041
132B-128-050	AMD	79-08-129	132E-129-020	REP-P	79-06-018	132G-126-230	NEW	79-06-106
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132E-128-001	NEW-P	79-04-075	132E-129-020	REP-E	79-06-061	132G-126-240	NEW-P	79-06-041
132E-128-001	NEW-P	79-06-018	132E-129-030	NEW-E	79-02-018	132G-126-240	NEW	79-06-106
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132E-128-001	NEW-E	79-06-061	132E-129-030	REP-P	79-04-075	132G-126-250	NEW-P	79-06-041
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132E-128-010	REP-P	79-04-075	132E-129-030	REP-E	79-06-061	132G-126-260	NEW-P	79-06-041
132E-128-010	REP-P	79-06-018	132E-129-040	NEW-E	79-02-018	132G-126-260	NEW	79-06-106
132E-128-010	REP	79-06-060	132E-129-040	REP-E	79-03-026	132G-126-270	NEW	79-06-106
132E-128-010	REP-E	79-06-061	132E-129-040	REP-P	79-04-075	132G-126-280	NEW	79-06-106
132E-128-020	AMD-E	79-02-018	132E-129-040	REP-P	79-06-018	132G-126-290	NEW	79-06-106
132E-128-020	REP-E	79-03-026	132E-129-040	REP-E	79-06-060	132G-126-300	NEW	79-06-106
132E-128-020	REP-P	79-04-075	132E-129-040	REP-E	79-06-061	132G-126-310	NEW	79-06-106
132E-128-020	REP-P	79-06-018	132E-129-050	NEW-E	79-02-018	132G-126-320	NEW	79-06-106
132E-128-020	REP	79-06-060	132E-129-050	REP-E	79-03-026	132G-126-330	NEW	79-06-106
132E-128-020	REP-E	79-06-061	132E-129-050	REP-P	79-04-075	132G-126-340	NEW	79-06-106
132E-128-030	AMD-E	79-02-018	132E-129-050	REP-P	79-06-018	132G-126-350	NEW	79-06-106
132E-128-030	REP-E	79-03-026	132E-129-050		79-06-060	132G-126-360	NEW	79-06-106
132E-128-030	REP-P	79-04-075	132E-129-050	REP-E	79-06-061	132G-126-370	NEW	79-06-106
132E-128-030	REP-P	79-06-018	132E-129-060	NEW-E	79-02-018	132G-126-380	NEW	79-06-106
132E-128-030	REP	79-06-060	132E-129-060	REP-E	79-03-026	132G-126-390	NEW	79-06-106
132E-128-030	REP-E	79-06-061	132E-129-060	REP-P	79-04-075	132G-126-400	NEW	79-06-106
132E-128-040	AMD-E	79-02-018	132E-129-060	REP-P	79-06-018	132G-136-120	NEW-P	79-04-095
132E-128-040	REP-E	79-03-026	132E-129-060		79-06-060	132G-136-120	NEW-P	79-06-041
132E-128-040	REP-P	79-04-075	132E-129-060	REP-E	79-06-061	132G-136-120	NEW	79-06-106
132E-128-040	REP-P	79-06-018	132E-129-070	NEW-E	79-02-018	132G-136-130	NEW-P	79-04-095
132E-128-040	REP	79-06-060	132E-129-070	REP-E	79-03-026	132G-136-130	NEW-P	79-06-041
132E-128-040	REP-E	79-06-061	132E-129-070	REP-P	79-04-075	132G-136-130	NEW	79-06-106
132E-128-050	AMD-E	79-02-018	132E-129-070	REP-P	79-06-018	132G-140-062	NEW	79-06-106
132E-128-050	REP-E	79-03-026	132E-129-070		79-06-060	132G-140-064	NEW	79-06-106
132E-128-050	REP-P	79-04-075	132E-129-070	REP-E	79-06-061	132G-140-066	NEW	79-06-106
132E-128-050	REP-P	79-06-018	132G-104-010	AMD-P	79-04-095	132G-140-068	NEW	79-06-106
132E-128-050	REP	79-06-060	132G-104-010	AMD-P	79-06-041	132G-140-070	AMD-P	79-04-095
132E-128-050	REP-E	79-06-061	132G-104-010	AMD	79-06-106	132G-140-070	AMD-P	79-06-041
132E-128-060	AMD-E	79-02-018	132G-120-110	AMD-P	79-04-095	132G-140-070	AMD	79-06-106
132E-128-060	REP-E	79-03-026	132G-120-110	AMD-P	79-06-041	132G-160-500	NEW-P	79-04-095
132E-128-060	REP-P	79-04-075	132G-120-110	AMD	79-06-106	132G-160-500	NEW-P	79-06-041
132E-128-060	REP-P	79-06-018	132G-126-010	NEW-P	79-04-095	132G-160-500	NEW	79-06-106
132E-128-060	REP	79-06-060	132G-126-010	NEW-P	79-06-041	132G-168-012	NEW-P	79-04-095
132E-128-060	REP-E	79-06-061	132G-126-010	NEW	79-06-106	132G-168-012	NEW-P	79-06-041
132E-128-070	AMD-E	79-02-018	132G-126-020	NEW-P	79-04-095	132G-168-012	NEW	79-06-106
132E-128-070	REP-E	79-03-026	132G-126-020	NEW-P	79-06-041	132G-168-014	NEW-P	79-04-095
132E-128-070	REP-P	79-04-075	132G-126-020	NEW	79-06-106	132G-168-014	NEW-P	79-06-041
132E-128-070	REP-P	79-06-018	132G-126-030	NEW-P	79-04-095	132G-168-014	NEW	79-06-106
132E-128-070	REP	79-06-060	132G-126-030	NEW-P	79-06-041	132G-168-016	NEW-P	79-04-095
132E-128-070	REP-E	79-06-061	132G-126-030	NEW	79-06-106	132G-168-016	NEW-P	79-06-041
132E-128-080	AMD-E	79-02-018	132G-126-040	NEW-P	79-04-095	132G-168-016	NEW	79-06-106
132E-128-080	REP-E	79-03-026	132G-126-040	NEW-P	79-06-041	132G-168-018	NEW-P	79-04-095
132E-128-080	REP-P	79-04-075	132G-126-040	NEW	79-06-106	132G-168-018	NEW-P	79-06-041
132E-128-080	REP-P	79-06-018	132G-126-050	NEW-P	79-04-095	132G-168-018	NEW	79-06-106
132E-128-080	REP	79-06-060	132G-126-050	NEW-P	79-06-041	132H-105-040	AMD-P	79-08-114
132E-128-080	REP-E	79-06-061	132G-126-050	NEW	79-06-106	132H-116-350	AMD-P	79-08-109
132E-128-090	REP-E	79-02-018	132G-126-060	NEW-P	79-04-095	132H-116-490	AMD-P	79-08-109
132E-128-090	REP-E	79-03-026	132G-126-060	NEW-P	79-06-041	132H-116-510	AMD-P	79-08-109
132E-128-090	REP-P	79-04-075	132G-126-060	NEW	79-06-106	132H-116-520	AMD-P	79-08-109
132E-128-090	REP-P	79-06-018	132G-126-070	NEW-P	79-04-095	132H-116-540	AMD-P	79-08-109
132E-128-090	REP	79-06-060	132G-126-070	NEW-P	79-06-041	132H-116-542	AMD-P	79-08-109
132E-128-090	REP-E	79-06-061	132G-126-070	NEW	79-06-106	132H-116-570	AMD-P	79-08-109
132E-129-001	NEW-E	79-03-026	132G-126-080	NEW-P	79-04-095	132H-116-620	AMD-P	79-08-109
132E-129-001	NEW-P	79-04-075	132G-126-080	NEW-P	79-06-041	132H-116-670	AMD-P	79-08-109
132E-129-001	NEW-P	79-06-018	132G-126-080	NEW	79-06-106	132H-116-740	AMD-P	79-08-109
132E-129-001	NEW	79-06-060	132G-126-200	NEW-P	79-04-095	132H-116-810	AMD-P	79-08-109
132E-129-001	NEW-E	79-06-061	132G-126-200	NEW-P	79-06-041	132H-140-010	AMD-P	79-08-108
132E-129-010	AMD-E	79-02-018	132G-126-200	NEW	79-06-106	132H-140-020	AMD-P	79-08-108
132E-129-010	REP-E	79-03-026	132G-126-210	NEW-P	79-04-095	132H-140-030	AMD-P	79-08-108
132E-129-010	REP-P	79-04-075	132G-126-210	NEW-P	79-06-041	132H-140-040	AMD-P	79-08-108

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132H-140-060	AMD-P	79-08-108	132T-128-010	NEW-P	79-08-125	173-19-180	AMD-P	79-06-113
132H-140-900	AMD-P	79-08-108	132T-128-020	NEW-P	79-08-125	173-19-180	AMD-E	79-07-048
132H-140-9001	REP-P	79-08-108	132T-128-030	NEW-P	79-08-125	173-19-190	AMD-P	79-06-113
132I-104-060	AMD-P	79-03-028	132T-128-040	NEW-P	79-08-125	173-19-190	AMD-E	79-07-048
132K-300	NEW-P	79-08-026	132T-128-050	NEW-P	79-08-125	173-19-200	AMD-P	79-06-113
132K-300-010	NEW-P	79-08-026	132T-128-060	NEW-P	79-08-125	173-19-200	AMD-E	79-07-048
132K-300-020	NEW-P	79-08-026	132T-128-070	NEW-P	79-08-125	173-19-210	AMD-P	79-06-113
132K-300-030	NEW-P	79-08-026	132T-128-080	NEW-P	79-08-125	173-19-210	AMD-E	79-07-048
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132L-30-010	NEW-P	79-08-136	132U-60-001	REP-P	79-03-035	173-19-220	AMD-E	79-07-048
132L-30-020	NEW-P	79-08-136	132U-60-001	REP	79-05-038	173-19-230	AMD-P	79-06-113
132L-30-030	NEW-P	79-08-136	132U-60-002	REP-P	79-03-035	173-19-230	AMD-E	79-07-048
132L-30-040	NEW-P	79-08-136	132U-60-002	REP	79-05-038	173-19-240	AMD-P	79-06-113
132L-30-050	NEW-P	79-08-136	132U-60-003	REP-P	79-03-035	173-19-240	AMD-E	79-07-048
132L-30-060	NEW-P	79-08-136	132U-60-003	REP	79-05-038	173-19-250	AMD-P	79-06-113
132L-30-070	NEW-P	79-08-136	132U-60-004	REP-P	79-03-035	173-19-250	AMD-E	79-07-048
132L-30-080	NEW-P	79-08-136	132U-60-004	REP	79-05-038	173-19-250	AMD-E	79-08-090
132L-30-090	NEW-P	79-08-136	132U-60-005	REP-P	79-03-035	173-19-250	AMD-P	79-08-094
132L-30-100	NEW-P	79-08-136	132U-60-005	REP	79-05-038	173-19-260	AMD-P	79-06-113
132L-30-110	NEW-P	79-08-136	132U-60-006	REP-P	79-03-035	173-19-260	AMD-E	79-07-048
132L-30-120	NEW-P	79-08-136	132U-60-006	REP	79-05-038	173-19-270	AMD-P	79-06-113
132L-30-130	NEW-P	79-08-136	132U-60-007	REP-P	79-03-035	173-19-270	AMD-E	79-07-048
132L-30-140	NEW-P	79-08-136	132U-60-007	REP	79-05-038	173-19-280	AMD-P	79-06-113
132L-30-150	NEW-P	79-08-136	132U-60-008	REP-P	79-03-035	173-19-280	AMD-E	79-07-048
132L-30-160	NEW-P	79-08-136	132U-60-008	REP	79-05-038	173-19-290	AMD-P	79-06-113
132L-30-170	NEW-P	79-08-136	132U-60-009	REP-P	79-03-035	173-19-290	AMD-E	79-07-048
132L-30-180	NEW-P	79-08-136	132U-60-009	REP	79-05-038	173-19-300	AMD-P	79-06-113
132L-30-190	NEW-P	79-08-136	132U-60-010	REP-P	79-03-035	173-19-300	AMD-E	79-07-048
132L-30-200	NEW-P	79-08-136	132U-60-010	REP	79-05-038	173-19-310	AMD-P	79-06-113
132L-30-210	NEW-P	79-08-136	132U-60-011	REP-P	79-03-035	173-19-310	AMD-E	79-07-048
132L-30-220	NEW-P	79-08-136	132U-60-011	REP	79-05-038	173-19-320	AMD-P	79-06-113
132L-30-230	NEW-P	79-08-136	132U-60-012	REP-P	79-03-035	173-19-320	AMD-E	79-07-048
132L-30-240	NEW-P	79-08-136	132U-60-012	REP	79-05-038	173-19-330	AMD-P	79-06-113
132L-30-250	NEW-P	79-08-136	136-10-050	AMD	79-01-096	173-19-330	AMD-E	79-07-048
132L-30-260	NEW-P	79-08-136	136-18-020	AMD	79-01-098	173-19-340	AMD-P	79-06-113
132L-30-270	NEW-P	79-08-136	136-18-030	AMD	79-01-098	173-19-340	AMD-E	79-07-048
132L-30-280	NEW-P	79-08-136	136-18-040	REP	79-01-098	173-19-350	AMD-P	79-06-113
132N-144-010	AMD-P	79-08-123	136-18-050	AMD	79-01-098	173-19-350	AMD-E	79-07-048
132N-144-020	AMD-P	79-08-123	136-18-060	AMD	79-01-098	173-19-350	AMD-E	79-08-090
132N-156-020	REP-P	79-08-124	136-18-070	AMD	79-01-098	173-19-350	AMD-E	79-08-094
132N-156-030	NEW-P	79-08-124	136-20-010	AMD	79-01-099	173-19-360	AMD-P	79-06-113
132N-156-040	NEW-P	79-08-124	136-20-020	AMD	79-01-099	173-19-360	AMD-E	79-07-048
132N-156-050	NEW-P	79-08-124	136-20-030	AMD	79-01-099	173-19-370	AMD-P	79-06-113
132N-156-060	NEW-P	79-08-124	136-20-040	AMD	79-01-099	173-19-370	AMD-E	79-07-048
132N-156-070	NEW-P	79-08-124	136-20-050	AMD	79-01-099	173-19-370	AMD-E	79-08-090
132N-156-080	NEW-P	79-08-124	136-20-060	AMD	79-01-099	173-19-370	AMD-P	79-08-094
132N-156-090	NEW-P	79-08-124	136-32-030	AMD	79-01-097	173-19-380	AMD-P	79-06-113
132N-156-100	NEW-P	79-08-124	162-08-071	AMD-P	79-08-091	173-19-380	AMD-E	79-07-048
132N-156-110	NEW-P	79-08-124	173-06-060	AMD-E	79-06-014	173-19-390	AMD-P	79-06-113
132N-156-120	NEW-P	79-08-124	173-06-060	AMD-P	79-06-015	173-19-390	AMD-E	79-07-048
132N-156-130	NEW-P	79-08-124	173-19-040	AMD-P	79-06-113	173-19-400	AMD-P	79-06-113
132N-156-140	NEW-P	79-08-124	173-19-044	NEW-P	79-06-113	173-19-400	AMD-E	79-07-048
132N-156-150	NEW-P	79-08-124	173-19-060	AMD-P	79-06-113	173-19-410	AMD-P	79-06-113
132N-156-160	NEW-P	79-08-124	173-19-090	AMD-P	79-06-113	173-19-410	AMD-E	79-07-048
132N-156-170	NEW-P	79-08-124	173-19-090	AMD-E	79-07-048	173-19-420	AMD-P	79-06-113
132N-156-180	NEW-P	79-08-124	173-19-100	AMD-P	79-06-113	173-19-420	AMD-E	79-07-048
132N-156-190	NEW-P	79-08-124	173-19-100	AMD-E	79-07-048	173-19-430	AMD-P	79-06-113
132N-156-200	NEW-P	79-08-124	173-19-110	AMD-P	79-06-113	173-19-430	AMD-E	79-07-048
132N-156-210	NEW-P	79-08-124	173-19-110	AMD-E	79-07-048	173-19-440	AMD-P	79-06-113
132P-104-020	AMD-P	79-05-052	173-19-120	AMD-P	79-06-113	173-19-440	AMD-E	79-07-048
132P-104-020	AMD	79-07-012	173-19-120	AMD-E	79-07-048	173-19-450	AMD-P	79-06-113
132S-16-040	REP-P	79-04-005	173-19-120	AMD-E	79-07-048	173-19-450	AMD-E	79-07-048
132S-16-040	REP	79-06-098	173-19-130	AMD-P	79-06-113	173-19-460	AMD-P	79-06-113
132S-195-010	NEW-P	79-08-001	173-19-130	AMD-E	79-07-048	173-19-460	AMD-E	79-07-048
132T-116-010	NEW-P	79-08-113	173-19-130	AMD-E	79-08-090	173-19-470	AMD-P	79-06-113
132T-116-015	NEW-P	79-08-113	173-19-130	AMD-P	79-08-094	173-19-470	AMD-E	79-07-048
132T-116-020	NEW-P	79-08-113	173-19-140	AMD-P	79-06-113	173-30-010	REP-P	79-06-114
132T-116-025	NEW-P	79-08-113	173-19-140	AMD-E	79-07-048	173-30-020	REP-P	79-06-114
132T-116-030	NEW-P	79-08-113	173-19-150	AMD-P	79-06-113	173-30-030	REP-P	79-06-114
132T-116-035	NEW-P	79-08-113	173-19-150	AMD-E	79-07-048	173-30-040	REP-P	79-06-114
132T-116-040	NEW-P	79-08-113	173-19-160	AMD-P	79-06-113	173-30-050	REP-P	79-06-114
132T-116-045	NEW-P	79-08-113	173-19-160	AMD-E	79-07-048	173-30-060	REP-P	79-06-114
132T-116-050	NEW-P	79-08-113	173-19-170	AMD-P	79-06-113			

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173-58	NEW-P	79-01-079	173-240-170	NEW	79-02-033
173-58	NEW	79-04-033	173-240-180	NEW	79-02-033
173-58-010	NEW	79-04-033	173-400	AMD-P	79-01-051
173-58-020	NEW	79-04-033	173-400	AMD-P	79-01-061
173-58-030	NEW	79-04-033	173-400	AMD-P	79-04-039
173-58-040	NEW	79-04-033	173-400	AMD-P	79-05-049
173-58-050	NEW	79-04-033	173-400-020	AMD	79-06-012
173-58-060	NEW	79-04-033	173-400-030	AMD	79-06-012
173-58-070	NEW	79-04-033	173-400-040	AMD	79-06-012
173-58-080	NEW	79-04-033	173-400-050	AMD	79-06-012
173-58-090	NEW	79-04-033	173-400-070	AMD	79-06-012
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173-60-030	AMD-P	79-04-093	173-400-080	AMD	79-06-012
173-60-040	AMD-P	79-04-093	173-400-100	AMD	79-06-012
173-60-050	AMD-P	79-04-093	173-400-110	AMD	79-06-012
173-60-060	AMD-P	79-04-093	173-400-115	AMD	79-06-012
173-60-060	AMD-P	79-08-020	173-400-120	AMD	79-06-012
173-60-070	AMD-P	79-04-093	173-400-130	AMD	79-06-012
173-60-080	AMD-P	79-04-093	173-400-135	NEW	79-06-012
173-60-090	AMD-P	79-04-093	173-400-150	AMD	79-06-012
173-60-100	AMD-P	79-04-093	173-400-160	NEW	79-06-012
173-60-110	AMD-P	79-04-093	173-400-170	NEW	79-06-012
173-62-030	AMD-P	79-04-092	173-490	NEW-P	79-01-052
173-70	NEW-P	79-01-078	173-490	NEW-P	79-01-060
173-70	NEW	79-04-034	173-490	NEW-P	79-04-038
173-70-010	NEW	79-04-034	173-490	AMD-P	79-05-050
173-70-020	NEW	79-04-034	173-490-010	NEW	79-06-011
173-70-030	NEW	79-04-034	173-490-020	NEW	79-06-011
173-70-040	NEW	79-04-034	173-490-025	NEW	79-06-011
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173-70-060	NEW	79-04-034	173-490-040	NEW	79-06-011
173-70-070	NEW	79-04-034	173-490-070	NEW	79-06-011
173-70-080	NEW	79-04-034	173-490-080	NEW	79-06-011
173-70-090	NEW	79-04-034	173-490-090	NEW	79-06-011
173-70-100	NEW	79-04-034	173-490-120	NEW	79-06-011
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173-70-120	NEW	79-04-034	173-490-135	NEW	79-06-011
173-134-010	AMD-P	79-05-112	173-490-140	NEW	79-06-011
173-134-010	AMD	79-08-080	173-490-150	NEW	79-06-011
173-134-050	AMD-P	79-05-112	173-507	NEW-P	79-06-115
173-134-050	AMD	79-08-080	173-507-010	NEW-P	79-06-115
173-134-055	NEW-P	79-05-112	173-507-020	NEW-P	79-06-115
173-134-055	NEW	79-08-080	173-507-030	NEW-P	79-06-115
173-134-060	AMD-P	79-05-112	173-507-040	NEW-P	79-06-115
173-134-060	AMD	79-08-080	173-507-050	NEW-P	79-06-115
173-134-140	NEW-P	79-05-112	173-507-060	NEW-P	79-06-115
173-134-140	NEW	79-08-080	173-507-070	NEW-P	79-06-115
173-134-150	NEW-P	79-05-112	173-507-080	NEW-P	79-06-115
173-134-150	NEW	79-08-080	173-508	NEW-P	79-06-114
173-134-160	NEW-P	79-05-112	173-508-010	NEW-P	79-06-114
173-134-160	NEW	79-08-080	173-508-020	NEW-P	79-06-114
173-160-090	AMD	79-02-010	173-508-030	NEW-P	79-06-114
173-160-09001	NEW	79-02-010	173-508-040	NEW-P	79-06-114
173-160-100	AMD	79-02-010	173-508-050	NEW-P	79-06-114
173-160-200	AMD	79-02-010	173-508-060	NEW-P	79-06-114
173-160-290	AMD	79-02-010	173-508-070	NEW-P	79-06-114
173-164-050	AMD-E	79-08-144	173-508-080	NEW-P	79-06-114
173-240-010	NEW	79-02-033	173-508-090	NEW-P	79-06-114
173-240-020	NEW	79-02-033	173-508-100	NEW-P	79-06-114
173-240-030	NEW	79-02-033	174-126-010	NEW-P	79-04-089
173-240-040	NEW	79-02-033	174-126-010	NEW	79-07-003
173-240-050	NEW	79-02-033	174-126-020	NEW-P	79-04-089
173-240-060	NEW	79-02-033	174-126-020	NEW	79-07-003
173-240-070	NEW	79-02-033	174-126-030	NEW-P	79-04-089
173-240-080	NEW	79-02-033	174-126-030	NEW	79-07-003
173-240-090	NEW	79-02-033	174-162-320	NEW-P	79-04-089
173-240-100	NEW	79-02-033	174-162-320	NEW	79-06-079
173-240-105	NEW	79-02-033	180-16-166	NEW-P	79-04-068
173-240-110	NEW	79-02-033	180-16-166	NEW	79-06-047
173-240-120	NEW	79-02-033	180-16-167	REP	79-02-048
173-240-130	NEW	79-02-033	180-16-191	AMD-P	79-07-103
173-240-140	NEW	79-02-033	180-16-195	AMD-P	79-07-103
173-240-150	NEW	79-02-033	180-16-200	AMD-P	79-07-103
180-16-205	AMD-P	79-07-103			
180-16-210	AMD-P	79-07-103			
180-16-215	AMD-P	79-07-103			
180-16-220	AMD-P	79-07-103			
180-16-230	REP-P	79-07-103			
180-16-235	REP-P	79-07-103			
180-16-240	AMD	79-02-048			
180-16-240	AMD-P	79-07-103			
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180-30-110	AMD-P	79-02-070			
180-30-110	AMD	79-06-109			
180-30-250	AMD-P	79-02-070			
180-30-250	AMD	79-06-109			
180-30-620	AMD-P	79-08-102			
180-30-750	NEW-P	79-08-102			
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180-56-036	AMD-P	79-07-102			
180-56-235	AMD-P	79-04-070			
180-56-235	AMD	79-06-048			
180-75-035	AMD-P	79-04-072			
180-75-035	AMD	79-06-049			
180-75-070	AMD-P	79-04-072			
180-75-070	AMD	79-06-049			
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180-75-080	AMD	79-06-049			
180-75-085	AMD-P	79-04-072			
180-75-085	AMD	79-06-049			
180-78-050	AMD-P	79-04-069			
180-78-050	AMD	79-06-050			
180-79-045	AMD-P	79-04-071			
180-79-045	AMD	79-06-051			
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180-80-312	AMD	79-06-052			
180-80-705	AMD-P	79-04-073			
180-80-705	AMD	79-06-052			
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194-14-060	AMD-P	79-07-092	212-20-055	NEW-P	79-07-018	220-22-010	AMD	79-07-045
194-14-060	AMD-E	79-07-094	212-20-060	REP-P	79-07-018	220-22-030	AMD-P	79-05-116
194-14-080	REP-P	79-07-092	212-20-065	NEW-P	79-07-018	220-22-030	AMD	79-07-045
194-14-080	REP-E	79-07-094	212-20-070	REP-P	79-07-018	220-22-03000A	NEW-E	79-08-006
194-14-120	AMD-P	79-07-092	212-20-075	NEW-P	79-07-018	220-22-03000A	REP-E	79-08-072
194-14-120	AMD-E	79-07-094	212-20-080	REP-P	79-07-018	220-22-230	REP-P	79-05-116
194-14-130	AMD-P	79-07-092	212-20-085	NEW-P	79-07-018	220-22-310	REP-P	79-05-116
194-14-130	AMD-E	79-07-094	212-20-090	NEW-P	79-07-018	220-22-310	REP	79-07-045
194-14-160	AMD-P	79-07-092	212-20-095	NEW-P	79-07-018	220-22-320	REP	79-07-045
194-14-160	AMD-E	79-07-094	212-20-100	NEW-P	79-07-018	220-22-330	REP-P	79-05-116
204-36-010	AMD	79-02-085	212-20-200	NEW-P	79-07-018	220-22-330	REP	79-07-045
204-36-020	AMD	79-02-085	212-20-205	NEW-P	79-07-018	220-22-400	AMD-P	79-01-100
204-36-030	AMD	79-02-085	212-20-210	NEW-P	79-07-018	220-24-01000B	NEW-E	79-06-073
204-36-060	AMD	79-02-085	212-20-215	NEW-P	79-07-018	220-24-020	AMD-P	79-05-117
204-36-070	AMD	79-02-085	212-20-220	NEW-P	79-07-018	220-24-020	AMD	79-07-046
204-52-010	NEW	79-02-084	212-20-225	NEW-P	79-07-018	220-24-02000B	NEW-E	79-08-070
204-52-020	NEW	79-02-084	212-20-230	NEW-P	79-07-018	220-24-030	AMD-P	79-05-117
204-52-030	NEW	79-02-084	212-20-235	NEW-P	79-07-018	220-28-001HOA	NEW-E	79-06-056
204-52-040	NEW	79-02-084	212-20-240	NEW-P	79-07-018	220-28-00400B	NEW-E	79-08-006
204-52-050	NEW	79-02-084	212-20-245	NEW-P	79-07-018	220-28-004B0G	NEW-E	79-05-081
204-52-060	NEW	79-02-084	212-20-250	NEW-P	79-07-018	220-28-004B0G	REP-E	79-06-004
204-52-070	NEW	79-02-084	212-20-305	NEW-P	79-07-018	220-28-004B0H	NEW-E	79-06-004
204-52-080	NEW	79-02-084	212-20-310	NEW-P	79-07-018	220-28-004B0H	REP-E	79-07-025
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204-52-100	NEW	79-02-084	212-20-320	NEW-P	79-07-018	220-28-004B0J	NEW-E	79-07-044
204-66-060	AMD-P	79-07-050	212-20-405	NEW-P	79-07-018	220-28-004B0J	REP-E	79-07-086
204-66-120	AMD-E	79-07-049	212-20-410	NEW-P	79-07-018	220-28-004B0K	NEW-E	79-07-086
204-66-120	AMD-P	79-07-050	212-20-415	NEW-P	79-07-018	220-28-004B0K	REP-E	79-08-006
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204-66-160	AMD	79-05-109	212-20-425	NEW-P	79-07-018	220-28-00500I	NEW-E	79-05-081
204-66-180	AMD	79-01-077	212-20-430	NEW-P	79-07-018	220-28-00500I	REP-E	79-07-025
204-66-180	AMD-P	79-07-050	212-20-500	NEW-P	79-07-018	220-28-00500J	NEW-E	79-07-025
204-66-180	AMD-P	79-07-073	212-20-600	NEW-P	79-07-018	220-28-00500K	NEW-E	79-07-044
204-66-180	AMD-E	79-07-074	212-20-605	NEW-P	79-07-018	220-28-00500K	REP-E	79-07-086
204-68	NEW-E	79-06-072	212-20-610	NEW-P	79-07-018	220-28-00500L	NEW-E	79-07-086
204-68	NEW-P	79-07-050	212-20-615	NEW-P	79-07-018	220-28-00500L	REP-E	79-08-006
204-68-010	NEW-E	79-06-072	212-20-620	NEW-P	79-07-018	220-28-00500M	NEW-E	79-08-006
204-68-010	NEW-P	79-07-050	212-20-625	NEW-P	79-07-018	220-28-005F0F	NEW-E	79-07-086
204-68-020	NEW-E	79-06-072	212-20-630	NEW-P	79-07-018	220-28-005G0B	NEW-E	79-08-045
204-68-020	NEW-P	79-07-050	212-20-635	NEW-P	79-07-018	220-28-00600J	NEW-E	79-05-081
204-68-030	NEW-E	79-06-072	212-20-640	NEW-P	79-07-018	220-28-00600J	REP-E	79-07-025
204-68-030	NEW-P	79-07-050	212-20-645	NEW-P	79-07-018	220-28-00600K	NEW-E	79-07-025
204-68-040	NEW-E	79-06-072	212-20-650	NEW-P	79-07-018	220-28-00600L	NEW-E	79-07-044
204-68-040	NEW-P	79-07-050	212-20-655	NEW-P	79-07-018	220-28-00600L	REP-E	79-08-006
204-68-050	NEW-E	79-06-072	212-20-660	NEW-P	79-07-018	220-28-00600M	NEW-E	79-08-006
204-68-050	NEW-P	79-07-050	212-20-665	NEW-P	79-07-018	220-28-006A0G	NEW-E	79-05-081
204-68-060	NEW-E	79-06-072	212-20-990	NEW-P	79-07-018	220-28-006A0H	NEW-E	79-07-044
204-68-060	NEW-P	79-07-050	220-16-025	AMD-P	79-01-100	220-28-006A0H	REP-E	79-08-006
204-68-070	NEW-E	79-06-072	220-16-025	AMD	79-03-014	220-28-006A0I	NEW-E	79-08-006
204-68-070	NEW-P	79-07-050	220-16-028	AMD-P	79-01-100	220-28-006B0K	NEW-E	79-07-025
204-68-080	NEW-E	79-06-072	220-16-028	AMD	79-03-014	220-28-006B0K	REP-E	79-08-006
204-68-080	NEW-P	79-07-050	220-16-045	REP-P	79-01-100	220-28-006B0L	NEW-E	79-08-006
204-68-090	NEW-E	79-06-072	220-16-050	REP-P	79-01-100	220-28-006C0C	NEW-E	79-05-081
204-68-090	NEW-P	79-07-050	220-16-050	REP	79-03-014	220-28-006C0C	REP-E	79-07-025
204-68-100	NEW-E	79-06-072	220-16-051	NEW-P	79-01-100	220-28-006C0D	NEW-E	79-07-025
204-68-100	NEW-P	79-07-050	220-16-051	NEW	79-03-014	220-28-006C0E	NEW-E	79-07-044
204-68-110	NEW-E	79-06-072	220-16-060	REP-P	79-01-100	220-28-006C0E	REP-E	79-07-086
204-68-110	NEW-P	79-07-050	220-16-060	REP	79-03-014	220-28-006C0F	NEW-E	79-07-086
204-68-120	NEW-E	79-06-072	220-16-070	AMD-P	79-02-083	220-28-006C0F	REP-E	79-08-006
204-68-120	NEW-P	79-07-050	220-16-070	AMD-P	79-04-015	220-28-006C0G	NEW-E	79-08-006
204-68-130	NEW-E	79-06-072	220-16-070	AMD	79-05-007	220-28-006D0A	NEW-E	79-08-006
204-68-130	NEW-P	79-07-050	220-16-135	REP-P	79-01-100	220-28-00700B	NEW-E	79-05-081
204-68-140	NEW-E	79-06-072	220-16-340	AMD-P	79-02-083	220-28-00700C	NEW-E	79-07-044
204-68-140	NEW-P	79-07-050	220-16-340	AMD-P	79-04-015	220-28-00700C	REP-E	79-08-006
212-20-001	NEW-P	79-07-018	220-16-340	AMD	79-05-007	220-28-00700D	NEW-E	79-08-006
212-20-010	AMD-P	79-07-018	220-20-010	AMD-P	79-07-124	220-28-007A0A	NEW-E	79-05-081
212-20-015	NEW-P	79-07-018	220-20-01000A	NEW-E	79-08-010	220-28-007A0B	NEW-E	79-07-044
212-20-020	REP-P	79-07-018	220-20-012	NEW-P	79-08-101	220-28-007A0B	REP-E	79-08-006
212-20-025	NEW-P	79-07-018	220-20-015	AMD-P	79-07-124	220-28-007A0C	NEW-E	79-08-006
212-20-030	REP-P	79-07-018	220-20-020	AMD-P	79-01-100	220-28-007B0J	NEW-E	79-05-081
212-20-035	NEW-P	79-07-018	220-20-020	AMD-P	79-02-083	220-28-007B0K	NEW-E	79-08-045
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220-28-007C0M	NEW-E	79-08-006	220-40-022	AMD	79-07-046	220-55-055	NEW-P	79-07-123
220-28-007C0M	REP-E	79-08-045	220-40-024	AMD-P	79-05-117	220-55-060	NEW-P	79-07-123
220-28-007C0N	NEW-E	79-08-045	220-40-024	AMD	79-07-046	220-55-065	NEW-P	79-07-123
220-28-007F0E	REP-E	79-02-002	220-40-025	AMD-P	79-05-117	220-56-013	AMD-P	79-05-117
220-28-007F0F	NEW-E	79-05-081	220-40-025	AMD	79-07-046	220-56-013	AMD	79-07-046
220-28-007F0G	NEW-E	79-08-045	220-40-030	AMD-P	79-02-083	220-56-019	AMD	79-02-052
220-28-007G0C	REP-E	79-02-002	220-40-030	AMD-P	79-04-015	220-56-021	AMD	79-02-052
220-28-007G0D	NEW-E	79-07-086	220-40-030	AMD	79-05-007	220-56-023	AMD	79-02-052
220-28-00800Q	NEW-E	79-05-081	220-44-020	AMD-P	79-04-097	220-56-050	AMD-P	79-02-054
220-28-00800Q	REP-E	79-07-025	220-44-020	AMD	79-06-085	220-56-050	AMD	79-04-041
220-28-00800R	NEW-E	79-07-025	220-44-030	AMD-P	79-01-100	220-56-063	AMD-P	79-05-117
220-28-00800R	REP-E	79-08-006	220-44-030	AMD	79-03-014	220-56-06300B	NEW-E	79-05-042
220-28-00800S	NEW-E	79-08-006	220-44-040	AMD-P	79-01-100	220-56-06300B	REP-E	79-08-072
220-28-008F0N	NEW-E	79-05-081	220-44-040	AMD	79-03-014	220-56-064	AMD-P	79-05-117
220-28-008F0N	REP-E	79-07-025	220-48-080	AMD-P	79-01-100	220-56-065	AMD	79-02-052
220-28-008F0O	NEW-E	79-07-025	220-48-080	AMD	79-03-014	220-56-06500A	NEW-E	79-03-046
220-28-00900E	NEW-E	79-07-025	220-48-08000A	NEW-E	79-02-045	220-56-06500B	NEW-E	79-07-013
220-28-00900E	REP-E	79-08-006	220-48-09100A	NEW-E	79-02-013	220-56-080	AMD	79-02-052
220-28-00900F	NEW-E	79-08-006	220-48-09600C	NEW-E	79-04-002	220-56-08000G	NEW-E	79-02-051
220-28-01000H	NEW-E	79-07-025	220-48-100	AMD-P	79-01-100	220-56-08000G	REP-E	79-05-034
220-28-01000H	REP-E	79-08-006	220-48-100	AMD	79-03-014	220-56-084	AMD	79-02-052
220-28-01000I	NEW-E	79-08-006	220-49-020	AMD-P	79-01-100	220-56-08400D	NEW-E	79-05-118
220-28-010A0L	NEW-E	79-07-025	220-49-020	AMD	79-03-014	220-56-086	AMD	79-02-052
220-28-010A0L	REP-E	79-08-006	220-49-02000D	NEW-E	79-03-009	220-56-088	AMD	79-02-052
220-28-010B0L	NEW-E	79-07-025	220-49-02100B	NEW-E	79-04-098	220-57-24000A	NEW-E	79-05-097
220-28-010B0L	REP-E	79-08-006	220-49-02100B	REP-E	79-05-051	220-57-130	AMD	79-02-052
220-28-010B0M	NEW-E	79-08-006	220-49-02100C	NEW-E	79-05-051	220-57-135	AMD	79-02-052
220-28-010C0I	NEW-E	79-07-025	220-49-02100C	REP-E	79-05-094	220-57-137	NEW	79-02-052
220-28-010C0I	REP-E	79-08-006	220-49-02100D	NEW-E	79-05-094	220-57-145	AMD	79-02-052
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220-28-010D0G	REP-E	79-02-002	220-49-022	AMD	79-03-014	220-57-160	AMD	79-02-052
220-28-010D0H	NEW-E	79-07-025	220-50-010	NEW-P	79-02-083	220-57-16000D	NEW-E	79-06-013
220-28-010D0H	REP-E	79-08-006	220-50-010	NEW-P	79-04-015	220-57-16000D	REP-E	79-08-100
220-28-010D0I	NEW-E	79-08-006	220-50-020	NEW-P	79-02-083	220-57-16000E	NEW-E	79-06-017
220-28-01200I	NEW-E	79-08-081	220-50-020	NEW-P	79-04-015	220-57-16000E	REP-E	79-08-100
220-28-012B0C	NEW-E	79-08-081	220-50-030	NEW-P	79-02-083	220-57-200	AMD	79-02-052
220-28-012C0H	NEW-E	79-08-006	220-50-030	NEW-P	79-04-015	220-57-205	AMD	79-02-052
220-28-012C0H	REP-E	79-08-045	220-50-040	NEW-P	79-02-083	220-57-210	AMD	79-02-052
220-28-012C0I	NEW-E	79-08-045	220-50-040	NEW-P	79-04-015	220-57-215	AMD	79-02-052
220-28-012D0J	NEW-E	79-08-006	220-50-050	NEW-P	79-02-083	220-57-220	AMD	79-02-052
220-28-012E0D	NEW-E	79-07-086	220-50-050	NEW-P	79-04-015	220-57-225	AMD	79-02-052
220-28-012E0D	REP-E	79-08-006	220-50-060	NEW-P	79-02-083	220-57-240	AMD	79-02-052
220-28-013B0G	REP-E	79-02-002	220-50-060	NEW-P	79-04-015	220-57-24000A	REP-E	79-06-006
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220-28-013G0D	NEW-E	79-03-003	220-50-080	NEW-P	79-04-015	220-57-260	AMD	79-02-052
220-28-04000A	NEW-E	79-06-003	220-50-100	NEW-P	79-02-083	220-57-265	AMD	79-02-052
220-28-04000A	REP-E	79-08-006	220-50-100	NEW-P	79-04-015	220-57-270	AMD	79-02-052
220-32-02200B	NEW-E	79-02-035	220-52-018	AMD	79-02-053	220-57-290	AMD	79-02-052
220-32-02200C	NEW-E	79-08-100	220-52-019	AMD	79-02-053	220-57-29000A	NEW-E	79-06-017
220-32-03000L	NEW-E	79-02-035	220-52-01900C	NEW-E	79-07-043	220-57-305	AMD	79-02-052
220-32-03000L	REP-E	79-03-073	220-52-01900C	REP-E	79-07-058	220-57-310	AMD	79-02-052
220-32-03000M	NEW-E	79-03-073	220-52-01900D	NEW-E	79-07-058	220-57-31500A	NEW-E	79-06-017
220-32-03600B	NEW-E	79-03-024	220-52-040	AMD	79-02-053	220-57-31500A	REP-E	79-08-100
220-32-04000E	NEW-E	79-02-035	220-52-043	AMD	79-02-053	220-57-345	AMD	79-02-052
220-32-04000F	NEW-E	79-05-093	220-52-050	AMD	79-02-053	220-57-350	AMD	79-02-052
220-32-04000F	REP-E	79-06-080	220-52-053	AMD	79-02-053	220-57-370	AMD	79-02-052
220-32-04000F	NEW-E	79-08-100	220-52-05300D	NEW-E	79-05-118	220-57-385	AMD	79-02-052
220-32-04000G	NEW-E	79-06-080	220-52-05300E	NEW-E	79-07-008	220-57-38500B	NEW-E	79-06-006
220-32-05100H	NEW-E	79-02-035	220-52-060	AMD	79-02-053	220-57-400	AMD	79-02-052
220-32-05100H	REP-E	79-04-050	220-52-071	AMD	79-02-053	220-57-435	AMD	79-02-052
220-32-05100I	NEW-E	79-04-050	220-52-073	AMD	79-02-053	220-57-455	AMD	79-02-052
220-32-05700D	NEW-E	79-02-035	220-52-074	AMD	79-02-053	220-57-460	AMD	79-02-052
220-32-05700E	NEW-E	79-08-100	220-52-07400A	REP-E	79-02-042	220-57-46000B	NEW-E	79-06-006
220-36-02000A	NEW-E	79-08-076	220-52-07400B	NEW-E	79-02-042	220-57-465	AMD	79-02-052
220-36-02100M	NEW-E	79-08-007	220-52-075	NEW	79-02-053	220-57-473	NEW	79-02-052
220-36-03001	AMD-P	79-02-083	220-55-010	NEW-P	79-07-123	220-57-480	AMD	79-02-052
220-36-03001	AMD-P	79-04-015	220-55-015	NEW-P	79-07-123	220-57-48500A	NEW-E	79-06-017
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220-40-02000A	NEW-E	79-08-076	220-55-025	NEW-P	79-07-123	220-57-50500A	NEW-E	79-06-017
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220-57A-010	AMD	79-02-052	232-18	AMD-P	79-05-011	232-18-500	AMD	79-08-116
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220-57A-060	REP	79-02-052	232-18-025	AMD	79-08-116	232-18-535	AMD	79-08-116
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220-57A-135	AMD	79-02-052	232-18-060	AMD	79-08-116	232-18-550	AMD	79-08-116
220-57A-150	AMD	79-02-052	232-18-100	AMD-P	79-02-009	232-18-570	AMD-P	79-02-009
220-57A-155	AMD	79-02-052	232-18-100	AMD	79-08-116	232-18-570	AMD	79-08-116
220-57A-185	AMD	79-02-052	232-18-150	AMD-P	79-02-009	232-18-580	AMD-P	79-02-009
220-57A-190	AMD	79-02-052	232-18-150	AMD	79-08-116	232-18-580	AMD	79-08-116
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220-74-022	NEW-P	79-07-124	232-18-190	AMD	79-08-116	232-18-600	AMD	79-08-116
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220-95-010	AMD-P	79-08-101	232-18-203	AMD	79-08-116	232-18-650	AMD	79-08-116
220-95-015	AMD	79-03-025	232-18-205	AMD-P	79-02-009	232-18-660	AMD-P	79-02-009
220-95-015	AMD-P	79-07-124	232-18-205	AMD	79-08-116	232-18-660	AMD	79-08-116
220-95-020	AMD-P	79-07-124	232-18-240	AMD-P	79-02-009	232-18-690	AMD-P	79-02-009
220-95-025	REP-P	79-07-124	232-18-240	AMD	79-08-116	232-18-690	AMD	79-08-116
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220-95-035	REP-P	79-07-124	232-18-300	AMD	79-08-116	232-18-695	AMD	79-08-116
220-95-050	AMD-P	79-07-124	232-18-305	AMD-P	79-02-009	232-18-700	AMD-P	79-02-009
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230-02-010	AMD	79-07-019	232-18-310	AMD-P	79-02-009	232-18-830	REP-P	79-02-009
230-04-070	AMD-P	79-03-090	232-18-310	AMD	79-08-116	232-18-830	REP	79-08-116
230-04-070	AMD	79-05-026	232-18-320	AMD-P	79-02-009	232-18-835	REP-P	79-02-009
230-04-110	AMD-P	79-05-121	232-18-320	AMD	79-08-116	232-18-835	REP	79-08-116
230-04-110	AMD	79-07-019	232-18-330	AMD-P	79-02-009	232-28-101	REP-P	79-05-107
230-04-140	AMD-P	79-07-064	232-18-330	AMD	79-08-116	232-28-101	REP	79-08-066
230-04-141	REP-P	79-07-064	232-18-340	AMD-P	79-02-009	232-28-102	NEW-P	79-05-107
230-04-142	NEW-P	79-07-069	232-18-340	AMD	79-08-116	232-28-102	NEW	79-08-066
230-04-199	NEW-P	79-03-090	232-18-345	AMD-P	79-02-009	232-28-201	REP-P	79-04-096
230-04-199	NEW	79-05-026	232-18-345	AMD	79-08-116	232-28-201	REP	79-07-051
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230-04-200	AMD	79-05-026	232-18-350	AMD	79-08-116	232-28-202	NEW	79-07-051
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230-08-140	AMD-P	79-07-064	232-18-355	AMD	79-08-116	232-28-301	REP	79-07-051
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230-30-015	AMD	79-07-019	232-18-360	AMD	79-08-116	232-28-302	NEW	79-07-051
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230-30-075	AMD-P	79-07-064	232-18-365	AMD	79-08-116	232-28-402	NEW-P	79-07-100
230-30-080	AMD-P	79-05-121	232-18-370	AMD-P	79-02-009	232-28-501	REP-P	79-05-107
230-30-080	AMD	79-07-019	232-18-370	AMD	79-08-116	232-28-502	NEW-P	79-05-107
230-30-100	AMD-P	79-05-121	232-18-375	AMD-P	79-02-009	232-28-601	REP-P	79-07-100
230-30-100	AMD	79-07-019	232-18-375	AMD	79-08-116	232-28-601000A	NEW-E	79-05-012
230-30-106	AMD-P	79-07-064	232-18-400	AMD-P	79-02-009	232-28-601000B	NEW-E	79-05-013
230-30-200	AMD-P	79-07-064	232-18-400	AMD	79-08-116	232-28-60101	NEW-P	79-04-096
230-60-015	AMD-P	79-05-121	232-18-410	AMD-P	79-02-009	232-28-60101C	NEW-E	79-05-108
230-60-015	AMD	79-07-019	232-18-410	AMD	79-08-116	232-28-60101	NEW	79-07-011
232-12-010	AMD-P	79-05-107	232-18-420	AMD-P	79-02-009	232-28-60102	NEW-P	79-04-096
232-12-010	AMD	79-08-066	232-18-420	AMD	79-08-116	232-28-60102	NEW	79-07-011
232-12-040	AMD-P	79-08-137	232-18-425	AMD-P	79-02-009	232-28-60103	NEW-E	79-08-117
232-12-070	AMD-P	79-05-107	232-18-425	AMD	79-08-116	232-28-60104	NEW-E	79-08-122
232-12-070	AMD	79-08-066	232-18-440	AMD-P	79-02-009	232-28-602	NEW-P	79-07-100
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232-12-130	AMD	79-08-066	232-18-442	AMD-P	79-02-009	232-28-701	NEW	79-03-039
232-12-201	NEW	79-08-066	232-18-442	AMD	79-08-116	232-28-800	REP-P	79-02-086
232-12-205	NEW-P	79-05-107	232-18-444	AMD-P	79-02-009	232-28-800	REP	79-05-037
232-12-360	AMD-P	79-05-107	232-18-444	AMD	79-08-116	232-28-801	NEW-P	79-02-086
232-12-360	AMD	79-08-066	232-18-450	AMD-P	79-02-009	232-28-801	NEW	79-05-037
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232-12-500	AMD-P	79-05-107	232-18-455	AMD	79-08-116	236-12-440	AMD-E	79-03-012
232-12-500	AMD	79-08-066	232-18-460	AMD-P	79-02-009	236-12-440	AMD	79-05-005
232-12-510	AMD	79-02-008	232-18-460	AMD	79-08-116	247-02	NEW-E	79-08-005
232-12-655	NEW-P	79-05-107	232-18-470	AMD-P	79-02-009	247-02	NEW-P	79-08-037
232-12-655	NEW	79-08-066	232-18-470	AMD	79-08-116	247-02-010	NEW-E	79-08-005
232-12-816	AMD-P	79-05-107	232-18-480	AMD-P	79-02-009	247-02-010	NEW-P	79-08-037
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247-02-040	NEW-P	79-08-037	248-18-170	AMD	79-04-004	248-57-010	NEW-P	79-01-083
247-02-050	NEW-E	79-08-005	248-18-215	AMD-P	79-04-074	248-57-010	NEW	79-04-007
247-02-050	NEW-P	79-08-037	248-18-215	AMD	79-06-068	248-57-100	NEW-P	79-01-083
247-12	NEW-E	79-08-005	248-18-220	AMD-P	79-04-074	248-57-100	NEW	79-04-007
247-12	NEW-P	79-08-037	248-18-220	AMD	79-06-068	248-57-200	NEW-P	79-01-083
247-12-010	NEW-E	79-08-005	248-18-223	NEW-P	79-04-074	248-57-200	NEW	79-04-007
247-12-010	NEW-P	79-08-037	248-18-223	NEW	79-06-068	248-57-300	NEW-P	79-01-083
247-12-020	NEW-E	79-08-005	248-18-270	AMD-P	79-01-094	248-57-300	NEW	79-04-007
247-12-020	NEW-P	79-08-037	248-18-270	AMD-P	79-03-027	248-57-400	NEW-P	79-01-083
247-12-030	NEW-E	79-08-005	248-18-270	AMD	79-04-081	248-57-400	NEW	79-04-007
247-12-030	NEW-P	79-08-037	248-18-280	AMD-P	79-01-094	248-57-500	NEW-P	79-01-083
247-12-040	NEW-E	79-08-005	248-18-280	AMD-P	79-03-027	248-57-500	NEW	79-04-007
247-12-040	NEW-P	79-08-037	248-18-280	AMD	79-04-081	248-57-600	NEW-P	79-01-083
247-12-050	NEW-E	79-08-005	248-18-315	NEW-P	79-01-094	248-57-600	NEW	79-04-007
247-12-050	NEW-P	79-08-037	248-18-315	NEW-P	79-03-027	248-57-700	NEW-P	79-01-083
247-12-060	NEW-E	79-08-005	248-18-315	NEW	79-04-081	248-57-700	NEW	79-04-007
247-12-060	NEW-P	79-08-037	248-54-250	REP-P	79-03-089	248-57-800	NEW-P	79-01-083
247-12-070	NEW-E	79-08-005	248-54-250	REP	79-05-019	248-57-800	NEW	79-04-007
247-12-070	NEW-P	79-08-037	248-54-260	REP-P	79-03-089	248-57-900	NEW-P	79-01-083
247-12-080	NEW-E	79-08-005	248-54-260	REP	79-05-019	248-57-900	NEW	79-04-007
247-12-080	NEW-P	79-08-037	248-54-270	REP-P	79-03-089	248-57-990	NEW-P	79-01-083
247-12-090	NEW-E	79-08-005	248-54-270	REP	79-05-019	248-57-990	NEW	79-04-007
247-12-090	NEW-P	79-08-037	248-54-280	REP-P	79-03-089	248-64-260	AMD-P	79-06-105
247-12-100	NEW-E	79-08-005	248-54-280	REP	79-05-019	248-64-260	AMD	79-08-078
247-12-100	NEW-P	79-08-037	248-54-290	REP-P	79-03-089	248-64-270	AMD-P	79-06-105
247-12-101	NEW-E	79-08-005	248-54-290	REP	79-05-019	248-64-270	AMD	79-08-078
247-12-101	NEW-P	79-08-037	248-54-300	REP-P	79-03-089	248-64-290	AMD-P	79-06-105
247-16	NEW-E	79-08-005	248-54-300	REP	79-05-019	248-64-290	AMD	79-08-078
247-16	NEW-P	79-08-037	248-54-310	REP-P	79-03-089	248-64-990	REP-P	79-06-105
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247-16-040	NEW-E	79-08-005	248-54-340	REP	79-05-019	248-100-105	AMD-P	79-05-088
247-16-040	NEW-P	79-08-037	248-54-350	REP-P	79-03-089	248-100-105	AMD	79-08-013
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247-16-060	NEW-E	79-08-005	248-54-360	REP	79-05-019	248-100-163	NEW-P	79-05-111
247-16-060	NEW-P	79-08-037	248-54-370	REP-P	79-03-089	248-100-163	NEW	79-08-002
247-16-070	NEW-E	79-08-005	248-54-370	REP	79-05-019	248-100-164	NEW-P	79-07-105
247-16-070	NEW-P	79-08-037	248-54-380	REP-P	79-03-089	248-100-165	REP-P	79-05-088
247-16-080	NEW-E	79-08-005	248-54-380	REP	79-05-019	248-100-165	REP	79-08-013
247-16-080	NEW-P	79-08-037	248-54-385	REP-P	79-03-089	248-100-175	AMD-P	79-07-106
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248-14-235	NEW	79-02-036	248-54-400	REP-P	79-03-089	248-100-335	AMD-P	79-05-088
248-14-240	AMD	79-02-036	248-54-400	REP	79-05-019	248-100-335	AMD	79-08-013
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248-14-250	AMD	79-02-036	248-54-410	REP	79-05-019	248-100-395	AMD-P	79-05-088
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248-14-260	AMD-P	79-05-095	248-54-420	REP	79-05-019	248-100-410	AMD-P	79-05-088
248-14-270	AMD	79-02-036	248-54-430	REP-P	79-03-089	248-100-410	AMD	79-08-013
248-14-401	NEW	79-02-036	248-54-430	REP	79-05-019	248-100-435	AMD-P	79-05-088
248-18-060	AMD-P	79-01-094	248-54-440	REP-P	79-03-089	248-100-435	AMD	79-08-013
248-18-060	AMD	79-04-004	248-54-440	REP	79-05-019	248-101-010	AMD-E	79-05-010
248-18-090	AMD-P	79-01-094	248-54-450	REP-P	79-03-089	248-101-010	AMD-P	79-05-088
248-18-090	AMD	79-04-004	248-54-450	REP	79-05-019	248-101-010	AMD	79-08-013
248-18-110	AMD-P	79-01-094	248-54-460	REP-P	79-03-089	248-101-020	AMD-E	79-05-010
248-18-110	AMD-P	79-03-027	248-54-460	REP	79-05-019	248-101-020	AMD-P	79-05-088
248-18-110	AMD	79-04-081	248-54-470	REP-P	79-03-089	248-101-020	AMD	79-08-013
248-18-135	AMD-P	79-01-094	248-54-470	REP	79-05-019	248-101-029999	REP-P	79-05-088
248-18-135	AMD	79-04-004	248-54-480	REP-P	79-03-089	248-101-029999	REP	79-08-013
248-18-140	AMD-P	79-01-094	248-54-480	REP	79-05-019	248-101-030	REP-E	79-05-010
248-18-150	AMD-P	79-01-094	248-54-490	REP-P	79-03-089	248-101-030	REP-P	79-05-088
248-18-150	AMD	79-04-004	248-54-490	REP	79-05-019	248-101-030	REP	79-08-013
248-18-155	NEW-P	79-01-094	248-54-500	REP-P	79-03-089	248-101-040	REP-E	79-05-010
248-18-155	NEW	79-04-004	248-54-500	REP	79-05-019	248-101-040	REP-P	79-05-088

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248-101-040	REP	79-08-013	250-20-011	AMD-P	79-08-132	251-10-035	AMD-P	79-04-087
248-101-050	REP-E	79-05-010	250-20-015	NEW-P	79-08-132	251-10-035	AMD-P	79-06-075
248-101-050	REP-P	79-05-088	250-20-021	AMD-P	79-03-088	251-10-035	AMD-E	79-07-095
248-101-050	REP	79-08-013	250-20-021	AMD	79-07-021	251-10-035	AMD	79-07-096
248-101-060	REP-E	79-05-010	250-20-021	AMD-P	79-08-132	251-12-600	AMD-P	79-01-092
248-101-060	REP-P	79-05-088	250-20-041	AMD-P	79-03-088	251-12-600	AMD	79-03-029
248-101-060	REP	79-08-013	250-20-041	AMD	79-07-021	251-14-005	AMD-P	79-08-119
248-101-070	REP-E	79-05-010	250-20-041	AMD-P	79-08-132	251-14-030	AMD-P	79-08-119
248-101-070	REP-P	79-05-088	250-20-051	AMD-P	79-03-088	251-14-042	AMD-P	79-08-119
248-101-070	REP	79-08-013	250-20-051	AMD	79-07-021	251-14-050	AMD-P	79-08-119
248-101-080	REP-E	79-05-010	250-20-051	AMD-P	79-08-132	251-14-057	AMD-P	79-08-119
248-101-080	REP-P	79-05-088	250-20-061	AMD	79-02-066	251-14-060	AMD-P	79-08-119
248-101-080	REP	79-08-013	250-20-061	AMD-P	79-03-088	251-14-070	AMD-P	79-08-119
248-101-090	REP-E	79-05-010	250-20-061	AMD	79-07-021	251-14-080	AMD-P	79-08-119
248-101-090	REP-P	79-05-088	250-20-061	AMD-P	79-08-132	251-14-090	AMD-P	79-08-119
248-101-090	REP	79-08-013	250-20-081	NEW-P	79-08-132	251-18-020	AMD-P	79-01-092
248-101-100	REP-E	79-05-010	250-28-020	AMD-P	79-05-124	251-18-020	AMD	79-03-029
248-101-100	REP-P	79-05-088	250-28-070	AMD-P	79-05-124	251-18-200	AMD-P	79-01-092
248-101-100	REP	79-08-013	250-40-030	AMD-P	79-03-087	251-18-200	AMD	79-03-029
248-101-110	REP-E	79-05-010	250-40-030	AMD	79-07-020	251-18-380	AMD-P	79-01-092
248-101-110	REP-P	79-05-088	250-40-050	AMD-P	79-03-087	251-18-380	AMD	79-03-029
248-101-110	REP	79-08-013	250-40-050	AMD	79-07-020	251-18-410	AMD-E	79-04-053
248-101-120	REP-E	79-05-010	250-40-070	AMD	79-02-088	251-18-410	AMD-P	79-04-087
248-101-120	REP-P	79-05-088	250-40-070	AMD-P	79-08-131	251-18-410	AMD-P	79-06-075
248-101-120	REP	79-08-013	250-40-070	AMD-E	79-08-133	251-18-410	AMD-E	79-07-095
248-101-130	REP-E	79-05-010	250-44-010	NEW-P	79-07-121	251-18-410	AMD	79-07-096
248-101-130	REP-P	79-05-088	250-44-020	NEW-P	79-07-121	251-18-420	AMD-P	79-01-092
248-101-130	REP	79-08-013	250-44-030	NEW-P	79-07-121	251-18-420	AMD	79-03-029
248-101-140	REP-E	79-05-010	250-44-040	NEW-P	79-07-121	251-22-060	AMD-P	79-01-092
248-101-140	REP-P	79-05-088	250-44-050	NEW-P	79-07-121	251-22-060	AMD	79-03-029
248-101-140	REP	79-08-013	250-44-060	NEW-P	79-07-121	251-22-124	NEW-P	79-08-118
248-101-150	REP-E	79-05-010	250-44-070	NEW-P	79-07-121	251-22-124	NEW-E	79-08-121
248-101-150	REP-P	79-05-088	250-44-080	NEW-P	79-07-121	251-22-125	AMD-P	79-08-118
248-101-150	REP	79-08-013	250-44-090	NEW-P	79-07-121	251-22-125	AMD-E	79-08-121
248-101-160	REP-E	79-05-010	250-44-100	NEW-P	79-07-121	260-24-470	AMD-P	79-03-008
248-101-160	REP-P	79-05-088	250-44-110	NEW-P	79-07-121	260-24-470	AMD	79-06-002
248-101-160	REP	79-08-013	250-44-120	NEW-P	79-07-121	260-84-030	AMD-P	79-03-008
248-101-170	REP-E	79-05-010	250-44-130	NEW-P	79-07-121	260-84-030	AMD	79-06-002
248-101-170	REP-P	79-05-088	250-44-140	NEW-P	79-07-121	260-84-040	REP-P	79-03-008
248-101-170	REP	79-08-013	250-44-150	NEW-P	79-07-121	260-84-040	REP	79-06-002
248-101-180	REP-E	79-05-010	250-44-160	NEW-P	79-07-121	260-84-080	REP-P	79-03-008
248-101-180	REP-P	79-05-088	250-44-170	NEW-P	79-07-121	260-84-080	REP	79-06-002
248-101-180	REP	79-08-013	250-44-180	NEW-P	79-07-121	261-20	AMD-P	79-04-067
248-101-190	REP-E	79-05-010	250-44-190	NEW-P	79-07-121	261-20	AMD	79-07-030
248-101-190	REP-P	79-05-088	250-44-200	NEW-P	79-07-121	261-30-040	AMD-P	79-04-067
248-101-190	REP	79-08-013	250-44-210	NEW-P	79-07-121	261-40-020	AMD-E	79-02-049
248-101-200	REP-E	79-05-010	250-44-220	NEW-P	79-07-121	261-40-020	AMD-P	79-04-067
248-101-200	REP-P	79-05-088	250-50-010	NEW	79-03-086	261-40-020	AMD	79-07-030
248-101-200	REP	79-08-013	250-50-020	NEW	79-03-086	261-40-140	AMD-P	79-04-067
248-101-210	REP-P	79-05-010	250-50-030	NEW	79-03-086	261-40-140	AMD	79-07-030
248-101-210	REP-P	79-05-088	250-50-040	NEW	79-03-086	261-40-145	AMD-P	79-04-067
248-101-210	REP	79-08-013	250-50-050	NEW	79-03-086	261-40-145	AMD	79-07-030
248-101-220	NEW-P	79-05-088	251-04-020	AMD-P	79-08-119	261-40-150	AMD-P	79-04-067
248-101-220	NEW	79-08-013	251-06-050	AMD-P	79-04-087	261-40-150	AMD	79-07-030
248-102-030	REP	79-02-014	251-06-050	AMD	79-06-076	261-40-160	AMD-P	79-04-067
248-102-040	AMD	79-02-014	251-06-060	AMD-P	79-04-087	261-40-160	AMD	79-07-030
248-102-050	REP	79-02-014	251-06-060	AMD	79-06-076	261-40-165	NEW-P	79-04-067
248-102-060	REP	79-02-014	251-08-160	NEW-P	79-01-093	261-40-165	NEW	79-07-030
250-10-010	AMD-P	79-07-122	251-08-160	NEW	79-03-030	261-40-240	NEW-P	79-04-067
250-10-020	AMD-P	79-07-122	251-09-020	AMD-P	79-04-087	261-40-240	NEW	79-07-030
250-10-022	NEW-P	79-07-122	251-09-020	AMD-P	79-06-075	275-16-030	AMD	79-03-019
250-10-025	REP-P	79-07-122	251-09-030	AMD-P	79-04-087	275-20-030	AMD-E	79-06-083
250-10-026	NEW-P	79-07-122	251-09-030	AMD	79-06-076	275-20-030	AMD-P	79-06-097
250-10-028	NEW-P	79-07-122	251-10-030	AMD-P	79-01-092	275-20-030	AMD	79-08-044
250-10-040	AMD-P	79-07-122	251-10-030	AMD	79-03-029	275-20-080	NEW-E	79-06-083
250-10-060	AMD-P	79-07-122	251-10-030	AMD-E	79-04-053	275-20-080	NEW-P	79-06-097
250-10-070	AMD-P	79-07-122	251-10-030	AMD-P	79-04-087	275-20-080	NEW	79-08-044
250-10-080	AMD-P	79-07-122	251-10-030	AMD-P	79-06-075	275-32-060	AMD-P	79-04-030
250-10-090	AMD-P	79-07-122	251-10-030	AMD-E	79-07-095	275-32-060	AMD	79-06-033
250-10-120	AMD-P	79-07-122	251-10-030	AMD	79-07-096	275-32-125	REP-P	79-04-030
250-10-150	AMD-P	79-07-122	251-10-034	NEW-P	79-06-087	275-32-125	REP	79-06-033
250-20-001	NEW-P	79-08-132	251-10-034	NEW-E	79-07-097	275-59-020	AMD	79-03-038
250-20-011	AMD-P	79-03-088	251-10-034	NEW	79-08-120	275-59-030	AMD	79-03-038
250-20-011	AMD	79-07-021	251-10-035	AMD-E	79-04-053	275-59-040	REP	79-03-038



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296-24-82527	AMD	79-08-115	296-54-507	NEW-P	79-04-100	296-116-205	AMD-P	79-08-086
296-24-82529	AMD-P	79-04-100	296-54-509	NEW-P	79-04-100	296-116-2051	AMD-P	79-08-086
296-24-82529	AMD	79-08-115	296-54-511	NEW-P	79-04-100	296-116-300	AMD-P	79-05-036
296-24-82531	AMD-P	79-04-100	296-54-513	NEW-P	79-04-100	296-116-300	AMD-E	79-06-059
296-24-82531	AMD	79-08-115	296-54-515	NEW-P	79-04-100	296-116-300	AMD	79-07-033
296-24-82533	AMD-P	79-04-100	296-54-517	NEW-P	79-04-100	296-116-351	AMD	79-02-030
296-24-82533	AMD	79-08-115	296-54-519	NEW-P	79-04-100	296-116-351	AMD-P	79-03-072
296-24-84003	AMD-P	79-04-100	296-54-521	NEW-P	79-04-100	296-116-351	AMD	79-05-023
296-24-84003	AMD	79-08-115	296-54-523	NEW-P	79-04-100	296-155-330	AMD-P	79-04-100
296-24-85503	AMD-P	79-04-100	296-54-525	NEW-P	79-04-100	296-155-330	AMD	79-08-115
296-24-85503	AMD	79-08-115	296-54-527	NEW-P	79-04-100	296-155-480	AMD-P	79-04-100
296-27-030	AMD-P	79-04-100	296-54-529	NEW-P	79-04-100	296-155-480	AMD	79-08-115
296-27-030	AMD	79-08-115	296-54-531	NEW-P	79-04-100	296-155-485	AMD-P	79-04-100
296-27-040	AMD-P	79-04-100	296-54-533	NEW-P	79-04-100	296-155-485	AMD	79-08-115
296-27-040	AMD	79-08-115	296-54-535	NEW-P	79-04-100	296-306-010	AMD-P	79-04-100
296-27-050	AMD-P	79-04-100	296-54-537	NEW-P	79-04-100	296-306-010	AMD	79-08-115
296-27-050	AMD	79-08-115	296-54-539	NEW-P	79-04-100	296-306-025	AMD-P	79-04-100
296-27-070	AMD-P	79-04-100	296-54-541	NEW-P	79-04-100	296-306-025	AMD	79-08-115
296-27-070	AMD	79-08-115	296-54-543	NEW-P	79-04-100	304-25	AMD-P	79-08-064
296-27-080	AMD-P	79-04-100	296-54-545	NEW-P	79-04-100	304-25	AMD-P	79-08-065
296-27-080	AMD	79-08-115	296-54-547	NEW-P	79-04-100	304-25-010	AMD-P	79-05-127
296-27-130	AMD-P	79-04-100	296-54-549	NEW-P	79-04-100	304-25-020	AMD-P	79-05-127
296-27-130	AMD	79-08-115	296-54-551	NEW-P	79-04-100	304-25-030	AMD-P	79-05-127
296-54-001	REP-P	79-04-100	296-54-553	NEW-P	79-04-100	304-25-040	AMD-P	79-05-127
296-54-003	REP-P	79-04-100	296-54-555	NEW-P	79-04-100	304-25-050	AMD-P	79-05-127
296-54-010	REP-P	79-04-100	296-54-557	NEW-P	79-04-100	304-25-060	AMD-P	79-05-127
296-54-020	REP-P	79-04-100	296-54-559	NEW-P	79-04-100	304-25-070	REP-P	79-05-127
296-54-030	REP-P	79-04-100	296-54-561	NEW-P	79-04-100	304-25-080	REP-P	79-05-127
296-54-040	REP-P	79-04-100	296-54-563	NEW-P	79-04-100	304-25-090	AMD-P	79-05-127
296-54-051	REP-P	79-04-100	296-54-565	NEW-P	79-04-100	304-25-100	AMD-P	79-05-127
296-54-052	REP-P	79-04-100	296-54-567	NEW-P	79-04-100	304-25-510	NEW-P	79-05-126
296-54-130	REP-P	79-04-100	296-54-569	NEW-P	79-04-100	304-25-520	NEW-P	79-05-126
296-54-140	REP-P	79-04-100	296-54-571	NEW-P	79-04-100	304-25-530	NEW-P	79-05-126
296-54-150	REP-P	79-04-100	296-54-573	NEW-P	79-04-100	304-25-540	NEW-P	79-05-126
296-54-160	REP-P	79-04-100	296-54-575	NEW-P	79-04-100	304-25-550	NEW-P	79-05-126
296-54-170	REP-P	79-04-100	296-54-577	NEW-P	79-04-100	304-25-560	NEW-P	79-05-126
296-54-180	REP-P	79-04-100	296-54-579	NEW-P	79-04-100	304-25-570	NEW-P	79-05-126
296-54-185	REP-P	79-04-100	296-54-581	NEW-P	79-04-100	304-25-580	NEW-P	79-05-126
296-54-190	REP-P	79-04-100	296-54-583	NEW-P	79-04-100	304-25-590	NEW-P	79-05-126
296-54-195	REP-P	79-04-100	296-54-585	NEW-P	79-04-100	308-12-311	NEW-E	79-02-043
296-54-200	REP-P	79-04-100	296-54-587	NEW-P	79-04-100	308-12-311	NEW-P	79-02-067
296-54-210	REP-P	79-04-100	296-54-589	NEW-P	79-04-100	308-12-311	NEW	79-04-024
296-54-215	REP-P	79-04-100	296-54-591	NEW-P	79-04-100	308-24-335	NEW	79-02-012
296-54-216	REP-P	79-04-100	296-54-593	NEW-P	79-04-100	308-29-050	NEW-P	79-04-080
296-54-217	REP-P	79-04-100	296-54-595	NEW-P	79-04-100	308-29-050	NEW	79-06-084
296-54-218	REP-P	79-04-100	296-54-597	NEW-P	79-04-100	308-29-060	NEW-P	79-04-080
296-54-220	REP-P	79-04-100	296-54-599	NEW-P	79-04-100	308-29-060	NEW	79-06-084
296-54-230	REP-P	79-04-100	296-54-601	NEW-P	79-04-100	308-32-015	AMD-P	79-06-110
296-54-240	REP-P	79-04-100	296-54-603	NEW-P	79-04-100	308-32-015	AMD	79-08-062
296-54-260	REP-P	79-04-100	296-54-605	NEW-P	79-04-100	308-32-300	REP-P	79-06-110
296-54-270	REP-P	79-04-100	296-54-607	NEW-P	79-04-100	308-32-300	REP	79-08-062
296-54-280	REP-P	79-04-100	296-62-060	AMD-E	79-05-047	308-32-310	AMD-P	79-06-110
296-54-281	REP-P	79-04-100	296-62-060	AMD-E	79-08-099	308-32-310	AMD	79-08-062
296-54-282	REP-P	79-04-100	296-62-07335	AMD-E	79-02-038	308-36-050	AMD-P	79-07-079
296-54-284	REP-P	79-04-100	296-62-07335	AMD-P	79-04-100	308-40-100	REP	79-04-011
296-54-286	REP-P	79-04-100	296-62-07335	AMD-E	79-05-033	308-40-101	NEW	79-04-011
296-54-290	REP-P	79-04-100	296-62-07335	REP-E	79-06-078	308-40-102	NEW	79-04-011
296-54-300	REP-P	79-04-100	296-62-07347	NEW	79-02-037	308-40-111	NEW	79-04-011
296-54-310	REP-P	79-04-100	296-62-07347	AMD-P	79-04-100	308-42-035	AMD-P	79-03-092
296-54-320	REP-P	79-04-100	296-62-07347	AMD	79-08-115	308-42-035	AMD	79-05-035
296-54-330	REP-P	79-04-100	296-62-07349	NEW-E	79-08-022	308-42-040	AMD-P	79-03-092
296-54-335	REP-P	79-04-100	296-62-07515	AMD-P	79-04-100	308-42-040	AMD	79-05-035
296-54-340	REP-P	79-04-100	296-62-07515	AMD	79-08-115	308-42-110	NEW-P	79-03-092
296-54-350	REP-P	79-04-100	296-62-14531	NEW	79-02-037	308-42-110	NEW	79-05-035
296-54-360	REP-P	79-04-100	296-104-200	AMD-P	79-02-007	308-51-110	AMD-P	79-08-033
296-54-370	REP-P	79-04-100	296-104-200	AMD	79-05-054	308-52-130	REP-P	79-03-091
296-54-380	REP-P	79-04-100	296-116-070	AMD-P	79-08-086	308-52-130	REP	79-06-055
296-54-392	REP-P	79-04-100	296-116-080	AMD-P	79-03-072	308-52-135	AMD-P	79-08-084
296-54-393	REP-P	79-04-100	296-116-080	AMD	79-05-023	308-52-145	NEW-P	79-08-084
296-54-39301	REP-P	79-04-100	296-116-080	AMD-P	79-08-086	308-52-200	REP-P	79-08-082
296-54-400	REP-P	79-04-100	296-116-081	AMD-P	79-03-072	308-52-210	REP-P	79-08-082
296-54-501	NEW-P	79-04-100	296-116-081	AMD	79-05-023	308-52-220	REP-P	79-08-082
296-54-503	NEW-P	79-04-100	296-116-120	AMD-P	79-08-086	308-52-230	REP-P	79-08-082

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308-52-260	AMD-P	79-03-093	308-77-020	AMD-E	79-06-108	308-77-220	AMD-P	79-06-104
308-52-260	AMD	79-06-063	308-77-020	AMD	79-08-140	308-77-220	AMD-E	79-06-108
308-52-405	AMD-P	79-03-093	308-77-030	AMD-P	79-06-104	308-77-220	AMD	79-08-140
308-52-405	AMD	79-06-063	308-77-030	AMD-E	79-06-108	308-77-230	AMD-P	79-06-104
308-52-500	NEW-P	79-03-091	308-77-030	AMD	79-08-140	308-77-230	AMD-E	79-06-108
308-52-500	NEW	79-06-055	308-77-032	NEW-P	79-06-104	308-77-230	AMD	79-08-140
308-52-510	NEW-P	79-03-091	308-77-032	NEW-E	79-06-108	308-77-240	AMD-P	79-06-104
308-52-510	NEW	79-06-055	308-77-032	NEW	79-08-140	308-77-240	AMD-E	79-06-108
308-52-520	NEW-P	79-03-091	308-77-034	NEW-P	79-06-104	308-77-240	AMD	79-08-140
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308-52-550	NEW	79-06-055	308-77-045	NEW-E	79-06-108	308-120-186	NEW-P	79-04-057
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308-52-570	NEW-P	79-03-091	308-77-050	AMD-E	79-06-108	308-120-410	NEW-P	79-07-055
308-52-570	NEW	79-06-055	308-77-050	AMD	79-08-140	308-120-420	NEW-P	79-07-055
308-52-580	NEW-P	79-03-091	308-77-050	AMD-P	79-06-104	308-120-430	NEW-P	79-07-055
308-52-580	NEW	79-06-055	308-77-060	AMD-E	79-06-108	308-120-440	NEW-P	79-07-055
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308-61-010	AMD-P	79-08-089	308-77-065	AMD-P	79-06-104	308-121-020	NEW-P	79-08-097
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308-61-020	REP-E	79-08-063	308-77-070	AMD-P	79-06-104	308-121-050	NEW-P	79-08-097
308-61-020	REP-P	79-08-087	308-77-070	AMD-E	79-06-108	308-121-060	NEW-P	79-08-097
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308-61-040	AMD-E	79-08-063	308-77-080	AMD	79-08-140	308-122-225	NEW-P	79-05-020
308-61-040	AMD-P	79-08-089	308-77-080	AMD	79-08-140	308-122-225	NEW	79-08-008
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308-61-130	AMD-P	79-08-088	308-77-100	AMD	79-08-140	308-124H-032	NEW	79-07-063
308-61-140	AMD-P	79-08-088	308-77-110	AMD-E	79-06-108	308-124H-040	AMD-P	79-05-122
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308-61-180	NEW-P	79-08-088	308-77-140	REP	79-08-140	308-128F-050	NEW	79-07-009
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308-61-270	AMD-P	79-08-088	308-77-160	AMD	79-08-140	308-138-110	NEW	79-02-011
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308-61-310	AMD-P	79-08-087	308-77-170	NEW-E	79-06-108	308-138-130	NEW	79-02-011
308-61-320	AMD-P	79-08-087	308-77-170	NEW	79-08-140	308-138-140	NEW	79-02-011
308-61-330	AMD-P	79-08-087	308-77-180	NEW-P	79-06-104	308-138-150	NEW	79-02-011
308-61-340	AMD-P	79-08-087	308-77-180	NEW-E	79-06-108	308-138-160	NEW	79-02-011
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332-17-165	NEW	79-02-001	360-11-010	AMD-P	79-02-068	365-40-051	NEW	79-08-050
332-17-200	NEW	79-02-001	360-11-010	AMD	79-04-048	365-40-060	REP-P	79-06-091
332-17-300	NEW	79-02-001	360-12-015	NEW-P	79-02-068	365-40-060	REP	79-08-050
332-17-310	NEW	79-02-001	360-12-015	NEW	79-04-048	365-40-061	NEW-P	79-06-091
332-17-320	NEW	79-02-001	360-12-050	AMD-P	79-02-068	365-40-061	NEW	79-08-050
332-17-340	NEW	79-02-001	360-12-050	AMD	79-04-048	365-40-071	NEW-P	79-06-091
332-17-400	NEW	79-02-001	360-12-065	AMD-P	79-02-068	365-40-071	NEW	79-08-050
332-17-410	NEW	79-02-001	360-12-065	AMD	79-04-048	365-60-010	NEW-P	79-01-074
332-17-420	NEW	79-02-001	360-12-110	AMD-P	79-06-067	365-60-010	NEW-E	79-01-075
332-17-430	NEW	79-02-001	360-12-110	AMD-P	79-07-001	365-60-010	NEW	79-03-004
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332-17-450	NEW	79-02-001	360-12-120	AMD-P	79-07-001	365-60-020	NEW-E	79-01-075
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332-26-060	NEW-E	79-08-003	360-16-085	NEW-P	79-06-067	372-20-060	REP	79-02-033
332-26-070	NEW-E	79-08-003	360-16-085	NEW-P	79-07-001	372-20-070	REP	79-02-033
332-26-501	NEW-E	79-08-039	360-16-160	REP-P	79-06-067	372-20-080	REP	79-02-033
332-26-501	AMD-E	79-08-051	360-16-160	REP-P	79-07-001	372-20-090	REP	79-02-033
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388-15-570	AMD-P	79-07-076	388-33-120	AMD-P	79-04-029	388-54-445	REP-E	79-03-032
388-15-570	AMD-E	79-07-077	388-33-120	AMD	79-06-028	388-54-445	REP	79-03-033
388-24-040	AMD-E	79-08-127	388-35-060	AMD-P	79-08-011	388-54-448	REP-E	79-03-032
388-24-040	AMD-P	79-08-128	388-35-070	AMD-E	79-07-080	388-54-448	REP	79-03-033
388-24-050	AMD-E	79-08-127	388-35-070	AMD-P	79-08-011	388-54-452	REP-E	79-03-032
388-24-050	AMD-P	79-08-128	388-37-010	AMD-P	79-04-066	388-54-452	REP	79-03-033
388-24-075	AMD-E	79-08-127	388-37-010	AMD	79-06-026	388-54-455	REP-E	79-03-032
388-24-075	AMD-P	79-08-128	388-37-040	AMD-P	79-04-029	388-54-455	REP	79-03-033
388-24-080	REP-E	79-08-127	388-37-040	AMD	79-06-028	388-54-460	REP-E	79-03-032
388-24-080	REP-P	79-08-128	388-42-150	AMD-E	79-08-027	388-54-460	REP	79-03-033
388-24-090	AMD	79-03-013	388-42-150	AMD-P	79-08-028	388-54-462	REP-E	79-03-032
388-24-090	AMD-E	79-08-127	388-52-166	AMD	79-03-013	388-54-462	REP	79-03-033
388-24-090	AMD-P	79-08-128	388-53A-010	NEW-P	79-04-052	388-54-465	REP-E	79-03-032
388-24-107	AMD	79-03-013	388-53A-010	NEW-E	79-04-055	388-54-465	REP	79-03-033
388-24-107	AMD-E	79-08-127	388-53A-010	NEW	79-06-082	388-54-470	AMD-E	79-01-090
388-24-107	AMD-P	79-08-128	388-53A-020	NEW-P	79-04-052	388-54-470	REP-E	79-03-032
388-24-111	AMD-P	79-03-085	388-53A-020	NEW-E	79-04-055	388-54-470	REP	79-03-033
388-24-111	AMD-E	79-04-003	388-53A-020	NEW	79-06-082	388-54-475	REP-E	79-03-032
388-24-111	AMD	79-05-041	388-53A-030	NEW-P	79-04-052	388-54-475	REP	79-03-033
388-24-125	AMD-P	79-06-040	388-53A-030	NEW-E	79-04-055	388-54-480	REP-E	79-03-032
388-24-125	AMD	79-08-043	388-53A-030	NEW	79-06-082	388-54-480	REP	79-03-033
388-24-135	AMD	79-03-013	388-53A-040	NEW-P	79-04-052	388-54-485	REP-E	79-03-032
388-24-135	AMD-E	79-08-127	388-53A-040	NEW-E	79-04-055	388-54-485	REP	79-03-033
388-24-135	AMD-P	79-08-128	388-53A-040	NEW	79-06-082	388-54-490	REP-E	79-03-032
388-24-137	AMD-E	79-08-127	388-53A-050	NEW-P	79-04-052	388-54-490	REP	79-03-033
388-24-137	AMD-P	79-08-128	388-53A-050	NEW-E	79-04-055	388-54-495	REP-E	79-03-032
388-28-430	AMD	79-04-013	388-53A-050	NEW	79-06-082	388-54-495	REP	79-03-033
388-28-484	AMD-P	79-04-008	388-53A-060	NEW-P	79-04-052	388-54-500	REP-E	79-03-032
388-28-484	AMD	79-06-029	388-53A-060	NEW-E	79-04-055	388-54-500	REP	79-03-033
388-28-515	AMD-P	79-03-075	388-53A-060	NEW	79-06-082	388-54-505	REP-E	79-03-032
388-28-515	AMD-E	79-03-081	388-53A-070	NEW-P	79-04-052	388-54-505	REP	79-03-033
388-28-515	AMD	79-06-007	388-53A-070	NEW-E	79-04-055	388-54-510	AMD	79-01-085
388-28-520	NEW	79-04-013	388-53A-070	NEW	79-06-082	388-54-510	REP-E	79-03-032
388-28-525	REP	79-04-013	388-53A-080	NEW-P	79-04-052	388-54-510	REP	79-03-033
388-28-530	AMD-E	79-08-027	388-53A-080	NEW-E	79-04-055	388-54-515	REP-E	79-03-032
388-28-530	AMD-P	79-08-028	388-53A-080	NEW	79-06-082	388-54-515	REP	79-03-033
388-28-575	AMD-P	79-04-054	388-53A-090	NEW-P	79-04-052	388-54-520	REP-E	79-03-032
388-28-575	AMD-E	79-04-063	388-53A-090	NEW-E	79-04-055	388-54-520	REP	79-03-033
388-28-575	AMD	79-06-027	388-53A-090	NEW	79-06-082	388-54-525	REP-E	79-03-032
388-29-100	AMD-E	79-08-027	388-53A-100	NEW-P	79-04-052	388-54-525	REP	79-03-033
388-29-100	AMD-P	79-08-028	388-53A-100	NEW-E	79-04-055	388-54-526	REP-E	79-03-032
388-29-110	AMD-E	79-08-027	388-53A-100	NEW	79-06-082	388-54-526	REP	79-03-033
388-29-110	AMD-P	79-08-028	388-53A-110	NEW-P	79-04-052	388-54-527	REP-E	79-03-032
388-29-125	AMD-E	79-08-027	388-53A-110	NEW-E	79-04-055	388-54-527	REP	79-03-033
388-29-125	AMD-P	79-08-028	388-53A-110	NEW	79-06-082	388-54-528	REP-E	79-03-032
388-29-130	AMD-P	79-01-089	388-53A-120	NEW-P	79-04-052	388-54-528	REP	79-03-033
388-29-130	AMD	79-04-036	388-53A-120	NEW-E	79-04-055	388-54-530	REP-E	79-03-032
388-29-130	AMD-E	79-08-027	388-53A-120	NEW	79-06-082	388-54-530	REP	79-03-033
388-29-130	AMD-P	79-08-028	388-53A-130	NEW-P	79-04-052	388-54-535	REP-E	79-03-032
388-29-135	AMD-E	79-08-027	388-53A-130	NEW-E	79-04-055	388-54-535	REP	79-03-033
388-29-135	AMD-P	79-08-028	388-53A-130	NEW	79-06-082	388-54-540	AMD-E	79-01-090
388-29-145	AMD-E	79-08-027	388-53A-140	NEW-P	79-04-052	388-54-540	REP-E	79-03-032
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388-54-545	REP	79-03-033	388-54-710	REP	79-03-033	388-54-835	NEW-E	79-03-032
388-54-550	AMD-E	79-01-090	388-54-715	NEW-E	79-03-032	388-54-835	NEW	79-03-033
388-54-550	REP-E	79-03-032	388-54-715	NEW	79-03-033	388-54-835	AMD-E	79-05-002
388-54-550	REP	79-03-033	388-54-717	NEW-E	79-03-032	388-54-840	NEW-E	79-03-032
388-54-555	AMD-E	79-01-090	388-54-717	NEW	79-03-033	388-54-840	NEW	79-03-033
388-54-555	REP-E	79-03-032	388-54-720	NEW-E	79-03-032	388-54-840	AMD-E	79-05-002
388-54-555	REP	79-03-033	388-54-720	NEW	79-03-033	388-55-010	AMD	79-02-025
388-54-560	REP-E	79-03-032	388-54-725	NEW-E	79-03-032	388-57-015	AMD	79-03-013
388-54-560	REP	79-03-033	388-54-725	NEW	79-03-033	388-57-015	AMD-E	79-08-127
388-54-565	REP-E	79-03-032	388-54-730	NEW-E	79-03-032	388-57-015	AMD-P	79-08-128
388-54-565	REP	79-03-033	388-54-730	NEW	79-03-033	388-57-020	AMD-E	79-08-127
388-54-570	REP-E	79-03-032	388-54-730	AMD-P	79-07-032	388-57-020	AMD-P	79-08-128
388-54-570	REP	79-03-033	388-54-730	AMD-E	79-07-082	388-57-025	AMD	79-03-013
388-54-575	REP-E	79-03-032	388-54-735	NEW-E	79-03-032	388-57-025	AMD-E	79-08-127
388-54-575	REP	79-03-033	388-54-735	NEW	79-03-033	388-57-025	AMD-P	79-08-128
388-54-580	REP-E	79-03-032	388-54-735	AMD-E	79-06-009	388-57-028	AMD-E	79-08-127
388-54-580	REP	79-03-033	388-54-735	AMD-P	79-06-010	388-57-028	AMD-P	79-08-128
388-54-585	REP-E	79-03-032	388-54-735	AMD	79-08-126	388-57-030	AMD	79-03-013
388-54-585	REP	79-03-033	388-54-740	NEW-E	79-03-032	388-57-030	AMD-E	79-08-127
388-54-590	REP-E	79-03-032	388-54-740	NEW	79-03-033	388-57-030	AMD-P	79-08-128
388-54-590	REP	79-03-033	388-54-740	AMD-P	79-07-032	388-57-056	AMD-E	79-08-127
388-54-595	REP-E	79-03-032	388-54-740	AMD-E	79-07-082	388-57-056	AMD-P	79-08-128
388-54-595	REP	79-03-033	388-54-745	NEW-E	79-03-032	388-57-057	AMD-E	79-08-127
388-54-598	REP-E	79-03-032	388-54-745	NEW	79-03-033	388-57-057	AMD-P	79-08-128
388-54-598	REP	79-03-033	388-54-750	NEW-E	79-03-032	388-57-061	AMD	79-03-013
388-54-600	NEW-E	79-03-032	388-54-750	NEW	79-03-033	388-57-061	AMD-E	79-08-127
388-54-600	NEW	79-03-033	388-54-755	NEW-E	79-03-032	388-57-061	AMD-P	79-08-128
388-54-605	NEW-E	79-03-032	388-54-755	NEW	79-03-033	388-57-062	AMD	79-03-013
388-54-605	NEW	79-03-033	388-54-760	NEW-E	79-03-032	388-57-064	AMD-P	79-08-040
388-54-610	NEW-E	79-03-032	388-54-760	NEW	79-03-033	388-57-064	AMD-E	79-08-042
388-54-610	NEW	79-03-033	388-54-765	NEW-E	79-03-032	388-59-010	AMD-P	79-01-089
388-54-620	NEW-E	79-03-032	388-54-765	NEW	79-03-033	388-59-010	AMD	79-04-036
388-54-620	NEW	79-03-033	388-54-765	AMD-E	79-05-028	388-59-020	AMD-P	79-01-089
388-54-625	NEW-E	79-03-032	388-54-765	AMD-P	79-05-029	388-59-020	AMD	79-04-036
388-54-625	NEW	79-03-033	388-54-765	AMD	79-07-057	388-59-030	AMD-P	79-01-089
388-54-630	NEW-E	79-03-032	388-54-770	NEW-E	79-03-032	388-59-030	AMD	79-04-036
388-54-630	NEW	79-03-033	388-54-770	NEW	79-03-033	388-59-040	AMD-P	79-01-089
388-54-635	NEW-E	79-03-032	388-54-775	NEW-E	79-03-032	388-59-040	AMD	79-04-036
388-54-635	NEW	79-03-033	388-54-775	NEW	79-03-033	388-59-045	NEW-P	79-01-089
388-54-640	NEW-E	79-03-032	388-54-780	NEW-E	79-03-032	388-59-045	NEW	79-04-036
388-54-640	NEW	79-03-033	388-54-780	NEW	79-03-033	388-59-048	NEW-P	79-01-089
388-54-645	NEW-E	79-03-032	388-54-785	NEW-E	79-03-032	388-59-048	NEW	79-04-036
388-54-645	NEW	79-03-033	388-54-785	NEW	79-03-033	388-59-050	AMD-P	79-01-089
388-54-650	NEW-E	79-03-032	388-54-785	AMD-P	79-07-032	388-59-050	AMD	79-04-036
388-54-650	NEW	79-03-033	388-54-785	AMD-E	79-07-082	388-59-060	AMD-P	79-01-089
388-54-655	NEW-E	79-03-032	388-54-790	NEW-E	79-03-032	388-59-060	AMD	79-04-036
388-54-655	NEW	79-03-033	388-54-790	NEW	79-03-033	388-59-090	AMD-P	79-01-089
388-54-660	NEW-E	79-03-032	388-54-795	NEW-E	79-03-032	388-59-090	AMD	79-04-036
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388-54-665	NEW-E	79-03-032	388-54-800	NEW-E	79-03-032	388-70-013	AMD-E	79-07-077
388-54-665	NEW	79-03-033	388-54-800	NEW	79-03-033	388-70-022	AMD-P	79-02-069
388-54-670	NEW-E	79-03-032	388-54-805	NEW-E	79-03-032	388-70-022	AMD	79-04-062
388-54-670	NEW	79-03-033	388-54-805	NEW	79-03-033	388-70-022	AMD-P	79-07-076
388-54-670	AMD-E	79-05-028	388-54-810	NEW-E	79-03-032	388-70-022	AMD-E	79-07-077
388-54-670	AMD-P	79-05-029	388-54-810	NEW	79-03-033	388-70-700	AMD-P	79-07-076
388-54-670	AMD	79-07-057	388-54-815	NEW-E	79-03-032	388-70-700	AMD-E	79-07-077
388-54-675	NEW-E	79-03-032	388-54-815	NEW	79-03-033	388-73-010	AMD-P	79-07-076
388-54-675	NEW	79-03-033	388-54-820	NEW-E	79-03-032	388-73-010	AMD-E	79-07-077
388-54-677	NEW-P	79-05-044	388-54-820	NEW	79-03-033	388-73-012	AMD-P	79-07-076
388-54-677	NEW-E	79-05-045	388-54-820	AMD-E	79-05-028	388-73-012	AMD-E	79-07-077
388-54-677	NEW	79-07-056	388-54-820	AMD-P	79-05-029	388-73-014	AMD-P	79-07-076
388-54-680	NEW-E	79-03-032	388-54-820	AMD	79-07-057	388-73-014	AMD-E	79-07-077
388-54-680	NEW	79-03-033	388-54-825	NEW-E	79-03-032	388-73-020	AMD-P	79-07-076
388-54-685	NEW-E	79-03-032	388-54-825	NEW	79-03-033	388-73-020	AMD-E	79-07-077
388-54-685	NEW	79-03-033	388-54-825	REP-P	79-08-048	388-73-022	AMD-P	79-07-076
388-54-690	NEW-E	79-03-032	388-54-825	REP-E	79-08-049	388-73-022	AMD-E	79-07-077
388-54-690	NEW	79-03-033	388-54-826	NEW-P	79-08-048	388-73-024	AMD-P	79-07-076
388-54-695	NEW-E	79-03-032	388-54-826	NEW-E	79-08-049	388-73-024	AMD-E	79-07-077
388-54-695	NEW	79-03-033	388-54-827	NEW-P	79-08-048	388-73-052	AMD-P	79-07-076
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388-54-700	REP	79-03-033	388-54-828	NEW-P	79-08-048	388-73-054	AMD-P	79-07-076
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388-73-058	AMD-E	79-07-077	388-86-120	AMD-P	79-04-028	388-96-743	AMD-P	79-07-104
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388-73-072	AMD-E	79-07-077	388-87-010	AMD-P	79-04-028	388-96-750	NEW	79-04-061
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388-73-074	AMD-E	79-07-077	388-87-025	AMD-P	79-04-028	390-05-235	NEW	79-08-046
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388-73-076	AMD-E	79-07-077	388-87-027	AMD-P	79-07-029	390-05-271	NEW	79-02-056
388-73-108	AMD-P	79-07-076	388-87-050	AMD-P	79-04-028	390-05-273	NEW	79-02-056
388-73-108	AMD-E	79-07-077	388-87-050	AMD	79-06-034	390-12-010	AMD-P	79-08-098
388-73-134	AMD-P	79-07-076	388-87-077	AMD-P	79-04-028	390-12-050	NEW-P	79-07-072
388-73-134	AMD-E	79-07-077	388-87-077	AMD	79-06-034	390-14-100	AMD-P	79-07-072
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388-73-140	AMD-E	79-07-077	388-88-117	AMD	79-06-034	390-16-039	AMD-P	79-07-059
388-73-212	AMD-P	79-07-076	388-91-010	AMD-P	79-04-028	390-16-055	AMD-P	79-05-096
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388-73-216	AMD-P	79-07-076	388-91-013	AMD-P	79-04-028	390-16-120	AMD-P	79-05-096
388-73-216	AMD-E	79-07-077	388-91-013	AMD	79-06-034	390-16-120	AMD	79-08-046
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388-73-304	AMD-E	79-07-077	388-91-016	AMD	79-06-034	390-20-050	AMD-E	79-07-060
388-73-306	AMD-P	79-07-076	388-91-016	AMD-P	79-04-028	390-20-050	AMD-P	79-07-072
388-73-306	AMD-E	79-07-077	388-91-020	AMD	79-06-034	390-37-050	AMD-P	79-05-096
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388-73-604	AMD-P	79-07-076	388-91-030	AMD	79-06-034	390-37-150	NEW	79-08-046
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388-73-606	AMD-P	79-07-076	388-91-035	AMD	79-06-034	392-32	REP-P	79-05-101
388-73-610	AMD-P	79-07-076	388-91-040	AMD-P	79-04-028	392-32	REP	79-07-006
388-73-610	AMD-E	79-07-077	388-91-040	AMD	79-06-034	392-40	REP-P	79-05-100
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388-73-800	NEW-E	79-07-077	388-92-005	AMD	79-06-034	392-40-005	REP-P	79-05-100
388-73-802	NEW-P	79-07-076	388-92-020	AMD-P	79-06-042	392-40-005	REP	79-07-004
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388-73-804	NEW-P	79-07-076	388-92-025	AMD-P	79-04-028	392-40-010	REP	79-07-004
388-73-804	NEW-E	79-07-077	388-92-025	AMD	79-06-034	392-40-990	REP-P	79-05-100
388-73-810	NEW-P	79-07-076	388-92-025	AMD-P	79-07-029	392-40-990	REP	79-07-004
388-73-810	NEW-E	79-07-077	388-92-030	AMD-E	79-07-085	392-125-005	AMD-P	79-05-099
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388-73-820	NEW-E	79-07-077	388-92-045	AMD-P	79-08-021	392-125-015	AMD-P	79-05-099
388-80-005	AMD-P	79-06-042	388-92-055	AMD-P	79-06-042	392-125-015	AMD	79-07-005
388-80-005	AMD-P	79-08-041	388-92-055	AMD-P	79-08-041	392-125-035	AMD-P	79-05-099
388-81-040	AMD-P	79-06-042	388-93-055	AMD-P	79-06-042	392-125-035	AMD	79-07-005
388-81-040	AMD-P	79-08-041	388-93-055	AMD-P	79-08-041	392-125-036	NEW-P	79-05-099
388-82-020	AMD-P	79-04-028	388-93-070	AMD-P	79-04-028	392-125-036	NEW	79-07-005
388-82-020	AMD	79-06-034	388-93-070	AMD	79-06-034	415-112-400	AMD-E	79-08-054
388-83-028	AMD-P	79-04-028	388-96	AMD-P	79-06-020	415-112-400	AMD-P	79-08-055
388-83-028	AMD	79-06-034	388-96-010	AMD-P	79-02-058	419-36-010	NEW-P	79-04-022
388-83-030	AMD-P	79-07-029	388-96-010	AMD	79-04-061	419-36-010	NEW	79-07-002
388-83-035	AMD-E	79-07-085	388-96-101	AMD	79-03-021	419-36-020	NEW-P	79-04-022
388-83-035	AMD-P	79-07-088	388-96-104	AMD	79-03-021	419-36-020	NEW	79-07-002
388-83-045	AMD-P	79-06-042	388-96-122	AMD	79-03-021	419-36-030	NEW-P	79-04-022
388-83-045	AMD-P	79-08-041	388-96-125	AMD-P	79-02-081	419-36-030	NEW	79-07-002
388-83-047	NEW-P	79-06-042	388-96-125	AMD	79-04-102	419-36-040	NEW-P	79-04-022
388-83-047	NEW-P	79-08-041	388-96-222	AMD-P	79-02-039	419-36-040	NEW	79-07-002
388-83-050	AMD-P	79-07-029	388-96-222	AMD	79-04-059	419-36-050	NEW-P	79-04-022
388-83-065	AMD-P	79-04-028	388-96-222	AMD-E	79-07-087	419-36-050	NEW	79-07-002
388-83-065	AMD	79-06-034	388-96-222	AMD-P	79-07-104	419-36-060	NEW-P	79-04-022
388-84-005	AMD-P	79-04-028	388-96-535	AMD	79-03-020	419-36-060	NEW	79-07-002
388-84-005	AMD	79-06-034	388-96-585	AMD-P	79-02-081	419-36-070	NEW-P	79-04-022
388-84-015	AMD-P	79-06-042	388-96-585	AMD	79-04-102	419-36-070	NEW	79-07-002
388-84-015	AMD-P	79-08-041	388-96-719	AMD-P	79-02-081	419-36-080	NEW-P	79-04-022
388-86-020	AMD-P	79-04-028	388-96-719	AMD-P	79-04-101	419-36-080	NEW	79-07-002
388-86-020	AMD	79-06-034	388-96-719	AMD-E	79-07-087	419-40	NEW-P	79-05-032
388-86-032	AMD-P	79-04-028	388-96-719	AMD-P	79-07-104	419-40	NEW	79-08-047
388-86-032	AMD	79-06-034	388-96-722	AMD-P	79-04-101	419-40-010	NEW-P	79-05-032
388-86-050	AMD-P	79-04-027	388-96-722	AMD-E	79-07-087	419-40-010	NEW	79-08-047
388-86-050	AMD	79-06-030	388-96-722	AMD-P	79-07-104	419-40-020	NEW-P	79-05-032
388-86-067	AMD-P	79-08-021	388-96-727	AMD-P	79-02-081	419-40-020	NEW	79-08-047
388-86-067	AMD	79-04-028	388-96-727	AMD-P	79-04-101	419-40-030	NEW-P	79-05-032
388-86-075	AMD-P	79-06-034	388-96-727	AMD-E	79-07-087	419-40-030	NEW	79-08-047
388-86-075	AMD	79-06-034	388-96-735	AMD-P	79-07-104	419-40-040	NEW-P	79-05-032
388-86-085	AMD-P	79-04-028	388-96-735	AMD-E	79-07-087	419-40-040	NEW	79-08-047
388-86-085	AMD	79-06-034	388-96-735	AMD-P	79-07-104	419-40-050	NEW-P	79-05-032

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419-48-010	NEW-P	79-08-095	446-10-120	NEW-P	79-02-023	458-52-120	REP-E	79-08-092
419-48-020	NEW-P	79-08-095	446-10-120	NEW-E	79-02-024	458-52-120	REP-P	79-08-093
419-48-030	NEW-P	79-08-095	446-10-120	NEW	79-04-037	458-52-130	REP-E	79-08-092
419-48-040	NEW-P	79-08-095	446-10-130	NEW-P	79-02-023	458-52-130	REP-P	79-08-093
419-48-051	NEW-P	79-08-095	446-10-130	NEW-E	79-02-024	458-52-140	REP-E	79-08-092
419-48-052	NEW-P	79-08-095	446-10-130	NEW	79-04-037	458-52-140	REP-P	79-08-093
419-48-053	NEW-P	79-08-095	446-10-140	NEW-P	79-02-023	458-52-150	REP-E	79-08-092
419-48-054	NEW-P	79-08-095	446-10-140	NEW-E	79-02-024	458-52-150	REP-P	79-08-093
419-48-055	NEW-P	79-08-095	446-10-140	NEW	79-04-037	458-53-010	NEW-E	79-08-092
419-48-060	NEW-P	79-08-095	446-10-150	NEW-P	79-02-023	458-53-010	NEW-P	79-08-093
419-48-070	NEW-P	79-08-095	446-10-150	NEW-E	79-02-024	458-53-020	NEW-E	79-08-092
419-48-080	NEW-P	79-08-095	446-10-150	NEW	79-04-037	458-53-020	NEW-P	79-08-093
419-48-090	NEW-P	79-08-095	458-20-237	AMD-P	79-04-094	458-53-030	NEW-E	79-08-092
419-48-100	NEW-P	79-08-095	458-20-237	AMD	79-06-036	458-53-030	NEW-P	79-08-093
419-48-110	NEW-P	79-08-095	458-40-18623	AMD-P	79-06-095	458-53-040	NEW-E	79-08-092
419-48-120	NEW-P	79-08-095	458-40-18623	AMD	79-08-014	458-53-040	NEW-P	79-08-093
419-48-130	NEW-P	79-08-095	458-40-18631	NEW-P	79-05-119	458-53-050	NEW-E	79-08-092
419-48-140	NEW-P	79-08-095	458-40-18631	NEW-E	79-07-083	458-53-050	NEW-P	79-08-093
419-48-150	NEW-P	79-08-095	458-40-18631	NEW	79-07-084	458-53-060	NEW-E	79-08-092
434-28-050	NEW-P	79-06-092	458-40-18632	NEW-P	79-05-119	458-53-060	NEW-P	79-08-093
434-28-050	NEW-E	79-08-017	458-40-18632	NEW-E	79-07-083	458-53-070	NEW-E	79-08-092
434-81-010	NEW-P	79-03-094	458-40-18632	NEW	79-07-084	458-53-070	NEW-P	79-08-093
434-81-010	NEW	79-05-024	458-40-18633	NEW-P	79-05-119	458-53-080	NEW-E	79-08-092
434-81-020	NEW-P	79-03-094	458-40-18633	NEW-E	79-07-083	458-53-080	NEW-P	79-08-093
434-81-020	NEW	79-05-024	458-40-18633	NEW	79-07-084	458-53-090	NEW-E	79-08-092
434-81-030	NEW-P	79-03-094	458-40-18634	NEW-P	79-05-119	458-53-090	NEW-P	79-08-093
434-81-030	NEW	79-05-024	458-40-18634	NEW-E	79-07-083	458-53-100	NEW-E	79-08-092
434-81-040	NEW-P	79-03-094	458-40-18634	NEW	79-07-084	458-53-100	NEW-P	79-08-093
434-81-040	NEW	79-05-024	458-40-18635	NEW-P	79-05-119	458-53-110	NEW-E	79-08-092
434-81-050	NEW-P	79-03-094	458-40-18635	NEW-E	79-07-083	458-53-110	NEW-P	79-08-093
434-81-050	NEW	79-05-024	458-40-18635	NEW	79-07-084	458-53-120	NEW-E	79-08-092
434-81-060	NEW-P	79-03-094	458-40-18636	NEW-P	79-05-119	458-53-120	NEW-P	79-08-093
434-81-060	NEW	79-05-024	458-40-18636	NEW-E	79-07-083	458-53-130	NEW-E	79-08-092
434-81-070	NEW-P	79-03-094	458-40-18636	NEW	79-07-084	458-53-130	NEW-P	79-08-093
434-81-070	NEW	79-05-024	458-40-19000	AMD-P	79-05-119	458-53-140	NEW-E	79-08-092
434-81-080	NEW-P	79-03-094	458-40-19000	AMD-E	79-07-083	458-53-140	NEW-P	79-08-093
434-81-080	NEW	79-05-024	458-40-19000	AMD	79-07-084	458-53-150	NEW-E	79-08-092
434-81-090	NEW-P	79-03-094	458-40-19001	AMD-P	79-05-119	458-53-150	NEW-P	79-08-093
434-81-090	NEW	79-05-024	458-40-19001	AMD-E	79-07-083	458-53-160	NEW-E	79-08-092
434-81-100	NEW-P	79-03-094	458-40-19001	AMD	79-07-084	458-53-160	NEW-P	79-08-093
434-81-100	NEW	79-05-024	458-40-19002	AMD-P	79-05-119	458-53-170	NEW-E	79-08-092
446-10-010	NEW-P	79-02-023	458-40-19002	AMD-E	79-07-083	458-53-170	NEW-P	79-08-093
446-10-010	NEW-E	79-02-024	458-40-19002	AMD	79-07-084	458-53-180	NEW-E	79-08-092
446-10-010	NEW	79-04-037	458-40-19003	AMD-P	79-05-119	458-53-180	NEW-P	79-08-093
446-10-020	NEW-P	79-02-023	458-40-19003	AMD-E	79-07-083	458-53-190	NEW-E	79-08-092
446-10-020	NEW-E	79-02-024	458-40-19003	AMD	79-07-084	458-53-190	NEW-P	79-08-093
446-10-020	NEW	79-04-037	458-40-19004	AMD-P	79-05-119	458-53-200	NEW-E	79-08-092
446-10-030	NEW-P	79-02-023	458-40-19004	AMD-E	79-07-083	458-53-200	NEW-P	79-08-093
446-10-030	NEW-E	79-02-024	458-40-19004	AMD	79-07-084	458-53-210	NEW-E	79-08-092
446-10-030	NEW	79-04-037	458-40-19101	AMD-E	79-06-077	458-53-210	NEW-P	79-08-093
446-10-040	NEW-P	79-02-023	458-40-19101	AMD-P	79-06-094	460-16A-156	NEW-P	79-07-125
446-10-040	NEW-E	79-02-024	458-40-19101	AMD	79-08-015	460-16A-170	AMD-P	79-07-125
446-10-040	NEW	79-04-037	458-52-010	REP-E	79-08-092	460-32A-300	AMD-P	79-07-125
446-10-050	NEW-P	79-02-023	458-52-010	REP-P	79-08-093	460-32A-305	REP-P	79-07-125
446-10-050	NEW-E	79-02-024	458-52-020	REP-E	79-08-092	460-32A-310	REP-P	79-07-125
446-10-050	NEW	79-04-037	458-52-020	REP-P	79-08-093	460-40A-030	REP-P	79-07-125
446-10-060	NEW-P	79-02-023	458-52-030	REP-E	79-08-092	460-42A-080	NEW-P	79-07-125
446-10-060	NEW-E	79-02-024	458-52-030	REP-P	79-08-093	460-48A-020	REP-P	79-07-125
446-10-060	NEW	79-04-037	458-52-040	REP-E	79-08-092	460-48A-030	REP-P	79-07-125
446-10-070	NEW-P	79-02-023	458-52-040	REP-P	79-08-093	460-48A-040	REP-P	79-07-125
446-10-070	NEW-E	79-02-024	458-52-050	REP-E	79-08-092	460-48A-050	REP-P	79-07-125
446-10-070	NEW	79-04-037	458-52-050	REP-P	79-08-093	460-60A-010	AMD-P	79-07-125
446-10-080	NEW-P	79-02-023	458-52-060	REP-E	79-08-092	460-60A-015	AMD-P	79-07-125
446-10-080	NEW-E	79-02-024	458-52-060	REP-P	79-08-093	460-60A-020	AMD-P	79-07-125
446-10-080	NEW	79-04-037	458-52-070	REP-E	79-08-092	463-39	NEW-P	79-06-088
446-10-090	NEW-P	79-02-023	458-52-070	REP-P	79-08-093	463-39-010	NEW-P	79-06-088
446-10-090	NEW-E	79-02-024	458-52-080	REP-E	79-08-092	463-39-020	NEW-P	79-06-088
446-10-090	NEW	79-04-037	458-52-080	REP-P	79-08-093	463-39-030	NEW-P	79-06-088
446-10-100	NEW-P	79-02-023	458-52-090	REP-E	79-08-092	463-39-040	NEW-P	79-06-088
446-10-100	NEW-E	79-02-024	458-52-090	REP-P	79-08-093	463-39-050	NEW-P	79-06-088
446-10-100	NEW	79-04-037	458-52-100	REP-E	79-08-092	463-39-060	NEW-P	79-06-088
446-10-110	NEW-P	79-02-023	458-52-100	REP-P	79-08-093	463-39-080	NEW-P	79-06-088
446-10-110	NEW-E	79-02-024	458-52-110	REP-E	79-08-092	463-39-100	NEW-P	79-06-088

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463-39-120	NEW-P	79-06-088	468-300-020	AMD	79-04-047	480-08-050	AMD-E	79-07-037
463-39-130	NEW-P	79-06-088	468-300-020	AMD-E	79-07-040	480-08-050	AMD-P	79-07-038
463-39-135	NEW-P	79-06-088	468-300-020	AMD-P	79-07-041	480-12-180	AMD-P	79-07-075
463-39-150	NEW-P	79-06-088	468-300-030	AMD-P	79-02-050	480-12-190	AMD-P	79-02-082
463-39-170	NEW-P	79-06-088	468-300-030	AMD	79-04-047	480-12-190	AMD	79-04-049
468-30-075	NEW-P	79-07-042	468-300-030	AMD-E	79-07-040	480-12-990	AMD-P	79-04-012
468-38-150	AMD-E	79-08-038	468-300-030	AMD-P	79-07-041	480-12-990	AMD-P	79-06-031
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468-42-002	AMD	79-04-019	468-300-040	AMD	79-04-047	480-30-010	AMD-E	79-07-035
468-42-004	AMD-P	79-02-063	468-300-040	AMD-E	79-07-040	480-30-010	AMD-P	79-07-036
468-42-004	AMD	79-04-021	468-300-040	AMD-P	79-07-041	480-30-030	AMD-E	79-07-035
468-42-012	AMD-P	79-02-065	468-300-050	AMD-P	79-02-050	480-30-030	AMD-P	79-07-036
468-42-012	AMD	79-04-020	468-300-050	AMD	79-04-047	480-30-035	NEW-E	79-07-035
468-42-099	AMD-P	79-06-074	468-300-050	AMD-E	79-07-040	480-30-035	NEW-P	79-07-036
468-42-099	AMD	79-08-058	468-300-050	AMD-P	79-07-041	480-30-110	AMD-E	79-07-035
468-42-104	AMD-P	79-06-086	468-300-060	REP-P	79-02-050	480-30-110	AMD-P	79-07-036
468-42-104	AMD	79-08-057	468-300-060	REP	79-04-047	480-62-080	NEW-P	79-01-082
468-42-303	AMD-P	79-02-062	478-116-060	AMD-P	79-04-084	480-62-080	NEW	79-02-087
468-42-303	REP	79-04-043	478-116-230	AMD-P	79-04-084	480-80-125	NEW-P	79-06-058
468-42-308	NEW-P	79-02-062	478-116-290	AMD-P	79-04-084	480-80-125	NEW-P	79-08-018
468-42-308	NEW	79-04-043	478-116-340	AMD-P	79-04-084	480-80-125	NEW	79-08-138
468-42-539	AMD-P	79-06-064	478-116-360	AMD-P	79-04-084	480-120-021	AMD-P	79-01-081
468-42-539	AMD	79-08-056	478-116-450	AMD-P	79-04-084	480-120-021	AMD	79-03-031
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468-54-010	AMD-P	79-07-023	478-116-600	AMD-P	79-02-090	480-120-056	AMD-P	79-08-130
468-54-010	AMD	79-08-059	478-116-600	AMD-P	79-04-084	480-120-081	AMD-P	79-08-130
468-54-040	AMD-P	79-05-091	478-116-600	AMD	79-05-053	480-120-088	NEW-P	79-01-081
468-54-040	AMD-P	79-07-023	478-116-601	NEW-P	79-04-084	480-120-088	NEW	79-03-031
468-54-040	AMD	79-08-059	478-140-015	AMD-P	79-02-080	480-120-121	AMD-P	79-08-130
468-54-050	AMD-P	79-05-091	478-140-015	AMD	79-05-025	490-02-010	NEW	79-02-019
468-54-050	AMD-P	79-07-023	478-140-018	AMD-P	79-02-080	490-03-010	NEW	79-02-019
468-54-050	AMD	79-08-059	478-140-018	AMD	79-05-025	490-04A-010	AMD	79-02-019
468-54-065	AMD-P	79-05-091	478-140-021	AMD-P	79-02-080	490-04A-040	AMD	79-02-019
468-54-065	AMD-P	79-07-023	478-140-021	AMD	79-05-025	490-04A-050	REP	79-02-019
468-54-065	AMD	79-08-059	478-140-024	AMD-P	79-02-080	490-04A-060	NEW	79-02-019
468-54-080	AMD-P	79-05-091	478-140-024	AMD	79-05-025	490-04A-070	NEW	79-02-019
468-54-080	AMD-P	79-07-023	478-140-070	NEW-P	79-02-080	490-05-001	NEW	79-02-019
468-54-080	AMD	79-08-059	478-140-070	NEW	79-05-025	490-05-002	NEW	79-02-019
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468-58-010	AMD-P	79-07-024	478-156-017	AMD-P	79-02-089	490-08A-001	NEW	79-02-019
468-58-010	AMD	79-08-061	478-156-017	AMD-P	79-07-078	490-08A-010	AMD	79-02-019
468-58-020	AMD-P	79-05-092	478-168-160	AMD-P	79-05-008	490-12A	REP	79-02-019
468-58-020	AMD-P	79-07-024	478-168-170	AMD-P	79-05-008	490-12A-010	REP	79-02-019
468-58-020	AMD	79-08-061	478-168-180	AMD-P	79-05-008	490-12A-020	REP	79-02-019
468-58-030	AMD-P	79-04-001	478-168-180	AMD-P	79-05-008	490-12A-020	REP	79-02-019
468-58-030	AMD-P	79-05-092	478-168-190	AMD-P	79-05-008	490-12A-022	REP	79-02-019
468-58-030	AMD-P	79-06-016	478-168-200	AMD-P	79-05-008	490-12A-024	REP	79-02-019
468-58-030	AMD-P	79-07-022	478-168-270	AMD-P	79-05-008	490-12A-030	REP	79-02-019
468-58-030	AMD-P	79-07-024	478-168-280	AMD-P	79-05-008	490-12A-032	REP	79-02-019
468-58-030	AMD	79-08-060	478-168-290	AMD-P	79-05-008	490-12A-034	REP	79-02-019
468-58-030	AMD	79-08-061	478-168-294	NEW-P	79-05-008	490-12A-036	REP	79-02-019
468-58-040	AMD-P	79-05-092	478-168-298	NEW-P	79-05-008	490-12A-040	REP	79-02-019
468-58-040	AMD-P	79-07-024	478-168-300	AMD-P	79-05-008	490-12A-042	REP	79-02-019
468-58-040	AMD	79-08-061	478-168-320	AMD-P	79-05-008	490-12A-044	REP	79-02-019
468-58-050	AMD-E	79-05-018	478-168-330	AMD-P	79-05-008	490-12A-046	REP	79-02-019
468-58-080	AMD-P	79-05-092	478-168-340	AMD-P	79-05-008	490-12A-050	REP	79-02-019
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